



City of Pensacola

City Council

Agenda - Final

Thursday, September 26, 2019, 5:30 PM

Council Chambers, 1st Floor

ROLL CALL

INVOCATION

Apostle Lawrence Wynder, Senior Pastor - Empowerment Christian Center International

PLEDGE OF ALLEGIANCE

Council Member John Jerralds

FIRST LEROY BOYD FORUM

AWARDS

APPROVAL OF MINUTES

1. [19-00446](#) APPROVAL OF MINUTES: REGULAR MEETING DATED SEPTEMBER 12, 2019; SPECIAL MEETINGS DATED SEPTEMBER 11, 2019 AND SEPTEMBER 18, 2019

Attachments: [Draft Minutes: Regular Meeting Dated 9/12/19](#)
 [Draft Minutes: Special Meeting Dated 9/11/19](#)
 [Draft Minutes: Special Meeting Dated 9/18/19](#)

APPROVAL OF AGENDA

CONSENT AGENDA

2. [19-00425](#) APPOINTMENTS - FIRE PREVENTION BOARD OF APPEALS

Recommendation: That City Council reappoint Alyce Flournoy-Jones and Jay Larson to the Fire Prevention Board of Appeals for a term of three (3) years, expiring August 31, 2022.

Sponsors: Andy Terhaar

Attachments: [Member List](#)
 [Application of Interest - Alyce Flournoy-Jones](#)
 [Resume - Alyce Flournoy-Jones](#)
 [Application of Interest - Jay Larson](#)
 [Ballot](#)

3. [19-00426](#) APPOINTMENTS - ARCHITECTURAL REVIEW BOARD

Recommendation: That City Council appoint Bianca Villegas, a resident property owner of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District; reappoint Susan Campbell Hatler, a property or business owner in the Palafox Historic Business District or the Governmental Center District; and reappoint George R. Mead, II, a resident property owner of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District, for a term of two (2) years, expiring September 30, 2021.

Sponsors: Andy Terhaar

Attachments: [Member List](#)
 [Application of Interest - Susan Campbell Hatler](#)
 [Application of Interest - George R Mead II](#)
 [Nomination Forms - Bianca Villegas](#)
 [Application of Interest - Bianca Villegas](#)
 [Ballot](#)
 [Recommendation #1 for Bianca Villegas](#)
 [Recommendation #2 for Bianca Villegas](#)

4. [19-00381](#) AMENDMENT TO DISPOSITION OF SURPLUS PROPERTY - 2420 NORTH 7TH AVENUE, PARCEL REFERENCE NUMBER 000S009020043090

Recommendation: That City Council reaffirm the disposition of City-owned real property located at 2420 North 7TH Avenue, parcel identification number 000S009020043090, account number 133609100 as surplus. Further, that City Council amend the method of disposition from open bid to direct negotiation in accordance with the policy for disposition of City-owned real property. Finally, that City Council authorize the Mayor to take all actions necessary to accomplish the disposition of the parcel for the purpose of affordable housing and designate any proceeds from the sale of the parcel to the Housing Initiatives Fund.

Sponsors: Grover C. Robinson, IV

Attachments: [Parcel Map 2420 N 7TH Ave](#)
[Parcel Record 2420 N 7TH Ave](#)
[Resolution No. 08-08](#)
[Letter of Interest Escambia County Housing Finance Authority](#)

5. [19-00424](#) AWARD OF ENGINEERING CONTINUING SERVICES CONTRACTS FOR RFQ#19-023 PROFESSIONAL CONSULTING SERVICES FOR CONSTRUCTION, RENOVATION, AND EXPANSION PROJECTS.

Recommendation: That City Council award contracts to Mott MacDonald Florida, LLC, HDR Engineering, Inc., Dewberry Engineers, Inc., Atkins North America, Inc., Baskerville-Donovan, Inc., Kenneth Horne & Associates, Inc., and Fabre Engineering and Surveying for continuing professional engineering services requested through RFQ #19-023 for an initial term of three years. Further, that Council authorize the Mayor take all actions necessary to negotiate and execute the necessary contracts, including the two one-year renewal options specified in the RFQ.

Sponsors: Grover C. Robinson, IV

Attachments: [Tabulation of Qualifications, RFQ No. 19-023](#)
[Selection Committee Scoring Matrix](#)

REGULAR AGENDA

6. [19-00408](#) QUASI-JUDICIAL HEARING: REQUEST FOR AMENDMENT TO
CONDITIONAL USE - MOBILE RESTAURANT UNIT DEVELOPMENT
“AL FRESCO”

Recommendation: That City Council conduct a quasi-judicial hearing on September 26, 2019 to consider a proposed amendment to the Conditional Use permit for the Mobile Restaurant Unit Development “Al Fresco”.

Sponsors: Grover C. Robinson, IV

Attachments: [Al Fresco Conditional Use Amendment Planning Board - 8/13/2019](#)
 [Planning Board Minutes - 8/13/2019](#)

7. [19-00219](#) PUBLIC HEARING - ADOPTION OF AMENDMENTS TO THE
COMPREHENSIVE PLAN AND ADOPTION OF THE CURRENT FUTURE
LAND USE MAP

Recommendation: That City Council conduct a public hearing on September 26, 2019 to consider the adoption of Amendments to the Comprehensive Plan and adopt the Current Future Land Use Map as an exhibit to the Comprehensive Plan.

Sponsors: Grover C. Robinson, IV

Attachments: [Proposed Ordinance No. 19-19](#)
 [Exhibit A - Proposed Comprehensive Plan for the City of Pensacola](#)
 [Exhibit B - Current Future Land Use Map](#)
 [2011 Comprehensive Plan for the City of Pensacola](#)
 [April 9, 2019 Planning Board Minutes](#)
 [July 9, 2019 Planning Board Minutes](#)

8. [19-19](#) PROPOSED ORDINANCE NO. 19-19 - AMENDMENTS TO THE COMPREHENSIVE PLAN AND ADOPTION OF THE CURRENT FUTURE LAND USE MAP

Recommendation: That City Council approve Proposed Ordinance No. 19-19 on first reading.

AN ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN AND ADOPTING THE CURRENT FUTURE LAND USE MAP OF THE CITY OF PENSACOLA, FLORIDA; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Proposed Ordinance No. 19-19](#)
 [2011 Comprehensive Plan for the City of Pensacola](#)
 [Exhibit A, Current Future Land Use Map](#)
 [Exhibit B, Proposed Comprehensive Plan for the City of Pensacola - 7/15/2019](#)
 [April 9, 2019 Planning Board Minutes](#)
 [July 9, 2019 Planning Board Minutes](#)

9. [19-00422](#) PUBLIC HEARING: REQUEST FOR ZONING MAP AMENDMENT - 3200 BLOCK SEVILLE DRIVE

Recommendation: That City Council conduct a Public Hearing on September 26, 2019, to consider the request to Amend the Zoning Map for the property located in the 3200 Block of Seville Drive.

Sponsors: Grover C. Robinson, IV

Attachments: [3200 BLK Seville Drive Zoning Map Amendment Planning Board 7.9.2019](#)
 [Planning Board Minutes 7-9-19](#)
 [3200 BLK Seville Drive Zoning Map, dated September 2019](#)
 [Proposed Ordinance No. 30-19 3200 BLK Seville Drive](#)

10. [30-19](#) PROPOSED ORDINANCE NO. 30-19, REQUEST FOR ZONING MAP AMENDMENT - 3200 BLOCK SEVILLE DRIVE

Recommendation: That City Council approve Proposed Ordinance No. 30-19 on first reading:

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA; AMENDING THE ZONING MAP OF THE CITY OF PENSACOLA; REPEALING CLAUSE AND EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Proposed Ordinance No. 30-19](#)
 [3200 Block Seville Drive Zoning Map Amendment Application - Planning Board Minutes - 7/9/2019](#)
 [3200 Block Seville Drive - Zoning Map, dated September 2019](#)

11. [19-00438](#) PITT SLIP AMENDED AND RESTATED LEASE

Recommendation: That City Council approve the Amended and Restated Lease Agreement requested by Seville Harbour, Inc. (f/k/a South Florida Marine Investors, Inc.) Further that City Council authorize the Mayor to take all necessary actions to execute the Amended and Restated Lease Agreement.

Sponsors: Grover C. Robinson, IV

Attachments: [Amended and Restated Lease](#)
 [1985 Lease Agreement](#)
 [1985 Lease Amendment](#)
 [Final SSD Plan Pitt Slip 102485](#)
 [Marina Village at Seville](#)
 [SSD Amendment 042999](#)
 [Parcel map](#)
 [EMAIL FROM CITY ATTORNEY FORWARDING SURVEY FOR SEVILLE](#)
 [EMAIL FROM CITY ATTORNEY PROVIDING LETTER WITH ADDITION](#)
 [MEMORANDUM OF CHANGES BETWEEN EXISTING AND AMENDED](#)
 [MEMO FROM COUNCIL'S STRATEGIC BUDGET PLANNER](#)

12. [19-00431](#) CITY COUNCIL CONSENT TO THE MAYOR'S APPOINTMENT OF TED KIRCHHARR AS HUMAN RESOURCES DIRECTOR

Recommendation: That City Council consent to the Mayor's appointment of Ted Kirchharr as Human Resources Director in accordance with City Charter Section 4.01(a) (7).

Sponsors: Grover C. Robinson, IV, Andy Terhaar

Attachments: [Kirchharr Resume](#)
[Kirchharr Application](#)

13. [2019-57](#) RESOLUTION NO. 2019-57 - HISTORIC STRUCTURE MASTER LIST

Recommendation: That City Council adopt Resolution No. 2019-57.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, SUPPORTING THE CREATION OF A MASTER LIST OF HISTORIC, ARCHITECTURAL, CULTURAL OR URBAN DESIGN VALUE STRUCTURES WITHIN THE CITY; PROVIDING AN EFFECTIVE DATE

Sponsors: Ann Hill

Attachments: [Resolution No. 2019-57](#)

14. [19-00432](#) PROPOSED MICROMOBILITY FRANCHISE AREA

Recommendation: That City Council approve the Proposed Micromobility Franchise Area Map

Sponsors: Grover C. Robinson, IV, Andy Terhaar

Attachments: [Proposed Micromobility Franchise Area Map](#)

15. [19-00433](#) CITY COUNCIL CONSIDERATION OF THE CITY OF PENSACOLA 2020 LEGISLATIVE INITIATIVES

Recommendation: That City Council adopt the City of Pensacola 2020 Legislative Initiatives

Sponsors: Grover C. Robinson, IV

Attachments: [City of Pensacola 2020 Legislative Initiatives](#)

16. [2019-41](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-41 - LAW
ENFORCEMENT TRUST FUND (LETF) PURCHASES FOR THE
PENSACOLA POLICE DEPARTMENT

Recommendation: That the City Council adopt Supplemental Budget Resolution No. 2019-41.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Supplemental Budget Resolution No. 2019-41](#)
[Supplemental Budget Explanation No. 2019-41](#)
[Letter of Certification](#)
[Correspondence from Southern Youth Sports Association](#)

17. [29-19](#) PROPOSED ORDINANCE NO. 29-19 REPEALING AND REPLACING
ORDINANCE NO. 10-19 AUTHORIZING A SPECIAL ASSESSMENT
UPON HOSPITAL PROPERTY TO GENERATE FUNDS FOR INDIGENT
HEALTH CARE

Recommendation: That City Council adopt Proposed Ordinance No. 29-19 on second reading.

AN ORDINANCE RELATING TO FUNDING FOR THE PROVISION OF INDIGENT CARE SERVICES BY HOSPITALS LOCATED WITHIN THE CITY OF PENSACOLA; PROVIDING A SPECIAL NON-AD VALOREM ASSESSMENT AGAINST THE PROPERTY OF SUCH HOSPITALS FOR THE PURPOSE OF INCREASING FUNDING AVAILABLE FOR THE PROVISION OF SUCH SERVICES; PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR THE IMPLEMENTATION AND COLLECTION OF SPECIAL ASSESSMENTS CONFORMING TO THE REQUIREMENTS OF LAW; PROVIDING FOR SEVERABILITY; REPEALING AND REPLACING ORDINANCE NO. 10-19; AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Proposed Ordinance No. 29-19](#)

18. [2019-52](#) RESOLUTION NO. 2019-52 - INDIGENT HEALTH CARE SPECIAL ASSESSMENT

Recommendation: That City Council adopt Resolution No. 2019-52.

AN ASSESSMENT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, AUTHORIZING, LEVYING, AND IMPOSING A NON-AD VALOREM ASSESSMENT WITHIN THE AREAS OF THE CITY LIMITS DESCRIBED HEREIN FOR THE PURPOSE OF SUPPORTING THE PROVISION OF CHARITY HEALTH CARE BY THE CITY'S HOSPITALS TO INDIGENT MEMBERS OF THE NORTHWEST FLORIDA COMMUNITY; FINDING AND DETERMINING THAT CERTAIN REAL PROPERTY IS SPECIALLY BENEFITED BY THE INCREASED SUPPORT FOR CHARITY CARE; MAKING CERTAIN OTHER FINDINGS IN RELATION THERETO; ESTABLISHING THE METHOD OF ASSESSING AND COLLECTING THE ASSESSMENT AGAINST THE REAL PROPERTY; SPECIFYING THE MAXIMUM ANNUAL ASSESSMENT AMOUNT AND THE MAXIMUM ASSESSMENT LIEN TO BE LEVIED AGAINST THE SPECIALLY BENEFITED REAL PROPERTY; CONFIRMING THE ASSESSMENT RESOLUTION; PROVIDING FOR CERTAIN OTHER AUTHORIZATIONS AND DELEGATIONS OF AUTHORITY IN RELATION THERETO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Attachments: [Resolution No. 2019-52](#)

19. [2019-53](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-53 - INDIGENT HEALTH CARE SPECIAL ASSESSMENT

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2019-53.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Supplemental Budget Resolution No. 2019-53](#)
 [Supplemental Budget Explanation No. 2019-53](#)

20. [24-19](#) PROPOSED ORDINANCE NO. 24-19 - AMENDING THE CODE OF THE CITY OF PENSACOLA, LAND DEVELOPMENT CODE, SECTION 12-12-5 - BUILDING PERMITS; PROVIDING FOR HISTORIC DEMOLITION REVIEW

Recommendation: That City Council adopt Proposed Ordinance No. 24-19 on second reading:

AN ORDINANCE AMENDING SECTION 12-12-5 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CREATING SUBSECTION 12-12-5(E) ESTABLISHING A PROCESS FOR THE REVIEW OF REQUESTS TO DEMOLISH BUILDINGS OF HISTORICAL, ARCHITECTURAL, CULTURAL OR URBAN DESIGN VALUE TO THE CITY; PROVIDING DEFINITIONS; PROVIDING ARCHITECTURAL REVIEW BOARD CRITERIA AND PROCEDURES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Ann Hill

Attachments: [Proposed Ord 24-19 - Revised -- Historic Demolition Review - revised 8-23-](#)

21. [25-19](#) PROPOSED ORDINANCE NO. 25-19, REPEALING SECTION 12-13-4 OF THE LAND DEVELOPMENT CODE; ABOLISHING THE GATEWAY REVIEW BOARD; AMENDING SECTION 12-13-2, TRANSFERRING FUNCTIONS TO THE PLANNING BOARD AND CONFORMING REFERENCES WITHIN THE CODE.

Recommendation: That City Council adopt Proposed Ordinance No. 25-19 on second reading:

AN ORDINANCE REPEALING SECTION 12-13-4, OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ABOLISHING THE GATEWAY REVIEW BOARD; AMENDING SECTION 12-13-2, TRANSFERRING FUNCTIONS OF THE GATEWAY REVIEW BOARD TO THE PLANNING BOARD; CONFORMING REFERENCES WITHIN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Andy Terhaar

Attachments: [Proposed Ord 25-19 - Gateway Review District \(Revised\)](#)

22. [27-19](#) PROPOSED ORDINANCE NO. 27-19, AMENDMENT TO SECTION 10-4-19 - SCHEDULE OF GAS RATES AND CHARGES

Recommendation: That City Council adopt Proposed Ordinance No. 27-19 on second reading.

AN ORDINANCE AMENDING SECTION 10-4-19 OF THE CODE OF THE CITY OF PENSACOLA ENTITLED: "SCHEDULE OF RATES AND CHARGES"; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE

Sponsors: Grover C. Robinson, IV

Attachments: [Proposed Ordinance 27-19](#)

23. [28-19](#) PROPOSED ORDINANCE NO. 28-19 - AMENDMENT TO CITY CODE SECTION 4-3-97 - SANITATION COLLECTION FEE AND EQUIPMENT SURCHARGE.

Recommendation: That City Council adopt Proposed Ordinance No. 28-19 on second reading.

AN ORDINANCE AMENDING SECTION 4-3-97 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR INCREASE IN SANITATION COLLECTION FEES AND THE SANITATION EQUIPMENT SURCHARGE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Proposed Ordinance No. 28-19](#)

COUNCIL EXECUTIVE'S REPORT

MAYOR'S COMMUNICATION

COUNCIL COMMUNICATIONS

CIVIC ANNOUNCEMENTS

SECOND LEROY BOYD FORUM

ADJOURNMENT

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

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

File #: 19-00446

City Council

9/26/2019

SUBJECT:

APPROVAL OF MINUTES: REGULAR MEETING DATED SEPTEMBER 12, 2019; SPECIAL MEETINGS DATED SEPTEMBER 11, 2019 AND SEPTEMBER 18, 2019



City of Pensacola

CITY COUNCIL

Regular Meeting Minutes

September 12, 2019

5:30 P.M.

Council Chambers

Council President Terhaar called the meeting to order at 5:32 P.M.

ROLL CALL

Council Members Present: Andy Terhaar, P.C. Wu, Jewel Cannada-Wynn, Ann Hill, John Jerralds, Jared Moore, Sherri Myers

Council Members Absent: None

Also Present: Mayor Grover C. Robinson, IV

INVOCATION

Rev. Freddie Augustine, Pastor - First Corinthian Baptist Church

PLEDGE OF ALLEGIANCE

Council Member Ann Hill

AWARDS

Mayor Robinson presented a proclamation to Cindi Bonner, Director of Rally Pensacola and others in attendance recognizing September as *Childhood Cancer Awareness Month*.

FIRST LEROY BOYD FORUM

The following individuals addressed Council regarding their opposition to a proposal by business owners of *Hair of the Dog* to locate a (private) dog park and beer garden, on four (4) acres of the Hollice T. Williams Park, within an area parallel to the Eastside Neighborhood:

Colvin Rancifer
Anthony Williams
David Williams
Anita Williams
Doris Hayes
Dianne Robinson

Goreatha Simmons
Teniade' Broughton
Raynette Ikner Lewis
Jeannie Rhoden
Jonathan Green

Some speakers (listed above) referenced the approved plan in place for the Hollice T. Williams Park which specifies the wants and needs of the neighborhood. Mayor Robinson also addressed Council explaining the owners of the business' contacts with the City regarding their proposal.

Michelle Press: Identified herself as one of the owners of *Hair of the Dog* and addressed Council explaining the intent of the operations of their business proposal and indicated they did not mean to stir up unrest within the neighborhood or offend the family.

Stephanie Hudgens: *Waived indicating Ms. Press addressed on her behalf.*

Taran Black: Thanked Council for the opportunity to have been considered for appointment to City Council District 5 (unexpired term of Gerald Wingate). He indicated he will continue to look for opportunities to be involved in the community.

John Johnson: Executive Director of *Opening Doors Northwest Florida* addressed Council requesting to make a presentation at an upcoming meeting to provide an update regarding the issues of homelessness and the impacts of last year's funding.

Council Member Cannada-Wynn recommended Mr. Johnson contact Council Executive Kraher to schedule a presentation.

The following individuals addressed Council addressing recent gun violence within the City and needed resources to make a positive impact within the community:

Marcella Powell

Antonio Royster

Dorothy Dubuisson: Urged the City to clarify the potential for dog park / beer operations and that the zoning needs to be addressed so businesses maybe properly vetted.

That concluded the first segment of LeRoy Boyd Forum.

APPROVAL OF MINUTES

1. [19-00427 APPROVAL OF MINUTES: REGULAR MEETING DATED AUGUST 8, 2019 AND SPECIAL MEETING DATED SEPTEMBER 4, 2019](#)

A motion to approve was made by Council Member Cannada-Wynn, and seconded by Council Member Hill.

The motion carried by the following vote:

Yes: 7	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerrals, Sherri Myers
No: 0	None

APPROVAL OF AGENDA

Council President Terhaar referenced hardcopies provided at Council Members' places of an Add-on Action Item sponsored by Mayor Robinson as follows:

19-00400 MEMORANDA OF UNDERSTANDING FOR AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) COLLECTIVE BARGAINING AGREEMENT, THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS ("IAFF"), LOCAL 707 AND THE FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE, INC. (FOP OFFICERS, SERGEANTS AND LIEUTENANTS).

A motion to add-on to the regular agenda was made by Council Member Moore and seconded by Council Member Hill.

The motion carried by the following vote:

Yes: 7	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerrals, Sherri Myers
No: 0	None

Council President Terhaar indicated the add-on item will be placed as the last action item.

A motion to approve the agenda as amended was made by Council Member Cannada-Wynn and seconded by Council Member Moore.

The motion carried by the following vote:

Yes: 7	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerrals, Sherri Myers
No: 0	None

CONSENT AGENDA**2. 19-00404 INTERLOCAL AGREEMENT FOR THE ACCEPTANCE AND PROCESSING OF SOURCE SEPARATED RECYCLABLES**

Recommendation: That City Council approve an Interlocal Agreement for the Acceptance and processing of Source Separated Recyclables with Emerald Coast Utilities Authority. Further, that City Council authorize the Mayor to take all action necessary to execute an agreement.

3. 19-00405 LICENSE AGREEMENT - DAILY CONVO, LLC

Recommendation: That City Council approve the License Agreement with Daily Convo, LLC for the improvements in connection with the Southtowne Development

4. 19-00417 FISCAL YEAR 2020 COMMUNITY POLICING INTERLOCAL AGREEMENT

Recommendation: That the City Council approve an Interlocal Agreement between the City of Pensacola and the Community Redevelopment Agency (CRA) for the purpose of providing Community Policing Innovations within the Urban Core Community Redevelopment Area of the CRA for Fiscal Year 2020 in an amount not to exceed \$100,000.

5. 19-00419 TWO-WAY CONVERSION OF MARTIN LUTHER KING JR. DRIVE-ALCANIZ STREET AND DAVIS HIGHWAY

Recommendation: That the City Council request the Florida-Alabama Transportation Planning Organization (TPO) and Florida Department of Transportation (FDOT) return Davis Highway and Dr. Martin Luther King, Jr. Drive-Alcaniz Street to two-way streets and take all actions necessary to complete the conversion as a priority project.

A motion to approve consent agenda Items 2 through 5 was made by Council Member Moore and seconded by Council Member Cannada-Wynn.

The motion carried by the following vote:

Yes: 7	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerralds, Sherri Myers
No: 0	None

REGULAR AGENDA

6. [19-00312 PUBLIC HEARING: PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE, SECTION 12-12-5 - BUILDING PERMITS - TO INCLUDE HISTORIC BUILDING DEMOLITION REVIEW](#)

Recommendation: That City Council conduct a public hearing on September 12, 2019 to consider an amendment to the Code of the City of Pensacola, Land Development Code Section 12-12-5 - Building Permits - to include Historic Building Demolition Review

Council Member Hill (sponsor) indicated the proposed language has been revised based on discussion from the initial public hearing (on 7/18/19) and meets state requirements. Mayor Robinson made follow-up remarks in support of the proposed amendment and thanked City staff for their collaboration.

Public input was heard from Teniade' Broughton.

A motion to approve was made by Council Member Hill and seconded by Council Member Moore.

The motion carried by the following vote:

Yes: 6	P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerralds, Sherri Myers
No: 1	Andy Terhaar

7. [24-19 PROPOSED ORDINANCE NO. 24-19 - AMENDING THE CODE OF THE CITY OF PENSACOLA, LAND DEVELOPMENT CODE, SECTION 12-12-5 - BUILDING PERMITS; PROVIDING FOR HISTORIC DEMOLITION REVIEW](#)

Recommendation: That City Council approve Proposed Ordinance No. 24-19 on first reading:

AN ORDINANCE AMENDING SECTION 12-12-5 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CREATING SUBSECTION 12-12-5(E) ESTABLISHING A PROCESS FOR THE REVIEW OF REQUESTS TO DEMOLISH BUILDINGS OF HISTORICAL, ARCHITECTURAL, CULTURAL OR URBAN DESIGN VALUE TO THE CITY; PROVIDING DEFINITIONS; PROVIDING ARCHITECTURAL REVIEW BOARD CRITERIA AND PROCEDURES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A motion to approve on first reading was made by Council Member Cannada-Wynn and seconded by Council Member Hill.

REGULAR AGENDA (CONT'D.)

The motion (to approve P.O. No. 24-19 on first reading) carried by the following vote:

Yes: 6 P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerralds, Sherri Myers
No: 1 Andy Terhaar

8. [19-00418](#) PITT SLIP AMENDED AND RESTATED LEASE

Recommendation: That City Council approve the Amended and Restated Lease Agreement requested by Seville Harbour, Inc. (f/k/a South Florida Marine Investors, Inc.). Further that City Council authorize the Mayor to take all necessary actions to execute the Amended and Restated Lease Agreement.

A motion to approve was made by Council Member Terhaar and seconded by Council Member Wu.

Council Member Myers made comments indicating there is not sufficient information to move forward with considering this recommendation, citing the all background materials on the original lease have not been provided. Also the current proposal makes reference to a site specific development, but that information is not provided.

Council Member Myers made a substitute motion that this item be pulled from consideration at this time and Council Member Hill seconded.

Discussion ensued among Council with Mayor Robinson fielding comments and questions. Also, City Attorney Woolf responded accordingly to questions.

Ed Fleming, legal counsel for the master lessee was in attendance and responded accordingly to questions of Council Members.

Public input was heard from Jantzen Liscoe.

Upon conclusion of discussion, **the vote was called on the substitute motion.**

The substitute motion carried by the following vote:

Yes: 4 Ann Hill, Jewel Cannada-Wynn, John Jerralds, Sherri Myers
No: 3 Andy Terhaar, P.C. Wu, Jared Moore

REGULAR AGENDA (CONT'D.)

9. [25-19](#) PROPOSED ORDINANCE NO. 25-19, REPEALING SECTION 12-13-4 OF THE LAND DEVELOPMENT CODE; ABOLISHING THE GATEWAY REVIEW BOARD; AMENDING SECTION 12-13-2, TRANSFERRING FUNCTIONS TO THE PLANNING BOARD AND CONFORMING REFERENCES WITHIN THE CODE.

Recommendation: That City Council approved Proposed Ordinance No. 25-19 on first reading:

AN ORDINANCE REPEALING SECTION 12-13-4, OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ABOLISHING THE GATEWAY REVIEW BOARD; AMENDING SECTION 12-13-2, TRANSFERRING FUNCTIONS OF THE GATEWAY REVIEW BOARD TO THE PLANNING BOARD; CONFORMING REFERENCES WITHIN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A motion to approve on first reading was made by Council Member Cannada-Wynn seconded by Council Member Terhaar.

The motion carried by the following vote:

Yes: 7 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerralds, Sherri Myers
No: 0 None

10. [27-19](#) PROPOSED ORDINANCE NO. 27-19, AMENDMENT TO SECTION 10-4-19 - SCHEDULE OF GAS RATES AND CHARGES

Recommendation: That City Council approve Proposed Ordinance No. 27-19 on first reading.

AN ORDINANCE AMENDING SECTION 10-4-19 OF THE CODE OF THE CITY OF PENSACOLA ENTITLED: "SCHEDULE OF RATES AND CHARGES"; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE

A motion to approve on first reading was made by Council Member Moore seconded by Council Member Terhaar.

Council Member Cannada-Wynn inquired of the increase with City Administrator Holley responding and Pensacola Energy Director Suarez clarifying.

There being no further discussion, the vote was called.

REGULAR AGENDA (CONT'D.)

The motion (to approve P.O. No. 27-19 on first reading) carried by the following vote:

The motion carried by the following vote:

Yes: 7 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerralds, Sherri Myers
No: 0 None

11. [28-19 PROPOSED ORDINANCE NO. 28-19 - AMENDMENT TO CITY CODE SECTION 4-3-97 - SANITATION COLLECTION FEE AND EQUIPMENT SURCHARGE.](#)

Recommendation: That City Council approve Proposed Ordinance No. 28-19 on first reading.

AN ORDINANCE AMENDING SECTION 4-3-97 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR INCREASE IN SANITATION COLLECTION FEES AND THE SANITATION EQUIPMENT SURCHARGE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

A motion to approve on first reading was made by Council Member Cannada-Wynn seconded by Council Member Terhaar.

Council Member Cannada-Wynn inquired of the increase as well as how the City's rates compare with Emerald Coast Utilities Authority (ECUA) with City Administrator Holley responding regarding the increase. Sanitation and Fleet Services Director Pittman indicated he has not yet reviewed ECUA's rates.

There being no further discussion, the vote was called.

The motion carried by the following vote:

Yes: 7 Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerralds, Sherri Myers
No: 0 None

REGULAR AGENDA (CONT'D.)

12. [29-19](#) PROPOSED ORDINANCE NO. 29-19 REPEALING AND REPLACING ORDINANCE NO. 10-19 AUTHORIZING A SPECIAL ASSESSMENT UPON HOSPITAL PROPERTY TO GENERATE FUNDS FOR INDIGENT HEALTH CARE

Recommendation: That City Council approve Proposed Ordinance No. 29-19 on first reading.

AN ORDINANCE RELATING TO FUNDING FOR THE PROVISION OF INDIGENT CARE SERVICES BY HOSPITALS LOCATED WITHIN THE CITY OF PENSACOLA; PROVIDING A SPECIAL NON-AD VALOREM ASSESSMENT AGAINST THE PROPERTY OF SUCH HOSPITALS FOR THE PURPOSE OF INCREASING FUNDING AVAILABLE FOR THE PROVISION OF SUCH SERVICES; PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR THE IMPLEMENTATION AND COLLECTION OF SPECIAL ASSESSMENTS CONFORMING TO THE REQUIREMENTS OF LAW; PROVIDING FOR SEVERABILITY; REPEALING AND REPLACING ORDINANCE NO. 10-19; AND PROVIDING AN EFFECTIVE DATE.

A motion to approve on first reading was made by Council Member Cannada-Wynn seconded by Council Member Terhaar.

The motion carried by the following vote:

Yes: 7	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerralds, Sherri Myers
No: 0	None

13. [2019-44](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-44 - AMENDING THE FISCAL YEAR 2019 BUDGET FOR THE DOWNTOWN IMPROVEMENT BOARD

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2019-44

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE DOWNTOWN IMPROVEMENT BOARD FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Hill seconded by Council Member Terhaar.

REGULAR AGENDA (CONT'D.)

Council Member Cannada-Wynn inquired (regarding Res. No. 2019-44) if this is providing the DIB an allocation from the City's general fund in the amount of \$50,000? Chief Financial Officer Barker indicated it is not.

There being no further discussion the vote was called.

The motion carried by the following vote:

Yes: 7	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerralds, Sherri Myers
No: 0	None

14. [2019-48 SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-48 - AMENDING THE FISCAL YEAR 2019 BUDGET](#)

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2019-48.

[A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.](#)

A motion to adopt was made by Council Member Cannada-Wynn seconded by Council Member Terhaar.

The motion carried by the following vote:

Yes: 7	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerralds, Sherri Myers
No: 0	None

REGULAR AGENDA (CONT'D.)

15. [26-19 PROPOSED ORDINANCE NO. 26-19 CREATING SECTION 7-12 OF THE CODE OF THE CITY OF PENSACOLA - DOCKLESS SHARED MICROMOBILITY DEVICES PILOT PROGRAM ORDINANCE](#)

Recommendation: That City Council adopt Proposed Ordinance No. 26-19 on second reading.

AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA CREATING CHAPTER 7-12 OF THE CODE OF THE CITY OF PENSACOLA TO REGULATE A DOCKLESS SHARED MICROMOBILITY DEVICE PILOT PROGRAM; PROVIDING FOR PURPOSE AND APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PILOT PROGRAM FOR SHARED MICROMOBILITY DEVICES ON PUBLIC RIGHTS-OF-WAYS; PROVIDING FOR THE VENDORS' RESPONSIBILITIES AND OBLIGATIONS IN OPERATING A SHARED MICROMOBILITY DEVICE SYSTEM; PROVIDING FOR SHARED MICROMOBILITY DEVICE SPECIFICATIONS; PROVIDING FOR THE OPERATION AND PARKING OF A SHARED MICROMOBILITY DEVICE; PROVIDING FOR IMPOUNDMENT OR REMOVAL OR RELOCATION BY THE CITY; PROVIDING FOR ENFORCEMENT, FEES AND PENALTIES; PROVIDING AN APPEAL PROCESS; PROVIDING FOR INDEMNIFICATION AND INSURANCE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. ([Ordinance No. 17-19](#))

A motion to adopt was made by Council Member Terhaar seconded by Council Member Cannada-Wynn.

City Administrator Holley and Assistant City Administrator Wilkins clarified the some revisions have been made to the map providing the *Proposed Franchise Area*, but that the map is not a part of the ordinance.

Some discussion took place with Mayor Robinson also providing input.

Council President Terhaar indicated he will work with City Administration to provide an action item for Council's consideration for adoption of map of the *Proposed Franchise Area* for the next meeting (on 9/26/19).

Upon conclusion of discussion, the vote was called.

The motion carried by the following vote:

Yes: 7	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerralds, Sherri Myers
No: 0	None

REGULAR AGENDA (CONT'D.)

Add-On: 19-00400 MEMORANDA OF UNDERSTANDING FOR AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES (AFSCME) COLLECTIVE BARGAINING AGREEMENT, THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS ("IAFF"), LOCAL 707 AND THE FLORIDA STATE LODGE FRATERNAL ORDER OF POLICE, INC. (FOP OFFICERS, SERGEANTS AND LIEUTENANTS).

Recommendation: That City Council approve the Memoranda of Understanding between the City of Pensacola and each of the unions, to wit: the American Federation of State, County, and Municipal Employees (AFSCME), the International Association of Firefighters ("IAFF") Local 707 (subject to ratification of tentative agreement) and the Florida State Lodge Fraternal Order of Police, Inc. (FOP Officers, Sergeants and Lieutenants), pending adoption of the Fiscal Year 2020 Budget.

A motion to approve was made by Council Member Cannada-Wynn seconded by Council Member Terhaar.

Council Member Cannada-Wynn inquired of the increased costs in budgetary funding with City Attorney Holley responding accordingly.

There being no further discussion, the vote was called.

The motion carried by the following vote:

Yes: 7	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerralds, Sherri Myers
No: 0	None

COUNCIL EXECUTIVE'S REPORT

Council Executive Kraher addressed Council regarding the following:

- Items due tomorrow for the 9/26 Council Meeting
- Reminded the second (final) budget public hearing will be held at a special City Council meeting on Wednesday, September 18, 2019, at 5:30 P.M.
- Council pictures to follow immediately following this meeting.
- Referenced the City's proposed pay plan and indicated he will provide information to Council Members regarding its impacts on Council's staff.

MAYOR'S COMMUNICATION

Mayor Robinson made follow-up remarks regarding the issue addressed by citizens during the first segment of LeRoy Boyd Forum related to the proposal for a dog park/beer garden within Hollice T. Williams Park.

He also made follow-up remarks regarding Item 8, 19-00418 Pitt Slip Amended and Restated Lease.

Finally, he requested Council consider rescheduling the November Agenda Conference from 11/12 to 11/7 in order to accommodate Leadership Pensacola (LeaP).

COUNCIL COMMUNICATIONS

Some Council Members also made follow up remarks regarding the proposal for a dog park/beer garden within Hollice T. Williams Park; and Pitt Slip Amended and Restated Lease.

Council Executive introduced Council's newly hired Budget Analyst Melanie Kruszona who is in attendance this evening.

CIVIC ANNOUNCEMENTS

Council Member Hill announced an upcoming community fund-raising event.

SECOND LEROY BOYD FORUM

Doris Hayes: Addressed consent agenda Item 5, 19-00419 Two-Way Conversion of Martin Luther King Jr. Drive-Alcaniz Street and Davis Highway and inquired of the impacts to the neighborhood while the project is implemented.

Mayor Robinson responded indicating it is his understanding the impacts should be minimal.

That concluded the final segment of LeRoy Boyd Forum.

ADJOURNMENT

WHEREUPON the meeting was adjourned at 8:28 P.M.

Adopted: _____

Approved: _____
R. Andy Terhaar, President of City Council

Attest:

Ericka L. Burnett, City Clerk



City of Pensacola

CITY COUNCIL

Special Meeting Minutes

September 11, 2019

5:30 P.M.

Council Chambers

Council President Terhaar called the special meeting to order at 5:31 P.M.

ROLL CALL

Council Members Present: Andy Terhaar, P.C. Wu, Jewel Cannada-Wynn, Ann Hill, John Jerralds, Jared Moore, Sherri Myers

Council Members Absent: None

Also Present: Mayor Grover C. Robinson, IV

Council President Terhaar indicated this is a special meeting of the City Council to conduct the first public hearing for the purpose of adopting tentative millage rates for the City and the Downtown Improvement District for 2019 and tentative budgets for the City and the Downtown Improvement Board for the Fiscal Year 2020.

1. [19-00386 SPECIAL MEETING AND PUBLIC HEARING TO ADOPT TENTATIVE MILLAGE RATES AND TENTATIVE BUDGETS FOR FISCAL YEAR 2020](#)

Before addressing the action items, Council President Terhaar read into the record and explained that the TRIM law requires strict conformance with exacting procedures in order to lawfully adopt millage levies and budgets. In adherence with those procedures, he indicated the first substantive issue to be discussed must be the percentage increase over the rolled-back rate necessary to fund the budget, if any, and the specific purposes for which ad valorem tax revenues are being increased; and further that the proposed tentative millage rate of 4.2895 mills for the City and 2.0000 mills for the Downtown Improvement District constitutes a 7.20% increase of property taxes over the aggregate rolled-back rate which is 4.1310 mills. He also stated the basis for the "rolled-back" rate. And, finally, announced the second (final) public hearing will be held at a special City Council meeting on Wednesday, September 18, 2019, at 5:30 P.M.

He then called on City staff to explain the reasons for the proposed increase over the rolled-back rate.

Chief Financial Officer Barker provided the explanation indicating the proposed increase over the rolled-back rate is in order to maintain services and meet increased costs.

ACTION ITEMS

2. [2019-45](#) BUDGET RESOLUTION NO. 2019-45 - TENTATIVELY LEVYING AN AD VALOREM PROPERTY TAX FOR THE CITY OF PENSACOLA AND THE DOWNTOWN IMPROVEMENT DISTRICT FOR 2019.

Recommendation: That City Council adopt Budget Resolution No. 2019-45.

A RESOLUTION TENTATIVELY LEVYING AN AD VALOREM PROPERTY TAX FOR THE CITY OF PENSACOLA INCLUDING THE DOWNTOWN IMPROVEMENT DISTRICT FOR 2019; PROVIDING AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Cannada-Wynn and seconded by Council Member Terhaar.

Council Member Cannada-Wynn inquired if the proposed millage rate is sufficient to meet the minimum needs of the City and additional projects or should an increase be considered. City Administrator Holley responded providing insight into the focus of the organization's structural needs and resources being addressed, such as the pay classification system, employee performance evaluation and merit system, training, and equipment. Mayor Robinson made follow-up remarks indicating he believes the proposed budget is fair and balanced with regard to the taxpayers while meeting the City's needs.

Council Member Myers made comments indicating she believes the issue of raising the millage rate needs to be addressed moving forward into the new year and look into the needs of neighborhoods.

There being no further discussion or public input, the vote was called.

The motion carried by the following vote:

Yes: 7	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerrals, Sherri Myers
No: 0	None

ACTION ITEMS (CONT'D.)

3. [2019-46](#) BUDGET RESOLUTION NO. 2019-46 - ADOPTING A TENTATIVE BUDGET FOR THE CITY OF PENSACOLA FOR FISCAL YEAR BEGINNING OCTOBER 1, 2019.

Recommendation: That City Council adopt Budget Resolution No. 2019-46.

A RESOLUTION ADOPTING A TENTATIVE BUDGET FOR THE CITY OF PENSACOLA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; MAKING TENTATIVE APPROPRIATIONS FOR THE PAYMENT OF THE EXPENSES OF THE CITY GOVERNMENT AND ALL DEPARTMENTS THEREOF AND FOR THE PAYMENT ON ACCOUNT OF THE BONDED INDEBTEDNESS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Cannada-Wynn and seconded by Council Member Terhaar.

Public input was heard as follows:

Anthony Caldwell: Addressed Council regarding needed improvements for Magee Field and (its) facilities.

Following up on Mr. Caldwell's comments, Council Member Hill inquired as to whether City staff is going to address the needed improvements which they have previously indicated to her they are moving forward. City Administrator Holley responded accordingly indicating the staff is currently moving forward with the plan for improvements.

Council Member Myers made comments she will not be supporting the tentative adoption of the budget this evening, as proposed, and plans to bring forward revisions at the final public hearing (scheduled for 9/18/19). She referenced the proposed budget document, specifically, page 107 Line Item 64 (proposing) to appropriate Local Option Sales Tax (LOST) funding for Malcolm Young Gym Improvements in the amount of \$715,000. She would prefer that facility be "retired" and the funds appropriated towards construction of a community center at Tippin Park (Line Item 123). She plans to meet with Mayor Robinson prior to the final public hearing on 9/18.

Additionally, Council Member Myers indicated she is concerned about street lighting and safety, which is her top priority for District 2 and referenced a lighting study conducted a few years ago describing its results as "flawed". She indicated she will work with Council Budget Consultant Hansen to identify LOST funding for allocating towards street lighting for neighborhoods, hopefully in the amount of \$75,000 to \$100,000 per neighborhood. She expressed discontent for LOST funds which were spent in the previous year within the Community Redevelopment Urban Core Area for street lighting.

Mayor Robinson made follow-up remarks.

ACTION ITEMS (CONT'D.)

Public input continued as follows (regarding Res. No. 2019-46)

Brian Wyer: Addressed Council as CEO of the Gulf Coast Minority Chamber of Commerce. He provided handouts to Council advising of their (current) quarterly report, office staff, current activities, and flyers provided for the minority business community providing guidance on *How to do Business with Government*, as well as a *2019 Business Guide and Directory* (on file). He referenced a disparity study conducted several years ago by the City and encouraged implementation of its recommendations.

Council Members Hill, Myers, and Jerralds made follow-up remarks thanking Mr. Wyer for his efforts through the Chamber.

Kathy Tanner: Addressed Council requesting safety improvements for walkability on Bayfront Parkway (north side).

Council Member Hill made follow-up remarks.

Tommy White: Made follow-up remarks regarding improvements for Magee Field and plans for Malcolm Young Gym, requesting clarification.

Some discussion took place with City Administrator Holley advising regarding the (above referenced) facilities. Council Members Hill, Jerralds, and Cannada-Wynn made follow-up remarks.

Following, additional discussion took place regarding the lighting study (referenced by Council Member Myers earlier) and neighborhood needs. Mayor Robinson made follow-up remarks; and Public Works and Facilities Director Owens responded to questions.

Upon conclusion of discussion and there being no further public input, the vote was called (**on Res. No. 2019-46**).

The motion carried by the following vote:

Yes: 5	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn
No: 2	John Jerralds, Sherri Myers

ACTION ITEMS (CONT'D.)

4. [2019-47](#) BUDGET RESOLUTION NO. 2019-47 - ADOPTING A TENTATIVE BUDGET FOR THE DOWNTOWN IMPROVEMENT BOARD FOR FISCAL YEAR BEGINNING OCTOBER 1, 2019.

Recommendation: That City Council adopt Budget Resolution No. 2019-47.

A RESOLUTION ADOPTING A TENTATIVE BUDGET FOR THE CITY OF PENSACOLA DOWNTOWN IMPROVEMENT BOARD FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; PROVIDING AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Cannada-Wynn and seconded by Council Member Terhaar.

There being no discussion or public input, the vote was called.

The motion carried by the following vote:

Yes: 7	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerralds, Sherri Myers
No: 0	None

DISCUSSION ITEMS

None.

ADJOURNMENT

There being no other agenda items, Council President Terhaar reminded the second (final) public hearing will be held at a special City Council meeting on Wednesday, September 18, 2019, at 5:30 P.M.

WHEREUPON the meeting was adjourned at 6:37 P.M.

Adopted: _____

Approved: _____
R. Andy Terhaar, President of City Council

Attest:

Ericka L. Burnett, City Clerk



City of Pensacola

CITY COUNCIL

Special Meeting Minutes

September 18, 2019

5:30 P.M.

Council Chambers

Council President Terhaar called the special meeting to order at 5:35 P.M.

ROLL CALL

Council Members Present: Andy Terhaar, P.C. Wu, Jewel Cannada-Wynn, Ann Hill, John Jerralds, Jared Moore (arrived 5:37), Sherri Myers

Council Members Absent: None

Also Present: Mayor Grover C. Robinson, IV

Council President Terhaar indicated this is a special meeting of the City Council to conduct the first public hearing for the purpose of adopting final millage rates for the City and the Downtown Improvement District for 2019 and final budgets for the City and the Downtown Improvement Board for the Fiscal Year 2020.

1. [19-00411 SPECIAL MEETING AND PUBLIC HEARING TO ADOPT FINAL MILLAGE RATES AND FINAL BUDGETS FOR FISCAL YEAR 2020](#)

Before addressing the action items, Council President Terhaar read into the record and explained that the TRIM law requires strict conformance with exacting procedures in order to lawfully adopt millage levies and budgets. In adherence with those procedures, he indicated the first substantive issue to be discussed must be the percentage increase over the rolled-back rate necessary to fund the budget, if any, and the specific purposes for which ad valorem tax revenues are being increased; and further that the proposed tentative millage rate of 4.2895 mills for the City and 2.0000 mills for the Downtown Improvement District constitutes a 7.20% increase of property taxes over the aggregate rolled-back rate which is 4.1310 mills. He also stated the basis for the "rolled-back" rate.

He then called on City staff to explain the reasons for the proposed increase over the rolled-back rate.

Chief Financial Officer Barker provided the explanation indicating the proposed increase over the rolled-back rate is in order to maintain services and meet increased costs.

ACTION ITEMS

2. [2019-49](#) BUDGET RESOLUTION NO. 2019-49- FINALLY LEVYING AN AD VALOREM PROPERTY TAX FOR THE CITY OF PENSACOLA AND THE DOWNTOWN IMPROVEMENT DISTRICT FOR 2019.

Recommendation: That City Council adopt Budget Resolution No. 2019-49.

A RESOLUTION FINALLY LEVYING AN AD VALOREM PROPERTY TAX FOR THE CITY OF PENSACOLA INCLUDING THE DOWNTOWN IMPROVEMENT DISTRICT FOR 2019; PROVIDING AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Cannada-Wynn and seconded by Council Member Hill.

There being no discussion or public input, the vote was called.

The motion carried by the following vote:

Yes: 7	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerralds, Sherri Myers
No: 0	None

3. [2019-50](#) BUDGET RESOLUTION NO. 2019-50 - ADOPTING A FINAL BUDGET FOR THE CITY OF PENSACOLA FOR FISCAL YEAR BEGINNING OCTOBER 1, 2019.

Recommendation: That City Council adopt Budget Resolution No. 2019-50.

A RESOLUTION ADOPTING A FINAL BUDGET FOR THE CITY OF PENSACOLA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; MAKING FINAL APPROPRIATIONS FOR THE PAYMENT OF THE EXPENSES OF THE CITY GOVERNMENT AND ALL DEPARTMENTS THEREOF AND FOR THE PAYMENT ON ACCOUNT OF THE BONDED INDEBTEDNESS OF THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; PROVIDING FOR AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Cannada-Wynn and seconded by Council Member Moore.

ACTION ITEMS (CONT'D.)

Council Member Myers made comments indicating she and Council Budget Consultant Hansen met with Mayor Robinson and City Administrator Holley earlier today and **suggested an amendment (to Res. No. 2019-50) FY 2020 Budget as follows:**

That City Council 1) Move \$100,000 from line 172 on page 109 for Capital Equipment to a new line in Public Works for Neighborhood Street Lighting (spending in this line has historically been about \$500,000); 2) Designate \$230,000 from line 52 on page 107 for Energy Conservation and Efficiency Improvements to a line in Public Works for Neighborhood Street Lighting. This funding line has been used for street lighting projects and is currently planned to be used for the installation of new lighting equipment purchased for Spring, Baylen, and Reus Streets; and 3) Also recommends the Community Redevelopment Agency (CRA) provide the \$230,000 funding for the installation of the equipment for these streets within the CRA.

Council Member Jerralds moved for an amendment (as stated above) and Council Member Myers seconded.

Discussion ensued among Council. City Administrator Holley and Mayor Robinson fielded comments and questions regarding planning of street lighting projects and equipment which has already been purchased based on such plans. Mayor Robinson indicated he is willing to look into funding street lighting projects within neighborhoods.

CRA Administrator Gibson responded to questions regarding impacts on funding provided from CRA's budget. Chief Financial Officer responded to questions regarding the adoption of the budget as presented and the process for amending throughout the fiscal year.

Based on discussion, Council Member Myers withdrew her second to the motion to amend.

Motion to amend died.

There being no further discussion and no public input, **the vote was called on the original motion.**

The motion carried by the following vote:

Yes: 7	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerralds, Sherri Myers
No: 0	None

ACTION ITEMS (CONT'D.)

4. [2019-51 BUDGET RESOLUTION NO. 2019-51 - ADOPTING A FINAL BUDGET FOR THE DOWNTOWN IMPROVEMENT BOARD FOR FISCAL YEAR BEGINNING OCTOBER 1, 2019.](#)

Recommendation: That City Council adopt Budget Resolution No. 2019-51.

A RESOLUTION ADOPTING A FINAL BUDGET FOR THE CITY OF PENSACOLA DOWNTOWN IMPROVEMENT BOARD FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019; PROVIDING AN EFFECTIVE DATE.

A motion to adopt was made by Council Member Cannada-Wynn and seconded by Council Member Moore.

Council Member Cannada-Wynn inquired if the budget is providing the DIB an allocation from the City's general fund in the amount of \$50,000? Chief Financial Officer Barker indicated a private organization *Friends of Downtown* is providing the funding, not the City's general fund.

There being no further discussion and no public input, the vote was called.

The motion carried by the following vote:

Yes: 7	Andy Terhaar, P.C. Wu, Ann Hill, Jared Moore, Jewel Cannada-Wynn, John Jerralds, Sherri Myers
No: 0	None

DISCUSSION ITEMS

None.

ADJOURNMENT

WHEREUPON the meeting was adjourned at 6:09 P.M.

Adopted: _____

Approved: _____
R. Andy Terhaar, President of City Council

Attest:

Ericka L. Burnett, City Clerk



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00425

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Andy Terhaar

SUBJECT:

APPOINTMENTS - FIRE PREVENTION BOARD OF APPEALS

RECOMMENDATION:

That City Council reappoint Alyce Flournoy-Jones and Jay Larson to the Fire Prevention Board of Appeals for a term of three (3) years, expiring August 31, 2022.

HEARING REQUIRED: No Hearing Required

SUMMARY:

This board was established by Council ordinance as a board of appeals to review grievances regarding the decisions of the Fire Marshal.

The following are incumbents that wish to be considered for reappointment:

<u>Nominee</u>	<u>Nominated by</u>
Alyce Flournoy-Jones	Incumbent
Jay Larson	Incumbent

PRIOR ACTION:

Council makes appointments to this board annually.

FUNDING:

Budget: N/A

Actual: N/A

FINANCIAL IMPACT:

None.

STAFF CONTACT:

Ericka L. Burnett, City Clerk

ATTACHMENTS:

- 1) Member List
- 2) Application of Interest - Alyce Flourney-Jones
- 3) Resume - Alyce Flourney-Jones
- 4) Application of Interest - Jay Larson
- 5) Ballot

PRESENTATION: No

Fire Prevention Board of Appeals

Name	Profession	Appointed By	No. of Terms	Year	Exp Date	First Appointed	Term Length	Comments
Barber, Ian	Member	Council	0	2019	8/31/2020	1/17/2019	3	
Flournoy-Jones, Alyce	Cert. Interior Designer	Council	0	2019	8/31/2019	1/17/2019	3	
Larson, Jay	building construction	Council	5	2019	8/31/2019	9/9/2004	3	
Lee, James	Insurance Agent	Council	9	2019	8/31/2021	8/23/1990	3	
Martin, Jeff	Security Equipment/Altern	Council	0	2019	8/31/2020	1/17/2019	3	
Ritz, Michael	Construction	Council	0	2019	8/31/2021	1/17/2019	3	
VACANT, VACANT	Alternate Member		0	2019	8/31/2020	8/14/2008	3	

Term Length: THREE YEAR TERMS

COMPOSED OF FIVE MEMBERS AND TWO ALTERNATE MEMBERS APPOINTED BY COUNCIL. MEMBERS SHALL HAVE EXPERTISE IN BUILDING CONSTRUCTION AND FIRE SAFETY STANDARDS. NO MORE THAN ONE OF SAID MEMBERS OR THEIR ALTERNATES SHALL BE ENGAGED IN THE SAME BUSINESS, PROFESSION, OR LINE OF ENDEAVOR. NO RESIDENCY REQUIREMENTS. (ORD. #40-90)

Ericka Burnett

From: noreply@civicplus.com
Sent: Friday, August 30, 2019 12:15 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 for Council Member contact information. If you have any questions, contact the City Clerk's Office.

(Section Break)

Personal Information

Name	Alyce Flournoy-Jones
------	----------------------

Home Address	5051 Grande Dr., Unit I-8
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Business Address	5051 Grande Dr., Unit I-8
------------------	---------------------------

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

Preferred Contact Phone Number(s)	8504763760
-----------------------------------	------------

Email Address	afjdesign@cox.net
---------------	--

Upload Resume (optional)	RESUME FPAN BD OF DIRS 6-25-2019.docx
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(Section Break)

Details

Are you a City resident?	Yes
If yes, which district?	5
If yes, how long have you been a City resident?	20 years
Do you own property within the City limits?	Yes
Are you a registered voter in the city?	Yes
Board(s) of interest:	Architectural Review Board City Planning Board Environmental Advisory Board
Please list the reasons for your interest in this position:	I am a retired architect and interior designer licensed by the State of Florida. I have lots of expertise to offer in these areas. I am a planner by nature. I believe I would be a perfect addition to the environmental advisory board.
Do you currently serve on a board?	No
If yes, which board(s)?	my term on the Fire Prevention Board of Appeals has expired. I am available for membership on any of the boards I have listed above. Or, I am willing and able to continue service on the Fire Prevention Board of Appeals.
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

(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	Caucasian
Physically Disabled	No
(Section Break)	
Acknowledgement of Terms	I accept these terms.

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

ALYCE FLOURNOY-JONES

Email: Alyce_Mediator@cox.net; afjdesign@cox.net

5051 Grande Drive, Unit I-8
Pensacola, FL 32504
Cell: 850-476-3760

RESUME

PERFORMANCE PROFILE/CAREER SUMMARY

- I hold multiple degrees and certifications.
- I am a Florida Registered Interior Architectural Designer (License #ID0004532) 2002 – 2021.
- I am a Florida Supreme Court Certified Circuit Civil Mediator (Cert. #27635 R) 2011 – 2021.
- I am a Florida Supreme Court Certified County Mediator (Cert. #27635 CR) 2017 – 2021.
- I am a registered Residential Mortgage Foreclosure Mediator under the U.S. Bankruptcy Court
- I serve at the pleasure of the Florida Supreme Court on the Mediator Qualifications and Discipline Review Board, (MQDRB), Northern Division. (2017 – 2021)
- I am a certified mediator in U.S. Bankruptcy Court Northern District of Florida Mortgage Modification.
- I mediate Florida CAP-RV Lemon Law; ProSe/PreTrial Divorce; & Small Claims Court
- I am an Investigator in the pool for Florida State Courts Mediator Qualifications Board (MQB) and Mediation Training Review Board (MTBR).

EDUCATION

Post Graduate work at University of Florida, Gainesville, FL

The University of Florida, Gainesville, Florida
Bachelor of Design in Architecture
Major in Interior Architectural Design
Minor in Historic Preservation
Graduated Dean's List

Florida International University, Miami, Florida
Bachelor of Arts in Psychology
Major in Psychology
Minor in Anthropology
Graduated with Highest Academic Distinction

Miami-Dade Community College
AA with 4.0 GPA

PROFESSIONAL EXPERIENCE

- 2002 – 2021 Entrepreneur: Alyce Flournoy-Jones Interior Design – a full-service interior architectural design studio. I design custom homes from pre-blueprints to post move-in and fill them with beautiful things. Go to AFJInteriordesign.com; click on Portfolio for some of my best work.
- 2005 – 2018 Pensacola State College Adjunct Faculty teaching architectural design part-time

- 2011 – 2018 The Collins Center for Public Policy - Mediated Florida RV Lemon Law & Residential Mortgage Foreclosure Modification
- 2011 – 2021 Entrepreneur: “From Conflict to Resolution” – specializing in residential building construction dispute resolution through mediation
- 2016 – 2021 Volunteer Mediator First Judicial Circuit, Escambia County Court Small Claims

GRANTS

“Florida’s Back to Africa Movement – 1890 – 1920:” I was contracted to design and build a traveling museum exhibit depicting Florida’s post-Civil War Reconstruction period, funded by Florida Humanities Council, National Endowment for the Humanities Grant No. 1197-2310-1330. This traveling museum exhibit toured five key Florida cities and since has been shared between libraries in New England.

“San Luis de Archaeological and Historical Site Research Project:” I served as research assistant to Hershel E. Shepard, AIA, preeminent historic preservationist scholar, in this interdepartmental project. My job was to research state-of-the-art museum exhibition design globally. I authored an extensive written account of the history of museum exhibition design, various museum design concepts, complete with extensive bibliography, photos and research paper. Grant completed under a contract between the Bureau of Historical Museums, Division of Historical Resources, Department of the State, State of Florida and the University of Florida within the College of Architecture coordinated under the Research and Education Center for Architectural Preservation (RECAP).

“Monroe County Family & Neighborhood Dispute Settlement Program:” I designed this all volunteer dispute settlement program after the Dade County prototype. I submitted the program to the Florida Department of Law Enforcement (FDLE) for approval and it was granted. I mediated cases at night and on the weekends when working people could attend without loss of income. This program was endorsed by the State Attorney for the Florida Keys and the Sheriff. The Monroe County Bar Association and the Marathon Business & Professional Women’s Club provided the start-up funding. I mediated everything from crowing roosters to mafia connected disputes. The program won first place in Florida’s annual competition for Marathon Business & Professional Women’s Club, and was then entered to represent Florida at the BPWC national convention in San Francisco, CA. I was honored to be present at the national convention where I was recognized as the author of this award winning program.

“Dudley Farm” a moment captured in time of a pre-Civil War working farm located outside Newberry, Florida. This farm consists of a main house, 17 out-buildings, and several out-houses. My team was assigned the job of creating scaled drawings in plan, section and elevation of all the buildings. All drawings complete with photographs were submitted to and archived with the Department of the National Trust for Historic Preservation, Washington D.C. Dudley Farm is now owned by the State of Florida and can be toured as a significant reminder of what it was like to live and work on a working farm in pre-Civil War times.

CORE COMPETIENCES (short list)

Critical thinking/problem solving – Database Management – Spreadsheet Excel – Time and People Management - Word Processing, Windows 10 – AutoCAD – Technical Specifications & Project Design – Grant Writing – Public Speaking - Facility Planning – Banking: Accounts Receivable/Payable – Teambuilding & Leadership – Standards & Process Development – Plan, Do, Review Cycle – Florida Building Code compliance – Health, Safety & Welfare of occupants of designed space –

Communication Skills – Strategic Planning Development – Outreach to Corporate Principals – creation of construction drawings for permit pulling and construction – Color palette selections and all finishes -

MEDIATION SPECIAL TRAINING

- Florida Supreme Court Certified County Mediation, Training Program, Susan C. Marvin
- Florida Supreme Court Certified Circuit Civil Mediation, Elinor Robin, PhD
- Certification in Marketing, Elinor Robin, PhD & David Spofford, JD (2013)
- Certification in Residential Mortgage Foreclosures, Monica Keller Caruso w/ ADR Edu.Sys.
- Friendly Divorce mediation training, Elinor Robin, PhD & David Spofford, JD
- Florida RV Lemon Law, Collins Center for Public Policy, Tallahassee, FL
- Florida Mediation & Arbitration CAP-RV DeMars & Assoc,
- 21st Annual Florida Dispute Resolution Conference 28.7 CMEs
- 24th Annual Florida Dispute Resolution Conference 13.2 CMEs, Ethics, Domestic Violence, Diversity & General
- "Emotional Intelligence & Mediation," 2.4 CME County Greg Knight, MBA, MA
- "Adult/Elder Abuse" (Domestic Violence), Lynette Bledsoe, LCSW, 2.4 CMEs
- "Opening Statements" by Mike Nichols, Mentor, Escambia County Mediator/Trainer
- "Are You An Ethical Negotiator," Janice Fleischer, JD, Dir. Florida Dispute Resolution Ct.
- "Domestic Violence & Mediation," 21st Annual Dispute Resolution Conference
- "Mandatory Reporting to the Florida Abuse Hotline,"
- "Agreement Writing – Special Session," by Mike Nichols, Escambia County Mediator/Trainer
- "Mediator Ethics & Professionalism Training," 6.6 Hrs. CME, Susan C. Marvin, J.D., Chief ADR

HONORS

- Appointment to the Pensacola City Council, Fire Prevention Board of Appeals (2019)
- Circuit Member of the Mediation Qualifications and Discipline Review Board (MQDRC) for the Northern Division of Florida
- American Society of Interior Design (ASID) Five prestigious Presidential awards: 2002-2003, 2005, 2006, 2008, 2009
- Daughters of the American Revolution (DAR) Certificate of Appreciation Historic Preservation
- Daughters of the American Revolution Education Board: Designed and built an Education Board with power point presentation of the early settlers of Pensacola for rotation in Pensacola school classrooms to further the education of the history of Pensacola. DAR Project.
- Gulf Coast Kids House a child abuse prevention facility, National Award 2007, member of original design team, adaptive reuse of old grocery store building.
- Gulf Coast Kids House expansion after ten years of growth. All finishes interior and exterior, furnishings, and equipment and furniture for the expanded facility of 16,500 square feet. Local artists represented throughout the corridors of the Kids House

ALYCE FLOURNOY-JONES

5051 Grande Drive, Unit I-8, Pensacola, FL 32504

Cell: (850)-476-3760 - Emails: alyce_mediator@cox.net; afjdesign@cox.net

Ericka Burnett

From: noreply@civicplus.com
Sent: Tuesday, December 18, 2018 3:24 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

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(Section Break)

Personal Information

Name	Jay Larson
------	------------

Home Address	1643 Spalding Circle Pensacola FL 32514
--------------	---

Business Address	10108 N. Palafox Street Pensacola FL 32534
------------------	--

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

Preferred Contact Phone Number(s)	850-529-98088
-----------------------------------	---------------

Email Address	jl Larson@lpugh.com
---------------	--

Upload Resume (optional)	Field not completed.
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(Section Break)

Details

Are you a City resident?	No
If yes, which district?	<i>Field not completed.</i>
If yes, how long have you been a City resident?	<i>Field not completed.</i>
Do you own property within the City limits?	No
Are you a registered voter in the city?	No
Board(s) of interest:	Fire Prevention Board of Appeals
Please list the reasons for your interest in this position:	As a fire sprinkler contractor, I have insight into codes and requirements
Do you currently serve on a board?	Yes
If yes, which board(s)?	Fire Prevention Board of Appeals
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

(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	Male
Race	Caucasian
Physically Disabled	No

(Section Break)

Acknowledgement of Terms I accept these terms.

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Ballot – Fire Prevention Board of Appeals

September 26, 2019

Three (3) year term expiring August 31, 2022

Member

_____ Alyce Flournoy-Jones

_____ Jay Larson

Vote for Two

Signed: _____
Council Member



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00426

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Andy Terhaar

SUBJECT:

APPOINTMENTS - ARCHITECTURAL REVIEW BOARD

RECOMMENDATION:

That City Council appoint Bianca Villegas, a resident property owner of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District; reappoint Susan Campbell Hatler, a property or business owner in the Palafox Historic Business District or the Governmental Center District; and reappoint George R. Mead, II, a resident property owner of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District, for a term of two (2) years, expiring September 30, 2021.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The Architectural Review Board approves or disapproves plan for buildings to be erected, renovated, or razed which are located, or to be located within the historic districts, preservation district and governmental center district.

The following have been nominated or are incumbents that wish to be considered for reappointment:

Nominee

Nominated by

Planning Board Member or resident property owner of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District

Bianca Villegas

Hill, Moore

Property or business owner in the Palafox Historic Business District or the Governmental Center District

Susan Campbell Hatler

Incumbent

Resident property owner of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District

George R. Mead, II Incumbent

PRIOR ACTION:

City Council makes appointments to this board on an annual basis.

FUNDING:

Budget: N/A

Actual: N/A

FINANCIAL IMPACT:

None.

STAFF CONTACT:

Ericka L. Burnett, City Clerk

ATTACHMENTS:

- 1) Member List
- 2) Application of Interest - Susan Campbell Hatler
- 3) Application of Interest - George R. Mead, II
- 4) Nomination Forms - Bianca Villegas
- 5) Application of Interest - Bianca Villegas
- 6) Ballot

PRESENTATION: No

Architectural Review Board

Name	Profession	Appointed By	No. of Terms	Year	Exp Date	First Appointed	Term Length	Comments
Campbell Hatler, Susan	Business Owner-PHBD	Council	2	2019	9/30/2019	2/14/2013	2	
Crawford, Michael	Architect	Council	4	2019	9/30/2020	9/23/2010	2	
Fogarty, Anna	Design/Rep UWFHT	Council	0	2019	9/30/2020	9/13/2018	2	
Hatler, Susan (Campbell) C.			0	2019			0	
Mead, II, George R.	Resident-North Hill	Council	2	2019	9/30/2019	9/26/2013	2	
Quina, Carter	Architect	Council	12	2019	9/30/2020	9/12/1994	2	
Salter, Derek	Arch. Rep.UWFHT	Council	0	2019	9/30/2020	9/13/2018	2	
VACANT, VACANT	Rep from Planning Board	Council	3	2019	9/30/2019	8/9/2011	2	

Term Length: TWO YEAR TERMS

The Architectural Review Board approves or disapproves plans for buildings to be erected, renovated, or razed which are located, or to be located within the historic districts, preservation districts and Governmental Center District.

The Architectural Review Board is composed of seven (7) members appointed by City Council: two (2) nominated by the University of West Florida Historic Trust, each of whom shall be a resident of the City of Pensacola; one (1) member from the City Planning Board or resident property owner of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District; two (2) registered architects, each of whom shall be a resident of the City of Pensacola; one (1) member who is a resident of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District; and one (1) member who is a property or business owner in the Palafox Historic Business District or the Governmental Center District.

Ericka Burnett

From: noreply@civicplus.com
Sent: Monday, August 19, 2019 8:52 AM
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

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(Section Break)

Personal Information

Name	Susan Campbell Hatler
------	-----------------------

Home Address	2908 E De Soto St
--------------	-------------------

Business Address	Susan Campbell Jewelry
------------------	------------------------

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

Preferred Contact Phone Number(s)	8503167524
-----------------------------------	------------

Email Address	susan@susancampbelljewelry.com
---------------	--

Upload Resume (optional)	Field not completed.
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(Section Break)

Details

Are you a City resident?	Yes
If yes, which district?	4
If yes, how long have you been a City resident?	44 years
Do you own property within the City limits?	Yes
Are you a registered voter in the city?	Yes
Board(s) of interest:	ARB
Please list the reasons for your interest in this position:	<p>I have been a member of the ARB board for a few years and it is apparent that as the representing member of the downtown business community, one that is neither an architect nor a city planner nor an attorney, this position is one that takes several years to understand the nuances, legalities and impact of the work that we do. Additionally, I have recently spent the time and effort working with the Historic Trust and UWF to nominate my family home to the National register of Historic Places. The process is complicated and nuanced but it was enjoyable and the resulting addition of the PK Yonge Home to the National Register for categories A, B & C along with the State of Florida listing as a Florida Heritage Site, has been an invaluable education on Historic Preservation and undeniable contribution to our community. There are many hours of hearings and many more hours of research that go into reviewing the items set before us. It is neither easy nor to be taken lightly and is definitely a labor of love donated to our city and one that takes a discerning eye for not only design and architecture but also a commitment to bettering our downtowns historic districts and places. As a "woman owned business" of almost 14 years within the City of Pensacola, I bring minority diversity, and also would be viewed as a "young professional." I believe my unique diversity offers a important voice needed from our community. As a lifetime citizen of Pensacola who grew up in a historic home, I understand first hand the challenges and rewards of Historic Architecture. I feel adequately educated on the History of Pensacola, its recent rise to greatness (again) and the need to move forward with equity for its citizens. I feel I am in a unique position to bring an impartial but educated voice to this board in support of our City Council's directives through their written Code and objectively, through pairing that code with the decades of precedent that has reinforced the greatness of our</p>

gem, this very special treasure, that must be nurtured and protected but must also grow and develop. It is near and dear to my heart and a position I do not take lightly. I feel I have gathered substantial institutional knowledge over the past few years and at such a crucial time in our City's growth, I am compelled to continue with the investment of time and knowledge that I have invested.

Do you currently serve on a board?	Yes
------------------------------------	-----

If yes, which board(s)?	ARB
-------------------------	-----

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
--	-----

(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	Caucasian
------	-----------

Physically Disabled	No
---------------------	----

(Section Break)

Acknowledgement of Terms	I accept these terms.
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Email not displaying correctly? [View it in your browser.](#)

Ericka Burnett

From: noreply@civicplus.com
Sent: Monday, August 12, 2019 3:05 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

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(Section Break)

Personal Information

Name	George R. Mead, II
------	--------------------

Home Address	1009 North Reus Street Pensacola, FL 32502
--------------	---

Business Address	350 West Cedar Street, Suite 100 Pensacola, FL 32502
------------------	---

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

Preferred Contact Phone Number(s)	(850) 206-8164
-----------------------------------	----------------

Email Address	emead@mhw-law.com
---------------	--

Upload Resume (optional)	Field not completed.
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(Section Break)

Details

Are you a City resident?	Yes
If yes, which district?	6
If yes, how long have you been a City resident?	entire life except for military service
Do you own property within the City limits?	Yes
Are you a registered voter in the city?	Yes
Board(s) of interest:	Architectural Review Board
Please list the reasons for your interest in this position:	current city Board member and I have interest in development , historical and architectural preservation in the City.
Do you currently serve on a board?	Yes
If yes, which board(s)?	Architectrual Review Board
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

(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	Male
Race	Caucasian
Physically Disabled	No

(Section Break)

Acknowledgement of
Terms

I accept these terms.

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

CITY OF PENSACOLA, FLORIDA

NOMINATION FORM

I, Jared Moore, do nominate Bianca Villegas
(Nominee)
623 N Barcelona St 32501 (301)300-1980
(Home Address) (Phone)
(Business Address) (Phone)
biancabainvillegas@gmail.com City Resident: YES NO
(Email Address) Property Owner within the City: YES NO

for appointment by the City Council for the position of:

PLANNING BOARD MEMBER

OR

***RESIDENT PROPERTY OWNER OF THE PENSACOLA HISTORIC DISTRICT, NORTH HILL
PRESERVATION DISTRICT OR OLD EAST HILL PRESERVATION DISTRICT***

ARCHITECTURAL REVIEW BOARD

Provide a brief description of nominee's qualifications:

Ms. Villegas is passionate about the history of our City. Qualitatively, she has a degree in Design providing for the
conceptual understanding of aesthetics required for the ARB level of dialogue.

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

CITY OF PENSACOLA, FLORIDA

NOMINATION FORM

I, Ann Hill, do nominate Bianca Villegas
32501 (Nominee)
623 N. Barcelona St 301-300-1980
(Home Address) (Phone)

(Business Address) (Phone)
biancabainvillegas@gmail.com City Resident: YES NO
(Email Address) Property Owner within the City: YES NO

for appointment by the City Council for the position of:

PLANNING BOARD MEMBER

OR

**RESIDENT PROPERTY OWNER OF THE PENSACOLA HISTORIC DISTRICT, NORTH HILL
PRESERVATION DISTRICT OR OLD EAST HILL PRESERVATION DISTRICT**

ARCHITECTURAL REVIEW BOARD

Provide a brief description of nominee's qualifications:

- As a resident and homeowner of Historic North Hill, Bianca Villagas has personally gone through the ARB —
- procedures for the work done on her home & garden and she strongly believes the ARB will always be of —
- paramount importance here in Pensacola. Bianca holds a BA in Design from the Instituto Europeo di —
- Design and has a genuine love and understanding of historic architecture and its preservation. She —
- believes the importance of maintaining historical integrity while addressing the needs of modern times is —
- paramount in the current renaissance of Pensacola. —

Ann Hill
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.

Erika L. Burnett
Erika L. Burnett, City Clerk

Ericka Burnett

From: noreply@civicplus.com
Sent: Tuesday, September 10, 2019 8:47 AM
To: Ericka Burnett; Robyn Tice
Subject: Online Form Submittal: Application for Boards, Authorities, and Commissions - City Council Appointment

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(Section Break)

Personal Information

Name	Bianca Villegas
------	-----------------

Home Address	623 N Barcelona Street Pensacola, FL 32501
--------------	---

Business Address	<i>Field not completed.</i>
------------------	-----------------------------

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

Preferred Contact Phone Number(s)	3013001980
-----------------------------------	------------

Email Address	biancabainvillegas@gmail.com
---------------	--

Upload Resume (optional)	<i>Field not completed.</i>
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(Section Break)

Details

Are you a City resident? Yes

If yes, which district? 6

If yes, how long have you been a City resident? Two and a half years.

Do you own property within the City limits? Yes

Are you a registered voter in the city? Yes

Board(s) of interest: Architectural Review Board
Planning Board for Historic Preservation

Please list the reasons for your interest in this position:

- As a resident and homeowner of Historic North Hill, I have personally gone through the ARB procedures for the work done on our home & garden and I strongly believe the Architectural Review Board will always be of paramount importance here in Pensacola.
- The need to regularly have representation from the different historic districts within city limits is necessary.
- I have a BA in Design from the Instituto Europeo di Design and have a genuine love and understanding of historic architecture and its preservation.
- I believe the importance of maintaining historical integrity while addressing the needs of modern times is paramount in the current renaissance of Pensacola.
- I serve on the Executive Committee of the North Hill Preservation Association and am on the North Hill Architectural Review Committee which meets monthly and reviews all ARB applications for North Hill because of my strong belief in appropriately maintaining Pensacola's historic value.
- I attended the Historic Preservation Conference this year and have memberships to the Pensacola Heritage Foundation, UWF Historic Trust, Pensacola Historic Preservation Society and Florida Trust for Historic Preservation.
- I will always be concerned about the preservation of our historical structures and roads as well as new construction in

Pensacola and especially within city limits.

- The rich historical culture of our city is unparalleled and must continue to be celebrated for generations to come.

- I aim to be able to be an integral part in maintaining that history in every way I can.

Do you currently serve on a board?	Yes
------------------------------------	-----

If yes, which board(s)?	Executive Committee of the North Hill Preservation Association
-------------------------	--

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?	Yes
--	-----

(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	Other
------	-------

Physically Disabled	No
---------------------	----

(Section Break)

Acknowledgement of Terms	I accept these terms.
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Ballot – Architectural Review Board

September 26, 2019

Two (2) year term expiring September 30, 2021

Planning Board Member or resident property owner of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District

_____ Bianca Villegas

Vote for One

Property or Business Owner in the Palafox Historic Business District or the Governmental Center District

_____ Susan Campbell Hatler

Vote for One

Resident Property Owner of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District

_____ George R. Mead, II

Vote for One

Signed: _____
Council Member

Robyn Tice

From: Don Kraher
Sent: Friday, September 20, 2019 10:34 AM
To: Leslie Statler; Ericka Burnett; Robyn Tice
Cc: Kaycee Lagarde; Gregg Harding; Sherry Morris; 'Lou Courtney'
Subject: RE: ARB position

All

Just an FYI, this item is on the Consent Agenda as of right now. But I will make Council aware of the comments provided.

Regards,

Don

Don Kraher
Council Executive
Office of the City Council
222 W. Main Street
Pensacola, FL 32502
(850) 435-1686 – Office
(850) 384-6363 – Cell

City of Pensacola

-----Original Message-----

From: Leslie Statler <LStatler@cityofpensacola.com>
Sent: Friday, September 20, 2019 10:03 AM
To: Ericka Burnett <EBurnett@cityofpensacola.com>; Robyn Tice <RTice@cityofpensacola.com>; Don Kraher <DKraher@cityofpensacola.com>
Cc: Kaycee Lagarde <KLagarde@cityofpensacola.com>; Gregg Harding <GHarding@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; 'Lou Courtney' <loumitchell@loumitchell.com>
Subject: FW: ARB position

Good morning all!

Please see the email below regarding support for Ms. Villegas nomination for the ARB. Please let me know if there is anything else we need to do.

Leslie

Visit us at <http://cityofpensacola.com>
222 W Main St.
Pensacola, FL 32502
Office: 850.435.1673
lstatler@cityofpensacola.com

-----Original Message-----

From: Kaycee Lagarde

Sent: Friday, September 20, 2019 9:47 AM

To: Lou Courtney <loumitchell@loumitchell.com>

Cc: Leslie Statler <LStatler@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Gregg Harding <GHarding@cityofpensacola.com>

Subject: RE: ARB position

Lou,

Thank you for reaching out -- I've copied several staff members in our Planning Department so they can see your comments.

Have a great day!

Kaycee Lagarde

Public Information Officer

Visit us at cityofpensacola.com

222 W. Main St.

Pensacola, FL 32502

Office: 850.435.1623

Cell: 850.393.3805

klagarde@cityofpensacola.com

Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

-----Original Message-----

From: Lou Courtney <loumitchell@loumitchell.com>

Sent: Friday, September 20, 2019 9:43 AM

To: Kaycee Lagarde <KLagarde@cityofpensacola.com>

Subject: ARB position

Good morning. I want to offer my support for the nominee Bianca Villegas for the open ARB position. I have spoken with her and find her to be a reasonable and receptive listener and a supporter of the preservation of our historic structures.

Lou Mitchell Courtney, member of
Old East Hill Property Owners Association Architectural committee

Robyn Tice

From: Gregg Harding
Sent: Monday, September 23, 2019 2:11 PM
To: Robyn Tice
Subject: FW: attn. Chairman Carter Quina / letter of recommendation

Hi Robyn,

This was addressed to the ARB Chairman. I think, however, that it is meant for Members of the City Council regarding the upcoming ARB nomination. Please let me know if you have any questions. Thanks!

Best,

Gregg Harding, RPA

Historic Preservation Planner

Visit us at <http://cityofpensacola.com>

222 W Main St.

Pensacola, FL 32502

Office: 850.435.1676

Cell: 850.336.9407

gharding@cityofpensacola.com



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From: Eve Herron <surfneve@att.net>
Sent: Monday, September 23, 2019 8:38 AM
To: Gregg Harding <GHarding@cityofpensacola.com>
Subject: attn. Chairman Carter Quina / letter of recommendation

Dear Chairman Quina,

I'm writing to recommend my close and personal friend, Bianca Villegas as a new board member for the Pensacola Architectural Review Board.

Bianca and I have young children at Episcopal Day School and she has been instrumental in leading the Parent Service Organization. She is also the secretary for the North Hill Neighborhood Association and cares deeply for the preservation of our historic homes and district.

I believe Bianca has a unique ability to get things done because of her past experiences of living in Washington D.C. and because she's a mother (great multi-tasker).

It is truly a privilege to know her and I assure you that her commitment, as well as her high moral values are without question. I have no doubt she will make a strong addition to your team.

Sincerely,
Eve Herron
surfneve@att.net



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00381

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

AMENDMENT TO DISPOSITION OF SURPLUS PROPERTY - 2420 NORTH 7TH AVENUE, PARCEL
REFERENCE NUMBER 000S009020043090

RECOMMENDATION:

That City Council reaffirm the disposition of City-owned real property located at 2420 North 7TH Avenue, parcel identification number 000S009020043090, account number 133609100 as surplus. Further, that City Council amend the method of disposition from open bid to direct negotiation in accordance with the policy for disposition of City-owned real property. Finally, that City Council authorize the Mayor to take all actions necessary to accomplish the disposition of the parcel for the purpose of affordable housing and designate any proceeds from the sale of the parcel to the Housing Initiatives Fund.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The unimproved property located at 2420 North 7TH Avenue was identified by City Staff and declared as surplus by City Council action on July 25, 2002. City Council declared the property as surplus, identified it for urban infill housing and recommended disposal through a Request for Proposal. The property was never sold or redeveloped and remains in City ownership. The property is approximately .0643 acres and zoned R-1A. R-1A zoning allows for single family residential development. The parcel is located on the corner of East Scott and North 7TH.

Escambia County Housing Finance Authority, a not for profit area affordable housing provider, has expressed an interest in acquiring this parcel in support of their Urban Infill Program for development of affordable housing. The City of Pensacola and Escambia County Housing Finance Authority have determined that participation in this program will allow both parties to develop workforce housing which will support redevelopment initiatives within the City. Additionally, the City will benefit from ad valorem tax revenue generated as a result of returning the parcel to the tax roll.

In accordance with Section 166.0451 Florida Statutes, in 2008 City Council established by resolution a list of City owned real property that was appropriate for use as affordable housing. This parcel is

one of those identified on the approved list.

PRIOR ACTION:

April 24, 2008: City Council approved Resolution No. 08-08 establishing an inventory list of City-owned real property determined to be appropriate for use as affordable housing was adopted by City Council. City-owned property located at 2420 N 7TH Avenue, parcel reference number 000S009020043090 was included on the approved list.

July 25, 2002: City Council declared the property as surplus, identified it for urban infill housing and recommended disposal through a request for proposal

FUNDING:

N/A

FINANCIAL IMPACT:

After recovery of fixed expenses, any proceeds from the sale of the property to a qualified buyer will be split equally between the City of Pensacola and the Escambia County Housing Finance Authority. City of Pensacola proceeds will be allocated to the City Housing Initiatives Fund. The City of Pensacola may provide a discount on the parcel price from zero to 100 percent.

CITY ATTORNEY REVIEW: Yes

9/11/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Marcie Whitaker, Housing Administrator
Rebecca Ferguson, Economic Policy Coordinator

ATTACHMENTS:

- 1) Parcel Map 2420 N 7TH Ave
- 2) Parcel Record 2420 N 7TH Ave
- 3) Resolution No. 08-08
- 4) Letter of Interest Escambia County Housing Finance Authority

PRESENTATION: No



N 8TH AVE

E SCOTT ST

N 7TH AVE



2420 N 7th Ave - 000S009020043090

0 45 90 Feet

Date: 9/10/2019



This map was prepared by the GIS section of the City of Pensacola and is provided for information purposes only and is not to be used for development of construction plans or any type of engineering services based on information depicted herein. It is maintained for the function of this office only. It is not intended for conveyance nor is it a survey. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

L:\GIS\Map_Archives\EconomicDev\Surplus\7thAve.mxd

PENSACOLA
FLORIDA'S FIRST & FUTURE

[ECPA Home](#)

Chris Jones Escambia County Property Appraiser

Real Estate Search	Tangible Property Search	Sale List	Amendment 1/Portability Calculations
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[Back](#)

☒ Navigate Mode
 ☒ Account
 ☐ Reference

Printer Friendly Version

General Information Reference: 000S009020043090 Account: 133609100 Owners: PENSACOLA CITY OF Mail: PO BOX 12910 PENSACOLA, FL 32521 Situs: 2420 N 7TH AVE 32503 Use Code: VACANT RESIDENTIAL Taxing Authority: PENSACOLA CITY LIMITS Tax Inquiry: Open Tax Inquiry Window <small>Tax Inquiry link courtesy of Janet Holley Escambia County Tax Collector</small>		Assessments <table border="1"> <thead> <tr> <th>Year</th><th>Land</th><th>Imprv</th><th>Total</th><th>Cap Val</th></tr> </thead> <tbody> <tr> <td>2016</td><td>\$5,320</td><td>\$0</td><td>\$5,320</td><td>\$5,320</td></tr> <tr> <td>2015</td><td>\$5,320</td><td>\$0</td><td>\$5,320</td><td>\$5,320</td></tr> <tr> <td>2014</td><td>\$5,320</td><td>\$0</td><td>\$5,320</td><td>\$5,320</td></tr> </tbody> </table> <p align="center">Disclaimer</p> <p align="center">Amendment 1/Portability Calculations</p>	Year	Land	Imprv	Total	Cap Val	2016	\$5,320	\$0	\$5,320	\$5,320	2015	\$5,320	\$0	\$5,320	\$5,320	2014	\$5,320	\$0	\$5,320	\$5,320									
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Sale Date	Book	Page	Value	Type	Official Records (New Window)																										
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03/1993	3379	466	\$100	QC	View Instr																										
08/1992	3379	463	\$100	QC	View Instr																										

Parcel Information

Section Map Id:

CA063

Approx. Acreage:

0.0643

Zoned:

R-1A

Evacuation & Flood Information

[Open Report](#)

[Launch Interactive Map](#)
[View Florida Department of Environmental Protection \(DEP\) Data](#)

Buildings Images None

The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.

Last Updated:10/21/2016 (tc.46297)

RESOLUTION
NO. 08-08

**A RESOLUTION ESTABLISHING AN
INVENTORY LIST OF CITY OWNED REAL
PROPERTY DETERMINED TO BE
APPROPRIATE FOR USE AS AFFORDABLE
HOUSING**

WHEREAS, Florida Statute 166.0451(1) provides that by July 1, 2007, and every 3 years thereafter, each municipality shall prepare an inventory list of all real property within the jurisdiction to which the city holds fee simple title that is appropriate for use as affordable housing; and

WHEREAS, Florida Statute 166.0451(1) further provides that the council must review the inventory list at a public hearing and may revise the list at the conclusion of the public hearing and shall adopt a resolution that includes an inventory list of such property following the public hearing; and

WHEREAS, Florida Statute 166.0451(2) provides that the property identified as appropriate for use as affordable housing on the inventory list adopted by the city may be offered for sale and the proceeds used to purchase land for the development of affordable housing; or to increase the local government fund earmarked for affordable housing; or may be donated to a nonprofit housing organization for the construction of permanent affordable housing; or the city may make the property available for use for the production and preservation of permanent affordable housing.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF PENSACOLA, FLORIDA:**

SECTION 1. That the property described on "Exhibit A", attached hereto and by reference made part hereof, shall be designated as the City of Pensacola inventory list of city owned real property appropriate for use as affordable housing in accordance with the requirements and provisions of Section 166.0451 Florida Statutes.

SECTION 2: This resolution shall take effect immediately upon its adoption by the City Council.

Adopted: April 24, 2008

Approved: _____

Mayor

Attest: _____

Criche L. Sunets
City Clerk

Legal in form and valid if enacted:

City Attorney

Exhibit A

Exhibit A to Resolution
Establishing an Inventory List of City Owned Real Property
Appropriate for Affordable Housing

Number	Parcel number	Legal Description	Address	Vacant/Improved	Size	Disposition
1	00 0S 00 9010 300 028	Lot 30 Block 28 Belmont Tract	400 Block W. Gadsden Street	Vacant	30 x150	<u>Near Devillers</u>
2	07 1S 29 2001 007 002	Lot 7 Block B Stanford Place S/D	Randwick Road	Vacant	100 x200	<u>S/D lot adjacent to a Park</u>
3	00 0S 00 9020 043 090	Part of Lot 4 Block 90 East King Tract	2420 N 7 th Ave.	Vacant	40 x70	<u>Corner of Scott and & 7th</u>
4	09 1S 29 1200 000 025	Block Y Baywoods Unit 1 S/D	4600 Block Baywoods Drive	Vacant (left over piece of ROW)	105 x 97	<u>Surrounded by single family dwellings</u>

CITY COUNCIL MEMORANDUM

Item #13B

TO: Mayor and City Council

FROM: Thomas J. Bonfield, City Manager *TJB*

DATE: April 24, 2008

SUBJECT: Resolution No. 08-08 - A Resolution Establishing a List of City Owned Real Property Determined Appropriate for Use as Affordable Housing

RECOMMENDATION: That City Council approve Resolution No. 08-08.

SUMMARY: Section 166.0451 Florida Statutes provides that by each municipality shall prepare an inventory list of all real property within its jurisdiction to which the City holds fee simple title that is appropriate for use as affordable housing. The statute further provides that the City Council must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. The final inventory list is established by resolution. Four (4) parcels have been identified (Exhibit A of Resolution) as suitable for affordable housing, using the criteria that, at a minimum, the parcel is buildable and within a subdivision having direct access to an existing paved or city maintained street.

PRIOR ACTION:

CURRENT ACTION:

FUNDING: None Required.

ATTACHMENTS: (1) Resolution No. 08-08

STAFF CONTACT: Robert T. Payne, Assistant City Manager, Pat Hubbard, Director of Housing

PRESENTATION: No.

City of
Pensacola





**ESCAMBIA COUNTY
HOUSING FINANCE AUTHORITY**
WWW.ESCAMBIAHFA.COM

700 South Palafox Street, Suite 310
Pensacola, Florida 32502-5958

Phone: (850) 432-7077
Fax: (850) 438-5205
Toll Free: (800) 388-1970

Serving 1st Time Homebuyers throughout Florida since 1982

September 10, 2019

Ms. Marcie Whitaker, Housing Administrator
Pensacola Housing Division
420 West Chase Street
Pensacola, Florida 32502

RE: City Owned Parcel located at 2420 North 7th Avenue
(Property Reference 000S009020043090)

Dear Marcie:

We would like to thank the City of Pensacola for its interest in working with the Escambia County Housing Finance Authority as we continue to implement the Authority's Urban Infill Housing Development Loan Program. We are pleased to partner with you as you continue to explore partnership opportunities for the City's Housing Initiatives Fund. We know there is opportunity for great synergy between our initiatives.

The vacant infill lot located at 2420 North 7th Avenue (as referenced above) is suitable for residential development with a single family for sale home in compliance with the income and program parameters of the Authority's Urban Infill Program. Given our mutual interest in enhancing effective housing strategies through a combined effort, we respectfully ask that the City of Pensacola donate, or transfer the parcel to the Authority at the minimal cost possible, specifically for use in meeting affordable workforce housing needs within the City of Pensacola. Our intent is to proceed with development of this parcel in close cooperation with your office regarding design, compatibility and marketing/sale of the home to an eligible buyer. This cooperative action supports the City's commitment to affordable housing as stipulated in the City's Affordable Housing Incentive Plan, the Escambia Consortium Consolidated Plan and the Housing Element of the City's Comprehensive Plan. Likewise, this cooperative venture falls squarely within the Authority's mission to provide safe, sanitary and decent housing by helping to alleviate the shortage of affordable homes available to persons of moderate, middle and low income in our community.

We see the redevelopment of this parcel with a quality home as an additional step in our long-term partnership. We look forward to working with you in the coming months to make this a reality.

Sincerely

Patricia D. Lott
Executive Director



We are an Equal Opportunity Lender.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00424

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

AWARD OF ENGINEERING CONTINUING SERVICES CONTRACTS FOR RFQ#19-023 PROFESSIONAL CONSULTING SERVICES FOR CONSTRUCTION, RENOVATION, AND EXPANSION PROJECTS.

RECOMMENDATION:

That City Council award contracts to Mott MacDonald Florida, LLC, HDR Engineering, Inc., Dewberry Engineers, Inc., Atkins North America, Inc., Baskerville-Donovan, Inc., Kenneth Horne & Associates, Inc., and Fabre Engineering and Surveying for continuing professional engineering services requested through RFQ #19-023 for an initial term of three years. Further, that Council authorize the Mayor take all actions necessary to negotiate and execute the necessary contracts, including the two one-year renewal options specified in the RFQ.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Historically, the City of Pensacola has utilized outside engineering firms to address the ongoing implementation and improvement of public infrastructure primarily but not limited, to transportation and stormwater projects. More specifically, professional continuing engineering services have previously been contracted to aid the City in addressing annual capital project lists, special grant projects, and emergency situations related to public infrastructure. In May 2019, a Request for Qualifications (RFQ) was issued for continuing professional engineering and design services to replace soon to be the expired engineering continuing services contracts. The RFQ included an award category for large firms with more than 20 full-time employees and small firms employing 20 or fewer full-time employees. Thirteen responses to the RFQ were received. A selection committee was formed comprised of Kerrith Fiddler, Assistant City Administrator; Brad Hinote, City Engineering Project Manager; and Bill Kimball, Parks Superintendent. The selection committee reviewed the written qualifications submitted and requested that the six top-ranked large firms make oral presentations to the panel on August 28, 2019, and that the two top-ranked small firms make a presentation to the committee on August 29, 2019. After hearing the presentations, the committee ranked the firms in the following order:

Large Firms:

1. Mott MacDonald Florida, LLC
2. HDR Engineering, Inc.
3. Dewberry Engineers, Inc.
3. Atkins North America, Inc.
5. Baskerville-Donovan, Inc.
6. Volkert, Inc.

Small Firms:

1. Kenneth Horne & Associates, Inc.
2. Fabre Engineering & Surveying

Atkins North America and Baskerville Donovan were tied for fourth after the initial scoring by the committee, but the committee broke the tie between the firms after further deliberation. The committee recommended contracts for the four top-ranked large firms and the two top-ranked small firms. The Mayor's office, however, is recommending that contracts be awarded to the five top-ranked large firms in recognition of the tied scoring in that category, in addition to the two small firms.

Once the continuing services contracts are executed and in effect, individual Service Authorizations (SA's) can be generated detailing scope, fees, and terms for any proposed projects with approved funding by City Council. These contracts will proved for the efficient engagement of engineering services by outside firms.

PRIOR ACTION:

November 12, 2015 - City Council reauthorized ongoing professional service agreements for Transportation and Stormwater design project.

May 9, 2014 - Mayor's office extended for one year ongoing professional service agreements dated May 12, 2009 for transportation and stormwater design project.

May 12, 2009 - City Council reauthorized ongoing professional service agreements for Transportation and Stormwater design project.

December 13, 2007 - City Council extended for one year ongoing professional service agreements dated August 19, 2004 for Transportation and Stormwater design project.

August 19, 2004 - City Council reauthorized ongoing professional service agreements for Transportation and Stormwater design project.

April 12, 2001 - City Council first authorized ongoing professional service agreements for Transportation and Stormwater design project.

FUNDING:

N/A

FINANCIAL IMPACT:

Approval of the award of contracts to Mott MacDonald Florida, LLC, HDR Engineering, Inc., Dewberry Engineers, Inc., Atkins North America, Inc., Baskerville-Donovan, Inc., Kenneth Horne & Associates, Inc., and Fabre Engineering and Surveying has no financial impact. Once the contracts are executed, staff will obtain appropriate authorization of the individual work/task orders providing detailed cost information for the specific projects.

CITY ATTORNEY REVIEW: Yes

9/16/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
L. Derrik Owens, P.E., Director of Public Works and Facilities/City Engineer
George Maiberger, City Purchasing Manager

ATTACHMENTS:

- 1) Tabulation of Qualifications, RFQ No. 19-023
- 2) Selection Committee Scoring Matrix

PRESENTATION: No

TABULATION OF QUALIFICATIONS

RFQ NO.: 19-023

TITLE: PROFESSIONAL CONSULTING SERVICES FOR CONSTRUCTION, RENOVATIONS AND EXPANSION PROJECTS

OPENING DATE: July 8, 2019

OPENING TIME: 2:30 P.M.

DEPARTMENT: Public Works

Atkins North America, Inc.
Matthew A. Taylor, Vice President
482 South Keller Road
Orlando, Florida 32810
850-478-9844
Fax: 850-478-0620
matthew.taylor@atkinsglobal.com

Baskerville-Donovan, Inc.
Jim Waite, Vice President
449 West Main Street
Pensacola, FL 32502
850-438-9661
Fax: 850-433-6761
jwaite@baskervilledoNOVAn.com

Dewberry Engineers, Inc.
David B. Tillar, PE, Associate; Branch Manager
139 East Government Street
Pensacola, FL 32502
850-760-0330
dtillar@dewberry.com

*^Fabre Engineering & Surveying
Frank J. Fabre, President
119 Gregory Square
Pensacola, FL 32502
(850) 433-6438
Fax: (850) 434-7842
frank.fabre@fabreinc.com

Goodwyn Mills & Cawood, Inc.
J. Wheeler Crook, PE, Vice President
11 North Water Street, Suite 15250
Mobile, AL 36602
21-460-4006
Fax: 251-460-4423
wheeler.crook@gmnetwork.com

HDR Engineering, Inc.
John Wimberly, PE, Vice President
25 West Cedar Street, Suite 200
Pensacola, FL 32502
850-429-8900
Fax: 850-432-8010
john.wimberly@hdrinc.com

*^Kenneth Horne & Associates, Inc.
Kenneth C. Horne, PE, President
7201 North 9th Avenue, Suite 6
Pensacola, Florida 32504
850-471-9005
Fax: 850-471-0093
ken@kh-a.com

Kimley-Horn & Associates, Inc.
Wayne White, PE, Vice President
11 North Water Tower, Suite 10290
Mobile, AL 36602
251-263-8350
Fax: 561-863-8175
wayne.white@kimley-horn.com

NOTATIONS: *Small Business Enterprise vendor

^Small Firm

TABULATION OF QUALIFICATIONS

RFQ NO.: 19-023

TITLE: PROFESSIONAL CONSULTING SERVICES FOR CONSTRUCTION, RENOVATIONS AND EXPANSION PROJECTS

OPENING DATE: July 8, 2019

OPENING TIME: 2:30 P.M.

DEPARTMENT: Public Works

McKim & Creed, Inc.
Glenn Halstead, PE, Regional Manager
1206 North Palafox Street
Pensacola, FL 32501
850-994-9503
ghalstead@mckimcreed.com

Mott MacDonald Florida, LLC
David D. Skipper, PE, Sr. Vice President
220 West Garden Street, Suite 700
Pensacola, FL 32502
850-484-6011
Fax: 850-484-8199
david.skipper@mottmac.com

^Mullins, LLC
Joe A. Rector, Jr. PS, Regional Vice President
41 North Jefferson Street
Pensacola, FL 32502
850-502-7160
joe.rector@mullinsllc.net

Sigma Consulting Group, Inc.
Jason L. Lashley, Vice President
3298 Summit Boulevard, Suite 32
Pensacola, FL 32503
850-332-7912
jlashley@sigmacg.com

Volkert, Inc.
Mike Warnke, PE, ENV SP, Asst Vice President/NWFL Lead
6601 North Davis Highway, Suite 102
Pensacola, FL 32504
850-512-8935
mike.warnke@volkert.com

NOTATIONS: *Small Business Enterprise vendor

^Small Firm

RFQ NO. 19-023

**Professional Consulting Services for
Construction, Renovation, and Expansion Projects**

Selection Committee Meeting (08/28/19)
Oral Presentation Evaluation

LARGE FIRMS	Bill Kimball	Brad Hinote	Kerrith Fiddler	TOTAL SCORE
Mott MacDonald Florida, LLC	1	1	1	3
HDR Engineering, Inc.	2	2	3	7
Dewberry Engineers, Inc.	4	3	4	11
Atkins North America, Inc.	3	4	6	13
Baskerville-Donovan, Inc.	5	6	2	13
Volkert, Inc.	6	5	5	16

*See Note

*Note: The tie was broken through additional deliberation by the selection committee members.

Motion: Kerrith Fiddler moved for the Mayor to approve the ranking one through six and recommend the top four ranked firms.

Second: Brad Hinote seconded the motion

Vote: 3-0, Unanimous hand vote by the selection committee

Selection Committee Meeting (08/29/19)
Oral Presentation Evaluation

SMALL FIRMS	Bill Kimball	Brad Hinote	Kerrith Fiddler	TOTAL SCORE
Kenneth Horne & Associates, Inc.	1	1	2	4
Fabre Engineering & Surveying	2	2	1	5

Contract to be award to both firms.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00408

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

QUASI-JUDICIAL HEARING: REQUEST FOR AMENDMENT TO CONDITIONAL USE - MOBILE RESTAURANT UNIT DEVELOPMENT "AL FRESCO"

RECOMMENDATION:

That City Council conduct a quasi-judicial hearing on September 26, 2019 to consider a proposed amendment to the Conditional Use permit for the Mobile Restaurant Unit Development "Al Fresco".

HEARING REQUIRED: Quasi-Judicial

SUMMARY:

The City has received a request to amend the Conditional Use approval for placement of mobile restaurant units on property located at the southwest corner of Palafox Place and West Main Street.

On August 13, 2019, the City of Pensacola Planning Board unanimously recommended approval for the amendment to the existing Conditional Use for the mobile restaurant facility "Al Fresco". Scott Sallis, Dalrymple Sallis Architecture, has requested an Amendment which includes the rotation of one Airstream mobile restaurant unit, the addition of a wooden, open-air structure over the entire site, the expansion of the cafeteria-style dining space, and the introduction of a retail component along Main Street in moveable kiosks. The service bar previously developed as part of "Shux" restaurant will remain; the two areas will be transformed into one space. The language regulating approval of such development contained in the Land Development Code is as follows:

- (3) Mobile restaurant facilities may be permitted on private property having frontage on South Palafox Place in the area located between the southern right-of-way line of Main Street and Pensacola Bay. Mobile restaurant facilities shall only be permitted as an accessory use to an adjacent existing and operational restaurant subject to the following conditions:
 - (a) Mobile restaurant units will be permanently fixed to the ground (the attachments can be removed in the event the mobile restaurant needs to be moved due to lease termination or declaration of emergency).

The Airstream being relocated will be anchored with helical anchors identical to the existing anchoring system for the Airstream mobile kitchen units.

Mobile retail kiosks are also being proposed between W. Main Street and the dining area. They will be removed in the event of a storm.

- (b) Storage areas and mechanical equipment shall be screened from view.

The mechanical equipment will continue to be screened from view; this will be enforced through the permit approval process.

- (c) Mobile restaurant units shall be connected to the sewer system and utilize a grease trap.

Sewer connections will be required during the permitting process; additional requirements from ECUA may apply. The grease trap location for the rotated Airstream is not indicated on the amended Development Plan as presented; however, they will be required during the permitting process.

- (d) Mobile restaurant units shall have permanent restrooms provided for customers via the adjacent principal restaurant use.

No changes appear to be proposed for the existing restroom facilities. The proposed Development Plan incorporates a screen wall to provide a visual separation from the restrooms and the common area.

- (e) Mobile restaurant development sites shall provide one (1) customer seat per linear foot of mobile unit on site.

The amended Development Plan provides approximately 1.5 seats for the 100 linear feet of mobile kitchen with a total of 156 seats at tables and the bar area.

- (f) In addition to minimum landscaping requirements, mobile restaurant development sites shall provide both hardscape and landscape details with sufficient quality of design to create a formalized outdoor plaza environment. This shall be accomplished through the incorporation of grated tree wells for the planting of shade and canopy trees within outdoor seating areas. Outdoor seating areas shall be constructed with a minimum of forty (40) percent decorative architectural pavers comprising the overall seating area.

The Development Plan exceeds this requirement by providing 3,633 sf of pavers within the development area.

- (g) Each individual mobile restaurant unit shall have a water source located within thirty (30) feet behind the structure.

The amended Development Plan complies with this standard.

- (h) Mobile restaurant units shall be allowed one menu attached to the façade not to exceed sixteen (16) square feet and one identifying sign not to exceed twenty-five (25) square feet.

The Development Plan acknowledges existing signage will remain compliant.

- (i) There will be a maximum of four (4) mobile restaurant units per development site. If a mobile restaurant development site has more than one mobile restaurant unit on the parcel then all mobile restaurant units will be of a consistent design, size, and color. Mobile restaurant units and associated developments shall comply with the regulations and reflect the character of the district in which they are located. Accent features to distinguish unique culinary concepts are encouraged.

The amended Development Plan does not change the sizes of the previously approved Airstreams. Only one Airstream will be rotated with this amendment; the other three will remain as they are.

- (j) Mobile restaurant units shall not occupy more than twenty-five (25) percent of the overall development site area.

The mobile restaurants will remain compliant and will not exceed 25% of the development site area.

- (k) Underground utilities shall be required for each mobile restaurant unit. Generators are not permitted with the exception of during the course of emergencies and power outages.

The existing Airstreams utilize underground utilities and will continue to do so with this amendment.

- (l) A designated screened dumpster area shall be located within five hundred (500) feet of a mobile restaurant unit.

The existing dumpster is to remain on the adjacent property and will be screened from view.

On August 13, 2019, the Pensacola Planning Board unanimously recommended approval for the Amendment to the Conditional Use for Mobile Restaurant Unit Development “Al Fresco”.

PRIOR ACTION:

July 16, 2012 - City Council approved Conditional Use for Mobile Restaurant Unit Development “Al Fresco”

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

9/10/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Kerrith Fiddler, Assistant City Administrator
Sherry H. Morris, Planning Services Administrator

ATTACHMENTS:

- 1) Al Fresco Conditional Use Amendment Planning Board - 8/13/2019
- 2) Planning Board Minutes - 8/13/2019

PRESENTATION: No



PLANNING SERVICES

THE UPSIDE *of* FLORIDA

MEMORANDUM

TO: Planning Board Members
FROM: Leslie Statler, Planner *lesn*
DATE: August 5, 2019
SUBJECT: Amendment to Conditional Use Permit – 501 S. Palafox Street (Al Fresco)

Scott Sallis, Dalrymple Sallis Architecture, is requesting an Amendment to the existing Conditional Use permit on behalf of the property owner, Michael Carro. This project was last discussed at the July 9, 2019, Planning Board meeting. Mr. Sallis, Mr. Carro, and their respective teams met with City staff from Inspection Services and Planning Services the week after the Planning Board meeting to further discuss the various components to this unique development and the approval process. The property was initially granted a Conditional Use Permit in 2012 for the development of the site under the “mobile restaurant” provision within the Ordinance. The proposed amendment rotates one Airstream restaurant unit, adds a wooden open-air structure over the entire site, expands the cafeteria-style dining space, and adds a retail component along Main Street perimeter utilizing moveable wooden kiosks. The service bar previously developed as part of “Shux” restaurant will remain; however the two areas will be transformed into one space.

This request has been routed through the various City departments and utility providers. Those comments are attached for your review as well as staff’s findings on the compliance of the Development Plan with the applicable Conditional Use Permit criteria. Upon approval by City Council, the current outdoor dining License-To-Use will be amended administratively to include the roofline of the proposed structure.

For clarification purposes, retail is allowed within the district “by right”, meaning it is a use allowed without additional approvals. However, Conditional Use approvals are site-specific and must be developed as approved. The retail component modified the approved site plan by reconfiguring the space.

EVERYTHING THAT’S GREAT ABOUT FLORIDA IS BETTER IN PENSACOLA.

222 West Main Street Pensacola, FL 32502 / **T:** 850.435.1670 / **F:** 850.595.1143/www.cityofpensacola.com

Sec. 12-2-78. - Conditional use permit.

(A) *Authorization and purpose.* The city council may, under the prescribed standards and procedures contained herein, authorize the construction of any use that is expressly permitted as a conditional use in a particular zoning district; however, the city reserves full authority to deny any request for a conditional use permit or to impose reasonable conditions on the use. Provisions for a conditional use permit are intended to establish a process for submitting a site plan for specific uses which require further review by the planning board and city council to assess the impacts of the proposed use on the surrounding neighborhood.

(B) *Applicability.* ...

(3) Mobile restaurant facilities may be permitted on private property having frontage on South Palafox Place in the area located between the southern right-of-way line of Main Street and Pensacola Bay. Mobile restaurant facilities shall only be permitted as an accessory use to an adjacent existing and operational restaurant subject to the following conditions:

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Sewer connections will be required during the permitting process; additional requirements from ECUA may apply. The grease trap location for the rotated Airstream is not indicated on the amended Development Plan as presented; however, they will be required during the permitting process.

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The existing Airstreams utilize underground utilities and will continue to do so with this amendment.

- (l) A designated screened dumpster area shall be located within five hundred (500) feet of a mobile restaurant unit.

The existing dumpster is to remain on the adjacent property and will be screened from view..

Department:	Comments:	Date Rec'd
FIRE	Fire Marshall has no issues at this time.	8/1/2019
PW/E	UPDATED: Any overhang into the r/w will need an "air rights" LTU. Stormwater drainage should be addressed when permit plans are submitted. / On 7/25/2018: PW&F has no issue with the request	Updated on 7/25/2019; Original Comments on 7/26/2019
InspSvcs	No issues with the amended conditional use	8/5/2019
ESP	Pensacola Energy has no comments on the resubmittal.	7/29/2019
ECUA	ECUA Engineering has no objection to the Conditional Use for this project. If the existing utilities are to be used for the new installations, then there is no comment from ECUA Engineering. If a new connection to ECUA's system or new/larger water meter is required, then the project will need to submit to ECUA Engineering for review and permitting of water and/or sewer.	7/25/2019
GPW	Gulf Power does not have any objections to the design they are proposing as long as we are able to maintain the secondary pedestals located on Main St and S. Palafox. Right now they have their movable planters in place camouflaging them and we have no issues.	8/5/2019
ATT	This does not appear to impact AT&T or our facilities in that area	8/1/2019

Leslie Statler

From: Jonathan Bilby
Sent: Tuesday, August 6, 2019 9:34 AM
To: Leslie Statler
Subject: RE: "Al Fresco" Conditional Use / RESUBMITTAL Review

I have no issues with the amended conditional use.
Thanks,
Jonathan

From: Leslie Statler
Sent: Monday, August 5, 2019 5:52 PM
To: Jonathan Bilby <JBilby@cityofpensacola.com>
Subject: FW: "Al Fresco" Conditional Use / RESUBMITTAL Review
Importance: High

Does Inspections have comments? Please advise.

Leslie

Visit us at <http://cityofpensacola.com>
222 W Main St.
Pensacola, FL 32502
Office: 850.435.1673
lstatler@cityofpensacola.com



From: Leslie Statler
Sent: Thursday, August 1, 2019 1:10 PM
To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Cynthia Cannon <CCannon@cityofpensacola.com>; Derrick Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <kellie.simmons@nexteraenergy.com>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>
Subject: FW: "Al Fresco" Conditional Use / RESUBMITTAL Review
Importance: High

Happy Thursday everyone!

Leslie Statler

From: Annie Bloxson
Sent: Thursday, August 1, 2019 3:24 PM
To: Leslie Statler
Subject: RE: "Al Fresco" Conditional Use / RESUBMITTAL Review

Good Afternoon,

I have no issues at this time.

Respectfully,

Annie Bloxson

Fire Marshal

Visit us at PensacolaFire.com

475 E. Strong St.

Pensacola, FL 32501

Office: 850.436.5200

abloxson@cityofpensacola.com



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From: Leslie Statler <LStatler@cityofpensacola.com>

Sent: Thursday, August 01, 2019 1:10 PM

To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Cynthia Cannon <CCannon@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <kellie.simmons@nexteraenergy.com>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly(GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>

Leslie Statler

From: Derrik Owens
Sent: Friday, July 26, 2019 1:33 PM
To: Leslie Statler; Sherry Morris
Cc: Ryan J. Novota; Brad Hinote; Jonathan Bilby
Subject: RE: "Al Fresco" Conditional Use / RESUBMITTAL Review

Any overhang into the r/w will need an "air rights" LTU. Stormwater drainage should be addressed when permit plans are submitted.

From: Leslie Statler
Sent: Friday, July 26, 2019 10:33 AM
To: Derrik Owens <DOwens@cityofpensacola.com>
Cc: Ryan J. Novota <RNovota@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>
Subject: RE: "Al Fresco" Conditional Use / RESUBMITTAL Review

Thank you!

In my review, I noticed the roof overhangs the sidewalk by several feet. Will this need an LTU? Should stormwater drainage onto the sidewalk be addressed at this time?

Leslie

Visit us at <http://cityofpensacola.com>
222 W Main St.
Pensacola, FL 32502
Office: 850.435.1673
lstatler@cityofpensacola.com



From: Derrik Owens
Sent: Thursday, July 25, 2019 4:08 PM
To: Leslie Statler <LStatler@cityofpensacola.com>
Cc: Ryan J. Novota <RNovota@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>
Subject: RE: "Al Fresco" Conditional Use / RESUBMITTAL Review

PW&F has no issue with the request.....

From: Leslie Statler
Sent: Wednesday, July 24, 2019 3:59 PM
To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin

Leslie Statler

From: Diane Moore
Sent: Monday, July 29, 2019 10:43 AM
To: Leslie Statler
Subject: RE: "Al Fresco" Conditional Use / RESUBMITTAL Review

Leslie,
Pensacola Energy has no comments on the resubmittal.

Thanks,
Diane

Diane Moore | Gas Distribution Engineer
Pensacola Energy | 1625 Atwood Drive, Pensacola, FL 32514
Desk: 850-474-5319 | Cell: 850-324-8004 | Fax: 850-474-5331
Email: dmoore@cityofpensacola.com

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From: Leslie Statler <LStatler@cityofpensacola.com>
Sent: Wednesday, July 24, 2019 3:59 PM
To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <kellie.simmons@nexteraenergy.com>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>
Subject: "Al Fresco" Conditional Use / RESUBMITTAL Review
Importance: High

Happy Wednesday all!

Leslie Statler

From: Andre Calaminus <andre.calaminus@ecua.fl.gov>
Sent: Thursday, July 25, 2019 1:13 PM
To: Leslie Statler
Subject: RE: "Al Fresco" Conditional Use / RESUBMITTAL Review

Hi Leslie,

ECUA's comments have not changed with this re-submittal. My previous comments still stand:

"ECUA Engineering has no objection to the Conditional Use for this project. If the existing utilities are to be used for the new installations, then there is no comment from ECUA Engineering. If a new connection to ECUA's system or new/larger water meter is required, then the project will need to submit to ECUA Engineering for review and permitting of water and/or sewer."

Thanks,

Andre Calaminus | Right of Way Agent | Emerald Coast Utilities Authority |

P.O. Box 17089 | Pensacola, FL 32522-7089 | Web: www.ecua.fl.gov |

Phone: (850) 969-5822 | Fax: (850) 969-6511 |

From: Leslie Statler [mailto:LStatler@cityofpensacola.com]

Sent: Wednesday, July 24, 2019 3:59 PM

To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <kellie.simmons@nexteraenergy.com>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>

Subject: "Al Fresco" Conditional Use / RESUBMITTAL Review

Importance: High

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Happy Wednesday all!

The applicant has prepared a RESUBMITTAL of the project in its entirety. This project was discussed at the July Planning Board meeting; however the Board could not act upon the item due to last minute changes within the site plan. These changes have been included within this packet. Please review and provide comments as applicable. This item is scheduled for the August 13, 2019, Planning Board agenda. Therefore, all comments must be received **no later than close of business on Thursday, August 1, 2019.**

If you have questions, please let me know.

Leslie Statler

From: Simmons, Kellie <Kellie.Simmons@nexteraenergy.com>
Sent: Monday, August 5, 2019 10:57 AM
To: Leslie Statler
Subject: "Al Fresco" Conditional Use / RESUBMITTAL Review

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Please see comments from engineering below. Thank you, Kellie G. Simmons

From: Gobert, Harolyn <Harolyn.Gobert@nexteraenergy.com>
Sent: Monday, August 5, 2019 10:54 AM
To: Simmons, Kellie <Kellie.Simmons@nexteraenergy.com>
Cc: Johnson, Kenneth <Kenneth.Johnson2@nexteraenergy.com>
Subject: RE: "Al Fresco" Conditional Use / RESUBMITTAL Review

Kellie,
Gulf Power does not have any objections to the design they are proposing as long as we are able to maintain the secondary pedestals located on Main St and S. Palafox. Right now they have their movable planters in place camouflaging them and we have no issues. Let me know if you need anything else.

Harolyn

From: Simmons, Kellie <Kellie.Simmons@nexteraenergy.com>
Sent: Monday, August 5, 2019 7:23 AM
To: Gobert, Harolyn <Harolyn.Gobert@nexteraenergy.com>
Cc: Johnson, Kenneth <Kenneth.Johnson2@nexteraenergy.com>
Subject: FW: "Al Fresco" Conditional Use / RESUBMITTAL Review
Importance: High

I know you were working with this. Any additional comments for them?

Thanks,
Kellie

From: Leslie Statler <LStatler@cityofpensacola.com>
Sent: Thursday, August 1, 2019 1:10 PM
To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Cynthia Cannon <CCannon@cityofpensacola.com>; Derrik Owens <DOWens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Simmons, Kellie <Kellie.Simmons@nexteraenergy.com>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>

Leslie Statler

From: SAUERS, BRAD <bs5403@att.com>
Sent: Thursday, August 1, 2019 4:32 PM
To: Leslie Statler
Cc: FENNER, KARL L
Subject: FW: "Al Fresco" Conditional Use / RESUBMITTAL Review
Attachments: Al Fresco Market V7.0 w kiosks_Planning Board Drawing Set 07-23-19.pdf; Alfresco Market Memorandum 002 07-23-19.pdf

Importance: High

This does not appear to impact AT&T or our facilities in that area.

Brad Sauers

Manager – OSP Plng and Eng
Technology Operations

AT&T

605 W Garden St, Pensacola, FL 32502
o 850.436.1495 | bs5403@att.com

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From: FENNER, KARL L
Sent: Thursday, August 01, 2019 1:14 PM
To: SAUERS, BRAD <bs5403@att.com>
Subject: FW: "Al Fresco" Conditional Use / RESUBMITTAL Review
Importance: High

Karl Fenner

Area Manager – OSP Plng and Eng
Technology Operations

AT&T

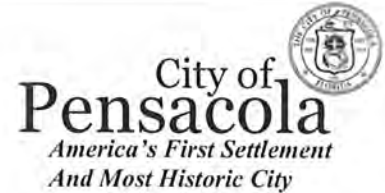
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CONDITIONAL USE

Fee: \$2,000.00
Rehearing/Rescheduling Planning Board: \$100.00
Rehearing/Rescheduling City Council: \$250.00



Applicant Information:

Name: J. Scott Sallis, AIA, representing owner, Michael Carro

Address: 503 E. Government Street, Pensacola, FL 32502

Phone: 850-470-6399 Fax: 850-470-6397 Email: scott@dalsal.com

Property Information:

Owner Name: SOGO Spa, LLC Phone: 850-380-3344

Location/Address: 501 E. Government Street, Pensacola, FL 32502

Parcel ID: 0 0 _ 0 s _ 0 0 _ 9 1 0 0 _ 1 1 0 _ 0 2 5

Square Feet/Acres: _____

Legal Description: Please attach a full legal description (from deed or survey)

Purpose of conditional use: _____

Owner seeks to construct a single-story, roof structure over a series of existing mobile restaurants and new retail kiosks. The existing Air-stream mobile restaurants will remain. Retail kiosks will be added. The retail kiosks will be movable and will be taken off-site during storm events. We offer the attached site plan, elevations, and perspective views of the proposed development for Planning Board review and recommendation on the proposed amendment to the existing Conditional Use.

I, the undersigned applicant, understand that payment of these fees does not entitle me to approval of this conditional use and that no refund of these fees will be made. I have reviewed a copy of the applicable zoning regulations and understand that I must be present on the date of the Planning Board and City Council meeting.

J. Scott Sallis

Date: 2019.08.06 13:55:03 -05'00' 08-06-2019

Signature of Applicant

Date

(Owner of Property or Official Representative of Owner)

FOR OFFICE USE ONLY

Zone: _____ District: _____ Date Received: _____

Case Number: _____ Date Postcards mailed: _____

Planning Board Date: _____ Recommendation: _____

Council Date: _____ Council Action: _____

Memorandum 002

Date: Tuesday, July 23, 2019

Project: **Alfresco Market**
501 S Palafox St., Pensacola, FL

Recipient: **Leslie Statler, Planner** | (850) 435-1673 | LStatler@cityofpensacola.com

Leslie,

Per our conversations to date, we offer the revised drawing set to supplement our existing application for Additional Conditional Use by Planning board.

Our client looks to cover the existing outdoor dining area known as Alfresco that was permitted for Conditional Use in July 2012 for the development of the site under the "mobile restaurant" provision within the ordinance. This roof will be provided as an asphalt shingle roof on wood trusses, supported with steel columns. Development will allow for retail vendors with portable kiosks. The development is in full compliance with previous conditional use permit as outlined below:

Sec. 12-2-78. - Conditional use permit.

(3) Facility is permitted on private property with frontage on South Palafox Place south of Main Street right of way line. Development will remain as an accessory use to an existing restaurant.

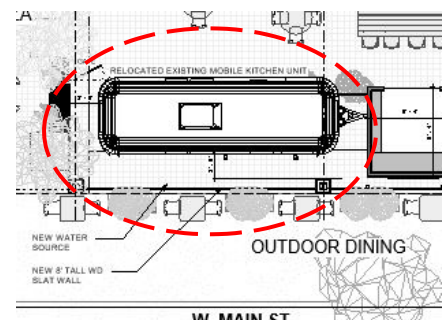
(a) Mobile restaurant units will be permanently fixed to the ground (the attachments can be removed in the event the mobile restaurant needs to be moved due to lease termination or declaration of emergency).

Existing mobile kitchen units will remain with existing anchoring system. One of the mobile kitchen units will be relocated and rotated at 90 degrees (W. Main St. facing the interior dining area).

An 8 ft tall wood slat wall will be located behind the relocated mobile kitchen unit to comply with Sec. 12-2-78 (B) (3b) Storage areas and mechanical equipment shall be screened from view.

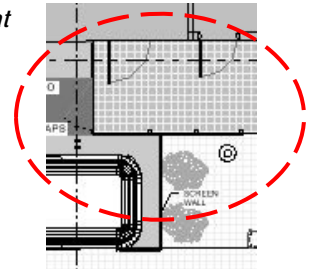
Note: Emergency Evacuation Plan for Kiosks at Al Fresco

In the event of a pending storm, Landlord will require tenants to remove their items from the kiosks. The kiosks will then be loaded on a 24' flat trailer (2 at a time) and relocated to a warehouse facility. The trailer will make 3 trips to complete this task.



- (b) Storage areas and mechanical equipment shall be screened from view.

Mechanical equipment will continue to be screened from view with new wood slat wall as well as a gate addition on Palafox ST. Refer to NEW WORK FLOOR PLAN Sheet 1/A101.



- (c) Mobile restaurant units shall be connected to the sewer system and utilize a grease trap.

Existing Mobile restaurant units will remain connected to the existing sewer system and utilize existing grease trap.

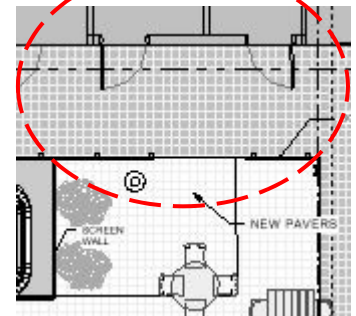
- (d) Mobile restaurant units shall have permanent restrooms provided for customers via the adjacent principal restaurant use.

Existing mobile restaurant units have permanent restrooms provided for customers via adjacent principal restaurant use.

- (e) Mobile restaurant development sites shall provide one (1) customer seats per linear foot of mobile unit on site.

100 seats are required for the 100 linear foot of mobile kitchen units on site. The development provides more than 100 seats. Refer to NEW WORK FLOOR PLAN Sheet 1/A101.

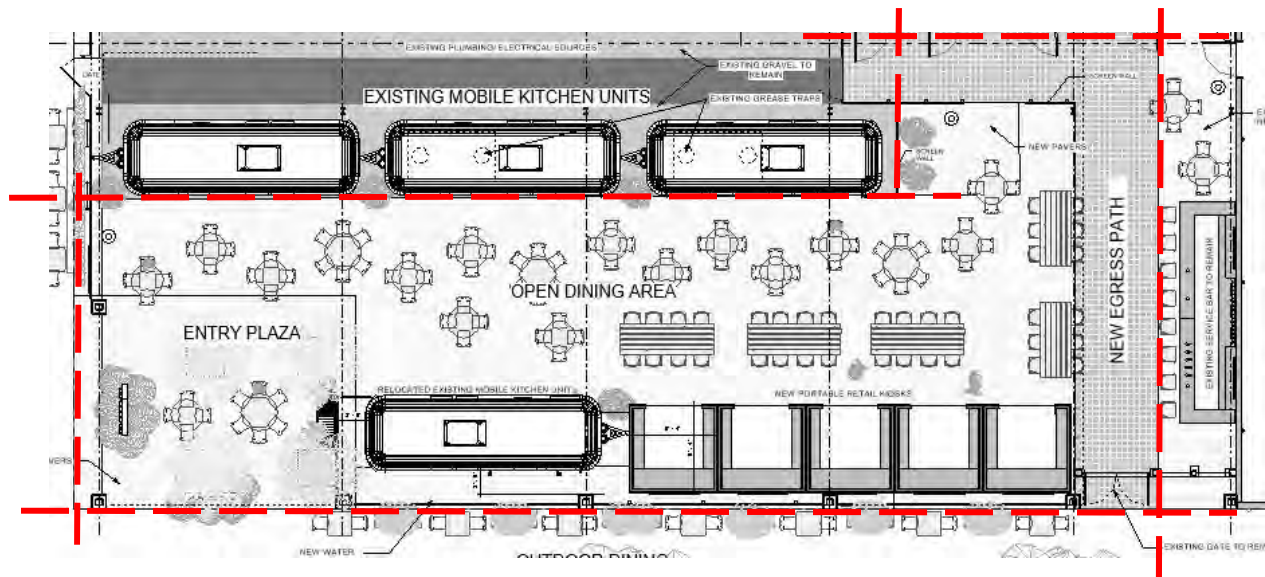
PROVIDED: APPROX. 156 SEATS



- (f) In addition to minimum landscaping requirements, mobile restaurant development sites shall provide both hardscape and landscape details with sufficient quality of design to create a formalized outdoor plaza environment. This shall be accomplished through the incorporation of grated tree wells for the planting of shade and canopy trees within outdoor seating areas. Outdoor seating areas shall be constructed with a minimum of forty (40) percent decorative architectural pavers comprising the overall seating area.

The development maintains (4) existing palm trees and offers new. Existing pavers will remain, meeting the 40% paver requirement for this development. Refer to NEW WORK FLOOR PLAN Sheet 1/A101 for calculations on slab/paver area.

Total Site SF =	6,250	SF
<u>REQUIRED:</u> 40% PAVERS OF TOTAL SF=	2,500	SF
<u>PROVIDED:</u> PAVERS ON SITE=	3,633.60	SF



- (g) Each individual mobile restaurant unit shall have a water source located within thirty (30) feet behind the structure.

Each individual mobile restaurant unit has a permanent existing water source within 30 ft.

- (h) Mobile restaurant units shall be allowed one menu attached to the façade not to exceed sixteen (16) square feet and one identifying sign not to exceed twenty-five (25) square feet.

All existing and compliant signing to remain.

- (i) There will be a maximum of four (4) mobile restaurant units per development site. If a mobile restaurant development site has more than one mobile restaurant unit on the parcel then all mobile restaurant units will be of a consistent design, size, and color. Mobile restaurant units and associated developments shall comply with the regulations and reflect the character of the district in which they are located. Accent features to distinguish unique culinary concepts are encouraged.

Per 2012 granted Conditional Use Permit existing (4) mobile units will remain in this development.

- (j) Mobile restaurant units shall not occupy more than twenty-five (25) percent of the overall development site area.

Existing mobile kitchen units comply with 25% lot coverage.

Total lot SF =	6,250 SF
<u>MAX. ALLOWED: 25% of Total Lot SF =</u>	1,562.5 SF
<u>PROVIDED: Mobile Kitchen Units SF=</u>	800 SF

- (k) Underground utilities shall be required for each mobile restaurant unit. Generators are not permitted with the exception of during the course of emergencies and power outages.

Each mobile restaurant unit is connected to underground utilities and does not utilize generators.

- (l) A designated screened dumpster area shall be located within five hundred (500) feet of a mobile restaurant unit.

Existing dumpster to remain on adjacent property and will be screened from view.

EXISTING CONDITIONS



PROPOSED DEVELOPMENT









MATERIALS

Date: Tuesday, July 23, 2019

Project: AL FRESCO MARKET
501 S. Palafox St.
Pensacola, FL

Recipient: Planning Board- City of Pensacola

ARCHITECTURAL ELEMENT	MANUFACTURER	COLOR
Brick Veneer @Columns	Alabama Brick Co.	Henry Old Cahaba
Roof Trusses	Sherwin-Williams Solid Body Stain "Hill Country - SW 3532"	
Roof	GAF Timberline	Asphalt Shingles - Amber Wheat
Exposed Roof Decking	Sherwin-Williams Solid Body Stain "Mountain Ash - SW 3540"	
Screen Wall	Sherwin-Williams Solid Body Stain To Match Existing Color	
Exterior Light Fixtures	Bevolo	Aged Copper
Steel Columns/Brackets	Sherwin-Williams	"Rockwood Date Bronze - SW2808"
Portable Kiosks	Owner Furnished-Wood ship lap	"Egret White SW 7570"

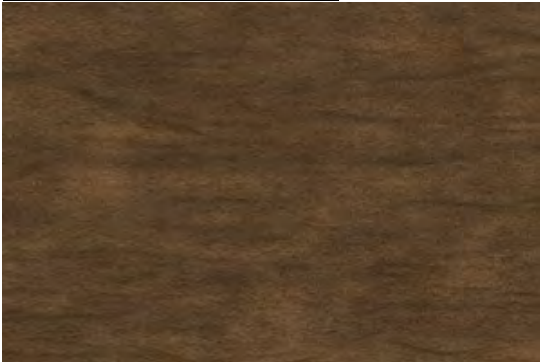
MATERIALS

MASONRY



Alabama Brick Co. Henry Old Cahaba

ROOF TRUSSES COLOR



Sherwin-Williams Solid Body Stain "Hill Country SW 3532"

ROOF



GAF Timberline - Asphalt Shingles Amber Wheat

EXPOSED ROOF DECKING



Sherwin-Williams Solid Body Stain "Mountain Ash SW 3540"

FRENCH QUARTER STYLE



STEEL COLUMNS/BRACKETS

SW 7027
Well-Bred Brown
Interior / Exterior
Locator Number: 241-C7

Sherwin-Williams - "Rockwood Date Bronze SW2808"

KIOSKS COLOR

SW 7570
Egret White

Interior / Exterior

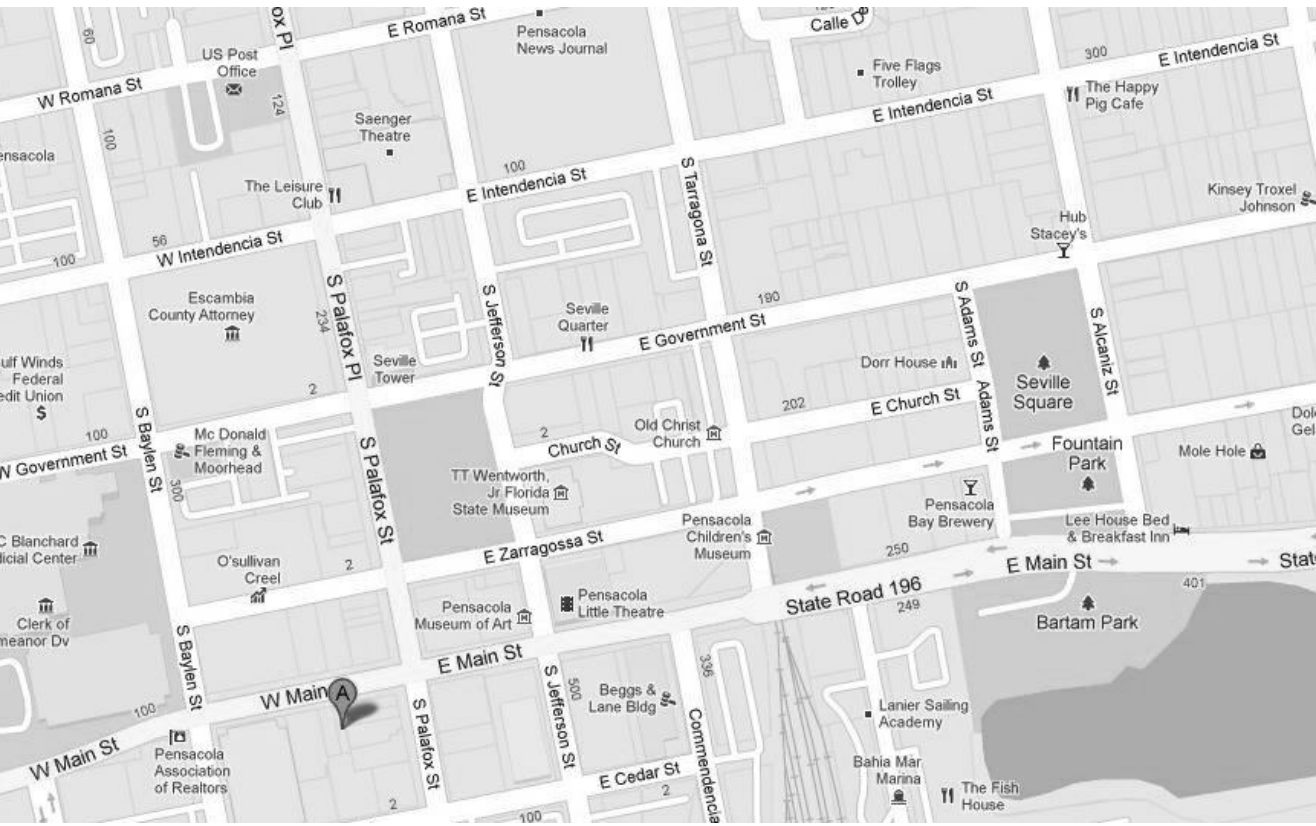
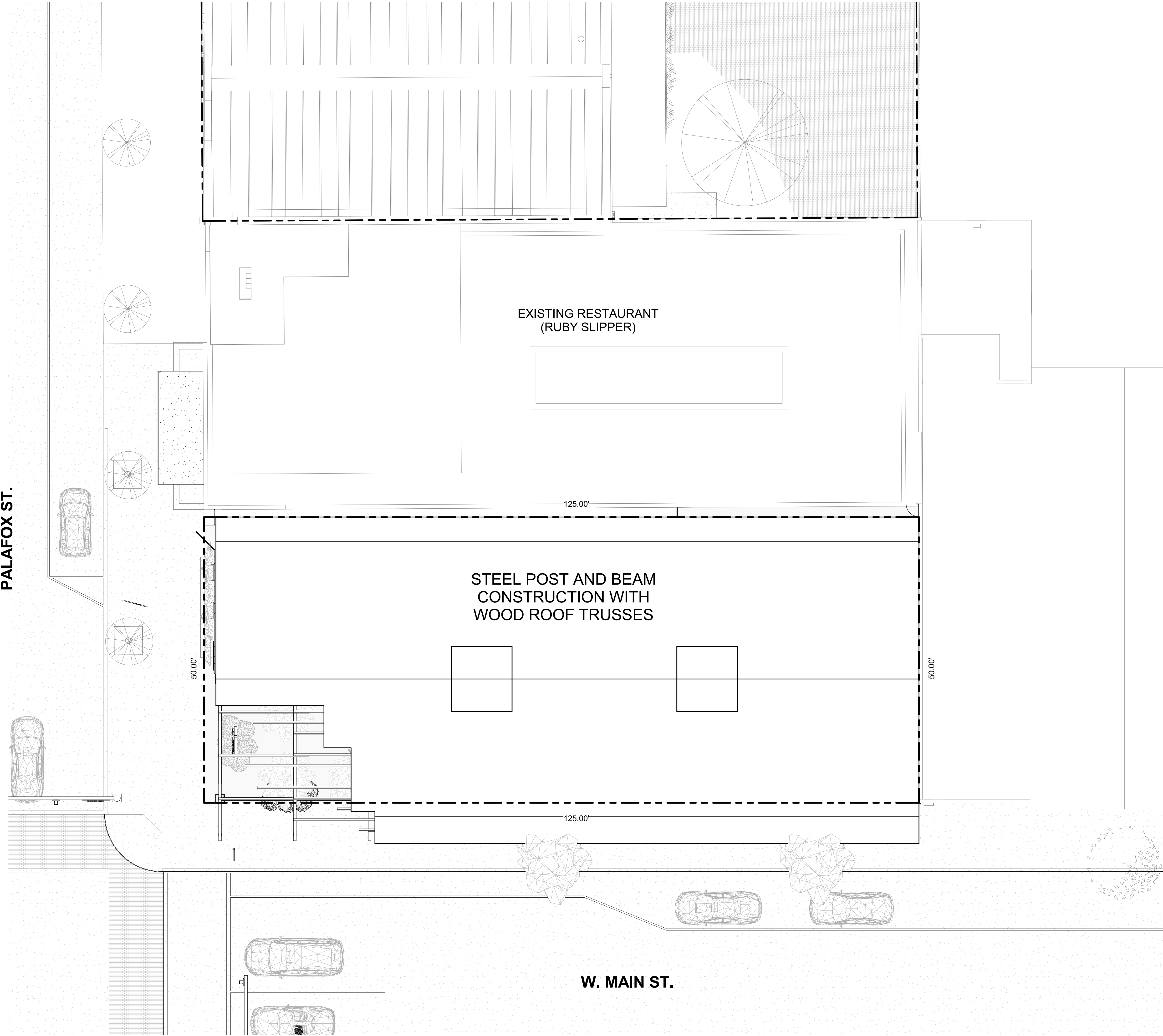
Locator Number: 255-C4

Sherwin-Williams -" Egret White SW 7570"

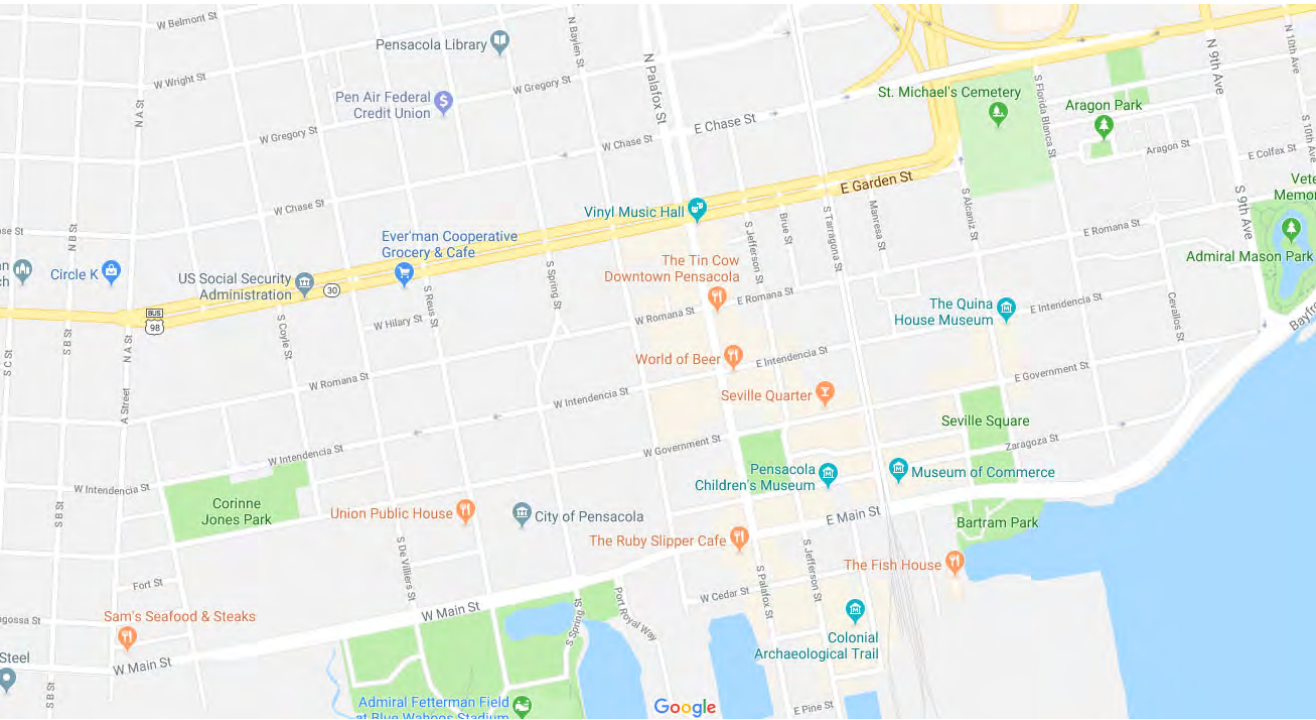
Al Fresco Pavilion

A COMMERCIAL RENOVATION FOR MICHAEL CARRO

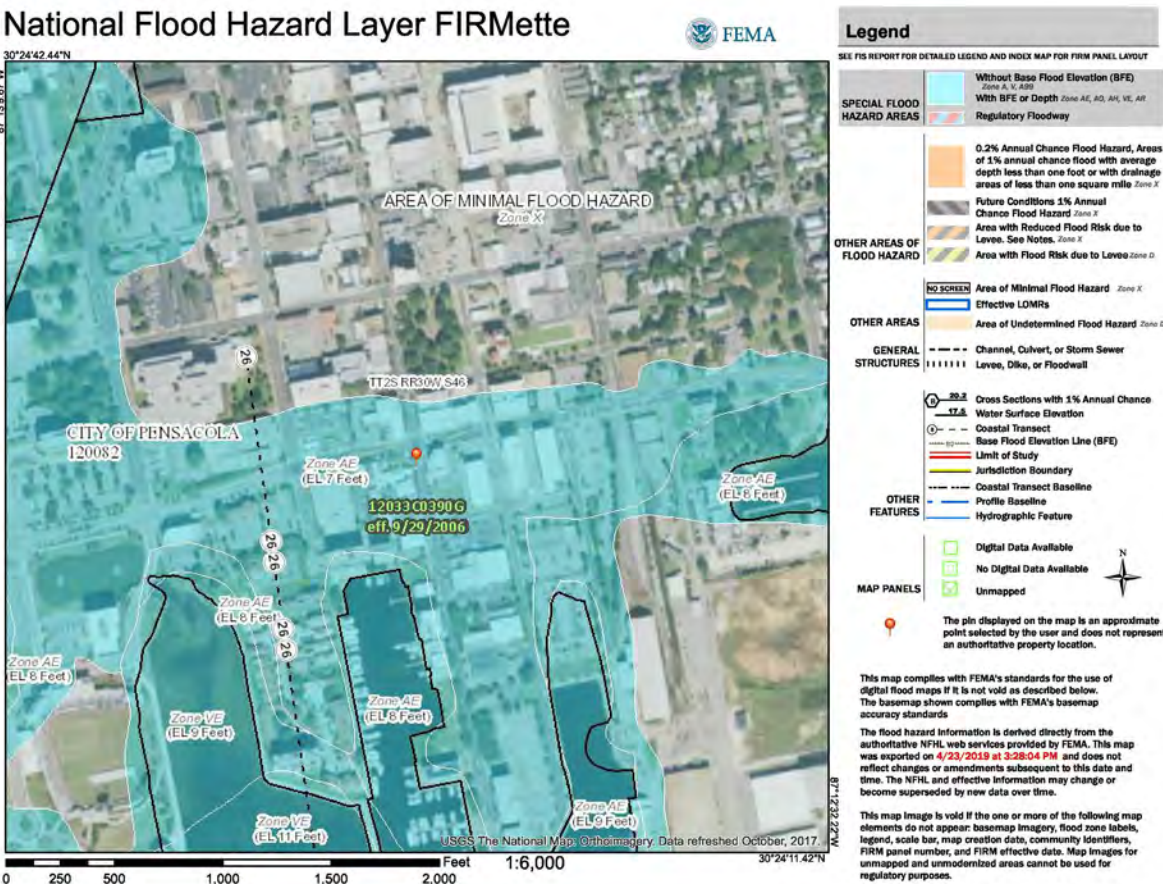
501 S. Palafox St.
Pensacola, FL



SITE MAP



VICINITY MAP



FLOOD MAP

BUILDING DATA

APPLICABLE CODES:
2014 FLORIDA BUILDING CODE

CONSTRUCTION TYPE:
TYPE III-A : SPRINKLERED

OCCUPANCY CLASSIFICATION:
ASSEMBLY (A-2)

PHYSICAL PROPERTIES:
COVERED OUTDOOR DINING AND RETAIL: 6,250 SF
BUILDING HEIGHT: 24'-6"
NO. OF STORIES: 1

GENERAL NOTES

- COMPLY WITH 2014 FBC 1609.4 REGARDING OPENING PROTECTION. OPTION TO PROVIDE FLORIDA PRODUCT APPROVED IMPACT RESISTANT GLAZING PRODUCT, OR WIND LOAD APPROVED WINDOWS PROTECTED WITH FLORIDA PRODUCT APPROVED OPENING PROTECTION SYSTEM. IF LATER OPTION IS USED, PROVIDE (2) COPIES OF MARKED INSTALLATION INSTRUCTIONS FOR ANCHOR SIZE, SPACING, MOUNTING TYPE, ETC.
- TO THE BEST OF OUR KNOWLEDGE, THESE DRAWINGS COMPLY WITH THE APPLICABLE REQUIREMENTS OF THE FLORIDA BUILDING CODE, 2014 EDITION. CONTRACTOR TO COMPLY WITH REQUIREMENTS OF THE FLORIDA BUILDING CODE, AND ALL OTHER APPLICABLE FEDERAL, STATE AND LOCAL CODES, STANDARDS, REGULATIONS AND LAWS.
- ALL REFERENCED STANDARDS REFER TO THE EDITION IN FORCE AT THE TIME THESE ARE ISSUED.
- CONTRACTOR TO REVIEW ALL CONTRACT DOCUMENTS, DIMENSIONS AND SITE CONDITIONS AND COORDINATE WITH FIELD DIMENSIONS AND PROJECT SHOP DRAWINGS PRIOR TO CONSTRUCTION. REPORT ANY DISCREPANCIES IN WRITING TO ARCHITECT. DO NOT CHANGE SIZE OR DIMENSIONS OF STRUCTURAL MEMBERS WITHOUT WRITTEN INSTRUCTIONS FROM THE ARCHITECT OF RECORD.
- ANY DISCREPANCIES, OMISSIONS OR VARIATIONS NOTED IN THE CONSTRUCTION DOCUMENTS OR DISCOVERED DURING CONSTRUCTION SHALL BE IMMEDIATELY COMMUNICATED IN WRITING TO THE ARCHITECT FOR HIS REVIEW. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL ASSUMPTIONS OF CONSTRUCTION DOCUMENTS NOT VERIFIED IN WRITING BY THE ARCHITECT OF RECORD.
- PROTECT EXISTING FACILITIES, STRUCTURES AND UTILITY LINES FROM ALL DAMAGE. EACH CONTRACTOR SHALL PROTECT HIS WORK, ADJACENT PROPERTY AND THE PUBLIC. EACH CONTRACTOR IS SOLELY RESPONSIBLE FOR DAMAGE OR INJURY DUE TO HIS ACT OR NEGLIGENCE.
- THE CONTRACTOR IS SOLELY RESPONSIBLE FOR JOB SAFETY AND CONSTRUCTION PROCEDURES.
- DO NOT SCALE DRAWINGS. USE DIMENSIONS.
- DETAILS LABELED "TYPICAL DETAILS" ON THE DRAWINGS APPLY TO ALL SITUATIONS THAT ARE THE SAME OR SIMILAR TO THOSE SPECIFICALLY DETAILED. SUCH DETAILS APPLY WHETHER OR NOT THEY ARE KEYED IN AT EACH LOCATION. QUESTIONS REGARDING APPLICABILITY OF TYPICAL DETAILS SHALL BE RESOLVED BY THE ARCHITECT.

Index of Drawings	
Sheet Number	Sheet Title
General	
G001	TITLE SHEET
Architectural	
A101	FLOOR PLAN
A201	ELEVATIONS



dalrymple | sallis
architecture

503 E. Government St.
Pensacola, FL 32502
v: 850-470-6399
f: 850-470-6397
www.dalsai.com

THIS DOCUMENT SHOWS ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE REPRODUCED IN ANY PART WITHOUT WRITTEN CONSENT OF THE ARCHITECT.

CERTIFICATION

NOT FOR CONSTRUCTION

Al Fresco Pavilion
501 S. Palafox St.
Pensacola, FL

DRAWN BY:	CHECKED BY:
SRJ	JSS
ISSUE DATE:	
07/23/19	
REVISIONS:	
No. Desc. Date	

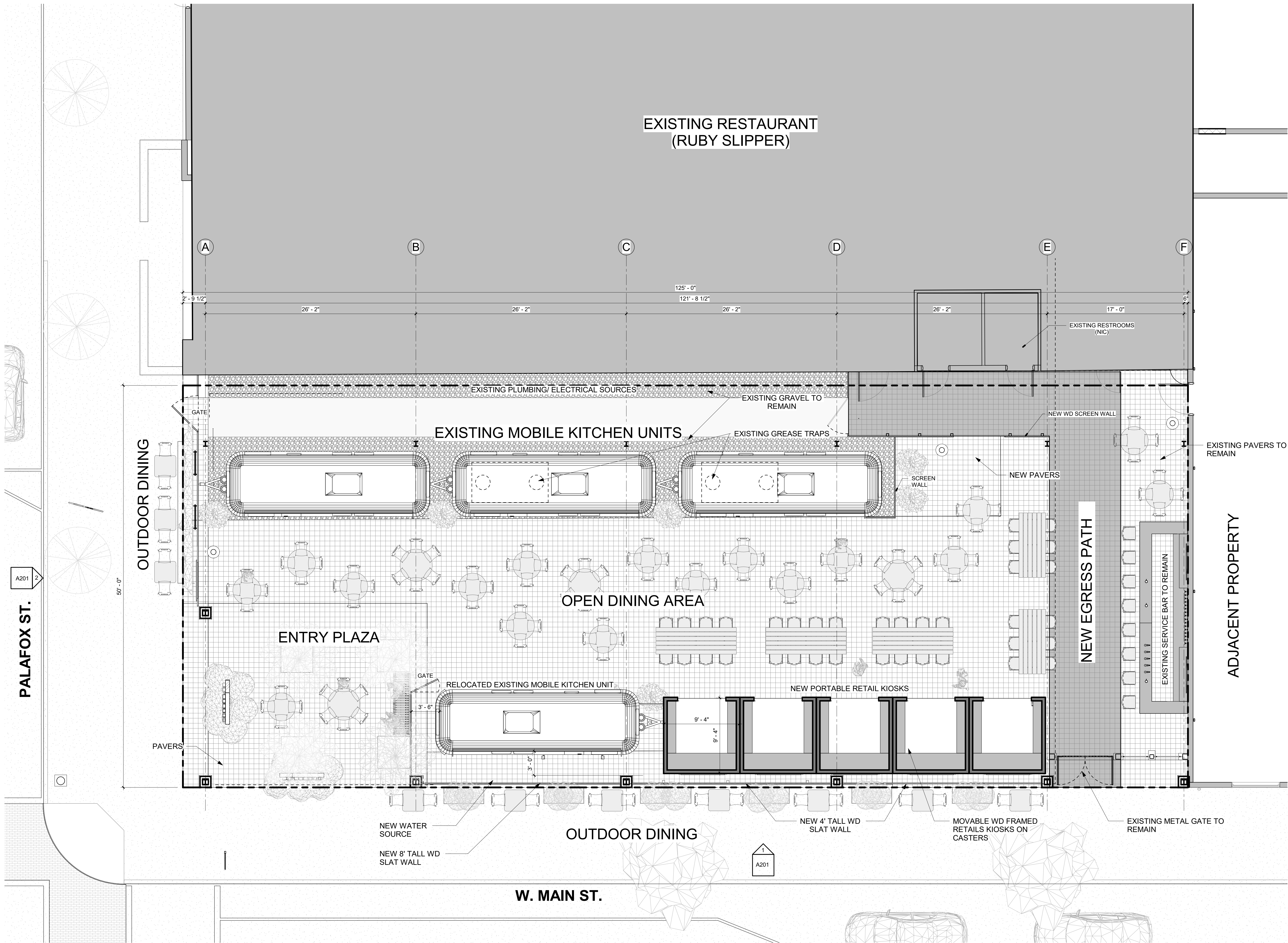
SHEET TITLE:

TITLE SHEET

SHEET NO.:

G001

PROJECT NO:
16059



1 NEW WORK FLOOR PLAN
3/16" = 1'-0"

EXISTING MOBILE KITCHEN (MAX. ALLOWED PROPOSED = 4 UNITS)

SIZE 25'x8' 200 SF

PAVER CALCULATIONS

TOTAL SITE SF	6,250 SF
REQUIRED : 40% PAVERS OF TOTAL SF	2,500 SF
PROVIDED: SF PAVERS ON SITE	3,633.60 SF

EXISTING MOBILE KITCHEN UNIT CALCULATIONS

TOTAL SITE SF	6,250 SF
MAXIMUM ALLOWED: 25% OF SITE TOTAL SF	1,562.5 SF
MAXIMUM PROVIDED: MOBILE KITCHEN UNITS SF	800 SF

PROPOSED NUMBER OF SEATING

REQUIRED ON SITE	1 SEAT PER LINEAR FT 100 SEATS REQ. FOR 100 LINEAR FT OF MOBILE KITCHEN UNITS
PROVIDED	APPROX. 156 SEATS

PROPOSED MOVABLE KIOSKS

ON CASTERS
WOOD FRAMED
REFER TO MEMO 002 FOR COLOR
SCHEME.



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architecture

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THE FIRM'S PRINCIPALS

CERTIFICATION

**NOT FOR
CONSTRUCTION**

Al Fresco Pavilion

501 S. Palafox St.
Pensacola, FL

DRAWN BY: SRJ
CHECKED BY: JSS

ISSUE DATE:
07/23/19

REVISIONS	No.	Des.	Date
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SHEET TITLE:

ELEVATIONS

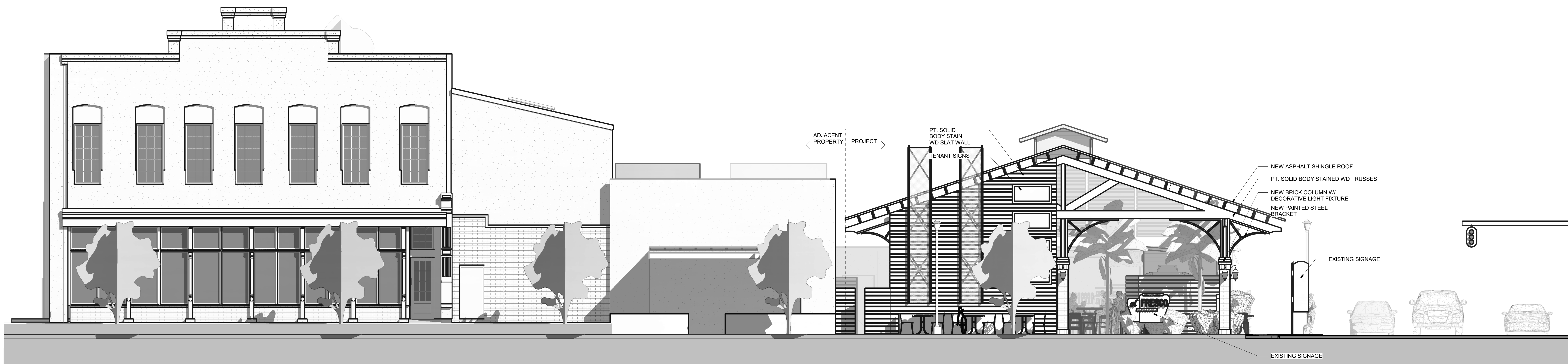
SHEET NO:

A201

PROJECT NO:
16059



1 MAIN ST. ELEVATION
3/16" = 1'-0"



2 PALAFOX ELEVATION
3/16" = 1'-0"



PLANNING SERVICES

THE UPSIDE *of* FLORIDA

MEMORANDUM

TO: Planning Board Members
FROM: Leslie Statler, Planner *lesm*
DATE: August 5, 2019
SUBJECT: Aesthetic Review – 501 S. Palafox Street (Al Fresco)

Scott Sallis, Dalrymple Sallis Architecture, is seeking aesthetic review for changes to the “Al Fresco” mobile restaurant development on behalf of the property owner, Michael Carro. The final design presented today is consistent with the aesthetics reviewed and approved by the Planning Board at their July 9, 2019, meeting. A roof system will be added over the entire project area to create an open-market. Additional pavers are being added and the cafeteria-style dining area is being enlarged. The service bar previously developed as part of “Shux” restaurant will remain; however the two areas will be transformed into one space.

This item is under consideration with the previous item. All pertinent information lies within the supporting documentation for the Amendment to the Conditional Use Permit.

EVERYTHING THAT’S GREAT ABOUT FLORIDA IS BETTER IN PENSACOLA.

222 West Main Street Pensacola, FL 32502 / T: 850.435.1670 / F: 850.595.1143 / www.cityofpensacola.com

PLANNING SERVICES

MINUTES OF THE PLANNING BOARD

August 13, 2019

MEMBERS PRESENT: Chairman Paul Ritz, Danny Grundhoefer, Laurie Murphy, Ryan Wiggins, Charletha Powell

MEMBERS ABSENT: Kurt Larson, Eladies Sampson

STAFF PRESENT: Leslie Statler, Planner, Cynthia Cannon, Assistant Planning Services Administrator, Gregg Harding, Historic Preservation Planner, Heather Lindsay, Assistant City Attorney, Brad Hinote, Inspections

OTHERS PRESENT: Mayor Grover Robinson, Councilwoman Sherri Myers, Jonathan Connell, John Connell, Renee Foret, Sam Lundy, Steve Geci, Dottie Dubuisson, Rand Hicks

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from July 9, 2019.
- **New Business:**
 1. **Amendment to Conditional Use Permit – 501 S. Palafox Street (Al Fresco)**
 2. **Aesthetic Review – 501 S. Palafox Street (Al Fresco)**
 3. **Preliminary Plat Review – “Whispering Creek” subdivision**
 4. **Reconsideration of LDC Amendment – Ice Machines**
 5. **Appointment of Planning Board’s Representative to the ARB**
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:02 pm with a quorum present and stated the new Board would be sworn in by Ms. Tice of the City Clerk’s office. **Ms. Wiggins made a motion that the Board observe a moment of silence for the passing of Councilman Wingate, seconded by Mr. Grundhoefer, and it carried unanimously.**

Chairman Ritz explained he would be glad to serve as Chairman of the Board should no one else be interested. **Mr. Grundhoefer made a motion to elect Mr. Ritz as Chairman, seconded by Ms. Wiggins, and it carried unanimously. Mr. Grundhoefer made a motion for Mr. Larson to continue as Vice Chairman, seconded by Ms. Wiggins, and it carried unanimously.**

Approval of Meeting Minutes

Ms. Murphy made a motion to approve the July 9, 2019 minutes, seconded by Mr. Grundhoefer, and it carried unanimously.

New Business – Chairman Ritz asked that the reconsideration of the LDC Amendment for ice machines be moved forward since Mayor Robinson had another meeting to attend. **Ms. Wiggins made a motion to move the item to the front of the agenda, seconded by Ms. Murphy, and it carried unanimously.**

Reconsideration of LDC Amendment – Ice Machines – Ms. Statler reminded the Board this item was unanimously denied at the last Board meeting. Mayor Robinson explained that the Code in a lot of ways discouraged mixed use and thought there were some weaknesses within it, one of which was dealing with the ice machines. He advised people were driving all over for cheap ice from the vending side, and we were denying them the opportunity to be present in other places. He understood the cosmetics and other issues, but pointed out one of the ice machines was in the expensive area of Pensacola Beach, which had not brought down the value of the area in any way and in fact it was actually a compliment to the surrounding area. Ms. Wiggins stated the concern last month was the advertisement, the colors and the locations. Mayor Robinson explained C-1 was multiple use, and the person operating the ice machine on 9th Ave. stated the structure came as is, and he could not modify it. Ms. Wiggins pointed out the ice machine in East Hill was very busy, and the advertising on the side told what the machine was for; she had no problem with it. Chairman Ritz also agreed that many of the customers appreciated it, but understood it was a vending machine. It was also designated for C-1 and would not go into a residential neighborhood with the exception of a neighborhood located in a C-1 district. It was determined the machine was currently non-compliant because of the lattice. Mayor Robinson explained if we allowed the lattice at the top, advertising, and the metal, it would become compliant. The current machines were grandfathered in, but if they were removed, they would not be able to return. Chairman Ritz stated what was built at that time was in compliance. Mr. Grundhoefer did not have a problem with placing these ice machines in certain areas and was not opposed to allowing them in the city. He was in favor of retaining some dignity and aesthetic restrictions to these and not allowing them to become billboards. Mayor Robinson was not looking for a change in the sign ordinance but trying to meet the demand of citizens. Ms. Statler confirmed the vending machines were not protected by the sign ordinance. Ms. Murphy pointed out the importance of looking at the long term maintenance of the lattice, and if we were going to have something long term, it should be sustainable and attractive. She asked if there was a compromise where the Board could look at the aesthetics. Mayor Robinson stated railing would be fine, but the question came down to the issue related to the coverage, and if that was the case, maybe the item should be tabled to research the amount of that coverage since the advertising is already displayed on the machine.

Ms. Dubuisson advised when this issue came up previously, there was a debate on whether this was light manufacturing because it was being made at the moment or a vending machine because a product was being loaded into it. She cautioned that there were now several things which could be included in vending, so if the Board changed the aesthetics, it should be noted we could be bringing negative things to neighborhoods which have to overcome negative architectural elements already. Chairman Ritz advised his home was in a C-1 zoning, and a vending machine could be placed in this location.

Ms. Wiggins made a motion to deny without prejudice, seconded by Ms. Powell, and it carried unanimously.

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

Ms. Statler commended the applicants for meeting with staff on several occasions after the last Board meeting, and the project did comply with the conditional use requirements as cited in the LDC; it had met with the notice requirements as well. The following was the aesthetic review which was a formality since the kiosk design had changed since the July 2019 meeting, and staff brought the entire package to the Board for review.

Mr. Sallis presented to the Board and gave a background on the project for new Board members. He explained that in order to ensure everything was in compliance aesthetically with the LDC, they had relocated one of the Airstream trailers. He further explained this was an effort to build an open cover for the existing food markets on the corner of Palafox and Main. He then presented a video illustrating the project.

Chairman Ritz had reviewed the additional comments received, and there were very little comments directed toward the project, and those that were made were addressed during the submittal of final drawings and permitting. He explained in the Conditional Use Permit, they were looking to allow for the placement of mobile restaurants downtown at this corner on private property; for this particular installation, the mobile restaurants and kiosks were being proposed for review. Their existence was covered under a previous Conditional Use Permit, and to place roofing over the trailers would improve comfort for them and customers. He also appreciated the aesthetic changes made. Mr. Sallis explained they had met with the City and confirmed they would be able to maintain the type of anchoring they have for the Airstream trailers, and the retail kiosks would be moveable on casters for emergency plans. **Mr. Grundhoefer made a motion to approve the Conditional Use Permit, seconded by Ms. Wiggins, and it carried unanimously.**

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

Chairman Ritz asked for any comments on the aesthetic side of the project. With no additional speakers, **Mr. Grundhoefer made a motion for aesthetic approval, seconded by Ms. Powell, and it carried unanimously.**

Preliminary Plat Review – “Whispering Creek” subdivision

Ms. Statler presented to the Board and advised this was a 20-lot subdivision for residential use, and the development had self-imposed setbacks since the zoning did not have setback requirements; the project also had the minimum required parking spaces. She also pointed out revisions had been made according to the Board’s comments, and a letter from Mark Norris was submitted stating for the most part the surveying comments had been addressed. Chairman Ritz pointed out that it was indicated anything further could be worked out prior to the final plat approval. He then opened the floor for Board comments.

Ms. Murphy advised during the previous meeting, there was some discussion about going back and making a few changes to possibly save vegetation, to create some type of stormwater infrastructure, and some type of mindful development since it is along an impaired water body. She also remembered Mr. Grundhoefer suggested reducing the number of lots, and when reviewing the packet, she noticed there were no changes on the physical components to the plat. She explained in the Comprehensive Plan and the City Code of Ordinances, the plat review should also encourage the discussion of the health and vitality of impaired water bodies, including the City taking advantage of obtaining easements along Carpenters Creek which had yet to be done, to protect wildlife habitats, and she felt the developer had not gone above and beyond to try to work with the Board to reduce the impacts to the wildlife habitat especially regarding Carpenters Creek. Even though she did receive a copy of the agreement between the City and the developer donating the easement to allow stormwater mitigation for the Whispers, she did not feel it was land donated as an environmental easement but donated as a requirement for development of the Whispers. She explained she could not support the project until there were some protections in place.

Mr. Connell advised this project was just a continuation of the Whispers. He stated the existing holding pond was in good shape and pointed out that in the 2014 flooding event, it did not flood into Carpenters Creek. He emphasized this zoning was C-2 which allows 135 units per acre, and they were only proposing 20, which was the most conservative use to be found. He also pointed out the animals would always have

access to the creek. He indicated if the holding pond needed attention, they would consult the City when developing the engineering drawings.

Ms. Murphy pointed out she was the one who gets the phone calls when residents get flooded. When you clear cut vegetation and remove trees of that size, you remove nature's way of handling sheet flow. We keep doing the same thing over and over and keep getting the same results. She advised when you build a new subdivision and use the same stormwater pond while removing the vegetation, the water will impact the neighbors. Mr. Connell stated they had not received any phone calls from the Whispers, Target had not been flooded out, the holding pond was sufficient, and they had met all the criteria for the City.

Councilwoman Myers, who represents District 2, stated the reason the stormwater pond looked as good as it did today was because of her complaints filed with Code Enforcement. She indicated the pond had to be restored several times, and Carpenters Creek would be negatively impacted by another subdivision. She pointed out she got numerous flooding complaints from Whispers, Cordova Regency and Ellison Place. She emphasized this property could be developed in a way that was more environmentally friendly to the creek. She indicated Fairhope developed houses in harmony with the environment, but she did not see that happening here. She suggested looking at the LDC and asking if this project was keeping with the LDC, especially the conservation part of it; she would love for the area to be developed responsibly.

Mr. Hicks, President of the Pineglades subdivision, was concerned with the water flow that carried debris into the creek to the point that it was nearly dead. They asked that maximum restraint be exercised in further development to avoid any further damage to that creek. He indicated the engineer for the City advised that all the water would be poured into the holding tank and would not escape to the creek. If there were creative ideas on how to reform this project, he would encourage that. He wanted to see a constructive conversation between developers and citizens to work in harmony.

Mr. Geci designed the previous pond and the pond for this development and wished every pond worked as well as this one, and he did not see an issue at all. He explained the State put a drag line in the creek under the mosquito control program which drastically changed the area. Mr. Grundhoefer reminded Mr. Geci that the Board had requested that they consider other practices with bio swales and things that would be environmentally friendly, but they basically came back with the same thing which involved clear cutting. Mr. Geci advised the land could not be developed without cutting down the trees. The only other way would be to go mid-rise, going straight up or reducing the lots. Ms. Murphy explained when they clear cut the lots, the sheet flow would go in all directions.

Ms. Wiggins indicated she grew up playing in Carpenters Creek but was not sure the Florida Statute allowed the Board to tell a developer what they could do on private property. Chairman Ritz asked staff what the Board could or could not do under this statute. Ms. Statler advised with the final plat approval a lot more of these concerns would be addressed. She read from the LDC, Section 12-8-8, Appendix B, regarding the preliminary plat requirements. Chairman Ritz agreed the Board should operate under the Code for preliminary plat approval. Ms. Powell pointed out it would be good for people to know that the Board had heard their concerns and asked was there an olive branch the developer could extend to the Board. Mr. Connell stated at this point they had not done any design work, but advised that they abide by the rules and go over the final plat with City Engineering staff. Derrik Owens had advised that the pond was good, and they would get his final approval before they could move forward. They asked the Board to let them take the first step up the ladder.

Ms. Dubuisson stated she had heard a lot of good innovative thoughts put out by the Board and thought that the developers were embracing those thoughts and would come back and cooperate with what they could. What she heard in today's meeting was that this was it, and this is all we can do. She explained that was not what the community had hoped for in regards to long range development, nor was it what was required in the Code because if in that Code you are to protect the surrounding areas and the environment, then they should meet the minimum Code, it down with any of the Board members who have ideas or ask

for any advice outside of the current staff working on it since our City engineers cannot design for them. She encouraged the developers to meet in a creative spirit with someone who sees opportunity that currently has not been presented, because she believed there was a solution which would work for them. She also pointed out with every storm, we are finding we have a weaker and weaker infrastructure that is not capable of responding to the increasing frequency with which we have rainfall. She stressed this was a prime site and could be one of the premiere developments to come out of our community in a while.

Ms. Wiggins asked if this piece of property was anywhere else, what would be the role of the Board – to make sure they followed the Code and to approve if they followed the Code. She did not feel the Board could tell a developer they had met the Code, but because of this location, they should go above and beyond. Mr. Grundhoefer pointed out the Board could not just ignore the things around the development and the community which the Board represents. Ms. Murphy believed the Board was put together to utilize creativity and represent the public and allow people to speak, and she felt it was the Board's opportunity to intercept at this point before it proceeded to Council. The bottom line was did the developer come back with a better plan to indicate they were willing to work with the City.

Chairman Ritz explained if the developer was allowed 135 units, and they were only putting in 20, they had already come down off the Code, and if the Board suggested 18, he believed that was legislating. Ms. Statler read the requirements for a subdivision plat subsection (F), but advised basically staff reviewed the plans for compliance with the Code and the Board would subsequently assess staff's review. She also pointed out that this project would return to the Board for final plat approval and then proceed to Council. In this review, Engineering would be taking a deeper look into their drainage calculations and drainage plan which was not a requirement of this preliminary plat review. If the Board voted to deny the preliminary plat, it would be required to furnish the applicant detailed reasons for rejection (**Section 12-8-8-A thru N**).

Mr. Grundhoefer asked the applicant if there was a way to implement some of these suggestions. Mr. Connell advised he would work with the Board and the community after the preliminary plat approval. Chairman Ritz emphasized that the applicant was also a citizen of the community. Ms. Powell asked if the Board would be able to submit Mr. Grundhoefer's drawing and suggestions before the next Board review, and was it worth holding up the process since the Board would have another review. Chairman Ritz explained the Board was approving the layout, and if it rejected the preliminary plat review, a list would have to be furnished to the applicant telling them what they needed to do. Ms. Statler confirmed the final plat would return to the Board. Mr. Connell asked if rejected, that the Board come back with engineering data and calculations they could go by. Ms. Statler pointed out for the developer to do any further work on the site and to possibly incorporate some of the ideas the Board would like to see, this would be the first step in that process.

Ms. Wiggins made a motion to approve the preliminary plat, seconded by Ms. Powell, and it carried 3 to 2 with Ms. Murphy and Mr. Grundhoefer dissenting.

Appointment of Planning Board's Representative to the ARB – Chairman Ritz explained one of the Board members was required to be on the ARB per the City's requirements. Ms. Statler advised that person would be a voting member who would also be approved by Council. She also explained the functions and districts covered by the ARB. Ms. Wiggins volunteered; **Ms. Murphy made a motion to appoint Ms. Wiggins to the ARB, seconded by Ms. Powell, and it carried unanimously.**

Open Forum – Ms. Dubuisson thanked the Board for their service and for thinking about the community as well as the applicants coming forward. She asked that the Board carry from each level of their decision making the memory of why certain things happen so that we can be corrective anywhere along the process to bring the best forward.

Chairwoman Myers thanked the Board for the very difficult decision and for a very thoughtful and respectful discussion even though she would have liked the vote to be different. She felt the vote was correct in her opinion legally but was hoping moving forward, the Board could come up with some ideas based on facts and the requirements of the law to address the issue of what has been done to Carpenters Creek. She advised if it was not for Ms. Murphy's cleanup, there would still be 30,000 pounds of trash in that creek which is impacted by these developments. She explained the City was not doing enough to protect the natural resources that we have, and they are quickly vanishing in District 2 and District 1. She asked if the Board could think of ways to improve the LDC to protect the environment, it would be greatly appreciated. Ms. Powell explained that the Board was in the position where it could not make the difference they wanted to make, but in the next phase where the applicant must give specifics, the Board would be in a better position to make those suggestions. Chairman Ritz reminded the Board of the Sunshine Law. Ms. Wiggins suggested submitting emails to Ms. Statler as an option to ensure all Board members were aware of the information before the next Board meeting.

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 4:17 pm.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Cynthia Cannon".

Cynthia Cannon
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00219

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PUBLIC HEARING - ADOPTION OF AMENDMENTS TO THE COMPREHENSIVE PLAN AND ADOPTION OF THE CURRENT FUTURE LAND USE MAP

RECOMMENDATION:

That City Council conduct a public hearing on September 26, 2019 to consider the adoption of Amendments to the Comprehensive Plan and adopt the Current Future Land Use Map as an exhibit to the Comprehensive Plan.

HEARING REQUIRED: Public

SUMMARY:

As provided in Florida Statutes Chapter 163, all local governments within the state of Florida are required to participate in a state coordinated review for a Comprehensive Plan Update. The proposed amendments within this update reflect changes in state requirements and local conditions. Attached you will find all changes submitted by the various subject matter experts in strike-through and underline format. This Public Hearing is to consider transmitting the proposed Comprehensive Plan amendment to the Department of Economic Opportunity (DEO). Within sixty (60) days, DEO will transmit its findings to the City along with any objections and recommendations for modifications. Following receipt of DEO comments, Council will schedule a public hearing to consider adopting the Comprehensive Plan amendment and adopt the Current Future Land Use Map.

All applicable City Departments and Divisions have reviewed their relevant Comprehensive Plan areas and made recommended changes as needed. The appropriate staff will be available to answer questions specific to those individual recommendations.

The Planning Board unanimously recommended approval of the proposed amendments at the regular meetings in April and July of this year.

PRIOR ACTION:

December 16, 2010 - City Council approved Evaluation and Appraisal Report (E.A.R.) - Based

Amendments to the Comprehensive Plan and Future Land Use Map

July 21, 2011 - City Council adopted the current Comprehensive Plan and Future Land Use Map

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

9/10/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Kerrith Fiddler, Assistant City Administrator
Sherry H. Morris, AICP, Planning Services Administrator

ATTACHMENTS:

- 1) Proposed Ordinance No. 19-19
- 2) Exhibit A - Proposed Comprehensive Plan
- 3) Exhibit B - Current Future Land Use Map
- 4) 2011 Comprehensive Plan for the City of Pensacola
- 5) April 9, 2019 Planning Board Minutes
- 6) July 9, 2019 Planning Board Minutes

PRESENTATION: Yes

PROPOSED
ORDINANCE NO. 19-19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN AND ADOPTING THE CURRENT FUTURE LAND USE MAP OF THE CITY OF PENSACOLA, FLORIDA; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City of Pensacola conducted a public hearing on July 18, 2019 to consider amendments to the Comprehensive Plan and adopt the current Future Land Use Map of the City of Pensacola; and

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

WHEREAS, the City Council has followed all of the procedures set forth in §§163.3184 and 163.3187, Fla. Stat., and all other applicable provisions of law and local procedures with relation to amendment to Comprehensive Plan and the Future Land Use Map of the Comprehensive Plan; and

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

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

SECTION 1. The City of Pensacola City Council does hereby adopt these Amendments to the City's Comprehensive Plan as and adopt the Current Future Land Use Map as, attached here as Exhibits A and B and incorporated in full by reference.

SECTION 2. The City Council shall by subsequently

adopted ordinance change the zoning classification and zoning map to a permissible zoning classification, as determined by the discretion of the City Council, which is consistent with the future land use classification adopted by this ordinance. Pending the adoption of such a rezoning ordinance, no development of the subject property shall be permitted which is inconsistent with the future land use classification adopted by this ordinance.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk

City of Pensacola

**COMPREHENSIVE PLAN
VOLUME I
Goals, Objectives, and Policies**



**Pensacola, Florida
Community Development Department**

2019

**CITY OF PENSACOLA
COMPREHENSIVE PLAN**

**VOLUME I
GOALS, OBJECTIVES, AND POLICIES**

**PENSACOLA, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT**

2019

*VOLUME II - DATA AND ANALYSIS TO THE COMPREHENSIVE PLAN
SERVES AS SUPPORTING DOCUMENTATION TO THIS SECTION*

CITY OF PENSACOLA COMPREHENSIVE PLAN

VOLUME I GOALS, OBJECTIVES, AND POLICIES

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CHAPTER 1

FUTURE LAND USE

GOAL FLU-1: Maximize the use of land both from an economic standpoint, and from the standpoint of minimizing threats to the health, safety and welfare of residents and to the continued well-being of the natural environment.

Objective FLU-1.1: Specify the desired development pattern through a land use category system that provides for the location, type, density and intensity of development and redevelopment based on natural conditions and dependent on the availability of services as shown on the Future Land Use Map and controlled through the adopted Land Development Code.

Policy FLU-1.1.1: All development orders and building permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet adopted level of service standards are available concurrent with the impacts of the development.

Policy FLU-1.1.2: The City will amend its Land Development Code as needed to remain consistent with the requirements of Chapter 163.3202, Florida Statutes and Chapter 9J-5.022 and 9J-5.023, F.A.C. so that future growth and development will continue to be managed through the preparation, adoption, implementation and enforcement of land development regulations that are consistent with the Comprehensive Plan.

Policy FLU-1.1.3: The Land Development Code will be evaluated during the EAR-based amendment process to identify revisions that are needed to implement the goals, objectives and policies of the Comprehensive Plan. The Land Development Code includes:

1. Zoning District Regulations
2. Neighborhood Preservation Standards
3. Off-Street Parking
4. Signage
5. Tree/Landscape Regulations
6. Subdivisions
7. Control of Erosion, Sedimentation and Runoff
8. Flood Plain Management
9. Airport Zoning

Policy FLU-1.1.4: Each future land use category shall have a set of zoning districts that may be permitted within that future land use category, and zoning that is not consistent with the category shall not be approved. The zoning ordinances shall include a table which sets forth the different zoning districts

which are permitted within each future land use category, and designations which are not consistent with the table shall not be approved.

Policy FLU-1.1.5: Future land use categories, including densities and intensities of use for each category, shall be established as follows:

Conservation District: The Conservation Land Use District is established to preserve open space as necessary for protecting water resources, preserving scenic areas, preserving historic sites, providing parklands and wilderness reserves, conserving endemic vegetation, preventing flood damage and soil erosion. This future land use category shall apply to environmentally sensitive areas identified on the Future Land Use Map and protected from development pursuant to site plan review. The following generalized uses are permitted:

- (a) Wildlife and vegetation conservation:
Wildlife refuge, nature trails and related facilities
- (b) Recreational facilities:
Passive recreation
Bike trails
Jogging trails
- (c) Other similar and compatible conservation and recreational uses:
Boat moorings, fishing piers, drainage areas, etc.

Residential Districts: The Residential Land Use Districts are established for the purpose of providing and preserving areas of predominantly low, medium or high residential development. A variety of residential uses shall be allowed, based on zoning classification, at the following maximum densities:

- * Low Density Residential - 5 or fewer residential dwelling units per acre.
- * Medium Density Residential - 18 or fewer residential dwelling units per acre. Conditional use permits for the following land uses may be approved in the Medium Density Residential Land Use District based on site plan review and public notification procedures: Residential design manufactured homes, bed and breakfast, day care centers and accessory office units subject to intensity standards for the Office and Residential/Neighborhood Commercial Land Use Districts.
- * High Density Residential - 35 or fewer residential dwelling units per acre allowed pursuant to lot coverage, landscape area, parking and recreational area development requirements provided in the adopted Land Development Code. No building shall exceed a height of 150'. This height limitation shall not apply to buildings for which preliminary development plan approval was granted by the City Council on or before December 31, 1994.

Office District: The Office Land Use District is established for the purpose of providing for a mixture of residential and office uses, developed separately or within the same structure. When located in older, developed areas of the City, the district is intended to provide for residential or office infill development at a density, character and scale compatible with the surrounding area. In newer, vacant areas of the City, the district is also intended as a transition area between residential and commercial uses. Residential and office uses are allowed at the following maximum densities and intensities:

- * Residential - density not to exceed 35 dwelling units per acre.
- * Office - the maximum combined area occupied by all principal and accessory buildings on a lot shall be 30% for a one- to four-story building, 25% for a five- to seven-story building and 20% for any building over eight stories. No building shall exceed a height of 100'.

Residential/Neighborhood Commercial District: The Residential/ Neighborhood Commercial Land Use District is established for the purpose of providing for a mixture of residential, professional and certain types of neighborhood convenience-shopping-retail sales and service uses. Residential and office or commercial uses shall be allowed within the same structure. When located in older sections of the community in which by custom and tradition the intermixing of such uses has been found to be necessary and desirable, the districts intended to provide for infill development at a density, character and scale compatible with the surrounding area. When located in newer developing areas where it is necessary and desirable to create a transition zone between a residential and a commercial district, the district is intended to provide for mixed office, commercial and residential development. Residential, office and low-intensity commercial uses are allowed at the following maximum densities and intensities:

- * Residential - density not to exceed 35 dwelling units per acre.
- * Office and Commercial - the maximum combined area occupied by all principal and accessory buildings on a lot shall be 30% for a one- to four-story building, 25% for a five- to seven-story building and 20% for any building over eight stories. No building shall exceed a height of 100'.
- * Commercial uses shall be restricted to a maximum floor area subject to regulations set forth in the adopted Land Development Code.

Commercial District: The Commercial Land Use District is established for the purpose of providing areas of commercial development ranging from compact shopping areas to limited industrial/high intensity commercial uses. Light industrial uses such as fabrication, assembly and warehousing are permitted.

Conventional residential use is allowed as well as residential uses on upper floors above ground floor commercial or office uses and in other types of mixed-use development. Residential, office and commercial uses are allowed at the following maximum densities and intensities:

- * Residential - density not to exceed 35 dwelling units per acre outside the dense business area and density not to exceed 135 dwelling units per acre in the dense business area.
- * Office and Commercial in the dense business area - the maximum combined area occupied by all principal and accessory buildings shall be 100% of lot size (subject to compliance with parking provisions) up to a height of 100'. Developments of over 100' in height shall be required to reduce the lot coverage by 10%. No building shall exceed a height of 150'.
- * Office and Commercial - outside of the dense business area the maximum combined area occupied by all principal and accessory buildings shall be 75% of lot size up to a height of 100'. Developments of over 100' in height shall be required to reduce the lot coverage by 10%. No building shall exceed a height of 150'.

Industrial District: The Industrial Land Use District is established for the purpose of providing areas for industrial development for community and regionally oriented service areas. The district is intended to facilitate the more intense, large-scale manufacturing, warehousing, distribution, wholesaling and other industrial functions of the City and the region. The uses in this district would typically be of a scale and intensity that are more likely to be capable of having an adverse affect (through sound, vibration, odor, etc) on adjacent properties if they are not of a compatible character (i.e. residential, office, and general commercial land uses). Office, commercial and a mixture of light industrial, heavy industrial and industrial park uses are allowed, with maximum building coverage of 75% of lot size up to a maximum height of 100 feet.

Neighborhood District: The Neighborhood Land Use District is established to provide for land uses and aesthetic considerations which are distinctive and unique to neighborhoods defined by specific geographic boundaries on the Future Land Use Map.

A variety of residential, office and commercial uses will be allowed at the following maximum densities or intensities:

- * Residential – density not to exceed 35 dwelling units per acre.
- * Office and Commercial - the maximum combined area occupied by all principal and accessory buildings shall be 75% of lot size up to a maximum height of 100'.

Historic and Preservation District: The Historic and Preservation Land Use District is established to preserve the development pattern and distinctive architectural character of these unique areas through the restoration of existing buildings and construction of compatible new buildings. These buildings and historic sites and their period architecture make the district unique and worthy of continuing preservation efforts. 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 districts. The district is an established business area, residential neighborhood and tourist attraction, containing historic sites and museums, a variety of specialty retail shops, restaurants, small offices, and residences.

A variety of residential, office and commercial uses will be allowed at the following maximum densities or intensities:

- * Residential – density not to exceed 35 dwelling units per acre in the Pensacola (Seville) Historic District, the North Hill Preservation District and the Old East Hill Preservation District and density not to exceed 135 dwelling units per acre in the Palafox Historic Business District.
- * Office and Commercial in the Pensacola (Seville) Historic District, the North Hill Preservation District and the Old East Hill Preservation District - buildings shall not exceed a maximum height of 45'. Lot coverage shall be regulated by use of front, side and rear yard requirements pursuant to regulations in the Land Development Code and based on existing development.
- * Office and Commercial in the Palafox Historic Business District - the maximum combined area occupied by all principal and accessory buildings shall be 100% of lot size (subject to compliance with parking provisions) up to a height of 100'. Developments of over 100' in height shall be required to reduce the lot coverage by 10%. No building shall exceed a height of 150'.

Redevelopment District: The Redevelopment Land Use District is established to promote the orderly redevelopment of the southern gateway to the City and portions of the Pensacola Bay waterfront area in order to enhance visual appearance, preserve unique shoreline vistas, provide public shoreline access, preserve or provide working waterfront activities, improve traffic safety and encourage a high quality of site planning. Site specific analysis of each development proposal within the district is intended to ensure that the scenic orientation and open space image of the shoreline is maintained, that the development characteristics are upgraded and the boundary of the adjacent special districts are positively reinforced.

A variety of residential, office and commercial uses will be allowed at the following densities or intensities:

- * Residential - density not to exceed 100 dwelling units per acre in the Gateway Redevelopment District and 60 dwelling units per acre in the Waterfront Redevelopment District.
- * Office and Commercial in the Gateway Redevelopment District - the maximum combined area occupied by all principal and accessory buildings shall be 75% of lot size up to a maximum height of 100'.
- * Office and Commercial in the Waterfront Redevelopment District - the maximum combined area occupied by all principal and accessory buildings shall be 75% of lot size up to a maximum height of 60'.

Business District: The Business Land Use District is established to promote the compatible redevelopment of the City's historic downtown waterfront by encouraging high quality site planning and architectural design which is compatible with both the historic character of the existing structures and the waterfront activities.

- * Residential - density not to exceed 108 dwelling units per acre in the South Palafox Business District.
- * Office and Commercial in the South Palafox Business District - the maximum combined area occupied by all principal and accessory buildings shall be 100% of lot size up to a maximum height of 80'.

Airport District: The Airport Land Use District is established to regulate 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. Land owned by the City allows only open space, recreational or commercial and industrial uses customarily related to airport operations. Low density residential and a variety of office and commercial uses will be allowed on privately owned land, based on the zoning classification and subject to the requirements of Chapter 333 of the Florida Statutes, at the following maximum densities:

- * Residential - density not to exceed 5 dwelling units per acre.
- * Office and Commercial - the maximum combined area occupied by all principal and accessory buildings shall be 50%. No building shall exceed a height of 45', subject to airport height limitations.

Interstate Corridor District: The Interstate Corridor Land Use District is established to provide for non-highway land uses both below and adjoining the Interstate I-110 corridor on land owned by the Florida Department of Transportation and leased by the City of Pensacola as shown in the Site Development Plan in the DOT *Corridor Location, Design and Multiple Use Report: Interstate 110, Pensacola, Escambia County, Florida, 1972*. The

following land uses are allowed at the land use mix composition shown below, with site plan review and City Council approval:

- * Residential – density not to exceed 35 dwelling units per acre up to a maximum 3% of the developable land.
- * Service, tourist and community commercial and light industrial uses up to a maximum 25% of developable land.
- * Recreation and open space facilities, and community centers owned and operated by the City up to a maximum 35% of developable land.
- * Public utilities, City government buildings and facilities and public transportation facilities up to a maximum 37% of developable land.

The maximum combined area occupied by all principal and accessory buildings shall be 50%. No building shall exceed a height of 45', subject to DOT height limitations.

Policy FLU-1.1.6: The following uses shall be allowed in all future land use districts, except for Conservation and Interstate Corridor, subject to regulations set forth in the adopted Land Development Code, and Chapter 333 of the Florida Statutes: Community residential homes, schools with curriculum the same as public schools, libraries, churches, home occupations and accessory structures incidental to any permitted use. Parks and playgrounds and utility structures shall be allowed in every district.

Policy FLU-1.1.7: Adaptive reuse of vacant public, semipublic, institutional or historically significant structures within the Medium and High Density Residential Land Use Districts and the Residential Neighborhood Commercial Land Use District shall be allowed subject to issuance of a conditional use permit.

Applicants for a conditional use permit must submit development plans, undergo site review process through the Planning Board, provide for public notification of property owners within an established radius and obtain approval from the City Council. To ensure the compatibility of the conditional use development with the surrounding residential neighborhood the City Council may prescribe appropriate conditions and safeguards as follows:

- * Limit or otherwise designate the following: the manner in which the use is conducted; the height, size or location of a building or other structure; the number, size, location, height or lighting of signs; the location and intensity of outdoor lighting or require its shielding.
- * Establish special or more stringent buffer, yard or other open space requirements.
- * Designate the size, number, location or nature of vehicle access points.

- * Require berming, screening, landscaping or similar methods to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- * Designate the size, height, location or materials for a fence or wall.

Objective FLU-1.2: Existing nonconforming land uses which are incompatible or inconsistent with the Future Land Use Plan will not be allowed to expand, to be enlarged, or to be rebuilt or reopened if destroyed, pursuant to provisions adopted in the Land Development Code and consistent with the requirements of Chapter 163, F.S.

Policy FLU-1.2.1: Expansion or replacement of land uses, which are incompatible with the Future Land Use Plan, shall be prohibited. Existing nonconforming uses will be permitted as provided in the City's Land Development Code.

Policy FLU-1.2.2: Land uses which are potentially incompatible due to type of use and/or intensity of use, shall be buffered from one another through the use of physical and/or natural vegetative barriers within required yards established in the adopted Land Development Code.

Objective FLU-1.3: The City shall protect its natural resources and its historic, architectural and archaeological resources in accordance with the City's Land Development Code.

Policy FLU-1.3.1: Continue to protect natural open space areas within the City as designated in the Recreation and Open Space Element.

Policy FLU-1.3.2: Public access to the waterfront shall be maintained or improved by the City (i.e., boat ramps, street rights-of-way). Private property rights will be protected in providing public access to the waterfront.

Policy FLU-1.3.3: Wetlands and other natural vegetative and wildlife habitats identified, as Conservation Districts on the City's Future Land Use Map will be protected from development through provisions in the Land Development Code.

Policy FLU-1.3.4: Regulate the location of hazardous waste disposal, storage and treatment facilities within the City through enforcement of land development regulations.

Policy FLU-1.3.5: The City shall coordinate with West Florida Historic Preservation, Inc. by providing technical assistance in its efforts to identify, designate and preserve historic architectural resources and shall continue to enforce the regulations in the adopted Historic District zoning ordinance.

Policy FLU-1.3.6: The City shall abide by the guidelines of its archaeological resolution whenever development is planned for City-owned property.

Policy FLU-1.3.7: The City shall utilize maps contained in the *Wellhead Protection Area Delineation In Southern Escambia County, Florida, Water Resources Special Report 97-4, December 1997*, prepared by the Northwest Florida Water Management District, as may be amended, and included by reference, to identify wellhead protection areas around existing water wells and shall continue to cooperate with the Escambia County Utilities Authority in reviewing land use regulations within these areas.

Policy FLU-1.3.8: Land uses delineated by the Future Land Use element shall be permitted based on the availability of water supplies in addition to the availability of public water facilities consistent with the requirements of Chapter 163, F.S.

Objective FLU-1.4: All development and redevelopment in the Coastal High Hazard Area shall be consistent with the Coastal Management Element and shall be coordinated with appropriate regional hurricane evacuation plans.

Policy FLU-1.4.1: For City-funded developments, water-dependent and water-related activities shall be given a higher priority for permit approval.

Policy FLU-1.4.2: Public access to the waterfront shall be encouraged in all developments utilizing City funds except for industrial developments.

Policy FLU-1.4.3: Future residential land use developments in the CHHA shall be limited to the following densities by location:

- * Low density - along Escambia Bay north of Hyde Park Road and south of Gadsden Street, and along both shores of Bayou Texar.
- * Medium density - along Pensacola Bay (except for the Historic District), and along Bayou Chico.
- * High density - Historic District.

Policy FLU-1.4.4: Future residential land use developments in the dense business area constructed in the CHHA shall be limited to medium density (18 or fewer residential dwelling units per acre). Allowable density above the medium density limit established by future land use category may be transferred to portions of the development site outside the CHHA.

Objective FLU-1.5: The City shall coordinate with other local governments and agencies to reduce or minimize adverse impacts in the region due to development in the City.

Policy FLU-1.5.1: The City shall develop procedures for review of requests for development orders which might affect or be affected by another government or agency and coordinate appropriately.

Policy FLU-1.5.2: The City shall review and contribute to any updates of the Comprehensive Plans in surrounding jurisdictions and other policy plans that would affect implementation of local resource protection goals.

Objective FLU-1.6: Ensure that suitable land is available for utilities necessary to support proposed developments through enforcement of subdivision ordinances which require the provision of adequate land for utilities infrastructure.

Policy FLU-1.6.1: Pursue an interlocal agreement and an informal coordination mechanism, to the extent possible, with Emerald Coast Utilities Authority and other utilities providers in locating public facilities and utilities to maximize the efficiency of services provided, to minimize their cost and to minimize their impacts on the natural environment.

Objective FLU-1.7: Facilitate efficient and reliable delivery of electric service.

Policy FLU-1.7.1: New electric distribution substations shall be a permitted use in all land use categories and zoning districts within the City except those designated as preservation, conservation, or historic preservation on the future land use map or duly adopted ordinance pursuant to F.S. 163.3208.

Policy FLU-1.7.2: Standards for set-backs, landscaping, buffering, screening, and other aesthetic compatibility-based standards shall apply to new distribution electric substations pursuant to F.S. 163.3208 to achieve compatibility with adjacent and surrounding land uses to the maximum extent practicable.

Policy FLU-1.7.3: The City shall grant or deny a properly completed application for a permit to locate a new distribution electric substation within a residential land use category or zoning district pursuant to the requirements of F.S. 163.3208.

Objective FLU-1.8: Provide for effective land development opportunities while allowing for innovative solutions through the Land Development Code.

Policy FLU-1.8.1: The land development regulations shall be modified and/or expanded to reflect the goals, objectives and policies of all the Comprehensive Plan elements.

Policy FLU-1.8.2: Land development regulations shall allow flexibility, within some zoning districts to provide for affordable housing and other redevelopment opportunities.

Policy FLU-1.8.3: Land development regulations shall include standards for residential density bonuses and density transfers above the limit otherwise established by future land use category in exchange for the construction of affordable housing and as an incentive to achieve superior building and site

design, preserve environmentally sensitive lands and open space, and provide public benefit uses including access to the waterfront.

- Density bonuses for superior building and site design, preservation of environmentally sensitive lands and open space, and provision of public benefit uses shall not exceed 10% of the limit otherwise established by land use category and shall be available to residential developments in the medium density residential land use district, high density residential land use district, office land use district, residential/neighborhood commercial land use district, commercial land use district, redevelopment land use district and business land use district.
- Density bonuses for superior building and site design, preservation of environmentally sensitive lands and open space, and provision of public benefit uses shall be based upon clear and convincing evidence that the proposed design will result in a superior product that is compatible with the surrounding land uses and produces a more desirable product than the same development without the bonus.
- Density bonuses for the provision of affordable housing shall not exceed 25% of the limit otherwise established by land use category and shall be available to residential developments in the medium density residential land use district, high density residential land use district, office land use district, residential/neighborhood commercial land use district, commercial land use district, redevelopment land use district and business land use district.
- Density bonuses for the provision of affordable housing shall be based upon ratios of the amount of affordable housing to market rate housing within a proposed residential development and shall include mechanisms to assure that the units remain affordable for a reasonable timeframe such as resale and rental restrictions and rights of first refusal.
- The maximum combined density bonus for superior building and site design, preservation of environmentally sensitive lands and open space, provision of public benefit uses and affordable housing provided to any single development shall not exceed 35% of the limit otherwise established by land use category.
- Density transfers shall be a direct transfer of unutilized density from a donor site to a receiving site, subject to the City's land development and density transfer regulations.

- All density bonuses and density transfers shall be approved by the City Planning Board.

Objective FLU-1.9: Direct development in the City to areas where infrastructure exists to reduce development outside of the City limits which would cause further urban sprawl.

Policy FLU-1.9.1: Promote infill development of vacant and underutilized parcels within City limits through use of appropriate land development regulations, and provision of effective urban services.

Policy FLU-1.9.2: Encourage mixed-use development as a means to increase density in the designated urban core and inner-city redevelopment areas of the City in accordance with adopted redevelopment area plans through EAR-based amendments of the Comprehensive Plan and revisions of the Land Development Code.

Policy FLU-1.9.3: Support increased density in proximity to existing and proposed urban elementary schools, and seek to use such schools as neighborhood focal points by collocating public facilities such as parks and community centers with schools to the extent possible.

Policy FLU-1.9.4: Continue to encourage mixed use development through the use of innovative land development techniques such as planned unit developments, cluster housing, mixed-uses on individual parcels and other approaches as provided in the land development code.

Policy FLU-1.9.5: Promote innovative arrangements of development types and promote a complimentary mix of residential/commercial/recreation uses along primary vehicular corridors of neighborhoods so as to minimize the impacts of new development on existing resources and facilities by allowing a variety of uses in close proximity to one another.

Policy FLU-1.9.6: Allow development of a mixture of residential, commercial and office land uses in the mixed residential/office/commercial zoning districts along primary vehicular corridors of the Urban Core and inner-city Community Redevelopment Areas, through review and revision of the Land Development Code.

Objective FLU-1.10: Increase and enhance Traditional Neighborhoods

Policy FLU-1.10.1: Identify and revise incompatible zoning designations and approved land uses to ensure suitable development in support of existing traditional neighborhoods and a cohesive urban fabric.

Policy FLU-1.10.2: Encourage new Neo-Traditional Neighborhood Development and compatibly designed infill within the urban core and inner-city redevelopment areas through review, and revision where necessary, of the land use regulations in the Land Development Code.

Policy FLU-1.10.3: Explore Neighborhood Conservation Overlay Districts to ensure compatible infill development in existing traditional neighborhoods.

Policy FLU-1.10.4: Explore the use of State and Federal redevelopment programs to encourage Neo-Traditional Neighborhood Developments that include a mix of uses and provide housing for a range of incomes.

Objective FLU 1.11: Promote development in the downtown urban core areas of the City.

Policy FLU-1.11.1: Promote through the redevelopment process, the introduction of mixed-use development to enhance retail viability, establish truly pedestrian-oriented shopping districts, create more attractive buildings and public spaces, support transit viability, and reduce vehicle trips.

Policy FLU-1.11.2: Review land use regulations in the Land Development Code and revise where necessary to support walkability and pedestrian activity, arts, and entertainment uses in the City's downtown.

Policy FLU-1.11.3: Review land use regulations in the Land Development Code and revise where necessary to encourage the vertical and horizontal integration of a complementary mix of commercial, service and other non- residential uses that address the needs of families and other household types living in downtown neighborhoods.

Policy FLU-1.11.4: Pursue the establishment of a downtown railroad "quiet zone" to facilitate downtown development.

Policy FLU-1.11.5: Continue to coordinate with the Downtown Improvement Board on parking enforcement and management to provide adequate parking for downtown patrons.

Policy FLU-1.11.6: Continue to waive off-street parking requirements in the HC-1 and HC-2 districts, for residential land uses in the dense business area, and for qualifying buildings in the South Palafox Business District and C-2A district to encourage downtown and urban core development.

Policy FLU-1.11.7: Continue to allow the off-site provision of parking through a shared parking agreement in qualifying zoning districts to promote downtown and urban core development.

Objective FLU-1.12.: Implement plans for redevelopment and renewal of blighted areas in Census Tracts 1 through 8, and particularly in the downtown urban core and inner-city Community Redevelopment Areas.

Policy FLU-1.12.1: Continue to undertake redevelopment projects and programs as outlined in the *Urban Core Community Redevelopment Plan* (2010 Update), the *Pensacola Waterfront Redevelopment Plan* (2000/Update 2010), the *Pensacola Historic District Master Plan*, (2004) and the *Belmont DeVilliers Land use Plan* (2004) and promote increased density.

Policy FLU-1.12.2: Continue to engage in redevelopment activities within the designated Urban Infill and Redevelopment Area in accordance with the *Urban Infill and Redevelopment Area Plan*.

Policy FLU-1.12.3: Implement redevelopment efforts as identified in the *Westside Community Redevelopment Area Plan* (2007).

Policy FLU-1.12.4: Encourage Brownfield and grayfield redevelopment and adaptive reuse within the urban core and inner-city development areas.

Policy FLU-1.12.5: Promote redevelopment of existing automobile-oriented corridors and the upgrading of existing commercial development to create vibrant, mixed-use boulevards that balance efficient movement of motor vehicles with the creation of attractive pedestrian-friendly districts that serve the adjoining neighborhoods as well as passing motorists pursuant to adopted redevelopment plans.

Policy FLU-1.12.6: Provide infrastructure improvements as part of a redevelopment program in the above mentioned areas in such a way that will not strain the economic resources of the City's existing and new residents.

Policy FLU-1.12.7: Provide for some economic incentives for development in the cited neighborhoods including the following:

- * Establishing lower level of service standards for some facilities in developed neighborhoods so that costs of upgrading facilities will not be prohibitive; and
- * Establishing lower or abolishing impact fee assessments in these neighborhoods if the use of impact fees are adopted in the Plan.

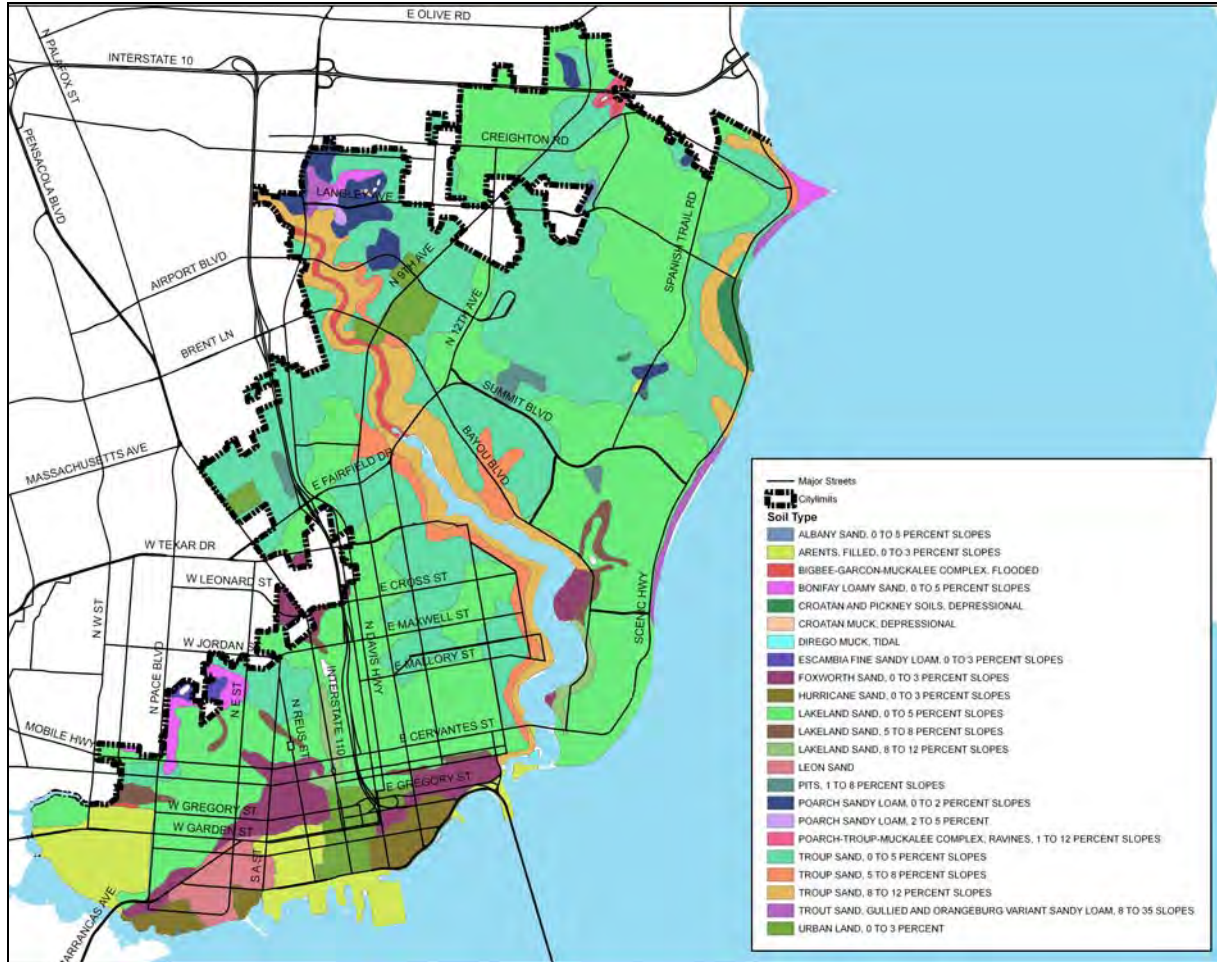
Objective FLU-1.13: Opportunity for dispute resolution in consideration of revisions to the Comprehensive Plan.

Policy FLU-1.13.1: Opportunity shall be afforded, pursuant to F.S. 163.3181 (4), for informal mediation or other alternative dispute resolution to a property owner who's request for an amendment to the Comprehensive Plan pertaining to his

property is denied. The costs of the mediation or other alternative dispute resolution shall be borne equally by the local government and the property owner. If the owner requests mediation, the time for bringing a judicial action is tolled until the completion of the mediation or 120 days, whichever is earlier.

Policy FLU-1.13.2: Prior to an administrative hearing conducted pursuant to review of the comprehensive plan or plan amendment by the state land planning agency, opportunity to mediate or otherwise resolve the dispute of any affected person who intervenes as a party to that proceeding shall be afforded pursuant to F.S. 163.3184 (10)(c). The costs of the mediation or other alternative dispute resolution shall be borne equally by all the parties to the proceeding.

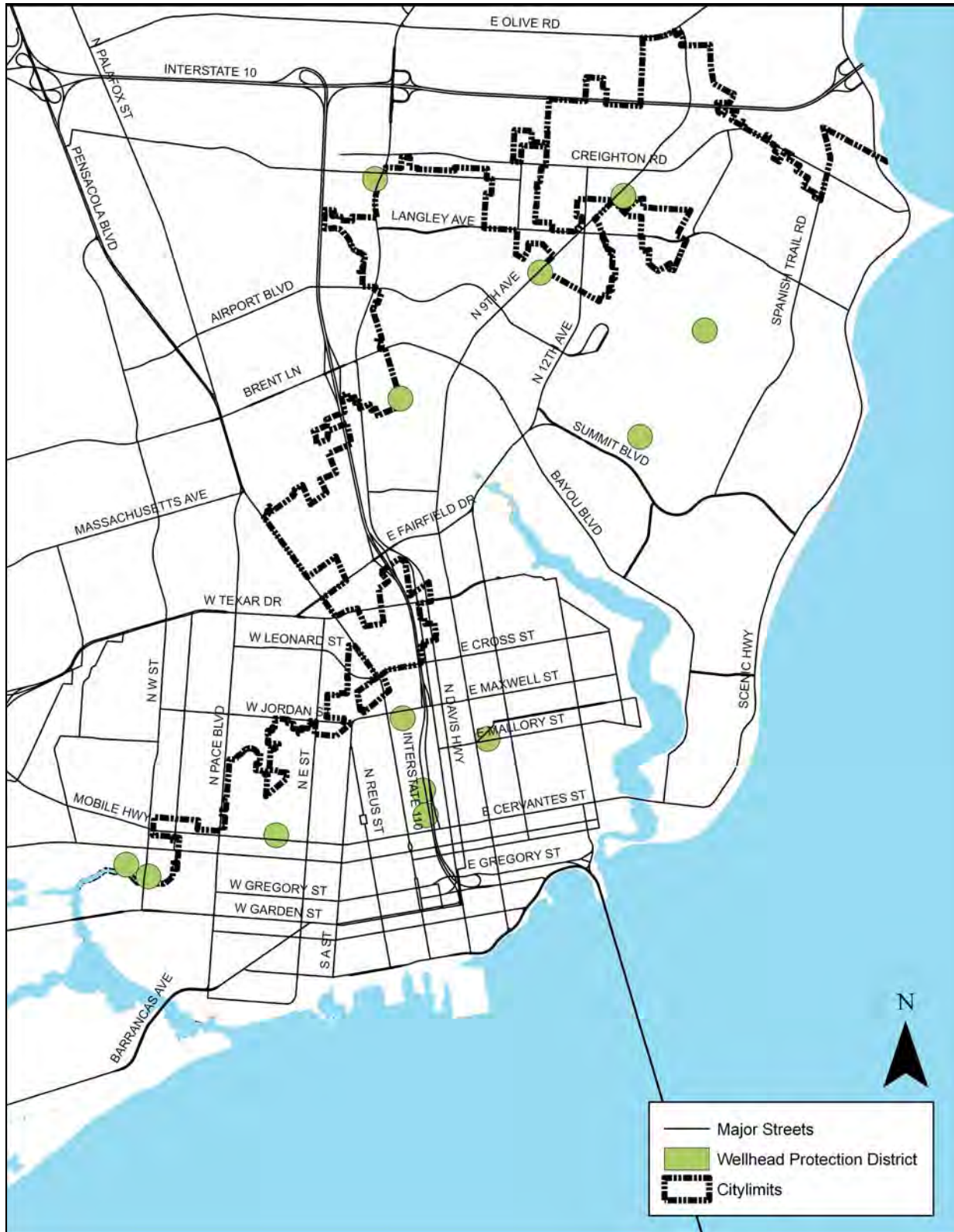
City of Pensacola Soils



City of Pensacola Flood Zones



City of Pensacola Wellhead Protection Zones



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CHAPTER 2

TRANSPORTATION

GOAL T-1: A safe, convenient, and efficient street system.

Objective T-1.1: The City shall maintain Level of Service standards and implement recommendations to address existing and forecasted LOS deficiencies.

Policy T-1.1.1: The City of Pensacola has adopted Florida Department of Transportation (FDOT) Quality/Level of Service Handbook standards to determine maximum volumes for adopted level of service on the Florida Intrastate Highway System. In addition, the City has adopted the following Level of Service standards on the other roadway types within the City limits to determine maximum volumes:

Roadway Type	LOS (Peak hour)
State Roadways	
Intrastate	C
Other State Roads	E
Roads Within the TCEA	Exempt
Local Roadways	
Local Collector Roads	E
Other Local Roads	C

Policy T-1.1.2: The City of Pensacola shall continue to examine traffic impacts associated with development on roadways within the City to ensure that adopted Level of Service standards are not degraded.

Policy T-1.1.3: The City will review annually, adopted Level of Service standards, traffic volumes, and system demands in order to monitor impacts of new development on the traffic circulation of the City.

Policy T-1.1.4: The City of Pensacola has designated an Urban Redevelopment Transportation Concurrency Exception Area (TCEA) within the boundaries of the Community Redevelopment Area as established pursuant to Resolution 54-80. The boundary of the Urban Redevelopment TCEA is shown on the adopted Future Traffic circulation Map.

Objective T-1.2: The City of Pensacola shall continue to cooperate with the local comprehensive transportation planning process in the Pensacola urbanized area.

Policy T-1.2.1: The City will continue to coordinate with the West Florida Regional Planning Council, FDOT, and the TPO regarding transportation planning and programs within the Pensacola urbanized area.

Policy T-1.2.2: The City will continue to participate in the preparation of the Florida Alabama Transportation Planning Organization's (TPO's) long-range transportation study to evaluate transportation needs and alternatives to improve traffic circulation between the Gulf Breeze peninsula and the City of Pensacola. The City will request the FDOT prepare an analysis of land use and traffic impacts of landfall locations proposed for the western terminus of a new Pensacola Bay bridge.

Policy T-1.2.3: The City shall coordinate with the FDOT, the TPO, the Federal Highway Administration (FHWA), Escambia County, and other Corridor Management Entity partners, where feasible, in implementing elements of the Corridor Management Plan (CMP) for the Scenic Bluffs Highway Corridor.

Objective T-1.3: The City of Pensacola shall continue to maintain, protect, and improve the existing and future coordinated network of streets.

Policy T-1.3.1: The City will use the following definitions from the Land Development Code section 12-14-1 to classify streets within City limits. The City will identify the classification of local streets on the Roadway Functional Classification Map which shall be contained in the City's Land Development Code, and updated periodically to reflect current roadway function.

Street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated. The word "street" includes the following terms, further described as follows:

Streets, major arterial means streets which provide for through traffic movement between areas and across the City, and direct access to major employment locations and commercial uses.

Streets, minor arterial means street which provide for traffic movement between major neighborhoods.

Streets, collector means streets which provide for the movement of traffic between major arterials and local streets and direct access to abutting property.

Street, local means streets which provide for direct access to abutting land and used for local traffic movements only.

Streets, marginal access are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

Policy T-1.3.2: The City shall follow and annually update its 5-year Master Plan for City streets and roadways.

Policy T-1.3.3: The City will continue to coordinate land use decisions with the future traffic circulation system by coordinating traffic circulation improvements with the Future Land Use Map.

Policy T-1.3.4: The City shall incorporate safety measures such as signage, pavement markings, and engineering improvements into all transportation improvements.

Policy T-1.3.5: The City will review periodical accident frequency reports about applicable roads within the City limits and make necessary roadway improvements whenever and wherever applicable.

Policy T-1.3.6: The City shall preserve and protect the capacity of all major streets by minimizing points of ingress/egress, wherever possible, and by closing or relocating unnecessary curb cuts to provide efficient access to the roadway system when development occurs. The City will review, and revise where necessary, its existing standards for providing access and spacing in the Land Development Code. The City will periodically coordinate this review activity with Escambia County and the FDOT through continued participation with the Florida-Alabama TPO.

Policy T-1.3.7: The City shall protect existing and future transportation corridors by implementing the requirements of the subdivision ordinance. This includes mandatory dedication of rights-of-way, where required, as a condition of plat approval.

Objective T-1.4: The City shall continue to implement Transportation System Management strategies to improve the overall performance and quality of the existing transportation network.

Policy T-1.4.1: The City shall coordinate additional segments of the existing computerized signal system with Escambia County, the TPO, and FDOT.

Policy T-1.4.2: The City will review the elimination of one way streets in the current street network

Policy T-1.4.3: The City shall work to reduce excess surface parking along new and existing development through revisions to the Land Development Code where appropriate.

Policy T-1.4.4: The City shall continue to explore the replacement of traffic signals with stop signs at appropriate intersections.

Policy T-1.4.5: The City shall continue to implement “right sizing” strategies where appropriate to reduce lane widths and number of lanes to enhance the quality of the local transportation network.

Policy T-1.4.6: The City shall continue to integrate traffic calming measures including curb extensions, roundabouts, speed tables, raised intersections, textured crosswalks, and the addition of on-street parking to improve the overall quality of the motorized and non-motorized transportation network.

Policy T-1.4.7: In order to promote urban redevelopment within the Urban Redevelopment Area TCEA, the City will consider parking control and pricing policies, transportation demand management programs, transportation system management programs, availability of public transportation, and the use of creative financing tools for the provision of transportation services and facilities.

Policy T-1.4.8: The City shall coordinate with the DIB to implement the recommendations incorporated in the CRA Downtown Parking Study (May 1999) and Parking Management Analysis Findings and Recommendations (2006) including the following: traffic operation improvements; providing for pedestrian and bicyclists; identification of sites for on-grade parking lots or parking garages; identification of satellite parking locations linked to a downtown closed loop trolley to provide a "park and shuttle" alternative in the TCEA to reduce vehicle traffic in the central business district, and; a financial feasibility analysis to address costs of the improvements and possible funding sources.

Policy T-1.4.9: The City shall coordinate with the Downtown Improvement Board (DIB) and West Florida Historic Preservation, Inc. to periodically review the feasibility and joint funding of the existing closed loop trolley or shuttle service within the TCEA boundary.

GOAL T-2: An economically sound, safe, energy-efficient, and equitable mass transportation system.

Objective T-2.1: The City shall encourage Escambia County Area Transit (ECAT) in the provision of fixed route mass transit service linking major trip generators and attractors.

Policy T-2.1.1: The City shall continue to coordinate with the WFRPC and the TPO regarding the promotion of alternative modes of transportation (i.e., ridesharing, mass transit).

Policy T-2.1.2: The City shall endorse the promotion of the ECAT in order to relieve traffic and parking congestion and in order to foster energy conservation.

Policy T-2.1.3: The City shall coordinate with ECAT and Escambia County in evaluating transit routes and service utilizing route ridership, headways, or other appropriate performance standard.

Policy T-2.1.4: The City will encourage "ride sharing" programs in coordination with Escambia County in order to reduce the number of vehicles on the road during peak hours.

Policy T-2.1.5: The City will develop land use and site design guidelines to assure the accessibility of new development to mass transit service.

Objective T-2.2: The City shall assist in developing coordinated transportation systems for transportation-disadvantaged citizens.

Policy T-2.2.1: The City will support the provision of the para-transit system developed by the Community Transportation Coordinator as required by Chapter 427, Florida Statutes.

Policy T-2.2.2: The City will assist the TPO in the recommendation for a new coordinator by participating in the development of a Request for Proposals and in the evaluation of proposals received.

Objective T-2.3: The City shall encourage the pursuit of new sources of funding for mass transportation.

Policy T-2.3.1: The City shall work with ECAT, the County and the FDOT to provide for increased Service Development and Urban Corridor funding.

Policy T-2.3.2: The City will support Florida Transit Association in efforts to provide state operating assistance for mass transit.

Policy T-2.3.3: The City will support efforts to provide for a designated funding source for the local contribution.

Goal T-3: A complete network of pedestrian and bicycle facilities that enhances the City's livability, accessibility, and safety.

Objective T-3.1: The City shall continue to provide facilities in support of a safe, non-motorized transportation system.

Policy T-3.1.1: The City of Pensacola shall accommodate non-motorized forms of transportation in the design of transportation improvement projects.

Policy T-3.1.2: The City shall consider in its design of all future roadway improvements for major arterial streets, the accommodation of bicycle transportation needs where appropriate.

Policy T-3.1.3: The City shall encourage the development of a comprehensive bicycle education program in coordination with the TPO and Escambia County.

Policy T-3.1.4: The City shall continue to coordinate with the WFRPC and the TPO regarding the promotion of walking and bicycling as alternative modes of transportation.

Policy T-3.1.5: The City shall coordinate with and encourage the deployment of DIB-purchased and installed of bicycle racks within the TCEA boundary.

Objective T-3.2: The City shall coordinate all development in order to produce walkable communities and neighborhoods throughout the City.

Policy T-3.2.1: The City will continue to repair and construct new sidewalks where feasible through the Penny for Progress sidewalk program and other applicable funding sources like the Community Development Block Grant.

Policy T-3.2.2: The City will continue to include requirements for provision of sidewalks by developers around future commercial developments to aid in pedestrian transportation needs.

Policy T-3.2.3: In accordance with the City's Public Schools and Facilities Element of the Comprehensive Plan, new residential developments within two miles of an existing or planned school shall be required to provide sidewalks. In addition, sidewalks shall be placed along all collector, arterial, and local roads abutting the subdivision to the subdivision property line, where it has been determined that the most direct route from the subdivision to the school is along those roadways.

Policy T-3.2.4: The City shall continue to improve accessibility for citizens with mobility limitations throughout the City by providing curb cuts along all proposed sidewalks and through improvements to existing sidewalks where feasible.

Policy T-3.2.5: The City shall strive to upgrade existing and design new pedestrian crossings and intersections with the appropriate "intersection geometry" to allow for visibility, ease of crossing, and pedestrian connectivity.

Policy T-3.2.6: The City shall continue to install countdown-type pedestrian signals at the most appropriate and highly-traveled pedestrian crossings.

Policy T-3.2.7: The City shall, through coordination with the FDOT, the TPO, the Federal Highway Administration (FHWA), design and operate a

comprehensive network of “Complete Streets,” consisting of arterial, collector and local streets, that enables safe access and a full range of daily activities by all user groups, including pedestrians, bicyclists, motorists, and transit vehicles.

Policy T-3.2.8: The City will develop a typology of Complete Streets amenities, and identify the most appropriate enhancements for the range of streets within the City. This typology will be included as part of the Land Development Code or as a stand-alone supplement, and will be used to systematically plan public transportation upgrades and bicycle and pedestrian enhancements.

Policy T-3.2.9: The downtown Community Redevelopment Agency (CRA) will continue to develop and consider funding streetscape improvement projects to enhance pedestrian use of sidewalks as an alternative to vehicle use in the TCEA boundary.

Policy T-3.2.10: The City will continue to support pedestrian access and community beautification through proposed streetscape improvement projects in adopted neighborhood and revitalization plans where feasible.

Policy T-3.2.11: The City will pursue, where feasible, “Complete Street,” and intersection improvements along the corridors identified in adopted neighborhood and redevelopment plans to provide for aesthetics, accessibility and safety for pedestrians, bicycles and motorized vehicles. Such improvements may include traffic calming measures such as adequate lighting, shade trees, wider sidewalks, bike paths, street furniture, gateway treatments, directional signage and area identity markers where feasible.

GOAL T-4: Rail service that allows for the safe and efficient transportation of cargo and passengers while enhancing livability.

Objective T-4.1: The City shall coordinate for safe and efficient railroad operations along the existing system within the city limits.

Policy T-4.1.1: The City shall utilize available legal methods in order to provide that railroad companies will continue to maintain the roadway for vehicular traffic at railroad crossings.

Policy T-4.1.2: The City shall strive to be the first responder to any hazardous material incidents within the city limits and maintain an on-going training program to ensure maximum response capabilities in the event of derailments.

Policy T-4.1.3: The City shall monitor any modifications to the railroad trestle at Bayou Texar to provide for maximum enhancement of tidal circulation.

Policy T-4.1.4: The City shall coordinate with the appropriate railroad company to seek removal and/or replacement of the overpass at 17th Avenue that would allow for the continued improvements of 17th Avenue.

Policy T-4.1.5: The City shall encourage the return and continued service of Amtrak or other passenger rail service along existing rail lines.

Objective T-4.2: The City shall coordinate with the rail companies serving the area in order to achieve compatibility of rail facilities and operations with community planning efforts.

Objective T-4.2.1: The City shall work for the establishment of a rail quiet zone within the City limits for the benefit of local residents and businesses.

Policy T-4.2.2: The City shall coordinate with rail companies to identify unused railroad spurs and trackage and require or encourage their removal by the appropriate party.

Policy T-4.2.3: The City shall take action to secure abandoned railroad rights-of-way in the event that track removal or relocation occurs and determine the best land use for the impacted rights-of-way.

Policy T-4.2.4: The City shall explore the restoration of unused rails lines to be used for public recreational use.

GOAL T-5: The stimulation of economic development and generation of positive economic and employment benefits in the City of Pensacola and surrounding area by promoting the use of the waterfront and Port facilities to cargo shippers and water-dependent businesses, and coordinating with the Pensacola International Airport ~~Pensacola Gulf Coast Regional Airport~~ when feasible.

Objective T-5.1: The Port shall continue to attract new and expanded waterborne commerce.

Policy T-5.1.1: Sufficient financial resources shall be made available annually within the Port's departmental budget to facilitate the continued promotion of Port facilities to prospective users.

Policy T-5.1.2: The Port shall maintain a business development plan and facilities development strategy which identifies the annual marketing targets and long-range facility development objectives required to attract new and expanded business to the Port.

Policy T-5.1.3: The Port shall maintain close working relationships with applicable federal, state, regional and local economic development agencies, as

well as with the Pensacola International Airport ~~Pensacola Gulf Coast Regional Airport~~, and port-associated businesses (i.e. trucking companies, railroads, shipping lines, etc.) to enhance economic development opportunities, and to identify and pursue waterborne commerce opportunities.

Policy T-5.1.4: The Port shall review, and if necessary, revise its Terminal Tariff so as to maximize revenues while maintaining a competitive position within the industry.

Objective T-5.2: The Port shall diversify its business base in order to strengthen the Port's contribution to the economic vitality of the Pensacola area.

Policy T-5.2.1: The Port shall make its maritime knowledge and experience available to tourism officials, inter- and intra-governmental departments and agencies, political leaders and others to assist in exploring the development of excursion, cruise, or amenity vessel operations at public access areas of the downtown waterfront including, but not limited to, Commendencia Slip, Plaza de Luna, and the Vince Whibbs Community Maritime Park, etc.

Policy T-5.2.2: The City shall work with the TPO, National Park Service, and the Department of the Navy to review the feasibility and benefits of establishing a local and regional passenger ferry system to support tourism and water-related commerce in the area.

Policy T-5.2.3: The Port may acquire, by lease or purchase, land or buildings for the purpose of leasing to potential Port customers, or to provide the same for use by transient cargo users of the Port.

Policy T-5.2.4: The Port shall actively market its deep draft docks, berths, pier-side warehouses and other infrastructure to traditional and non-traditional waterborne commerce and water-dependent maritime industry interests.

Policy T-5.2.5: The Port shall market its northeastern boundary for development of a commercial/restaurant/retail venture.

Policy T-5.2.6: The Port shall market unimproved land located roughly in the north central portion of the Port for development of light manufacturing/assembly type operations with significant employment potential.

Policy T-5.2.7: The Port may collaborate with other government agencies and private waterfront and inland landholders to develop strategic alliances and public-private partnerships which expand and enhance the Port's ability to serve new and expanded cargo and water-dependent business activities.

Objective T-5.3: The Port shall maintain a 5-year capital improvement and replacement plan to address Port facility construction and maintenance requirements.

Policy T-5.3.2: The City shall consider the potential impact on the Port of Pensacola of non-maritime related developments in the areas immediately adjacent to the Port property.

Policy T-5.3.3: The City, through the annual Port Department budget with support from state and federal grant resources where applicable, shall identify and commit funding as available to provide and maintain facilities necessary to facilitate the Port's business activities as described in Objective 5.2.

Policy T-5.3.4: Port capital improvement and expansion plans will be coordinated and consistent with applicable federal, state, and local laws, ordinances and regulations and shall be sensitive to environmental issues in consideration of the economic policy of Port operations.

Objective T-5.4: The Port shall develop and implement a comprehensive facilities maintenance program.

Policy T-5.4.1: The City, through the annual Port Department budget, shall provide sufficient personnel and financial resources, as available, to implement the facilities maintenance program.

Policy T-5.4.2: Port facilities shall be maintained so as to minimize the requirement for replacement and thereby extend the useful and productive life of Port assets.

Objective T-5.5: The City will limit public expenditures in the Coastal High Hazard Area except in the provision of facilities necessary for Port maintenance and operations.

Policy T-5.5.1: Future Port related public expenditures in the Coastal High Hazard Area shall be limited to: those which provide evidence of natural disaster mitigation planning and design; those which restore or enhance natural resources; or, those which are necessary for operation and expansion to accommodate Port activity as determined by the City.

GOAL T-6: Port operations and developments that are undertaken in a manner which minimize or mitigate negative impacts on the basic functions and productivity of the City's natural land, coastal and water resources; and that eliminate, reduce or avoid Port related health and safety concerns for present and future residents of the City of Pensacola.

Objective T-6.1: The Port shall endeavor to protect, conserve, and enhance wetlands, living marine resources, coastal barriers, and other natural resources within its immediate geographic area of operation.

Policy T-6.1.1: The Port will conduct its operations in accordance with all state, federal, and local regulations designed to protect wetlands, aquatic wildlife and creatures, and water quality.

Policy T-6.1.2: The Port will protect to the extent reasonably feasible, living marine resources from any permanent effects of Port related dredging by providing that all dredging activity will be permitted and conducted in accordance with applicable state and federal regulations designed to reasonably ensure that dredging impacts are short-term and limited.

Policy T-6.1.3: All future Port developments shall be designed to meet Northwest Florida Water Management District standards for the control of stormwater runoff. Recommendations outlined in the City's Stormwater Management Plan will be implemented during new construction activities on the Port site.

Policy T-6.1.4: All Port users discharging coolant or ballast water into Port area waters must comply with the pertinent state and federal regulations.

Objective T-6.2: Port operations, development, and expansion plans will be integrated into all City plans for the downtown and waterfront areas and compatible with the surrounding land uses, including the plans of the City Planning Department and the Community Redevelopment Agency, as a water-dependent land use.

Policy T-6.2.1: The Port shall work with other City departments to reasonably ensure that Port transportation requirements are analyzed and reflected in the plans of the TPO as well as federal and state DOT plans by participating in the development and adoption process of these plans.

Policy T-6.2.2: City Council Resolution 12-05 and City Council Policy on Port Operations and Administration will be incorporated into the City of Pensacola Comprehensive Plan.

Policy T-6.2.3: The Port will work with other City, County, State and Federal departments and agencies to explore transportation planning and management solutions which seek to segregate Port vehicular and rail traffic from other traffic types along Main Street and in the downtown Pensacola corridor to the extent practical.

Policy T-6.2.4: The City shall consider the economic impact of the Port in all future coastal and waterfront land use planning or development.

Policy T-6.2.5: Future Port development shall be visually compatible with adjacent development in the downtown and Historic District to the extent reasonably possible.

Objective T-6.3: The Port shall maintain a petroleum products and hazardous waste management program.

Policy T-6.3.1: The Port shall maintain a consolidated hazardous waste and petroleum products contingency/emergency response plan, which implements the guidance in the *Florida Coastal Pollutant Spill Contingency Plan*.

Policy T-6.3.2: The Port shall coordinate all disaster/ hazardous waste and petroleum products contingency planning with the Escambia County Emergency Management Director, State Department of Environmental Protection and the U.S. Coast Guard.

Policy T-6.3.3: All future Port expansion planning will, to the extent financially feasible, incorporate the appropriate technology for the safe handling of hazardous wastes and petroleum products.

Policy T-6.3.4: All handlers of petroleum products shall be required to have a U.S. Coast Guard approved spill contingency plan.

Policy T-6.3.5: The Port shall maintain a current file of the U.S. Coast Guard inspection reports and the various industry/company hazardous materials and petroleum products operations and handling manuals.

Policy T-6.3.6: The Port will maintain a comprehensive inventory of hazardous materials and petroleum products and inventory of spill cleanup equipment.

Objective T-6.4: All Port projects shall be consistent with the Future Land Use, Coastal Management and Conservation Elements of the City's Comprehensive Plan.

Policy T-6.4.1: Revisions to the Port development plan shall be reviewed to ensure consistency with the City's Comprehensive Plan.

Objective T-6.5: The Port will continue to coordinate operations and expansion plans with the TPO, the FDOT, and other appropriate transportation planning entities to ensure an integrated traffic circulation system.

Policy T-6.5.1: Port development plans will be reviewed for consistency with transportation plans of applicable transportation planning agencies.

Objective T-6.6: The Port shall continue to coordinate operational and expansion activities with the U. S. Army Corps of Engineers, the TPO, the Department of Defense, the *Escambia/Santa Rosa Coastal Resource Planning and Management Plan* and the FDOT 5-Year Transportation Plan.

Policy T-6.6.1: The Port will continue to construct and operate Port facilities in cooperation with appropriate federal, state and local agencies.

Policy T-6.6.2: The Port development plans will be coordinated with appropriate plans of other agencies including FDOT's 5-Year Transportation Plan and the TPO's adopted Transportation Improvement Plan (TIP).

Policy T-6.6.3: The Port shall coordinate with the appropriate City departments to assure that Port transportation requirements are consistent with and included in the plans of the TPO.

GOAL T-7: The reduction of vulnerability of Port occupants to hurricanes and other natural disasters.

Objective T-7.1: The Port evacuation time will be consistent with that of the County from Evacuation Zone 12.

Policy T-7.1.1: The Port shall maintain a disaster evacuation, response, and recovery plan as part of its comprehensive Port Security Plan approved by the United States Coast Guard and Florida Department of Law Enforcement.

Policy T-7.1.2: The Port shall coordinate with the County to ensure that its plan is consistent with that for County Evacuation Zone 12.

Policy T-7.1.3: The Port shall coordinate with the County in the development of a revised update of the Escambia County and City Hurricane Preparedness Plan which considers revised evacuation routes, the Port's role in the evacuation process, the orderly evacuation of Port workers, resident businesses, and cargo, and the post-hurricane recovery process.

Policy T-7.1.4: The Port shall conduct an annual review of its disaster evacuation, response, and recovery plan with all Port tenants, users, and resident businesses.

Objective T-7.2: The Port shall fully implement compliance with life safety, fire prevention, construction and flood plain management codes of the City and state.

Policy T-7.2.1: The Port area building standards shall continue to be consistent with or in excess of the most current construction, life safety and fire prevention codes.

Policy T-7.2.2: The City's land development regulations shall identify priorities for shoreline land uses which provide for a range of water-dependent uses, in-water related activities, economic growth stimuli, hurricane contingency planning, and protection of the natural and water quality of the environment.

Objective T-7.3: The Port shall provide immediate response to post-hurricane and natural disaster situations as requested or required by the Escambia County Civil Defense Organization.

Policy T-7.3.1: The Port-assigned recovery task forces shall be recommended to be incorporated in the current version of the Escambia County Emergency Management Organization and shall include a Port representative and, if available, a City Engineer.

Policy T-7.3.2: The Port shall coordinate with the County to develop plans and ordinance amendments, as necessary, which reflect any Port related recommendations in any inter-agency hazard mitigation reports or reports pursuant to Port or coastal operations.

Policy T-7.3.3: The Port shall develop the procedures for the Recovery Task Force to evaluate and recommend to the City and County various replacement options and priorities for damaged public/commercial facilities.

GOAL T-8: Airport facilities that promote economic development, including new industry, business and tourism, while meeting existing and future demand.

Objective T-8.1: Future development or expansion of the Pensacola International Airport ~~Pensacola Gulf Coast Regional Airport~~ shall be consistent with the 2018 ~~2000~~ Airport Master Plan Update and F.A.A. approved Airport Layout Plan or subsequent updates.

Policy T-8.1.1: The City shall coordinate the future updates of the Airport Master Plan with updates to the City's Comprehensive Plan.

Policy T-8.1.2: As an integral component of the airport master planning process, the City shall make provisions for regional transportation facilities for the efficient use and operation of the airport.

Policy T-8.1.3: The City shall coordinate the future expansion and/or development of Pensacola International Airport ~~Pensacola Regional Airport~~ with Escambia County to ensure land use compatibility consistent with Chapter 333 of the Florida Statutes.

Objective T-8.2: As identified in the 2000 and 2018 Airport Master Plan, the Airport shall continue to work towards the development of the an Airport Commerce Park on 65 ~~an Airport Commerce Park on 65~~ acres of property adjacent to the northwest quadrant of the Airport.

Policy T-8.2.1: ~~The Airport will continue to acquire properties in the targeted 65-acre site through a combination of Florida Department of Transportation and Airport Capital Improvement funds.~~

Policy T-8.2.2: The Airport will explore the development of the area Airport Commerce Park through build-to-suit development, third-party developers, design-build contracts, or other types of ~~Request For Proposals~~ processes.

Policy T-8.2.3: The Airport shall explore alternative funding sources and partnerships to finance the development of the area Airport Commerce Park.

Policy T-8.2.4: The Airport shall explore the creation of partnerships with local and regional economic development agencies to attract appropriate businesses and firms to the area Commerce Park to foster agglomeration economies.

Policy T-8.2.5: The Airport shall consider the development of a free-trade zone at the Commerce Park to attract firms and industries and enhance their economic competitiveness.

Policy T-8.2.6: The Airport will explore coordination with the Port of Pensacola for the provision of helicopter or air service at the proposed inland Port facility.

Objective T-8.3: The Airport will continue to coordinate operations and expansion plans with the appropriate transportation planning entities to ensure an integrated traffic circulation system.

Policy T-8.3.1: If the City undertakes future construction projects at the airport, the City shall develop a traffic circulation and parking plan to accommodate the impacts of that construction project.

Policy T-8.3.2: The City shall ensure that future airport development or expansion is consistent with the transportation element of this comprehensive plan and applicable TPO long-range transportation plans.

Policy T-8.3.3: The City shall coordinate with FDOT in reviewing the developing a comprehensive airport signage plan to include all interstate and major streets leading to the airport from all directions.

Policy T-8.3.4: Airport development plans and capital improvement program will be reviewed for consistency with transportation plans of the MPO, the FDOT and other applicable transportation planning agencies.

Objective T-8.4: The Airport shall continue to coordinate operational and expansion activities with the Federal Aviation Administration (FAA), the TPO and the FDOT.

Policy T-8.4.1: Cost estimates of proposed airport improvements shall be submitted for utilization in the Joint Automated Capital Improvement Program (JACIP) of the FDOT and FAA, the TPO transportation improvement plan, and the City's Capital Improvements Element.

Policy T-8.4.2: The Airport ~~Director~~ Manager shall provide planning and budgeting information to FDOT, the MPO, and the City's Comprehensive Plan Capital Improvements Element to encourage the inclusion of airport expansion projects and related traffic corridor improvements in their budgets.

Objective T-8.5: The City shall actively participate in the *Northwest Florida Steering Committee of the Continuing Florida Aviation Systems Planning Process (CFASPP and Strategic Intermodal Systems Development Plan)*, to assure that the service needs of the Pensacola International Airport ~~Pensacola Regional Airport~~ are considered in the coordination of air transportation in the Northwest Florida area.

Policy T-8.5.1: The development of new airports to support economic growth will take into consideration the use of existing airports.

Objective T-8.6: Coordinate with the United States Navy and the F.A.A. in the periodic review of the *Naval Aviation Training System (NATS) Plan* to reasonably assure that both military and civilian air space operations are compatible.

Policy T-8.6.1: Through the Airport Master Plan Update process, the City shall communicate the long range forecasting of airport operations for airport facilities to reasonably assure that civilian air space needs can be identified.

Objective T-8.7: All airport projects shall be consistent with the Future Land Use, Coastal Management and Conservation Elements of the City's Comprehensive Plan.

Policy T-8.7.1: Revisions to the Airport Master Plan Update shall be reviewed to ensure consistency with the City's Comprehensive Plan.

GOAL T-8: Airport improvements and operations that consider environmental impacts and compatibility with surrounding land uses.

Objective T-8.1: The City shall enforce the Airport Land Use Regulations to prevent incompatible land use that have a potential for being hazardous to aircraft operations as well as to the persons and property on the ground in the vicinity of the incompatible land use.

Policy T-8.1.1: The City shall continue to require via City Code ~~encourage~~ real estate agents to notify potential property owners that their property is within the Airport Impact District noise zones.

Policy T-8.1.2: The City shall continue to enforce Section 12-2-11, Airport Land Use District, and Section 12-11, Airport, of the Land Development Code to reasonably ensure that ~~airport~~ obstructions do not intersect the airport's runway protection zones, or impact the airspace surfaces around the airport approach surfaces. ~~transition surfaces, horizontal surfaces and conical surfaces.~~

Policy T-8.1.3: The City shall ensure that future changes to the Land Development Code shall be consistent with Chapter 333 of the Florida Statutes.

Objective T-8.2: The City shall continue to examine the concept of multiple land uses within Airport Restricted Zoned property.

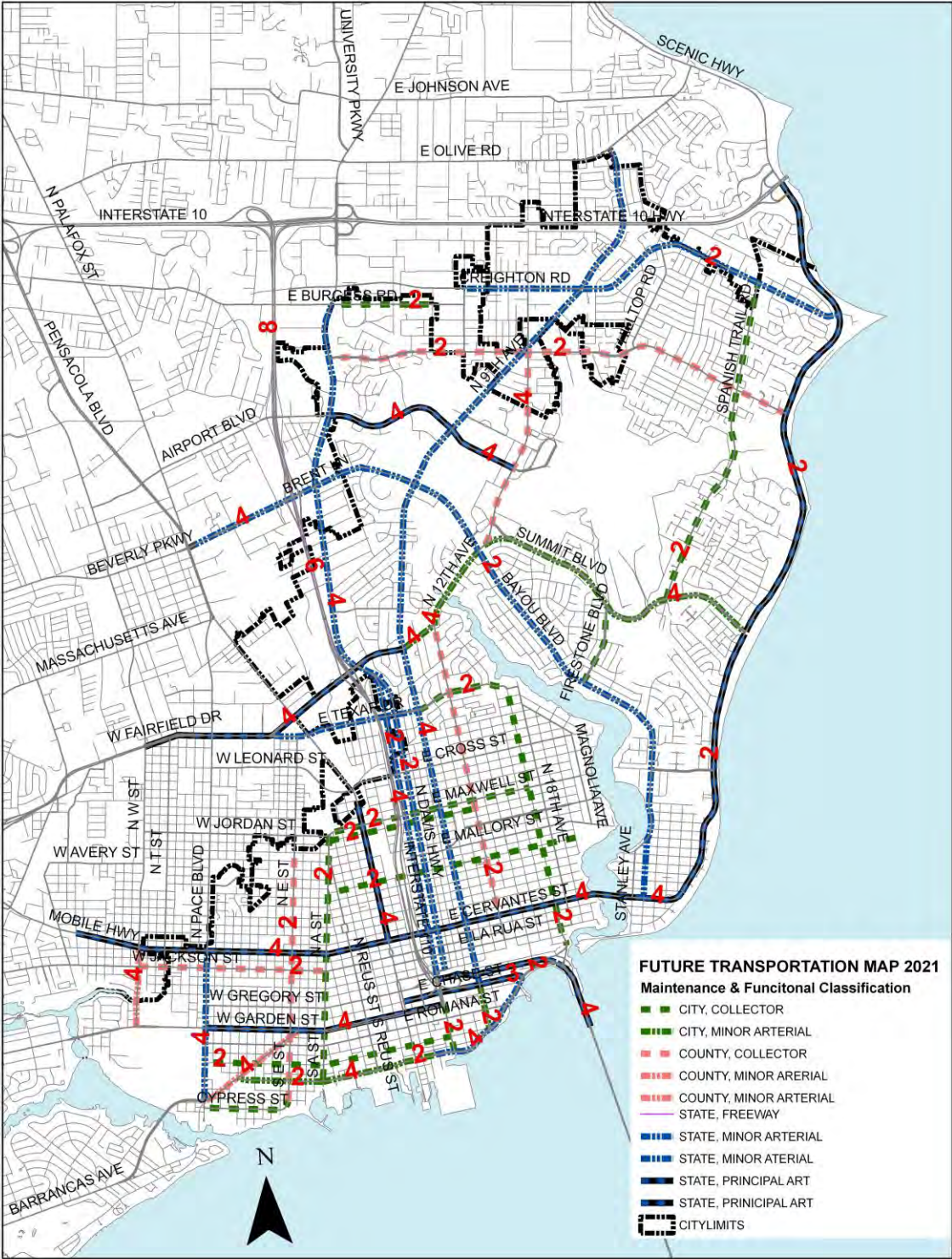
Policy T-8.2.1: The City shall consider a compatible multiple use concept for the open space area at the end of Runway 8/26, considering the environmental sensitivity of the Gaberonne wetland area.

Policy T-8.2.2: The City shall consider the development of airport-related commercial activities within the ARZ zone but outside of runway protection zones, consistent with Chapter 333 of the Florida Statutes.

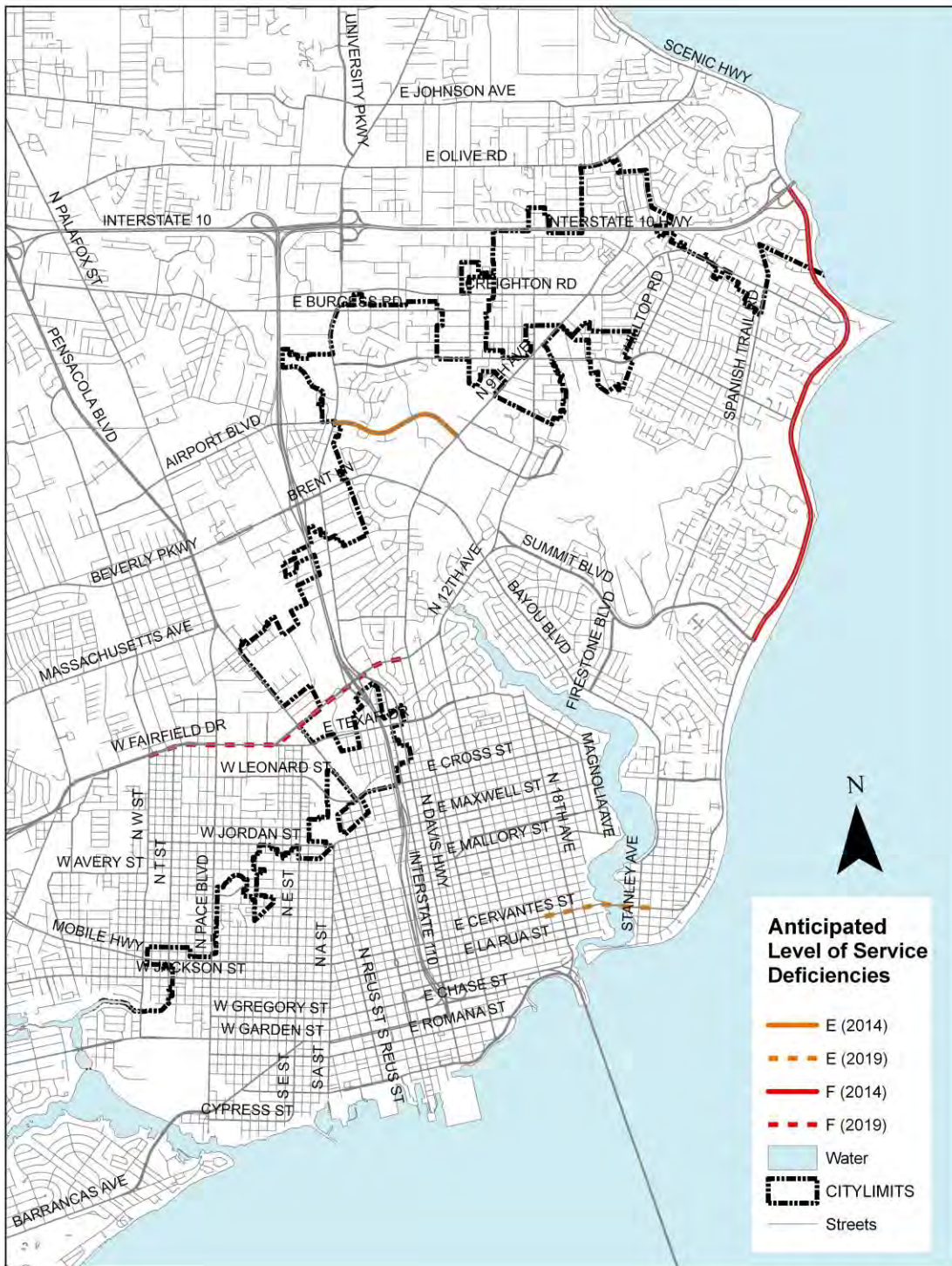
Objective T-8.3: The City shall continue to encourage Escambia County to enforce its airport land use compatibility regulations in the unincorporated area around the Pensacola International Airport ~~Pensacola Regional Airport~~.

Policy T-8.3.1: The City should continue to coordinate with the County, particularly after the approval of the *FAR Part 150 Noise Study*, to assure that the County enforcement of noise regulations around the Pensacola International Airport ~~Regional Airport~~ is compatible with the City's noise regulations.

City of Pensacola Future Transportation Map



City of Pensacola Anticipated Roadway Level of Service Deficiencies



CHAPTER 3

HOUSING

GOAL H-1: An adequate supply of quality housing available to meet the needs of Pensacola households, now and in the future, in all neighborhoods.

Objective H-1.1: Monitor and evaluate the housing market within the City to assess how well supply addresses present and expected future needs in the planning period.

Policy H-1.1.1: Review population trends and new construction figures to identify future housing needs of City residents.

Policy H-1.1.2: Conduct periodic surveys to identify substandard housing structures.

Policy H-1.1.3: Coordinate with public agencies and the private sector to ensure that a sufficient quantity of dwelling units exists to meet the housing needs of the existing and anticipated population in the City, including households with special needs.

Objective H-1.2: Encourage the creation and conservation of a wide variety of housing development and redevelopment types throughout the City.

Policy H-1.2.1: Continue to provide incentives for the development of new dwelling units in situations where housing needs are not being adequately met by the private sector with special emphasis on the elderly, handicapped, very low to moderate income and workforce households. These incentives could include density bonuses, donation of City-owned property, payment of utility connections and impact fees, assistance with obtaining financing from local lending institutions, and expedited permitting.

Policy H-1.2.2 Encourage the efficient use of existing housing by [promoting rehabilitation and adaptive re-use of non-residential buildings](#).

Policy H-1.2.3: Encourage the efficient use of infrastructure by focusing well-designed new and redeveloped housing on vacant, infill or underdeveloped land.

GOAL H-2: Sufficient quality affordable housing to support the needs of present and future residents.

Objective H-2.1: Identify very low, low, moderate income and workforce housing needs and provide safe, decent and sanitary housing for existing and future residents at a

sufficient volume and variety and at an affordable price range as defined in Chapter 420, Florida Statutes.

Policy H-2.1.1: ~~2sHousing~~ Conduct a periodic ~~annual~~ housing needs assessment plan to determine actual housing needs for very low, low, moderate income and workforce households.

Policy H-2.1.2: Continue to provide information about and pursue state and federal sources of funding designated for very low, low, and moderate income housing.

Policy H-2.1.3: Continue to work to improve the conditions of the housing stock by applying for and utilizing funds available through federal and State grants and programs.

Policy H-2.1.4: Continue to distribute applicable Federal and State funds for housing assistance throughout the City to provide for a wide variety of neighborhood settings and housing choices for very low, low and moderate income families while avoiding undue concentration in any given neighborhood.

Policy H-2.1.5: Research the possibility of obtaining dwelling units through donation, tax deed, purchase or other relevant means of acquisition for the purpose of making them available to low and moderate income families

Objective H-2.2: Continue to participate in the Community Development Block Grant Program to rehabilitate substandard owner-occupied housing units within the City in order to maintain existing residential neighborhoods.

Policy H-2.2.1: Continue to designate areas with high incidences of substandard dwelling units and low overall incomes as identified by census tract and other identified areas for timely and efficient rehabilitation activity and program implementation.

Policy H-2.2.2: Continue to provide temporary housing to households having their homes rehabilitated under the CDBG single-family owner-occupied housing rehabilitation program.

Objective H-2.3: Coordinate with other housing providers to foster efficient collaboration and provision of affordable housing.

Policy H-2.3.1: Continue to strive for a high level of intragovernmental and intergovernmental coordination between the City of Pensacola, Escambia County, and other public and private housing providers for all housing assistance efforts for very low, low and moderate income families.

Policy H-2.3.2: Coordinate with the major housing agencies in the area in developing, promoting, and maintaining housing counseling and training services to aid low and moderate income families in finding and maintaining housing compatible with their needs and income capabilities.

Policy H-2.3.3: Continue to implement regulations that are compatible with region-wide regulations for the allocation of very low, low and moderate income housing as stated in the Northwest Strategic Regional Plan Policy, and coordinate with Escambia County to provide for consistency in housing policies, regulations, and incentives.

Policy H-2.3.4: Continue to support the efforts of the Area Housing Commission by having City Council representation on their commission, and assisting in their efforts to locate and develop sites and housing programs for very low, low, and moderate income families.

Objective H-2.4: Encourage and facilitate the creation of quality affordable housing throughout the City.

Policy H-2.4.1: Continue to coordinate, support, and encourage attempts of private enterprises, non-profit groups, and civic organizations to build attractive, quality new dwelling units for households across the full spectrum of income ranges and for those with special needs.

Policy H-2.4.2: Encourage new housing units available to low and moderate income persons by lowering the cost of developing such units through incentive programs to the developers and applying for and utilizing available and eligible federal and state housing programs designed to assist low and moderate income families.

Policy H-2.4.3: Continue to initiate new, and support existing, public or public/private partnership for the provision of new rental units and new owner-occupied housing units for very low, low and moderate income households.

Objective H-2.5: Develop innovative programs and policies to create and preserve sustainable affordable housing.

Policy H-2.5.1: Continue to establish partnerships with local lending agencies that will explore, develop and promote creative ways of financing owner occupied housing for low and moderate income families, the improvement of substandard units and the development of standard ones. All agencies involved in the provision of affordable housing within the City are invited to participate in this "partnership."

Policy H-2.5.2: Encourage the replacement of obsolete public housing units with a quality mixture of for-sale and mixed-income rental properties with supportive services on site.

~~Policy H-2.6.3: Encourage The City shall Develop and implement inclusionary zoning standards for the provision of quality affordable housing in areas where it is determined that the demand for housing affordable to low, moderate and workforce families has not been addressed by the local market. Such inclusionary standards shall include provisions for new residential construction or the payment of a fee in lieu (existing Policy 1.1.8 and EAR)~~

Policy H-2.5.3: Encourage affordable housing through the exploration of innovative design and regulations in the Land Development Code.

Policy H-2.5.4: Continue to offer incentive for infill housing development through its liens waiver policy for affordable housing.

Policy H-2.5.5: Present a periodic progress report in creating and preserving sustainable affordable housing to the Planning Board of the City of Pensacola and the Mayor.

GOAL H-3: A range of housing options to support the spectrum of a diverse and vibrant population.

Objective H-3.1: Encourage a variety of quality housing types to meet the needs, financial abilities and preferences of present and future Pensacola residents.

Policy H-3.1.1: Encourage the provision of quality affordable housing in areas where it is determined that the demand for housing affordable to low, moderate and workforce families has not been addressed by the local market.

Policy H-3.1.2: Continue to provide for different intensities of attractive single family development to reflect differences in the existing and desired character of single family areas across the City.

Policy H-3.1.3: Continue to permit and encourage accessory dwelling units in appropriate residential zoning districts, subject to regulations designed to limit impacts and protect neighborhood character, in order to create attractive and affordable rental opportunities and provide greater flexibility for homeowners.

Policy H-3.1.4: Support mixed-income housing developments including quality, affordable, rental or for-purchase workforce housing, especially along transit lines in the inner city and urban core.

Policy H-3.1.5: Encourage mixed-income rental housing that allows both market-rate and subsidized units of equal quality and aesthetic appeal in the same development.

Policy H-3.1.6: Continue to allow residentially designed manufactured home units on individual lots in the R-1A, R-2A, R-NC, C-1, C-2, and C-3 zoning districts and as a conditional use in the R-1AA zoning district. Residentially designed manufactured home units shall be permitted in approved mobile home parks existing as of May 1, 1991, and in approved manufactured home parks. Standard design manufactured home units shall be permitted in approved mobile home parks existing as of May 1, 1991, and in approved manufactured home parks.

Policy H-3.1.7: [Continue to](#) identify opportunities and encourage redevelopment and attractive infill development that maintains the single-family character of an area, but allows for a greater range of residential housing types, i.e. garage apartments, cottages, tandem houses.

Policy H-3.1.88: Explore the creation of an independent not-for-profit entity to perform land trust and land banking activities to preserve and promote a range of housing options.

Objective H-3.2: Promote a range of housing options to support the population throughout all life stages and capabilities.

Policy H-3.2.1: Improve the balance in the City's population by attracting a proportionate share of the region's families with children through appropriate housing options in order to encourage stabilized neighborhoods and a vital public school system.

Policy H-3.2.2: Facilitate people who are aging to remain in their own neighborhoods and homes as their needs change by supporting shared housing, accessory dwelling units, adult foster homes, and other assisted residential living arrangements.

Policy H-3.2.3: Encourage the development of housing accessible to people with physical limitations and the adaptation of existing homes to improve accessibility for people of all ages and capabilities.

Policy H-3.2.4: Support and technical assistance shall be given through intergovernmental coordination to handicapped service organizations within the City to help provide them with the infrastructure and public facilities necessary to support and encourage independent living for clients of their programs.

Policy H-3.2.5: Continue to include measures in the Land Development Code that assure that group homes and foster care facilities can be developed in residential zones in proximity to convenient support services in accordance with federal, state and local regulations.

Objective H-3.3: Recognize the importance of housing to economic development efforts, and encourage the provision of a wide variety of housing types that support the retention, expansion and creation of desirable employment opportunities and a competitive workforce.

Policy H-3.3.1: Support housing development by considering the cumulative impact of City regulations on the protection and improvement of existing housing and on the ability of housing developers to provide quality under-represented housing types that are affordable to and appeal to the full spectrum of the workforce.

Policy H-3.3.2: City ordinances, codes, land development regulations and the permitting process shall be reviewed from time to time and amended, where necessary, for the purpose of eliminating excessive requirements in order to increase private sector participation in meeting housing needs.

Policy H-3.3.3: Allow an exemption from concurrency, pursuant to F.S. 163.3180, for certain affordable workforce housing units developed consistent with s.380.0651(3).

Policy H-3.3.4: Continue to provide expeditious and timely review of development and permit applications.

Policy H-3.3.5: Continue to ~~work to reverse the declining residential population of the City, both in total number as well as in diversity of age, education attainment and working status.~~ promote a variety of housing development that will support and increase a diverse residential population.

Objective H-3.4: Promote context-appropriate residential redevelopment in the downtown, urban core and inner-city areas.

Policy H-3.4.1: Promote and encourage the use of higher density within the downtown and inner city to creating sufficient mass to establish cohesive residential neighborhoods.

Policy H-3.4.2: Support downtown mixed-use development consistent with the Goals of the Comprehensive Plan's Land Use Element and CRA Downtown Master Plan strategies.

Policy H-3.4.3: Encourage utilization of vacant upper floors in the downtown business district for residential development for loft and non-suburban style apartments.

Policy H-3.4.4: Encourage production of high quality multi-family rental and for-sale units such as apartments, condominiums or co-ops and single family attached units such as townhouses and rowhouses in the downtown area at rents and prices affordable to the majority of younger professionals, empty nesters and urban families with above moderate, but below upper level incomes through development incentives.

[Policy H-3.4.5: Physically revitalize and modernize inner-city neighborhoods by providing appropriate incentives for mixed-income home ownership opportunities combined with multi-family rental units and retail space that reflect traditional neighborhood design.](#)

GOAL H-4: Vibrant, stable neighborhoods that represent the unique diversity of Pensacola's past, present, and future.

Objective H-4.1: Maintain the stability of existing neighborhoods while expanding opportunities for housing choices.

Policy H-4.1.1: Encourage conservation, where appropriate, of the existing supply of standard housing by continued code enforcement and demolition of deteriorated structures which are beyond repair.

Policy H-4.1.2: Continue to encourage private investment in the conservation of residential structures within the City limits.

Policy H-4.1.3: Continue to encourage revitalization of neighborhoods not designated as a formal "historic district" and provide adequate control over the new development and redevelopment by establishing development guidelines that will maintain the aesthetic quality of the area. These guidelines will be included in a Land Development Code amendment.

Objective H-4.2: Increase opportunities for new housing development while balancing the equally important objective of ensuring that new development is compatible with neighborhood character.

Policy H-4.2.1: In order to maintain a consistent and appealing character in residential areas, seek to ensure through development standards that new and converted structures are aesthetically compatible with existing development and reflective of the character of that development in terms of scale, open space, setbacks, siting and unit orientation.

Policy H-4.2.2: Promote denser, but still human-scaled neighborhoods by permitting multifamily building types with height limits and development standards that promote a strong relationship between individual dwellings and the ground level.

~~Policy H-4.2.3: Physically revitalize and modernize inner city neighborhoods by providing appropriate incentives for mixed income home ownership opportunities combined with multi family rental units and retail space that reflect traditional neighborhood design.~~

Objective H-4.3: Preserve and enhance the unique identities and character of housing in traditional or older neighborhoods.

Policy H-4.3.1: Encourage the rehabilitation and maintenance of existing sound housing to conserve physical assets that contribute to a neighborhood's desired character.

Policy H-4.3.2: Encourage housing design that supports the conservation, enhancement and continued vitality of areas of the City with special scenic, historic, architectural or cultural value.

Policy H-4.3.3: In addition to exploring the development of "special district" ordinances, the City shall continue to provide ordinances to preserve neighborhood character and viable housing stock with the support of public agencies and neighborhood-based organizations.

Objective H-4.4: Redevelopment of the housing stock in distressed and deteriorated neighborhoods.

Policy H-4.4.1: Maintain housing quality by encouraging the revitalization of housing stock to meet minimum building construction standards ~~that exceeds minimum construction standards.~~

Policy H-4.4.2: Promote housing opportunities that build a sense of community and neighborhood pride through quality design and aesthetic appeal.

Policy H-4.4.3: Continue to enhance the quality of the design of new infill residential development.

Objective H-4.5: Quality schools ~~at the heart of that support~~ vibrant, attractive neighborhoods.

Policy H-4.5.1: Recognize the interconnected importance of quality neighborhood school retention ~~in larger~~ with community economic development, neighborhood stability, diversity and sustainability efforts.

Policy H-4.5.1: In partnership with other agencies, encourage the maintenance and improvement of urban schools to preserve and enhance neighborhood quality and vitality.

Policy H-4.5.2: Support the viability of urban schools by encourageing residents and families to locate or remain in underutilized urban school districts.

Policy H-4.5.3: Utilize, where appropriate, homeownership and rehabilitation incentives to attract families to underutilized school districts, including incentives to the private sector to maintain a housing production capacity sufficient to meet the needs of workforce families.

GOAL H-5: Sustainable, environmentally-friendly neighborhoods that enhance the City's livability.

Objective H-5.1: Encourage the greatest concentration of housing in areas with convenient access to transit, a mix of activities, a range of residential services and amenities and opportunities to live within walking distance of employment.

Policy H-5.1.1: Encourage “walkable,” mixed-use, mixed-income communities that offer a variety of services, multiple housing options and diverse residents to create a stimulating urban lifestyle.

Policy H-5.1.2: Encourage economic development, retail opportunities and incentives for the downtown CRA and inner-city redevelopment districts to support a vibrant urban living experience.

Policy H-5.1.3: Continue to support low-impact home-based businesses and “cottage industries” in mixed-use districts and residential areas while ensuring that those proposed for residential areas do not negatively impact residential neighborhoods.

Policy H-5.1.4: Promote a residential development pattern with increased availability of housing at densities that promote walking and transit use near employment concentrations, residential services and amenities.

Objective H-5.2: Ensure that new residential development is consistent with the environmental capacity of the site and the character of the surrounding area.

Policy H-5.2.1: Continue to utilize flexible development options, including cluster development, to preserve the environmental integrity and viability of the site and surrounding area.

Policy H-5.2.2: Foster flexibility in the division of land and the siting of dwellings and other improvements to reduce the development's impact on environmentally sensitive areas and resources.

Policy H-5.2.3: Continue to provide supporting infrastructure improvements and maintenance of leisure services facilities, such as parks and open space, available to existing neighborhoods and new housing developments.

Policy H-5.2.4: Continue to offer reduced parking requirements for housing where impacts on surrounding neighborhoods are minimal as identified in the land development code.

Policy H-5.2.5: Minimize the exposure of housing to excessive off-site environmental impacts including pollution, noise, vibration and odors associated with industrial or commercial uses through landscaping and streetscape screenings.

Objective H-5.3: Energy-efficient homes that minimize their impact on the environment while energy decreasing costs to residents.

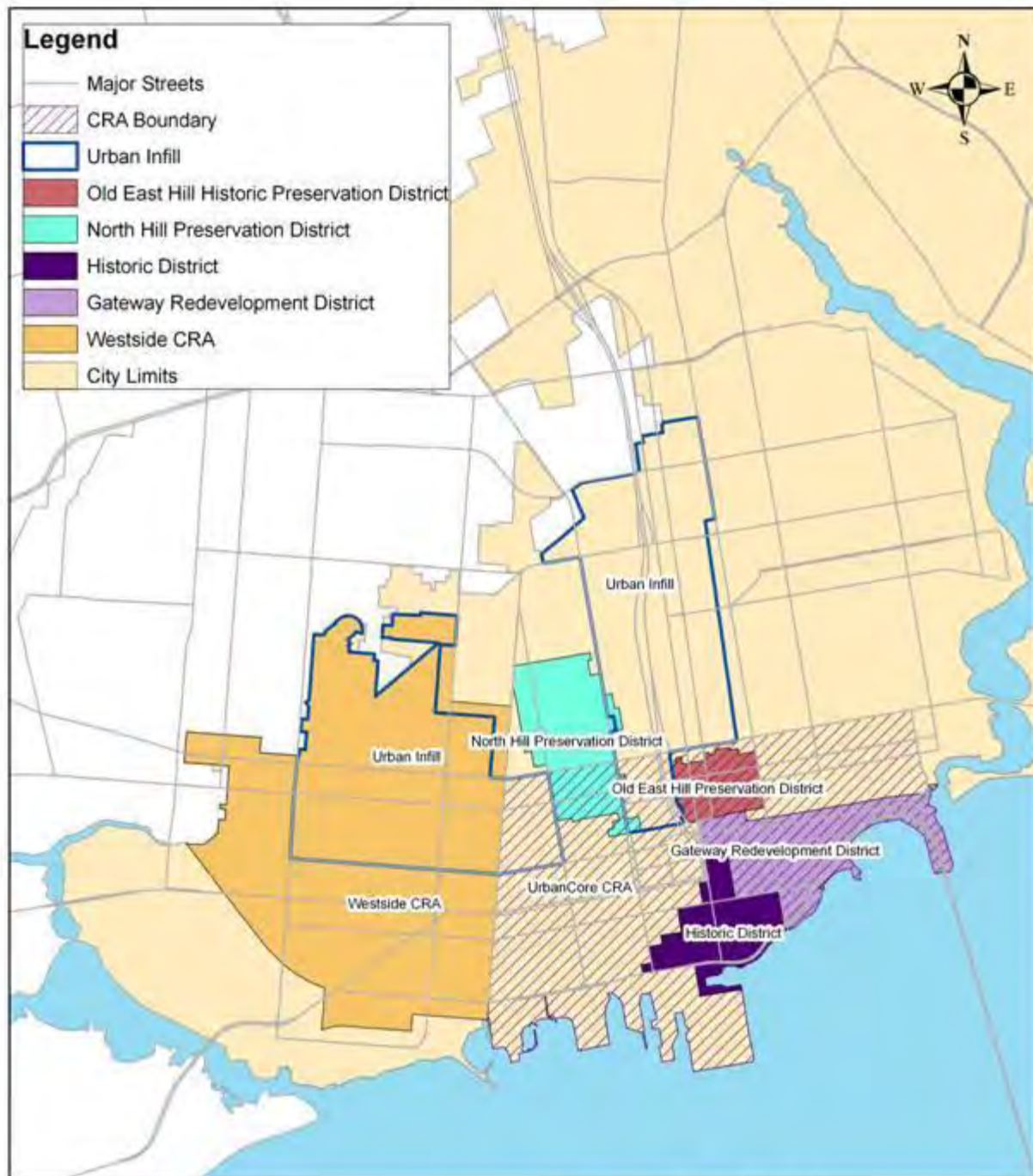
Policy H-5.3.1: Consider, where appropriate, revisions to the land development code that will support the development of energy efficient infill housing.

Policy H-5.3.2: Encourage the use of eco-friendly, "green," sustainable building standards in residential projects.

Policy H-5.3.3: Encourage the use of the most feasible, safe and energy-efficient systems and methods for constructing rental and home ownership housing to increase its useful life.

Policy H-5.3.4: For qualifying households and homes, the City shall utilize existing weatherization programs and encourage the use of energy efficiency programs available through local agencies like Gulf Power and Energy Services of Pensacola.

City of Pensacola Special
Districts



Special Districts City of Pensacola



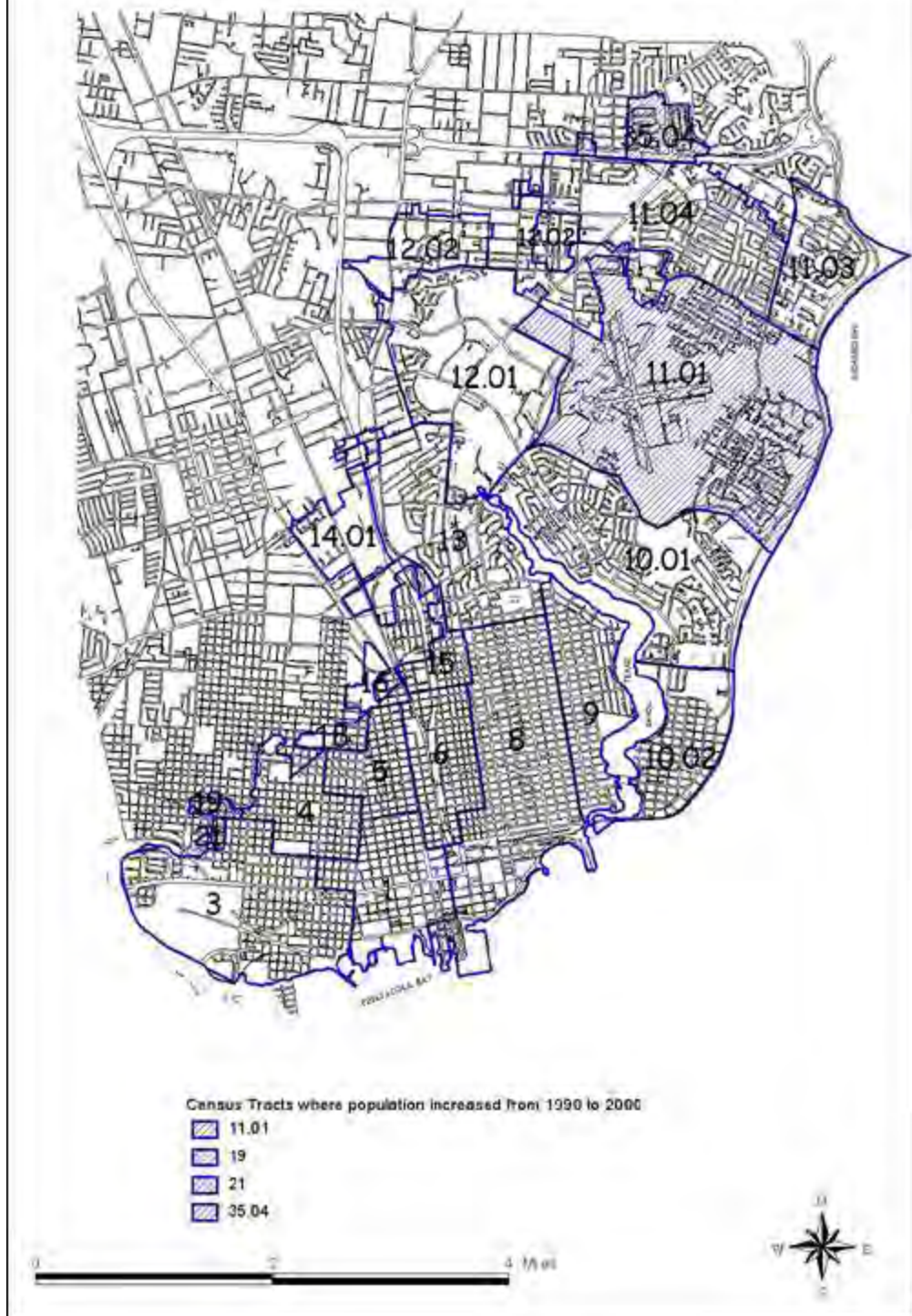
Date: 2010

This map was prepared by the GIS section of the City of Pensacola and is provided for information purposes only and is not to be used for development of construction plans or any type of engineering services based on information depicted herein. It is maintained for the function of this office only. It is not intended for conveyance nor is it a survey. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

City of Pensacola Census Tracts

Housing

City of Pensacola Census Tracts 2000



CHAPTER 4

PUBLIC FACILITIES

GOAL PF-1: The City shall make provision of the necessary solid waste, sanitary sewer, stormwater drainage and potable water facilities for the purpose of meeting existing and projected public facility demands within the City of Pensacola.

Objective PF-1.1: The City and/or the appropriate agency shall correct public facilities deficiencies as described in the Public Facilities and the Capital Improvements Chapters of the Comprehensive Plan.

Policy PF-1.1.1: The following level of service standards shall be utilized so that development permits are issued concurrent with adequate public facilities capacity:

Solid Waste - 4.52 pounds per capita per day

Drainage - LOS A - tolerates street flooding to a depth of 3 inches or less in the gutters when the rest of the pavement is passable, and allows open or green space flooding of up to 12" as long as there is no threat to public health or safety, or permanent impediment to the intended use of the property; LOS B - tolerates flooding of entire street surface up to 4" at centerline of roadway; LOS C - tolerates structure flooding; based on the following design criteria:

- * In existing developments adequate drainage capacity to accommodate run-off associated with a 3-year, 12-hour design storm for collection systems;
- * In new developments adequate drainage capacity to accommodate a ~~25~~ 100-year, ~~12~~ 24-hour critical duration design storm (pre-development rate) for collection systems and for retention and detention ponds. As a minimum the first $\frac{1}{2}$ 1" of runoff must be retained on the site of the development. At the discretion of the City Engineer, retention standards may be increased beyond the $\frac{1}{2}$ 1" minimum retention standards and the 100-year design storm on a site specific basis.

Objective PF-1.2: The City shall participate with the Emerald Coast Utilities Authority (ECUA) in the preparation of the ECUA's 5-Year Capital Improvements Plan to ensure the future provision of sanitary sewer and potable water facilities.

Sanitary Sewer - No existing deficiencies identified

Potable Water - No existing deficiencies identified

Policy PF-1.2.1: The following level of service standards shall be utilized so that development permits are issued concurrent with adequate public facilities capacity:

Sanitary Sewer - 100 gallons per capita per day (gpcd) for average flow capacity and 200 gpcd for peak flow capacity.

Potable Water - 118 gallons per capita per day for Zone 1 and 146 gallons per capita per day for Zone 2.

Objective PF-1.3: The City shall:

1. Coordinate the extension of, or increase in the capacity of, sanitary sewer or potable water facilities with ECUA based on population projections and the development of land as described in the Future Land Use Chapter and delineated on the Future Land Use Map Series.
2. Routinely ~~U~~ update the City's current Stormwater Master/Management Plan, dated April, 2019, in order to assess need to extend or increase capacity of the municipal drainage system.

Policy PF-1.3.1: The City shall monitor and verify the availability and capacity of public facilities prior to issuing development permits so that a determination can be made as to whether adequate capacity will be available concurrent with the impacts of the development.

Policy PF-1.3.2: No City development permits will be issued for new development, which will result in increased demand on City or ECUA controlled public facilities beyond their design capacities based on adopted level of service standards, unless the necessary facilities are available concurrent with the impacts of the development.

Policy PF-1.3.3: The City shall prepare an annual summary of capacity and demands for drainage and solid waste facilities and the ECUA will prepare annual summaries of capacity and demand for sanitary sewer and potable water facilities within the City limits pursuant to the Uniform Special District Accountability Act of 1989.

Objective PF-1.4: The City shall maximize the use of existing drainage facilities through efficient and timely maintenance and shall propose an interlocal agreement with Escambia County and the ECUA, which will describe provisions under which sanitary sewer and potable water facilities will be expanded so as to discourage urban sprawl.

Policy PF-1.4.1: The following priorities shall be established in providing for public facility needs:

1. Correction of existing deficiencies;
2. Replacement of existing facilities as they deteriorate, unless these facilities are located in an area that is deemed hazardous to human safety or environ-mentally unsound; and,
3. Provision of future facility needs when developments comply with all other requirements of the Comprehensive Plan.

Policy PF-1.4.2: Through provisions of the proposed interlocal agreement, ECUA shall be required to upgrade, maintain and expand sanitary sewer and potable water facilities in existing developed areas in the City and the County at a higher priority than that of construction and/or expansion into undeveloped areas, especially when such expansion fosters urban sprawl.

Objective PF-1.5: The City of Pensacola has implemented, and will continue to operate, a solid waste management programs for the separation of domestic waste into recyclable and non-recyclable categories in order to reduce overall quantities of landfilled waste by 30% in accordance with Chapter 187.201(13), F.S., to the maximum extent economically feasible.

Policy PF-1.5.1: Projected solid waste landfill demands through the year 2019 will be met through the interlocal agreement with Escambia County regarding the utilization of the County's resource recovery facility.

Policy PF-1.5.2: The City of Pensacola will continue to conduct solid waste separation programs using the most feasible separation techniques.

Policy PF-1.5.3: The City will continue a public information/education campaign concerning the City's solid waste management program.

Policy PF-1.5.4: The City shall encourage the use of xeriscaping© (i.e., the use of native vegetation in its natural state by residents so that less yard waste will be generated by mowing and pruning activities) through education of City residents.

Policy PF-1.5.5: The City of Pensacola will conduct periodic studies on future solid waste management techniques.

GOAL PF-2: Provision of sanitary sewer, solid waste, drainage and potable water facilities shall be done in a manner which reasonably ensures the maintenance and integrity of environmental quality, as well as protection and maintenance of groundwater aquifer recharge areas, surface groundwater and receiving waters.

Objective PF-2.1: The City shall coordinate with the ECUA and Escambia County in efforts to reduce effluent discharge to surface water.

Policy PF-2.1.1: When considering a site for a sewage treatment plant, the City shall encourage ECUA to consider locations close to facilities, crop lands, etc., which can use the effluent generated by the plant.

Policy PF-2.1.2: The City will coordinate with the ECUA and the Escambia County Health Department to identify the location of individual septic tanks in the City for the purpose of discontinuing septic tank use and requiring utilization of the sewer collection system.

Policy PF-2.1.3: The City will review cumulative impact of new development on natural resources.

Policy PF-2.1.4: The City shall continue to monitor the implementation actions of the Escambia/Santa Rosa Coast Resources Planning and Management Committees and recommend area-wide compliance with the policies pertaining to wastewater facilities planning.

Policy PF-2.1.5: Where economically feasible, the City will support ECUA's efforts to require impact fees on developments which create a demand for additional public facilities, sufficient to finance the development's share of the cost.

Objective PF-2.2: The City shall continue to require all new development, and redevelopment where economically feasible, to protect natural drainage features and sensitive environmental resources by implementing stormwater management and erosion control practices, which comply with regulations adopted in the revised Land Development Code.

Policy PF-2.2.1: The City shall monitor stormwater management facilities on City-owned lands that are adjacent to or contain natural water systems to minimize impact.

Policy PF-2.2.2: The City shall continue to develop cooperative approaches to restoring and managing regionally significant natural systems through implementation of the recommendations from the *Escambia County/City of Pensacola Stormwater Plan* and the *Pensacola Bay System S.W.I.M. Plan*.

Objective PF-2.3: The City's Land Development Code shall be revised where necessary to assure that development, which adversely affects functioning natural systems, is minimized or prevented.

Policy PF-2.3.1: The City shall protect the hydrologic and ecologic function of estuarine systems by designating areas as Conservation Land Use Districts and through the implementation and enforcement of “Resource Protection Overlay Districts”.

Overlay Zoning Districts are as follows:

- X Wellhead Protection District - The purpose of this district is to avoid risks of damage to sources of drinking water by prohibiting within close proximity of public water wells certain land uses, facilities and activities which involve a reasonable likelihood of discharges of pollutants into or upon surface of ground waters.
- X Bayou Texar Shoreline protection District - The purpose of this district is to establish standards which recognize and protect the environmental resources of the Bayou Texar shoreline. This district ensures the preservation of the natural buffering effect of open spaces along the shoreline for storm surge abatement and the filtering of stormwater runoff.
- X Escambia Bay Shoreline Protection District - The purpose of this district is to establish standards, which recognize and protect the unique scenic vistas and environmental resources of the Escambia Bay shoreline.

Policy PF-2.3.2: The City shall continue to enforce all ordinances, which relate to drainage, stormwater management, litter, and sedimentation and erosion control.

Policy PF-2.3.3: The City shall continue to provide technical assistance for the development of non-structural approaches to stormwater drainage control.

Policy PF-2.3.4: The City shall continue to encourage use of permeable surfaces for parking lots, patios, sidewalks, driveways, etc.

Objective PF-2.4: The City shall develop a public information campaign about watershed management (either on its own or in conjunction with other applicable agencies or governmental entities).

Policy PF-2.4.1: The City shall coordinate with Escambia County, the Escambia County School Board, ECUA and the NFWFMD in funding and/or developing educational materials which will be utilized for public information purposes on watershed management.

Policy PF-2.4.2: The City shall coordinate with the Escambia County Agriculture Extension Service and/or other appropriate agencies in developing landscape design and/or urban forestry programs, which promote the preservation of native vegetation for the purpose of sedimentation and erosion control.

Objective PF-2.5: The City of Pensacola shall coordinate with the County, the ECUA and the NFWFMD to promote water conservation through identifying methods of reducing sanitary sewer flows and pumping of potable water.

Policy PF-2.5.1: The City shall coordinate with the Emerald Coast Utilities Authority (ECUA) to develop a public information campaign concerning water conservation.

Policy PF-2.5.2: The City shall coordinate with Escambia County, the Escambia County School Board, ECUA and the NFWFMD in the continued funding and/or development of educational materials which will be utilized for public information purposes on water conservation.

Policy PF-2.5.3: The City shall coordinate with Escambia County, the Escambia County School Board, ECUA, and the NFWFMD in researching all funding mechanisms which are available for establishing a water conservation campaign.

Policy PF-2.5.4: The City shall continue to enforce codes and ordinances requiring water-saving devices in new and rehabilitated construction and encouraging or requiring use of permeable surfaces for parking lots. The City shall consider incentives for developments, which utilize water conservation technology, not to exclude energy conservation technology such as water-sourced heat pumps.

Policy PF-2.5.5: The City shall coordinate with ECUA in studying the development of irrigation systems, which utilize water sources other than the groundwater aquifer for City-owned building sites, recreational sites or public rights-of-way.

Policy PF-2.5.6: The City shall coordinate with the Escambia County Agriculture Extension Service and/or other appropriate agencies in developing landscape design and/or urban forestry programs, which promote the use of indigenous vegetation for the purpose of conserving water used for irrigation. This coordination may be either in the form of shared funding or manpower.

Objective PF-2.6: The City shall continue to enforce its Land Development Code regulations protecting the function of the Sand and Gravel Aquifer.

Policy PF-2.6.1: The City shall utilize maps contained in the *Wellhead Protection Area Delineation In Southern Escambia County, Florida, Water Resources Special Report 97-4, December 1997*, prepared by the Northwest Florida Water Management District, as may be amended, and included by reference, to identify wellhead protection areas around existing water wells and shall continue to cooperate with the Emerald Coast Utilities Authority in reviewing land use regulations within these areas.

Policy PF-2.6.2: The City shall protect all water recharge areas within the City through enforcement of all existing ordinances adopted in the Land Development Code, including but not limited to the following:

1. Open space requirements;
2. Amount of impervious surfaces permitted in critical water recharge areas;
3. Stormwater management;
4. Erosion control; and
5. Landscaping and vegetation protection.

Objective PF-2.7: The City shall continue to cooperate in developing a hazardous waste management program in coordination with State and County governments and agencies for the proper collection, storage, disposal and transport of hazardous wastes generated within the City.

Policy PF-2.7.1: The City shall continue to respond to all hazardous materials incidents in the City in compliance with Title III of the Superfund Amendment and Re-authorization Act of 1986 and the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988.

Policy PF-2.7.2: The City shall promote the use of scheduled amnesty days for the appropriate collection of hazardous wastes.

Policy PF-2.7.3: All industries with hazardous wastes shall be required to develop a spill clean-up plan, provide storage facilities for hazardous wastes generated on site, and provide for safe transport of any hazardous waste.

Policy PF-2.7.4: The City shall coordinate with County, State and Federal agencies in the development and compliance of hazardous waste management programs.

Policy PF-2.7.5: The City shall regulate the use and disposal of hazardous materials and wastes within critical aquifer protection areas and within wellhead protection zones.

GOAL PF-3: The City shall encourage the use of energy efficient and environmentally-beneficial activities and products for public facility use.

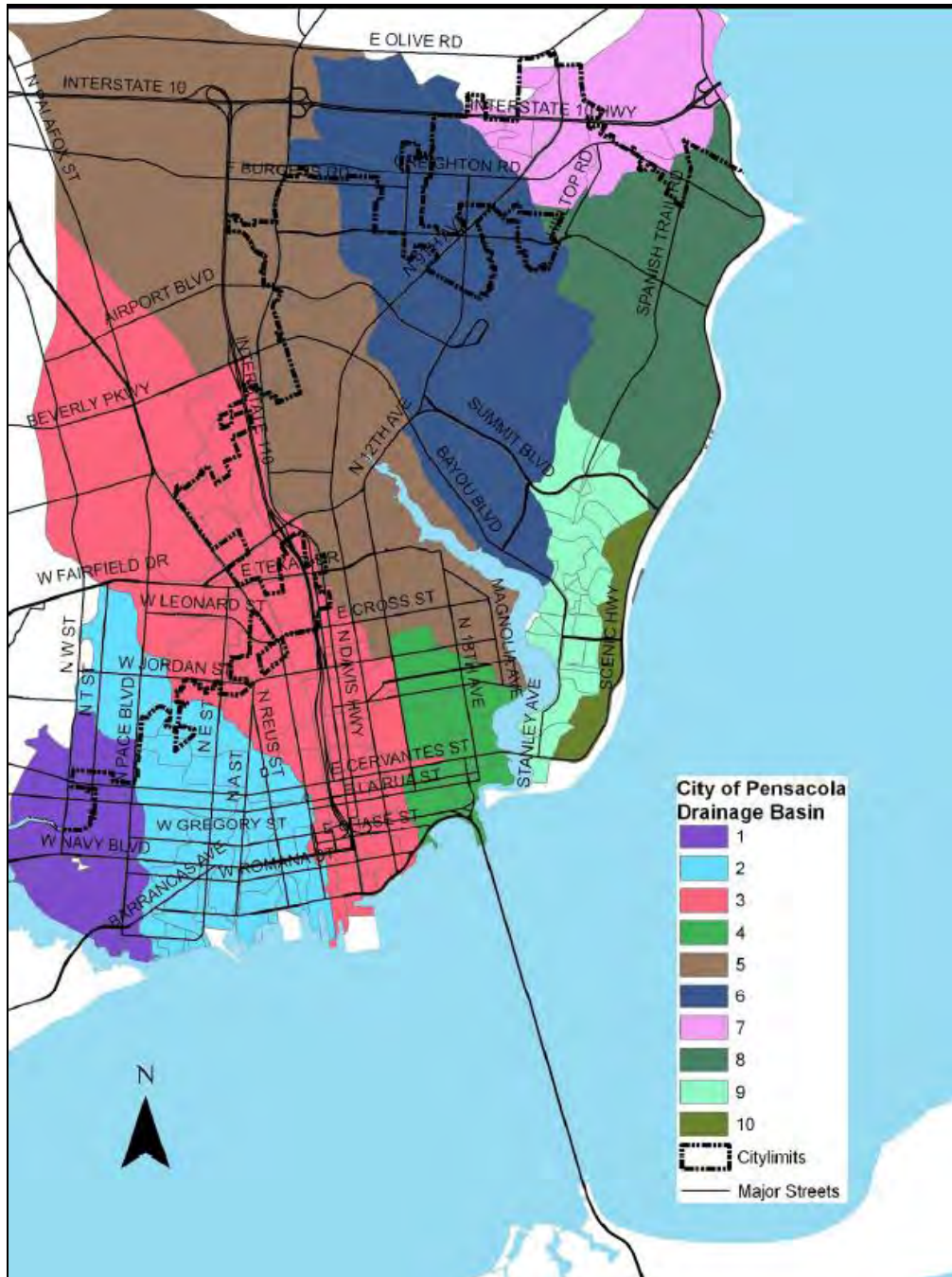
Objective PF-3.1: The City shall encourage construction of new facilities and purchase of equipment to be used with environmentally beneficial equipment.

Policy PF-3.1.1: The City shall encourage all new public facilities to be constructed utilizing energy and resource efficient techniques and systems

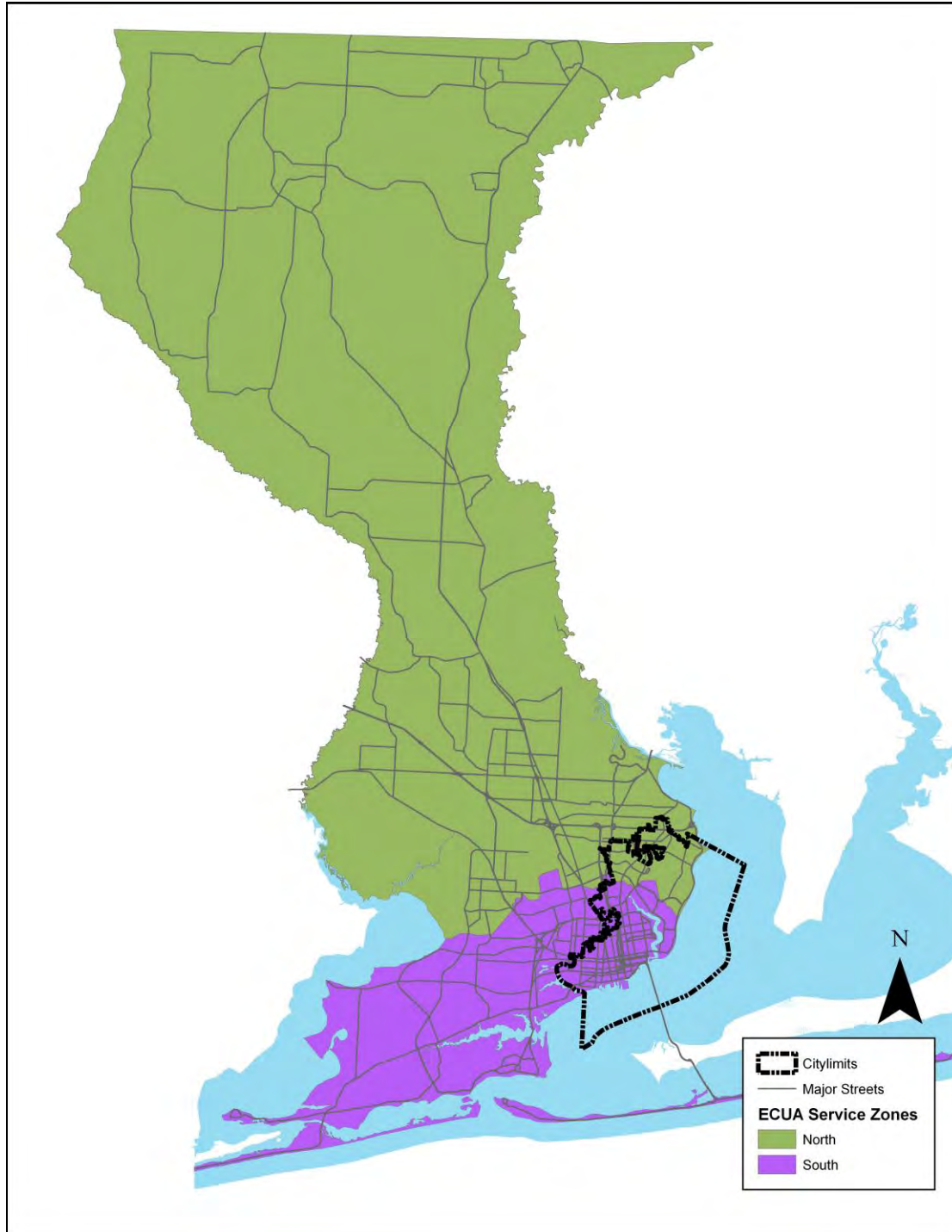
including benchmarks from the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Green Building Rating Systems. The City shall also encourage LEED certification where appropriate and feasible.

Policy PF-3.1.2: The City shall exclusively purchase environmentally-beneficial equipment such as Energy-Star qualified products when cost feasible.

City of Pensacola Drainage Basins



Emerald Coast Utility Authority Service Zones



CHAPTER 5

COASTAL MANAGEMENT

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

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

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

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

Policy CM-1.1.2: All City owned or City financed waterfront development, except for industrial uses, shall provide for public waterfront access.

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

- * The use is compatible with surrounding land uses.
- * Upland support services are available.
- * A hurricane contingency plan is in place.
- * The water quality concerns have been addressed.
- * A plan is in place for mitigation actions in the event that the environment is adversely affected.
- * The economic need and feasibility for the facility have been established.

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

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

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

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

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

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

Policy CM-1.2.3: The City shall take whatever actions that are necessary so that all public facilities located near the City's shoreline or in the CHHA are resistant to storm events and meet all the building standards for the hurricane-force winds and floods.

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

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

- * Low density - along Escambia Bay north of Hyde Park Road and south of Gadsden Street, and along both shores of Bayou Texar.
- * Medium density - along Pensacola Bay (except for the Historic District), and along Bayou Chico.
- * High density - Historic District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy CM-1.7.2: The City will continue to participate in the National Flood Insurance Program.

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

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

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

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

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

GOAL CM-2: The City shall ensure the highest environmental quality feasible, the City will seek to conserve, protect, and properly manage its natural resources.

Objective CM-2.1: The City shall protect, conserve or enhance coastal wetlands, living marine resources and wildlife habitat.

Policy CM-2.1.1: The City shall limit the specific and cumulative impacts of development and redevelopment which will have adverse effects on wetlands, water quality, wildlife habitat, living marine resources and beach systems by prohibiting these developments unless mitigation actions are specified or by withholding public funds from these projects.

Policy CM-2.1.2: By the year 2021, the City shall restore or enhance disturbed or degraded natural areas for City-owned property including beaches, estuaries, wetlands, shoreline ecosystems, and drainage systems and shall establish programs to mitigate future disruptions or degradations.

Policy CM-2.1.3: The City shall establish standards for new development adjacent to wetlands to reasonably assure that the quality and quantity of their stormwater discharge does not adversely impact the physical and/or ecological features of those habitats.

Policy CM-2.1.4: With respect to acquisition, the City, where feasible, shall protect, conserve, or enhance coastal wetlands, living marine resources and wildlife habitat unduly threatened by development through establishment of public or private conservation easements or other available means as deemed appropriate.

Objective CM-2.2: The City shall maintain and improve estuarine environmental quality.

Policy CM-2.2.1: The City shall coordinate with Escambia County and the City of Century through the existing interlocal agreement to conduct stormwater management plans which will provide recommendations for preventing estuarine pollution, controlling surface water runoff and protecting living marine resources.

Policy CM-2.2.2: The City shall review and contribute to any updates of the Comprehensive Plans in surrounding jurisdictions and other policy plans that would affect implementation of local estuarine protection goals.

Policy CM-2.2.3: With respect to acquisition, the City, where feasible, shall protect, conserve, or enhance estuarine environmental quality unduly threatened by development through establishment of public or private conservation easements or other available means as deemed appropriate.

Policy CM-2.2.4: The City shall work with local organizations, regional, state agencies to establish procedures to protect and increase the water quality near existing shorelines.

Objective CM-2.3: The City shall reasonably assure that impacts of man-made structures on beach systems are minimal.

Policy CM-2.3.1: Construction in the CHHA shall conform to regulations set forth in the Land Development Code for floodplain management.

Objective CM-2.4: The City shall coordinate with the West Florida Historic Preservation, Inc. and other appropriate agencies in the protection, preservation or sensitive reuse of historic resources.

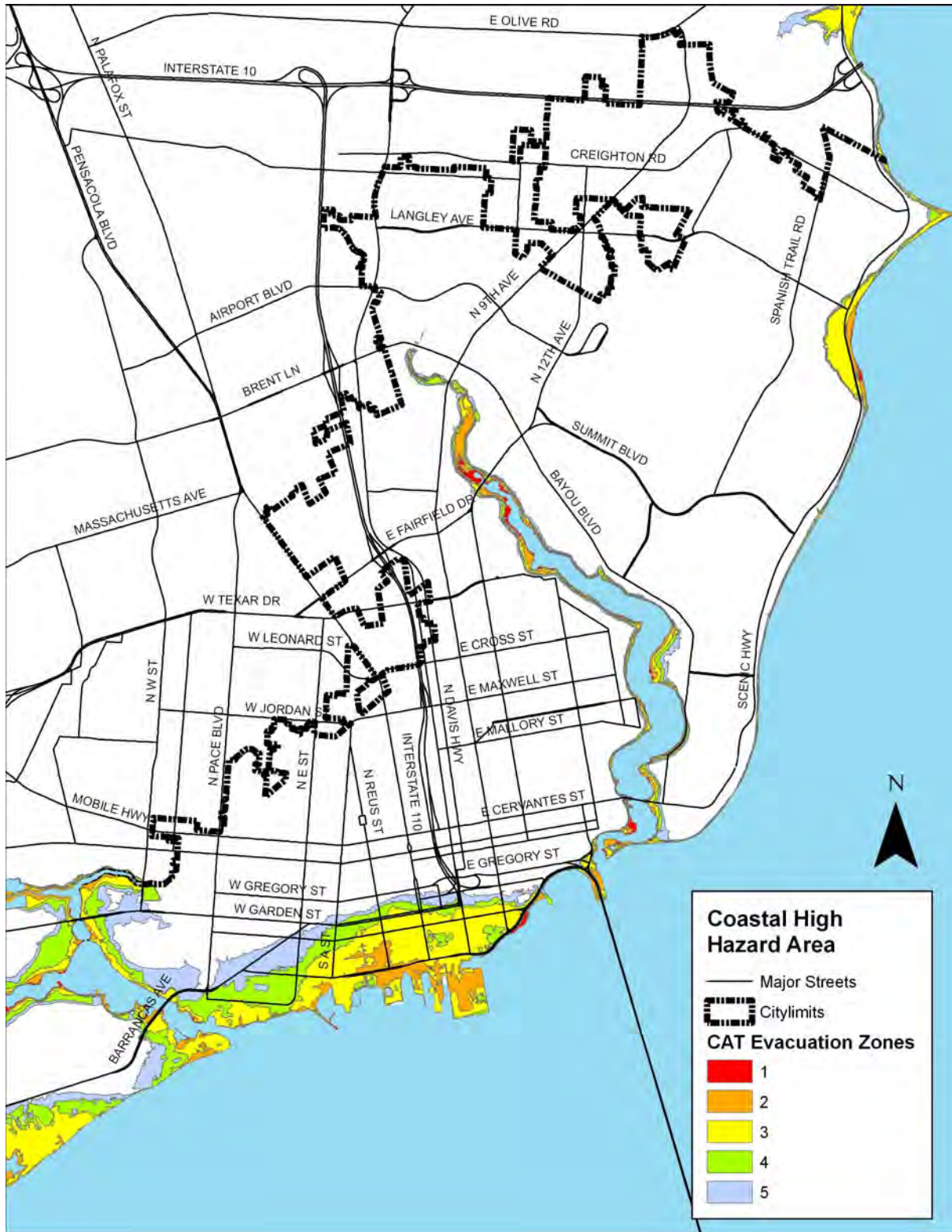
Policy CM-2.4.1: The City shall continue to support the Historic Pensacola Preservation Board in its efforts to identify historic sites and register them with the proper agencies.

Policy CM-2.4.2: Through historic zoning district guidelines and building codes, the City shall continue to establish controls for safe construction practices and for retaining the character of development within the districts.

Objective CM-2.5: The City shall continue to discourage off shore oil and gas drilling in the coastal areas of North Florida, and the City shall continue to demand accountability for clean-up of any leaks or spills of oil or oil products as well as other contaminants and pollutants.

Policy CM-2.5.1: The City shall continue to cooperate with other local and state agencies in opposition to the leasing of coastal area waters for offshore oil and gas drilling through appropriate actions. Further, the City shall cooperate with local, state and federal agencies in the clean-up efforts following the Deepwater Horizon oil spill and any other oil leak or spill as well as other contaminants and pollutants that affect waterways within the city limits.

City of Pensacola Coastal High Hazard Areas



CHAPTER 6

CONSERVATION AND SUSTAINABILITY

GOAL C-1: The City of Pensacola will seek to properly manage and protect the environment and its natural resources to the highest level possible.

Objective C-1.1: The City will work with the appropriate agencies to preserve and protect air quality within the City and the Pensacola Urbanized Area to meet ambient air quality standards as currently required by the Florida Department of Environmental Protection (FDEP).

Policy C-1.1.1: The City shall support and cooperate with Escambia County, FDEP, and FDOT in monitoring air pollution sources in the area.

Policy C-1.1.2: The City shall ensure that new industrial development is located in compatible land use areas where impact on air quality can be monitored and minimized.

Policy C-1.1.3: The City shall reduce automobile emission pollution by:

- a. Improving traffic flow patterns.
- b. Encouraging carpooling, the "ride-share" program, and other mass transit options.
- c. Encouraging buffer vegetation along arterial roadways and residential areas.
- d. Developing bicycle paths and pedestrian walkways within the City to encourage use of "clean" transportation.
- e. Encourage efforts to require compliance with emission standards.

Policy C-1.1.4: The City shall continue to enforce City regulations which prohibit or restrict the practice of open fire burning within the City.

Objective C-1.2: The City shall, through its land development regulations, protect, to the maximum extent feasible, all ecologically significant plant and animal communities identified by the U. S. Fish and Wildlife Service, the Florida Game and Fresh Water Fish Commission and other governmental and non-governmental agencies.

Policy C-1.2.1: The City shall take into consideration endangered or threatened plant and animal species, habitat conditions, occurrences and disturbances, in reviewing development proposals.

Policy C-1.2.2: The City shall require that development proposals upon request include a survey for endangered and threatened plant or animal communities utilizing information provided by the Florida Natural Areas Inventory indicating

that no such plant or animal communities occur or are likely to occur with the goal that no documented endangered or threatened natural vegetative or animal communities are destroyed.

Policy C-1.2.3: In areas where protected resources or unique vegetative communities are anticipated or documented, utilizing data information provided by the Florida Natural Areas Inventory development plans shall include an inventory of these resources and vegetative communities.

Policy C-1.2.4: The Land Development Code shall ensure reasonable protection of indigenous tree species, and where degradation has occurred, restoration shall take place by planting native species.

Policy C-1.2.5: The City shall adopt regulations which require the responsible party to mitigate impacts where degradation of environmentally sensitive areas, as defined in 9J-5.003(41), F.A.C., occurs as a result of development activities (cost to be incurred by the proposed development affecting the environmentally sensitive areas).

Policy C-1.2.6: The City will study the design of low-impact parks at Carpenter Creek and Gaberonne Swamp using native plants and other natural features that will not alter the wildlife values of the park.

Policy C-1.2.7: The City will coordinate efforts to conserve, appropriately use or protect unique vegetative communities located within more than one local jurisdiction with adjacent local governments and public or private agencies, including but not limited to the Florida Department of Environmental Protection, The Florida Fish and Wildlife Conservation Commission, and local chapters of groups such as the Sierra Club and Audubon Society.

Policy C-1.2.8: With respect to acquisition, the City, where feasible, shall protect ecologically significant plant and animal communities unduly threatened by development through establishment of public or private conservation easements or other available means as deemed appropriate.

Objective C-1.3: The City will coordinate with the County and other regional agencies to encourage a greater abundance and diversity of aquatic vegetation and fish species in Bayou Texar, Bayou Chico and Pensacola Bay.

Policy C-1.3.1: Through coordinated efforts with ECUA, the City will encourage alternative methods of gray-water discharge, such as a recycling program, reducing the volume of wastewater discharged into area waters.

Policy C-1.3.2: The Land Development Code will include provisions that require stream bank and shoreline buffer zones adjacent to surface water bodies to enhance filtration of stormwater run-off.

Policy C-1.3.3: The City will permit shoreline development only when such development would not destroy or degrade the estuarine or deepwater environment, provided it meets the following criteria:

1. A plan is in place for mitigation actions in the event that the environment is adversely affected.
2. The economic need and feasibility for the development has been established.

Policy C-1.3.4: The City, in coordination with Escambia County and the ECUA, will implement a public information program to educate residents on the type and use of pesticides that are environmentally safe.

Policy C-1.3.5: The City shall take necessary measures to reduce the quantity and improve the quality of stormwater discharged to area bodies of surface water as follows:

1. Implementation of the Pensacola Bay System S.W.I.M Plan recommendations.
2. Implementation of the Escambia County/City of Pensacola Stormwater Management Plan recommendations.
3. Improvements to the municipal drainage system shall be designed with appropriate water quality control techniques.
4. Continuing maintenance of stormwater systems will be performed in a timely and adequate manner which minimizes adverse environmental impacts.

Policy C- C-1.3.6: The City will encourage further development of artificial reefs to enhance fish populations.

Objective C-1.4: The City shall participate in the development of a hazardous waste management program, in coordination with the State and County, for the proper collection, storage, disposal, and transport of hazardous wastes generated within the City.

Policy C-1.4.1: The City shall continue to respond to all hazardous material incidents in the City in compliance with Title III of the Superfund Amendment and Re-authorization Act of 1986 and the Florida Hazardous Materials Emergency Response and Community Right-to Know Act of 1988.

Policy C-1.4.2: The City, in coordination with Escambia County and the ECUA, shall provide educational material and schedule amnesty days to provide for the

collection of hazardous wastes from City residents and small commercial and industrial hazardous waste generators.

Policy C-1.4.3: The City shall coordinate with County, State, and Federal agencies in the development and compliance of hazardous waste management programs.

Objective C-1.5: The City shall regulate future development on or near floodplain areas to reduce the exposure of human life and property to damage from natural hazards.

Policy C-1.5.1: The City shall establish limits on public expenditures and capital improvement for developments located in Coastal High Hazard Areas (CHHA).

Policy C-1.5.2: The City will actively enforce minimum building standards identified in the adopted Flood Plain Management Ordinance for construction within the 100-year flood plain.

Policy C-1.5.3: The City shall cooperate with the Federal Emergency Management Agency (FEMA) to regularly update the 100-year flood plain and to continue FEMA regulations.

Objective C-1.6: The City shall establish responsibility for the alleviation of the harmful and damaging effects of on-site generated erosion, sedimentation, runoff, and the accumulation of debris on adjacent downhill and/or downstream properties.

Policy C-1.6.1: The City shall require that no person may subdivide or make any change in the use of land or construct or change the size of a structure, except for individual single-family and duplex home construction, without first submitting a stormwater management plan to the City Engineer and obtaining a stormwater management permit from the building official.

Policy C-1.6.2: The City shall require that all land development plans include measures to minimize soil erosion in sensitive soil erosion areas. These plans should utilize native species for landscaping to the maximum extent possible.

Policy C-1.6.3: The City shall review and update its Erosion, Sedimentation, and Runoff Control ordinance as necessary.

Objective C-1.7: The quality of Pensacola's surface and ground waters should meet or exceed the minimum requirements set by the Florida Department of Environmental Protection.

Policy C-1.7.1: The City shall protect all water recharge areas within the City through enforcement of the Land Development Code, and periodic review and

amendment of these regulations, as necessary, to strengthen the overall protection of water recharge areas including but not limited to the following:

1. Open space requirements;
2. Amount of impervious surfaces permitted in critical water recharge areas;
3. Stormwater management;
4. Erosion control;
5. Landscaping and vegetation protection.

Policy C-1.7.2: The City shall utilize maps contained in the *Wellhead Protection Area Delineation in Southern Escambia County, Florida, Water Resources Special Report 97-4, December 1997*, prepared by the Northwest Florida Water Management District, as may be amended, and included by reference, to identify wellhead protection areas around existing water wells and shall continue to cooperate with the Escambia County Utilities Authority in reviewing land use regulations within these areas.

Policy C-1.7.3: The City shall continue to coordinate its efforts with those of federal and State agencies to complete the clean-up of hazardous waste sites and abandoned dump areas to protect the groundwater from leaching.

Policy C-1.7.4: The City shall regulate, minimize or prohibit development which can be expected to cause or increase salt-water intrusion, interfere with water use rights, or pollute or damage ecosystems within the City.

Policy C-1.7.5: The City shall coordinate with the NFWMD to prohibit the extraction of water where use exceeds the available recharge, or in areas of concern near utility wells "cones of influence".

Policy C-1.7.6: The City will continue to coordinate with the ECUA and the Escambia County Health Department to identify the location of individual septic tanks in the City for the purpose of discontinuing septic tank use and requiring future utilization of the sewer collection system.

Objective C-1.8: The City shall encourage the conservation of fresh groundwater and the reuse of existing water supplies.

Policy C-1.8.1: The City shall encourage the development of building codes that provide for the installation of water saving devices in new construction and renovation projects.

Policy C-1.8.2: The City will coordinate with ECUA to investigate the feasibility of establishing a graywater system throughout the City for irrigation and other suitable purposes.

Policy C-1.8.3: To reduce the quantity of potable water used for irrigation, the Land Development Code will include provisions encouraging the use of native vegetation for all development or redevelopment activities, whenever feasible.

Policy C-1.8.4: New development shall not be permitted unless a continual source of potable and/or non-potable water is available to meet the projected needs of the population.

Policy C-1.8.5: The City of Pensacola shall support the water management plans and water shortage plans of the Northwest Florida Water Management District through cooperation with ECUA and through enforcement of water conservation provisions.

Objective C-1.9: The City shall identify and cooperate in the protection of all endangered or threatened species by including appropriate regulations within the Land Development Code.

Policy C-1.9.1: The City shall use a current and complete inventory, prepared by other reliable sources, which includes endangered or threatened plant and animal species, habitat conditions, occurrences and disturbances, in reviewing development proposals.

Policy C-1.9.2: The City shall include regulations within the Land Development Code that prohibits any development that would destroy the habitat of endangered or threatened species, when the habitats has been identified and documented.

Objective C-1.10: The City's wetlands shall be conserved and protected, to the greatest extent feasible, from any adverse physical or hydrological alteration without proper mitigation.

Policy C-1.10.1: The City shall require review and approval of dredge and fill permits by the Florida Department of Environmental Regulation for wetlands within its jurisdiction.

Policy C-1.10.2: Where alteration of wetlands is necessary in order to allow for reasonable use of property, then the restoration of disturbed wetlands shall be provided for or additional wetland areas will be created to replace the area that was destroyed.

Policy C-1.10.3: The City shall designate the Gaberonne Swamp area owned by the City as an environmentally sensitive area to be used only for purposes of low-intensity recreation activities, with construction activities limited to those which will not disturb the natural environment pursuant to FAA approval.

Objective C-1.11: The City shall, as feasible, establish and implement a systematic plan for reforesting its urban fabric that optimizes the resources available in the City Tree Planting Trust Fund.

Policy C-1.11.1: The plan should contain an audit and condition analysis of protected trees existing on public properties, and prioritized replanting plan in roadway rights of way between specific intersections on specific roadways.

Policy C-1.11.2: The plan shall coordinate with regulations in the Land Development Code to produce aesthetic uniformity along roadways and biodiversity throughout the total urban forest, promotion of minimum tree spacing, and planting and maintenance specifications should prescribe best practices to optimized tree life.

GOAL C-2: The City of Pensacola will seek to promote sustainable development which meets the needs of the present without compromising the ability to meet the needs of the future through the protection of the natural environment.

Objective C-2.1: The City will encourage green site development in which the design, construction, and operation promote the preservation of resources and environmentally sensitive construction practices, systems and materials.

Policy C-2.1.1: The City shall promote and encourage the construction of buildings with design by recognized environmental rating agencies including the Florida Green Building Coalition, the National Home Builder Association and the U.S. Green Building Council.

Policy C-2.1.2: The City shall establish land use regulations that provide incentives for the construction of LEED certified buildings.

Policy C-2.1.3: The City shall continue to promote, through its Land Development Code regulations, the use of Florida landscape materials that promote water conservation and the principals of Xeriscape.

CHAPTER 7

RECREATION AND OPEN SPACE

GOAL R-1: The City of Pensacola shall ensure that all Pensacola residents have access to a wide range of recreational facilities and City Parks.

Objective R-1.1: The City will acquire, develop and maintain parks and recreational facilities to meet the needs of the city's current and projected population.

Policy R-1.1.1: The City will adopt a recreational level of service of .5 acres/1000 persons for mini-parks (at a 1/4 mile radius); 2 acres/1000 persons for neighborhood parks (at a 1/2 mile radius); 1.5 acres per 1,000 persons for community parks (city-wide radius); and, 1 acre per 1,000 persons for open space (citywide radius). Activity based level of service standards shall be adopted as follows:

Swimming Pools	1 pool/25,000 population
Tennis Courts	1 court/2,000 population
Basketball Courts	1 court/5,000 population
Baseball/Softball Fields	1 field/3,000 population
Football/Soccer/Rugby Fields	1 field/4,000 population
Golf Course (9-hole)	1 course/25,000 population
Golf Course (18-hole)	1 course/50,000 population

Policy R-1.1.2: The City will acquire and/or develop recreation sites and correct or improve existing deficiencies consistent with the Capital Improvements Element as follows:

- ❖ Baars Park- develop neighborhood park.
- ❖ ~~Acquire land near Legion Field~~ Develop soccer complex at Hitzman Park.
- ❖ Acquire land near Sanders Beach-Corinne Jones Center.
- ❖ ~~Acquire property or implement interlocal agreement for Dory Miller Park.~~
- ❖ Acquire land or implement interlocal agreement for ball fields near "T" and "W" Streets.
- ❖ Coordinate Master Plan for Hollice Williams Park with CRA.
- ❖ Construct Community Center in ~~Service Area 8~~ District 2.
- ❖ ~~Develop Community Aquatic Center~~
- ❖ Develop Mallory Heights Park III.

Policy R-1.1.3: The City will periodically review demographic changes within Pensacola and ~~conduct~~ update needs assessment survey ~~for each park service area~~ to determine necessary equipment and services for City parks and recreational facilities.

Policy R-1.1.4: The City will reduce maintenance cost of parks and recreational facilities by using native plants for landscaping in appropriate areas.

Policy R-1.1.5: Where feasible, the City shall provide additional recreation and open space opportunities including, but not limited to, sites/facilities required to meet LOS standards, and/or sites that would further objectives to protect natural environments, through establishment of public or private conservation easements, or through other available means as deemed appropriate

Policy R-1.1.65: Where feasible in the redevelopment of existing recreation and open space sites or development of new sites, the City shall provide facilities for outdoor recreation activities, including, but not limited to, nature trails or boardwalks, interpretive displays, wildlife observation areas, or picnic areas, if applicable.

Policy R-1.1.76: The City shall identify and prioritize for acquisition, properties that provide for open space amenities, especially if they are located within the urban core or provide access to scenic vistas or waterways.

Policy R-1.1.87: The City shall manage natural areas and waterfront open spaces appropriate for the resources that are contained within, or are being protected by such lands. At a minimum, this shall include removal of non-native and invasive vegetation.

Policy: R-1.1.98: The City shall strive to maintain the quality and availability of recreational facilities for residents throughout the City.

Policy: R-1.1.409: The City shall strive to ensure the quality of the recreational equipment will be provided equally to all recreational facilities in the City.

Objective R-1.2: The City will continue to analyze and improve accessibility of recreational facilities and natural resources.

Policy R-1.2.1: The City will encourage the Pensacola Transportation Planning Organization (TPO) to conduct a study of roadways adjacent to park and recreational facilities and develop a plan for a coordinated system of bicycle lanes and sidewalks/paths linking residential areas with these facilities. This system will be coordinated with plans for existing or proposed state or federal scenic highway corridors and/or greenway trail systems.

Policy R-1.2.2: The City will coordinate with Escambia County Transit System to reasonably assure, when feasible, provision of service to major recreational facilities.

Policy R-1.2.3: The City will maintain existing public access to the greatest extent possible, and if deemed feasible will increase opportunities for public access to the shoreline through establishment of public or private conservation easements or through other available means as deemed appropriate. Private property rights will be protected in providing additional public access to the shoreline.

Objective R-1.3: The City shall coordinate public and private resources to meet development and maintenance needs for recreation by execution of existing interlocal agreements with public agencies and by assistance to private resources through technical help or through co-sponsorship of activities.

Policy R-1.3.1: The City shall continue to contribute funding to the Keep Pensacola Beautiful ~~Escambia Clean Community Commission for the community education program they coordinate with Escambia County School Board about littering and misuse of recreational facilities and~~ for their monitoring of the "Adopt-A-Park" program which coordinates private resources to maintain City parks and rights-of-way.

Policy R-1.3.2: The City shall continue the interlocal agreement for coordination between the City and the Escambia County School Board in the provision and maintenance of shared recreational facilities.

Policy R-1.3.3: The City shall continue to cosponsor recreational programs and events, such as ~~the baseball/softball program and other athletic events,~~ races and festivals, using City facilities and maintenance.

Objective R-1.4: Open space areas, which are accessible to the public for low-intensity use shall be provided through implementation of the open space requirements of the Land Development Code.

Policy R-1.4.1: The City will designate corridor open space areas for new roadways and for reconstruction of existing roadways wherever adequate rights-of-way exist.

Policy R-1.4.2: The City will accept or acquire easements and/or right-of-ways for portions of Gaberonne Swamp and Carpenter Creek from the end of Ellyson Drive north to Bayou Boulevard to protect these areas in their natural state by designating them as conservation districts.

Policy R-1.4.3: The City shall maintain open space areas by implementing Title 12 of the Land Development Code, specifically Chapter 12-2 (zoning district setback requirements) and Chapter 12-8 (subdivision regulations which require a donation of 5% of land for open space or recreation).

Policy R-1.4.4: Open space definitions and standards as described in the Recreation and Open Space Chapter of the Comprehensive Plan will be included in the City of Pensacola Land Development Code.

GOAL R-2: The City shall continue encourageing greater usage of recreational facilities and open spaces.

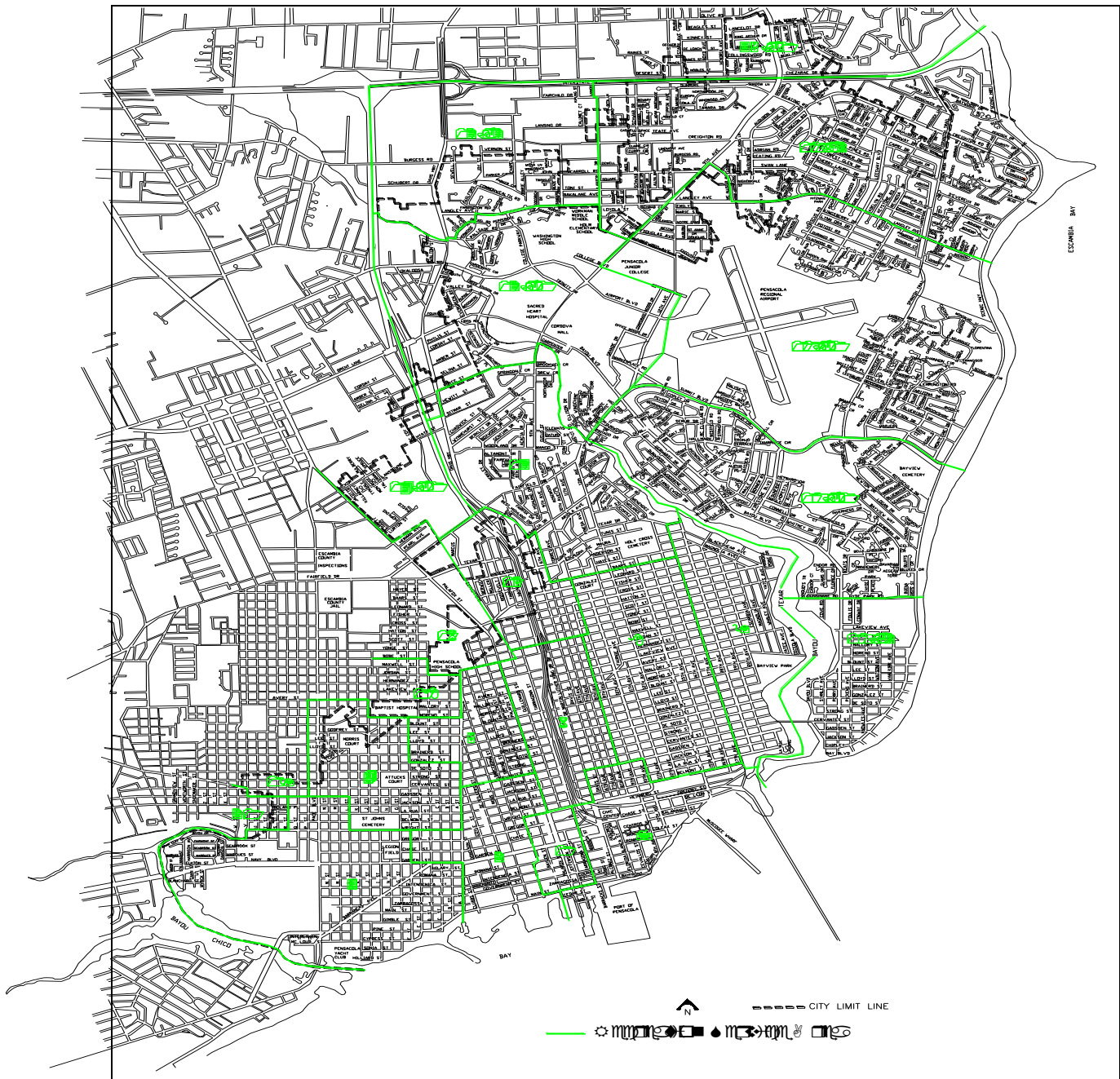
Objective R-2.1: The City will pursue efforts to promote interconnectivity with existing recreational facilities and open spaces.

Policy: R-2.1.1: The City will review existing park locations to determine when interconnections could be established that would promote greater use.

Objective R-2.2: The City will pursue efforts to promote interconnectivity with Escambia County recreational facilities and open space with City resources.

Policy R-2.2.2: The City will ~~coordinate~~work with Escambia County to promote the concept of interconnecting County recreational facilities and City recreational facilities to be used by residents.

City of Pensacola Recreation Service Areas



CHAPTER 8

INTERGOVERNMENTAL COORDINATION

GOAL IC-1: The City of Pensacola shall foster and encourage intergovernmental coordination with Escambia County, other adjacent local governments, and local, regional, State and Federal agencies.

Objective IC-1.1: The City will prepare or update existing interlocal agreements with appropriate governmental entities in Escambia County to provide continued intergovernmental coordination.

Policy IC-1.1.1: The City will continue to review all existing interlocal agreements to evaluate their effectiveness and to assure that any new requirements from the Comprehensive Plan will be addressed in the agreement.

Policy IC-1.1.2: The City will prepare interlocal agreements with Escambia County and/or the ECUA to assure coordination regarding infrastructure development which affects both the City and the County.

Policy IC-1.1.3: The City will prepare an interlocal agreement with the District School Board in order to assure collaborative planning of educational facilities and infrastructure development.

Policy IC-1.1.4: The City will coordinate with the Pensacola State College and the University of West Florida in order to assure collaborative planning of infrastructure development.

Policy IC-1.1.5: The City will continue to promote compatibility with local military service.

Objective IC-1.2: The City will participate in and develop new committees or informal coordination mechanisms which will further intergovernmental coordination.

Policy IC-1.2.1: The City will assist in the development and participate in a joint City/County/ECUA coordinating committee to review future development plans with the ECUA facilities capacities.

Policy IC-1.2.2: The City will continue to participate in existing intergovernmental coordination committees (i.e., Transportation Planning Organization, Bay Area Resource Council, Chamber of Commerce) and expand some of the functions of these committees to address problem areas identified in the Comprehensive Plan.

Policy IC-1.2.3: The City shall establish a regular exchange of City Planning Board agendas and Escambia County Planning Board agendas for the purpose of providing information to each entity regarding certain issues with potential intergovernmental impacts.

Policy IC-1.2.4: The City will coordinate with Escambia County to identify potential adverse effects of development decisions made within a one-half (1/2) mile on either side of the City limits.

Policy IC-1.2.5: The City of Pensacola shall routinely review and coordinate the level of service standards with the WFRPC, TPO, DCA, DEP, FDOT and all other appropriate State, regional and local agencies in the development of each element of the Comprehensive Plan.

Policy IC-1.2.6: The City shall continue to coordinate with the WFRPC and other appropriate agencies to ensure that the impacts of development proposed in the City's plan are coordinated with adjacent local governments (i.e., expansion of marinas, airport, ports, bridges and new roads).

Policy IC-1.2.7: The City shall continue to coordinate with the School District to insure that the School Board has an opportunity to review and comment on the effect of proposed residential development, the effect of comprehensive plan amendments and rezonings on the public school facilities plan.

Objective IC-1.3: The City will continue to enforce LOS standards with Escambia County, the ECUA, and the FDOT, and to coordinate with the District School Board facilities work program.

Policy IC-1.3.1: The City will continue to annually review enforce adopted LOS standards and coordinate with the ECUA in planning for future growth.

Policy IC-1.3.2: The City will continue to enforce adopted roadway LOS standards with Escambia County and FDOT, which are consistent, particularly where roadways pass through jurisdictional boundaries.

Policy IC-1.3.3: The City will coordinate with the District School Board facilities work program, which is used to plan for future growth.

Policy IC-1.3.4: The City will coordinate population estimates and projections with the School Board at a minimum of once each year as part of the review of the DSB facilities work program (5-year plan).

Policy IC-1.3.5: In order to coordinate the effective and efficient provision and siting of educational facilities with associated infrastructure and services within the City, representative of the City and the School Board will meet by June 2000

to develop mechanisms for coordination of educational facilities planning. The City will amend the Plan by January 2001 to incorporate the coordination mechanisms developed.

Objective IC-1.4: The City shall ensure that the impacts of development proposed in the City's Comprehensive Plan are coordinated with adjacent municipalities, Escambia County, WFRPC, the State of Florida, the TPO and other appropriate agencies.

Policy IC-1.4.1: The City will coordinate comprehensive planning with local governmental agencies including the School Board, the WFRPC, the Northwest Florida Water Management District, etc. for all developments that will have a significant impact on the region.

Policy IC-1.4.2: The City will participate in the update of the *West Florida Strategic Regional Policy Plan*.

Policy IC-1.4.3: In order to coordinate the management of environmental systems that fall under the jurisdiction of more than one local government, the City shall:

- * Monitor and evaluate updates to the *Escambia/Santa Rosa Coastal Resource Management Plan*.
- * Participate in the Florida-Alabama TPO.
- * Participate in the formulation of, and coordinate in the implementation of, the *Pensacola Bay System S.W.I.M. Plan* and the *Escambia County/City of Pensacola Stormwater Management Plan*.

Objective IC-1.5: The City will provide for formal or informal conflict resolution mechanisms when necessary to deal with issues of intergovernmental coordination.

Policy IC-1.5.1: The City will utilize the services of the West Florida Regional Planning Council for informal conflict mediation where appropriate.

Policy IC-1.5.2: The City will provide for joint meetings of the City Council and the County Commission to resolve issues relating to intergovernmental coordination

Objective IC-1.6: The City of Pensacola shall periodically sponsor workshops with the Escambia County School District, other units of local government, and the ECUA to discuss future expansion plans and identify any proposed land use or facility impacts.

Policy IC-1.6.1: The City of Pensacola shall annually review the master plans of the Escambia County School District, other units of local government, the WFRPC, the State, and the ECUA in the comprehensive planning process and shall advise the respective bodies concerning inconsistencies.

Objective IC-1.7: The City shall comply with Florida laws for review of annexation requests and for resolving annexation issues.

Policy IC-1.7.1: City and County staff will exchange and review data regarding levels of service and land use for areas that are being considered for annexation.

Policy IC-1.7.2: The City will consider conducting an opinion survey of any area(s) being considered for annexation to determine the feasibility of conducting a referendum prior to initiating an annexation action.

Policy IC-1.7.3: The City will coordinate with State legislators in addressing State laws concerning annexation.

GOAL IC-2: The City of Pensacola shall coordinate and plan with the Escambia County District School Board for the provision of adequate and readily accessible educational sites and the timely construction of school facilities.

Objective IC-2.1: The City will cooperate with the School District in siting individual facilities in an orderly and timely manner that is responsive to alleviating overcrowding, providing special facilities, and meeting the demands of new development through, but not limited to, the following policies.

Policy IC-2.1.1: The City Planning Department will coordinate with the School District staff in the siting of school facilities throughout the City so that their location is consistent with and, to the degree possible, will further the Goals, Objectives, and Policies of the Comprehensive Plan.

Policy IC-2.1.2: The City will evaluate the ability for the co-location of public parks, public library facilities, or other public facilities as appropriate, when school sites are chosen and the development plans prepared. The technical inter-relationships of the Capital Improvements Programs will in part, identify co-location/joint use opportunities.

Objective IC-2.2: The City will provide the School District an opportunity for coordinated, on-going review of the impacts of development.

Policy IC-2.2.1: The City will inform the School District of proposed amendments to the Future Land Use Map of the City.

Policy IC-2.2.2: The City will request that the School District, prior to final consideration by the School Board, formally contact the City regarding any existing school in the City that is being considered for closure, capacity change,

or programmatic change, so that the City can assess the impact of the school closure upon the community and provide formal comments if desired.

CHAPTER 9

CAPITAL IMPROVEMENTS

GOAL CI-1: The City shall utilize development standards which will effectively maximize facilities and will provide for new facilities as growth occurs in a manner consistent with the City's Future Land Use element.

Objective CI-1.1: The City shall utilize the capital improvements element to correct existing deficiencies within the framework of the 5-year Schedule of Improvements; to accommodate desired future growth; and to replace worn-out or obsolete facilities.

Policy CI-1.1.1: The Capital Improvements Element shall include only those facility types explicitly required in Chapter J-5, FAC, which are Sanitary Sewer, Solid Waste, Drainage, Potable Water, Transportation and Parks and Recreation.

Policy CI-1.1.2: All existing deficiencies defined in the CIE shall be evaluated and necessary facilities upgraded and/or replaced utilizing the follow method for prioritizing the year the projects will be implemented:

- * Highest priority will be given to projects which directly affect the health and safety of the public.
- * Second priority will be given to those projects, which would be more cost-effectively undertaken with other facilities under the 5-year Schedule of Improvements.

Policy CI-1.1.3: The Capital Improvement Element's 5-year Schedule of Improvements will be included in the City's Capital Improvement Program and will have priority over any other City capital needs.

Policy CI-1.1.4: Proposed capital improvements projects shall be evaluated based on their direct relationship to the Comprehensive Plan Elements and shall include consideration of:

1. The elimination of existing capacity deficiency;
2. The elimination of public hazards;
3. The project's financial feasibility and impact on the local budget;
4. The project's ability to increase the efficiency of use of existing facilities, prevent or reduce future improvement cost, provide service to developed areas lacking full service, or promote infill development; and,
5. Plans of state agencies and water management districts that provide public facilities within the City.

Policy CI-1.1.5: The City ~~Manager~~ Administrator, Chief Financial Officer, ~~Director of Finance~~, ~~Community Design & Planning Director~~ Administrator, Public Works and Facilities Director, City Engineer ~~Engineering Department~~, Parks and Recreation ~~Leisure Services Director~~, Public Services & Sanitation Director, and the Port Director will serve as the internal review group for the purpose of evaluating and ranking in order of priority projects proposed for inclusion in the 5-year Schedule of Improvements. Other appropriate City officials may, from time to time, be requested to serve on the committee or provide assistance to the committee as circumstances and issues require.

Objective CI-1.2: Infrastructure improvement costs required due to increased use of existing facilities by future development will be proportionately shared by the City and the developer in order to maintain adopted LOS standards taking into account the costs associated with adequately documenting the degree to which future development is responsible for causing such improvements.

Policy CI-1.2.1: The City will implement a stormwater utility fee, if necessary, to assess costs for future drainage improvements and continue to utilize local funding and State and federal grants to adequately maintain adopted LOS standards for drainage. In addition, the City will continue to utilize local optional gas tax to fund local roadway improvements for the purpose of maintaining adopted LOS standards. The City will pursue new revenue sources and methods to fund local roadway and drainage projects.

Policy CI-1.2.2: The City shall continue to implement its program for mandatory dedications or fees in lieu of as a condition of plat approval for the provision of recreation and open space.

Objective CI-1.3: The City shall coordinate its land development process and fiscal resources with its adopted Capital Improvements schedule to ensure all development orders and building permits for future development and redevelopment will only be issued if adopted level of service standards for public facilities are maintained.

Policy CI-1.3.1: All development orders and building permits for future development and redevelopment activities shall be issued by the City only if public facilities necessary to meet the following adopted level of service standards are available concurrent with the impacts of the development.

- * Sanitary Sewer - 100 gallons per capita per day average flow. (Building and Inspections to verify)
- * Solid Waste - 4.52 pounds per capita per day. (Sanitation to verify)
- * Drainage - LOS A - tolerates street flooding to a depth of 3 inches or less in the gutters when the rest of the pavement is passable, and allows open or green space flooding of up to 12" as long as there is no threat to public health or safety, or permanent impediment to

the intended use of the property; LOS B - tolerates flooding of entire street surface up to 4" at centerline of roadway; LOS C - tolerates structure flooding; based on the following design criteria:

In existing developments adequate drainage capacity to accommodate run-off associated with a ~~3~~10-year, ~~12-hour~~ critical duration design (pre-development rate) storm for collection systems.

In new developments adequate drainage capacity to accommodate a ~~25~~100-year, ~~12~~24-hour critical duration design storm (pre-development rate) for collection systems and for retention and detention ponds. As a minimum the first $\frac{1}{2}$ -1" of runoff must be retained on the site of the development. At the discretion of the City Engineer, retention standards may be increased beyond the $\frac{1}{2}$ -1" minimum standards and the 100-year design storm on a site-specific basis.

- * Potable Water - 118 gallons per capita per day (gpcd) for Zone 1, 146 gpcd for Zone 2. (Building Inspections to verify)

*	Roadway Type	LOS (Peak hour)
	State Roadways	
	Intrastate	C
	Other State Roads	E
	Roads Within the TCEA	Exempt
	Local Collector Roads	E
	Other Local Roads	C

- * Recreation Standards (Parks/Rec to verify)
 Acreage - .5 acres/1000 persons for mini parks (1/4 mile radius); 2 acres/1000 persons for neighborhood parks (1/2 mile radius); 1.5 acres/1000 persons for community parks (citywide radius), and; 1 acre/1,000 persons for open space (citywide radius).

Swimming Pool	1 pool/25,000 persons
Tennis Court	1 court/2,000 "
Basketball Court	1 court/5,000 "
Baseball/Softball Field	1 field/3,000 "
Football/Soccer/Rugby Field	1 field/4,000 "
Golf Course	1-9-hole course/25,000
Golf Course	1-18-hole course/50,000

Policy CI-1.3.2: The City will not issue development orders unless public facilities that meet adopted LOS standards are available or meet the requirements of the City's adopted Concurrency Management System.

Policy CI-1.3.3: The City shall make provision for the availability of public facilities to serve developments for which development orders were issued prior to the adoption of the Comprehensive Plan.

Policy CI-1.3.4: The City shall track all de minimis impact of development for annual submittal of the CIE through the established concurrency management system.

Objective CI-1.4: The City shall utilize all funding resources and mechanisms which are necessary for capital improvements.

Policy CI-1.4.1: The City shall study the feasibility of implementing as many local funding mechanisms as possible for capital improvements.

Objective CI-1.5: The City shall follow the 5-year Schedule of Improvements (as amended from time to time) as set forth in the Capital Improvements Element (CIE) except in the instance of unforeseen natural disasters or cut-backs in funding sources, either of which could change funding or expenditure priorities.

Policy CI-1.5.1: The City shall review the CIE on an annual basis to ensure that the required fiscal resources are available to provide public facilities to support adopted LOS standards.

Policy CI-1.5.2: The City shall adopt a monitoring and evaluation program for the review of the CIE.

Objective CI-1.6: Proposed expenditure of public funds that subsidize or enable land development in Coastal High Hazard Areas shall be limited to those projects identified in the Coastal Management Chapter.

Policy CI-1.6.1: The use of City funds for shoreline development in the CHHA will be based on the following priorities:

- A. Water dependent uses
- B. Water related recreation
- C. Residential
- D. Commercial

Objective CI-1.7: The City shall adopt its CIE at the same time that it adopts its Annual Operating Budget. The CIE shall include those projects necessary to maintain the adopted level of service standards set forth in Policy 1.3.1.

Policy CI-1.7.1: The ratio of general government debt service expenditures to general government total expenditures shall not exceed 15 percent (as measured by either the most recent comprehensive annual financial report or the adopted current year budget) except when a proposed borrowing is necessitated to finance reconstruction following emergencies (such as a hurricane or natural disaster).
(Finance to verify this section and update Capital Improvements chart below...)

CAPITAL IMPROVEMENTS FY 2011 - FY 2015																	
(S) Source	2011			2012			2013			2014			2015			TOTAL PROJECTS	CITY'S SHARE
PROJECT	COST	CITY'S SHARE	OTHER SHARE	COST	CITY'S SHARE	OTHER SHARE	COST	CITY'S SHARE	OTHER SHARE	COST	CITY'S SHARE	OTHER SHARE	COST	CITY'S SHARE	OTHER SHARE		
PORT																	
Maintenance Dredging	640,000	320,000 (1) Port	320,000 (2) FSTED													640,000	320,000
Port Intermodal Rail Enhancements	2,750,000	0	2,750,000 (18) TIGER II													2,750,000	0
America's Marine Highways Terminal & Facilities Development, Phase I				900,000	225,000 TBD	675,000 (16) MARAD	900,000	225,000 TBD	675,000 (16) MARAD							1,800,000	450,000
America's Marine Highways Terminal & Facilities Development, Phase II										450,000	112,500 TBD	337,500 (16) MARAD	450,000	112,500 TBD	337,500 (16) MARAD	900,000	225,000
Dockside Utility Improvements	150,000	75,000 (1) Port	75,000 (2) FSTED													150,000	75,000
On-dock Rail Switch Repairs	60,000	60,000 (1) Port	0													60,000	60,000
Entrance Gate Relocation and Improvements	250,000	50,000 (1) Port	200,000 (3) TSA													250,000	50,000
Intermodal Rail Replacement				1,000,000	0	1,000,000 (18) TIGER II	1,000,000	0	1,000,000 (18) TIGER II							2,000,000	0
Dock & Wharf Apron Strengthening (Berth 6 Rehabilitation)				1,100,000	0	1,100,000 (18) TIGER II	1,100,000	0	1,100,000 (18) TIGER II							2,200,000	0
Berth 6 Fender System Replacement							1,000,000	0	1,000,000 (18) TIGER II							1,000,000	0
Port Total	3,850,000	505,000	3,345,000	3,000,000	225,000	2,775,000	4,000,000	225,000	3,775,000	450,000	112,500	337,500	450,000	112,500	337,500	11,750,000	1,180,000
STORMWATER PROJECTS																	
Davis Highway at Valley Drive							309,700	309,700 (5) SWCP		255,000	255,000 (5) SWCP					564,700	564,700
Sanders Beach Storm Sewer Reconstruction										370,000	370,000 (5) SWCP		500,000	500,000 (5) SWCP		870,000	870,000
Gaberonne Swamp Stormwater Enhancements				200,000	200,000 (5) SWCP											200,000	200,000
Land Acquisition Retention Pond Sites										35,000	35,000 (5) SWCP		300,000	300,000 (5) SWCP		335,000	335,000
Baywoods Gulley Stormwater Enhancements				200,000	200,000		295,300	295,300 (5) SWCP								495,300	495,300
Carpenters Creek at Brent Lane				370,000	370,000 (5) SWCP		200,000	200,000 (5) SWCP								570,000	570,000
"L" and Zaragossa Street Drainage Improvements				340,000	340,000 (5) SWCP		104,200	104,200 (5) SWCP								444,200	444,200
12th Avenue at Carpenter's Creek	20,000	20,000 (5) SWCP		250,000	250,000 (5) SWCP		180,800	180,800 (5) SWCP								450,800	450,800
Bayou Chico Stormwater Outfall Retrofits	500,000	500,000 (5) SWCP		300,000	300,000 (5) SWCP											800,000	800,000
Birnam Woods S/D Discharge at Bayou Texar	340,000	340,000 (5) SWCP														340,000	340,000
Scenic Heights Discharge (Langley into Escambia Bay)										500,000	500,000 (5) SWCP		500,000	500,000 (5) SWCP		1,000,000	1,000,000

Bayou Blvd at Tyler Discharge													360,000	360,000		360,000	360,000
Stormwater Vaults Citywide	14,200	14,200 (5) SWCP		250,000	250,000 (5) SWCP		250,000	250,000 (5) SWCP		250,000	250,000 (5) SWCP		250,000	250,000 (5) SWCP		1,014,200	1,014,200
DeSoto Street @ Bayou Texar (Western Shore)							450,000	450,000 (5) SWCP								450,000	450,000
Stormwater Capital Maintenance	162,600	162,600 (5) SWCP		326,800	326,800 (5) SWCP		326,800	326,800 (5) SWCP		326,800	326,800 (5) SWCP		326,800	326,800 (5) SWCP		1,469,800	1,469,800
Northmoor Court @ Carpenter's Creek							120,000	120,000 (5) SWCP		500,000	500,000 (5) SWCP					620,000	620,000
Admiral Mason Park	800,000	800,000 (5) SWCP														800,000	800,000
Stormwater Total	1,836,800	1,836,800	0	2,236,800	2,236,800	0	2,236,800	2,236,800	0	2,236,800	2,236,800	0	2,236,800	2,236,800	0	10,784,000	10,784,000
TRANSPORTATION																	
Street Rehabilitation (Formerly Street Resurfacing)	853,400	853,400 (6) LOGT		853,400	853,400 (6) LOGT		853,400	853,400 (6) LOGT		853,400	853,400 (6) LOGT		853,400	853,400 (6) LOGT		4,267,000	4,267,000
Street Reconstruction	521,900	521,900 (6) LOGT		521,900	521,900 (6) LOGT		521,900	521,900 (6) LOGT		521,900	521,900 (6) LOGT		521,900	521,900 (6) LOGT		2,609,500	2,609,500
Intersection/Traffic Improvements	118,300	118,300 (6) LOGT		118,300	118,300 (6) LOGT		118,300	118,300 (6) LOGT		118,300	118,300 (6) LOGT		118,300	118,300 (6) LOGT		591,500	591,500
Transportation Total	1,493,600	1,493,600	0	1,493,600	1,493,600	0	1,493,600	1,493,600	0	1,493,600	1,493,600	0	1,493,600	1,493,600	0	7,468,000	7,468,000
AIRPORT																	
2011																	
Install Pedestrian Sidewalks and Bike Path - GA	600,000	300,000 (7) CIA (9) PFC	300,000 (8) FDOT													600,000	300,000
Parking Garage Expansion	30,000,000	0	30,000,000 (17)													30,000,000	0
Relocate Fuel Farm Phase I	200,000	10,000 (7) CIA (9) PFC	190,000 (11) FAA													200,000	10,000
Landside Access Road Improvements	250,000	12,500 (7) CIA (9) PFC	237,500 (11) FAA													250,000	12,500
Areawide Wayfinding Signage	400,000	400,000 (7) CIA (9) PFC														400,000	400,000
Acquisition of Army Reserve Center and Construction of Parking Lot	6,900,000	5,150,000 (7) CIA (9) PFC	1,750,000 (8) FDOT													6,900,000	5,150,000
Acquire Land - Commerce Park Phase I	1,333,400	333,400 (7) CIA (9) PFC	1,000,000 (8) FDOT													1,333,400	333,400
Apron Joint Seal Replacement and Line Removal	600,000	30,000 (7) CIA (9) PFC	570,000 (11) FAA													600,000	30,000
Expand GA Apron - Design	351,000	17,550 (7) CIA (9) PFC	333,450 (11) FAA													351,000	17,550
Additional GA Ramp - Design	400,000	20,000 (7) CIA (9) PFC	380,000 (11) FAA													400,000	20,000
Landside Signage Improvements Phase I	400,000	20,000 (7) CIA (9) PFC	380,000 (11) FAA													400,000	20,000
Master Plan Update	1,200,000	60,000 (7) CIA (9) PFC	1,140,000 (11) FAA													1,200,000	60,000
Terminal Roadway Improvements Phase 1	1,900,000	95,000 (7) CIA (9) PFC	1,805,000 (11) FAA													1,900,000	95,000

2012																	
Pave Interior Perimeter Road				489,500	24,500	465,000										489,500	24,500
					(7) CIA (9) PFC	(11) FAA											
Acquire Land - Commerce Park Phase I				1,333,333	333,333	1,000,000										1,333,333	333,333
					(7) CIA (9) PFC	(8) FDOT											
Improvements to Retention Pit - Design				900,000	45,000	855,000										900,000	45,000
					(7) CIA (9) PFC	(11) FAA											
Relocate Fuel Farm Phase II				900,000	45,000	855,000										900,000	45,000
					(7) CIA (9) PFC	(11) FAA											
Environmental Assessment for ILS at R/W 35				250,000	12,500	237,500										250,000	12,500
					(7) CIA (9) PFC	(11) FAA											
Airfield Pavement and Lighting Rehab - Design				150,000	7,500	142,500										150,000	7,500
					(7) CIA (9) PFC	(11) FAA											
2013																	
Acquire Land - Commerce Park Phase I							1,333,400	333,400	1,000,000							1,333,400	333,400
								(7) CIA (9) PFC	(8) FDOT								
New ARFF Vehicle (fire rescue)							700,000	35,000	665,000							700,000	35,000
								(7) CIA (9) PFC	(11) FAA								
Construct Hold Pads							1,210,000	60,500	1,149,500							1,210,000	60,500
								(7) CIA (9) PFC	(11) FAA								
Replace Perimeter Fence							900,000	45,000	855,000							900,000	45,000
								(7) CIA (9) PFC	(11) FAA								
Remove Old TRACON Building							1,000,000	50,000	950,000							1,000,000	50,000
								(7) CIA (9) PFC	(11) FAA								
2014																	
Acquire Land - Commerce Park Phase II										2,000,000	500,000	1,500,000				2,000,000	500,000
											(7) CIA (9) PFC	(8) FDOT					
New ARFF Vehicle										700,000	35,000	665,000				700,000	35,000
											(7) CIA (9) PFC	(11) FAA					
Additional GA Ramp - Construction										3,000,000	150,000	2,850,000				3,000,000	150,000
											(7) CIA (9) PFC	(11) FAA					
EA/EIS for GA R/W 17L/35R										229,000	11,450	217,550				229,000	11,450
											(7) CIA (9) PFC	(11) FAA					
Strengthen SW Ramp - Design										200,000	10,000	190,000				200,000	10,000
											(7) CIA (9) PFC	(11) FAA					
2015																	
Acquire Land - Commerce Park Phase II													2,000,000	500,000	1,500,000	2,000,000	500,000
														(7) CIA (9) PFC	(8) FDOT		
Strengthen Cargo Ramp													900,000	45,000	855,000	900,000	45,000
														(7) CIA (9) PFC	(11) FAA		
Design/Build Connecting Taxiways to Additional T-Hangers													955,000	47,750	907,250	955,000	47,750
														(7) CIA (9) PFC	(11) FAA		
Strengthen SW Ramp - Construction													1,300,000	65,000	1,235,000	1,300,000	65,000
														(7) CIA (9) PFC	(11) FAA		
GA Ramp Expansion - Design													600,000	30,000	570,000	600,000	30,000
														(7) CIA (9) PFC	(11) FAA		
Airport Total	44,534,400	6,448,450	38,085,950	4,022,833	467,833	3,555,000	5,143,400	823,900	4,619,500	6,129,000	706,450	5,422,550	5,755,000	687,750	5,067,250	65,584,633	8,834,383
GRAND TOTAL FOR ALL PROJECTS	51,714,800	10,283,850	41,430,950	10,753,233	4,423,233	6,330,000	12,873,800	4,479,300	8,394,500	10,309,400	4,549,350	5,760,050	9,935,400	4,530,650	5,404,750	95,586,633	28,266,383

- (1) PORT - Port Funds
(2) FSTED - Florida Seaport Transportation Economic Development Council
(3) PI - Private Investment
(4) TSA - Transportation Security Administration Grant
(5) SWCP - Stormwater Capital Projects Fund
(6) LOGT - Local Option Gas Tax
(7) CIA - Capital Improvements Fund, Airport
(8) FDOT - Florida Department of Transportation
(9) PFC - Passenger Facility Charge
(10) CFC - Customer Facility Charge
(11) FAA - Federal Aviation Administration Entitlements
(12) SISGM - Strategic Intermodal System Growth Management
(13) Bond - Airport Bonds
(14) ARRA - American Recovery & Reinvestment Act Port Security Grant Program (funding pending grant award)
(16) MARAD - US Maritime Administration America's Marine Highways Program (projected future funding source)
(17) - Economic Recovery Funds (to be constructed if funds are awarded)
(18) TIGER II - National Infrastructure Investments funding pending grant award

CHAPTER 10

HISTORIC PRESERVATION

GOAL HP-1: The City shall continue to preserve its existing historic buildings, historic sites, and historic and preservation districts.

Objective HP-1.1: The City shall continue to enforce its existing historic preservation ordinances.

Policy HP-1.1.1: The City shall, through its historic preservation ordinances, continue to provide zoning categories that support the purpose and character of each historic and preservation district and identify appropriate permitted and conditional uses in those districts.

Policy HP-1.1.2: The City shall, through its historic preservation ordinances, continue to provide procedures for review and for the continuation of the Architectural Review Board as the principal review authority.

Policy HP-1.1.3: The City shall, through its historic preservation ordinances, continue to reference the “The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” as a guiding document for historic preservation efforts.

Policy HP-1.1.4: The City shall, through its historic preservation ordinances, continue to provide standards and guidelines for restoration, rehabilitation, alterations, and additions, to existing contributing structures within its historic and preservation districts.

Policy HP-1.1.5: The City shall, through its historic preservation ordinances, continue to provide standards and guidelines for restoration, rehabilitation, alterations, and additions, to existing non-contributing and modern in-fill structures within its historic and preservation districts.

Policy HP-1.1.6: The City shall, through its historic preservation ordinances, continue to provide standards and guidelines for the construction of new structures within its historic and preservation districts.

Policy HP-1.1.7: The City shall, through its historic preservation ordinances, continue to provide standards and guidelines for demolition and relocation of all structures in the historic and preservation districts.

Objective HP-1.2: The City shall maintain an Architectural Review Board which shall have the purpose of preserving and protecting historic or architecturally-significant buildings and historic and preservation districts.

Policy HP-1.2.1: The Architectural Review Board shall review all development activities in the historic and preservation districts and apply the historic preservation ordinances adopted by the City of Pensacola.

Policy HP-1.2.2: The Architectural Review Board shall refer to “The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” in making its decisions pertaining to contributing historic structures.

Policy HP-1.2.3: The Architectural Review Board shall consider the distinct historical context, development pattern, neighborhood integrity and architectural character of each historic and preservation district in making its decisions.

Policy HP-1.2.4: The Architectural Review Board shall have the authority to grant variances to the Land Development Code when it determines that the granting of said variances are consistent with historic character of a structure or its corresponding historic or preservation district.

Objective HP-1.3: The City shall maintain the historic character and aesthetics of its historic and preservation districts.

Policy HP-1.3.1: The City shall maintain the historic street patterns and street names in each historic and preservation district.

Policy HP-1.3.2: The City shall continue to provide and maintain street lights and similar municipal appurtenances in the public rights-of-way to create aesthetically pleasing streetscapes.

Policy HP-1.3.2: The City shall continue to provide and maintain landscaping, street lights, and similar municipal appurtenances in the public rights-of-way to provide an aesthetically pleasing streetscape.

Policy HP-1.3.3: The City shall require all traffic control signs, traffic signals, transformers, switching gear and related accessory equipment to be installed in the public right-of-way in the historic and preservation districts are approved by the Architectural Review Board.

Policy HP-1.3.4: The City shall encourage all utility providers to place their utilities underground in historic and preservation districts to protect the aesthetic character of the districts.

Policy HP-1.3.5: The City shall formulate regulations pertaining to Architectural Review Board approval of all new electrical, telephone and cable wires and related equipment, such as (but not limited to) utility cabinets, transmission poles and transformers, to be installed in the historic and preservation district.

Objective HP-1.4: The City shall strengthen existing ordinances, as necessary, in order to preserve the integrity of historic buildings, historic sites, and historic and preservation districts.

Policy HP-1.4.1: The City shall review its historic preservation ordinances and identify its strengths and weaknesses.

Policy HP-1.4.2: The City shall strengthen existing ordinances, as necessary, in order to enhance the preservation of the integrity of historic buildings and historic and preservation districts.

Policy HP-1.4.3: The City shall create a separate chapter in its Land Development Code which contains all new and revised regulations and guidelines pertaining to historic buildings, historic sites, and historic and preservation districts.

GOAL HP-2: The City shall continue to identify buildings, sites and neighborhoods with historic significance and deserving of preservation.

Objective HP-2.1: The City shall continue to identify and encourage the preservation, continued use or adaptive reuse of buildings that are eligible for designation as historic buildings.

Policy HP-2.1.1: The City shall provide guidance to citizens seeking to have historic structures placed on the Florida Master Site File.

Policy HP-2.1.2: The City shall provide guidance to citizens seeking to have historic structures placed on the National Register of Historic Places.

Objective HP-2.2: The City shall continue to identify established neighborhoods that may deserve designation as a historic or preservation district, subject to the approval of its residents.

Goal HP-2.2.1: The City shall identify existing neighborhoods for designation as a locally-designated historic or preservation district.

Goal HP-2.2.2: The City shall establish adequate standards and guidelines for these districts in its historic preservation ordinances to maintain its historic character and aesthetic quality.

Goal HP-2.2.3: The City shall provide guidance in the nomination of qualified historic and preservation districts to the National Register of Historic Places.

GOAL HP-3: In conjunction with the University of West Florida, West Florida Historic Preservation, Inc., and other community organizations, the City shall continue to support activities relating to historic preservation.

Policy HP-3.1: The City shall support the historic preservation roles of the University of West Florida, West Florida Historic Preservation, Inc., community organizations, neighborhood associations and individuals.

Goal HP-3.1.1: The City shall encourage and support historic building surveys of its neighborhoods and the listing of historic buildings on the Florida Master Site File.

Goal HP-3.1.2: The City shall encourage and support the nomination of historic buildings and sites to the National Register of Historic Places.

Goal HP-3.1.3: The City shall assist the Pensacola Bay Area Convention and Visitors Bureau and other organizations in providing local heritage tourism programs.

Goal HP-3.1.4: The City shall encourage and support activities that involve walking, bicycling and driving through historic and preservation districts.

Goal HP-3.1.5: The City shall encourage community and cultural events to take place in the historic and preservation districts, with the cooperation of their residents, to enhance awareness and appreciation of the heritage and resources of these districts.

Goal HP-3.1.6: The City shall have “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” and similar technical publications available for review by those interested in the preservation of historic structures.

Policy HP-3.2: The City of Pensacola shall maintain an archaeological review procedure for all proposed construction on City-owned property.

Goal HP-3.2.1: The City shall maintain an archaeological review procedure that provides for an initial determination and review of project impact for projects on City-owned property.

Goal HP-3.2.2: The archaeological review procedure shall be conducted by a professional archaeologist meeting the standards of the Society of Professional Archaeology and having substantial experience in the archaeology and history of Pensacola.

Goal HP-3.2.3: The City shall prepare a memorandum of agreement specifying actions to be taken to avoid or mitigate any adverse effects of construction on any archaeological resources found during the process.

CHAPTER 11

PUBLIC SCHOOL FACILITIES ELEMENT

GOAL PSFE-1: Coordinate and maintain high quality education facilities

Coordinate with the School Board of City of Pensacola (herein "School Board") to ensure high quality public school facilities that are consistent with the Comprehensive Plan and serve to enhance communities.

Objective PSFE-1.1: Schools as community focal points

Enhance communities and encourage school facilities to serve as community focal points through effective school facility design and siting standards. The location will be coordinated with the future land use map.

Policy PSFE-1.1.1: School location

New schools shall be located proximate to the student population they are intended to serve. New elementary schools shall be located within walking distance of the residential neighborhoods to be served.

Policy PSFE-1.1.2: Shared-use and co-location of school sites

Coordinate with the School Board to continue to permit the shared-use and co-location of school sites and City facilities with similar facility needs as described in the Interlocal Agreement for Public School Facility Planning dated August 7th, 2006 (herein "Interlocal Agreement"). The City will identify opportunities for collocation and shared use facilities when preparing updates to the Schedule of Capital Improvements and when planning and designing new community facilities.

Policy PSFE-1.1.3: Emergency shelters

City of Pensacola will continue to coordinate with the School Board on emergency preparedness issues, including the use of public schools as emergency shelters as required by Section 163.3177(12)(g)(8), Florida Statutes. The School Board will continue to fulfill the building code requirements of Section 1012.372, Florida Statutes, such that as appropriate new educational facilities will serve as public shelters for emergency management purposes.

Policy PSFE-1.1.4: School design

The School Board will design and ensure performance standards for new school facilities according to the "Design Guidelines and Technical Specifications 2006"

Florida Department of Education State Requirements for Educational Facilities (SREF).

Policy PSFE-1.1.5: Community vitality

The City of Pensacola will continue to recognize the interconnected importance of quality neighborhood school retention with community economic development, neighborhood stability, diversity and sustainability efforts. Therefore, in partnership with other agencies, the City will encourage the maintenance and improvement of urban schools to preserve and enhance neighborhood quality and vitality.

Policy PSFE-1.1.6: Attracting new residents

The City of Pensacola will support the vitality of urban schools by encouraging new residents to locate in underutilized school districts. Where appropriate, existing homeownership and rehabilitation incentives may be utilized to attract families to such school districts and encourage the private sector to maintain a housing production capacity sufficient to meet the needs of families between moderate and upper level incomes.

Objective PSFE-1.2: Future land use and school siting

Consistent with Section 163.3177, Florida Statutes, the City will include sufficient allowable land use designations for schools proximate to residential development to meet the projected need for schools.

Policy PSFE-1.2.1: Future Land Use categories.

Consistent with the City's Future Land Use Element, public schools shall be an allowable use in all land use categories, except for Conservation. The Land Development Code may include siting standards for schools, consistent with the Comprehensive Plan. The City will consider the provisions of Section 1013.33(13), Florida Statutes (2007).

Policy PSFE-1.2.2: Flood zones and coastal high hazard area

Consistent with the City's Future Land Use Element, future schools shall not be allowed within the coastal high hazard area as delineated by the City.

Objective PSFE-1.3: School facility siting and consistency with the Comprehensive Plan

The City shall ensure that the planning, construction, and opening of educational facilities are coordinated in time and place, concurrent with necessary services and infrastructure, and consistent with the Comprehensive Plan.

Policy PSFE-1.3.1: Consistency with Comprehensive Plan

The City will coordinate with the School Board by giving an informal assessment regarding the consistency of potential new school sites, and significant expansions or potential closures of existing schools with the Comprehensive Plan, as described in the Interlocal Agreement. The informal assessment reviews, as applicable, the following: environmental suitability, transportation and pedestrian access, availability of infrastructure services, safety concerns, land use compatibility, consistency with community vision, and other relevant issues.

Policy PSFE-1.3.2: Review of school sites

The City shall review potential new school sites, and significant expansions or potential closures of existing schools for consistency with the following criteria:

- a. That school sites are compatible with present and projected uses of adjacent property.
- b. The locations of proposed new elementary schools are proximate to and within walking distance of the residential neighborhoods served.
- c. The locations of proposed new high schools are on the periphery of residential neighborhoods, with access to major roads.
- d. Existing or planned adequate public facilities are available to support the school.
- e. Safe access to and from the school site is available for by pedestrians and vehicles.
- f. The site is well drained and the soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements.
- g. The proposed school location is not within a velocity flood zone or floodway, as delineated in the applicable comprehensive plan.
- h. The site is not in conflict with City stormwater management plans or watershed management plans;
- i. The proposed site can accommodate required parking, circulation, and queuing of vehicles.
- j. The proposed location lies outside the area regulated by Section 333.03, F.S., regarding the construction of public educational facilities in the vicinity of an airport.

The City shall also consider the following in its review:

- a. Site acquisition and development costs;
- b. Whether existing schools can be expanded or renovated to support community redevelopment and revitalization;
- c. Efficient use of existing infrastructure;
- d. Discouragement of urban sprawl;
- e. Environmental constraints that would either preclude or render cost infeasible the development or significant renovation of a public school on a site; and
- f. Adverse impacts to archaeological or historic sites.

Objective PSFE-1.4: Pedestrian access to schools

The City shall work with the School Board to improve safe student access to school facilities, and to reduce hazardous walking conditions consistent with the Florida Safe Ways to School Program.

Policy PSFE-1.4.1: Bicycle and pedestrian access

All public schools shall provide bicycle and pedestrian access consistent with Florida Statutes. Parking at public schools will be provided consistent with the City's Land Development Code (LDC) requirements.

Policy PSFE-1.4.2: Sidewalk Master Plan

The City will continue to review the Sidewalk Master Plan to comprehensively address bicycle and pedestrian needs. The plan will continue to focus on bicycle and pedestrian needs relating to school facilities.

Policy PSFE-1.4.3: Sidewalk/pedestrian improvements

In order to ensure continuous pedestrian access to public schools, priority for City sidewalk/pedestrian improvements will be given to cases of hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, and specific provisions for constructing such facilities will be included in the schedule of capital improvements adopted each fiscal year.

Policy PSFE-1.4.4: New development adjacent to school property

New developments adjacent to existing or planned school sites shall be required to provide a right-of-way and a direct access path for pedestrian travel.

Policy PSFE-1.4.5: Sidewalk requirements for development near schools

New residential developments and redevelopment shall be required to provide sidewalks (complete, unobstructed, continuous with a minimum width of 5 feet) along collector, arterial, and local roads designed to move traffic through subdivisions. Sidewalks shall be required pursuant to the City's Community Design Standards.

Policy PSFE-1.4.6: Coordination with FL-AL TPO

Continue to coordinate with the FL-AL TPO to ensure funding for safe access to schools including participation in the Bicycle Pedestrian Advisory Committee and the Community Traffic Safety Team.

Objective PSFE-1.5: Coordinate Future Land Use Map amendments and DRIs to maintain school capacity

It is the objective of the City to coordinate petitions for future land use changes and developments of regional impact to maintain adequate school capacity to meet future growth needs. This goal will be accomplished recognizing the School Board's statutory and constitutional responsibility to provide a uniform system of free and adequate public schools, and the City's authority for land use, including the authority to approve or deny petitions for comprehensive plan amendments, re-zonings or final plat and site plans that generate students and impact the City of Pensacola school system.

Policy PSFE-1.5.1: School Board review and input

As per section 7.6 of the Interlocal Agreement the City shall take the School Board comments and findings on the availability of adequate school capacity into consideration when reviewing comprehensive plan amendments and other land use decisions.

Policy PSFE-1.5.2: Determining impact of Future Land Use changes and DRIs

The School Board shall use the adopted student generation rates to estimate the potential impact of a proposed future land use change or DRI on available school capacity. When such analysis projects a potential deficiency, the School Board shall include in its comments how it will propose to meet the projected demand. The City will take these comments into consideration per Policy PSFE-1.5.1 prior to approving or denying any future land use change or DRI.

GOAL PSFE-2: Implement school concurrency

The School Board will coordinate with the City to assure the future availability of public school facilities to serve new development will be consistent with the adopted level of service standards. This goal will be accomplished recognizing the School Board's statutory and constitutional responsibility to provide a uniform system of free and adequate public schools, and the City's authority for land use, including the authority to approve or deny comprehensive plan amendments, re-zonings or other development orders that generate students and impact the City's school system.

Objective PSFE-2.1: Level of Service standards

The City will coordinate with the School Board to ensure that the capacity of schools is sufficient to support residential development at the adopted level of service (LOS) standards within the period covered by the 5-year schedule of capital improvements, and the long range planning period. The adopted LOS standards shall be achieved by the conclusion of the first 5-year schedule of capital improvements and the LOS standards shall be maintained each subsequent year. These standards shall be consistent with the Interlocal Agreement agreed upon by the School Board, the City, and the local municipalities.

Policy PSFE-2.1.1: Consistency

The LOS standards set forth herein shall be applied consistently by all local governments within City of Pensacola and by the School Board to all schools of the same type.

Policy PSFE-2.1.2: Level of Service standards

Consistent with the Interlocal Agreement, the City and School Board agree to the following level of service standards for school concurrency in City of Pensacola, based on Florida Inventory of School Houses (FISH) permanent capacity, maximum school size by type, core facility capacity. In calculating achievement of LOS relocatables are not considered permanent capacity and school enrollment shall be based on the annual enrollment of each school based on actual counts reported to the Department of Education in October of each year.

TYPE OF SCHOOL	LEVEL OF SERVICE
Existing	100% of FISH permanent capacity
New or Expansion to Elementary (K-5)	100% of FISH permanent capacity and school size shall not exceed FISH permanent capacity of 800.
New or Expansion to Middle (6-8)	100% of FISH permanent capacity and school size shall not exceed FISH permanent capacity of 1200.
New or Expansion to High (9-12)	100% of FISH permanent capacity and

	school size shall not exceed FISH permanent capacity of 2000.
New or Expansion to Combination (K-8)	100% of FISH permanent capacity and school size shall not exceed FISH permanent capacity of 2000.
Centers	100% of FISH permanent capacity or the level of service based on the student/teacher ratios dictated by specific programs, whichever is lowest.
LEVEL-OF SERVICE STANDARD FOR CORE FACILITIES (K-5, 6-8, K-8)	
Dining/Kitchen	100% of permanent Total Capacity*
* Total Capacity for Dining/Kitchen facility shall be based on a standard of three (3) feeding periods per day based on the design capacity of the core facilities.	
LEVEL-OF SERVICE STANDARD FOR CORE FACILITIES (9-12)	
Dining/Kitchen	100% of permanent Total Capacity*
* Total Capacity for Dining/Kitchen facility shall be based on a standard of four (4) feeding periods per day based on the design capacity of the core facilities.	

Policy PSFE-2.1.3: Amending Level of Service standards

Potential amendments to the LOS standards shall be considered at least annually at the staff working group meeting referenced in subsection 1.1 of the Interlocal Agreement. If there is consensus to amend any level of service, it shall be accomplished by the execution of an amendment to the Interlocal Agreement by all parties and the adoption of amendments to the City, City and Town's comprehensive plans. The amended LOS shall not be effective until all plan amendments are effective, and the amended Interlocal Agreement is fully executed.

Policy PSFE-2.1.4: Financial feasibility of LOS

No LOS standard shall be amended without a showing that the amended LOS standard is financially feasible, supported by adequate data and analysis, and can be achieved and maintained through the five-year schedule for capital improvements.

Objective PSFE-2.2: School Concurrency Service Areas

The City shall establish School Concurrency Service Areas, as the areas within which an evaluation is made to determine if adequate school capacity is available based on the adopted level of service standards.

Policy PSFE-2.2:1: Concurrency Service areas

The Concurrency Service Areas for the City as agreed in the Interlocal Agreement, shall be coterminous with the attendance zone for each individual school. For special purpose centers, charter schools, and magnet schools the concurrency service area shall be district-wide.

Policy PSFE-2.2:2: Maximize capacity utilization

Concurrency service areas shall maximize capacity utilization, taking into account transportation costs, limiting maximum student travel times, achieving socio-economic, racial and cultural diversity objectives, and other relevant factors as related to determined by the School Board's policy on maximization of capacity.

Policy PSFE-2.2:3: Amending concurrency service areas

Potential amendments to the concurrency service areas shall be considered annually at the staff working group meeting referenced in Subsection 1.1 of the Interlocal Agreement. If there is consensus to amend the concurrency service areas to establish boundaries other than those that are conterminous with the school attendance zones, it shall be accomplished by a written execution of an amendment to the Interlocal Agreement by all parties and by the amendment to the City, City and Town's comprehensive plan. The amended concurrency service area shall not be effective until the amended Interlocal Agreement is fully executed and comprehensive plan amendments are in effect. Amendments to the concurrency service areas that keep the CSAs borders coterminous with the school attendance zones, shall be agreed upon by all parties and shall not require comprehensive plan amendments.

Objective PSFE-2.3: Student generation rates

The School Board will work with the City, City of Pensacola, and Town of Century to establish student generation rates that will be used to determine the impact of development on public school facilities.

Policy PSFE-2.3:1: Student generation rates

Consistent with the Interlocal Agreement, the School Board staff, working with the City staff and municipal staffs, will develop and apply student generation multipliers for residential developments by dwelling unit type (single family or multi-family) for each school type (elementary, middle, K-8, high, or center), considering past trends in student enrollment in order to project future public school enrollment.

Policy PSFE-2.3:2: Calculating student generation rates

The student generation rates shall be calculated by the School Board City, City of Pensacola, and Town of Century in accordance with professionally accepted methodologies, shall be reviewed and updated at least every two years.

Objective PSFE-2.4: Process for school concurrency implementation

In coordination with the School Board, the City will establish a joint process for implementation of school concurrency that includes applicability, capacity determination, and availability standards. The City shall manage the timing of residential subdivision and site plan approvals to ensure adequate school capacity is available consistent with adopted level of service standards for public school concurrency.

Policy PSFE-2.4.1: Applicability standards

School concurrency applies to residential development or a phase of residential development requiring an approval of subdivision plat, site plan, or its functional equivalent.

Policy PSFE-2.4.2: Exempted development

The following residential development shall be considered exempt from the school concurrency requirements:

1. Single family lots of record that have received final subdivision plat approval prior to the effective date of the PSFE, or single family subdivision plats actively being reviewed at the time of adoption of the PSFE that have received preliminary plat approval.
2. Residential developments that have received final site plan approval prior to the effective date of the PSFE, or residential site plans actively being reviewed at the time of adoption of the PSFE.
3. Amendments to residential site plans or subdivisions, which were previously approved prior to the effective date of the PSFE, and which do not increase the number of students generated by the development based on the adopted student generation rates.
4. Age restricted developments that are subject to deed restrictions prohibiting the permanent occupancy of a resident under the age of fifty five (55). Such deed restrictions must be recorded and must be irrevocable for a period of at least thirty (30) years.
5. Group quarters that do not generate students, including facilities such as local jails, prisons, hospitals, bed and breakfast, motels and hotels, temporary emergency shelters for the homeless, adult halfway houses,

firehouse dorms, college dorms exclusive of married student housing, and religious non-youth facilities.

Policy PSFE-2.4.3: Capacity determination standards

The City shall adopt LDC provisions to establish the application procedure and process for evaluating school capacity and making concurrency determinations consistent with the Interlocal Agreement. The School Board shall be responsible for conducting concurrency reviews. The City may choose to provide an informal assessment of school concurrency at the time of preliminary plat, but the test of concurrency shall be at final plat, site plan, or functional equivalent approval.

Policy PSFE-2.4.4: School board findings

The School Board's findings and recommendations shall address whether adequate capacity exists for each affected concurrency service area, based on the level of service standards. If adequate capacity does not exist, the School Board findings shall address whether appropriate mitigation can be accepted. If mitigation can be accepted, the School Board's findings shall identify the accepted form of mitigation that is consistent with the policies set forth herein.

Policy PSFE-2.4.5: Allocated capacity in CIP

In evaluating a subdivision plat or site plan for concurrency, any relevant programmed capacity improvements in years 1, 2, or 3 of the 5-year schedule of capital improvements shall be considered available capacity for a proposed project and factored into the concurrency analysis. Any relevant programmed improvements in years 4 or 5 of the 5-year schedule of improvements shall not be considered available capacity for a proposed project unless funding for the improvement is assured through School Board agreement to accelerate the proposed project, or through proportionate fair share mitigation, or some other means of assuring adequate capacity will be available within 3 years. The School Board may choose to use relocatable classrooms to provide temporary capacity while funded schools or school expansions are being constructed.

Policy PSFE-2.4.6: Determination of insufficient capacity

In the event that the School Board finds that there is not sufficient capacity in the affected concurrency service area(s) to address the impacts of a proposed development, the following standards shall apply:

- The project must provide capacity enhancement sufficient to meet its impacts through proportionate share mitigation; or

- Approval of the site plan or final plat (or functional equivalent) must be delayed to a date when the capacity enhancement necessary to maintain level of service can be assured; or
- A condition of approval of the site plan or final plat (or functional equivalent) shall be that the project's development order and/or building permits shall be delayed to a date when the capacity enhancement necessary to maintain level of service can be assured.

Policy PSFE-2.4.7: Availability standard

Where capacity will not be available to serve students generated by a residential development the City shall use the lack of school capacity as a basis for denial of petitions for final plats, site plans or functional equivalents. However, the City shall not deny a petition for a final plat, site plan, or functional equivalent due to a failure to achieve and maintain the adopted level of service for public school capacity where:

Adequate school facilities will be in place or under actual construction within three years after the issuance of the final plat or site plan or functional equivalent;

Adequate school facilities are available in an adjacent concurrency service area and the impacts of development can be shifted to that area; or,

The developer executes a legally binding commitment with the School Board to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to the final plat or site plan (or functional equivalent) as provided in the Interlocal Agreement.

Objective PSFE-2.5: Proportionate share mitigation

The City shall coordinate with the School Board to provide proportionate share mitigation alternatives that are financially feasible and will achieve and maintain the adopted level of service standard consistent with the School Board's adopted financially feasible 5-Year Facilities Work Program.

Policy PSFE-2.5:1: Acceptable mitigation

The School Board may allow mitigation for developments that would otherwise cause the LOS standards to be exceeded. Mitigation options shall include the following:

Contribution of, or payment for, acquisition of new or expanded school sites;

Construction or expansion of permanent school facilities;

Mitigation banking, the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell excess capacity credits within the same concurrency service area; and

Charter schools, provided they are constructed to State Requirements for Educational Facilities (SREF) standards, so that it can be relied on the over the longer term as public school capacity, designed to whatever minimum size and specifications established by the School Board to ensure that if the School Board is required, it can efficiently operate the school.

Policy PSFE-2.5:2: CIP and proposed mitigation

Proposed mitigation must be directed toward a permanent capacity improvement identified in the School Board's financially feasible 5-Year Work Plan. However, the School Board may accept mitigation in the form of an improvement not identified on the 5-year Work Plan and commit to add the needed improvement to the 5-year Work Plan. The School Board must find that any proposed mitigation will satisfy the demands created by the proposed development consistent with the adopted level of service standards, and the mitigation shall be assured by a legally binding development agreement between the School Board, the City, and the applicant executed prior to the issuance of the final plat, site plan or functional equivalent.

Policy PSFE-2.5:3: Shifting impacts

Mitigation shall not be required when the adopted level of service cannot be met in a specific concurrency service area if the needed capacity for the development is available in one or more contiguous concurrency service areas and the impacts of the development can be shifted to a contiguous concurrency service area. Where more than one concurrency service area is available to accommodate student impacts, the School Board shall evaluate how the impacts of a development shall be shifted. Measures to maximize capacity, including modifications to concurrency service areas in lieu of shifting development impacts, can be considered.

Policy PSFE-2.5:4: Relocatable Classrooms

Relocatable classrooms will not be accepted as mitigation.

Policy PSFE-2.5:5: Calculation proportionate share mitigation

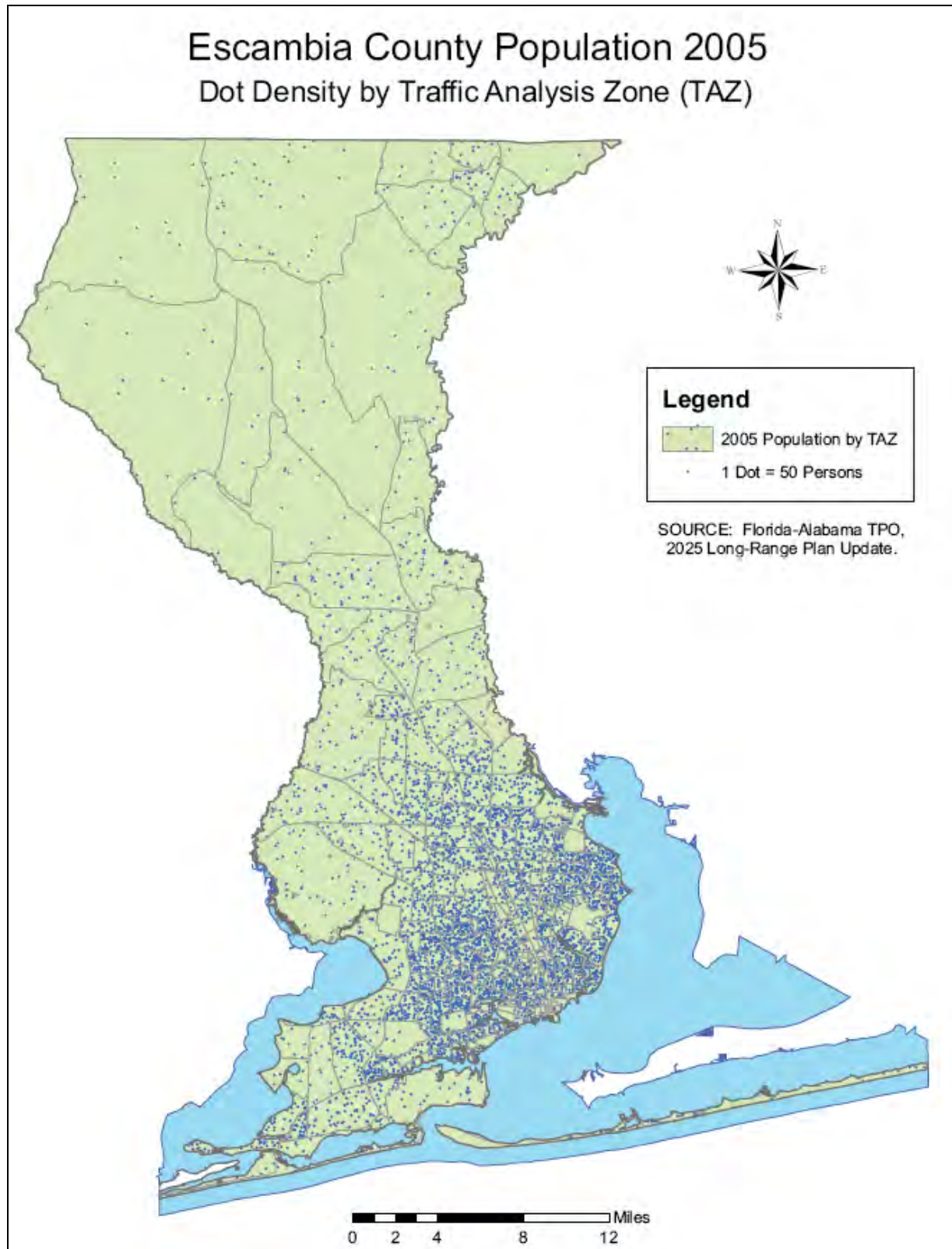
The applicant's total proportionate-share mitigation obligation to resolve a capacity deficiency shall be based on the following formula, for each school level: multiply the number of new student stations required to serve the new development by the average cost per student station and, if needed, add the additional cost of a core facility to accommodate the additional student stations.

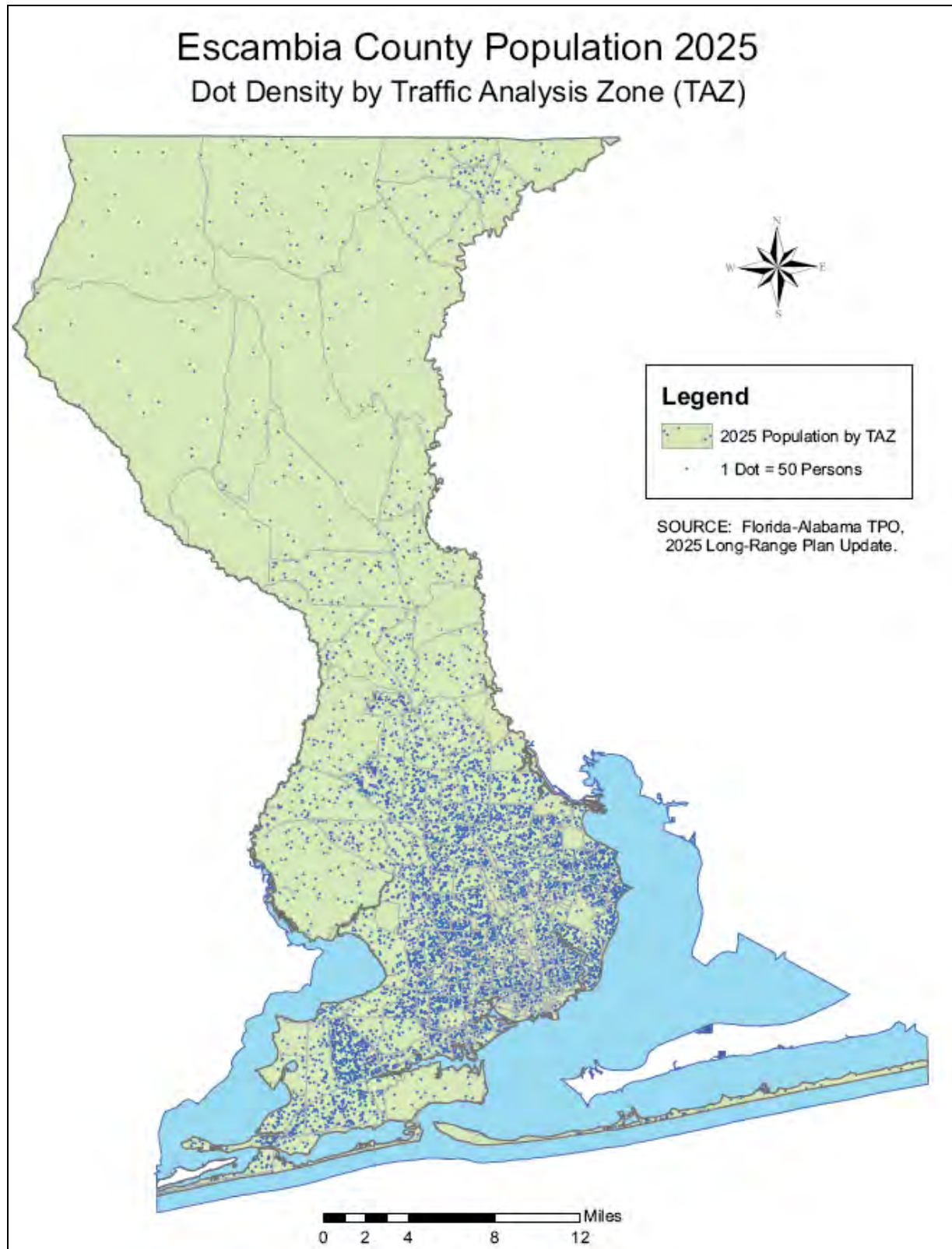
The average cost per student station shall include school facility development costs and land costs. The applicant's proportionate-share mitigation obligation will be credited toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.

School Facility Maps

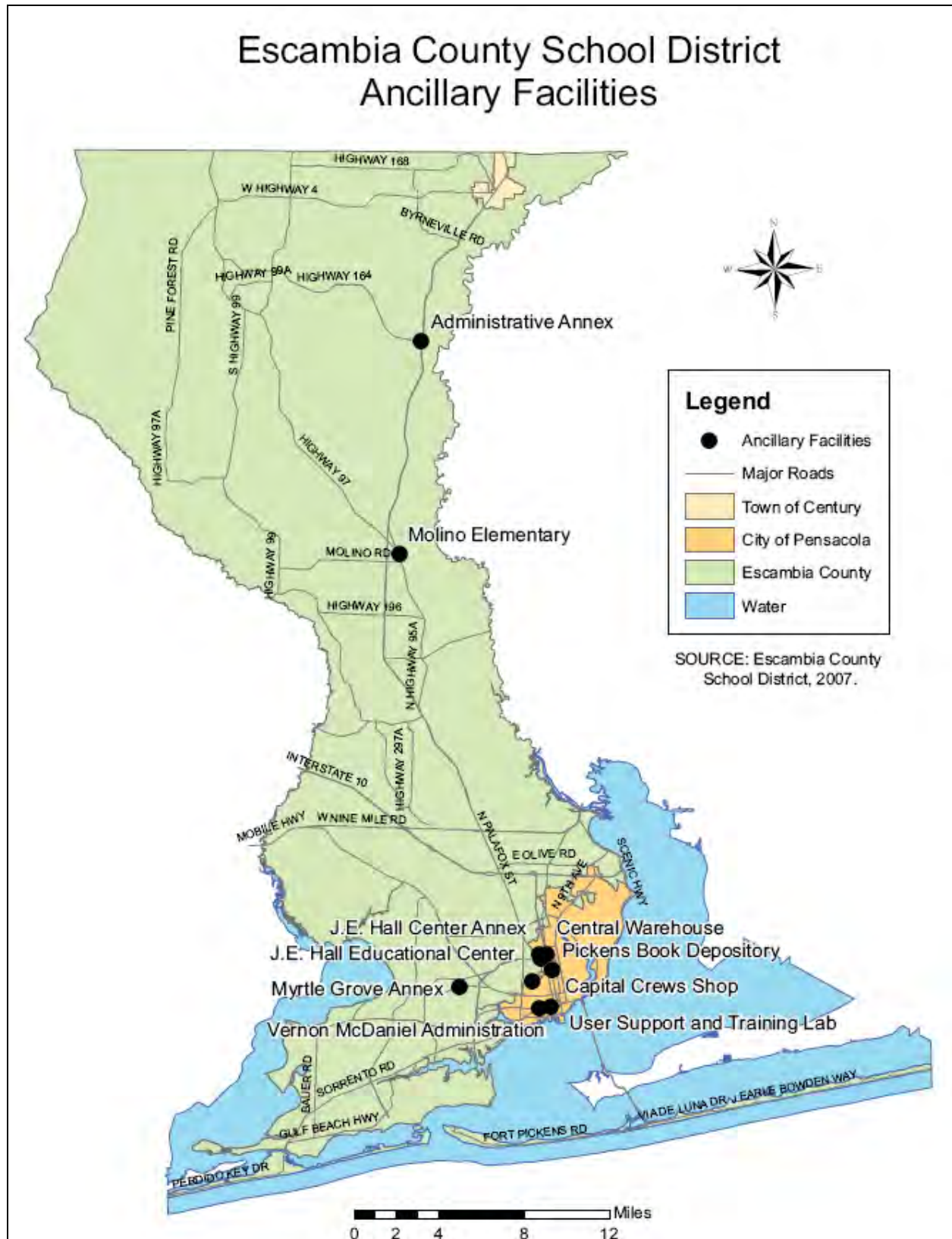
Consistent with Section 123.3177(12)(g), Florida Statutes, the Public School Facilities Element shall include future conditions maps showing existing and anticipated schools over the five-year and long-term planning periods. The maps of necessity may be general over the long-term planning period and do not prescribe a land use on a particular parcel of land.

Escambia County Population 2005

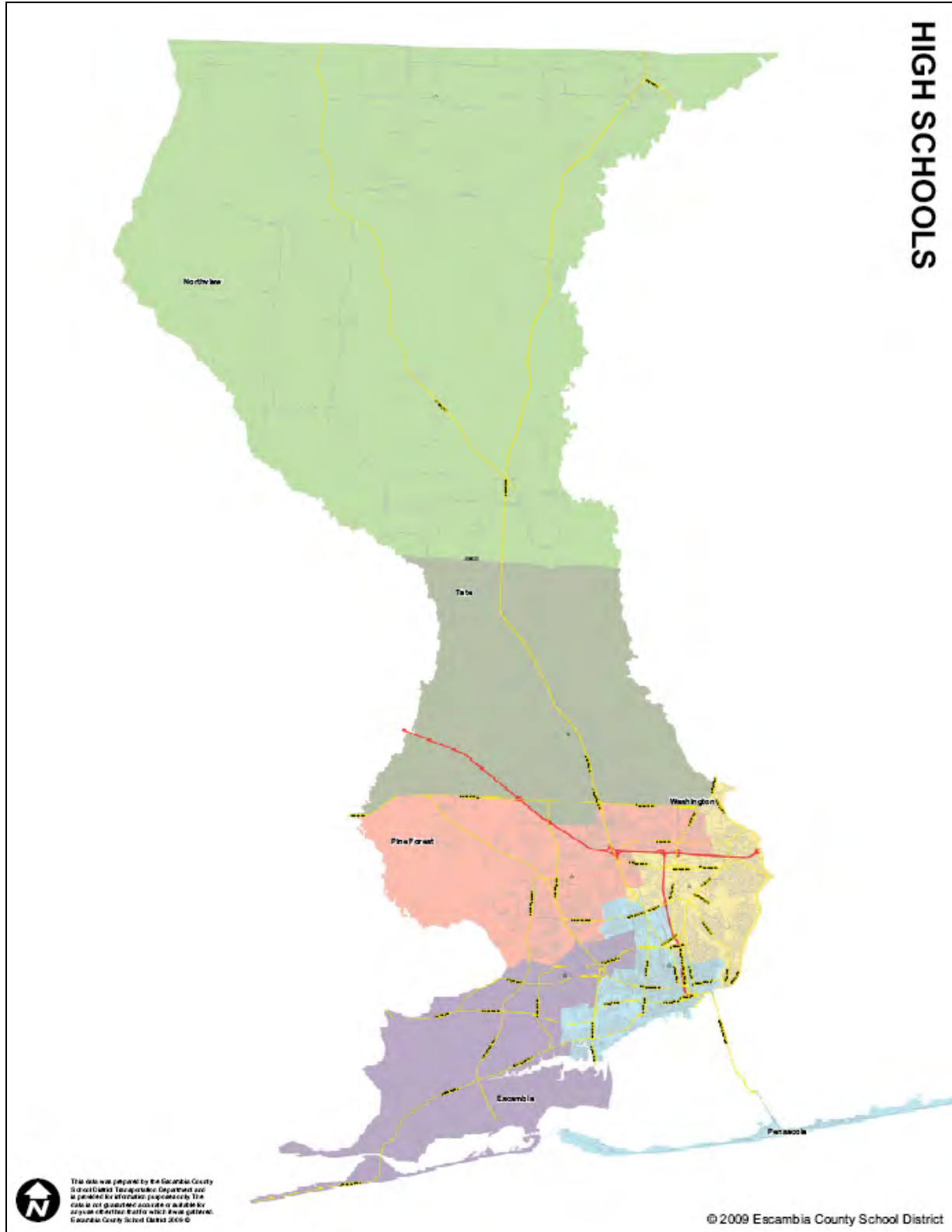




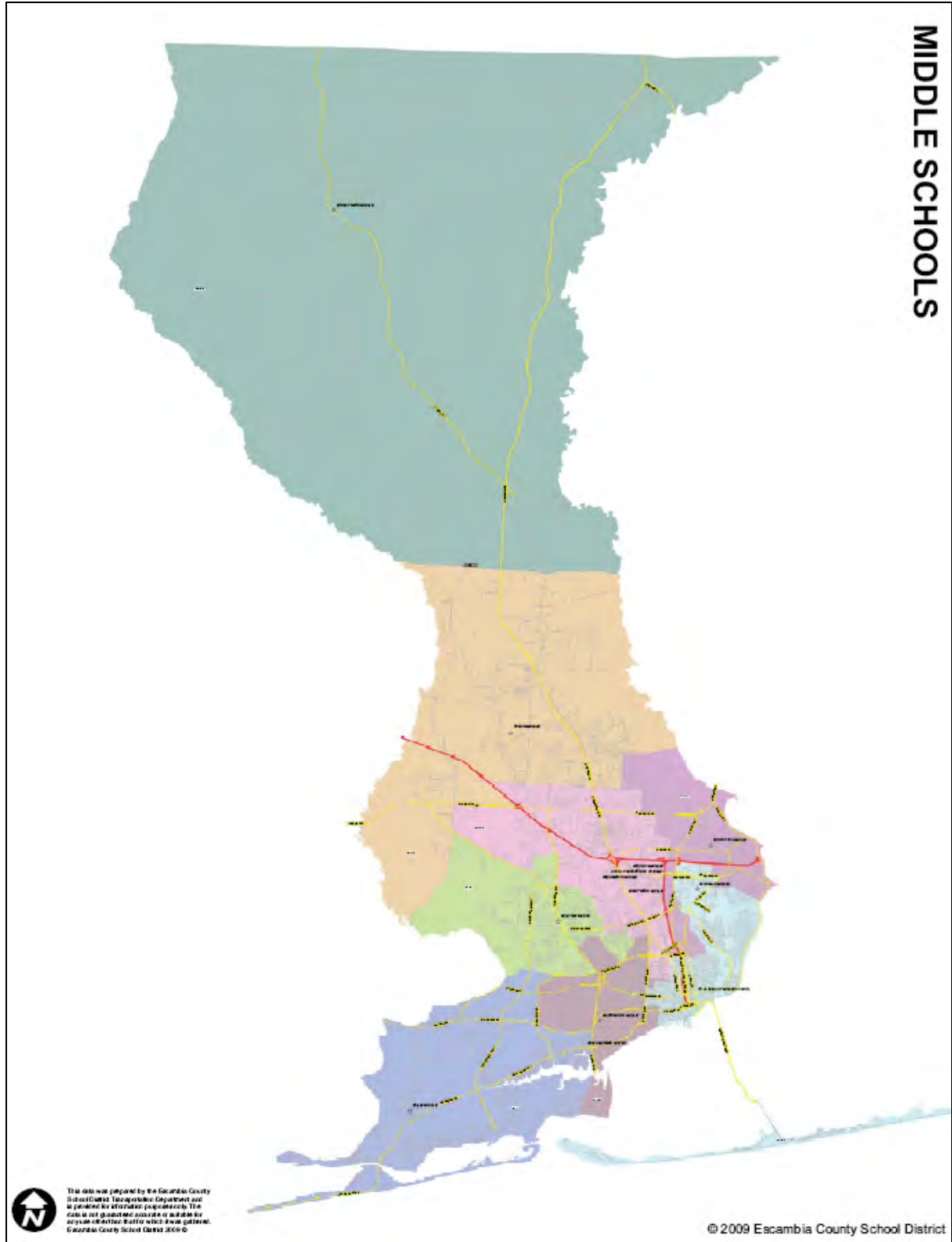
Escambia County School District Ancillary Facilities



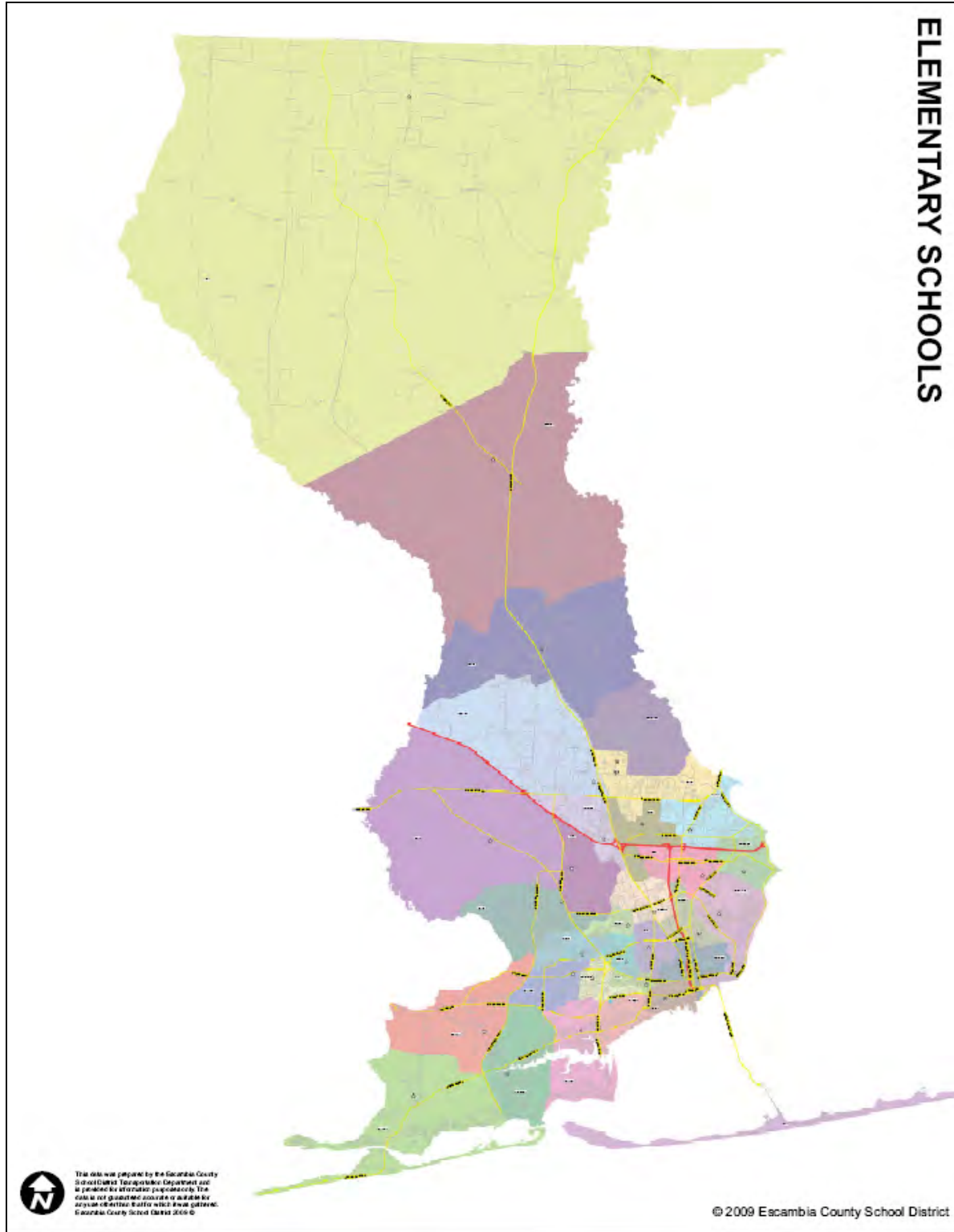
Escambia County High School Attendance Zones



Escambia County Middle School Attendance Zones



Escambia County Elementary School Attendance Zones



Escambia County Public Schools 5-Year Construction Program

Public Schools and Facilities

Escambia County Public Schools 5-Year Construction Program

Legend

- COUNTY_NUM
- INTERSTATE
- STATE
- US HWY
- Pensacola
- Century
- County

Construction Program Details:

- New Elem School Westside Capacity Addition 796 (exact location to be determined) 2009-10
- Ransom Middle Capacity Addition (220) 2009-10
- Bellview Elementary Capacity Addition (240) 2010-11
- McArthur Elementary Capacity Addition (108) 2011-12
- Workman Middle Capacity Addition (220) 2010-11
- New Elementary Capacity Addition 796 2008-09

Map Labels:

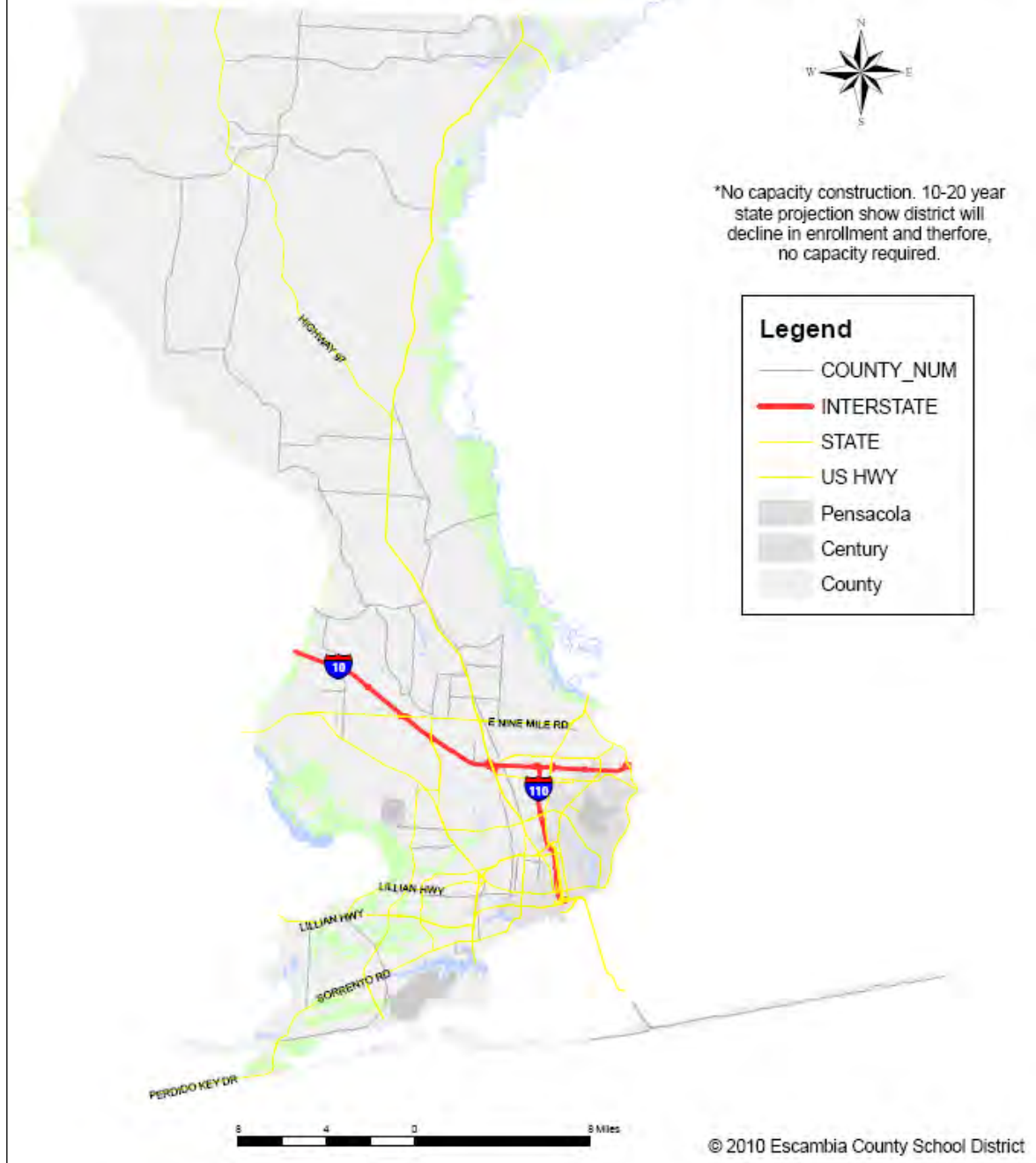
- Highway 90
- Interstate 10
- Interstate 110
- Jillian Hwy
- Sorrento Rd
- Perido Key Dr
- Ransom Middle
- McArthur Elementary
- Bellview Elementary
- Workman Middle
- New Elementary

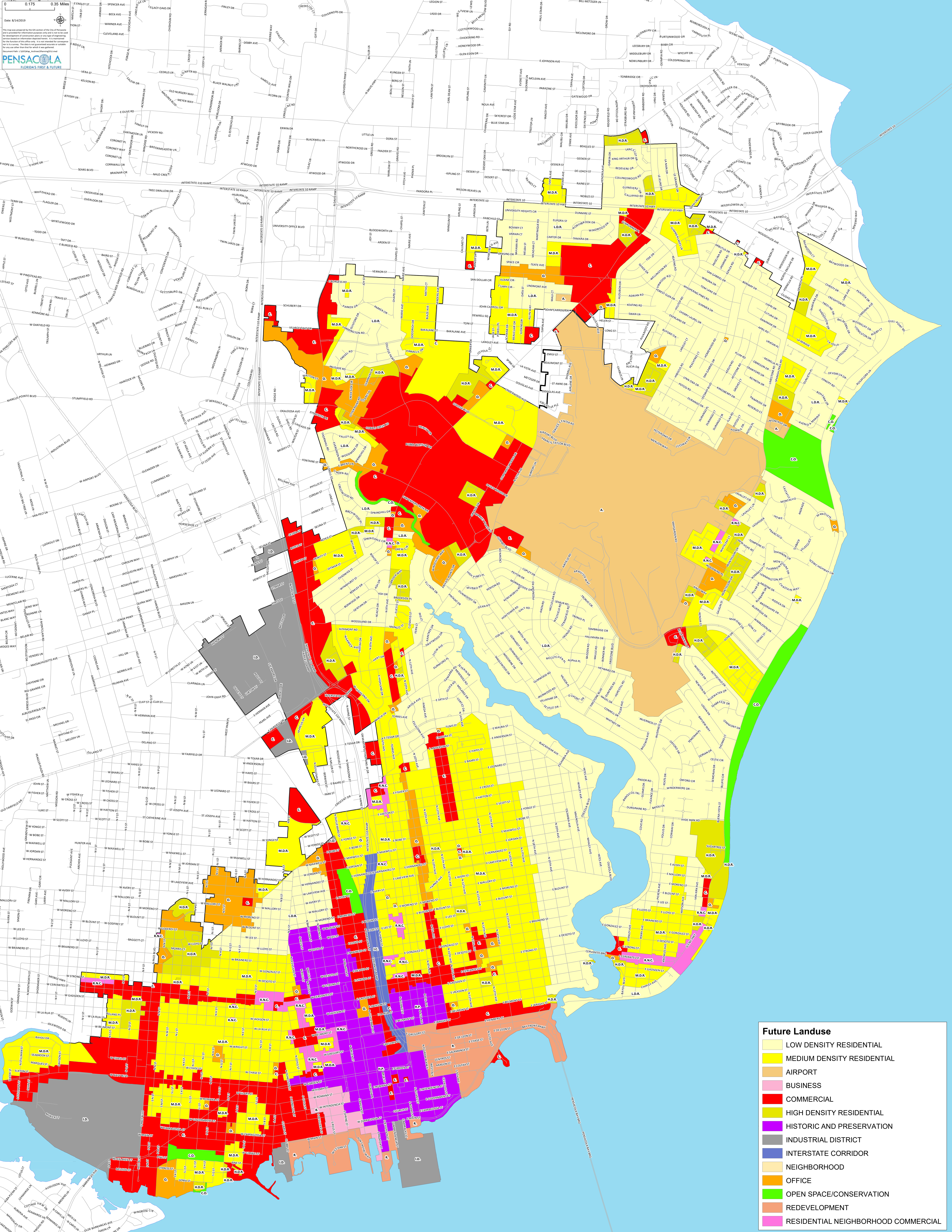
Scale: 0 4 8 Miles

Copyright: © 2010 Escambia County School District

Public Schools and Facilities

Escambia County Public Schools 20-Year Construction/Needs Program*





Future Landuse

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- AIRPORT
- BUSINESS
- COMMERCIAL
- HIGH DENSITY RESIDENTIAL
- HISTORIC AND PRESERVATION
- INDUSTRIAL DISTRICT
- INTERSTATE CORRIDOR
- NEIGHBORHOOD
- OFFICE
- OPEN SPACE/CONSERVATION
- REDEVELOPMENT
- RESIDENTIAL NEIGHBORHOOD COMMERCIAL

City of Pensacola

COMPREHENSIVE PLAN

VOLUME I

Goals, Objectives, and Policies



Pensacola, Florida
Community Development Department

July 2011

**CITY OF PENSACOLA
COMPREHENSIVE PLAN**

**VOLUME I
GOALS, OBJECTIVES, AND POLICIES**

**PENSACOLA, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT**

JULY 2011

*VOLUME II - DATA AND ANALYSIS TO THE COMPREHENSIVE PLAN
SERVES AS SUPPORTING DOCUMENTATION TO THIS SECTION*

CITY OF PENSACOLA COMPREHENSIVE PLAN

VOLUME I GOALS, OBJECTIVES, AND POLICIES

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CHAPTER 1

FUTURE LAND USE

GOAL FLU-1: Maximize the use of land both from an economic standpoint, and from the standpoint of minimizing threats to the health, safety and welfare of residents and to the continued well-being of the natural environment.

Objective FLU-1.1: Specify the desired development pattern through a land use category system that provides for the location, type, density and intensity of development and redevelopment based on natural conditions and dependent on the availability of services as shown on the Future Land Use Map and controlled through the adopted Land Development Code.

Policy FLU-1.1.1: All development orders and building permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet adopted level of service standards are available concurrent with the impacts of the development.

Policy FLU-1.1.2: The City will amend its Land Development Code as needed to remain consistent with the requirements of Chapter 163.3202, Florida Statutes and Chapter 9J-5.022 and 9J-5.023, F.A.C. so that future growth and development will continue to be managed through the preparation, adoption, implementation and enforcement of land development regulations that are consistent with the Comprehensive Plan.

Policy FLU-1.1.3: The Land Development Code will be evaluated during the EAR-based amendment process to identify revisions that are needed to implement the goals, objectives and policies of the Comprehensive Plan. The Land Development Code includes:

1. Zoning District Regulations
2. Neighborhood Preservation Standards
3. Off-Street Parking
4. Signage
5. Tree/Landscape Regulations
6. Subdivisions
7. Control of Erosion, Sedimentation and Runoff
8. Flood Plain Management
9. Airport Zoning

Policy FLU-1.1.4: Each future land use category shall have a set of zoning districts that may be permitted within that future land use category, and zoning that is not consistent with the category shall not be approved. The zoning ordinances shall include a table which sets forth the different zoning districts

which are permitted within each future land use category, and designations which are not consistent with the table shall not be approved.

Policy FLU-1.1.5: Future land use categories, including densities and intensities of use for each category, shall be established as follows:

Conservation District: The Conservation Land Use District is established to preserve open space as necessary for protecting water resources, preserving scenic areas, preserving historic sites, providing parklands and wilderness reserves, conserving endemic vegetation, preventing flood damage and soil erosion. This future land use category shall apply to environmentally sensitive areas identified on the Future Land Use Map and protected from development pursuant to site plan review. The following generalized uses are permitted:

- (a) Wildlife and vegetation conservation:
Wildlife refuge, nature trails and related facilities
- (b) Recreational facilities:
Passive recreation
Bike trails
Jogging trails
- (c) Other similar and compatible conservation and recreational uses:
Boat moorings, fishing piers, drainage areas, etc.

Residential Districts: The Residential Land Use Districts are established for the purpose of providing and preserving areas of predominantly low, medium or high residential development. A variety of residential uses shall be allowed, based on zoning classification, at the following maximum densities:

- * Low Density Residential - 5 or fewer residential dwelling units per acre.
- * Medium Density Residential - 18 or fewer residential dwelling units per acre. Conditional use permits for the following land uses may be approved in the Medium Density Residential Land Use District based on site plan review and public notification procedures: Residential design manufactured homes, bed and breakfast, day care centers and accessory office units subject to intensity standards for the Office and Residential/Neighborhood Commercial Land Use Districts.
- * High Density Residential - 35 or fewer residential dwelling units per acre allowed pursuant to lot coverage, landscape area, parking and recreational area development requirements provided in the adopted Land Development Code. No building shall exceed a height of 150'. This height limitation shall not apply to buildings for which preliminary development plan approval was granted by the City Council on or before December 31, 1994.

Office District: The Office Land Use District is established for the purpose of providing for a mixture of residential and office uses, developed separately or within the same structure. When located in older, developed areas of the City, the district is intended to provide for residential or office infill development at a density, character and scale compatible with the surrounding area. In newer, vacant areas of the City, the district is also intended as a transition area between residential and commercial uses. Residential and office uses are allowed at the following maximum densities and intensities:

- * Residential - density not to exceed 35 dwelling units per acre.
- * Office - the maximum combined area occupied by all principal and accessory buildings on a lot shall be 30% for a one- to four-story building, 25% for a five- to seven-story building and 20% for any building over eight stories. No building shall exceed a height of 100'.

Residential/Neighborhood Commercial District: The Residential/ Neighborhood Commercial Land Use District is established for the purpose of providing for a mixture of residential, professional and certain types of neighborhood convenience-shopping-retail sales and service uses. Residential and office or commercial uses shall be allowed within the same structure. When located in older sections of the community in which by custom and tradition the intermixing of such uses has been found to be necessary and desirable, the districts intended to provide for infill development at a density, character and scale compatible with the surrounding area. When located in newer developing areas where it is necessary and desirable to create a transition zone between a residential and a commercial district, the district is intended to provide for mixed office, commercial and residential development. Residential, office and low-intensity commercial uses are allowed at the following maximum densities and intensities:

- * Residential - density not to exceed 35 dwelling units per acre.
- * Office and Commercial - the maximum combined area occupied by all principal and accessory buildings on a lot shall be 30% for a one- to four-story building, 25% for a five- to seven-story building and 20% for any building over eight stories. No building shall exceed a height of 100'.
- * Commercial uses shall be restricted to a maximum floor area subject to regulations set forth in the adopted Land Development Code.

Commercial District: The Commercial Land Use District is established for the purpose of providing areas of commercial development ranging from compact shopping areas to limited industrial/high intensity commercial uses. Light industrial uses such as fabrication, assembly and warehousing are permitted.

Conventional residential use is allowed as well as residential uses on upper floors above ground floor commercial or office uses and in other types of mixed-use development. Residential, office and commercial uses are allowed at the following maximum densities and intensities:

- * Residential - density not to exceed 35 dwelling units per acre outside the dense business area and density not to exceed 135 dwelling units per acre in the dense business area.
- * Office and Commercial in the dense business area - the maximum combined area occupied by all principal and accessory buildings shall be 100% of lot size (subject to compliance with parking provisions) up to a height of 100'. Developments of over 100' in height shall be required to reduce the lot coverage by 10%. No building shall exceed a height of 150'.
- * Office and Commercial - outside of the dense business area the maximum combined area occupied by all principal and accessory buildings shall be 75% of lot size up to a height of 100'. Developments of over 100' in height shall be required to reduce the lot coverage by 10%. No building shall exceed a height of 150'.

Industrial District: The Industrial Land Use District is established for the purpose of providing areas for industrial development for community and regionally oriented service areas. The district is intended to facilitate the more intense, large-scale manufacturing, warehousing, distribution, wholesaling and other industrial functions of the City and the region. The uses in this district would typically be of a scale and intensity that are more likely to be capable of having an adverse affect (through sound, vibration, odor, etc) on adjacent properties if they are not of a compatible character (i.e. residential, office, and general commercial land uses). Office, commercial and a mixture of light industrial, heavy industrial and industrial park uses are allowed, with maximum building coverage of 75% of lot size up to a maximum height of 100 feet.

Neighborhood District: The Neighborhood Land Use District is established to provide for land uses and aesthetic considerations which are distinctive and unique to neighborhoods defined by specific geographic boundaries on the Future Land Use Map.

A variety of residential, office and commercial uses will be allowed at the following maximum densities or intensities:

- * Residential – density not to exceed 35 dwelling units per acre.
- * Office and Commercial - the maximum combined area occupied by all principal and accessory buildings shall be 75% of lot size up to a maximum height of 100'.

Historic and Preservation District: The Historic and Preservation Land Use District is established to preserve the development pattern and distinctive architectural character of these unique areas through the restoration of existing buildings and construction of compatible new buildings. These buildings and historic sites and their period architecture make the district unique and worthy of continuing preservation efforts. 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 districts. The district is an established business area, residential neighborhood and tourist attraction, containing historic sites and museums, a variety of specialty retail shops, restaurants, small offices, and residences.

A variety of residential, office and commercial uses will be allowed at the following maximum densities or intensities:

- * Residential – density not to exceed 35 dwelling units per acre in the Pensacola (Seville) Historic District, the North Hill Preservation District and the Old East Hill Preservation District and density not to exceed 135 dwelling units per acre in the Palafox Historic Business District.
- * Office and Commercial in the Pensacola (Seville) Historic District, the North Hill Preservation District and the Old East Hill Preservation District - buildings shall not exceed a maximum height of 45'. Lot coverage shall be regulated by use of front, side and rear yard requirements pursuant to regulations in the Land Development Code and based on existing development.
- * Office and Commercial in the Palafox Historic Business District - the maximum combined area occupied by all principal and accessory buildings shall be 100% of lot size (subject to compliance with parking provisions) up to a height of 100'. Developments of over 100' in height shall be required to reduce the lot coverage by 10%. No building shall exceed a height of 150'.

Redevelopment District: The Redevelopment Land Use District is established to promote the orderly redevelopment of the southern gateway to the City and portions of the Pensacola Bay waterfront area in order to enhance visual appearance, preserve unique shoreline vistas, provide public shoreline access, preserve or provide working waterfront activities, improve traffic safety and encourage a high quality of site planning. Site specific analysis of each development proposal within the district is intended to ensure that the scenic orientation and open space image of the shoreline is maintained, that the development characteristics are upgraded and the boundary of the adjacent special districts are positively reinforced.

A variety of residential, office and commercial uses will be allowed at the following densities or intensities:

- * Residential - density not to exceed 100 dwelling units per acre in the Gateway Redevelopment District and 60 dwelling units per acre in the Waterfront Redevelopment District.
- * Office and Commercial in the Gateway Redevelopment District - the maximum combined area occupied by all principal and accessory buildings shall be 75% of lot size up to a maximum height of 100'.
- * Office and Commercial in the Waterfront Redevelopment District - the maximum combined area occupied by all principal and accessory buildings shall be 75% of lot size up to a maximum height of 60'.

Business District: The Business Land Use District is established to promote the compatible redevelopment of the City's historic downtown waterfront by encouraging high quality site planning and architectural design which is compatible with both the historic character of the existing structures and the waterfront activities.

- * Residential - density not to exceed 108 dwelling units per acre in the South Palafox Business District.
- * Office and Commercial in the South Palafox Business District - the maximum combined area occupied by all principal and accessory buildings shall be 100% of lot size up to a maximum height of 80'.

Airport District: The Airport Land Use District is established to regulate 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. Land owned by the City allows only open space, recreational or commercial and industrial uses customarily related to airport operations. Low density residential and a variety of office and commercial uses will be allowed on privately owned land, based on the zoning classification and subject to the requirements of Chapter 333 of the Florida Statutes, at the following maximum densities:

- * Residential - density not to exceed 5 dwelling units per acre.
- * Office and Commercial - the maximum combined area occupied by all principal and accessory buildings shall be 50%. No building shall exceed a height of 45', subject to airport height limitations.

Interstate Corridor District: The Interstate Corridor Land Use District is established to provide for non-highway land uses both below and adjoining the Interstate I-110 corridor on land owned by the Florida Department of Transportation and leased by the City of Pensacola as shown in the Site Development Plan in the DOT *Corridor Location, Design and Multiple Use Report: Interstate 110, Pensacola, Escambia County, Florida, 1972*. The

following land uses are allowed at the land use mix composition shown below, with site plan review and City Council approval:

- * Residential – density not to exceed 35 dwelling units per acre up to a maximum 3% of the developable land.
- * Service, tourist and community commercial and light industrial uses up to a maximum 25% of developable land.
- * Recreation and open space facilities, and community centers owned and operated by the City up to a maximum 35% of developable land.
- * Public utilities, City government buildings and facilities and public transportation facilities up to a maximum 37% of developable land.

The maximum combined area occupied by all principal and accessory buildings shall be 50%. No building shall exceed a height of 45', subject to DOT height limitations.

Policy FLU-1.1.6: The following uses shall be allowed in all future land use districts, except for Conservation and Interstate Corridor, subject to regulations set forth in the adopted Land Development Code, and Chapter 333 of the Florida Statutes: Community residential homes, schools with curriculum the same as public schools, libraries, churches, home occupations and accessory structures incidental to any permitted use. Parks and playgrounds and utility structures shall be allowed in every district.

Policy FLU-1.1.7: Adaptive reuse of vacant public, semipublic, institutional or historically significant structures within the Medium and High Density Residential Land Use Districts and the Residential Neighborhood Commercial Land Use District shall be allowed subject to issuance of a conditional use permit.

Applicants for a conditional use permit must submit development plans, undergo site review process through the Planning Board, provide for public notification of property owners within an established radius and obtain approval from the City Council. To ensure the compatibility of the conditional use development with the surrounding residential neighborhood the City Council may prescribe appropriate conditions and safeguards as follows:

- * Limit or otherwise designate the following: the manner in which the use is conducted; the height, size or location of a building or other structure; the number, size, location, height or lighting of signs; the location and intensity of outdoor lighting or require its shielding.
- * Establish special or more stringent buffer, yard or other open space requirements.
- * Designate the size, number, location or nature of vehicle access points.

- * Require berming, screening, landscaping or similar methods to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- * Designate the size, height, location or materials for a fence or wall.

Objective FLU-1.2: Existing nonconforming land uses which are incompatible or inconsistent with the Future Land Use Plan will not be allowed to expand, to be enlarged, or to be rebuilt or reopened if destroyed, pursuant to provisions adopted in the Land Development Code and consistent with the requirements of Chapter 163, F.S.

Policy FLU-1.2.1: Expansion or replacement of land uses, which are incompatible with the Future Land Use Plan, shall be prohibited. Existing nonconforming uses will be permitted as provided in the City's Land Development Code.

Policy FLU-1.2.2: Land uses which are potentially incompatible due to type of use and/or intensity of use, shall be buffered from one another through the use of physical and/or natural vegetative barriers within required yards established in the adopted Land Development Code.

Objective FLU-1.3: The City shall protect its natural resources and its historic, architectural and archaeological resources in accordance with the City's Land Development Code.

Policy FLU-1.3.1: Continue to protect natural open space areas within the City as designated in the Recreation and Open Space Element.

Policy FLU-1.3.2: Public access to the waterfront shall be maintained or improved by the City (i.e., boat ramps, street rights-of-way). Private property rights will be protected in providing public access to the waterfront.

Policy FLU-1.3.3: Wetlands and other natural vegetative and wildlife habitats identified, as Conservation Districts on the City's Future Land Use Map will be protected from development through provisions in the Land Development Code.

Policy FLU-1.3.4: Regulate the location of hazardous waste disposal, storage and treatment facilities within the City through enforcement of land development regulations.

Policy FLU-1.3.5: The City shall coordinate with West Florida Historic Preservation, Inc. by providing technical assistance in its efforts to identify, designate and preserve historic architectural resources and shall continue to enforce the regulations in the adopted Historic District zoning ordinance.

Policy FLU-1.3.6: The City shall abide by the guidelines of its archaeological resolution whenever development is planned for City-owned property.

Policy FLU-1.3.7: The City shall utilize maps contained in the *Wellhead Protection Area Delineation In Southern Escambia County, Florida, Water Resources Special Report 97-4, December 1997*, prepared by the Northwest Florida Water Management District, as may be amended, and included by reference, to identify wellhead protection areas around existing water wells and shall continue to cooperate with the Escambia County Utilities Authority in reviewing land use regulations within these areas.

Policy FLU-1.3.8: Land uses delineated by the Future Land Use element shall be permitted based on the availability of water supplies in addition to the availability of public water facilities consistent with the requirements of Chapter 163, F.S.

Objective FLU-1.4: All development and redevelopment in the Coastal High Hazard Area shall be consistent with the Coastal Management Element and shall be coordinated with appropriate regional hurricane evacuation plans.

Policy FLU-1.4.1: For City-funded developments, water-dependent and water-related activities shall be given a higher priority for permit approval.

Policy FLU-1.4.2: Public access to the waterfront shall be encouraged in all developments utilizing City funds except for industrial developments.

Policy FLU-1.4.3: Future residential land use developments in the CHHA shall be limited to the following densities by location:

- * Low density - along Escambia Bay north of Hyde Park Road and south of Gadsden Street, and along both shores of Bayou Texar.
- * Medium density - along Pensacola Bay (except for the Historic District), and along Bayou Chico.
- * High density - Historic District.

Policy FLU-1.4.4: Future residential land use developments in the dense business area constructed in the CHHA shall be limited to medium density (18 or fewer residential dwelling units per acre). Allowable density above the medium density limit established by future land use category may be transferred to portions of the development site outside the CHHA.

Objective FLU-1.5: The City shall coordinate with other local governments and agencies to reduce or minimize adverse impacts in the region due to development in the City.

Policy FLU-1.5.1: The City shall develop procedures for review of requests for development orders which might affect or be affected by another government or agency and coordinate appropriately.

Policy FLU-1.5.2: The City shall review and contribute to any updates of the Comprehensive Plans in surrounding jurisdictions and other policy plans that would affect implementation of local resource protection goals.

Objective FLU-1.6: Ensure that suitable land is available for utilities necessary to support proposed developments through enforcement of subdivision ordinances which require the provision of adequate land for utilities infrastructure.

Policy FLU-1.6.1: Pursue an interlocal agreement and an informal coordination mechanism, to the extent possible, with Emerald Coast Utilities Authority and other utilities providers in locating public facilities and utilities to maximize the efficiency of services provided, to minimize their cost and to minimize their impacts on the natural environment.

Objective FLU-1.7: Facilitate efficient and reliable delivery of electric service.

Policy FLU-1.7.1: New electric distribution substations shall be a permitted use in all land use categories and zoning districts within the City except those designated as preservation, conservation, or historic preservation on the future land use map or duly adopted ordinance pursuant to F.S. 163.3208.

Policy FLU-1.7.2: Standards for set-backs, landscaping, buffering, screening, and other aesthetic compatibility-based standards shall apply to new distribution electric substations pursuant to F.S. 163.3208 to achieve compatibility with adjacent and surrounding land uses to the maximum extent practicable.

Policy FLU-1.7.3: The City shall grant or deny a properly completed application for a permit to locate a new distribution electric substation within a residential land use category or zoning district pursuant to the requirements of F.S. 163.3208.

Objective FLU-1.8: Provide for effective land development opportunities while allowing for innovative solutions through the Land Development Code.

Policy FLU-1.8.1: The land development regulations shall be modified and/or expanded to reflect the goals, objectives and policies of all the Comprehensive Plan elements.

Policy FLU-1.8.2: Land development regulations shall allow flexibility, within some zoning districts to provide for affordable housing and other redevelopment opportunities.

Policy FLU-1.8.3: Land development regulations shall include standards for residential density bonuses above the limit otherwise established by future land use category in exchange for the construction of affordable housing and as an incentive to achieve superior building and site design, preserve environmentally

sensitive lands and open space, and provide public benefit uses including access to the waterfront.

- Density bonuses for superior building and site design, preservation of environmentally sensitive lands and open space, and provision of public benefit uses shall not exceed 10% of the limit otherwise established by land use category and shall be available to residential developments in the medium density residential land use district, high density residential land use district, office land use district, residential/neighborhood commercial land use district, commercial land use district, redevelopment land use district and business land use district.
- Density bonuses for superior building and site design, preservation of environmentally sensitive lands and open space, and provision of public benefit uses shall be based upon clear and convincing evidence that the proposed design will result in a superior product that is compatible with the surrounding land uses and produces a more desirable product than the same development without the bonus.
- Density bonuses for the provision of affordable housing shall not exceed 25% of the limit otherwise established by land use category and shall be available to residential developments in the medium density residential land use district, high density residential land use district, office land use district, residential/neighborhood commercial land use district, commercial land use district, redevelopment land use district and business land use district.
- Density bonuses for the provision of affordable housing shall be based upon ratios of the amount of affordable housing to market rate housing within a proposed residential development and shall include mechanisms to assure that the units remain affordable for a reasonable timeframe such as resale and rental restrictions and rights of first refusal.
- The maximum combined density bonus for superior building and site design, preservation of environmentally sensitive lands and open space, provision of public benefit uses and affordable housing provided to any single development shall not exceed 35% of the limit otherwise established by land use category.
- All density bonuses shall be approved by the City Planning Board.

Objective FLU-1.9: Direct development in the City to areas where infrastructure exists to reduce development outside of the City limits which would cause further urban sprawl.

Policy FLU-1.9.1: Promote infill development of vacant and underutilized parcels within City limits through use of appropriate land development regulations, and provision of effective urban services.

Policy FLU-1.9.2: Encourage mixed-use development as a means to increase density in the designated urban core and inner-city redevelopment areas of the City in accordance with adopted redevelopment area plans through EAR-based amendments of the Comprehensive Plan and revisions of the Land Development Code.

Policy FLU-1.9.3: Support increased density in proximity to existing and proposed urban elementary schools, and seek to use such schools as neighborhood focal points by collocating public facilities such as parks and community centers with schools to the extent possible.

Policy FLU-1.9.4: Continue to encourage mixed use development through the use of innovative land development techniques such as planned unit developments, cluster housing, mixed-uses on individual parcels and other approaches as provided in the land development code.

Policy FLU-1.9.5: Promote innovative arrangements of development types and promote a complimentary mix of residential/commercial/recreation uses along primary vehicular corridors of neighborhoods so as to minimize the impacts of new development on existing resources and facilities by allowing a variety of uses in close proximity to one another.

Policy FLU-1.9.6: Allow development of a mixture of residential, commercial and office land uses in the mixed residential/office/commercial zoning districts along primary vehicular corridors of the Urban Core and inner-city Community Redevelopment Areas, through review and revision of the Land Development Code.

Objective FLU-1.10: Increase and enhance Traditional Neighborhoods

Policy FLU-1.10.1: Identify and revise incompatible zoning designations and approved land uses to ensure suitable development in support of existing traditional neighborhoods and a cohesive urban fabric.

Policy FLU-1.10.2: Encourage new Neo-Traditional Neighborhood Development and compatibly designed infill within the urban core and inner-city redevelopment areas through review, and revision where necessary, of the land use regulations in the Land Development Code.

Policy FLU-1.10.3: Explore Neighborhood Conservation Overlay Districts to ensure compatible infill development in existing traditional neighborhoods.

Policy FLU-1.10.4: Explore the use of State and Federal redevelopment programs to encourage Neo-Traditional Neighborhood Developments that include a mix of uses and provide housing for a range of incomes.

Objective FLU 1.11: Promote development in the downtown urban core areas of the City.

Policy FLU-1.11.1: Promote through the redevelopment process, the introduction of mixed-use development to enhance retail viability, establish truly pedestrian-oriented shopping districts, create more attractive buildings and public spaces, support transit viability, and reduce vehicle trips.

Policy FLU-1.11.2: Review land use regulations in the Land Development Code and revise where necessary to support walkability and pedestrian activity, arts, and entertainment uses in the City's downtown.

Policy FLU-1.11.3: Review land use regulations in the Land Development Code and revise where necessary to encourage the vertical and horizontal integration of a complementary mix of commercial, service and other non- residential uses that address the needs of families and other household types living in downtown neighborhoods.

Policy FLU-1.11.4: Pursue the establishment of a downtown railroad "quiet zone" to facilitate downtown development.

Policy FLU-1.11.5: Continue to coordinate with the Downtown Improvement Board on parking enforcement and management to provide adequate parking for downtown patrons.

Policy FLU-1.11.6: Continue to waive off-street parking requirements in the HC-1 and HC-2 districts, for residential land uses in the dense business area, and for qualifying buildings in the South Palafox Business District and C-2A district to encourage downtown and urban core development.

Policy FLU-1.11.7: Continue to allow the off-site provision of parking through a shared parking agreement in qualifying zoning districts to promote downtown and urban core development.

Objective FLU-1.12.: Implement plans for redevelopment and renewal of blighted areas in Census Tracts 1 through 8, and particularly in the downtown urban core and inner-city Community Redevelopment Areas.

Policy FLU-1.12.1: Continue to undertake redevelopment projects and programs as outlined in the *Urban Core Community Redevelopment Plan* (2010 Update), the *Pensacola Waterfront Redevelopment Plan* (2000/Update 2010), the *Pensacola Historic District Master Plan*, (2004) and the *Belmont DeVilliers Land use Plan* (2004) and promote increased density.

Policy FLU-1.12.2: Continue to engage in redevelopment activities within the designated Urban Infill and Redevelopment Area in accordance with the *Urban Infill and Redevelopment Area Plan*.

Policy FLU-1.12.3: Implement redevelopment efforts as identified in the *Westside Community Redevelopment Area Plan* (2007).

Policy FLU-1.12.4: Encourage Brownfield and grayfield redevelopment and adaptive reuse within the urban core and inner-city development areas.

Policy FLU-1.12.5: Promote redevelopment of existing automobile-oriented corridors and the upgrading of existing commercial development to create vibrant, mixed-use boulevards that balance efficient movement of motor vehicles with the creation of attractive pedestrian-friendly districts that serve the adjoining neighborhoods as well as passing motorists pursuant to adopted redevelopment plans.

Policy FLU-1.12.6: Provide infrastructure improvements as part of a redevelopment program in the above mentioned areas in such a way that will not strain the economic resources of the City's existing and new residents.

Policy FLU-1.12.7: Provide for some economic incentives for development in the cited neighborhoods including the following:

- * Establishing lower level of service standards for some facilities in developed neighborhoods so that costs of upgrading facilities will not be prohibitive; and
- * Establishing lower or abolishing impact fee assessments in these neighborhoods if the use of impact fees are adopted in the Plan.

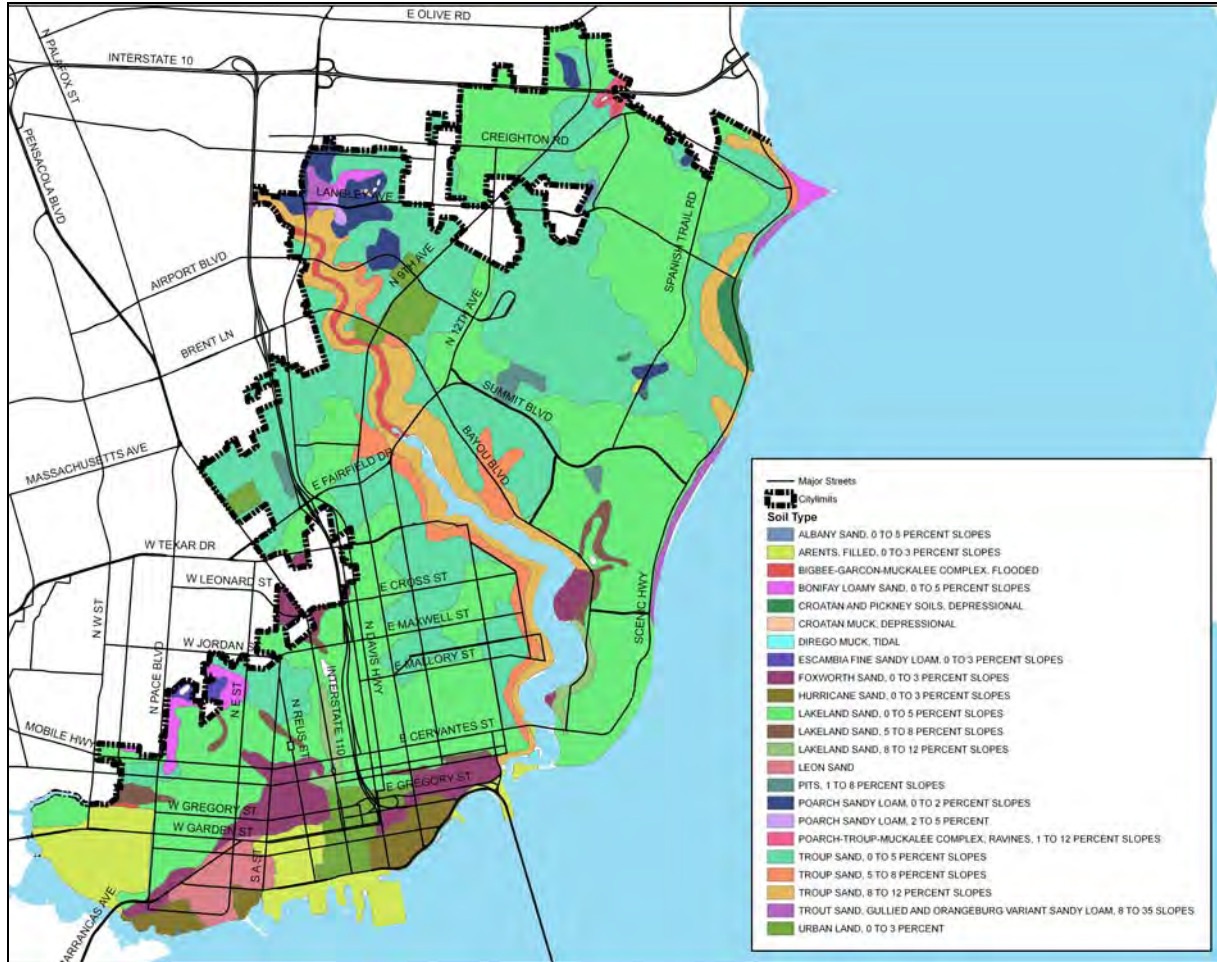
Objective FLU-1.13: Opportunity for dispute resolution in consideration of revisions to the Comprehensive Plan.

Policy FLU-1.13.1: Opportunity shall be afforded, pursuant to F.S. 163.3181 (4), for informal mediation or other alternative dispute resolution to a property owner who's request for an amendment to the Comprehensive Plan pertaining to his property is denied. The costs of the mediation or other alternative dispute resolution shall be borne equally by the local government and the property owner. If the owner requests mediation, the time for bringing a judicial action is tolled until the completion of the mediation or 120 days, whichever is earlier.

Policy FLU-1.13.2: Prior to an administrative hearing conducted pursuant to review of the comprehensive plan or plan amendment by the state land planning agency, opportunity to mediate or otherwise resolve the dispute of any affected person who intervenes as a party to that proceeding shall be afforded pursuant to

F.S. 163.3184 (10)(c). The costs of the mediation or other alternative dispute resolution shall be borne equally by all the parties to the proceeding.

City of Pensacola Soils



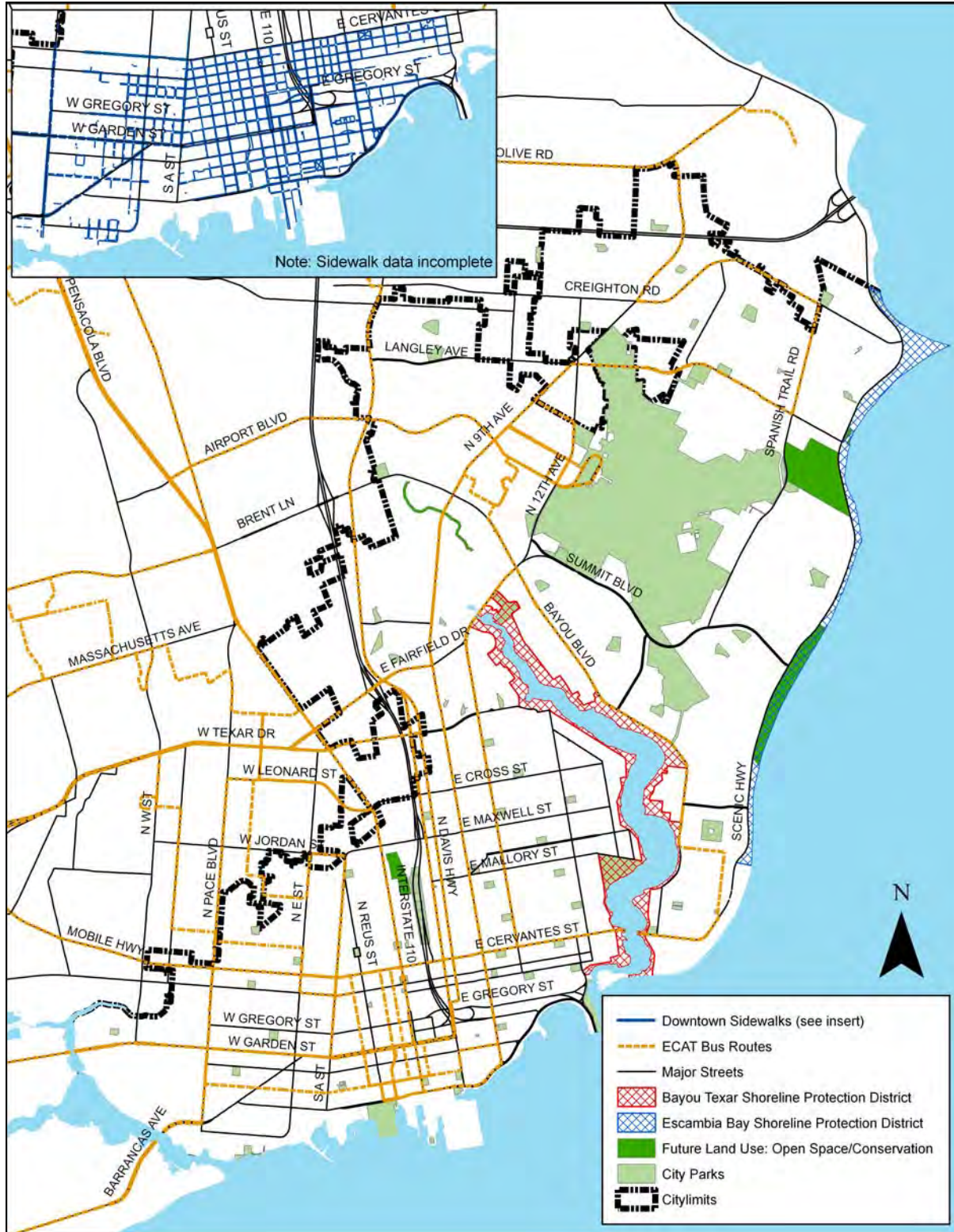
City of Pensacola Flood Zones



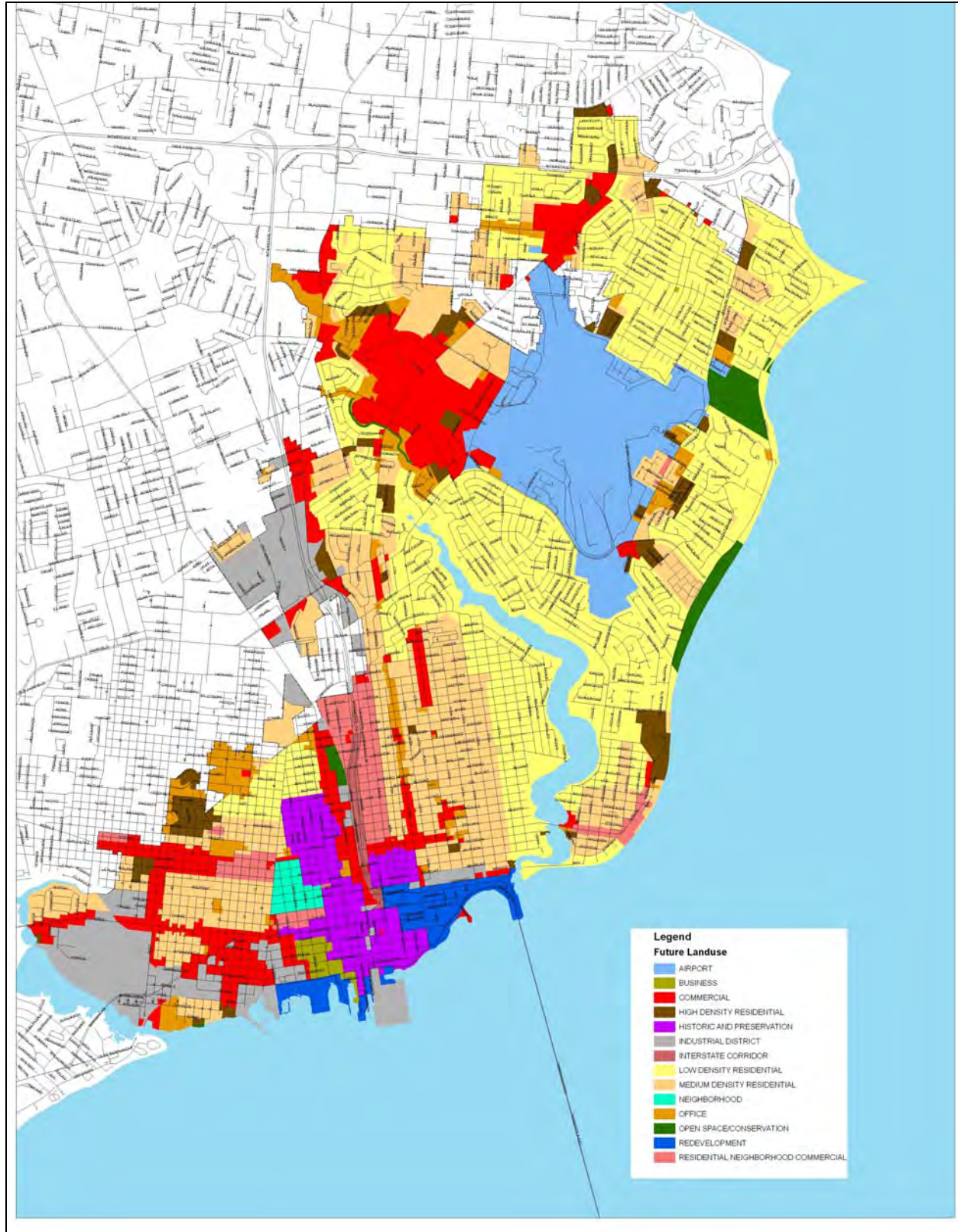
City of Pensacola Wellhead Protection Zones



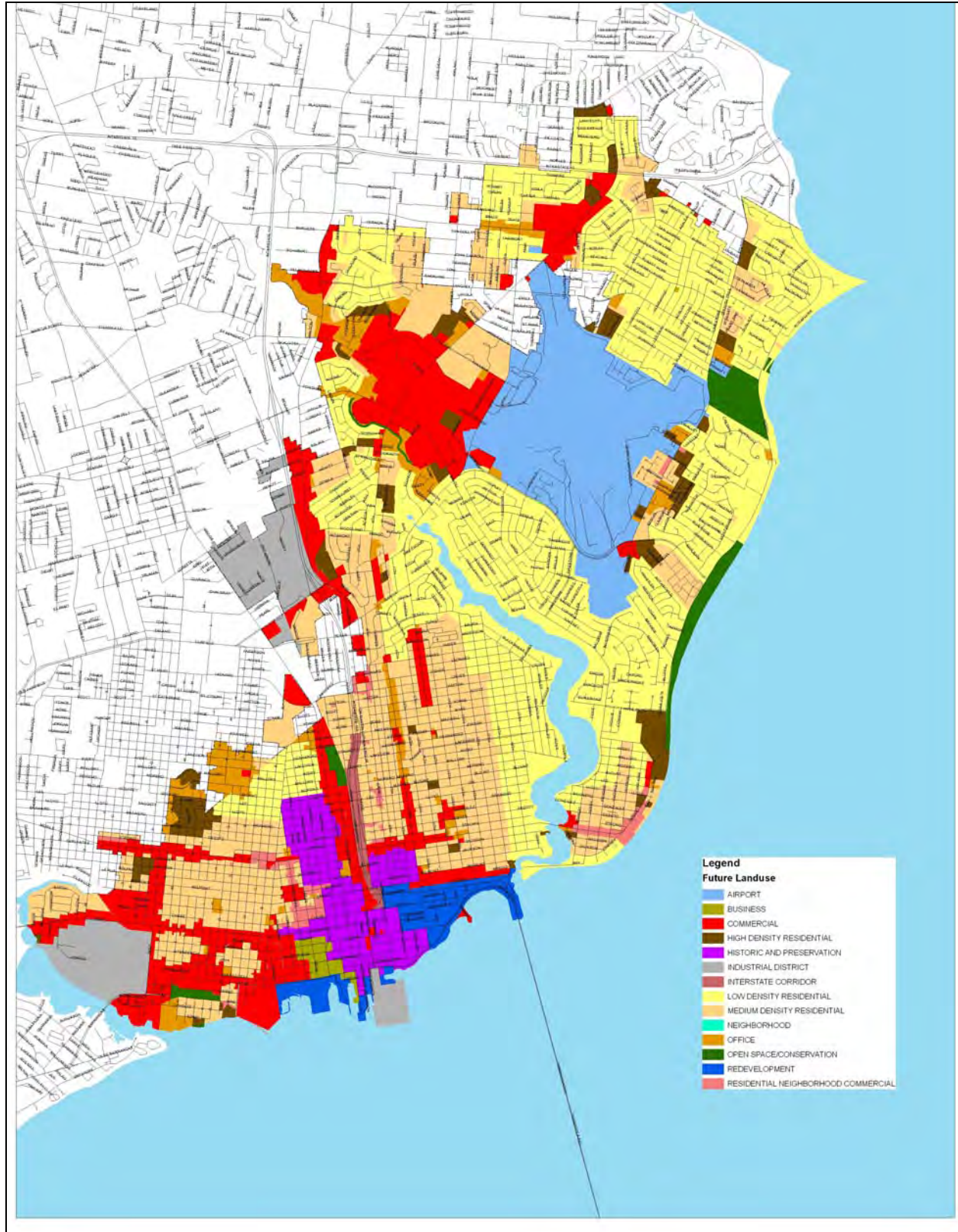
City of Pensacola Energy Conservation



Existing Future Land Use



Proposed Future Land Use



CHAPTER 2

TRANSPORTATION

GOAL T-1: A safe, convenient, and efficient street system.

Objective T-1.1: The City shall maintain Level of Service standards and implement recommendations to address existing and forecasted LOS deficiencies.

Policy T-1.1.1: The City of Pensacola has adopted Florida Department of Transportation (FDOT) Quality/Level of Service Handbook standards to determine maximum volumes for adopted level of service on the Florida Intrastate Highway System. In addition, the City has adopted the following Level of Service standards on the other roadway types within the City limits to determine maximum volumes:

Roadway Type	LOS (Peak hour)
State Roadways	
Intrastate	C
Other State Roads	E
Roads Within the TCEA	Exempt
Local Roadways	
Local Collector Roads	E
Other Local Roads	C

Policy T-1.1.2: The City of Pensacola shall continue to examine traffic impacts associated with development on roadways within the City to ensure that adopted Level of Service standards are not degraded.

Policy T-1.1.3: The City will review annually, adopted Level of Service standards, traffic volumes, and system demands in order to monitor impacts of new development on the traffic circulation of the City.

Policy T-1.1.4: The City of Pensacola has designated an Urban Redevelopment Transportation Concurrency Exception Area (TCEA) within the boundaries of the Community Redevelopment Area as established pursuant to Resolution 54-80. The boundary of the Urban Redevelopment TCEA is shown on the adopted Future Traffic circulation Map.

Objective T-1.2: The City of Pensacola shall continue to cooperate with the local comprehensive transportation planning process in the Pensacola urbanized area.

Policy T-1.2.1: The City will continue to coordinate with the West Florida Regional Planning Council, FDOT, and the TPO regarding transportation planning and programs within the Pensacola urbanized area.

Policy T-1.2.2: The City will continue to participate in the preparation of the Florida Alabama Transportation Planning Organization's (TPO's) long-range transportation study to evaluate transportation needs and alternatives to improve traffic circulation between the Gulf Breeze peninsula and the City of Pensacola. The City will request the FDOT prepare an analysis of land use and traffic impacts of landfall locations proposed for the western terminus of a new Pensacola Bay bridge.

Policy T-1.2.3: The City shall coordinate with the FDOT, the TPO, the Federal Highway Administration (FHWA), Escambia County, and other Corridor Management Entity partners, where feasible, in implementing elements of the Corridor Management Plan (CMP) for the Scenic Bluffs Highway Corridor.

Objective T-1.3: The City of Pensacola shall continue to maintain, protect, and improve the existing and future coordinated network of streets.

Policy T-1.3.1: The City will use the following definitions from the Land Development Code section 12-14-1 to classify streets within City limits. The City will identify the classification of local streets on the Roadway Functional Classification Map which shall be contained in the City's Land Development Code, and updated periodically to reflect current roadway function.

Street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated. The word "street" includes the following terms, further described as follows:

Streets, major arterial means streets which provide for through traffic movement between areas and across the City, and direct access to major employment locations and commercial uses.

Streets, minor arterial means street which provide for traffic movement between major neighborhoods.

Streets, collector means streets which provide for the movement of traffic between major arterials and local streets and direct access to abutting property.

Street, local means streets which provide for direct access to abutting land and used for local traffic movements only.

Streets, marginal access are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

Policy T-1.3.2: The City shall follow and annually update its 5-year Master Plan for City streets and roadways.

Policy T-1.3.3: The City will continue to coordinate land use decisions with the future traffic circulation system by coordinating traffic circulation improvements with the Future Land Use Map.

Policy T-1.3.4: The City shall incorporate safety measures such as signage, pavement markings, and engineering improvements into all transportation improvements.

Policy T-1.3.5: The City will review periodical accident frequency reports about applicable roads within the City limits and make necessary roadway improvements whenever and wherever applicable.

Policy T-1.3.6: The City shall preserve and protect the capacity of all major streets by minimizing points of ingress/egress, wherever possible, and by closing or relocating unnecessary curb cuts to provide efficient access to the roadway system when development occurs. The City will review, and revise where necessary, its existing standards for providing access and spacing in the Land Development Code. The City will periodically coordinate this review activity with Escambia County and the FDOT through continued participation with the Florida-Alabama TPO.

Policy T-1.3.7: The City shall protect existing and future transportation corridors by implementing the requirements of the subdivision ordinance. This includes mandatory dedication of rights-of-way, where required, as a condition of plat approval.

Objective T-1.4: The City shall continue to implement Transportation System Management strategies to improve the overall performance and quality of the existing transportation network.

Policy T-1.4.1: The City shall coordinate additional segments of the existing computerized signal system with Escambia County, the TPO, and FDOT.

Policy T-1.4.2: The City will review the elimination of one way streets in the current street network

Policy T-1.4.3: The City shall work to reduce excess surface parking along new and existing development through revisions to the Land Development Code where appropriate.

Policy T-1.4.4: The City shall continue to explore the replacement of traffic signals with stop signs at appropriate intersections.

Policy T-1.4.5: The City shall continue to implement “right sizing” strategies where appropriate to reduce lane widths and number of lanes to enhance the quality of the local transportation network.

Policy T-1.4.6: The City shall continue to integrate traffic calming measures including curb extensions, roundabouts, speed tables, raised intersections, textured crosswalks, and the addition of on-street parking to improve the overall quality of the motorized and non-motorized transportation network.

Policy T-1.4.7: In order to promote urban redevelopment within the Urban Redevelopment Area TCEA, the City will consider parking control and pricing policies, transportation demand management programs, transportation system management programs, availability of public transportation, and the use of creative financing tools for the provision of transportation services and facilities.

Policy T-1.4.8: The City shall coordinate with the DIB to implement the recommendations incorporated in the CRA Downtown Parking Study (May 1999) and Parking Management Analysis Findings and Recommendations (2006) including the following: traffic operation improvements; providing for pedestrian and bicyclists; identification of sites for on-grade parking lots or parking garages; identification of satellite parking locations linked to a downtown closed loop trolley to provide a "park and shuttle" alternative in the TCEA to reduce vehicle traffic in the central business district, and; a financial feasibility analysis to address costs of the improvements and possible funding sources.

Policy T-1.4.9: The City shall coordinate with the Downtown Improvement Board (DIB) and West Florida Historic Preservation, Inc. to periodically review the feasibility and joint funding of the existing closed loop trolley or shuttle service within the TCEA boundary.

GOAL T-2: An economically sound, safe, energy-efficient, and equitable mass transportation system.

Objective T-2.1: The City shall encourage Escambia County Area Transit (ECAT) in the provision of fixed route mass transit service linking major trip generators and attractors.

Policy T-2.1.1: The City shall continue to coordinate with the WFRPC and the TPO regarding the promotion of alternative modes of transportation (i.e., ridesharing, mass transit).

Policy T-2.1.2: The City shall endorse the promotion of the ECAT in order to relieve traffic and parking congestion and in order to foster energy conservation.

Policy T-2.1.3: The City shall coordinate with ECAT and Escambia County in evaluating transit routes and service utilizing route ridership, headways, or other appropriate performance standard.

Policy T-2.1.4: The City will encourage "ride sharing" programs in coordination with Escambia County in order to reduce the number of vehicles on the road during peak hours.

Policy T-2.1.5: The City will develop land use and site design guidelines to assure the accessibility of new development to mass transit service.

Objective T-2.2: The City shall assist in developing coordinated transportation systems for transportation-disadvantaged citizens.

Policy T-2.2.1: The City will support the provision of the para-transit system developed by the Community Transportation Coordinator as required by Chapter 427, Florida Statutes.

Policy T-2.2.2: The City will assist the TPO in the recommendation for a new coordinator by participating in the development of a Request for Proposals and in the evaluation of proposals received.

Objective T-2.3: The City shall encourage the pursuit of new sources of funding for mass transportation.

Policy T-2.3.1: The City shall work with ECAT, the County and the FDOT to provide for increased Service Development and Urban Corridor funding.

Policy T-2.3.2: The City will support Florida Transit Association in efforts to provide state operating assistance for mass transit.

Policy T-2.3.3: The City will support efforts to provide for a designated funding source for the local contribution.

Goal T-3: A complete network of pedestrian and bicycle facilities that enhances the City's livability, accessibility, and safety.

Objective T-3.1: The City shall continue to provide facilities in support of a safe, non-motorized transportation system.

Policy T-3.1.1: The City of Pensacola shall accommodate non-motorized forms of transportation in the design of transportation improvement projects.

Policy T-3.1.2: The City shall consider in its design of all future roadway improvements for major arterial streets, the accommodation of bicycle transportation needs where appropriate.

Policy T-3.1.3: The City shall encourage the development of a comprehensive bicycle education program in coordination with the TPO and Escambia County.

Policy T-3.1.4: The City shall continue to coordinate with the WFRPC and the TPO regarding the promotion of walking and bicycling as alternative modes of transportation.

Policy T-3.1.5: The City shall coordinate with and encourage the deployment of DIB-purchased and installed of bicycle racks within the TCEA boundary.

Objective T-3.2: The City shall coordinate all development in order to produce walkable communities and neighborhoods throughout the City.

Policy T-3.2.1: The City will continue to repair and construct new sidewalks where feasible through the Penny for Progress sidewalk program and other applicable funding sources like the Community Development Block Grant.

Policy T-3.2.2: The City will continue to include requirements for provision of sidewalks by developers around future commercial developments to aid in pedestrian transportation needs.

Policy T-3.2.3: In accordance with the City's Public Schools and Facilities Element of the Comprehensive Plan, new residential developments within two miles of an existing or planned school shall be required to provide sidewalks. In addition, sidewalks shall be placed along all collector, arterial, and local roads abutting the subdivision to the subdivision property line, where it has been determined that the most direct route from the subdivision to the school is along those roadways.

Policy T-3.2.4: The City shall continue to improve accessibility for citizens with mobility limitations throughout the City by providing curb cuts along all proposed sidewalks and through improvements to existing sidewalks where feasible.

Policy T-3.2.5: The City shall strive to upgrade existing and design new pedestrian crossings and intersections with the appropriate "intersection geometry" to allow for visibility, ease of crossing, and pedestrian connectivity.

Policy T-3.2.6: The City shall continue to install countdown-type pedestrian signals at the most appropriate and highly-traveled pedestrian crossings.

Policy T-3.2.7: The City shall, through coordination with the FDOT, the TPO, the Federal Highway Administration (FHWA), design and operate a

comprehensive network of “Complete Streets,” consisting of arterial, collector and local streets, that enables safe access and a full range of daily activities by all user groups, including pedestrians, bicyclists, motorists, and transit vehicles.

Policy T-3.2.8: The City will develop a typology of Complete Streets amenities, and identify the most appropriate enhancements for the range of streets within the City. This typology will be included as part of the Land Development Code or as a stand-alone supplement, and will be used to systematically plan public transportation upgrades and bicycle and pedestrian enhancements.

Policy T-3.2.9: The downtown Community Redevelopment Agency (CRA) will continue to develop and consider funding streetscape improvement projects to enhance pedestrian use of sidewalks as an alternative to vehicle use in the TCEA boundary.

Policy T-3.2.10: The City will continue to support pedestrian access and community beautification through proposed streetscape improvement projects in adopted neighborhood and revitalization plans where feasible.

Policy T-3.2.11: The City will pursue, where feasible, “Complete Street,” and intersection improvements along the corridors identified in adopted neighborhood and redevelopment plans to provide for aesthetics, accessibility and safety for pedestrians, bicycles and motorized vehicles. Such improvements may include traffic calming measures such as adequate lighting, shade trees, wider sidewalks, bike paths, street furniture, gateway treatments, directional signage and area identity markers where feasible.

GOAL T-4: Rail service that allows for the safe and efficient transportation of cargo and passengers while enhancing livability.

Objective T-4.1: The City shall coordinate for safe and efficient railroad operations along the existing system within the city limits.

Policy T-4.1.1: The City shall utilize available legal methods in order to provide that railroad companies will continue to maintain the roadway for vehicular traffic at railroad crossings.

Policy T-4.1.2: The City shall strive to be the first responder to any hazardous material incidents within the city limits and maintain an on-going training program to ensure maximum response capabilities in the event of derailments.

Policy T-4.1.3: The City shall monitor any modifications to the railroad trestle at Bayou Texar to provide for maximum enhancement of tidal circulation.

Policy T-4.1.4: The City shall coordinate with the appropriate railroad company to seek removal and/or replacement of the overpass at 17th Avenue that would allow for the continued improvements of 17th Avenue.

Policy T-4.1.5: The City shall encourage the return and continued service of Amtrak or other passenger rail service along existing rail lines.

Objective T-4.2: The City shall coordinate with the rail companies serving the area in order to achieve compatibility of rail facilities and operations with community planning efforts.

Objective T-4.2.1: The City shall work for the establishment of a rail quiet zone within the City limits for the benefit of local residents and businesses.

Policy T-4.2.2: The City shall coordinate with rail companies to identify unused railroad spurs and trackage and require or encourage their removal by the appropriate party.

Policy T-4.2.3: The City shall take action to secure abandoned railroad rights-of-way in the event that track removal or relocation occurs and determine the best land use for the impacted rights-of-way.

Policy T-4.2.4: The City shall explore the restoration of unused rails lines to be used for public recreational use.

GOAL T-5: The stimulation of economic development and generation of positive economic and employment benefits in the City of Pensacola and surrounding area by promoting the use of the waterfront and Port facilities to cargo shippers and water-dependent businesses, and coordinating with the Pensacola Gulf Coast Regional Airport when feasible.

Objective T-5.1: The Port shall continue to attract new and expanded waterborne commerce.

Policy T-5.1.1: Sufficient financial resources shall be made available annually within the Port's departmental budget to facilitate the continued promotion of Port facilities to prospective users.

Policy T-5.1.2: The Port shall maintain a business development plan and facilities development strategy which identifies the annual marketing targets and long-range facility development objectives required to attract new and expanded business to the Port.

Policy T-5.1.3: The Port shall maintain close working relationships with applicable federal, state, regional and local economic development agencies, as well as with the Pensacola Gulf Coast Regional Airport, and port-associated

businesses (i.e. trucking companies, railroads, shipping lines, etc.) to enhance economic development opportunities, and to identify and pursue waterborne commerce opportunities.

Policy T-5.1.4: The Port shall review, and if necessary, revise its Terminal Tariff so as to maximize revenues while maintaining a competitive position within the industry.

Objective T-5.2: The Port shall diversify its business base in order to strengthen the Port's contribution to the economic vitality of the Pensacola area.

Policy T-5.2.1: The Port shall make its maritime knowledge and experience available to tourism officials, inter- and intra-governmental departments and agencies, political leaders and others to assist in exploring the development of excursion, cruise, or amenity vessel operations at public access areas of the downtown waterfront including, but not limited to, Commendencia Slip, Plaza de Luna, and the Vince Whibbs Community Maritime Park, etc.

Policy T-5.2.2: The City shall work with the TPO, National Park Service, and the Department of the Navy to review the feasibility and benefits of establishing a local and regional passenger ferry system to support tourism and water-related commerce in the area.

Policy T-5.2.3: The Port may acquire, by lease or purchase, land or buildings for the purpose of leasing to potential Port customers, or to provide the same for use by transient cargo users of the Port.

Policy T-5.2.4: The Port shall actively market its deep draft docks, berths, pier-side warehouses and other infrastructure to traditional and non-traditional waterborne commerce and water-dependent maritime industry interests.

Policy T-5.2.5: The Port shall market its northeastern boundary for development of a commercial/restaurant/retail venture.

Policy T-5.2.6: The Port shall market unimproved land located roughly in the north central portion of the Port for development of light manufacturing/assembly type operations with signification employment potential.

Policy T-5.2.7: The Port may collaborate with other government agencies and private waterfront and inland landholders to develop strategic alliances and public-private partnerships which expand and enhance the Port's ability to serve new and expanded cargo and water-dependent business activities.

Objective T-5.3: The Port shall maintain a 5-year capital improvement and replacement plan to address Port facility construction and maintenance requirements.

Policy T-5.3.2: The City shall consider the potential impact on the Port of Pensacola of non-maritime related developments in the areas immediately adjacent to the Port property.

Policy T-5.3.3: The City, through the annual Port Department budget with support from state and federal grant resources where applicable, shall identify and commit funding as available to provide and maintain facilities necessary to facilitate the Port's business activities as described in Objective 5.2.

Policy T-5.3.4: Port capital improvement and expansion plans will be coordinated and consistent with applicable federal, state, and local laws, ordinances and regulations and shall be sensitive to environmental issues in consideration of the economic policy of Port operations.

Objective T-5.4: The Port shall develop and implement a comprehensive facilities maintenance program.

Policy T-5.4.1: The City, through the annual Port Department budget, shall provide sufficient personnel and financial resources, as available, to implement the facilities maintenance program.

Policy T-5.4.2: Port facilities shall be maintained so as to minimize the requirement for replacement and thereby extend the useful and productive life of Port assets.

Objective T-5.5: The City will limit public expenditures in the Coastal High Hazard Area except in the provision of facilities necessary for Port maintenance and operations.

Policy T-5.5.1: Future Port related public expenditures in the Coastal High Hazard Area shall be limited to: those which provide evidence of natural disaster mitigation planning and design; those which restore or enhance natural resources; or, those which are necessary for operation and expansion to accommodate Port activity as determined by the City.

GOAL T-6: Port operations and developments that are undertaken in a manner which minimize or mitigate negative impacts on the basic functions and productivity of the City's natural land, coastal and water resources; and that eliminate, reduce or avoid Port related health and safety concerns for present and future residents of the City of Pensacola.

Objective T-6.1: The Port shall endeavor to protect, conserve, and enhance wetlands, living marine resources, coastal barriers, and other natural resources within its immediate geographic area of operation.

Policy T-6.1.1: The Port will conduct its operations in accordance with all state, federal, and local regulations designed to protect wetlands, aquatic wildlife and creatures, and water quality.

Policy T-6.1.2: The Port will protect to the extent reasonably feasible, living marine resources from any permanent effects of Port related dredging by providing that all dredging activity will be permitted and conducted in accordance with applicable state and federal regulations designed to reasonably ensure that dredging impacts are short-term and limited.

Policy T-6.1.3: All future Port developments shall be designed to meet Northwest Florida Water Management District standards for the control of stormwater runoff. Recommendations outlined in the City's Stormwater Management Plan will be implemented during new construction activities on the Port site.

Policy T-6.1.4: All Port users discharging coolant or ballast water into Port area waters must comply with the pertinent state and federal regulations.

Objective T-6.2: Port operations, development, and expansion plans will be integrated into all City plans for the downtown and waterfront areas and compatible with the surrounding land uses, including the plans of the City Planning Department and the Community Redevelopment Agency, as a water-dependent land use.

Policy T-6.2.1: The Port shall work with other City departments to reasonably ensure that Port transportation requirements are analyzed and reflected in the plans of the TPO as well as federal and state DOT plans by participating in the development and adoption process of these plans.

Policy T-6.2.2: City Council Resolution 12-05 and City Council Policy on Port Operations and Administration will be incorporated into the City of Pensacola Comprehensive Plan.

Policy T-6.2.3: The Port will work with other City, County, State and Federal departments and agencies to explore transportation planning and management solutions which seek to segregate Port vehicular and rail traffic from other traffic types along Main Street and in the downtown Pensacola corridor to the extent practical.

Policy T-6.2.4: The City shall consider the economic impact of the Port in all future coastal and waterfront land use planning or development.

Policy T-6.2.5: Future Port development shall be visually compatible with adjacent development in the downtown and Historic District to the extent reasonably possible.

Objective T-6.3: The Port shall maintain a petroleum products and hazardous waste management program.

Policy T-6.3.1: The Port shall maintain a consolidated hazardous waste and petroleum products contingency/emergency response plan, which implements the guidance in the *Florida Coastal Pollutant Spill Contingency Plan*.

Policy T-6.3.2: The Port shall coordinate all disaster/ hazardous waste and petroleum products contingency planning with the Escambia County Emergency Management Director, State Department of Environmental Protection and the U.S. Coast Guard.

Policy T-6.3.3: All future Port expansion planning will, to the extent financially feasible, incorporate the appropriate technology for the safe handling of hazardous wastes and petroleum products.

Policy T-6.3.4: All handlers of petroleum products shall be required to have a U.S. Coast Guard approved spill contingency plan.

Policy T-6.3.5: The Port shall maintain a current file of the U.S. Coast Guard inspection reports and the various industry/company hazardous materials and petroleum products operations and handling manuals.

Policy T-6.3.6: The Port will maintain a comprehensive inventory of hazardous materials and petroleum products and inventory of spill cleanup equipment.

Objective T-6.4: All Port projects shall be consistent with the Future Land Use, Coastal Management and Conservation Elements of the City's Comprehensive Plan.

Policy T-6.4.1: Revisions to the Port development plan shall be reviewed to ensure consistency with the City's Comprehensive Plan.

Objective T-6.5: The Port will continue to coordinate operations and expansion plans with the TPO, the FDOT, and other appropriate transportation planning entities to ensure an integrated traffic circulation system.

Policy T-6.5.1: Port development plans will be reviewed for consistency with transportation plans of applicable transportation planning agencies.

Objective T-6.6: The Port shall continue to coordinate operational and expansion activities with the U. S. Army Corps of Engineers, the TPO, the Department of Defense, the *Escambia/Santa Rosa Coastal Resource Planning and Management Plan* and the FDOT 5-Year Transportation Plan.

Policy T-6.6.1: The Port will continue to construct and operate Port facilities in cooperation with appropriate federal, state and local agencies.

Policy T-6.6.2: The Port development plans will be coordinated with appropriate plans of other agencies including FDOT's 5-Year Transportation Plan and the TPO's adopted Transportation Improvement Plan (TIP).

Policy T-6.6.3: The Port shall coordinate with the appropriate City departments to assure that Port transportation requirements are consistent with and included in the plans of the TPO.

GOAL T-7: The reduction of vulnerability of Port occupants to hurricanes and other natural disasters.

Objective T-7.1: The Port evacuation time will be consistent with that of the County from Evacuation Zone 12.

Policy T-7.1.1: The Port shall maintain a disaster evacuation, response, and recovery plan as part of its comprehensive Port Security Plan approved by the United States Coast Guard and Florida Department of Law Enforcement.

Policy T-7.1.2: The Port shall coordinate with the County to ensure that its plan is consistent with that for County Evacuation Zone 12.

Policy T-7.1.3: The Port shall coordinate with the County in the development of a revised update of the Escambia County and City Hurricane Preparedness Plan which considers revised evacuation routes, the Port's role in the evacuation process, the orderly evacuation of Port workers, resident businesses, and cargo, and the post-hurricane recovery process.

Policy T-7.1.4: The Port shall conduct an annual review of its disaster evacuation, response, and recovery plan with all Port tenants, users, and resident businesses.

Objective T-7.2: The Port shall fully implement compliance with life safety, fire prevention, construction and flood plain management codes of the City and state.

Policy T-7.2.1: The Port area building standards shall continue to be consistent with or in excess of the most current construction, life safety and fire prevention codes.

Policy T-7.2.2: The City's land development regulations shall identify priorities for shoreline land uses which provide for a range of water-dependent uses, in-water related activities, economic growth stimuli, hurricane contingency planning, and protection of the natural and water quality of the environment.

Objective T-7.3: The Port shall provide immediate response to post-hurricane and natural disaster situations as requested or required by the Escambia County Civil Defense Organization.

Policy T-7.3.1: The Port-assigned recovery task forces shall be recommended to be incorporated in the current version of the Escambia County Emergency Management Organization and shall include a Port representative and, if available, a City Engineer.

Policy T-7.3.2: The Port shall coordinate with the County to develop plans and ordinance amendments, as necessary, which reflect any Port related recommendations in any inter-agency hazard mitigation reports or reports pursuant to Port or coastal operations.

Policy T-7.3.3: The Port shall develop the procedures for the Recovery Task Force to evaluate and recommend to the City and County various replacement options and priorities for damaged public/commercial facilities.

GOAL T-8: Airport facilities that promote economic development, including new industry, business and tourism, while meeting existing and future demand.

Objective T-8.1: Future development or expansion of the Pensacola Gulf Coast Regional Airport shall be consistent with the 2000 Airport Master Plan Update and F.A.A. approved Airport Layout Plan or subsequent updates.

Policy T-8.1.1: The City shall coordinate the future updates of the Airport Master Plan with updates to the City's Comprehensive Plan.

Policy T-8.1.2: As an integral component of the airport master planning process, the City shall make provisions for regional transportation facilities for the efficient use and operation of the airport.

Policy T-8.1.3: The City shall coordinate the future expansion and/or development of Pensacola Regional Airport with Escambia County to ensure land use compatibility consistent with Chapter 333 of the Florida Statutes.

Objective T-8.2: As identified in the 2000 Airport Master Plan, the Airport shall continue to work towards the development of an Airport Commerce Park on 65 acres of property adjacent to the northwest quadrant of the Airport.

Policy T-8.2.1: The Airport will continue to acquire properties in the targeted 65-acre site through a combination of Florida Department of Transportation and Airport Capital Improvement funds.

Policy T-8.2.2: The Airport will explore the development of the Airport Commerce Park through build-to-suit development, third-party developers, design-build contracts, or other types of Request For Proposals processes.

Policy T-8.2.3: The Airport shall explore alternative funding sources and partnerships to finance the development of the Airport Commerce Park.

Policy T-8.2.4: The Airport shall explore the creation of partnerships with local and regional economic development agencies to attract appropriate businesses and firms to the Commerce Park to foster agglomeration economies.

Policy T-8.2.5: The Airport shall consider the development of a free-trade zone at the Commerce Park to attract firms and industries and enhance their economic competitiveness.

Policy T-8.2.6: The Airport will explore coordination with the Port of Pensacola for the provision of helicopter or air service at the proposed inland Port facility.

Objective T-8.3: The Airport will continue to coordinate operations and expansion plans with the appropriate transportation planning entities to ensure an integrated traffic circulation system.

Policy T-8.3.1: If the City undertakes future construction projects at the airport, the City shall develop a traffic circulation and parking plan to accommodate the impacts of that construction project.

Policy T-8.3.2: The City shall ensure that future airport development or expansion is consistent with the transportation element of this comprehensive plan and applicable TPO long-range transportation plans.

Policy T-8.3.3: The City shall coordinate with FDOT in developing a comprehensive airport signage plan to include all interstate and major streets leading to the airport from all directions.

Policy T-8.3.4: Airport development plans and capital improvement program will be reviewed for consistency with transportation plans of the MPO, the FDOT and other applicable transportation planning agencies.

Objective T-8.4: The Airport shall continue to coordinate operational and expansion activities with the Federal Aviation Administration (FAA), the TPO and the FDOT.

Policy T-8.4.1: Cost estimates of proposed airport improvements shall be submitted for utilization in the Joint Automated Capital Improvement Program (JACIP) of the FDOT and FAA, the TPO transportation improvement plan, and the City's Capital Improvements Element.

Policy T-8.4.2: The Airport Manager shall provide planning and budgeting information to FDOT, the MPO, and the City's Comprehensive Plan Capital Improvements Element to encourage the inclusion of airport expansion projects and related traffic corridor improvements in their budgets.

Objective T-8.5: The City shall actively participate in the *Northwest Florida Steering Committee of the Continuing Florida Aviation Systems Planning Process (CFASPP and Strategic Intermodal Systems Development Plan)*, to assure that the service needs of the Pensacola Regional Airport are considered in the coordination of air transportation in the Northwest Florida area.

Policy T-8.5.1: The development of new airports to support economic growth will take into consideration the use of existing airports.

Objective T-8.6: Coordinate with the United States Navy and the F.A.A. in the periodic review of the *Naval Aviation Training System (NATS) Plan* to reasonably assure that both military and civilian air space operations are compatible.

Policy T-8.6.1: Through the Airport Master Plan Update process, the City shall communicate the long range forecasting of airport operations for airport facilities to reasonably assure that civilian air space needs can be identified.

Objective T-8.7: All airport projects shall be consistent with the Future Land Use, Coastal Management and Conservation Elements of the City's Comprehensive Plan.

Policy T-8.7.1: Revisions to the Airport Master Plan Update shall be reviewed to ensure consistency with the City's Comprehensive Plan.

GOAL T-8: Airport improvements and operations that consider environmental impacts and compatibility with surrounding land uses.

Objective T-8.1: The City shall enforce the Airport Land Use Regulations to prevent incompatible land use that have a potential for being hazardous to aircraft operations as well as to the persons and property on the ground in the vicinity of the incompatible land use.

Policy T-8.1.1: The City shall encourage real estate agents to notify potential property owners that their property is within the Airport Impact District noise zones.

Policy T-8.1.2: The City shall continue to enforce Section 12-2-11, Airport Land Use District, and Section 12-11, Airport, of the Land Development Code to reasonably ensure that airport obstructions do not intersect the airport's runway protection zones, approach surfaces, transition surfaces, horizontal surfaces and conical surfaces.

Policy T-8.1.3: The City shall ensure that future changes to the Land Development Code shall be consistent with Chapter 333 of the Florida Statutes.

Objective T-8.2: The City shall continue to examine the concept of multiple land uses within Airport Restricted Zoned property.

Policy T-8.2.1: The City shall consider a compatible multiple use concept for the open space area at the end of Runway 8/26, considering the environmental sensitivity of the Gaberonne wetland area.

Policy T-8.2.2: The City shall consider the development of airport-related commercial activities within the ARZ zone but outside of runway protection zones, consistent with Chapter 333 of the Florida Statutes.

Objective T-8.3: The City shall continue to encourage Escambia County to enforce its airport land use compatibility regulations in the unincorporated area around the Pensacola Regional Airport.

Policy T-8.3.1: The City should continue to coordinate with the County, particularly after the approval of the *FAR Part 150 Noise Study*, to assure that the County enforcement of noise regulations around the Regional Airport is compatible with the City's noise regulations.

Transportation



Transportation



CHAPTER 3

HOUSING

GOAL H-1: An adequate supply of quality housing available to meet the needs of Pensacola households, now and in the future, in all neighborhoods.

Objective H-1.1: Monitor and evaluate the housing market within the City to assess how well supply addresses present and expected future needs in the planning period.

Policy H-1.1.1: Review population trends and new construction figures to identify future housing needs of City residents.

Policy H-1.1.2: Conduct periodic surveys to identify substandard housing structures.

Policy H-1.1.3: Coordinate with public agencies and the private sector to ensure that a sufficient quantity of dwelling units exists to meet the housing needs of the existing and anticipated population in the City, including households with special needs.

Objective H-1.2: Encourage the creation and conservation of a wide variety of housing development and redevelopment types throughout the City.

Policy H-1.2.1: Continue to provide incentives for the development of new dwelling units in situations where housing needs are not being adequately met by the private sector with special emphasis on the elderly, handicapped, very low to moderate income and workforce households. These incentives could include density bonuses, donation of City-owned property, payment of utility connections and impact fees, assistance with obtaining financing from local lending institutions, and expedited permitting.

Policy H-1.2.2 Encourage the efficient use of existing housing by promoting rehabilitation and adaptive re-use of non-residential buildings.

Policy H-1.2.3: Encourage the efficient use of infrastructure by focusing well-designed new and redeveloped housing on vacant, infill or underdeveloped land.

GOAL H-2: Sufficient quality affordable housing to support the needs of present and future residents.

Objective H-2.1: Identify very low, low, moderate income and workforce housing needs and provide safe, decent and sanitary housing for existing and future residents at a

sufficient volume and variety and at an affordable price range as defined in Chapter 420, Florida Statutes.

Policy H-2.1.1: Conduct a periodic housing needs assessment plan to determine actual housing needs for very low, low, moderate income and workforce households.

Policy H-2.1.2: Continue to provide information about and pursue state and federal sources of funding designated for very low, low, and moderate income housing.

Policy H-2.1.3: Continue to work to improve the conditions of the housing stock by applying for and utilizing funds available through federal and State grants and programs.

Policy H-2.1.4: Continue to distribute applicable Federal and State funds for housing assistance throughout the City to provide for a wide variety of neighborhood settings and housing choices for very low, low and moderate income families while avoiding undue concentration in any given neighborhood.

Policy H-2.1.5: Research the possibility of obtaining dwelling units through donation, tax deed, purchase or other relevant means of acquisition for the purpose of making them available to low and moderate income families

Objective H-2.2: Continue to participate in the Community Development Block Grant Program to rehabilitate substandard owner-occupied housing units within the City in order to maintain existing residential neighborhoods.

Policy H-2.2.1: Continue to designate areas with high incidences of substandard dwelling units and low overall incomes as identified by census tract and other identified areas for timely and efficient rehabilitation activity and program implementation.

Policy H-2.2.2: Continue to provide temporary housing to households having their homes rehabilitated under the CDBG single-family owner-occupied housing rehabilitation program.

Objective H-2.3: Coordinate with other housing providers to foster efficient collaboration and provision of affordable housing.

Policy H-2.3.1: Continue to strive for a high level of intragovernmental and intergovernmental coordination between the City of Pensacola, Escambia County, and other public and private housing providers for all housing assistance efforts for very low, low and moderate income families.

Policy H-2.3.2: Coordinate with the major housing agencies in the area in developing, promoting, and maintaining housing counseling and training services to aid low and moderate income families in finding and maintaining housing compatible with their needs and income capabilities.

Policy H-2.3.3: Continue to implement regulations that are compatible with region-wide regulations for the allocation of very low, low and moderate income housing as stated in the Northwest Strategic Regional Plan Policy, and coordinate with Escambia County to provide for consistency in housing policies, regulations, and incentives.

Policy H-2.3.4: Continue to support the efforts of the Area Housing Commission by having City Council representation on their commission, and assisting in their efforts to locate and develop sites and housing programs for very low, low, and moderate income families.

Objective H-2.4: Encourage and facilitate the creation of quality affordable housing throughout the City.

Policy H-2.4.1: Continue to coordinate, support, and encourage attempts of private enterprises, non-profit groups, and civic organizations to build attractive, quality new dwelling units for households across the full spectrum of income ranges and for those with special needs.

Policy H-2.4.2: Encourage new housing units available to low and moderate income persons by lowering the cost of developing such units through incentive programs to the developers and applying for and utilizing available and eligible federal and state housing programs designed to assist low and moderate income families.

Policy H-2.4.3: Continue to initiate new, and support existing, public or public/private partnership for the provision of new rental units and new owner-occupied housing units for very low, low and moderate income households.

Objective H-2.5: Develop innovative programs and policies to create and preserve sustainable affordable housing.

Policy H-2.5.1: Continue to establish partnerships with local lending agencies that will explore, develop and promote creative ways of financing owner occupied housing for low and moderate income families, the improvement of substandard units and the development of standard ones. All agencies involved in the provision of affordable housing within the City are invited to participate in this "partnership."

Policy H-2.5.2: Encourage the replacement of obsolete public housing units with a quality mixture of for-sale and mixed-income rental properties with supportive services on site.

Policy H-2.5.3: Encourage affordable housing through the exploration of innovative design and regulations in the Land Development Code.

Policy H-2.5.4: Continue to offer incentive for infill housing development through its liens waiver policy for affordable housing.

Policy H-2.5.5: Present a periodic progress report in creating and preserving sustainable affordable housing to the Planning Board of the City of Pensacola and the Mayor.

GOAL H-3: A range of housing options to support the spectrum of a diverse and vibrant population.

Objective H-3.1: Encourage a variety of quality housing types to meet the needs, financial abilities and preferences of present and future Pensacola residents.

Policy H-3.1.1: Encourage the provision of quality affordable housing in areas where it is determined that the demand for housing affordable to low, moderate and workforce families has not been addressed by the local market.

Policy H-3.1.2: Continue to provide for different intensities of attractive single family development to reflect differences in the existing and desired character of single family areas across the City.

Policy H-3.1.3: Continue to permit and encourage accessory dwelling units in appropriate residential zoning districts, subject to regulations designed to limit impacts and protect neighborhood character, in order to create attractive and affordable rental opportunities and provide greater flexibility for homeowners.

Policy H-3.1.4: Support mixed-income housing developments including quality, affordable, rental or for-purchase workforce housing, especially along transit lines in the inner city and urban core.

Policy H-3.1.5: Encourage mixed-income rental housing that allows both market-rate and subsidized units of equal quality and aesthetic appeal in the same development.

Policy H-3.1.6: Continue to allow residentially designed manufactured home units on individual lots in the R-1A, R-2A, R-NC, C-1, C-2, and C-3 zoning districts and as a conditional use in the R-1AA zoning district. Residentially

designed manufactured home units shall be permitted in approved mobile home parks existing as of May 1, 1991, and in approved manufactured home parks. Standard design manufactured home units shall be permitted in approved mobile home parks existing as of May 1, 1991, and in approved manufactured home parks.

Policy H-3.1.7: Continue to identify opportunities and encourage redevelopment and attractive infill development that maintains the single-family character of an area, but allows for a greater range of residential housing types, i.e. garage apartments, cottages, tandem houses.

Policy H-3.1.8: Explore the creation of an independent not-for-profit entity to perform land trust and land banking activities to preserve and promote a range of housing options.

Objective H-3.2: Promote a range of housing options to support the population throughout all life stages and capabilities.

Policy H-3.2.1: Improve the balance in the City's population by attracting a proportionate share of the region's families with children through appropriate housing options in order to encourage stabilized neighborhoods and a vital public school system.

Policy H-3.2.2: Facilitate people who are aging to remain in their own neighborhoods and homes as their needs change by supporting shared housing, accessory dwelling units, adult foster homes, and other assisted residential living arrangements.

Policy H-3.2.3: Encourage the development of housing accessible to people with physical limitations and the adaptation of existing homes to improve accessibility for people of all ages and capabilities.

Policy H-3.2.4: Support and technical assistance shall be given through intergovernmental coordination to handicapped service organizations within the City to help provide them with the infrastructure and public facilities necessary to support and encourage independent living for clients of their programs.

Policy H-3.2.5: Continue to include measures in the Land Development Code that assure that group homes and foster care facilities can be developed in residential zones in proximity to convenient support services in accordance with federal, state and local regulations.

Objective H-3.3: Recognize the importance of housing to economic development efforts, and encourage the provision of a wide variety of housing types that support the retention,

expansion and creation of desirable employment opportunities and a competitive workforce.

Policy H-3.3.1: Support housing development by considering the cumulative impact of City regulations on the protection and improvement of existing housing and on the ability of housing developers to provide quality under-represented housing types that are affordable to and appeal to the full spectrum of the workforce.

Policy H-3.3.2: City ordinances, codes, land development regulations and the permitting process shall be reviewed from time to time and amended, where necessary, for the purpose of eliminating excessive requirements in order to increase private sector participation in meeting housing needs.

Policy H-3.3.3: Allow an exemption from concurrency, pursuant to F.S. 163.3180, for certain affordable workforce housing units developed consistent with s.380.0651(3).

Policy H-3.3.4: Continue to provide expeditious and timely review of development and permit applications.

Policy H-3.3.5: Continue to work to reverse the declining residential population of the City, both in total number as well as in diversity of age, education attainment and working status.

Objective H-3.4: Promote context-appropriate residential redevelopment in the downtown, urban core and inner-city areas.

Policy H-3.4.1: Promote and encourage the use of higher density within the downtown and inner city to creating sufficient mass to establish cohesive residential neighborhoods.

Policy H-3.4.2: Support downtown mixed-use development consistent with the Goals of the Comprehensive Plan's Land Use Element and CRA Downtown Master Plan strategies.

Policy H-3.4.3: Encourage utilization of vacant upper floors in the downtown business district for residential development for loft and non-suburban style apartments.

Policy H-3.4.4: Encourage production of high quality multi-family rental and for-sale units such as apartments, condominiums or co-ops and single family attached units such as townhouses and rowhouses in the downtown area at rents and prices affordable to the majority of younger professionals, empty nesters and urban

families with above moderate, but below upper level incomes through development incentives.

Policy H-3.4.5: Physically revitalize and modernize inner-city neighborhoods by providing appropriate incentives for mixed-income home ownership opportunities combined with multi-family rental units and retail space that reflect traditional neighborhood design.

GOAL H-4: Vibrant, stable neighborhoods that represent the unique diversity of Pensacola's past, present, and future.

Objective H-4.1: Maintain the stability of existing neighborhoods while expanding opportunities for housing choices.

Policy H-4.1.1: Encourage conservation, where appropriate, of the existing supply of standard housing by continued code enforcement and demolition of deteriorated structures which are beyond repair.

Policy H-4.1.2: Continue to encourage private investment in the conservation of residential structures within the City limits.

Policy H-4.1.3: Continue to encourage revitalization of neighborhoods not designated as a formal "historic district" and provide adequate control over the new development and redevelopment by establishing development guidelines that will maintain the aesthetic quality of the area. These guidelines will be included in a Land Development Code amendment.

Objective H-4.2: Increase opportunities for new housing development while balancing the equally important objective of ensuring that new development is compatible with neighborhood character.

Policy H-4.2.1: In order to maintain a consistent and appealing character in residential areas, seek to ensure through development standards that new and converted structures are aesthetically compatible with existing development and reflective of the character of that development in terms of scale, open space, setbacks, siting and unit orientation.

Policy H-4.2.2: Promote denser, but still human-scaled neighborhoods by permitting multifamily building types with height limits and development standards that promote a strong relationship between individual dwellings and the ground level.

Objective H-4.3: Preserve and enhance the unique identities and character of housing in traditional or older neighborhoods.

Policy H-4.3.1: Encourage the rehabilitation and maintenance of existing sound housing to conserve physical assets that contribute to a neighborhood's desired character.

Policy H-4.3.2: Encourage housing design that supports the conservation, enhancement and continued vitality of areas of the City with special scenic, historic, architectural or cultural value.

Policy H-4.3.3: In addition to exploring the development of "special district" ordinances, the City shall continue to provide ordinances to preserve neighborhood character and viable housing stock with the support of public agencies and neighborhood-based organizations.

Objective H-4.4: Redevelopment of the housing stock in distressed and deteriorated neighborhoods.

Policy H-4.4.1: Maintain housing quality by encouraging the revitalization of housing that exceeds minimum construction standards.

Policy H-4.4.2: Promote housing opportunities that build a sense of community and neighborhood pride through quality design and aesthetic appeal.

Policy H-4.4.3: Continue to enhance the quality of the design of new infill residential development.

Objective H-4.5: Quality schools that support vibrant, attractive neighborhoods.

Policy H-4.5.1: Recognize the interconnected importance of quality neighborhood school retention with community economic development, neighborhood stability, diversity and sustainability efforts.

Policy H-4.5.1: In partnership with other agencies, encourage the maintenance and improvement of urban schools to preserve and enhance neighborhood quality and vitality.

Policy H-4.5.2: Support the viability of urban schools by encouraging residents and families to locate or remain in underutilized urban school districts.

Policy H-4.5.3: Utilize, where appropriate, homeownership and rehabilitation incentives to attract families to underutilized school districts, including incentives to the private sector to maintain a housing production capacity sufficient to meet the needs of workforce families.

GOAL H-5: Sustainable, environmentally-friendly neighborhoods that enhance the City's livability.

Objective H-5.1: Encourage the greatest concentration of housing in areas with convenient access to transit, a mix of activities, a range of residential services and amenities and opportunities to live within walking distance of employment.

Policy H-5.1.1: Encourage “walkable,” mixed-use, mixed-income communities that offer a variety of services, multiple housing options and diverse residents to create a stimulating urban lifestyle.

Policy H-5.1.2: Encourage economic development, retail opportunities and incentives for the downtown CRA and inner-city redevelopment districts to support a vibrant urban living experience.

Policy H-5.1.3: Continue to support low-impact home-based businesses and “cottage industries” in mixed-use districts and residential areas while ensuring that those proposed for residential areas do not negatively impact residential neighborhoods.

Policy H-5.1.4: Promote a residential development pattern with increased availability of housing at densities that promote walking and transit use near employment concentrations, residential services and amenities.

Objective H-5.2: Ensure that new residential development is consistent with the environmental capacity of the site and the character of the surrounding area.

Policy H-5.2.1: Continue to utilize flexible development options, including cluster development, to preserve the environmental integrity and viability of the site and surrounding area.

Policy H-5.2.2: Foster flexibility in the division of land and the siting of dwellings and other improvements to reduce the development's impact on environmentally sensitive areas and resources.

Policy H-5.2.3: Continue to provide supporting infrastructure improvements and maintenance of leisure services facilities, such as parks and open space, available to existing neighborhoods and new housing developments.

Policy H-5.2.4: Continue to offer reduced parking requirements for housing where impacts on surrounding neighborhoods are minimal as identified in the land development code.

Policy H-5.2.5: Minimize the exposure of housing to excessive off-site environmental impacts including pollution, noise, vibration and odors associated

with industrial or commercial uses through landscaping and streetscape screenings.

Objective H-5.3: Energy-efficient homes that minimize their impact on the environment while energy decreasing costs to residents.

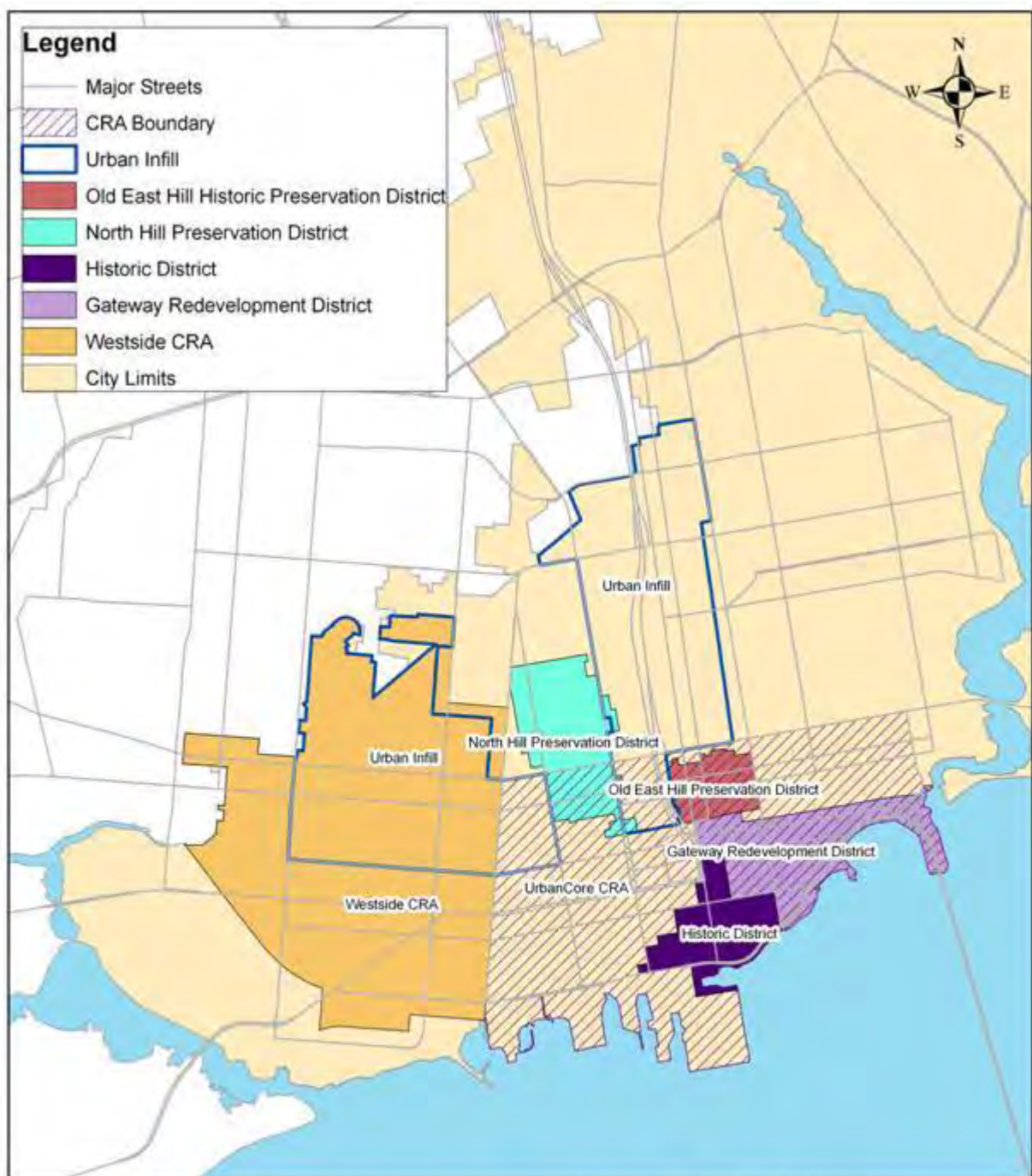
Policy H-5.3.1: Consider, where appropriate, revisions to the land development code that will support the development of energy efficient infill housing.

Policy H-5.3.2: Encourage the use of eco-friendly, “green,” sustainable building standards in residential projects.

Policy H-5.3.3: Encourage the use of the most feasible, safe and energy-efficient systems and methods for constructing rental and home ownership housing to increase its useful life.

Policy H-5.3.4: For qualifying households and homes, the City shall utilize existing weatherization programs and encourage the use of energy efficiency programs available through local agencies like Gulf Power and Energy Services of Pensacola.

City of Pensacola Special Districts



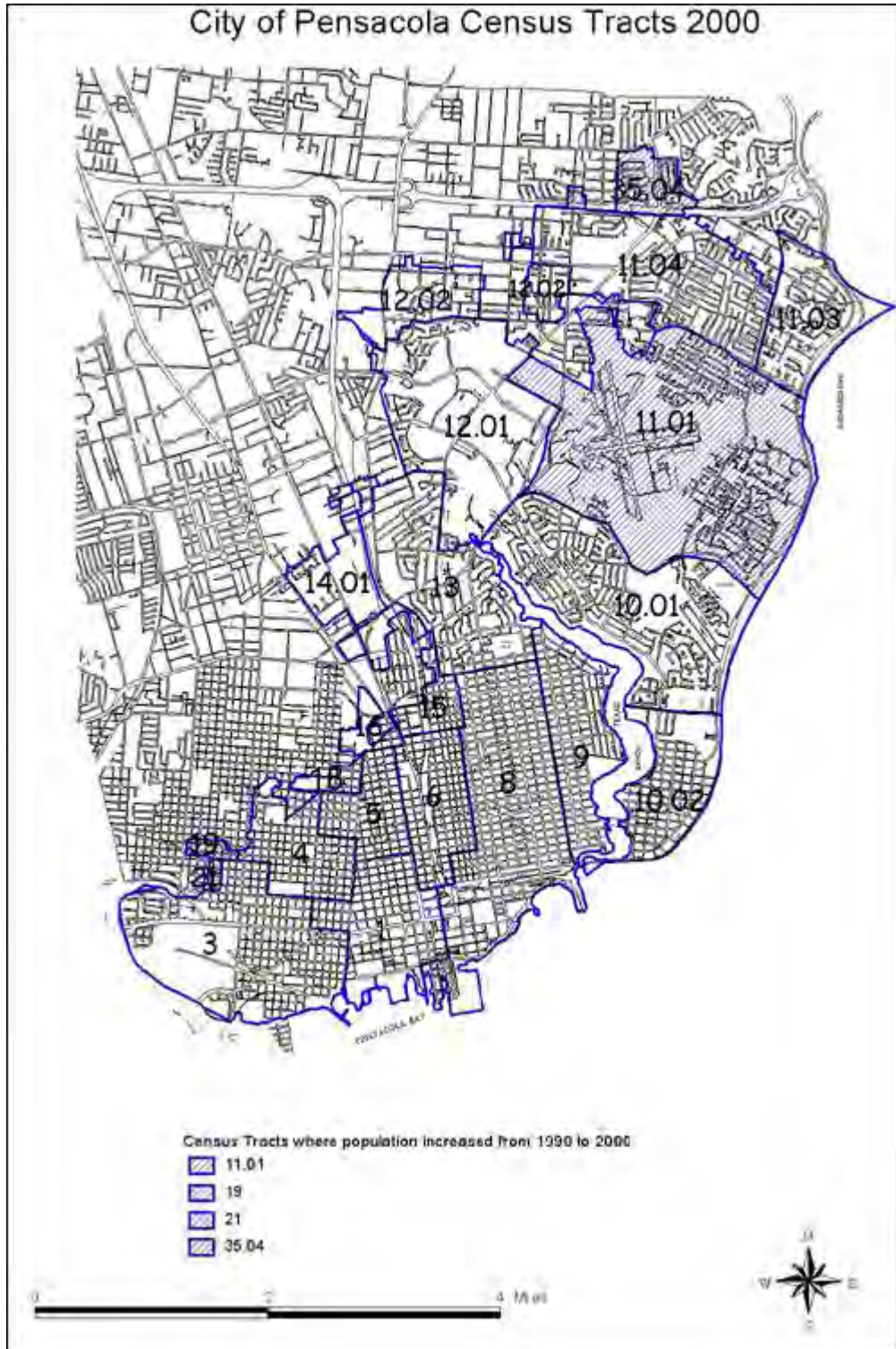
Special Districts City of Pensacola



Date: 2010

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City of Pensacola Census Tracts



CHAPTER 4

PUBLIC FACILITIES

GOAL PF-1: The City shall make provision of the necessary solid waste, sanitary sewer, drainage and potable water facilities for the purpose of meeting existing and projected public facility demands within the City of Pensacola.

Objective PF-1.1: The City and/or the appropriate agency shall correct public facilities deficiencies as described in the Public Facilities and the Capital Improvements Chapters of the Comprehensive Plan.

Policy PF-1.1.1: The following level of service standards shall be utilized so that development permits are issued concurrent with adequate public facilities capacity:

Solid Waste - 4.52 pounds per capita per day

Drainage - LOS A - tolerates street flooding to a depth of 3 inches or less in the gutters when the rest of the pavement is passable, and allows open or green space flooding of up to 12" as long as there is no threat to public health or safety, or permanent impediment to the intended use of the property; LOS B - tolerates flooding of entire street surface up to 4"; LOS C - tolerates structure flooding; based on the following design criteria:

- * In existing developments adequate drainage capacity to accommodate run-off associated with a 3-year, 12-hour design storm for collection systems;
- * In new developments adequate drainage capacity to accommodate a 25-year, 12-hour design storm for collection systems and for retention and detention ponds. As a minimum the first 1/2" of runoff must be retained on the site of the development. At the discretion of the City Engineer, retention standards may be increased beyond the 1/2" minimum standards on a site specific basis.

Objective PF-1.2: The City shall participate with the Emerald Coast Utilities Authority in the preparation of the ECUA's 5-Year Capital Improvements Plan to ensure the future provision of sanitary sewer and potable water facilities.

Sanitary Sewer - No existing deficiencies identified

Potable Water - No existing deficiencies identified

Policy PF-1.2.1: The following level of service standards shall be utilized so that development permits are issued concurrent with adequate public facilities capacity:

Sanitary Sewer - 100 gallons per capita per day (gpcd) for average flow capacity and 200 gpcd for peak flow capacity.

Potable Water - 118 gallons per capita per day for Zone 1 and 146 gallons per capita per day for Zone 2.

Objective PF-1.3: The City shall:

1. Coordinate the extension of, or increase in the capacity of, sanitary sewer or potable water facilities with ECUA based on population projections and the development of land as described in the Future Land Use Chapter and delineated on the Future Land Use Map Series.
2. Update the City's Stormwater Master Plan in order to assess need to extend or increase capacity of the municipal drainage system.

Policy PF-1.3.1: The City shall monitor and verify the availability and capacity of public facilities prior to issuing development permits so that a determination can be made as to whether adequate capacity will be available concurrent with the impacts of the development.

Policy PF-1.3.2: No City development permits will be issued for new development, which will result in increased demand on City or ECUA controlled public facilities beyond their design capacities based on adopted level of service standards, unless the necessary facilities are available concurrent with the impacts of the development.

Policy PF-1.3.3: The City shall prepare an annual summary of capacity and demands for drainage and solid waste facilities and the ECUA will prepare annual summaries of capacity and demand for sanitary sewer and potable water facilities within the City limits pursuant to the Uniform Special District Accountability Act of 1989.

Objective PF-1.4: The City shall maximize the use of existing drainage facilities through efficient and timely maintenance and shall propose an interlocal agreement with Escambia County and the ECUA, which will describe provisions under which sanitary sewer and potable water facilities will be expanded so as to discourage urban sprawl.

Policy PF-1.4.1: The following priorities shall be established in providing for public facility needs:

1. Correction of existing deficiencies;
2. Replacement of existing facilities as they deteriorate, unless these facilities are located in an area that is deemed hazardous to human safety or environ-mentally unsound; and,
3. Provision of future facility needs when developments comply with all other requirements of the Comprehensive Plan.

Policy PF-1.4.2: Through provisions of the proposed interlocal agreement, ECUA shall be required to upgrade, maintain and expand sanitary sewer and potable water facilities in existing developed areas in the City and the County at a higher priority than that of construction and/or expansion into undeveloped areas, especially when such expansion fosters urban sprawl.

Objective PF-1.5: The City of Pensacola has implemented, and will continue to operate, a solid waste management programs for the separation of domestic waste into recyclable and non-recyclable categories in order to reduce overall quantities of landfilled waste by 30% in accordance with Chapter 187.201(13), F.S., to the maximum extent economically feasible.

Policy PF-1.5.1: Projected solid waste landfill demands through the year 2019 will be met through the interlocal agreement with Escambia County regarding the utilization of the County's resource recovery facility.

Policy PF-1.5.2: The City of Pensacola will continue to conduct solid waste separation programs using the most feasible separation techniques.

Policy PF-1.5.3: The City will continue a public information/education campaign concerning the City's solid waste management program.

Policy PF-1.5.4: The City shall encourage the use of xeriscaping© (i.e., the use of native vegetation in its natural state by residents so that less yard waste will be generated by mowing and pruning activities) through education of City residents.

Policy PF-1.5.5: The City of Pensacola will conduct periodic studies on future solid waste management techniques.

GOAL PF-2: Provision of sanitary sewer, solid waste, drainage and potable water facilities shall be done in a manner which reasonably ensures the maintenance and integrity of environmental quality, as well as protection and maintenance of groundwater aquifer recharge areas, surface groundwater and receiving waters.

Objective PF-2.1: The City shall coordinate with the ECUA and Escambia County in efforts to reduce effluent discharge to surface water.

Policy PF-2.1.1: When considering a site for a sewage treatment plant, the City shall encourage ECUA to consider locations close to facilities, crop lands, etc., which can use the effluent generated by the plant.

Policy PF-2.1.2: The City will coordinate with the ECUA and the Escambia County Health Department to identify the location of individual septic tanks in the City for the purpose of discontinuing septic tank use and requiring utilization of the sewer collection system.

Policy PF-2.1.3: The City will review cumulative impact of new development on natural resources.

Policy PF-2.1.4: The City shall continue to monitor the implementation actions of the Escambia/Santa Rosa Coast Resources Planning and Management Committees and recommend area-wide compliance with the policies pertaining to wastewater facilities planning.

Policy PF-2.1.5: Where economic feasible, the City will support ECUA's efforts to require impact fees on developments which create a demand for additional public facilities, sufficient to finance the development's share of the cost.

Objective PF-2.2: The City shall continue to require all new development, and redevelopment where economically feasible, to protect natural drainage features and sensitive environmental resources by implementing stormwater management and erosion control practices, which comply with regulations adopted in the revised Land Development Code.

Policy PF-2.2.1: The City shall monitor stormwater management facilities on City-owned lands that are adjacent to or contain natural water systems to minimize impact.

Policy PF-2.2.2: The City shall continue to develop cooperative approaches to restoring and managing regionally significant natural systems through implementation of the recommendations from the *Escambia County/City of Pensacola Stormwater Plan* and the *Pensacola Bay System S.W.I.M. Plan*.

Objective PF-2.3: The City's Land Development Code shall be revised where necessary to assure that development, which adversely affects functioning natural systems, is minimized or prevented.

Policy PF-2.3.1: The City shall protect the hydrologic and ecologic function of estuarine systems by designating areas as Conservation Land Use Districts and through the implementation and enforcement of "Resource Protection Overlay Districts".

Overlay Zoning Districts are as follows:

- X Wellhead Protection District - The purpose of this district is to avoid risks of damage to sources of drinking water by prohibiting within close proximity of public water wells certain land uses, facilities and activities which involve a reasonable likelihood of discharges of pollutants into or upon surface of ground waters.
- X Bayou Texar Shoreline protection District - The purpose of this district is to establish standards which recognize and protect the environmental resources of the Bayou Texar shoreline. This district ensures the preservation of the natural buffering effect of open spaces along the shoreline for storm surge abatement and the filtering of stormwater runoff.
- X Escambia Bay Shoreline Protection District - The purpose of this district is to establish standards, which recognize and protect the unique scenic vistas and environmental resources of the Escambia Bay shoreline.

Policy PF-2.3.2: The City shall continue to enforce all ordinances, which relate to drainage, stormwater management, litter, and sedimentation and erosion control.

Policy PF-2.3.3: The City shall continue to provide technical assistance for the development of non-structural approaches to stormwater drainage control.

Policy PF-2.3.4: The City shall continue to encourage use of permeable surfaces for parking lots, patios, sidewalks, driveways, etc.

Objective PF-2.4: The City shall develop a public information campaign about watershed management (either on its own or in conjunction with other applicable agencies or governmental entities).

Policy PF-2.4.1: The City shall coordinate with Escambia County, the Escambia County School Board, ECUA and the NFWFMD in funding and/or developing educational materials which will be utilized for public information purposes on watershed management.

Policy PF-2.4.2: The City shall coordinate with the Escambia County Agriculture Extension Service and/or other appropriate agencies in developing landscape design and/or urban forestry programs, which promote the preservation of native vegetation for the purpose of sedimentation and erosion control.

Objective PF-2.5: The City of Pensacola shall coordinate with the County, the ECUA and the NFWFMD to promote water conservation through identifying methods of reducing sanitary sewer flows and pumping of potable water.

Policy PF-2.5.1: The City shall coordinate with the Emerald Coast Utilities Authority (ECUA) to develop a public information campaign concerning water conservation.

Policy PF-2.5.2: The City shall coordinate with Escambia County, the Escambia County School Board, ECUA and the NFWFMD in the continued funding and/or development of educational materials which will be utilized for public information purposes on water conservation.

Policy PF-2.5.3: The City shall coordinate with Escambia County, the Escambia County School Board, ECUA, and the NFWFMD in researching all funding mechanisms which are available for establishing a water conservation campaign.

Policy PF-2.5.4: The City shall continue to enforce codes and ordinances requiring water-saving devices in new and rehabilitated construction and encouraging or requiring use of permeable surfaces for parking lots. The City shall consider incentives for developments, which utilize water conservation technology, not to exclude energy conservation technology such as water-sourced heat pumps.

Policy PF-2.5.5: The City shall coordinate with ECUA in studying the development of irrigation systems, which utilize water sources other than the groundwater aquifer for City-owned building sites, recreational sites or public rights-of-way.

Policy PF-2.5.6: The City shall coordinate with the Escambia County Agriculture Extension Service and/or other appropriate agencies in developing landscape design and/or urban forestry programs, which promote the use of indigenous vegetation for the purpose of conserving water used for irrigation. This coordination may be either in the form of shared funding or manpower.

Objective PF-2.6: The City shall continue to enforce its Land Development Code regulations protecting the function of the Sand and Gravel Aquifer.

Policy PF-2.6.1: The City shall utilize maps contained in the *Wellhead Protection Area Delineation In Southern Escambia County, Florida, Water Resources Special Report 97-4, December 1997*, prepared by the Northwest Florida Water Management District, as may be amended, and included by reference, to identify wellhead protection areas around existing water wells and shall continue to cooperate with the Emerald Coast Utilities Authority in reviewing land use regulations within these areas.

Policy PF-2.6.2: The City shall protect all water recharge areas within the City through enforcement of all existing ordinances adopted in the Land Development Code, including but not limited to the following:

1. Open space requirements;
2. Amount of impervious surfaces permitted in critical water recharge areas;
3. Stormwater management;
4. Erosion control; and
5. Landscaping and vegetation protection.

Objective PF-2.7: The City shall continue to cooperate in developing a hazardous waste management program in coordination with State and County governments and agencies for the proper collection, storage, disposal and transport of hazardous wastes generated within the City.

Policy PF-2.7.1: The City shall continue to respond to all hazardous materials incidents in the City in compliance with Title III of the Superfund Amendment and Re-authorization Act of 1986 and the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988.

Policy PF-2.7.2: The City shall promote the use of scheduled amnesty days for the appropriate collection of hazardous wastes.

Policy PF-2.7.3: All industries with hazardous wastes shall be required to develop a spill clean-up plan, provide storage facilities for hazardous wastes generated on site, and provide for safe transport of any hazardous waste.

Policy PF-2.7.4: The City shall coordinate with County, State and Federal agencies in the development and compliance of hazardous waste management programs.

Policy PF-2.7.5: The City shall regulate the use and disposal of hazardous materials and wastes within critical aquifer protection areas and within wellhead protection zones.

GOAL PF-3: The City shall encourage the use of energy efficient and environmentally-beneficial activities and products for public facility use.

Objective PF-3.1: The City shall encourage construction of new facilities and purchase of equipment to be used with environmentally beneficial equipment.

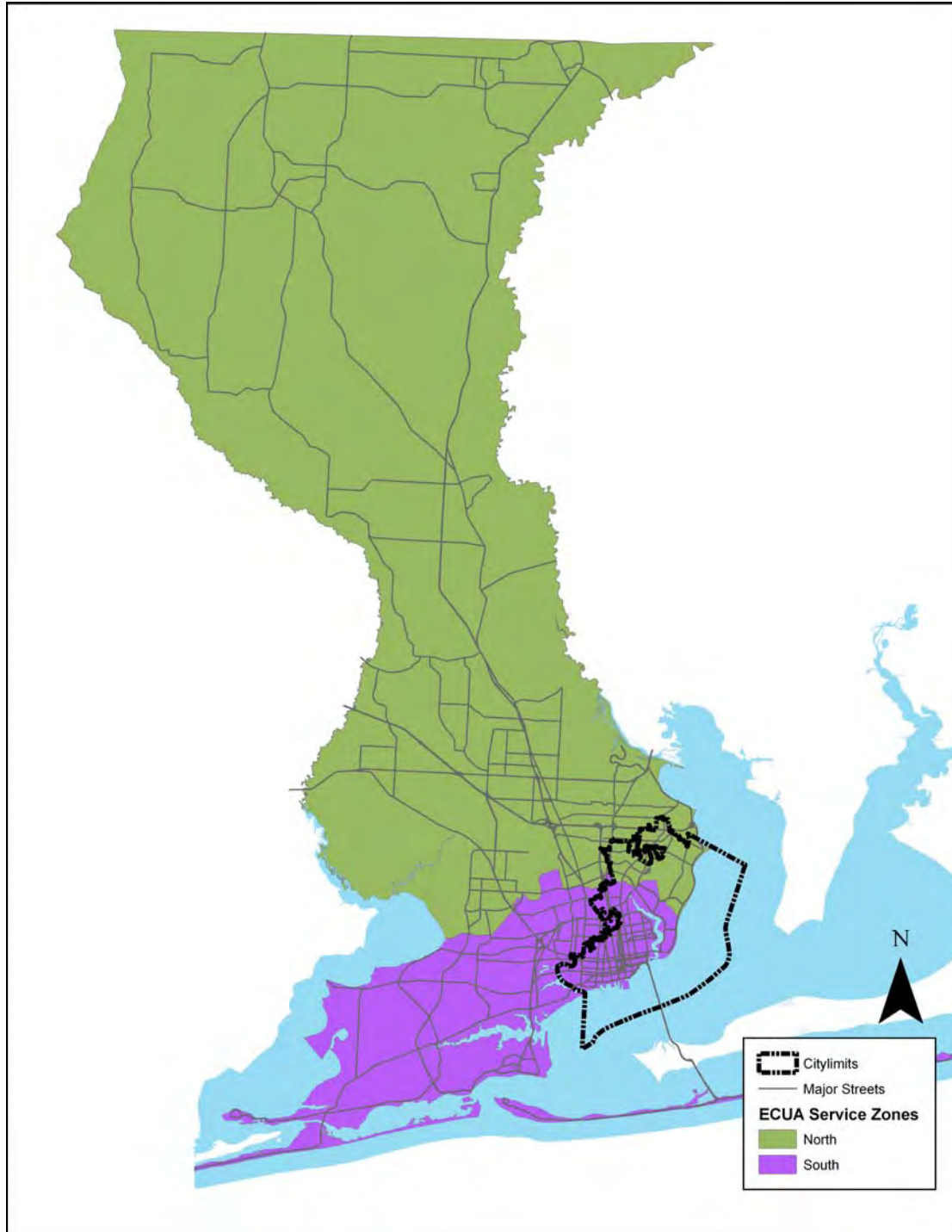
Policy PF-3.1.1: The City shall encourage all new public facilities to be constructed utilizing energy and resource efficient techniques and systems including benchmarks from the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Green Building Rating Systems. The City shall also encourage LEED certification where appropriate and feasible.

Policy PF-3.1.2: The City shall exclusively purchase environmentally-beneficial equipment such as Energy-Star qualified products when cost feasible.

Public Facilities



Emerald Coast Utility Authority Service Zones



CHAPTER 5

COASTAL MANAGEMENT

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

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

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

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

Policy CM-1.1.2: All City owned or City financed waterfront development, except for industrial uses, shall provide for public waterfront access.

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

- * The use is compatible with surrounding land uses.
- * Upland support services are available.
- * A hurricane contingency plan is in place.
- * The water quality concerns have been addressed.
- * A plan is in place for mitigation actions in the event that the environment is adversely affected.
- * The economic need and feasibility for the facility have been established.

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

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

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

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

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

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

Policy CM-1.2.3: The City shall take whatever actions that are necessary so that all public facilities located near the City's shoreline or in the CHHA are resistant to storm events and meet all the building standards for the hurricane-force winds and floods.

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

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

- * Low density - along Escambia Bay north of Hyde Park Road and south of Gadsden Street, and along both shores of Bayou Texar.
- * Medium density - along Pensacola Bay (except for the Historic District), and along Bayou Chico.
- * High density - Historic District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy CM-1.7.2: The City will continue to participate in the National Flood Insurance Program.

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

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

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

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

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

GOAL CM-2: The City shall ensure the highest environmental quality feasible, the City will seek to conserve, protect, and properly manage its natural resources.

Objective CM-2.1: The City shall protect, conserve or enhance coastal wetlands, living marine resources and wildlife habitat.

Policy CM-2.1.1: The City shall limit the specific and cumulative impacts of development and redevelopment which will have adverse effects on wetlands, water quality, wildlife habitat, living marine resources and beach systems by prohibiting these developments unless mitigation actions are specified or by withholding public funds from these projects.

Policy CM-2.1.2: By the year 2021, the City shall restore or enhance disturbed or degraded natural areas for City-owned property including beaches, estuaries, wetlands, shoreline ecosystems, and drainage systems and shall establish programs to mitigate future disruptions or degradations.

Policy CM-2.1.3: The City shall establish standards for new development adjacent to wetlands to reasonably assure that the quality and quantity of their stormwater discharge does not adversely impact the physical and/or ecological features of those habitats.

Policy CM-2.1.4: With respect to acquisition, the City, where feasible, shall protect, conserve, or enhance coastal wetlands, living marine resources and wildlife habitat unduly threatened by development through establishment of public or private conservation easements or other available means as deemed appropriate.

Objective CM-2.2: The City shall maintain and improve estuarine environmental quality.

Policy CM-2.2.1: The City shall coordinate with Escambia County and the City of Century through the existing interlocal agreement to conduct stormwater management plans which will provide recommendations for preventing estuarine pollution, controlling surface water runoff and protecting living marine resources.

Policy CM-2.2.2: The City shall review and contribute to any updates of the Comprehensive Plans in surrounding jurisdictions and other policy plans that would affect implementation of local estuarine protection goals.

Policy CM-2.2.3: With respect to acquisition, the City, where feasible, shall protect, conserve, or enhance estuarine environmental quality unduly threatened by development through establishment of public or private conservation easements or other available means as deemed appropriate.

Policy CM-2.2.4: The City shall work with local organizations, regional, state agencies to establish procedures to protect and increase the water quality near existing shorelines.

Objective CM-2.3: The City shall reasonably assure that impacts of man-made structures on beach systems are minimal.

Policy CM-2.3.1: Construction in the CHHA shall conform to regulations set forth in the Land Development Code for floodplain management.

Objective CM-2.4: The City shall coordinate with the West Florida Historic Preservation, Inc. and other appropriate agencies in the protection, preservation or sensitive reuse of historic resources.

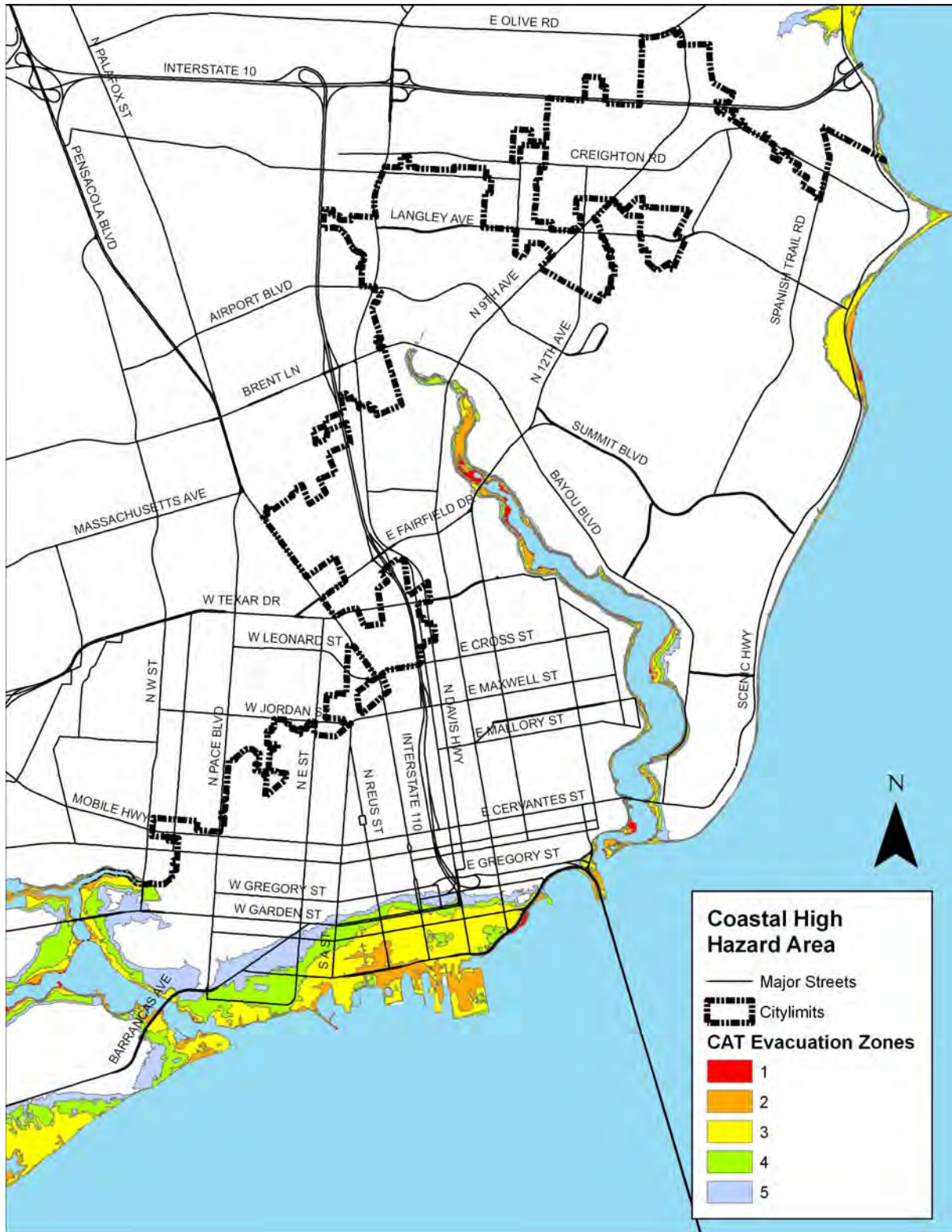
Policy CM-2.4.1: The City shall continue to support the Historic Pensacola Preservation Board in its efforts to identify historic sites and register them with the proper agencies.

Policy CM-2.4.2: Through historic zoning district guidelines and building codes, the City shall continue to establish controls for safe construction practices and for retaining the character of development within the districts.

Objective CM-2.5: The City shall continue to discourage off shore oil and gas drilling in the coastal areas of North Florida, and the City shall continue to demand accountability for clean-up of any leaks or spills of oil or oil products as well as other contaminants and pollutants.

Policy CM-2.5.1: The City shall continue to cooperate with other local and state agencies in opposition to the leasing of coastal area waters for offshore oil and gas drilling through appropriate actions. Further, the City shall cooperate with local, state and federal agencies in the clean-up efforts following the Deepwater Horizon oil spill and any other oil leak or spill as well as other contaminants and pollutants that affect waterways within the city limits.

City of Pensacola Coastal High Hazard Areas



CHAPTER 6

CONSERVATION AND SUSTAINABILITY

GOAL C-1: The City of Pensacola will seek to properly manage and protect the environment and its natural resources to the highest level possible.

Objective C-1.1: The City will work with the appropriate agencies to preserve and protect air quality within the City and the Pensacola Urbanized Area to meet ambient air quality standards as currently required by the Florida Department of Environmental Protection (FDEP).

Policy C-1.1.1: The City shall support and cooperate with Escambia County, FDEP, and FDOT in monitoring air pollution sources in the area.

Policy C-1.1.2: The City shall ensure that new industrial development is located in compatible land use areas where impact on air quality can be monitored and minimized.

Policy C-1.1.3: The City shall reduce automobile emission pollution by:

- a. Improving traffic flow patterns.
- b. Encouraging carpooling, the "ride-share" program, and other mass transit options.
- c. Encouraging buffer vegetation along arterial roadways and residential areas.
- d. Developing bicycle paths and pedestrian walkways within the City to encourage use of "clean" transportation.
- e. Encourage efforts to require compliance with emission standards.

Policy C-1.1.4: The City shall continue to enforce City regulations which prohibit or restrict the practice of open fire burning within the City.

Objective C-1.2: The City shall, through its land development regulations, protect, to the maximum extent feasible, all ecologically significant plant and animal communities identified by the U. S. Fish and Wildlife Service, the Florida Game and Fresh Water Fish Commission and other governmental and non-governmental agencies.

Policy C-1.2.1: The City shall take into consideration endangered or threatened plant and animal species, habitat conditions, occurrences and disturbances, in reviewing development proposals.

Policy C-1.2.2: The City shall require that development proposals upon request include a survey for endangered and threatened plant or animal communities utilizing information provided by the Florida Natural Areas Inventory indicating

that no such plant or animal communities occur or are likely to occur with the goal that no documented endangered or threatened natural vegetative or animal communities are destroyed.

Policy C-1.2.3: In areas where protected resources or unique vegetative communities are anticipated or documented, utilizing data information provided by the Florida Natural Areas Inventory development plans shall include an inventory of these resources and vegetative communities.

Policy C-1.2.4: The Land Development Code shall ensure reasonable protection of indigenous tree species, and where degradation has occurred, restoration shall take place by planting native species.

Policy C-1.2.5: The City shall adopt regulations which require the responsible party to mitigate impacts where degradation of environmentally sensitive areas, as defined in 9J-5.003(41), F.A.C., occurs as a result of development activities (cost to be incurred by the proposed development affecting the environmentally sensitive areas).

Policy C-1.2.6: The City will study the design of low-impact parks at Carpenter Creek and Gaberonne Swamp using native plants and other natural features that will not alter the wildlife values of the park.

Policy C-1.2.7: The City will coordinate efforts to conserve, appropriately use or protect unique vegetative communities located within more than one local jurisdiction with adjacent local governments and public or private agencies, including but not limited to the Florida Department of Environmental Protection, The Florida Fish and Wildlife Conservation Commission, and local chapters of groups such as the Sierra Club and Audubon Society.

Policy C-1.2.8: With respect to acquisition, the City, where feasible, shall protect ecologically significant plant and animal communities unduly threatened by development through establishment of public or private conservation easements or other available means as deemed appropriate.

Objective C-1.3: The City will coordinate with the County and other regional agencies to encourage a greater abundance and diversity of aquatic vegetation and fish species in Bayou Texar, Bayou Chico and Pensacola Bay.

Policy C-1.3.1: Through coordinated efforts with ECUA, the City will encourage alternative methods of gray-water discharge, such as a recycling program, reducing the volume of wastewater discharged into area waters.

Policy C-1.3.2: The Land Development Code will include provisions that require stream bank and shoreline buffer zones adjacent to surface water bodies to enhance filtration of stormwater run-off.

Policy C-1.3.3: The City will permit shoreline development only when such development would not destroy or degrade the estuarine or deepwater environment, provided it meets the following criteria:

1. A plan is in place for mitigation actions in the event that the environment is adversely affected.
2. The economic need and feasibility for the development has been established.

Policy C-1.3.4: The City, in coordination with Escambia County and the ECUA, will implement a public information program to educate residents on the type and use of pesticides that are environmentally safe.

Policy C-1.3.5: The City shall take necessary measures to reduce the quantity and improve the quality of stormwater discharged to area bodies of surface water as follows:

1. Implementation of the Pensacola Bay System S.W.I.M Plan recommendations.
2. Implementation of the Escambia County/City of Pensacola Stormwater Management Plan recommendations.
3. Improvements to the municipal drainage system shall be designed with appropriate water quality control techniques.
4. Continuing maintenance of stormwater systems will be performed in a timely and adequate manner which minimizes adverse environmental impacts.

Policy C- C-1.3.6: The City will encourage further development of artificial reefs to enhance fish populations.

Objective C-1.4: The City shall participate in the development of a hazardous waste management program, in coordination with the State and County, for the proper collection, storage, disposal, and transport of hazardous wastes generated within the City.

Policy C-1.4.1: The City shall continue to respond to all hazardous material incidents in the City in compliance with Title III of the Superfund Amendment and Re-authorization Act of 1986 and the Florida Hazardous Materials Emergency Response and Community Right-to Know Act of 1988.

Policy C-1.4.2: The City, in coordination with Escambia County and the ECUA, shall provide educational material and schedule amnesty days to provide for the

collection of hazardous wastes from City residents and small commercial and industrial hazardous waste generators.

Policy C-1.4.3: The City shall coordinate with County, State, and Federal agencies in the development and compliance of hazardous waste management programs.

Objective C-1.5: The City shall regulate future development on or near floodplain areas to reduce the exposure of human life and property to damage from natural hazards.

Policy C-1.5.1: The City shall establish limits on public expenditures and capital improvement for developments located in Coastal High Hazard Areas (CHHA).

Policy C-1.5.2: The City will actively enforce minimum building standards identified in the adopted Flood Plain Management Ordinance for construction within the 100-year flood plain.

Policy C-1.5.3: The City shall cooperate with the Federal Emergency Management Agency (FEMA) to regularly update the 100-year flood plain and to continue FEMA regulations.

Objective C-1.6: The City shall establish responsibility for the alleviation of the harmful and damaging effects of on-site generated erosion, sedimentation, runoff, and the accumulation of debris on adjacent downhill and/or downstream properties.

Policy C-1.6.1: The City shall require that no person may subdivide or make any change in the use of land or construct or change the size of a structure, except for individual single-family and duplex home construction, without first submitting a stormwater management plan to the City Engineer and obtaining a stormwater management permit from the building official.

Policy C-1.6.2: The City shall require that all land development plans include measures to minimize soil erosion in sensitive soil erosion areas. These plans should utilize native species for landscaping to the maximum extent possible.

Policy C-1.6.3: The City shall review and update its Erosion, Sedimentation, and Runoff Control ordinance as necessary.

Objective C-1.7: The quality of Pensacola's surface and ground waters should meet or exceed the minimum requirements set by the Florida Department of Environmental Protection.

Policy C-1.7.1: The City shall protect all water recharge areas within the City through enforcement of the Land Development Code, and periodic review and

amendment of these regulations, as necessary, to strengthen the overall protection of water recharge areas including but not limited to the following:

1. Open space requirements;
2. Amount of impervious surfaces permitted in critical water recharge areas;
3. Stormwater management;
4. Erosion control;
5. Landscaping and vegetation protection.

Policy C-1.7.2: The City shall utilize maps contained in the *Wellhead Protection Area Delineation in Southern Escambia County, Florida, Water Resources Special Report 97-4, December 1997*, prepared by the Northwest Florida Water Management District, as may be amended, and included by reference, to identify wellhead protection areas around existing water wells and shall continue to cooperate with the Escambia County Utilities Authority in reviewing land use regulations within these areas.

Policy C-1.7.3: The City shall continue to coordinate its efforts with those of federal and State agencies to complete the clean-up of hazardous waste sites and abandoned dump areas to protect the groundwater from leaching.

Policy C-1.7.4: The City shall regulate, minimize or prohibit development which can be expected to cause or increase salt-water intrusion, interfere with water use rights, or pollute or damage ecosystems within the City.

Policy C-1.7.5: The City shall coordinate with the NFWMD to prohibit the extraction of water where use exceeds the available recharge, or in areas of concern near utility wells "cones of influence".

Policy C-1.7.6: The City will continue to coordinate with the ECUA and the Escambia County Health Department to identify the location of individual septic tanks in the City for the purpose of discontinuing septic tank use and requiring future utilization of the sewer collection system.

Objective C-1.8: The City shall encourage the conservation of fresh groundwater and the reuse of existing water supplies.

Policy C-1.8.1: The City shall encourage the development of building codes that provide for the installation of water saving devices in new construction and renovation projects.

Policy C-1.8.2: The City will coordinate with ECUA to investigate the feasibility of establishing a graywater system throughout the City for irrigation and other suitable purposes.

Policy C-1.8.3: To reduce the quantity of potable water used for irrigation, the Land Development Code will include provisions encouraging the use of native vegetation for all development or redevelopment activities, whenever feasible.

Policy C-1.8.4: New development shall not be permitted unless a continual source of potable and/or non-potable water is available to meet the projected needs of the population.

Policy C-1.8.5: The City of Pensacola shall support the water management plans and water shortage plans of the Northwest Florida Water Management District through cooperation with ECUA and through enforcement of water conservation provisions.

Objective C-1.9: The City shall identify and cooperate in the protection of all endangered or threatened species by including appropriate regulations within the Land Development Code.

Policy C-1.9.1: The City shall use a current and complete inventory, prepared by other reliable sources, which includes endangered or threatened plant and animal species, habitat conditions, occurrences and disturbances, in reviewing development proposals.

Policy C-1.9.2: The City shall include regulations within the Land Development Code that prohibits any development that would destroy the habitat of endangered or threatened species, when the habitats has been identified and documented.

Objective C-1.10: The City's wetlands shall be conserved and protected, to the greatest extent feasible, from any adverse physical or hydrological alteration without proper mitigation.

Policy C-1.10.1: The City shall require review and approval of dredge and fill permits by the Florida Department of Environmental Regulation for wetlands within its jurisdiction.

Policy C-1.10.2: Where alteration of wetlands is necessary in order to allow for reasonable use of property, then the restoration of disturbed wetlands shall be provided for or additional wetland areas will be created to replace the area that was destroyed.

Policy C-1.10.3: The City shall designate the Gaberonne Swamp area owned by the City as an environmentally sensitive area to be used only for purposes of low-intensity recreation activities, with construction activities limited to those which will not disturb the natural environment pursuant to FAA approval.

Objective C-1.11: The City shall, as feasible, establish and implement a systematic plan for reforesting its urban fabric that optimizes the resources available in the City Tree Planting Trust Fund.

Policy C-1.11.1: The plan should contain an audit and condition analysis of protected trees existing on public properties, and prioritized replanting plan in roadway rights of way between specific intersections on specific roadways.

Policy C-1.11.2: The plan shall coordinate with regulations in the Land Development Code to produce aesthetic uniformity along roadways and biodiversity throughout the total urban forest, promotion of minimum tree spacing, and planting and maintenance specifications should prescribe best practices to optimized tree life.

GOAL C-2: The City of Pensacola will seek to promote sustainable development which meets the needs of the present without compromising the ability to meet the needs of the future through the protection of the natural environment.

Objective C-2.1: The City will encourage green site development in which the design, construction, and operation promote the preservation of resources and environmentally sensitive construction practices, systems and materials.

Policy C-2.1.1: The City shall promote and encourage the construction of buildings with design by recognized environmental rating agencies including the Florida Green Building Coalition, the National Home Builder Association and the U.S. Green Building Council.

Policy C-2.1.2: The City shall establish land use regulations that provide incentives for the construction of LEED certified buildings.

Policy C-2.1.3: The City shall continue to promote, through its Land Development Code regulations, the use of Florida landscape materials that promote water conservation and the principals of Xeriscape.

CHAPTER 7

RECREATION AND OPEN SPACE

GOAL R-1: The City of Pensacola shall ensure that all Pensacola residents have access to a wide range of recreational facilities and City Parks.

Objective R-1.1: The City will acquire, develop and maintain parks and recreational facilities to meet the needs of the city's current and projected population.

Policy R-1.1.1: The City will adopt a recreational level of service of .5 acres/1000 persons for mini-parks (at a 1/4 mile radius); 2 acres/1000 persons for neighborhood parks (at a 1/2 mile radius); 1.5 acres per 1,000 persons for community parks (city-wide radius); and, 1 acre per 1,000 persons for open space (citywide radius). Activity based level of service standards shall be adopted as follows:

Swimming Pools	1 pool/25,000 population
Tennis Courts	1 court/2,000 population
Basketball Courts	1 court/5,000 population
Baseball/Softball Fields	1 field/3,000 population
Football/Soccer/Rugby Fields	1 field/4,000 population
Golf Course (9-hole)	1 course/25,000 population
Golf Course (18-hole)	1 course/50,000 population

Policy R-1.1.2: The City will acquire and/or develop recreation sites and correct or improve existing deficiencies consistent with the Capital Improvements Element as follows:

- ❖ Baars Park- develop neighborhood park.
- ❖ Acquire land near Legion Field
- ❖ Acquire land near Sanders Beach-Corinne Jones Center.
- ❖ Acquire property or implement interlocal agreement for Dory Miller Park.
- ❖ Acquire land or implement interlocal agreement for ball fields near "T" and "W" Streets.
- ❖ Coordinate Master Plan for Hollice Williams Park with CRA.
- ❖ Construct Community Center in Service Area 8.
- ❖ Develop Community Aquatic Center.
- ❖ Develop Mallory Heights Park III.

Policy R-1.1.3: The City will periodically review demographic changes within Pensacola and conduct needs assessment survey for each park service area to determine necessary equipment and services for City parks and recreational facilities.

Policy R-1.1.4: The City will reduce maintenance cost of parks and recreational facilities by using native plants for landscaping in appropriate areas.

Policy R-1.1.5: Where feasible, the City shall provide additional recreation and open space opportunities including, but not limited to, sites/facilities required to meet LOS standards, and/or sites that would further objectives to protect natural environments, through establishment of public or private conservation easements, or through other available means as deemed appropriate.

Policy R-1.1.6: Where feasible in the redevelopment of existing recreation and open space sites or development of new sites, the City shall provide facilities for outdoor recreation activities, including, but not limited to, nature trails or boardwalks, interpretive displays, wildlife observation areas, or picnic areas, if applicable.

Policy R-1.1.7: The City shall identify and prioritize for acquisition, properties that provide for open space amenities, especially if they are located within the urban core or provide access to scenic vistas or waterways.

Policy R-1.1.8: The City shall manage natural areas and waterfront open spaces appropriate for the resources that are contained within, or are being protected by such lands. At a minimum, this shall include removal of non-native and invasive vegetation.

Policy: R-1.1.9: The City shall strive to maintain the quality and availability of recreational facilities for residents throughout the City.

Policy: R-1.1.10: The City shall strive to ensure the quality of the recreational equipment will be provided equally to all recreational facilities in the City.

Objective R-1.2: The City will continue to analyze and improve accessibility of recreational facilities and natural resources.

Policy R-1.2.1: The City will encourage the Pensacola Transportation Planning Organization (TPO) to conduct a study of roadways adjacent to park and recreational facilities and develop a plan for a coordinated system of bicycle lanes and sidewalks/paths linking residential areas with these facilities. This system will be coordinated with plans for existing or proposed state or federal scenic highway corridors and/or greenway trail systems.

Policy R-1.2.2: The City will coordinate with Escambia County Transit System to reasonably assure, when feasible, provision of service to major recreational facilities.

Policy R-1.2.3: The City will maintain existing public access to the greatest extent possible, and if deemed feasible will increase opportunities for public

access to the shoreline through establishment of public or private conservation easements or through other available means as deemed appropriate. Private property rights will be protected in providing additional public access to the shoreline.

Objective R-1.3: The City shall coordinate public and private resources to meet development and maintenance needs for recreation by execution of existing interlocal agreements with public agencies and by assistance to private resources through technical help or through co-sponsorship of activities.

Policy R-1.3.1: The City shall continue to contribute funding to the Pensacola-Escambia Clean Community Commission for the community education program they coordinate with Escambia County School Board about littering and misuse of recreational facilities and for their monitoring of the "Adopt-A-Park" program which coordinates private resources to maintain City parks and rights-of-way.

Policy R-1.3.2: The City shall continue the interlocal agreement for coordination between the City and the Escambia County School Board in the provision and maintenance of shared recreational facilities.

Policy R-1.3.3: The City shall continue to cosponsor recreational programs and events, such as the baseball/softball program and other athletic events, races and festivals, using City facilities and maintenance.

Objective R-1.4: Open space areas, which are accessible to the public for low-intensity use shall be provided through implementation of the open space requirements of the Land Development Code.

Policy R-1.4.1: The City will designate corridor open space areas for new roadways and for reconstruction of existing roadways wherever adequate rights-of-way exist.

Policy R-1.4.2: The City will accept or acquire easements and/or right-of-ways for portions of Gaberonne Swamp and Carpenter Creek from the end of Ellyson Drive north to Bayou Boulevard to protect these areas in their natural state by designating them as conservation districts.

Policy R-1.4.3: The City shall maintain open space areas by implementing Title 12 of the Land Development Code, specifically Chapter 12-2 (zoning district setback requirements) and Chapter 12-8 (subdivision regulations which require a donation of 5% of land for open space or recreation).

Policy R-1.4.4: Open space definitions and standards as described in the Recreation and Open Space Chapter of the Comprehensive Plan will be included in the City of Pensacola Land Development Code.

GOAL R-2: The City shall continue encourage greater usage of recreational facilities and open spaces.

Objective R-2.1: The City will pursue efforts to promote interconnectivity with existing recreational facilities and open spaces.

Policy: R-2.1.1: The City will review existing park locations to determine when interconnections could be established that would promote greater use.

Objective R-2.2: The City will pursue efforts to promote interconnectivity with Escambia County recreational facilities and open space with City resources.

Policy R-2.2.2: The City will coordinate with Escambia County to promote the concept of interconnecting County recreational facilities and City recreational facilities to be used by residents.

City of Pensacola Recreation Service Areas



CHAPTER 8

INTERGOVERNMENTAL COORDINATION

GOAL IC-1: The City of Pensacola shall foster and encourage intergovernmental coordination with Escambia County, other adjacent local governments, and local, regional, State and Federal agencies.

Objective IC-1.1: The City will prepare or update existing interlocal agreements with appropriate governmental entities in Escambia County to provide continued intergovernmental coordination.

Policy IC-1.1.1: The City will continue to review all existing interlocal agreements to evaluate their effectiveness and to assure that any new requirements from the Comprehensive Plan will be addressed in the agreement.

Policy IC-1.1.2: The City will prepare interlocal agreements with Escambia County and/or the ECUA to assure coordination regarding infrastructure development which affects both the City and the County.

Policy IC-1.1.3: The City will prepare an interlocal agreement with the District School Board in order to assure collaborative planning of educational facilities and infrastructure development.

Policy IC-1.1.4: The City will coordinate with the Pensacola State College and the University of West Florida in order to assure collaborative planning of infrastructure development.

Policy IC-1.1.5: The City will continue to promote compatibility with local military service.

Objective IC-1.2: The City will participate in and develop new committees or informal coordination mechanisms which will further intergovernmental coordination.

Policy IC-1.2.1: The City will assist in the development and participate in a joint City/County/ECUA coordinating committee to review future development plans with the ECUA facilities capacities.

Policy IC-1.2.2: The City will continue to participate in existing intergovernmental coordination committees (i.e., Transportation Planning Organization, Bay Area Resource Council, Chamber of Commerce) and expand some of the functions of these committees to address problem areas identified in the Comprehensive Plan.

Policy IC-1.2.3: The City shall establish a regular exchange of City Planning Board agendas and Escambia County Planning Board agendas for the purpose of providing information to each entity regarding certain issues with potential intergovernmental impacts.

Policy IC-1.2.4: The City will coordinate with Escambia County to identify potential adverse effects of development decisions made within a one-half (1/2) mile on either side of the City limits.

Policy IC-1.2.5: The City of Pensacola shall routinely review and coordinate the level of service standards with the WFRPC, TPO, DCA, DEP, FDOT and all other appropriate State, regional and local agencies in the development of each element of the Comprehensive Plan.

Policy IC-1.2.6: The City shall continue to coordinate with the WFRPC and other appropriate agencies to ensure that the impacts of development proposed in the City's plan are coordinated with adjacent local governments (i.e., expansion of marinas, airport, ports, bridges and new roads).

Policy IC-1.2.7: The City shall continue to coordinate with the School District to insure that the School Board has an opportunity to review and comment on the effect of proposed residential development, the effect of comprehensive plan amendments and rezonings on the public school facilities plan.

Objective IC-1.3: The City will continue to enforce LOS standards with Escambia County, the ECUA, and the FDOT, and to coordinate with the District School Board facilities work program.

Policy IC-1.3.1: The City will continue to annually review enforce adopted LOS standards and coordinate with the ECUA in planning for future growth.

Policy IC-1.3.2: The City will continue to enforce adopted roadway LOS standards with Escambia County and FDOT, which are consistent, particularly where roadways pass through jurisdictional boundaries.

Policy IC-1.3.3: The City will coordinate with the District School Board facilities work program, which is used to plan for future growth.

Policy IC-1.3.4: The City will coordinate population estimates and projections with the School Board at a minimum of once each year as part of the review of the DSB facilities work program (5-year plan).

Policy IC-1.3.5: In order to coordinate the effective and efficient provision and siting of educational facilities with associated infrastructure and services within the City, representative of the City and the School Board will meet by June 2000

to develop mechanisms for coordination of educational facilities planning. The City will amend the Plan by January 2001 to incorporate the coordination mechanisms developed.

Objective IC-1.4: The City shall ensure that the impacts of development proposed in the City's Comprehensive Plan are coordinated with adjacent municipalities, Escambia County, WFRPC, the State of Florida, the TPO and other appropriate agencies.

Policy IC-1.4.1: The City will coordinate comprehensive planning with local governmental agencies including the School Board, the WFRPC, the Northwest Florida Water Management District, etc. for all developments that will have a significant impact on the region.

Policy IC-1.4.2: The City will participate in the update of the *West Florida Strategic Regional Policy Plan*.

Policy IC-1.4.3: In order to coordinate the management of environmental systems that fall under the jurisdiction of more than one local government, the City shall:

- * Monitor and evaluate updates to the *Escambia/Santa Rosa Coastal Resource Management Plan*.
- * Participate in the Florida-Alabama TPO.
- * Participate in the formulation of, and coordinate in the implementation of, the *Pensacola Bay System S.W.I.M. Plan* and the *Escambia County/City of Pensacola Stormwater Management Plan*.

Objective IC-1.5: The City will provide for formal or informal conflict resolution mechanisms when necessary to deal with issues of intergovernmental coordination.

Policy IC-1.5.1: The City will utilize the services of the West Florida Regional Planning Council for informal conflict mediation where appropriate.

Policy IC-1.5.2: The City will provide for joint meetings of the City Council and the County Commission to resolve issues relating to intergovernmental coordination

Objective IC-1.6: The City of Pensacola shall periodically sponsor workshops with the Escambia County School District, other units of local government, and the ECUA to discuss future expansion plans and identify any proposed land use or facility impacts.

Policy IC-1.6.1: The City of Pensacola shall annually review the master plans of the Escambia County School District, other units of local government, the WFRPC, the State, and the ECUA in the comprehensive planning process and shall advise the respective bodies concerning inconsistencies.

Objective IC-1.7: The City shall comply with Florida laws for review of annexation requests and for resolving annexation issues.

Policy IC-1.7.1: City and County staff will exchange and review data regarding levels of service and land use for areas that are being considered for annexation.

Policy IC-1.7.2: The City will consider conducting an opinion survey of any area(s) being considered for annexation to determine the feasibility of conducting a referendum prior to initiating an annexation action.

Policy IC-1.7.3: The City will coordinate with State legislators in addressing State laws concerning annexation.

GOAL IC-2: The City of Pensacola shall coordinate and plan with the Escambia County District School Board for the provision of adequate and readily accessible educational sites and the timely construction of school facilities.

Objective IC-2.1: The City will cooperate with the School District in siting individual facilities in an orderly and timely manner that is responsive to alleviating overcrowding, providing special facilities, and meeting the demands of new development through, but not limited to, the following policies.

Policy IC-2.1.1: The City Planning Department will coordinate with the School District staff in the siting of school facilities throughout the City so that their location is consistent with and, to the degree possible, will further the Goals, Objectives, and Policies of the Comprehensive Plan.

Policy IC-2.1.2: The City will evaluate the ability for the co-location of public parks, public library facilities, or other public facilities as appropriate, when school sites are chosen and the development plans prepared. The technical inter-relationships of the Capital Improvements Programs will in part, identify co-location/joint use opportunities.

Objective IC-2.2: The City will provide the School District an opportunity for coordinated, on-going review of the impacts of development.

Policy IC-2.2.1: The City will inform the School District of proposed amendments to the Future Land Use Map of the City.

Policy IC-2.2.2: The City will request that the School District, prior to final consideration by the School Board, formally contact the City regarding any existing school in the City that is being considered for closure, capacity change,

or programmatic change, so that the City can assess the impact of the school closure upon the community and provide formal comments if desired.

CHAPTER 9

CAPITAL IMPROVEMENTS

GOAL CI-1: The City shall utilize development standards which will effectively maximize facilities and will provide for new facilities as growth occurs in a manner consistent with the City's Future Land Use element.

Objective CI-1.1: The City shall utilize the capital improvements element to correct existing deficiencies within the framework of the 5-year Schedule of Improvements; to accommodate desired future growth; and to replace worn-out or obsolete facilities.

Policy CI-1.1.1: The Capital Improvements Element shall include only those facility types explicitly required in Chapter J-5, FAC, which are Sanitary Sewer, Solid Waste, Drainage, Potable Water, Transportation and Parks and Recreation.

Policy CI-1.1.2: All existing deficiencies defined in the CIE shall be evaluated and necessary facilities upgraded and/or replaced utilizing the follow method for prioritizing the year the projects will be implemented:

- * Highest priority will be given to projects which directly affect the health and safety of the public.
- * Second priority will be given to those projects, which would be more cost-effectively undertaken with other facilities under the 5-year Schedule of Improvements.

Policy CI-1.1.3: The Capital Improvement Element's 5-year Schedule of Improvements will be included in the City's Capital Improvement Program and will have priority over any other City capital needs.

Policy CI-1.1.4: Proposed capital improvements projects shall be evaluated based on their direct relationship to the Comprehensive Plan Elements and shall include consideration of:

1. The elimination of existing capacity deficiency;
2. The elimination of public hazards;
3. The project's financial feasibility and impact on the local budget;
4. The project's ability to increase the efficiency of use of existing facilities, prevent or reduce future improvement cost, provide service to developed areas lacking full service, or promote infill development; and,
5. Plans of state agencies and water management districts that provide public facilities within the City.

Policy CI-1.1.5: The City Manager, Director of Finance, Community Design & Planning Director, Engineering Department Director, Leisure Services Director, Public Services & Sanitation Director, and the Port Director will serve as the internal review group for the purpose of evaluating and ranking in order of priority projects proposed for inclusion in the 5-year Schedule of Improvements. Other appropriate City officials may, from time to time, be requested to serve on the committee or provide assistance to the committee as circumstances and issues require.

Objective CI-1.2: Infrastructure improvement costs required due to increased use of existing facilities by future development will be proportionately shared by the City and the developer in order to maintain adopted LOS standards taking into account the costs associated with adequately documenting the degree to which future development is responsible for causing such improvements.

Policy CI-1.2.1: The City will implement a stormwater utility fee, if necessary, to assess costs for future drainage improvements and continue to utilize local funding and State and federal grants to adequately maintain adopted LOS standards for drainage. In addition, the City will continue to utilize local optional gas tax to fund local roadway improvements for the purpose of maintaining adopted LOS standards. The City will pursue new revenue sources and methods to fund local roadway and drainage projects.

Policy CI-1.2.2: The City shall continue to implement its program for mandatory dedications or fees in lieu of as a condition of plat approval for the provision of recreation and open space.

Objective CI-1.3: The City shall coordinate its land development process and fiscal resources with its adopted Capital Improvements schedule to ensure all development orders and building permits for future development and redevelopment will only be issued if adopted level of service standards for public facilities are maintained.

Policy CI-1.3.1: All development orders and building permits for future development and redevelopment activities shall be issued by the City only if public facilities necessary to meet the following adopted level of service standards are available concurrent with the impacts of the development.

- * Sanitary Sewer - 100 gallons per capita per day average flow.
- * Solid Waste - 4.52 pounds per capita per day.
- * Drainage - LOS A - tolerates street flooding to a depth of 3 inches or less in the gutters when the rest of the pavement is passable, and allows open or green space flooding of up to 12" as long as there is no threat to public health or safety, or permanent impediment to the intended use of the property; LOS B - tolerates flooding of

entire street surface up to 4"; LOS C - tolerates structure flooding; based on the following design criteria:

In existing developments adequate drainage capacity to accommodate run-off associated with a 3-year, 12-hour design storm for collection systems.

In new developments adequate drainage capacity to accommodate a 25-year, 12-hour design storm for collection systems and for retention and detention ponds. As a minimum the first 1/2" of runoff must be retained on the site of the development. At the discretion of the City Engineer, retention standards may be increased beyond the 1/2" minimum standards on a site-specific basis.

- * Potable Water - 118 gallons per capita per day (gpcd) for Zone 1, 146 gpcd for Zone 2.

*	Roadway Type	LOS (Peak hour)
	State Roadways	
	Intrastate	C
	Other State Roads	E
	Roads Within the TCEA	Exempt
	Local Collector Roads	E
	Other Local Roads	C

- * Recreation Standards
Acreage - .5 acres/1000 persons for mini parks (1/4 mile radius); 2 acres/1000 persons for neighborhood parks (1/2 mile radius); 1.5 acres/1000 persons for community parks (citywide radius), and; 1 acre/1,000 persons for open space (citywide radius).

Swimming Pool	1 pool/25,000 persons
Tennis Court	1 court/2,000 "
Basketball Court	1 court/5,000 "
Baseball/Softball Field	1 field/3,000 "
Football/Soccer/Rugby Field	1 field/4,000 "
Golf Course	1-9-hole course/25,000
Golf Course	1-18-hole course/50,000

Policy CI-1.3.2: The City will not issue development orders unless public facilities that meet adopted LOS standards are available or meet the requirements of the City's adopted Concurrency Management System.

Policy CI-1.3.3: The City shall make provision for the availability of public facilities to serve developments for which development orders were issued prior to the adoption of the Comprehensive Plan.

Policy CI-1.3.4: The City shall track all de minimis impact of development for annual submittal of the CIE through the established concurrency management system.

Objective CI-1.4: The City shall utilize all funding resources and mechanisms which are necessary for capital improvements.

Policy CI-1.4.1: The City shall study the feasibility of implementing as many local funding mechanisms as possible for capital improvements.

Objective CI-1.5: The City shall follow the 5-year Schedule of Improvements (as amended from time to time) as set forth in the Capital Improvements Element (CIE) except in the instance of unforeseen natural disasters or cut-backs in funding sources, either of which could change funding or expenditure priorities.

Policy CI-1.5.1: The City shall review the CIE on an annual basis to ensure that the required fiscal resources are available to provide public facilities to support adopted LOS standards.

Policy CI-1.5.2: The City shall adopt a monitoring and evaluation program for the review of the CIE.

Objective CI-1.6: Proposed expenditure of public funds that subsidize or enable land development in Coastal High Hazard Areas shall be limited to those projects identified in the Coastal Management Chapter.

Policy CI-1.6.1: The use of City funds for shoreline development in the CHHA will be based on the following priorities:

- A. Water dependent uses
- B. Water related recreation
- C. Residential
- D. Commercial

Objective CI-1.7: The City shall adopt its CIE at the same time that it adopts its Annual Operating Budget. The CIE shall include those projects necessary to maintain the adopted level of service standards set forth in Policy 1.3.1.

Policy CI-1.7.1: The ratio of general government debt service expenditures to general government total expenditures shall not exceed 15 percent (as measured by either the most recent comprehensive annual financial report or the adopted

current year budget) except when a proposed borrowing is necessitated to finance reconstruction following emergencies (such as a hurricane or natural disaster).

CAPITAL IMPROVEMENTS FY 2011 - FY 2015																	
(S) Source																	
	2011			2012			2013			2014			2015			TOTAL PROJECTS	CITY'S SHARE
PROJECT	COST	CITY'S SHARE	OTHER SHARE	COST	CITY'S SHARE	OTHER SHARE	COST	CITY'S SHARE	OTHER SHARE	COST	CITY'S SHARE	OTHER SHARE	COST	CITY'S SHARE	OTHER SHARE		
PORT																	
Maintenance Dredging	640,000	320,000 (1) Port	320,000 (2) FSTED													640,000	320,000
Port Intermodal Rail Enhancements	2,750,000	0	2,750,000 (18) TIGER II													2,750,000	0
America's Marine Highways Terminal & Facilities Development, Phase I				900,000	225,000 TBD	675,000 (16) MARAD	900,000	225,000 TBD	675,000 (16) MARAD							1,800,000	450,000
America's Marine Highways Terminal & Facilities Development, Phase II										450,000	112,500 TBD	337,500 (16) MARAD	450,000	112,500 TBD	337,500 (16) MARAD	900,000	225,000
Dockside Utility Improvements	150,000	75,000 (1) Port	75,000 (2) FSTED													150,000	75,000
On-dock Rail Switch Repairs	60,000	60,000 (1) Port	0													60,000	60,000
Entrance Gate Relocation and Improvements	250,000	50,000 (1) Port	200,000 (3) TSA													250,000	50,000
Intermodal Rail Replacement				1,000,000	0	1,000,000 (18) TIGER II	1,000,000	0	1,000,000 (18) TIGER II							2,000,000	0
Dock & Wharf Apron Strengthening (Berth 6 Rehabilitation)				1,100,000	0	1,100,000 (18) TIGER II	1,100,000	0	1,100,000 (18) TIGER II							2,200,000	0
Berth 6 Fender System Replacement							1,000,000	0	1,000,000 (18) TIGER II							1,000,000	0
Port Total	3,850,000	505,000	3,345,000	3,000,000	225,000	2,775,000	4,000,000	225,000	3,775,000	450,000	112,500	337,500	450,000	112,500	337,500	11,750,000	1,180,000
STORMWATER PROJECTS																	
Davis Highway at Valley Drive							309,700	309,700 (5) SWCP		255,000	255,000 (5) SWCP					564,700	564,700
Sanders Beach Storm Sewer Reconstruction										370,000	370,000 (5) SWCP		500,000	500,000 (5) SWCP		870,000	870,000
Gaberonne Swamp Stormwater Enhancements				200,000	200,000 (5) SWCP											200,000	200,000
Land Acquisition Retention Pond Sites										35,000	35,000 (5) SWCP		300,000	300,000 (5) SWCP		335,000	335,000
Baywoods Gulley Stormwater Enhancements				200,000	200,000		295,300	295,300 (5) SWCP								495,300	495,300
Carpenters Creek at Brent Lane				370,000	370,000 (5) SWCP		200,000	200,000 (5) SWCP								570,000	570,000
"L" and Zarragossa Street Drainage Improvements				340,000	340,000 (5) SWCP		104,200	104,200 (5) SWCP								444,200	444,200
12th Avenue at Carpenter's Creek	20,000	20,000 (5) SWCP		250,000	250,000 (5) SWCP		180,800	180,800 (5) SWCP								450,800	450,800
Bayou Chico Stormwater Outfall Retrofits	500,000	500,000 (5) SWCP		300,000	300,000 (5) SWCP											800,000	800,000
Birmam Woods S/D Discharge at Bayou Texar	340,000	340,000 (5) SWCP														340,000	340,000
Scenic Heights Discharge (Langley into Escambia Bay)										500,000	500,000 (5) SWCP		500,000	500,000 (5) SWCP		1,000,000	1,000,000

Bayou Blvd at Tyler Discharge													360,000	360,000		360,000	360,000
Stormwater Vaults Citywide	14,200	14,200 (5) SWCP		250,000	250,000 (5) SWCP		250,000	250,000 (5) SWCP		250,000	250,000 (5) SWCP		250,000	250,000 (5) SWCP		1,014,200	1,014,200
DeSoto Street @ Bayou Texar (Western Shore)							450,000	450,000 (5) SWCP								450,000	450,000
Stormwater Capital Maintenance	162,600	162,600 (5) SWCP		326,800	326,800 (5) SWCP		326,800	326,800 (5) SWCP		326,800	326,800 (5) SWCP		326,800	326,800 (5) SWCP		1,469,800	1,469,800
Northmoor Court @ Carpenter's Creek							120,000	120,000 (5) SWCP		500,000	500,000 (5) SWCP					620,000	620,000
Admiral Mason Park	800,000	800,000 (5) SWCP														800,000	800,000
Stormwater Total	1,836,800	1,836,800	0	2,236,800	2,236,800	0	2,236,800	2,236,800	0	2,236,800	2,236,800	0	2,236,800	2,236,800	0	10,784,000	10,784,000
TRANSPORTATION																	
Street Rehabilitation (Formerly Street Resurfacing)	853,400	853,400 (6) LOGT		853,400	853,400 (6) LOGT		853,400	853,400 (6) LOGT		853,400	853,400 (6) LOGT		853,400	853,400 (6) LOGT		4,267,000	4,267,000
Street Reconstruction	521,900	521,900 (6) LOGT		521,900	521,900 (6) LOGT		521,900	521,900 (6) LOGT		521,900	521,900 (6) LOGT		521,900	521,900 (6) LOGT		2,609,500	2,609,500
Intersection/Traffic Improvements	118,300	118,300 (6) LOGT		118,300	118,300 (6) LOGT		118,300	118,300 (6) LOGT		118,300	118,300 (6) LOGT		118,300	118,300 (6) LOGT		591,500	591,500
Transportation Total	1,493,600	1,493,600	0	1,493,600	1,493,600	0	1,493,600	1,493,600	0	1,493,600	1,493,600	0	1,493,600	1,493,600	0	7,468,000	7,468,000
AIRPORT																	
2011																	
Install Pedestrian Sidewalks and Bike Path - GA	600,000	300,000 (7) CIA (9) PFC	300,000 (8) FDOT													600,000	300,000
Parking Garage Expansion	30,000,000	0	30,000,000 (17)													30,000,000	0
Relocate Fuel Farm Phase I	200,000	10,000 (7) CIA (9) PFC	190,000 (11) FAA													200,000	10,000
Landside Access Road Improvements	250,000	12,500 (7) CIA (9) PFC	237,500 (11) FAA													250,000	12,500
Areawide Wayfinding Signage	400,000	400,000 (7) CIA (9) PFC														400,000	400,000
Acquisition of Army Reserve Center and Construction of Parking Lot	6,900,000	5,150,000 (7) CIA (9) PFC	1,750,000 (8) FDOT													6,900,000	5,150,000
Acquire Land - Commerce Park Phase I	1,333,400	333,400 (7) CIA (9) PFC	1,000,000 (8) FDOT													1,333,400	333,400
Apron Joint Seal Replacement and Line Removal	600,000	30,000 (7) CIA (9) PFC	570,000 (11) FAA													600,000	30,000
Expand GA Apron - Design	351,000	17,550 (7) CIA (9) PFC	333,450 (11) FAA													351,000	17,550
Additional GA Ramp - Design	400,000	20,000 (7) CIA (9) PFC	380,000 (11) FAA													400,000	20,000
Landside Signage Improvements Phase I	400,000	20,000 (7) CIA (9) PFC	380,000 (11) FAA													400,000	20,000
Master Plan Update	1,200,000	60,000 (7) CIA (9) PFC	1,140,000 (11) FAA													1,200,000	60,000
Terminal Roadway Improvements Phase 1	1,900,000	95,000 (7) CIA (9) PFC	1,805,000 (11) FAA													1,900,000	95,000

2012																			
Pave Interior Perimeter Road				489,500	24,500	465,000											489,500	24,500	
					(7) CIA (9) PFC	(11) FAA													
Acquire Land - Commerce Park Phase I				1,333,333	333,333	1,000,000											1,333,333	333,333	
					(7) CIA (9) PFC	(8) FDOT													
Improvements to Retention Pit - Design				900,000	45,000	855,000											900,000	45,000	
					(7) CIA (9) PFC	(11) FAA													
Relocate Fuel Farm Phase II				900,000	45,000	855,000											900,000	45,000	
					(7) CIA (9) PFC	(11) FAA													
Environmental Assessment for ILS at R/W 35				250,000	12,500	237,500											250,000	12,500	
					(7) CIA (9) PFC	(11) FAA													
Airfield Pavement and Lighting Rehab - Design				150,000	7,500	142,500											150,000	7,500	
					(7) CIA (9) PFC	(11) FAA													
2013																			
Acquire Land - Commerce Park Phase I							1,333,400	333,400	1,000,000								1,333,400	333,400	
								(7) CIA (9) PFC	(8) FDOT										
New ARFF Vehicle (fire rescue)							700,000	35,000	665,000								700,000	35,000	
								(7) CIA (9) PFC	(11) FAA										
Construct Hold Pads							1,210,000	60,500	1,149,500								1,210,000	60,500	
								(7) CIA (9) PFC	(11) FAA										
Replace Perimeter Fence							900,000	45,000	855,000								900,000	45,000	
								(7) CIA (9) PFC	(11) FAA										
Remove Old TRACON Building							1,000,000	50,000	950,000								1,000,000	50,000	
								(7) CIA (9) PFC	(11) FAA										
2014																			
Acquire Land - Commerce Park Phase II										2,000,000	500,000	1,500,000					2,000,000	500,000	
											(7) CIA (9) PFC	(8) FDOT							
New ARFF Vehicle										700,000	35,000	665,000					700,000	35,000	
											(7) CIA (9) PFC	(11) FAA							
Additional GA Ramp - Construction										3,000,000	150,000	2,850,000					3,000,000	150,000	
											(7) CIA (9) PFC	(11) FAA							
EA/EIS for GA R/W 17L/35R										229,000	11,450	217,550					229,000	11,450	
											(7) CIA (9) PFC	(11) FAA							
Strengthen SW Ramp - Design										200,000	10,000	190,000					200,000	10,000	
											(7) CIA (9) PFC	(11) FAA							
2015																			
Acquire Land - Commerce Park Phase II													2,000,000	500,000	1,500,000	2,000,000	500,000		
														(7) CIA (9) PFC	(8) FDOT				
Strengthen Cargo Ramp													900,000	45,000	855,000	900,000	45,000		
														(7) CIA (9) PFC	(11) FAA				
Design/Build Connecting Taxiways to Additional T-Hangers													955,000	47,750	907,250	955,000	47,750		
														(7) CIA (9) PFC	(11) FAA				
Strengthen SW Ramp - Construction													1,300,000	65,000	1,235,000	1,300,000	65,000		
														(7) CIA (9) PFC	(11) FAA				
GA Ramp Expansion - Design													600,000	30,000	570,000	600,000	30,000		
														(7) CIA (9) PFC	(11) FAA				
Airport Total	44,534,400	6,448,450	38,085,950	4,022,833	467,833	3,555,000	5,143,400	523,900	4,619,500	6,129,000	706,450	5,422,550	5,755,000	687,750	5,067,250	65,584,633	8,834,383		
GRAND TOTAL FOR ALL PROJECTS	51,714,800	10,283,850	41,430,950	10,753,233	4,423,233	6,330,000	12,873,800	4,479,300	8,394,500	10,309,400	4,549,350	5,760,050	9,935,400	4,530,650	5,404,750	95,586,633	28,266,383		

- (1) PORT - Port Funds
 (2) FSTED - Florida Seaport Transportation Economic Development Council
 (3) PI - Private Investment
 (4) TSA - Transportation Security Administration Grant
 (5) SWCP - Stormwater Capital Projects Fund
 (6) LOGT - Local Option Gas Tax
 (7) CIA - Capital Improvements Fund, Airport
 (8) FDOT - Florida Department of Transportation
 (9) PFC - Passenger Facility Charge
 (10) CFC - Customer Facility Charge
 (11) FAA - Federal Aviation Administration Entitlements
 (12) SISGM - Strategic Intermodal System Growth Management
 (13) Bond - Airport Bonds
 (14) ARRA - American Recovery & Reinvestment Act Port Security Grant Program (funding pending grant award)
 (16) MARAD - US Maritime Administration America's Marine Highways Program (projected future funding source)
 (17) - Economic Recovery Funds (to be constructed if funds are awarded)
 (18) TIGER II - National Infrastructure Investments funding pending grant award

CHAPTER 10

HISTORIC PRESERVATION

GOAL HP-1: The City shall continue to preserve its existing historic buildings, historic sites, and historic and preservation districts.

Objective HP-1.1: The City shall continue to enforce its existing historic preservation ordinances.

Policy HP-1.1.1: The City shall, through its historic preservation ordinances, continue to provide zoning categories that support the purpose and character of each historic and preservation district and identify appropriate permitted and conditional uses in those districts.

Policy HP-1.1.2: The City shall, through its historic preservation ordinances, continue to provide procedures for review and for the continuation of the Architectural Review Board as the principal review authority.

Policy HP-1.1.3: The City shall, through its historic preservation ordinances, continue to reference the “The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” as a guiding document for historic preservation efforts.

Policy HP-1.1.4: The City shall, through its historic preservation ordinances, continue to provide standards and guidelines for restoration, rehabilitation, alterations, and additions, to existing contributing structures within its historic and preservation districts.

Policy HP-1.1.5: The City shall, through its historic preservation ordinances, continue to provide standards and guidelines for restoration, rehabilitation, alterations, and additions, to existing non-contributing and modern in-fill structures within its historic and preservation districts.

Policy HP-1.1.6: The City shall, through its historic preservation ordinances, continue to provide standards and guidelines for the construction of new structures within its historic and preservation districts.

Policy HP-1.1.7: The City shall, through its historic preservation ordinances, continue to provide standards and guidelines for demolition and relocation of all structures in the historic and preservation districts.

Objective HP-1.2: The City shall maintain an Architectural Review Board which shall have the purpose of preserving and protecting historic or architecturally-significant buildings and historic and preservation districts.

Policy HP-1.2.1: The Architectural Review Board shall review all development activities in the historic and preservation districts and apply the historic preservation ordinances adopted by the City of Pensacola.

Policy HP-1.2.2: The Architectural Review Board shall refer to “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” in making its decisions pertaining to contributing historic structures.

Policy HP-1.2.3: The Architectural Review Board shall consider the distinct historical context, development pattern, neighborhood integrity and architectural character of each historic and preservation district in making its decisions.

Policy HP-1.2.4: The Architectural Review Board shall have the authority to grant variances to the Land Development Code when it determines that the granting of said variances are consistent with historic character of a structure or its corresponding historic or preservation district.

Objective HP-1.3: The City shall maintain the historic character and aesthetics of its historic and preservation districts.

Policy HP-1.3.1: The City shall maintain the historic street patterns and street names in each historic and preservation district.

Policy HP-1.3.2: The City shall continue to provide and maintain street lights and similar municipal appurtenances in the public rights-of-way to create aesthetically pleasing streetscapes.

Policy HP-1.3.2: The City shall continue to provide and maintain landscaping, street lights, and similar municipal appurtenances in the public rights-of-way to provide an aesthetically pleasing streetscape.

Policy HP-1.3.3: The City shall require all traffic control signs, traffic signals, transformers, switching gear and related accessory equipment to be installed in the public right-of-way in the historic and preservation districts are approved by the Architectural Review Board.

Policy HP-1.3.4: The City shall encourage all utility providers to place their utilities underground in historic and preservation districts to protect the aesthetic character of the districts.

Policy HP-1.3.5: The City shall formulate regulations pertaining to Architectural Review Board approval of all new electrical, telephone and cable wires and related equipment, such as (but not limited to) utility cabinets, transmission poles and transformers, to be installed in the historic and preservation district.

Objective HP-1.4: The City shall strengthen existing ordinances, as necessary, in order to preserve the integrity of historic buildings, historic sites, and historic and preservation districts.

Policy HP-1.4.1: The City shall review its historic preservation ordinances and identify its strengths and weaknesses.

Policy HP-1.4.2: The City shall strengthen existing ordinances, as necessary, in order to enhance the preservation of the integrity of historic buildings and historic and preservation districts.

Policy HP-1.4.3: The City shall create a separate chapter in its Land Development Code which contains all new and revised regulations and guidelines pertaining to historic buildings, historic sites, and historic and preservation districts.

GOAL HP-2: The City shall continue to identify buildings, sites and neighborhoods with historic significance and deserving of preservation.

Objective HP-2.1: The City shall continue to identify and encourage the preservation, continued use or adaptive reuse of buildings that are eligible for designation as historic buildings.

Policy HP-2.1.1: The City shall provide guidance to citizens seeking to have historic structures placed on the Florida Master Site File.

Policy HP-2.1.2: The City shall provide guidance to citizens seeking to have historic structures placed on the National Register of Historic Places.

Objective HP-2.2: The City shall continue to identify established neighborhoods that may deserve designation as a historic or preservation district, subject to the approval of its residents.

Goal HP-2.2.1: The City shall identify existing neighborhoods for designation as a locally-designated historic or preservation district.

Goal HP-2.2.2: The City shall establish adequate standards and guidelines for these districts in its historic preservation ordinances to maintain its historic character and aesthetic quality.

Goal HP-2.2.3: The City shall provide guidance in the nomination of qualified historic and preservation districts to the National Register of Historic Places.

GOAL HP-3: In conjunction with the University of West Florida, West Florida Historic Preservation, Inc., and other community organizations, the City shall continue to support activities relating to historic preservation.

Policy HP-3.1: The City shall support the historic preservation roles of the University of West Florida, West Florida Historic Preservation, Inc., community organizations, neighborhood associations and individuals.

Goal HP-3.1.1: The City shall encourage and support historic building surveys of its neighborhoods and the listing of historic buildings on the Florida Master Site File.

Goal HP-3.1.2: The City shall encourage and support the nomination of historic buildings and sites to the National Register of Historic Places.

Goal HP-3.1.3: The City shall assist the Pensacola Bay Area Convention and Visitors Bureau and other organizations in providing local heritage tourism programs.

Goal HP-3.1.4: The City shall encourage and support activities that involve walking, bicycling and driving through historic and preservation districts.

Goal HP-3.1.5: The City shall encourage community and cultural events to take place in the historic and preservation districts, with the cooperation of their residents, to enhance awareness and appreciation of the heritage and resources of these districts.

Goal HP-3.1.6: The City shall have “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” and similar technical publications available for review by those interested in the preservation of historic structures.

Policy HP-3.2: The City of Pensacola shall maintain an archaeological review procedure for all proposed construction on City-owned property.

Goal HP-3.2.1: The City shall maintain an archaeological review procedure that provides for an initial determination and review of project impact for projects on City-owned property.

Goal HP-3.2.2: The archaeological review procedure shall be conducted by a professional archaeologist meeting the standards of the Society of Professional Archaeology and having substantial experience in the archaeology and history of Pensacola.

Goal HP-3.2.3: The City shall prepare a memorandum of agreement specifying actions to be taken to avoid or mitigate any adverse effects of construction on any archaeological resources found during the process.

CHAPTER 11

PUBLIC SCHOOL FACILITIES ELEMENT

GOAL PSFE-1: Coordinate and maintain high quality education facilities

Coordinate with the School Board of City of Pensacola (herein "School Board") to ensure high quality public school facilities that are consistent with the Comprehensive Plan and serve to enhance communities.

Objective PSFE-1.1: Schools as community focal points

Enhance communities and encourage school facilities to serve as community focal points through effective school facility design and siting standards. The location will be coordinated with the future land use map.

Policy PSFE-1.1.1: School location

New schools shall be located proximate to the student population they are intended to serve. New elementary schools shall be located within walking distance of the residential neighborhoods to be served.

Policy PSFE-1.1.2: Shared-use and co-location of school sites

Coordinate with the School Board to continue to permit the shared-use and co-location of school sites and City facilities with similar facility needs as described in the Interlocal Agreement for Public School Facility Planning dated August 7th, 2006 (herein "Interlocal Agreement"). The City will identify opportunities for collocation and shared use facilities when preparing updates to the Schedule of Capital Improvements and when planning and designing new community facilities.

Policy PSFE-1.1.3: Emergency shelters

City of Pensacola will continue to coordinate with the School Board on emergency preparedness issues, including the use of public schools as emergency shelters as required by Section 163.3177(12)(g)(8), Florida Statutes. The School Board will continue to fulfill the building code requirements of Section 1012.372, Florida Statutes, such that as appropriate new educational facilities will serve as public shelters for emergency management purposes.

Policy PSFE-1.1.4: School design

The School Board will design and ensure performance standards for new school facilities according to the "Design Guidelines and Technical Specifications 2006"

Florida Department of Education State Requirements for Educational Facilities (SREF).

Policy PSFE-1.1.5: Community vitality

The City of Pensacola will continue to recognize the interconnected importance of quality neighborhood school retention with community economic development, neighborhood stability, diversity and sustainability efforts. Therefore, in partnership with other agencies, the City will encourage the maintenance and improvement of urban schools to preserve and enhance neighborhood quality and vitality.

Policy PSFE-1.1.6: Attracting new residents

The City of Pensacola will support the vitality of urban schools by encouraging new residents to locate in underutilized school districts. Where appropriate, existing homeownership and rehabilitation incentives may be utilized to attract families to such school districts and encourage the private sector to maintain a housing production capacity sufficient to meet the needs of families between moderate and upper level incomes.

Objective PSFE-1.2: Future land use and school siting

Consistent with Section 163.3177, Florida Statutes, the City will include sufficient allowable land use designations for schools proximate to residential development to meet the projected need for schools.

Policy PSFE-1.2.1: Future Land Use categories.

Consistent with the City's Future Land Use Element, public schools shall be an allowable use in all land use categories, except for Conservation. The Land Development Code may include siting standards for schools, consistent with the Comprehensive Plan. The City will consider the provisions of Section 1013.33(13), Florida Statutes (2007).

Policy PSFE-1.2.2: Flood zones and coastal high hazard area

Consistent with the City's Future Land Use Element, future schools shall not be allowed within the coastal high hazard area as delineated by the City.

Objective PSFE-1.3: School facility siting and consistency with the Comprehensive Plan

The City shall ensure that the planning, construction, and opening of educational facilities are coordinated in time and place, concurrent with necessary services and infrastructure, and consistent with the Comprehensive Plan.

Policy PSFE-1.3.1: Consistency with Comprehensive Plan

The City will coordinate with the School Board by giving an informal assessment regarding the consistency of potential new school sites, and significant expansions or potential closures of existing schools with the Comprehensive Plan, as described in the Interlocal Agreement. The informal assessment reviews, as applicable, the following: environmental suitability, transportation and pedestrian access, availability of infrastructure services, safety concerns, land use compatibility, consistency with community vision, and other relevant issues.

Policy PSFE-1.3.2: Review of school sites

The City shall review potential new school sites, and significant expansions or potential closures of existing schools for consistency with the following criteria:

- a. That school sites are compatible with present and projected uses of adjacent property.
- b. The locations of proposed new elementary schools are proximate to and within walking distance of the residential neighborhoods served.
- c. The locations of proposed new high schools are on the periphery of residential neighborhoods, with access to major roads.
- d. Existing or planned adequate public facilities are available to support the school.
- e. Safe access to and from the school site is available for by pedestrians and vehicles.
- f. The site is well drained and the soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements.
- g. The proposed school location is not within a velocity flood zone or floodway, as delineated in the applicable comprehensive plan.
- h. The site is not in conflict with City stormwater management plans or watershed management plans;
- i. The proposed site can accommodate required parking, circulation, and queuing of vehicles.
- j. The proposed location lies outside the area regulated by Section 333.03, F.S., regarding the construction of public educational facilities in the vicinity of an airport.

The City shall also consider the following in its review:

- a. Site acquisition and development costs;
- b. Whether existing schools can be expanded or renovated to support community redevelopment and revitalization;
- c. Efficient use of existing infrastructure;
- d. Discouragement of urban sprawl;
- e. Environmental constraints that would either preclude or render cost infeasible the development or significant renovation of a public school on a site; and
- f. Adverse impacts to archaeological or historic sites.

Objective PSFE-1.4: Pedestrian access to schools

The City shall work with the School Board to improve safe student access to school facilities, and to reduce hazardous walking conditions consistent with the Florida Safe Ways to School Program.

Policy PSFE-1.4.1: Bicycle and pedestrian access

All public schools shall provide bicycle and pedestrian access consistent with Florida Statutes. Parking at public schools will be provided consistent with the City's Land Development Code (LDC) requirements.

Policy PSFE-1.4.2: Sidewalk Master Plan

The City will continue to review the Sidewalk Master Plan to comprehensively address bicycle and pedestrian needs. The plan will continue to focus on bicycle and pedestrian needs relating to school facilities.

Policy PSFE-1.4.3: Sidewalk/pedestrian improvements

In order to ensure continuous pedestrian access to public schools, priority for City sidewalk/pedestrian improvements will be given to cases of hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, and specific provisions for constructing such facilities will be included in the schedule of capital improvements adopted each fiscal year.

Policy PSFE-1.4.4: New development adjacent to school property

New developments adjacent to existing or planned school sites shall be required to provide a right-of-way and a direct access path for pedestrian travel.

Policy PSFE-1.4.5: Sidewalk requirements for development near schools

New residential developments and redevelopment shall be required to provide sidewalks (complete, unobstructed, continuous with a minimum width of 5 feet) along collector, arterial, and local roads designed to move traffic through subdivisions. Sidewalks shall be required pursuant to the City's Community Design Standards.

Policy PSFE-1.4.6: Coordination with FL-AL TPO

Continue to coordinate with the FL-AL TPO to ensure funding for safe access to schools including participation in the Bicycle Pedestrian Advisory Committee and the Community Traffic Safety Team.

Objective PSFE-1.5: Coordinate Future Land Use Map amendments and DRIs to maintain school capacity

It is the objective of the City to coordinate petitions for future land use changes and developments of regional impact to maintain adequate school capacity to meet future growth needs. This goal will be accomplished recognizing the School Board's statutory and constitutional responsibility to provide a uniform system of free and adequate public schools, and the City's authority for land use, including the authority to approve or deny petitions for comprehensive plan amendments, re-zonings or final plat and site plans that generate students and impact the City of Pensacola school system.

Policy PSFE-1.5.1: School Board review and input

As per section 7.6 of the Interlocal Agreement the City shall take the School Board comments and findings on the availability of adequate school capacity into consideration when reviewing comprehensive plan amendments and other land use decisions.

Policy PSFE-1.5.2: Determining impact of Future Land Use changes and DRIs

The School Board shall use the adopted student generation rates to estimate the potential impact of a proposed future land use change or DRI on available school capacity. When such analysis projects a potential deficiency, the School Board shall include in its comments how it will propose to meet the projected demand. The City will take these comments into consideration per Policy PSFE-1.5.1 prior to approving or denying any future land use change or DRI.

GOAL PSFE-2: Implement school concurrency

The School Board will coordinate with the City to assure the future availability of public school facilities to serve new development will be consistent with the adopted level of service standards. This goal will be accomplished recognizing the School Board's statutory and constitutional responsibility to provide a uniform system of free and adequate public schools, and the City's authority for land use, including the authority to approve or deny comprehensive plan amendments, re-zonings or other development orders that generate students and impact the City's school system.

Objective PSFE-2.1: Level of Service standards

The City will coordinate with the School Board to ensure that the capacity of schools is sufficient to support residential development at the adopted level of service (LOS) standards within the period covered by the 5-year schedule of capital improvements, and the long range planning period. The adopted LOS standards shall be achieved by the conclusion of the first 5-year schedule of capital improvements and the LOS standards shall be maintained each subsequent year. These standards shall be consistent with the Interlocal Agreement agreed upon by the School Board, the City, and the local municipalities.

Policy PSFE-2.1.1: Consistency

The LOS standards set forth herein shall be applied consistently by all local governments within City of Pensacola and by the School Board to all schools of the same type.

Policy PSFE-2.1.2: Level of Service standards

Consistent with the Interlocal Agreement, the City and School Board agree to the following level of service standards for school concurrency in City of Pensacola, based on Florida Inventory of School Houses (FISH) permanent capacity, maximum school size by type, core facility capacity. In calculating achievement of LOS relocatables are not considered permanent capacity and school enrollment shall be based on the annual enrollment of each school based on actual counts reported to the Department of Education in October of each year.

TYPE OF SCHOOL	LEVEL OF SERVICE
Existing	100% of FISH permanent capacity
New or Expansion to Elementary (K-5)	100% of FISH permanent capacity and school size shall not exceed FISH permanent capacity of 800.
New or Expansion to Middle (6-8)	100% of FISH permanent capacity and school size shall not exceed FISH permanent capacity of 1200.
New or Expansion to High (9-12)	100% of FISH permanent capacity and

	school size shall not exceed FISH permanent capacity of 2000.
New or Expansion to Combination (K-8)	100% of FISH permanent capacity and school size shall not exceed FISH permanent capacity of 2000.
Centers	100% of FISH permanent capacity or the level of service based on the student/teacher ratios dictated by specific programs, whichever is lowest.
LEVEL-OF SERVICE STANDARD FOR CORE FACILITIES (K-5, 6-8, K-8)	
Dining/Kitchen	100% of permanent Total Capacity*
* Total Capacity for Dining/Kitchen facility shall be based on a standard of three (3) feeding periods per day based on the design capacity of the core facilities.	
LEVEL-OF SERVICE STANDARD FOR CORE FACILITIES (9-12)	
Dining/Kitchen	100% of permanent Total Capacity*
* Total Capacity for Dining/Kitchen facility shall be based on a standard of four (4) feeding periods per day based on the design capacity of the core facilities.	

Policy PSFE-2.1.3: Amending Level of Service standards

Potential amendments to the LOS standards shall be considered at least annually at the staff working group meeting referenced in subsection 1.1 of the Interlocal Agreement. If there is consensus to amend any level of service, it shall be accomplished by the execution of an amendment to the Interlocal Agreement by all parties and the adoption of amendments to the City, City and Town's comprehensive plans. The amended LOS shall not be effective until all plan amendments are effective, and the amended Interlocal Agreement is fully executed.

Policy PSFE-2.1.4: Financial feasibility of LOS

No LOS standard shall be amended without a showing that the amended LOS standard is financially feasible, supported by adequate data and analysis, and can be achieved and maintained through the five-year schedule for capital improvements.

Objective PSFE-2.2: School Concurrency Service Areas

The City shall establish School Concurrency Service Areas, as the areas within which an evaluation is made to determine if adequate school capacity is available based on the adopted level of service standards.

Policy PSFE-2.2:1: Concurrency Service areas

The Concurrency Service Areas for the City as agreed in the Interlocal Agreement, shall be coterminous with the attendance zone for each individual school. For special purpose centers, charter schools, and magnet schools the concurrency service area shall be district-wide.

Policy PSFE-2.2:2: Maximize capacity utilization

Concurrency service areas shall maximize capacity utilization, taking into account transportation costs, limiting maximum student travel times, achieving socio-economic, racial and cultural diversity objectives, and other relevant factors as related to determined by the School Board's policy on maximization of capacity.

Policy PSFE-2.2:3: Amending concurrency service areas

Potential amendments to the concurrency service areas shall be considered annually at the staff working group meeting referenced in Subsection 1.1 of the Interlocal Agreement. If there is consensus to amend the concurrency service areas to establish boundaries other than those that are conterminous with the school attendance zones, it shall be accomplished by a written execution of an amendment to the Interlocal Agreement by all parties and by the amendment to the City, City and Town's comprehensive plan. The amended concurrency service area shall not be effective until the amended Interlocal Agreement is fully executed and comprehensive plan amendments are in effect. Amendments to the concurrency service areas that keep the CSAs borders coterminous with the school attendance zones, shall be agreed upon by all parties and shall not require comprehensive plan amendments.

Objective PSFE-2.3: Student generation rates

The School Board will work with the City, City of Pensacola, and Town of Century to establish student generation rates that will be used to determine the impact of development on public school facilities.

Policy PSFE-2.3:1: Student generation rates

Consistent with the Interlocal Agreement, the School Board staff, working with the City staff and municipal staffs, will develop and apply student generation multipliers for residential developments by dwelling unit type (single family or multi-family) for each school type (elementary, middle, K-8, high, or center), considering past trends in student enrollment in order to project future public school enrollment.

Policy PSFE-2.3:2: Calculating student generation rates

The student generation rates shall be calculated by the School Board City, City of Pensacola, and Town of Century in accordance with professionally accepted methodologies, shall be reviewed and updated at least every two years.

Objective PSFE-2.4: Process for school concurrency implementation

In coordination with the School Board, the City will establish a joint process for implementation of school concurrency that includes applicability, capacity determination, and availability standards. The City shall manage the timing of residential subdivision and site plan approvals to ensure adequate school capacity is available consistent with adopted level of service standards for public school concurrency.

Policy PSFE-2.4.1: Applicability standards

School concurrency applies to residential development or a phase of residential development requiring an approval of subdivision plat, site plan, or its functional equivalent.

Policy PSFE-2.4.2: Exempted development

The following residential development shall be considered exempt from the school concurrency requirements:

1. Single family lots of record that have received final subdivision plat approval prior to the effective date of the PSFE, or single family subdivision plats actively being reviewed at the time of adoption of the PSFE that have received preliminary plat approval.
2. Residential developments that have received final site plan approval prior to the effective date of the PSFE, or residential site plans actively being reviewed at the time of adoption of the PSFE.
3. Amendments to residential site plans or subdivisions, which were previously approved prior to the effective date of the PSFE, and which do not increase the number of students generated by the development based on the adopted student generation rates.
4. Age restricted developments that are subject to deed restrictions prohibiting the permanent occupancy of a resident under the age of fifty five (55). Such deed restrictions must be recorded and must be irrevocable for a period of at least thirty (30) years.
5. Group quarters that do not generate students, including facilities such as local jails, prisons, hospitals, bed and breakfast, motels and hotels, temporary emergency shelters for the homeless, adult halfway houses,

firehouse dorms, college dorms exclusive of married student housing, and religious non-youth facilities.

Policy PSFE-2.4.3: Capacity determination standards

The City shall adopt LDC provisions to establish the application procedure and process for evaluating school capacity and making concurrency determinations consistent with the Interlocal Agreement. The School Board shall be responsible for conducting concurrency reviews. The City may choose to provide an informal assessment of school concurrency at the time of preliminary plat, but the test of concurrency shall be at final plat, site plan, or functional equivalent approval.

Policy PSFE-2.4.4: School board findings

The School Board's findings and recommendations shall address whether adequate capacity exists for each affected concurrency service area, based on the level of service standards. If adequate capacity does not exist, the School Board findings shall address whether appropriate mitigation can be accepted. If mitigation can be accepted, the School Board's findings shall identify the accepted form of mitigation that is consistent with the policies set forth herein.

Policy PSFE-2.4.5: Allocated capacity in CIP

In evaluating a subdivision plat or site plan for concurrency, any relevant programmed capacity improvements in years 1, 2, or 3 of the 5-year schedule of capital improvements shall be considered available capacity for a proposed project and factored into the concurrency analysis. Any relevant programmed improvements in years 4 or 5 of the 5-year schedule of improvements shall not be considered available capacity for a proposed project unless funding for the improvement is assured through School Board agreement to accelerate the proposed project, or through proportionate fair share mitigation, or some other means of assuring adequate capacity will be available within 3 years. The School Board may choose to use relocatable classrooms to provide temporary capacity while funded schools or school expansions are being constructed.

Policy PSFE-2.4.6: Determination of insufficient capacity

In the event that the School Board finds that there is not sufficient capacity in the affected concurrency service area(s) to address the impacts of a proposed development, the following standards shall apply:

- The project must provide capacity enhancement sufficient to meet its impacts through proportionate share mitigation; or

- Approval of the site plan or final plat (or functional equivalent) must be delayed to a date when the capacity enhancement necessary to maintain level of service can be assured; or
- A condition of approval of the site plan or final plat (or functional equivalent) shall be that the project's development order and/or building permits shall be delayed to a date when the capacity enhancement necessary to maintain level of service can be assured.

Policy PSFE-2.4.7: Availability standard

Where capacity will not be available to serve students generated by a residential development the City shall use the lack of school capacity as a basis for denial of petitions for final plats, site plans or functional equivalents. However, the City shall not deny a petition for a final plat, site plan, or functional equivalent due to a failure to achieve and maintain the adopted level of service for public school capacity where:

Adequate school facilities will be in place or under actual construction within three years after the issuance of the final plat or site plan or functional equivalent;

Adequate school facilities are available in an adjacent concurrency service area and the impacts of development can be shifted to that area; or,

The developer executes a legally binding commitment with the School Board to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to the final plat or site plan (or functional equivalent) as provided in the Interlocal Agreement.

Objective PSFE-2.5: Proportionate share mitigation

The City shall coordinate with the School Board to provide proportionate share mitigation alternatives that are financially feasible and will achieve and maintain the adopted level of service standard consistent with the School Board's adopted financially feasible 5-Year Facilities Work Program.

Policy PSFE-2.5:1: Acceptable mitigation

The School Board may allow mitigation for developments that would otherwise cause the LOS standards to be exceeded. Mitigation options shall include the following:

Contribution of, or payment for, acquisition of new or expanded school sites;

Construction or expansion of permanent school facilities;

Mitigation banking, the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell excess capacity credits within the same concurrency service area; and

Charter schools, provided they are constructed to State Requirements for Educational Facilities (SREF) standards, so that it can be relied on the over the longer term as public school capacity, designed to whatever minimum size and specifications established by the School Board to ensure that if the School Board is required, it can efficiently operate the school.

Policy PSFE-2.5:2: CIP and proposed mitigation

Proposed mitigation must be directed toward a permanent capacity improvement identified in the School Board's financially feasible 5-Year Work Plan. However, the School Board may accept mitigation in the form of an improvement not identified on the 5-year Work Plan and commit to add the needed improvement to the 5-year Work Plan. The School Board must find that any proposed mitigation will satisfy the demands created by the proposed development consistent with the adopted level of service standards, and the mitigation shall be assured by a legally binding development agreement between the School Board, the City, and the applicant executed prior to the issuance of the final plat, site plan or functional equivalent.

Policy PSFE-2.5:3: Shifting impacts

Mitigation shall not be required when the adopted level of service cannot be met in a specific concurrency service area if the needed capacity for the development is available in one or more contiguous concurrency service areas and the impacts of the development can be shifted to a contiguous concurrency service area. Where more than one concurrency service area is available to accommodate student impacts, the School Board shall evaluate how the impacts of a development shall be shifted. Measures to maximize capacity, including modifications to concurrency service areas in lieu of shifting development impacts, can be considered.

Policy PSFE-2.5:4: Relocatable Classrooms

Relocatable classrooms will not be accepted as mitigation.

Policy PSFE-2.5:5: Calculation proportionate share mitigation

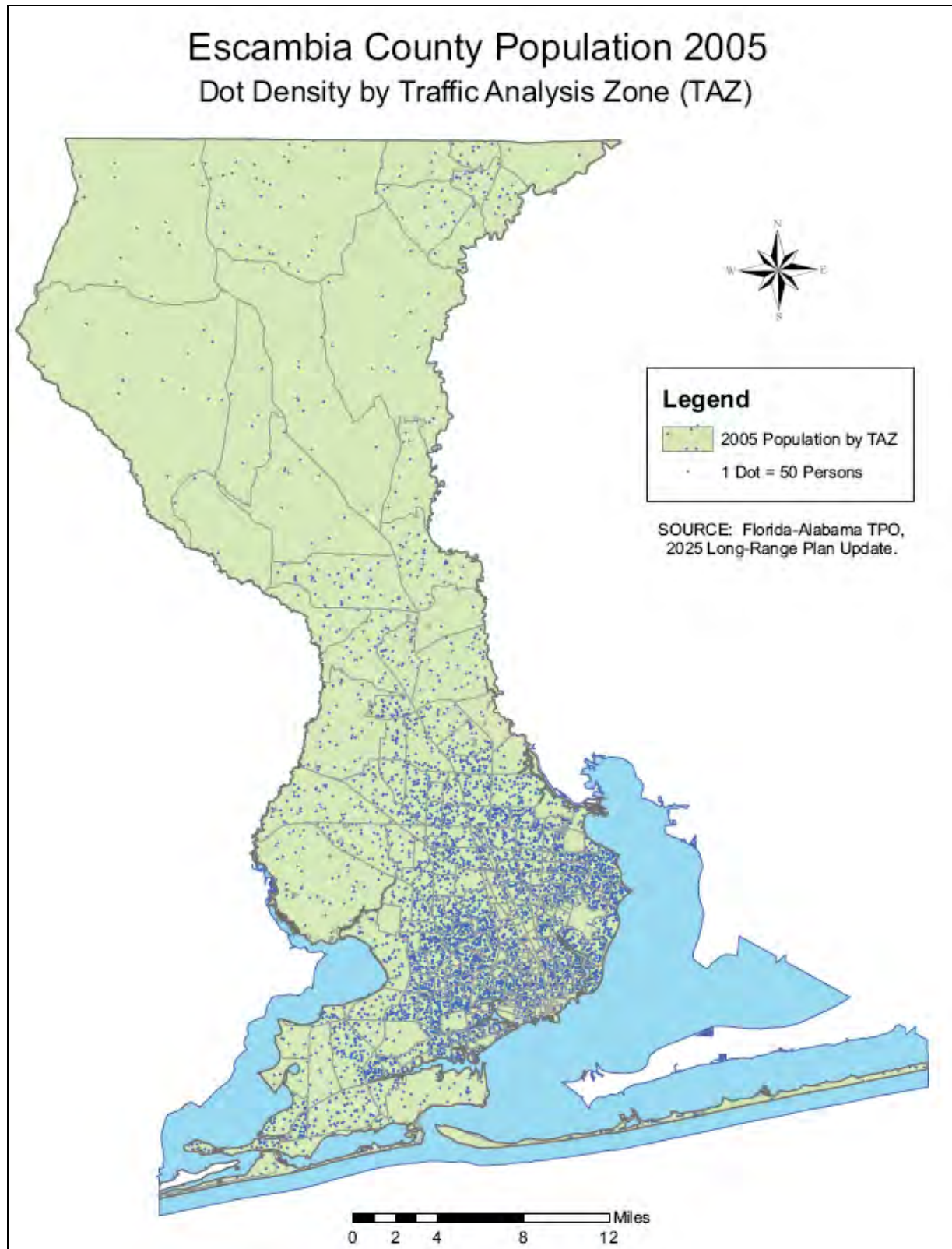
The applicant's total proportionate-share mitigation obligation to resolve a capacity deficiency shall be based on the following formula, for each school level: multiply the number of new student stations required to serve the new development by the average cost per student station and, if needed, add the additional cost of a core facility to accommodate the additional student stations.

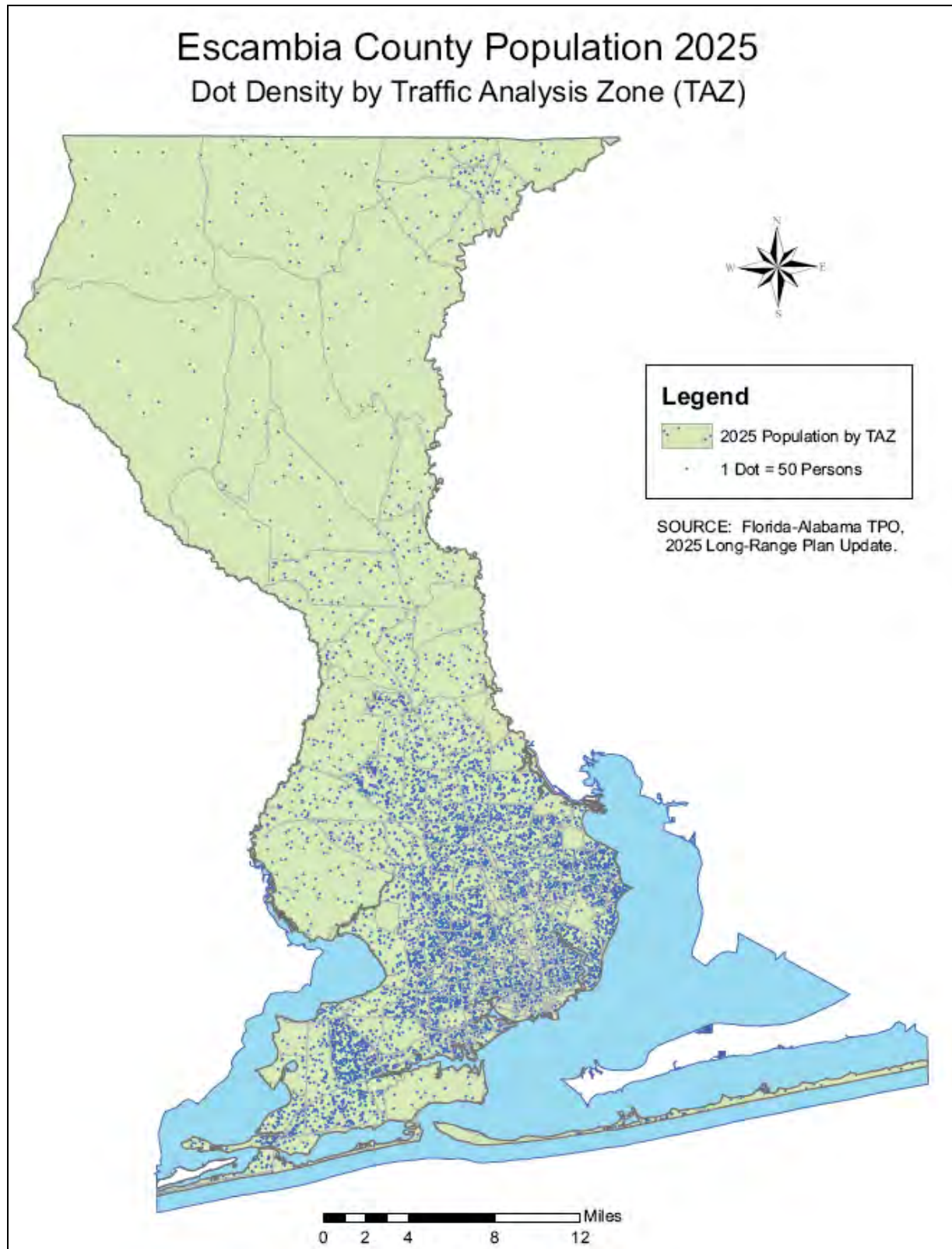
The average cost per student station shall include school facility development costs and land costs. The applicant's proportionate-share mitigation obligation will be credited toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.

School Facility Maps

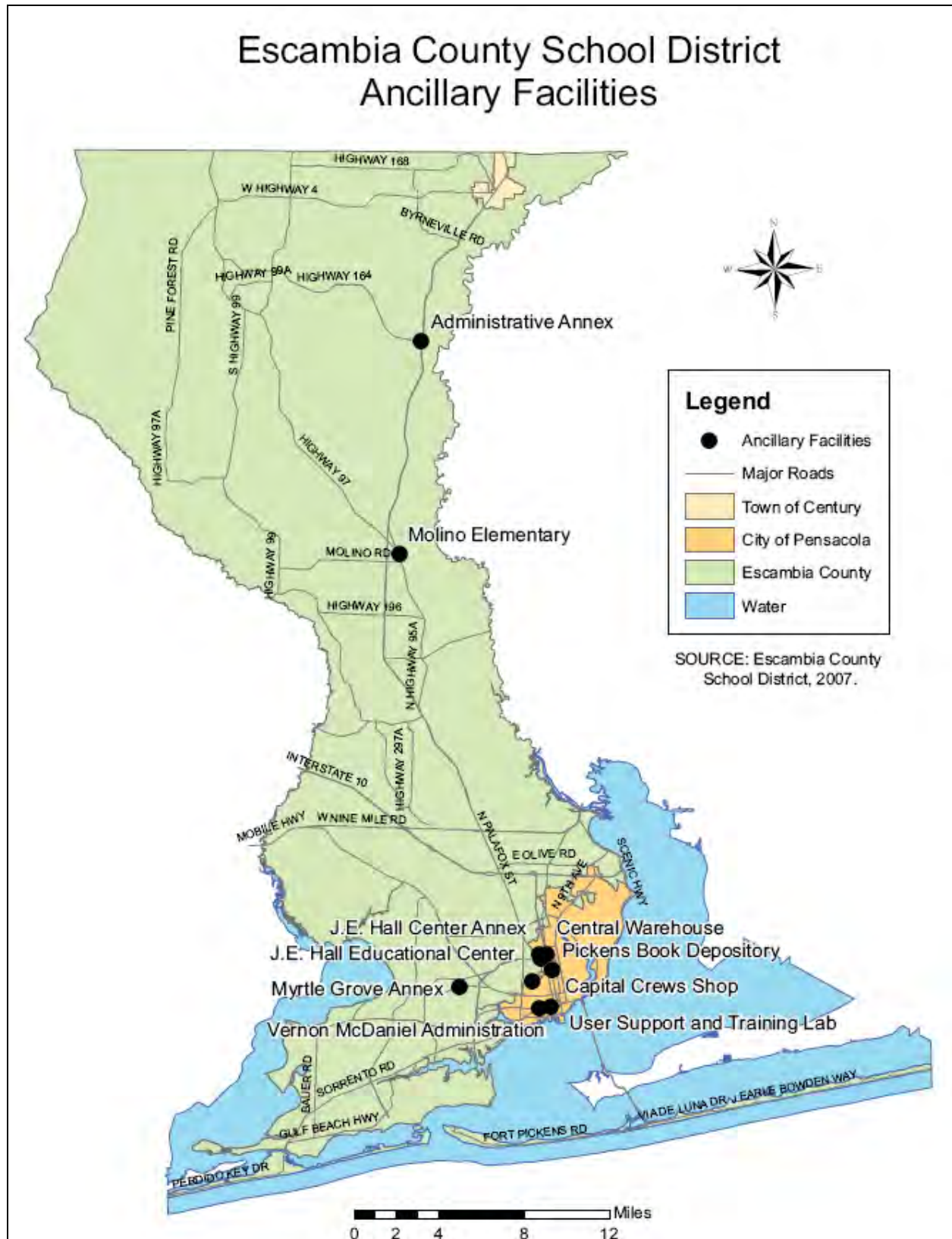
Consistent with Section 123.3177(12)(g), Florida Statutes, the Public School Facilities Element shall include future conditions maps showing existing and anticipated schools over the five-year and long-term planning periods. The maps of necessity may be general over the long-term planning period and do not prescribe a land use on a particular parcel of land.

Escambia County Population 2005

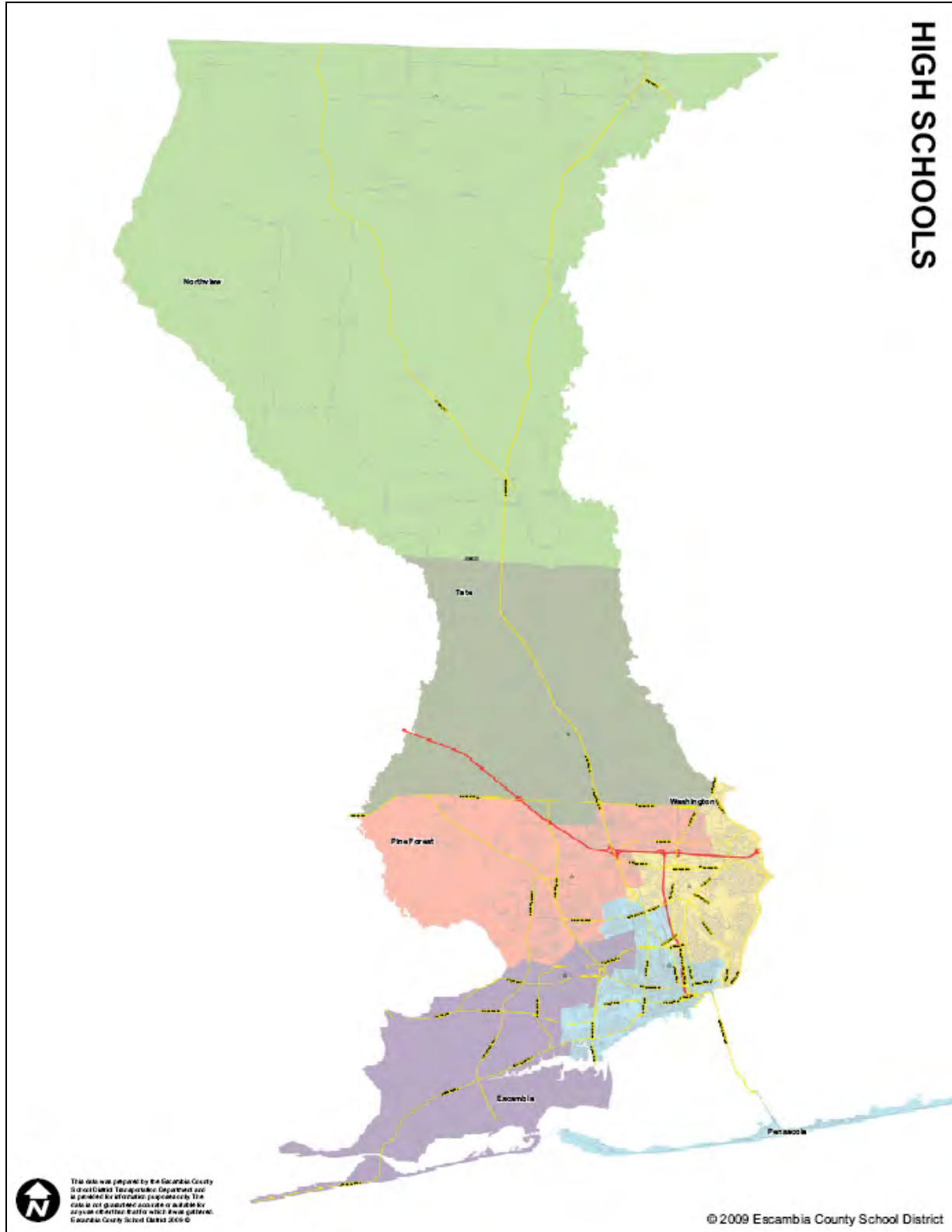




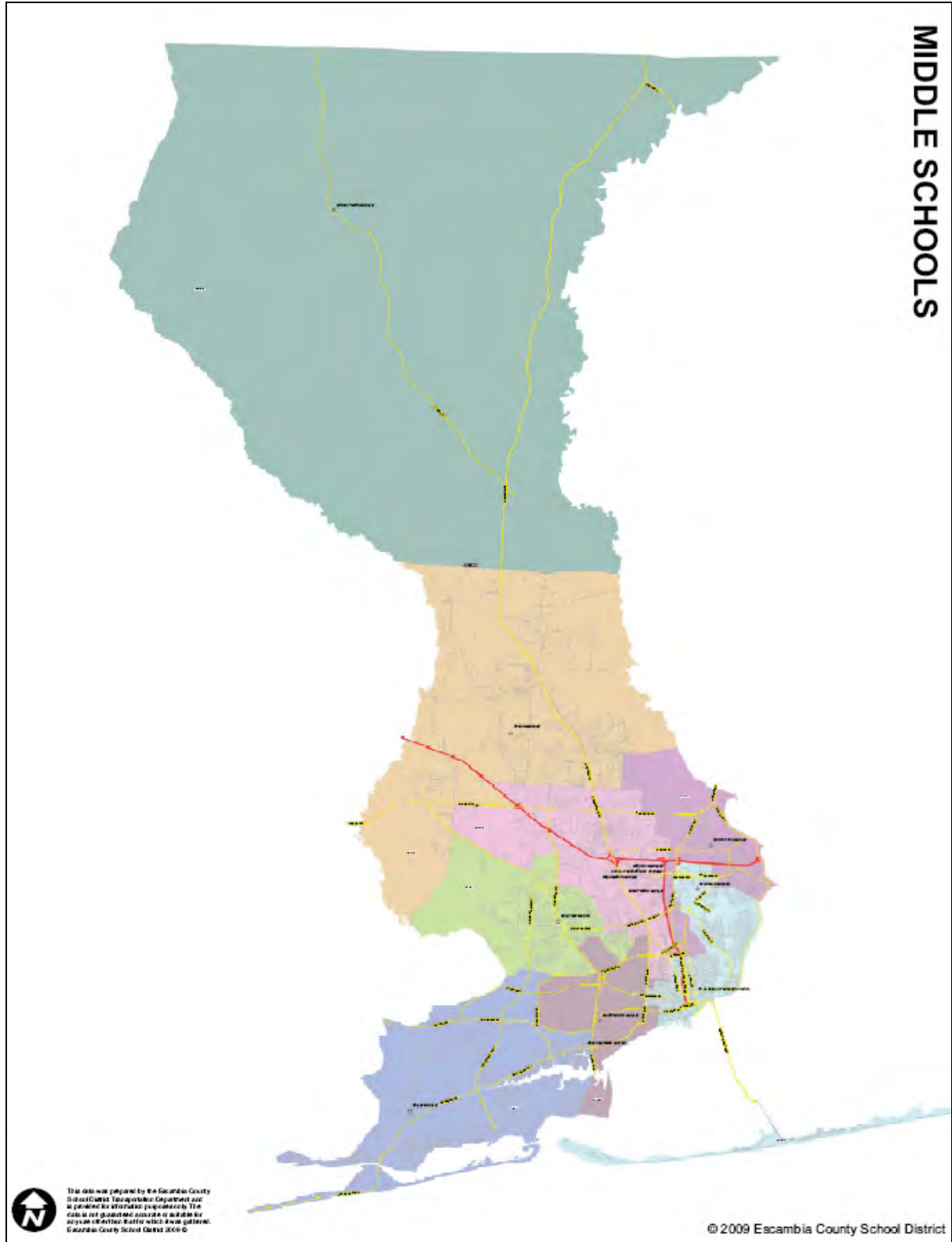
Escambia County School District Ancillary Facilities



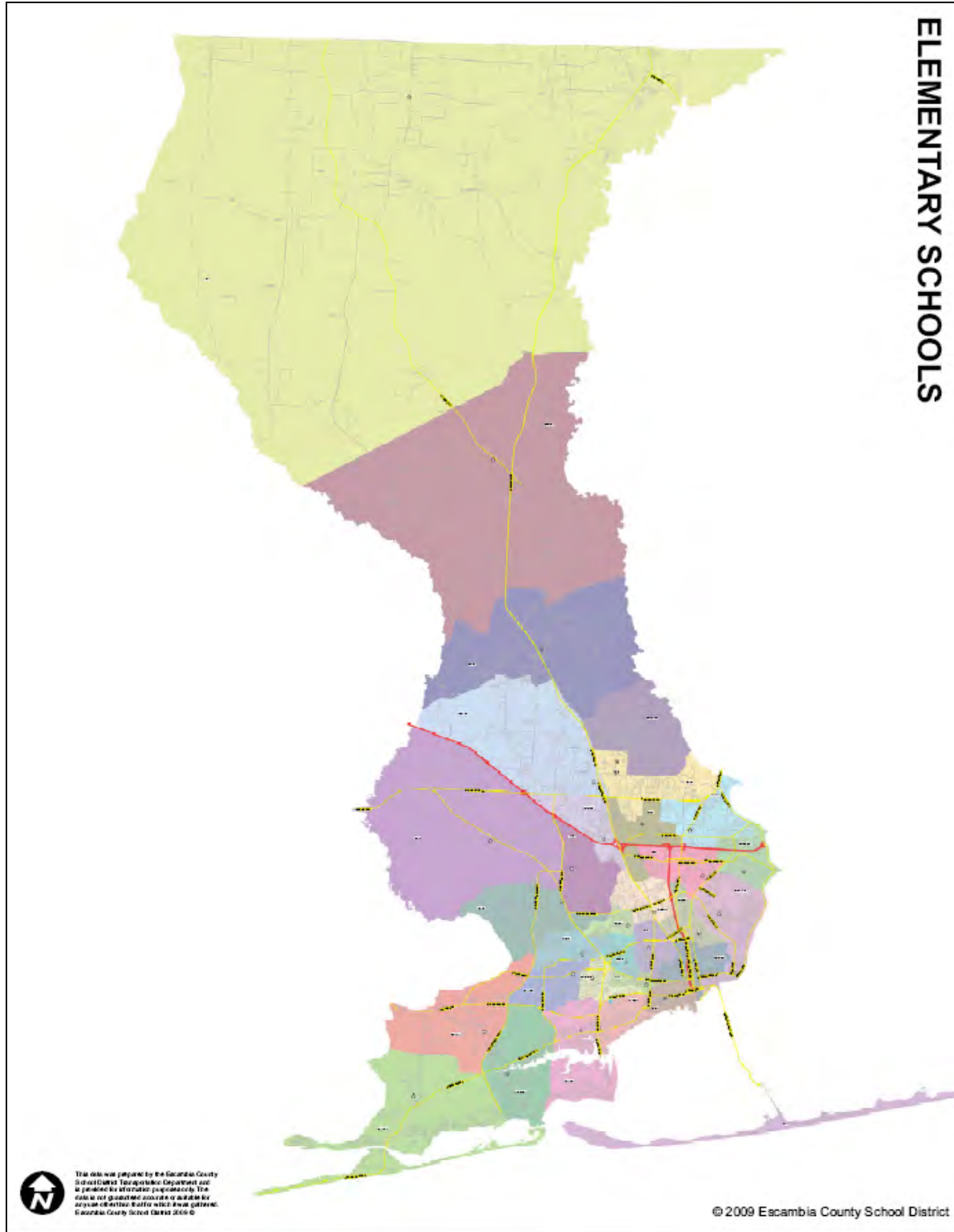
Escambia County High School Attendance Zones



Escambia County Middle School Attendance Zones



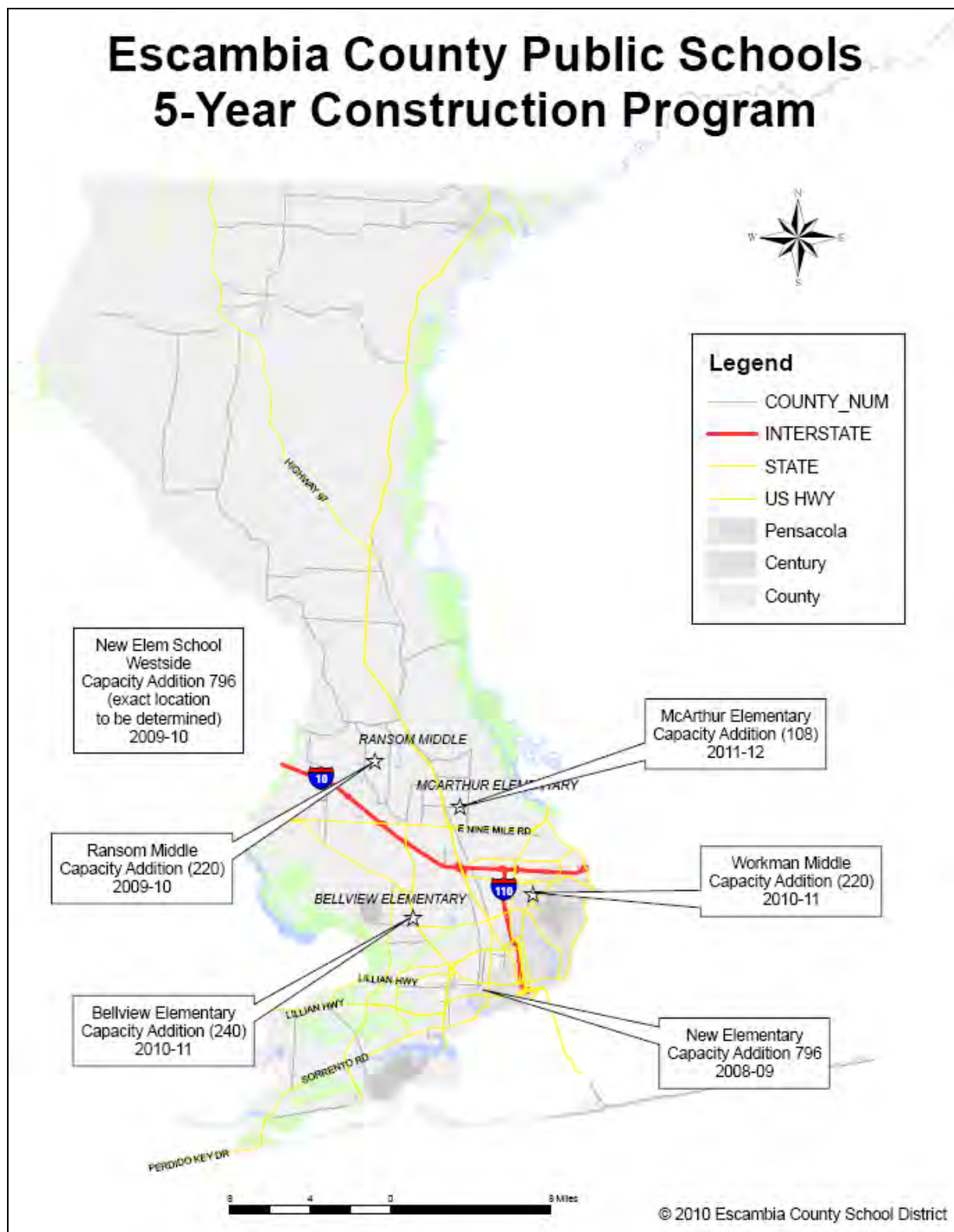
Escambia County Elementary School Attendance Zones



Escambia County Public Schools 5-Year Construction Program

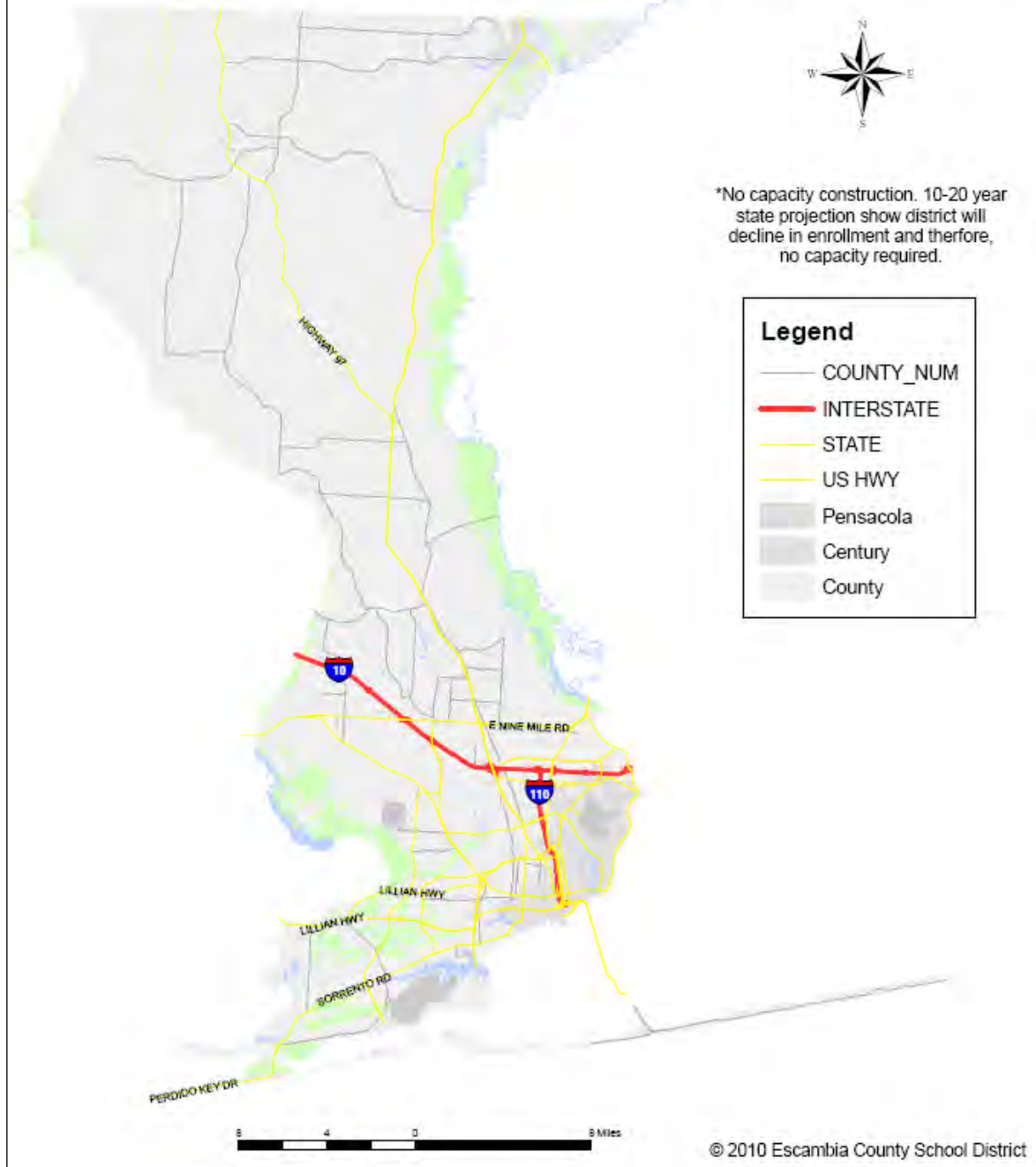
Public Schools and Facilities

Escambia County Public Schools 5-Year Construction Program



Escambia County Public Schools 20-Year Construction/Needs Program

Escambia County Public Schools 20-Year Construction/Needs Program*





PLANNING SERVICES

MINUTES OF THE PLANNING BOARD

April 9, 2019

MEMBERS PRESENT: Chairman Paul Ritz, Nathan Monk, Kurt Larson, Danny Grundhoefer, Ryan Wiggins

MEMBERS ABSENT: Nina Campbell, Laurie Murphy

STAFF PRESENT: Brandi Deese, Assistant Planning Services Administrator, Leslie Statler, Planner, Sherry Morris, Planning Services Administrator, Gregg Harding, Historic Preservation Planner, Don Kraher, Council Executive, Laurie Byrne, Constituent Services, Derrik Owens, Public Works Director, Brian Cooper, Parks and Recreation Director, Marcie Whitaker, Housing Administrator, Dan Flynn, Airport Director

OTHERS PRESENT: John Hutchinson, Bob Greene, Ron Martin, Rob Pettitt, Lindsey McIntosh

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from March 12, 2019.
- **New Business:**
 1. Conditional Use Permit Approval for 110 W. Strong Street
 2. Evaluation and Appraisal Review (EAR) Based - Comprehensive Plan Amendments
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:02 pm with a quorum present and explained the Board procedures to the audience.

Approval of Meeting Minutes

Ms. Wiggins made a motion to approve the March 12, 2019 minutes, seconded by Mr. Larson, and it carried unanimously.

New Business

Conditional Use Permit Approval for 110 W. Strong Street

J. Nixon Daniel, III, on behalf of Martha's Vineyard, has requested a Conditional Use Permit for a Board and Lodging House for the property located at 110 W. Strong Street. The applicant indicates the purpose of the conditional use request is to provide charitable housing to families whose friends and loved ones are in the local hospitals. This property is currently zoned PR-2, North Hill Preservation Multi-Family, which permits the land use of Bed and Breakfast by right but grants the land use of Boarding and Lodging House as a Conditional Use Permit.

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The applicant is proposing to modify the existing structures to increase the number of units and will no longer qualify as a Bed and Breakfast.

Chairman Ritz stated he had researched the background of Martha's Vineyard and noticed there was a Euclid address also owned by Martha's Vineyard. He became more and more confident in the mission purpose, and personally, it hit close to home with his own family. He felt it had a benefit to the community and advised he would support his kind of approach. Mr. Larson asked what would happen if the property was no longer owned by Martha's Vineyard, and Ms. Deese explained the Conditional Use Permit runs with the land, however, they would have to adhere to the standards provided within the approvals. She stated the idea of a Conditional Use Permit was that it might be a good use within the district with conditions attached to it, and this Board and Council could add to those conditions.

Mr. Hutchinson further explained that Martha's Vineyard provided free accommodations and meals to out-of-town families who were here in town because of a medical crisis, and they currently operate in Pine Glades neighborhood. Marti and Dennis Tackett opened up their home for this purpose after observing the need. He clarified the guests were referred by hospital staff, and they did not take walk-ins. He said they averaged around 100 guests per year, and 40 percent of the guests come by plane, so there are no automobiles so parking would not be an issue. He also advised the visual aspect from the street would not be changed.

Ms. Wiggins was impressed by their board members and their mission and thanked Mr. Hutchinson for providing the service. Mr. Monk asked for the difference with the Ronald McDonald House, and Mr. Hutchinson explained this organization accepted all families, not just those with children. He also indicated their doors were open to gay couples, any religion and any lifestyle; he explained the only counseling performed was upon request. Mr. Grundhoefer recused himself from voting because of his firm's relationship with the ministry. Mr. Larson asked that if Martha's Vineyard ever sold the property to someone who would turn it into a bed and breakfast, this use would be addressed again by the Planning Board. Ms. Deese explained one of the differences in a bed and breakfast and a boarding and lodging house was that the owner was required to stay onsite, and the Board might want to add that language if they felt more comfortable; Mr. Larson accepted that suggestion. Mr. Monk did not want to do something which prohibited the ministry from expanding.

Mr. Robertson, the present owner, stated they had managed Noble Manor for 14 years. They had been concerned that in North Hill you could only have four rooms, and you must also live onsite. He confirmed they were not an Air BNB and had no previous issues with neighbors. He stressed this request was a good fit for the community.

Mr. Larson made a motion to approve with a condition that if Martha's Vineyard ever sold the property, this would be addressed again by the Planning Board. The motion was seconded by Mr. Monk. Ms. McIntosh, who lives next door, agreed with the mission, but had concerns with selling her property and the fact that her husband was a physician and wanted to stay under the radar. She also was concerned with runoff from the concrete since her property is downhill from the site. She pointed out a massive add-on and a concrete yard, and if the owners waited, they could possibly find the right buyer for the home. She suggested property on Cervantes for the more industrial buyer suited the needs for a home like this.

Chairman Ritz explained that on the runoff issue, the neighbors would have recourse since the City would not allow them to dump their stormwater onto other properties. As far as price drops, this Board could not tell the homeowner what to sell the property at. However, the Board does take into consideration the neighbors, the property owners themselves, and the ideas of where the City should move forward. Regardless of the Board vote, this item would go before the Council, and concerns could be addressed at that time. Mr. Monk pointed out he had been working with people for the past 15 years helping them to move out from homelessness, and explained anyone who interacts with the public is not guaranteed anonymity unless they are living in a gated community.

He indicated the Waterfront used their Victorian homes as rehab facilities, and when it came time to sell, they sold very quickly at a good price, and did not believe this project would do any damage to the aesthetics of the neighborhood. **The motion then carried unanimously.**

Evaluation and Appraisal Review (EAR) Based - Comprehensive Plan Amendments

As provided in Florida Statute 163, all local governments within the state of Florida are required to participate in a state coordinated review for an Evaluation and Appraisal Report Based Comprehensive Plan Update. The proposed amendments within this update reflect changes in state requirements and local conditions.

Chairman Ritz had noted the changes in the name of the airport, Master Plan dates and did not find anything offensive or egregious to the betterment of the City. Ms. Deese confirmed that with the Board's approval, the amendment would proceed to Council, the State and then back to Council. Mr. Monk also did not see anything out of the ordinary. Mr. Grundhoefer asked where the document originated, and Ms. Deese advised it came from Planning Services as a requirement of the State for every five to seven years; the amendment was due to the State by November 2019. She also indicated that the document would be reviewed by the Department of Economic Opportunity, but it was not a means to measure success or to be reprimanded for not reaching goals.

Ms. Whitaker addressed housing assessments being performed somewhat annually, but changed the language to periodic to be broad and give them that leeway for obtaining grants; she indicated some of the language had been relocated in the document for a better placement. She further explained the incentives as homebuyer incentives, City-owned lot discounts for new construction, and also went with broad definitions so different strategies could be included.

Mr. Cooper explained the recreation open space and providing one pool per 25k residents and stated we meet most of the national standards. He indicated we were deficient in rectangular fields, but we were trying to build three at Hitzman Park with the possibility of three more in the future. Regarding conservation easements, he advised at this point, the city has 93 parks, and acquiring new land for a new park would be nearly impossible. Ms. Deese explained that any areas with conservation zoning were already addressed in the LDC. Mr. Grundhoefer then addressed co-sponsoring activities language being removed, and Mr. Cooper stated the language was specific, and advise they did not co-sponsor baseball or softball since those were sponsored by other organizations who just use our facilities.

Mr. Grundhoefer also asked why the Mayor was not included in the internal review for Capital Improvements. Mr. Owens explained that capital projects could be multiple departments across the city, but agreed the Mayor should be on the list. Most of the revisions in this section involved changes in personnel and titles.

Mr. Grundhoefer felt the document was good for Pensacola and made a motion to approve the amended document and recommend it to Council, seconded by Mr. Larson, and the motion carried unanimously.

Open Forum – Ms. Wiggins addressed saving some of the buildings downtown from demolition. She explained she was in a renovation process, and it was almost as expensive to remodel as to build new; with no incentive to remodel, we were losing the charm of the older structures. Chairman Ritz explained his own home in East Hill was almost 100 years old, and there were some things he could not update at all because of the cost.

He asked if incentives were something the Board could accomplish, and Ms. Deese advised that was outside of the scope in recommending proposed changes in the LDC, however, an overlay in a historic community such as East Hill would be more in line with what the Board could recommend to Council. Mr. Monk pointed out there should be some type of incentive. He also suggested looking at the barriers that were placed on people. He pointed out everyone gets upset about regulating paint color, but when they try to upgrade their electrical, it really gets invasive. Ms. Wiggins explained everyone looked at the overlay as a "stick" and she was opting for a "carrot." Ms. Deese advised the Board members to speak to the Mayor as residents to see if there was any interest. Mr. Grundhoefer explained he did not dislike density, but some of the projects were not done nicely. If East Hill had some regulations, it might stop some of the property selling with one house demolished in order to build four houses. Chairman Ritz pointed out there were some instances where the primary structure was torn down, leaving the garage apartment which was now the primary structure. He explained the Board needed to be careful with what time period they chose, since in some years, there was more density while in others just farmland. Ms. Wiggins restated she was coming from the point of incentivizing people to do what would be better and not enforcing codes. Chairman Ritz offered there was nothing they could do about the Florida Building Code, but an overlay would be the purview of this Board.

Ms. Deese explained there were two different ordinances being considered by Council. The one which passed second reading involved the notification in protecting the health of citizens so that the contractor has the burden to notify property owners within a certain distance if they were going to demolish certain structures. The demolition ordinance recommended by this Board had not yet been reviewed by Legal, but could possibly be scheduled in May of this year. She also advised the CRA overlay was being reconsidered on May 16 at Council.

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 2:58 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Brandi C. Deese', with a long horizontal line extending to the right.

Brandi C. Deese
Secretary to the Board



PLANNING SERVICES

THE UPSIDE *of* FLORIDA

MINUTES OF THE PLANNING BOARD

July 9, 2019

MEMBERS PRESENT: Chairman Paul Ritz, Kurt Larson, Nathan Monk, Danny Grundhoefer, Laurie Murphy

MEMBERS ABSENT: Ryan Wiggins, Nina Campbell

STAFF PRESENT: Leslie Statler, Planner, Greg Harding, Historic Preservation Planner, Heather Lindsay, Assistant City Attorney, Jonathan Bilby, Building Official

OTHERS PRESENT: Councilwoman Sherri Myers, Diane Mack, Sarah O'Neill, John Connell, Dottie Dubuisson, Renee Foret, Sam Lundy, John & Jonathan Connell, Steve Geci, Barbara Mayall, Michael Carro, Don Redhead, Tia Queyquep, Ann Hill, Ron Helms, Justin Beck

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from May 14, 2019.
- **New Business:**
 1. Preliminary Plat Review – “Whispering Creek” subdivision
 2. Rezoning Request – 3200 BLK Seville Drive
 3. Amendment to Conditional Use Permit – 501 S. Palafox Street (Al Fresco)
 4. Aesthetic Review – 501 S. Palafox Street (Al Fresco)
 5. Review of Gateway Review Board
 6. LDC Amendment – Ice Machines
 7. Comprehensive Plan Amendment – Density Transfer
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:02 pm with a quorum present and explained the Board procedures to the audience.

Approval of Meeting Minutes

Ms. Murphy made a motion to approve the May 14, 2019 minutes, seconded by Mr. Larson, and it carried unanimously.

New Business

Preliminary Plat Review – “Whispering Creek” subdivision

Chairman Ritz reviewed some of the comments received regarding this project and asked Mr. Geci to address the Board. Mr. Geci advised there were no real issues with the corrections to be made. In the previous phase of the subdivision, they constructed a stormwater pond which would also handle new

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property, and there would be no new stormwater pond added. Water and sewer are available. Deeded access is being provided through the Target shopping center. He has some questions to staff regarding the comments asking for everything to be on one sheet. He also stated there will be two parking spaces per lot, and in most cases three or four.

Ms. Murphy stated she was an active member of the restoration crew for Carpenters Creek located behind the property and noted this plat was heavily forested, and she had several concerns since this property would empty into Carpenters Creek. She asked if they planned to raise the property up since at one point there was a 10' grade difference. She pointed out the stormwater pond for the Whispers subdivision had not worked well and asked how the runoff would be handled for the new development after clearcutting all the trees. Mr. Geci stated there was a tremendous slope from north to south, so they would cut one end and fill the other with retaining walls at each end to grade it out, and it would be difficult to save any trees. Once the site was developed with the inlets and pipes to control it all, there wouldn't be any flow down the bank. He explained currently there was sheet flow into the pond which had caused problems over time. Ms. Murphy pointed out the water did not flow toward the stormwater pond; Mr. Geci advised none of the water would flow onto the adjacent property.

Chairman Ritz clarified that the agenda item was the preliminary plat review which normally did not cover sheet flow, and Mr. Geci's answers were acceptable at this point since the Board had certain criteria for preliminary plat review. While important for the City of Pensacola, in the rules for preliminary review, it might not be an item on which you could accept or reject the plat. Mr. Geci advised they would address all the details with construction plans reviewed by the City and water management district. Ms. Murphy pointed out there were no Conifer trees listed on the tree list; Chairman Ritz explained the City had a list of protected trees, and the trees not listed were not protected. Mr. Geci advised the tree survey was prepared in accordance with the City ordinance, and they would comply with it.

Mr. Monk advised his concern with preliminary reviews involved a lot of steps he would want to know had been taken before any review. Once something was stamped and approved, it became very difficult to stop it down the line. He pointed out there was probably someone living on the property, there were runoff issues, tree issues and community issues. Whenever he was told the issues would be handled down the line, sometimes they never were, and there should be a fix to this portion of the process. Chairman Ritz explained that someone living on the property was a legal issue and not a part of the Board's decision making process. Mr. Geci pointed out this was a preliminary plat and discussed the steps up to the preliminary plat. Beyond this stage, there were construction plans, permits from the City and the utility authority; this stage was not designed to address all the details. Mr. Monk felt the Board had the obligation to ask these questions. Chairman Ritz explained that they needed to balance the questions they asked with what was required by the agenda item as a preliminary plat. Mr. Grundhoefer asked about the development, and Mr. Geci stated it was single-family detached. Ms. Murphy asked how long it would take to develop the 20 homes, and Mr. Connell advised they would begin immediately with construction as soon as the roads were finished. He explained the reason for not going through the Whispers was because they left a parcel which connected to this property which was intended to have an extension of the Whispers in the next phase; through the course of engineering and legalities, that parcel was thrown into the homeowners' association instead of being retained by the developer as owners. He also stated there were two holding ponds in the Whispers, and those holding ponds were to be maintained by the City. He explained no water would flow into the Target parking lot or the existing Whispers location. The new phase would be compatible to the Whispers subdivision. He also pointed out the homeless situation is all over the City of Pensacola and not just in this area. He clarified that they would adhere to any City ordinance or requirement concerning this project.

Ms. O'Neill wanted to know how many protected trees were being removed; she was also concerned with the homeless and the wildlife in this location. She was also concerned that the project was being pushed

through quickly. Chairman Ritz explained according to the LDC, private property owners can clear cut trees by right, and protected trees have been allowed to be removed from residential property. He emphasized the Board was trying to stay with the agenda item, and discussions brought forth deal with other legislative issues which might be addressed by the City Council in a different forum. He clarified the preliminary plat deals with a proper drawing showing the delineation of the properties, roadways, setbacks and other particular features.

Ms. Mack asked if the number of parcels was included in the preliminary plat and was this the maximum of parcels allowed. Ms. Statler advised this was not the maximum the developer could build since this parcel was zoned C-2 with a very dense allowance. Chairman Ritz explained that cumulative zoning means we are allowed to use this zoning and other zoning designations below it such as C-1, and the R designations to determine what can be built there. Ms. Mack suggested since the developer had already seen the value of having fewer lots in the allowed area, given the current real estate market, there was an opportunity to have fewer lots, noting how much retaining trees adds to the value of each parcel and each developed single family home. Regarding climate change, the most effective thing we could do and the least expensive way would be to re-forest the planet.

Mr. Grundhoefer asked if there was another option rather than building retaining walls as a possibility for not building up a site and clear cutting. Mr. Geci stated they had looked at condominiums but decided on the less dense subdivision. Because of the slope of the site, to have building pads that were level, they were limited; they were cutting the north end and filling the south end and then leveling it out.

Ms. Dubuisson cautioned the Board, the developer and the City to stop and look at the ripple effect of every change that this particular development would cause. She pointed out our Mayor emphasized neighborhoods, and the neighbors have made known they do not wish for this activity at the current rate currently being discussed. She explained everything she was hearing was about reversing the natural order and trying to countermand the normal drainage of the property. It was noted the City had acquired responsibility for a privately developed stormwater pond serving the first development. She did not know how they could have anticipated the second development would be covered if they did not even know how many buildings were going in the new development. She suggested the Board table the item until all the questions raised by staff and the public could be addressed. She advised when the Board could slow the process down to answer any questions, she encouraged them to do so.

Councilwoman Meyers addressed the Board with a great concern for this project, and that the existing stormwater pond was the worst she had seen in the City of Pensacola. She explained the erosion was not coming from the land the developer wanted to clear cut but coming straight down the street through the Whispers and eroding it to the point you cannot drive into the pond to maintain it. She stated she had many conversations with Derrik Owens about the maintenance of the pond, and the pond was not sufficient for the Whispers and definitely would not be adequate for any additional impervious surfacing. She pointed out the City had spent a lot of resources trying to rehabilitate this pond. She stated Carpenters Creek was not a whispering creek but has been viewed as a conveyer of stormwater and was not designed for that much stormwater from impervious surfacing. She observed there was tremendous bank erosion along that creek because it was not designed to take on all that water from impervious surfaces. The new development would contribute to not only the demise of the stormwater pond, but would put more water into the creek, resulting in more erosion. She suggested using more pervious surfacing so the water would not enter the stormwater pond. She urged the Board not to approve the item until it had all the facts.

Mr. Monk made a motion to table the item, seconded by Ms. Murphy. Mr. Grundhoefer suggested the motion include information on what the Board was looking for. He also thought the Board needed more comfort that the stormwater system and the pond could take this development, and if not, return with a less impervious development and keeping the more natural terrain, something the Board could see was a positive statement. Mr. Monk and Ms. Murphy accepted this amendment. Chairman Ritz clarified the

added information of addressing stormwater during the tabling time. Mr. Monk also understood the motion to include lot size and the possibility of reducing the effect on the environment; Ms. Murphy added green stormwater structure with bio swales and other options available to give the Board more information and more items to look at to make a better decision. Mr. Monk agreed, and the motion carried unanimously.

Rezoning Request – 3200 BLK Seville Drive

Ms. Statler explained the zoning change would not change the uses permitted, but would simply change the minimum lot size and the front and rear setbacks which would be consistent with the properties to the north.

Mr. Beck presented to the Board and advised the current zoning prevented them from building anything on the property, and it was the only parcel on Bayou Texar with that zoning. He stated they had no intention of selling this lot at this time, and the rezoning would allow them to place a pool house on it. **Mr. Larson made a motion to approve as presented, seconded by Mr. Monk, and it carried unanimously.**

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

Mr. Sallis presented to the Board and stated he was addressing the ordinance and as a developer and wanted to go through the proper procedures. Mr. Carro had met with the Mayor to talk about the retail for this project which was not currently in the ordinance. Mr. Sallis explained they wanted the Board's support for retail in this development and to obtain approval of the aesthetics. He explained the developer was working with them to create a cover for the airstreams to shelter them from weather events so they could have successful businesses year round. He stated the idea was to have an old building which looked like Al Fresco was added later; he hoped the current rendering had the bones of a warehouse which housed the outdoor retail market. He stated Mr. Bilby informed him there still might be issues because of the flood design manuals for the City. He confirmed the property was clearly in a flood zone, and to build, they would have to comply with flood management. They would need to completely elevate the site and build it up to around 4.5' with a 40' ramp and steps, which was a cost not worth pursuing. The other method was to use FEMA standards for flood proof construction - a wall around the development to withhold water for several hours - which was not a sensible effort in construction. He explained they wanted to leave the airstreams as they are; the documents provided illustrated mobile restaurant units made from shipping containers, but they were no longer going to pursue that. They preferred to leave the airstreams where they were, moving one of the airstreams to allow an open flow underneath the proposed covering. They would be anchored in the same method of a mobile home, but this was no longer acceptable according to Mr. Bilby. He asked that they be allowed to keep the airstreams as they are but move one of them and anchor it in the similar method the others have been in the past and construct the overhead structure.

Chairman Ritz stated in the intervening years of the original airstream decision, he had heard both pros and cons especially as it related to what is considered a prominent corner in Pensacola. He explained the bank across the street had to build up because of the flood zone. He personally had received more negative comments than positive on the airstreams. He did like the current aesthetic presentation because it fit in the "building that has been there" mentality. He referred to the conditional use permit issue and the aesthetic review as being two separate agenda items.

Mr. Grundhoefer confirmed moving the one airstream was the main issue. Mr. Sallis explained the Board was first tasked to allow retail as a part of the ordinance and discussed the methods of anchoring; they were hoping to use the helical design for the mobile units. Mr. Grundhoefer appreciated the new design and stated he would support it and thought retail was appropriate in this situation. Mr. Bilby explained the flood ordinance gave two conditions in new construction to either to elevate 3' or to anchor to resist flood loads and to flood proof. He was not sure why the existing airstreams were allowed the way there were, but the

existing ordinance would not allow them to be placed in that manner. Recreational vehicles are covered but only up to 180 days before they must be removed. He loved this concept and explained the helical anchors were fine but they would need to flood proof up to that 3' elevation above base flood elevation along with the anchor. They could flood proof each individual shipping container, anchor them, and the development would go through with no problem. He clarified the basic flood regulations were out of the National Flood Insurance Program adopted by Pensacola. Mr. Monk felt Al Fresco helped to develop downtown to what it currently is and wanted to find a way to be safe and to find an answer.

Chairman Ritz advised with the conditional use, he did not have a problem with retail, and this project brings life and a higher people count through more hours of the day. Ms. Statler explained this conditional use had changed today, and staff had just been made aware of it at the same time the Board was made aware. In discussions with Legal and the Planning Director, it was not something that could be voted on today. She advised the site plan had changed, and basically the conditional use packet that would move forward was not what was in front of the Board. Mr. Sallis voiced his frustration since there is now not a change to the site plan. Chairman Ritz clarified that the current packet was not advertised and the site plan would be different from the one the citizens of Pensacola had seen. Mr. Grundhoefer felt the conditional use didn't have to do with the way the site was configured. Ms. Statler further explained the conditional use itself is site specific and deals with the orientation of the structures on the site, and the aesthetics would be considered under Item 4. Mr. Monk asked if the Board could not approve the language of the containers themselves but the option for retail, and Ms. Statler stated that was acceptable. Chairman Ritz pointed out with other business owners having high stakes in the game, public notice needed to be considered. Mr. Sallis stated their May submittal was not in time for the Board's consideration and was then delayed, and they missed June because of the proper advertising. Mr. Carro stated they did not miss June, and the Board had expected to see them in June; the City did not perform the proper notification, even as they were making the changes the Board requested. Mr. Sallis explained the flood comments were received in the last week regarding the current submittal and was the reason for the changes to keep what they currently have and cover it.

Ms. Statler clarified the application deadline for conditional use is 30 days and not 21; when this project was initially submitted for May, staff did not have a full, complete packet 30 days prior to the meeting. Staff agreed to let it come forward as a discussion item. This item was submitted in a timely manner with the conditional use application with all specifications and met the deadline for this meeting. The procedures for a conditional use are different and based on a development plan submitted with the application. The reason the Board could not vote on this was because the development plan submitted with the application had changed; it doesn't matter if it was a minor or a major change. Relative to the flood proofing, there was a Development Review meeting attended by Mr. Carro where that requirement was fully discussed several months ago.

Chairman Ritz pointed out he had no problem with retail, but the language in the conditional use application had changed and was in line with the advice of Legal and staff. He was hesitant to tell one applicant they have to provide above and beyond for their one item and then with a little bit more of a cavalier attitude allow a change that someone may complain to City Council that they didn't see. Ms. Statler advised the Board should postpone to a date certain and staff would expect revisions to present to the Board in August. She stated the 30-day deadline would be this Friday, with the actual Planning Board deadline on July 23 for the August 13 meeting. Mr. Sallis stated they would submit plans by this Friday showing the existing airstreams remaining, with the anchoring details worked out with Mr. Bilby for the building code requirements. Ms. Statler advised the Board could proceed with the review of the aesthetic and provide comments on design to allow them to move forward. Chairman Ritz offered the Board should table until the August meeting.

Mr. Larson made a motion to table Item 3, seconded by Ms. Murphy, and it carried unanimously.

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

Mr. Sallis appreciated the support of the Board and appreciated staff working with them on the very specific and detailed conditional use ordinance, and the current design was intentional to create the plaza called for in the ordinance. Mr. Carro stated he had four to six tenants who are affected by the weather. Since he cannot charge additional rent, he could prevent turnover in giving them more hours and more days in which to operate. He was also more pleased with the wood design.

Ms. Mack stated the most charming feature of Al Fresco is that it is open air and open light. She would like to see the light coming through perhaps through a green roof. Mr. Carro did not disagree; however, the entrance would be open air with four palm trees, and at least three sides would be open air with natural light. Mr. Sallis stated there were two cupolas on the roof to allow for good airflow and light which were designed to create interest in the structure. Chairman Ritz agreed this was a better approach for the roof, and Mr. Monk also liked the design which gives reprieve in the hot and cold temperatures. Adding the retail was important since he felt it would become a hub of activity. Ms. Murphy understood the importance of tenant turnover and thought the design was a great idea to help retain the businesses there. Mr. Larson stated it reminded him of the old warehouse district and appreciated the effort in design changes. Mr. Grundhoefer asked if approved, would the design go to Council before the conditional use, and Ms. Statler explained it would not. **Mr. Grundhoefer made a motion to approve the aesthetic design, seconded by Mr. Larson, and it carried unanimously.**

Review of Gateway Review Board (to eliminate the Gateway Review Board)

Chairman Ritz explained if approved, this would place slightly more work on the Planning Board for items in the Gateway Review Board purview. Ms. Statler explained signage is now handled through an abbreviated review process and would not be reviewed by the Board unless the chairman determined it should be. Mr. Grundhoefer asked why this Board and not the ARB. Ms. Statler clarified that ARB covers the historic areas, and Planning Board does have purview over aesthetics. The Gateway Redevelopment District is under the same section as the Waterfront Redevelopment District, which is under the Planning Board purview. Mr. Larson stated with the new bridge and waterfront development, there would be some changes which will demand review. **Mr. Larson made a motion to approve because its well within the scope of what the City has asked us to do, seconded by Mr. Monk, and it carried unanimously.**

LDC Amendment – Ice Machines

Chairman Ritz advised the issue was with the aesthetics and appearance of the vending machines. Ms. Dubuisson pointed out this was not only a vending machine issue but a traffic-originating and noise issue and has an impact on everything around it not only in aesthetics but in an access point of view – not just how it looks but how it functions. Mr. Grundhoefer clarified what they are tasked with is not whether you can put these ugly boxes in a parking lot; it has to do with can we change it to make it uglier. Mr. Monk agreed this was a bad idea, and the few he did see around town were unattractive and problematic in a lot of ways and did not see any reason to vote for this. Ms. Murphy noted the request was included screening rooftop mechanical equipment with lattice and allowing advertising on the sides. Mr. Grundhoefer asked who sponsored the item, and Ms. Statler stated it was a request presented to the Mayor's office. **Mr. Larson made a motion to deny, seconded by Mr. Monk, and it carried unanimously.**

Comprehensive Plan Amendment – Density Transfer

Ms. Statler advised that like density bonuses, density transfers will be required to be approved by the Planning Board and not at a staff level. The review process was not as technical as for the platting process where you have a staff review with comments issued. Chairman Ritz offered that the language presented

was far less restrictive than with some items with a checklist. Ms. Statler explained if this was approved for the Comprehensive Plan, they would come back and draft the conditions and procedures to obtain the transfer. Ms. Murphy asked how long the units stayed affordable. Chairman Ritz advised with the language not written, that was to be determined. Mr. Monk stated most affordable housing was done through granting, and almost all of them have a 30-year retention period; if it was set at 20 or 30 years, it would meet the national standard. Chairman Ritz pointed out there are legal requirements if a developer chooses to go affordable, depending on which funding sources are followed. If we, as the Board, believe the City should develop rules and regulations for density transfers, we would vote they should; the language would then be crafted and approved. If the Board did not think the City should pursue density transfers, the language would not be developed. Ms. Murphy had a problem with gentrification of neighborhoods. Ms. Statler explained this was step one to get this into the Comprehensive Plan in order to move forward. Step two would be to return to the Board to get the language into the LDC; staff would draft the language, and the Board would make modifications. Chairman Ritz stated the Board had conducted workshops outside of the Board's meetings to work on the specific language. Ms. Murphy agreed public input would be beneficial. Chairman Ritz explained the language could be drafted, but it was controlled by the Florida legislature. Ms. Murphy asked if the City received financial incentives for these bonuses or transfers, and Chairman Ritz advised that would be illegal. Ms. Murphy wanted to know what the incentive was, and Ms. Statler stated there had been some discussions in general regarding the fact that if someone had common ownership of a property, they could transfer density from one lot they were not going to develop to a maximum density onto to their other lot which would have more density. Other municipalities have both bonuses and density transfers, but Pensacola does not. She pointed out we deal with developers who come in and have a vision of what they want to do, and sometimes the zoning district does not allow for the density they need, so something like this could help those developers in that they would not have to go through a rezoning which might be contentious. She clarified they were not changing the land use but allowing for more density with the understanding there was a tradeoff. The language has been drafted as and/or – redevelopment and/or affordable housing. She explained there might be an environmental issue where the property is deemed wasteland, but they have density, and another piece of property might be suitable for more development with something with more density. **Ms. Murphy made a motion to approve, seconded by Mr. Grundhoefer, and it carried unanimously.**

Open Forum – Ms. Dubuissou thanked the Board for their service and encouraged them to be conscious of every step taken to move something farther and the end game; the good reasoning the Board had may not be present in the later steps.

Mr. Monk advised he had rescinded his application to serve on the Board because of time restraints. He would not be able to attend at the rate necessary. He felt the Board had accomplished a lot and he had enjoyed the process; however, this was the right decision for him. The Board appreciated his service and wished him well.

The Board then commended Ms. Statler on her assistance in the meeting. It was noted Ms. Campbell had resigned, and the Board would need another Planning Board member sitting on the ARB.

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 4:19 pm.

Respectfully Submitted,



Leslie Statler

Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-19

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 19-19 - AMENDMENTS TO THE COMPREHENSIVE PLAN AND ADOPTION OF THE CURRENT FUTURE LAND USE MAP

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 19-19 on first reading.

AN ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN AND ADOPTING THE CURRENT FUTURE LAND USE MAP OF THE CITY OF PENSACOLA, FLORIDA; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

As provided in Florida Statute 163, all local governments within the state of Florida are required to participate in a state coordinated review for a Comprehensive Plan Update. The proposed amendments within this update reflect changes in state requirements and local conditions. Attached you will find all changes submitted by the various subject matter experts in strike-through and underline format. This Public Hearing is to consider transmitting the proposed Comprehensive Plan amendment to the Department of Economic Opportunity (DEO). Within sixty (60) days, DEO will transmit its findings to the city along with any objections and recommendations for modifications. Following receipt of DEO comments, Council will schedule a public hearing to consider adopting the Comprehensive Plan amendment and Current Future Land Use Map.

PRIOR ACTION:

December 16, 2010 - City Council approved Evaluation and Appraisal Report (E.A.R.) - Based Amendments to the Comprehensive Plan and Future Land Use Map

July 21, 2011 - City Council adopted the current Comprehensive Plan and Future Land Use Map

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

9/10/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Kerrith Fiddler, Assistant City Administrator
Sherry H. Morris, AICP, Planning Services Administrator

ATTACHMENTS:

- 1) Proposed Ordinance No. 19-19
- 2) 2011 Comprehensive Plan for the City of Pensacola
- 3) Exhibit A, Current Future Land Use Map
- 4) Exhibit B, Proposed Comprehensive Plan for the City of Pensacola - 7/15/2019
- 5) April 9, 2019 Planning Board Minutes
- 6) July 9, 2019 Planning Board Minutes

PRESENTATION: No

PROPOSED
ORDINANCE NO. 19-19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE ADOPTING AMENDMENTS TO THE COMPREHENSIVE PLAN AND ADOPTING THE CURRENT FUTURE LAND USE MAP OF THE CITY OF PENSACOLA, FLORIDA; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City of Pensacola conducted a public hearing on July 18, 2019 to consider amendments to the Comprehensive Plan and adopt the current Future Land Use Map of the City of Pensacola; and

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

WHEREAS, the City Council has followed all of the procedures set forth in §§163.3184 and 163.3187, Fla. Stat., and all other applicable provisions of law and local procedures with relation to amendment to Comprehensive Plan and the Future Land Use Map of the Comprehensive Plan; and

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

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

SECTION 1. The City of Pensacola City Council does hereby adopt these Amendments to the City's Comprehensive Plan and adopts the Current Future Land Use Map, attached here as Exhibit A and incorporated in full by reference.

SECTION 2. The City Council shall by subsequently

adopted ordinance change the zoning classification and zoning map to a permissible zoning classification, as determined by the discretion of the City Council, which is consistent with the future land use classification adopted by this ordinance. Pending the adoption of such a rezoning ordinance, no development of the subject property shall be permitted which is inconsistent with the future land use classification adopted by this ordinance.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk

City of Pensacola

**COMPREHENSIVE PLAN
VOLUME I
Goals, Objectives, and Policies**



**Pensacola, Florida
Community Development Department**

July 2011

**CITY OF PENSACOLA
COMPREHENSIVE PLAN**

**VOLUME I
GOALS, OBJECTIVES, AND POLICIES**

**PENSACOLA, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT**

JULY 2011

*VOLUME II - DATA AND ANALYSIS TO THE COMPREHENSIVE PLAN
SERVES AS SUPPORTING DOCUMENTATION TO THIS SECTION*

CITY OF PENSACOLA COMPREHENSIVE PLAN

VOLUME I GOALS, OBJECTIVES, AND POLICIES

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CHAPTER 1

FUTURE LAND USE

GOAL FLU-1: Maximize the use of land both from an economic standpoint, and from the standpoint of minimizing threats to the health, safety and welfare of residents and to the continued well-being of the natural environment.

Objective FLU-1.1: Specify the desired development pattern through a land use category system that provides for the location, type, density and intensity of development and redevelopment based on natural conditions and dependent on the availability of services as shown on the Future Land Use Map and controlled through the adopted Land Development Code.

Policy FLU-1.1.1: All development orders and building permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet adopted level of service standards are available concurrent with the impacts of the development.

Policy FLU-1.1.2: The City will amend its Land Development Code as needed to remain consistent with the requirements of Chapter 163.3202, Florida Statutes and Chapter 9J-5.022 and 9J-5.023, F.A.C. so that future growth and development will continue to be managed through the preparation, adoption, implementation and enforcement of land development regulations that are consistent with the Comprehensive Plan.

Policy FLU-1.1.3: The Land Development Code will be evaluated during the EAR-based amendment process to identify revisions that are needed to implement the goals, objectives and policies of the Comprehensive Plan. The Land Development Code includes:

1. Zoning District Regulations
2. Neighborhood Preservation Standards
3. Off-Street Parking
4. Signage
5. Tree/Landscape Regulations
6. Subdivisions
7. Control of Erosion, Sedimentation and Runoff
8. Flood Plain Management
9. Airport Zoning

Policy FLU-1.1.4: Each future land use category shall have a set of zoning districts that may be permitted within that future land use category, and zoning that is not consistent with the category shall not be approved. The zoning ordinances shall include a table which sets forth the different zoning districts

which are permitted within each future land use category, and designations which are not consistent with the table shall not be approved.

Policy FLU-1.1.5: Future land use categories, including densities and intensities of use for each category, shall be established as follows:

Conservation District: The Conservation Land Use District is established to preserve open space as necessary for protecting water resources, preserving scenic areas, preserving historic sites, providing parklands and wilderness reserves, conserving endemic vegetation, preventing flood damage and soil erosion. This future land use category shall apply to environmentally sensitive areas identified on the Future Land Use Map and protected from development pursuant to site plan review. The following generalized uses are permitted:

- (a) Wildlife and vegetation conservation:
Wildlife refuge, nature trails and related facilities
- (b) Recreational facilities:
Passive recreation
Bike trails
Jogging trails
- (c) Other similar and compatible conservation and recreational uses:
Boat moorings, fishing piers, drainage areas, etc.

Residential Districts: The Residential Land Use Districts are established for the purpose of providing and preserving areas of predominantly low, medium or high residential development. A variety of residential uses shall be allowed, based on zoning classification, at the following maximum densities:

- * Low Density Residential - 5 or fewer residential dwelling units per acre.
- * Medium Density Residential - 18 or fewer residential dwelling units per acre. Conditional use permits for the following land uses may be approved in the Medium Density Residential Land Use District based on site plan review and public notification procedures: Residential design manufactured homes, bed and breakfast, day care centers and accessory office units subject to intensity standards for the Office and Residential/Neighborhood Commercial Land Use Districts.
- * High Density Residential - 35 or fewer residential dwelling units per acre allowed pursuant to lot coverage, landscape area, parking and recreational area development requirements provided in the adopted Land Development Code. No building shall exceed a height of 150'. This height limitation shall not apply to buildings for which preliminary development plan approval was granted by the City Council on or before December 31, 1994.

Office District: The Office Land Use District is established for the purpose of providing for a mixture of residential and office uses, developed separately or within the same structure. When located in older, developed areas of the City, the district is intended to provide for residential or office infill development at a density, character and scale compatible with the surrounding area. In newer, vacant areas of the City, the district is also intended as a transition area between residential and commercial uses. Residential and office uses are allowed at the following maximum densities and intensities:

- * Residential - density not to exceed 35 dwelling units per acre.
- * Office - the maximum combined area occupied by all principal and accessory buildings on a lot shall be 30% for a one- to four-story building, 25% for a five- to seven-story building and 20% for any building over eight stories. No building shall exceed a height of 100'.

Residential/Neighborhood Commercial District: The Residential/ Neighborhood Commercial Land Use District is established for the purpose of providing for a mixture of residential, professional and certain types of neighborhood convenience-shopping-retail sales and service uses. Residential and office or commercial uses shall be allowed within the same structure. When located in older sections of the community in which by custom and tradition the intermixing of such uses has been found to be necessary and desirable, the districts intended to provide for infill development at a density, character and scale compatible with the surrounding area. When located in newer developing areas where it is necessary and desirable to create a transition zone between a residential and a commercial district, the district is intended to provide for mixed office, commercial and residential development. Residential, office and low-intensity commercial uses are allowed at the following maximum densities and intensities:

- * Residential - density not to exceed 35 dwelling units per acre.
- * Office and Commercial - the maximum combined area occupied by all principal and accessory buildings on a lot shall be 30% for a one- to four-story building, 25% for a five- to seven-story building and 20% for any building over eight stories. No building shall exceed a height of 100'.
- * Commercial uses shall be restricted to a maximum floor area subject to regulations set forth in the adopted Land Development Code.

Commercial District: The Commercial Land Use District is established for the purpose of providing areas of commercial development ranging from compact shopping areas to limited industrial/high intensity commercial uses. Light industrial uses such as fabrication, assembly and warehousing are permitted.

Conventional residential use is allowed as well as residential uses on upper floors above ground floor commercial or office uses and in other types of mixed-use development. Residential, office and commercial uses are allowed at the following maximum densities and intensities:

- * Residential - density not to exceed 35 dwelling units per acre outside the dense business area and density not to exceed 135 dwelling units per acre in the dense business area.
- * Office and Commercial in the dense business area - the maximum combined area occupied by all principal and accessory buildings shall be 100% of lot size (subject to compliance with parking provisions) up to a height of 100'. Developments of over 100' in height shall be required to reduce the lot coverage by 10%. No building shall exceed a height of 150'.
- * Office and Commercial - outside of the dense business area the maximum combined area occupied by all principal and accessory buildings shall be 75% of lot size up to a height of 100'. Developments of over 100' in height shall be required to reduce the lot coverage by 10%. No building shall exceed a height of 150'.

Industrial District: The Industrial Land Use District is established for the purpose of providing areas for industrial development for community and regionally oriented service areas. The district is intended to facilitate the more intense, large-scale manufacturing, warehousing, distribution, wholesaling and other industrial functions of the City and the region. The uses in this district would typically be of a scale and intensity that are more likely to be capable of having an adverse affect (through sound, vibration, odor, etc) on adjacent properties if they are not of a compatible character (i.e. residential, office, and general commercial land uses). Office, commercial and a mixture of light industrial, heavy industrial and industrial park uses are allowed, with maximum building coverage of 75% of lot size up to a maximum height of 100 feet.

Neighborhood District: The Neighborhood Land Use District is established to provide for land uses and aesthetic considerations which are distinctive and unique to neighborhoods defined by specific geographic boundaries on the Future Land Use Map.

A variety of residential, office and commercial uses will be allowed at the following maximum densities or intensities:

- * Residential – density not to exceed 35 dwelling units per acre.
- * Office and Commercial - the maximum combined area occupied by all principal and accessory buildings shall be 75% of lot size up to a maximum height of 100'.

Historic and Preservation District: The Historic and Preservation Land Use District is established to preserve the development pattern and distinctive architectural character of these unique areas through the restoration of existing buildings and construction of compatible new buildings. These buildings and historic sites and their period architecture make the district unique and worthy of continuing preservation efforts. 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 districts. The district is an established business area, residential neighborhood and tourist attraction, containing historic sites and museums, a variety of specialty retail shops, restaurants, small offices, and residences.

A variety of residential, office and commercial uses will be allowed at the following maximum densities or intensities:

- * Residential – density not to exceed 35 dwelling units per acre in the Pensacola (Seville) Historic District, the North Hill Preservation District and the Old East Hill Preservation District and density not to exceed 135 dwelling units per acre in the Palafox Historic Business District.
- * Office and Commercial in the Pensacola (Seville) Historic District, the North Hill Preservation District and the Old East Hill Preservation District - buildings shall not exceed a maximum height of 45'. Lot coverage shall be regulated by use of front, side and rear yard requirements pursuant to regulations in the Land Development Code and based on existing development.
- * Office and Commercial in the Palafox Historic Business District - the maximum combined area occupied by all principal and accessory buildings shall be 100% of lot size (subject to compliance with parking provisions) up to a height of 100'. Developments of over 100' in height shall be required to reduce the lot coverage by 10%. No building shall exceed a height of 150'.

Redevelopment District: The Redevelopment Land Use District is established to promote the orderly redevelopment of the southern gateway to the City and portions of the Pensacola Bay waterfront area in order to enhance visual appearance, preserve unique shoreline vistas, provide public shoreline access, preserve or provide working waterfront activities, improve traffic safety and encourage a high quality of site planning. Site specific analysis of each development proposal within the district is intended to ensure that the scenic orientation and open space image of the shoreline is maintained, that the development characteristics are upgraded and the boundary of the adjacent special districts are positively reinforced.

A variety of residential, office and commercial uses will be allowed at the following densities or intensities:

- * Residential - density not to exceed 100 dwelling units per acre in the Gateway Redevelopment District and 60 dwelling units per acre in the Waterfront Redevelopment District.
- * Office and Commercial in the Gateway Redevelopment District - the maximum combined area occupied by all principal and accessory buildings shall be 75% of lot size up to a maximum height of 100'.
- * Office and Commercial in the Waterfront Redevelopment District - the maximum combined area occupied by all principal and accessory buildings shall be 75% of lot size up to a maximum height of 60'.

Business District: The Business Land Use District is established to promote the compatible redevelopment of the City's historic downtown waterfront by encouraging high quality site planning and architectural design which is compatible with both the historic character of the existing structures and the waterfront activities.

- * Residential - density not to exceed 108 dwelling units per acre in the South Palafox Business District.
- * Office and Commercial in the South Palafox Business District - the maximum combined area occupied by all principal and accessory buildings shall be 100% of lot size up to a maximum height of 80'.

Airport District: The Airport Land Use District is established to regulate 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. Land owned by the City allows only open space, recreational or commercial and industrial uses customarily related to airport operations. Low density residential and a variety of office and commercial uses will be allowed on privately owned land, based on the zoning classification and subject to the requirements of Chapter 333 of the Florida Statutes, at the following maximum densities:

- * Residential - density not to exceed 5 dwelling units per acre.
- * Office and Commercial - the maximum combined area occupied by all principal and accessory buildings shall be 50%. No building shall exceed a height of 45', subject to airport height limitations.

Interstate Corridor District: The Interstate Corridor Land Use District is established to provide for non-highway land uses both below and adjoining the Interstate I-110 corridor on land owned by the Florida Department of Transportation and leased by the City of Pensacola as shown in the Site Development Plan in the DOT *Corridor Location, Design and Multiple Use Report: Interstate 110, Pensacola, Escambia County, Florida, 1972*. The

following land uses are allowed at the land use mix composition shown below, with site plan review and City Council approval:

- * Residential – density not to exceed 35 dwelling units per acre up to a maximum 3% of the developable land.
- * Service, tourist and community commercial and light industrial uses up to a maximum 25% of developable land.
- * Recreation and open space facilities, and community centers owned and operated by the City up to a maximum 35% of developable land.
- * Public utilities, City government buildings and facilities and public transportation facilities up to a maximum 37% of developable land.

The maximum combined area occupied by all principal and accessory buildings shall be 50%. No building shall exceed a height of 45', subject to DOT height limitations.

Policy FLU-1.1.6: The following uses shall be allowed in all future land use districts, except for Conservation and Interstate Corridor, subject to regulations set forth in the adopted Land Development Code, and Chapter 333 of the Florida Statutes: Community residential homes, schools with curriculum the same as public schools, libraries, churches, home occupations and accessory structures incidental to any permitted use. Parks and playgrounds and utility structures shall be allowed in every district.

Policy FLU-1.1.7: Adaptive reuse of vacant public, semipublic, institutional or historically significant structures within the Medium and High Density Residential Land Use Districts and the Residential Neighborhood Commercial Land Use District shall be allowed subject to issuance of a conditional use permit.

Applicants for a conditional use permit must submit development plans, undergo site review process through the Planning Board, provide for public notification of property owners within an established radius and obtain approval from the City Council. To ensure the compatibility of the conditional use development with the surrounding residential neighborhood the City Council may prescribe appropriate conditions and safeguards as follows:

- * Limit or otherwise designate the following: the manner in which the use is conducted; the height, size or location of a building or other structure; the number, size, location, height or lighting of signs; the location and intensity of outdoor lighting or require its shielding.
- * Establish special or more stringent buffer, yard or other open space requirements.
- * Designate the size, number, location or nature of vehicle access points.

- * Require berming, screening, landscaping or similar methods to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- * Designate the size, height, location or materials for a fence or wall.

Objective FLU-1.2: Existing nonconforming land uses which are incompatible or inconsistent with the Future Land Use Plan will not be allowed to expand, to be enlarged, or to be rebuilt or reopened if destroyed, pursuant to provisions adopted in the Land Development Code and consistent with the requirements of Chapter 163, F.S.

Policy FLU-1.2.1: Expansion or replacement of land uses, which are incompatible with the Future Land Use Plan, shall be prohibited. Existing nonconforming uses will be permitted as provided in the City's Land Development Code.

Policy FLU-1.2.2: Land uses which are potentially incompatible due to type of use and/or intensity of use, shall be buffered from one another through the use of physical and/or natural vegetative barriers within required yards established in the adopted Land Development Code.

Objective FLU-1.3: The City shall protect its natural resources and its historic, architectural and archaeological resources in accordance with the City's Land Development Code.

Policy FLU-1.3.1: Continue to protect natural open space areas within the City as designated in the Recreation and Open Space Element.

Policy FLU-1.3.2: Public access to the waterfront shall be maintained or improved by the City (i.e., boat ramps, street rights-of-way). Private property rights will be protected in providing public access to the waterfront.

Policy FLU-1.3.3: Wetlands and other natural vegetative and wildlife habitats identified, as Conservation Districts on the City's Future Land Use Map will be protected from development through provisions in the Land Development Code.

Policy FLU-1.3.4: Regulate the location of hazardous waste disposal, storage and treatment facilities within the City through enforcement of land development regulations.

Policy FLU-1.3.5: The City shall coordinate with West Florida Historic Preservation, Inc. by providing technical assistance in its efforts to identify, designate and preserve historic architectural resources and shall continue to enforce the regulations in the adopted Historic District zoning ordinance.

Policy FLU-1.3.6: The City shall abide by the guidelines of its archaeological resolution whenever development is planned for City-owned property.

Policy FLU-1.3.7: The City shall utilize maps contained in the *Wellhead Protection Area Delineation In Southern Escambia County, Florida, Water Resources Special Report 97-4, December 1997*, prepared by the Northwest Florida Water Management District, as may be amended, and included by reference, to identify wellhead protection areas around existing water wells and shall continue to cooperate with the Escambia County Utilities Authority in reviewing land use regulations within these areas.

Policy FLU-1.3.8: Land uses delineated by the Future Land Use element shall be permitted based on the availability of water supplies in addition to the availability of public water facilities consistent with the requirements of Chapter 163, F.S.

Objective FLU-1.4: All development and redevelopment in the Coastal High Hazard Area shall be consistent with the Coastal Management Element and shall be coordinated with appropriate regional hurricane evacuation plans.

Policy FLU-1.4.1: For City-funded developments, water-dependent and water-related activities shall be given a higher priority for permit approval.

Policy FLU-1.4.2: Public access to the waterfront shall be encouraged in all developments utilizing City funds except for industrial developments.

Policy FLU-1.4.3: Future residential land use developments in the CHHA shall be limited to the following densities by location:

- * Low density - along Escambia Bay north of Hyde Park Road and south of Gadsden Street, and along both shores of Bayou Texar.
- * Medium density - along Pensacola Bay (except for the Historic District), and along Bayou Chico.
- * High density - Historic District.

Policy FLU-1.4.4: Future residential land use developments in the dense business area constructed in the CHHA shall be limited to medium density (18 or fewer residential dwelling units per acre). Allowable density above the medium density limit established by future land use category may be transferred to portions of the development site outside the CHHA.

Objective FLU-1.5: The City shall coordinate with other local governments and agencies to reduce or minimize adverse impacts in the region due to development in the City.

Policy FLU-1.5.1: The City shall develop procedures for review of requests for development orders which might affect or be affected by another government or agency and coordinate appropriately.

Policy FLU-1.5.2: The City shall review and contribute to any updates of the Comprehensive Plans in surrounding jurisdictions and other policy plans that would affect implementation of local resource protection goals.

Objective FLU-1.6: Ensure that suitable land is available for utilities necessary to support proposed developments through enforcement of subdivision ordinances which require the provision of adequate land for utilities infrastructure.

Policy FLU-1.6.1: Pursue an interlocal agreement and an informal coordination mechanism, to the extent possible, with Emerald Coast Utilities Authority and other utilities providers in locating public facilities and utilities to maximize the efficiency of services provided, to minimize their cost and to minimize their impacts on the natural environment.

Objective FLU-1.7: Facilitate efficient and reliable delivery of electric service.

Policy FLU-1.7.1: New electric distribution substations shall be a permitted use in all land use categories and zoning districts within the City except those designated as preservation, conservation, or historic preservation on the future land use map or duly adopted ordinance pursuant to F.S. 163.3208.

Policy FLU-1.7.2: Standards for set-backs, landscaping, buffering, screening, and other aesthetic compatibility-based standards shall apply to new distribution electric substations pursuant to F.S. 163.3208 to achieve compatibility with adjacent and surrounding land uses to the maximum extent practicable.

Policy FLU-1.7.3: The City shall grant or deny a properly completed application for a permit to locate a new distribution electric substation within a residential land use category or zoning district pursuant to the requirements of F.S. 163.3208.

Objective FLU-1.8: Provide for effective land development opportunities while allowing for innovative solutions through the Land Development Code.

Policy FLU-1.8.1: The land development regulations shall be modified and/or expanded to reflect the goals, objectives and policies of all the Comprehensive Plan elements.

Policy FLU-1.8.2: Land development regulations shall allow flexibility, within some zoning districts to provide for affordable housing and other redevelopment opportunities.

Policy FLU-1.8.3: Land development regulations shall include standards for residential density bonuses above the limit otherwise established by future land use category in exchange for the construction of affordable housing and as an incentive to achieve superior building and site design, preserve environmentally

sensitive lands and open space, and provide public benefit uses including access to the waterfront.

- Density bonuses for superior building and site design, preservation of environmentally sensitive lands and open space, and provision of public benefit uses shall not exceed 10% of the limit otherwise established by land use category and shall be available to residential developments in the medium density residential land use district, high density residential land use district, office land use district, residential/neighborhood commercial land use district, commercial land use district, redevelopment land use district and business land use district.
- Density bonuses for superior building and site design, preservation of environmentally sensitive lands and open space, and provision of public benefit uses shall be based upon clear and convincing evidence that the proposed design will result in a superior product that is compatible with the surrounding land uses and produces a more desirable product than the same development without the bonus.
- Density bonuses for the provision of affordable housing shall not exceed 25% of the limit otherwise established by land use category and shall be available to residential developments in the medium density residential land use district, high density residential land use district, office land use district, residential/neighborhood commercial land use district, commercial land use district, redevelopment land use district and business land use district.
- Density bonuses for the provision of affordable housing shall be based upon ratios of the amount of affordable housing to market rate housing within a proposed residential development and shall include mechanisms to assure that the units remain affordable for a reasonable timeframe such as resale and rental restrictions and rights of first refusal.
- The maximum combined density bonus for superior building and site design, preservation of environmentally sensitive lands and open space, provision of public benefit uses and affordable housing provided to any single development shall not exceed 35% of the limit otherwise established by land use category.
- All density bonuses shall be approved by the City Planning Board.

Objective FLU-1.9: Direct development in the City to areas where infrastructure exists to reduce development outside of the City limits which would cause further urban sprawl.

Policy FLU-1.9.1: Promote infill development of vacant and underutilized parcels within City limits through use of appropriate land development regulations, and provision of effective urban services.

Policy FLU-1.9.2: Encourage mixed-use development as a means to increase density in the designated urban core and inner-city redevelopment areas of the City in accordance with adopted redevelopment area plans through EAR-based amendments of the Comprehensive Plan and revisions of the Land Development Code.

Policy FLU-1.9.3: Support increased density in proximity to existing and proposed urban elementary schools, and seek to use such schools as neighborhood focal points by collocating public facilities such as parks and community centers with schools to the extent possible.

Policy FLU-1.9.4: Continue to encourage mixed use development through the use of innovative land development techniques such as planned unit developments, cluster housing, mixed-uses on individual parcels and other approaches as provided in the land development code.

Policy FLU-1.9.5: Promote innovative arrangements of development types and promote a complimentary mix of residential/commercial/recreation uses along primary vehicular corridors of neighborhoods so as to minimize the impacts of new development on existing resources and facilities by allowing a variety of uses in close proximity to one another.

Policy FLU-1.9.6: Allow development of a mixture of residential, commercial and office land uses in the mixed residential/office/commercial zoning districts along primary vehicular corridors of the Urban Core and inner-city Community Redevelopment Areas, through review and revision of the Land Development Code.

Objective FLU-1.10: Increase and enhance Traditional Neighborhoods

Policy FLU-1.10.1: Identify and revise incompatible zoning designations and approved land uses to ensure suitable development in support of existing traditional neighborhoods and a cohesive urban fabric.

Policy FLU-1.10.2: Encourage new Neo-Traditional Neighborhood Development and compatibly designed infill within the urban core and inner-city redevelopment areas through review, and revision where necessary, of the land use regulations in the Land Development Code.

Policy FLU-1.10.3: Explore Neighborhood Conservation Overlay Districts to ensure compatible infill development in existing traditional neighborhoods.

Policy FLU-1.10.4: Explore the use of State and Federal redevelopment programs to encourage Neo-Traditional Neighborhood Developments that include a mix of uses and provide housing for a range of incomes.

Objective FLU 1.11: Promote development in the downtown urban core areas of the City.

Policy FLU-1.11.1: Promote through the redevelopment process, the introduction of mixed-use development to enhance retail viability, establish truly pedestrian-oriented shopping districts, create more attractive buildings and public spaces, support transit viability, and reduce vehicle trips.

Policy FLU-1.11.2: Review land use regulations in the Land Development Code and revise where necessary to support walkability and pedestrian activity, arts, and entertainment uses in the City's downtown.

Policy FLU-1.11.3: Review land use regulations in the Land Development Code and revise where necessary to encourage the vertical and horizontal integration of a complementary mix of commercial, service and other non-residential uses that address the needs of families and other household types living in downtown neighborhoods.

Policy FLU-1.11.4: Pursue the establishment of a downtown railroad "quiet zone" to facilitate downtown development.

Policy FLU-1.11.5: Continue to coordinate with the Downtown Improvement Board on parking enforcement and management to provide adequate parking for downtown patrons.

Policy FLU-1.11.6: Continue to waive off-street parking requirements in the HC-1 and HC-2 districts, for residential land uses in the dense business area, and for qualifying buildings in the South Palafox Business District and C-2A district to encourage downtown and urban core development.

Policy FLU-1.11.7: Continue to allow the off-site provision of parking through a shared parking agreement in qualifying zoning districts to promote downtown and urban core development.

Objective FLU-1.12.: Implement plans for redevelopment and renewal of blighted areas in Census Tracts 1 through 8, and particularly in the downtown urban core and inner-city Community Redevelopment Areas.

Policy FLU-1.12.1: Continue to undertake redevelopment projects and programs as outlined in the *Urban Core Community Redevelopment Plan* (2010 Update), the *Pensacola Waterfront Redevelopment Plan* (2000/Update 2010), the *Pensacola Historic District Master Plan*, (2004) and the *Belmont DeVilliers Land use Plan* (2004) and promote increased density.

Policy FLU-1.12.2: Continue to engage in redevelopment activities within the designated Urban Infill and Redevelopment Area in accordance with the *Urban Infill and Redevelopment Area Plan*.

Policy FLU-1.12.3: Implement redevelopment efforts as identified in the *Westside Community Redevelopment Area Plan* (2007).

Policy FLU-1.12.4: Encourage Brownfield and grayfield redevelopment and adaptive reuse within the urban core and inner-city development areas.

Policy FLU-1.12.5: Promote redevelopment of existing automobile-oriented corridors and the upgrading of existing commercial development to create vibrant, mixed-use boulevards that balance efficient movement of motor vehicles with the creation of attractive pedestrian-friendly districts that serve the adjoining neighborhoods as well as passing motorists pursuant to adopted redevelopment plans.

Policy FLU-1.12.6: Provide infrastructure improvements as part of a redevelopment program in the above mentioned areas in such a way that will not strain the economic resources of the City's existing and new residents.

Policy FLU-1.12.7: Provide for some economic incentives for development in the cited neighborhoods including the following:

- * Establishing lower level of service standards for some facilities in developed neighborhoods so that costs of upgrading facilities will not be prohibitive; and
- * Establishing lower or abolishing impact fee assessments in these neighborhoods if the use of impact fees are adopted in the Plan.

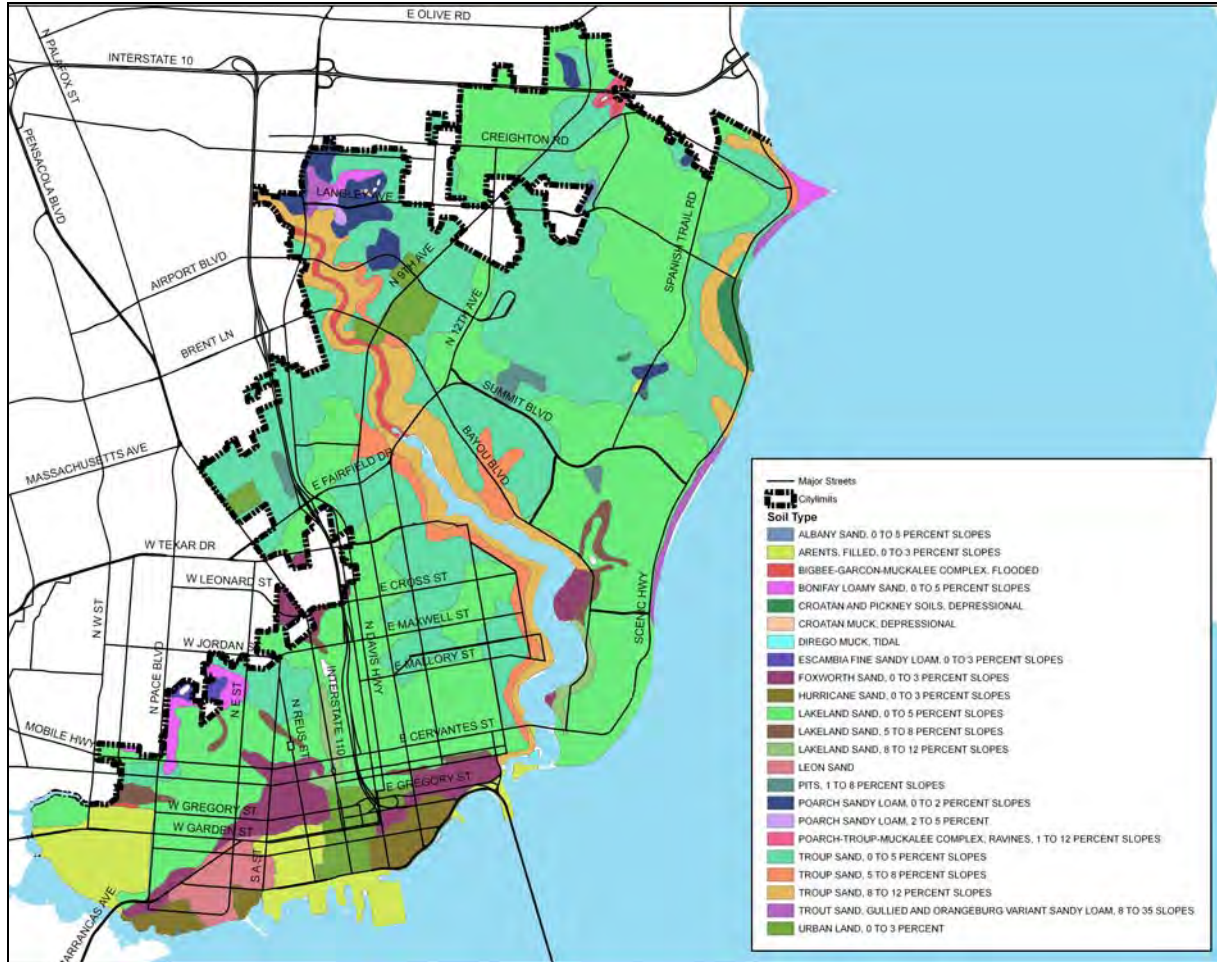
Objective FLU-1.13: Opportunity for dispute resolution in consideration of revisions to the Comprehensive Plan.

Policy FLU-1.13.1: Opportunity shall be afforded, pursuant to F.S. 163.3181 (4), for informal mediation or other alternative dispute resolution to a property owner who's request for an amendment to the Comprehensive Plan pertaining to his property is denied. The costs of the mediation or other alternative dispute resolution shall be borne equally by the local government and the property owner. If the owner requests mediation, the time for bringing a judicial action is tolled until the completion of the mediation or 120 days, whichever is earlier.

Policy FLU-1.13.2: Prior to an administrative hearing conducted pursuant to review of the comprehensive plan or plan amendment by the state land planning agency, opportunity to mediate or otherwise resolve the dispute of any affected person who intervenes as a party to that proceeding shall be afforded pursuant to

F.S. 163.3184 (10)(c). The costs of the mediation or other alternative dispute resolution shall be borne equally by all the parties to the proceeding.

City of Pensacola Soils



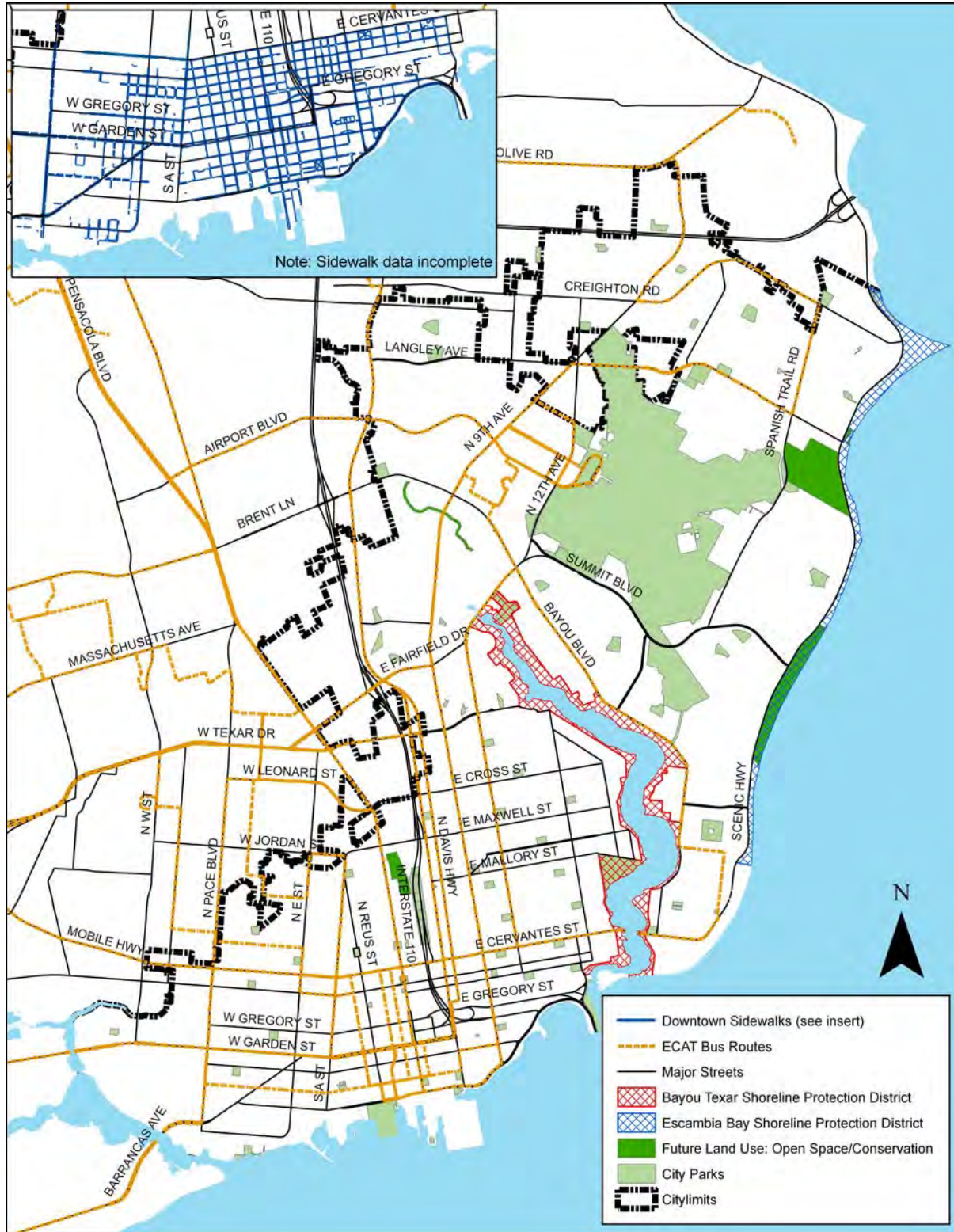
City of Pensacola Flood Zones



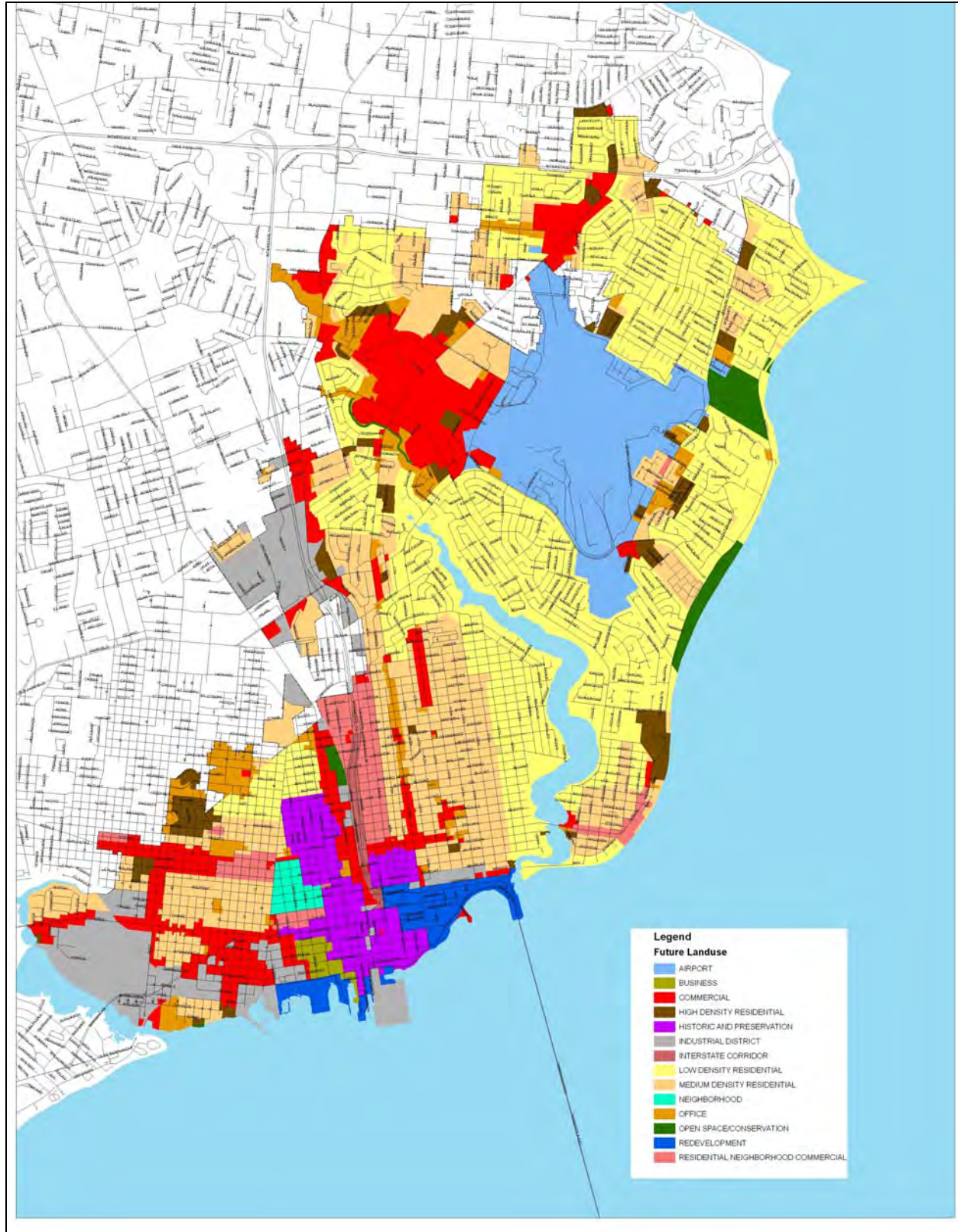
City of Pensacola Wellhead Protection Zones



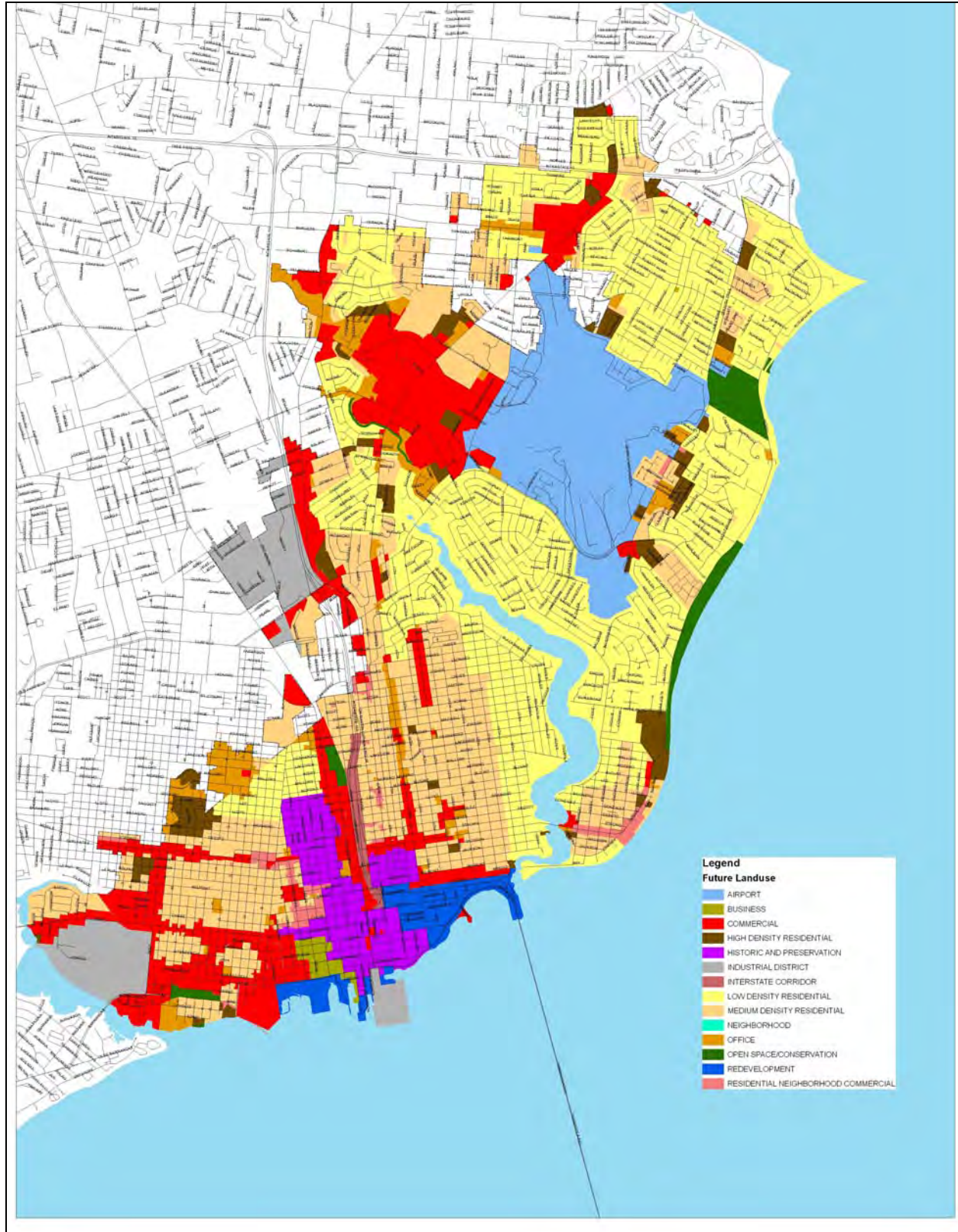
City of Pensacola Energy Conservation



Existing Future Land Use



Proposed Future Land Use



CHAPTER 2

TRANSPORTATION

GOAL T-1: A safe, convenient, and efficient street system.

Objective T-1.1: The City shall maintain Level of Service standards and implement recommendations to address existing and forecasted LOS deficiencies.

Policy T-1.1.1: The City of Pensacola has adopted Florida Department of Transportation (FDOT) Quality/Level of Service Handbook standards to determine maximum volumes for adopted level of service on the Florida Intrastate Highway System. In addition, the City has adopted the following Level of Service standards on the other roadway types within the City limits to determine maximum volumes:

Roadway Type	LOS (Peak hour)
State Roadways	
Intrastate	C
Other State Roads	E
Roads Within the TCEA	Exempt
Local Roadways	
Local Collector Roads	E
Other Local Roads	C

Policy T-1.1.2: The City of Pensacola shall continue to examine traffic impacts associated with development on roadways within the City to ensure that adopted Level of Service standards are not degraded.

Policy T-1.1.3: The City will review annually, adopted Level of Service standards, traffic volumes, and system demands in order to monitor impacts of new development on the traffic circulation of the City.

Policy T-1.1.4: The City of Pensacola has designated an Urban Redevelopment Transportation Concurrency Exception Area (TCEA) within the boundaries of the Community Redevelopment Area as established pursuant to Resolution 54-80. The boundary of the Urban Redevelopment TCEA is shown on the adopted Future Traffic circulation Map.

Objective T-1.2: The City of Pensacola shall continue to cooperate with the local comprehensive transportation planning process in the Pensacola urbanized area.

Policy T-1.2.1: The City will continue to coordinate with the West Florida Regional Planning Council, FDOT, and the TPO regarding transportation planning and programs within the Pensacola urbanized area.

Policy T-1.2.2: The City will continue to participate in the preparation of the Florida Alabama Transportation Planning Organization's (TPO's) long-range transportation study to evaluate transportation needs and alternatives to improve traffic circulation between the Gulf Breeze peninsula and the City of Pensacola. The City will request the FDOT prepare an analysis of land use and traffic impacts of landfall locations proposed for the western terminus of a new Pensacola Bay bridge.

Policy T-1.2.3: The City shall coordinate with the FDOT, the TPO, the Federal Highway Administration (FHWA), Escambia County, and other Corridor Management Entity partners, where feasible, in implementing elements of the Corridor Management Plan (CMP) for the Scenic Bluffs Highway Corridor.

Objective T-1.3: The City of Pensacola shall continue to maintain, protect, and improve the existing and future coordinated network of streets.

Policy T-1.3.1: The City will use the following definitions from the Land Development Code section 12-14-1 to classify streets within City limits. The City will identify the classification of local streets on the Roadway Functional Classification Map which shall be contained in the City's Land Development Code, and updated periodically to reflect current roadway function.

Street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated. The word "street" includes the following terms, further described as follows:

Streets, major arterial means streets which provide for through traffic movement between areas and across the City, and direct access to major employment locations and commercial uses.

Streets, minor arterial means street which provide for traffic movement between major neighborhoods.

Streets, collector means streets which provide for the movement of traffic between major arterials and local streets and direct access to abutting property.

Street, local means streets which provide for direct access to abutting land and used for local traffic movements only.

Streets, marginal access are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

Policy T-1.3.2: The City shall follow and annually update its 5-year Master Plan for City streets and roadways.

Policy T-1.3.3: The City will continue to coordinate land use decisions with the future traffic circulation system by coordinating traffic circulation improvements with the Future Land Use Map.

Policy T-1.3.4: The City shall incorporate safety measures such as signage, pavement markings, and engineering improvements into all transportation improvements.

Policy T-1.3.5: The City will review periodical accident frequency reports about applicable roads within the City limits and make necessary roadway improvements whenever and wherever applicable.

Policy T-1.3.6: The City shall preserve and protect the capacity of all major streets by minimizing points of ingress/egress, wherever possible, and by closing or relocating unnecessary curb cuts to provide efficient access to the roadway system when development occurs. The City will review, and revise where necessary, its existing standards for providing access and spacing in the Land Development Code. The City will periodically coordinate this review activity with Escambia County and the FDOT through continued participation with the Florida-Alabama TPO.

Policy T-1.3.7: The City shall protect existing and future transportation corridors by implementing the requirements of the subdivision ordinance. This includes mandatory dedication of rights-of-way, where required, as a condition of plat approval.

Objective T-1.4: The City shall continue to implement Transportation System Management strategies to improve the overall performance and quality of the existing transportation network.

Policy T-1.4.1: The City shall coordinate additional segments of the existing computerized signal system with Escambia County, the TPO, and FDOT.

Policy T-1.4.2: The City will review the elimination of one way streets in the current street network

Policy T-1.4.3: The City shall work to reduce excess surface parking along new and existing development through revisions to the Land Development Code where appropriate.

Policy T-1.4.4: The City shall continue to explore the replacement of traffic signals with stop signs at appropriate intersections.

Policy T-1.4.5: The City shall continue to implement “right sizing” strategies where appropriate to reduce lane widths and number of lanes to enhance the quality of the local transportation network.

Policy T-1.4.6: The City shall continue to integrate traffic calming measures including curb extensions, roundabouts, speed tables, raised intersections, textured crosswalks, and the addition of on-street parking to improve the overall quality of the motorized and non-motorized transportation network.

Policy T-1.4.7: In order to promote urban redevelopment within the Urban Redevelopment Area TCEA, the City will consider parking control and pricing policies, transportation demand management programs, transportation system management programs, availability of public transportation, and the use of creative financing tools for the provision of transportation services and facilities.

Policy T-1.4.8: The City shall coordinate with the DIB to implement the recommendations incorporated in the CRA Downtown Parking Study (May 1999) and Parking Management Analysis Findings and Recommendations (2006) including the following: traffic operation improvements; providing for pedestrian and bicyclists; identification of sites for on-grade parking lots or parking garages; identification of satellite parking locations linked to a downtown closed loop trolley to provide a "park and shuttle" alternative in the TCEA to reduce vehicle traffic in the central business district, and; a financial feasibility analysis to address costs of the improvements and possible funding sources.

Policy T-1.4.9: The City shall coordinate with the Downtown Improvement Board (DIB) and West Florida Historic Preservation, Inc. to periodically review the feasibility and joint funding of the existing closed loop trolley or shuttle service within the TCEA boundary.

GOAL T-2: An economically sound, safe, energy-efficient, and equitable mass transportation system.

Objective T-2.1: The City shall encourage Escambia County Area Transit (ECAT) in the provision of fixed route mass transit service linking major trip generators and attractors.

Policy T-2.1.1: The City shall continue to coordinate with the WFRPC and the TPO regarding the promotion of alternative modes of transportation (i.e., ridesharing, mass transit).

Policy T-2.1.2: The City shall endorse the promotion of the ECAT in order to relieve traffic and parking congestion and in order to foster energy conservation.

Policy T-2.1.3: The City shall coordinate with ECAT and Escambia County in evaluating transit routes and service utilizing route ridership, headways, or other appropriate performance standard.

Policy T-2.1.4: The City will encourage "ride sharing" programs in coordination with Escambia County in order to reduce the number of vehicles on the road during peak hours.

Policy T-2.1.5: The City will develop land use and site design guidelines to assure the accessibility of new development to mass transit service.

Objective T-2.2: The City shall assist in developing coordinated transportation systems for transportation-disadvantaged citizens.

Policy T-2.2.1: The City will support the provision of the para-transit system developed by the Community Transportation Coordinator as required by Chapter 427, Florida Statutes.

Policy T-2.2.2: The City will assist the TPO in the recommendation for a new coordinator by participating in the development of a Request for Proposals and in the evaluation of proposals received.

Objective T-2.3: The City shall encourage the pursuit of new sources of funding for mass transportation.

Policy T-2.3.1: The City shall work with ECAT, the County and the FDOT to provide for increased Service Development and Urban Corridor funding.

Policy T-2.3.2: The City will support Florida Transit Association in efforts to provide state operating assistance for mass transit.

Policy T-2.3.3: The City will support efforts to provide for a designated funding source for the local contribution.

Goal T-3: A complete network of pedestrian and bicycle facilities that enhances the City's livability, accessibility, and safety.

Objective T-3.1: The City shall continue to provide facilities in support of a safe, non-motorized transportation system.

Policy T-3.1.1: The City of Pensacola shall accommodate non-motorized forms of transportation in the design of transportation improvement projects.

Policy T-3.1.2: The City shall consider in its design of all future roadway improvements for major arterial streets, the accommodation of bicycle transportation needs where appropriate.

Policy T-3.1.3: The City shall encourage the development of a comprehensive bicycle education program in coordination with the TPO and Escambia County.

Policy T-3.1.4: The City shall continue to coordinate with the WFRPC and the TPO regarding the promotion of walking and bicycling as alternative modes of transportation.

Policy T-3.1.5: The City shall coordinate with and encourage the deployment of DIB-purchased and installed of bicycle racks within the TCEA boundary.

Objective T-3.2: The City shall coordinate all development in order to produce walkable communities and neighborhoods throughout the City.

Policy T-3.2.1: The City will continue to repair and construct new sidewalks where feasible through the Penny for Progress sidewalk program and other applicable funding sources like the Community Development Block Grant.

Policy T-3.2.2: The City will continue to include requirements for provision of sidewalks by developers around future commercial developments to aid in pedestrian transportation needs.

Policy T-3.2.3: In accordance with the City's Public Schools and Facilities Element of the Comprehensive Plan, new residential developments within two miles of an existing or planned school shall be required to provide sidewalks. In addition, sidewalks shall be placed along all collector, arterial, and local roads abutting the subdivision to the subdivision property line, where it has been determined that the most direct route from the subdivision to the school is along those roadways.

Policy T-3.2.4: The City shall continue to improve accessibility for citizens with mobility limitations throughout the City by providing curb cuts along all proposed sidewalks and through improvements to existing sidewalks where feasible.

Policy T-3.2.5: The City shall strive to upgrade existing and design new pedestrian crossings and intersections with the appropriate "intersection geometry" to allow for visibility, ease of crossing, and pedestrian connectivity.

Policy T-3.2.6: The City shall continue to install countdown-type pedestrian signals at the most appropriate and highly-traveled pedestrian crossings.

Policy T-3.2.7: The City shall, through coordination with the FDOT, the TPO, the Federal Highway Administration (FHWA), design and operate a

comprehensive network of “Complete Streets,” consisting of arterial, collector and local streets, that enables safe access and a full range of daily activities by all user groups, including pedestrians, bicyclists, motorists, and transit vehicles.

Policy T-3.2.8: The City will develop a typology of Complete Streets amenities, and identify the most appropriate enhancements for the range of streets within the City. This typology will be included as part of the Land Development Code or as a stand-alone supplement, and will be used to systematically plan public transportation upgrades and bicycle and pedestrian enhancements.

Policy T-3.2.9: The downtown Community Redevelopment Agency (CRA) will continue to develop and consider funding streetscape improvement projects to enhance pedestrian use of sidewalks as an alternative to vehicle use in the TCEA boundary.

Policy T-3.2.10: The City will continue to support pedestrian access and community beautification through proposed streetscape improvement projects in adopted neighborhood and revitalization plans where feasible.

Policy T-3.2.11: The City will pursue, where feasible, “Complete Street,” and intersection improvements along the corridors identified in adopted neighborhood and redevelopment plans to provide for aesthetics, accessibility and safety for pedestrians, bicycles and motorized vehicles. Such improvements may include traffic calming measures such as adequate lighting, shade trees, wider sidewalks, bike paths, street furniture, gateway treatments, directional signage and area identity markers where feasible.

GOAL T-4: Rail service that allows for the safe and efficient transportation of cargo and passengers while enhancing livability.

Objective T-4.1: The City shall coordinate for safe and efficient railroad operations along the existing system within the city limits.

Policy T-4.1.1: The City shall utilize available legal methods in order to provide that railroad companies will continue to maintain the roadway for vehicular traffic at railroad crossings.

Policy T-4.1.2: The City shall strive to be the first responder to any hazardous material incidents within the city limits and maintain an on-going training program to ensure maximum response capabilities in the event of derailments.

Policy T-4.1.3: The City shall monitor any modifications to the railroad trestle at Bayou Texar to provide for maximum enhancement of tidal circulation.

Policy T-4.1.4: The City shall coordinate with the appropriate railroad company to seek removal and/or replacement of the overpass at 17th Avenue that would allow for the continued improvements of 17th Avenue.

Policy T-4.1.5: The City shall encourage the return and continued service of Amtrak or other passenger rail service along existing rail lines.

Objective T-4.2: The City shall coordinate with the rail companies serving the area in order to achieve compatibility of rail facilities and operations with community planning efforts.

Objective T-4.2.1: The City shall work for the establishment of a rail quiet zone within the City limits for the benefit of local residents and businesses.

Policy T-4.2.2: The City shall coordinate with rail companies to identify unused railroad spurs and trackage and require or encourage their removal by the appropriate party.

Policy T-4.2.3: The City shall take action to secure abandoned railroad rights-of-way in the event that track removal or relocation occurs and determine the best land use for the impacted rights-of-way.

Policy T-4.2.4: The City shall explore the restoration of unused rails lines to be used for public recreational use.

GOAL T-5: The stimulation of economic development and generation of positive economic and employment benefits in the City of Pensacola and surrounding area by promoting the use of the waterfront and Port facilities to cargo shippers and water-dependent businesses, and coordinating with the Pensacola Gulf Coast Regional Airport when feasible.

Objective T-5.1: The Port shall continue to attract new and expanded waterborne commerce.

Policy T-5.1.1: Sufficient financial resources shall be made available annually within the Port's departmental budget to facilitate the continued promotion of Port facilities to prospective users.

Policy T-5.1.2: The Port shall maintain a business development plan and facilities development strategy which identifies the annual marketing targets and long-range facility development objectives required to attract new and expanded business to the Port.

Policy T-5.1.3: The Port shall maintain close working relationships with applicable federal, state, regional and local economic development agencies, as well as with the Pensacola Gulf Coast Regional Airport, and port-associated

businesses (i.e. trucking companies, railroads, shipping lines, etc.) to enhance economic development opportunities, and to identify and pursue waterborne commerce opportunities.

Policy T-5.1.4: The Port shall review, and if necessary, revise its Terminal Tariff so as to maximize revenues while maintaining a competitive position within the industry.

Objective T-5.2: The Port shall diversify its business base in order to strengthen the Port's contribution to the economic vitality of the Pensacola area.

Policy T-5.2.1: The Port shall make its maritime knowledge and experience available to tourism officials, inter- and intra-governmental departments and agencies, political leaders and others to assist in exploring the development of excursion, cruise, or amenity vessel operations at public access areas of the downtown waterfront including, but not limited to, Commendencia Slip, Plaza de Luna, and the Vince Whibbs Community Maritime Park, etc.

Policy T-5.2.2: The City shall work with the TPO, National Park Service, and the Department of the Navy to review the feasibility and benefits of establishing a local and regional passenger ferry system to support tourism and water-related commerce in the area.

Policy T-5.2.3: The Port may acquire, by lease or purchase, land or buildings for the purpose of leasing to potential Port customers, or to provide the same for use by transient cargo users of the Port.

Policy T-5.2.4: The Port shall actively market its deep draft docks, berths, pier-side warehouses and other infrastructure to traditional and non-traditional waterborne commerce and water-dependent maritime industry interests.

Policy T-5.2.5: The Port shall market its northeastern boundary for development of a commercial/restaurant/retail venture.

Policy T-5.2.6: The Port shall market unimproved land located roughly in the north central portion of the Port for development of light manufacturing/assembly type operations with signification employment potential.

Policy T-5.2.7: The Port may collaborate with other government agencies and private waterfront and inland landholders to develop strategic alliances and public-private partnerships which expand and enhance the Port's ability to serve new and expanded cargo and water-dependent business activities.

Objective T-5.3: The Port shall maintain a 5-year capital improvement and replacement plan to address Port facility construction and maintenance requirements.

Policy T-5.3.2: The City shall consider the potential impact on the Port of Pensacola of non-maritime related developments in the areas immediately adjacent to the Port property.

Policy T-5.3.3: The City, through the annual Port Department budget with support from state and federal grant resources where applicable, shall identify and commit funding as available to provide and maintain facilities necessary to facilitate the Port's business activities as described in Objective 5.2.

Policy T-5.3.4: Port capital improvement and expansion plans will be coordinated and consistent with applicable federal, state, and local laws, ordinances and regulations and shall be sensitive to environmental issues in consideration of the economic policy of Port operations.

Objective T-5.4: The Port shall develop and implement a comprehensive facilities maintenance program.

Policy T-5.4.1: The City, through the annual Port Department budget, shall provide sufficient personnel and financial resources, as available, to implement the facilities maintenance program.

Policy T-5.4.2: Port facilities shall be maintained so as to minimize the requirement for replacement and thereby extend the useful and productive life of Port assets.

Objective T-5.5: The City will limit public expenditures in the Coastal High Hazard Area except in the provision of facilities necessary for Port maintenance and operations.

Policy T-5.5.1: Future Port related public expenditures in the Coastal High Hazard Area shall be limited to: those which provide evidence of natural disaster mitigation planning and design; those which restore or enhance natural resources; or, those which are necessary for operation and expansion to accommodate Port activity as determined by the City.

GOAL T-6: Port operations and developments that are undertaken in a manner which minimize or mitigate negative impacts on the basic functions and productivity of the City's natural land, coastal and water resources; and that eliminate, reduce or avoid Port related health and safety concerns for present and future residents of the City of Pensacola.

Objective T-6.1: The Port shall endeavor to protect, conserve, and enhance wetlands, living marine resources, coastal barriers, and other natural resources within its immediate geographic area of operation.

Policy T-6.1.1: The Port will conduct its operations in accordance with all state, federal, and local regulations designed to protect wetlands, aquatic wildlife and creatures, and water quality.

Policy T-6.1.2: The Port will protect to the extent reasonably feasible, living marine resources from any permanent effects of Port related dredging by providing that all dredging activity will be permitted and conducted in accordance with applicable state and federal regulations designed to reasonably ensure that dredging impacts are short-term and limited.

Policy T-6.1.3: All future Port developments shall be designed to meet Northwest Florida Water Management District standards for the control of stormwater runoff. Recommendations outlined in the City's Stormwater Management Plan will be implemented during new construction activities on the Port site.

Policy T-6.1.4: All Port users discharging coolant or ballast water into Port area waters must comply with the pertinent state and federal regulations.

Objective T-6.2: Port operations, development, and expansion plans will be integrated into all City plans for the downtown and waterfront areas and compatible with the surrounding land uses, including the plans of the City Planning Department and the Community Redevelopment Agency, as a water-dependent land use.

Policy T-6.2.1: The Port shall work with other City departments to reasonably ensure that Port transportation requirements are analyzed and reflected in the plans of the TPO as well as federal and state DOT plans by participating in the development and adoption process of these plans.

Policy T-6.2.2: City Council Resolution 12-05 and City Council Policy on Port Operations and Administration will be incorporated into the City of Pensacola Comprehensive Plan.

Policy T-6.2.3: The Port will work with other City, County, State and Federal departments and agencies to explore transportation planning and management solutions which seek to segregate Port vehicular and rail traffic from other traffic types along Main Street and in the downtown Pensacola corridor to the extent practical.

Policy T-6.2.4: The City shall consider the economic impact of the Port in all future coastal and waterfront land use planning or development.

Policy T-6.2.5: Future Port development shall be visually compatible with adjacent development in the downtown and Historic District to the extent reasonably possible.

Objective T-6.3: The Port shall maintain a petroleum products and hazardous waste management program.

Policy T-6.3.1: The Port shall maintain a consolidated hazardous waste and petroleum products contingency/emergency response plan, which implements the guidance in the *Florida Coastal Pollutant Spill Contingency Plan*.

Policy T-6.3.2: The Port shall coordinate all disaster/ hazardous waste and petroleum products contingency planning with the Escambia County Emergency Management Director, State Department of Environmental Protection and the U.S. Coast Guard.

Policy T-6.3.3: All future Port expansion planning will, to the extent financially feasible, incorporate the appropriate technology for the safe handling of hazardous wastes and petroleum products.

Policy T-6.3.4: All handlers of petroleum products shall be required to have a U.S. Coast Guard approved spill contingency plan.

Policy T-6.3.5: The Port shall maintain a current file of the U.S. Coast Guard inspection reports and the various industry/company hazardous materials and petroleum products operations and handling manuals.

Policy T-6.3.6: The Port will maintain a comprehensive inventory of hazardous materials and petroleum products and inventory of spill cleanup equipment.

Objective T-6.4: All Port projects shall be consistent with the Future Land Use, Coastal Management and Conservation Elements of the City's Comprehensive Plan.

Policy T-6.4.1: Revisions to the Port development plan shall be reviewed to ensure consistency with the City's Comprehensive Plan.

Objective T-6.5: The Port will continue to coordinate operations and expansion plans with the TPO, the FDOT, and other appropriate transportation planning entities to ensure an integrated traffic circulation system.

Policy T-6.5.1: Port development plans will be reviewed for consistency with transportation plans of applicable transportation planning agencies.

Objective T-6.6: The Port shall continue to coordinate operational and expansion activities with the U. S. Army Corps of Engineers, the TPO, the Department of Defense, the *Escambia/Santa Rosa Coastal Resource Planning and Management Plan* and the FDOT 5-Year Transportation Plan.

Policy T-6.6.1: The Port will continue to construct and operate Port facilities in cooperation with appropriate federal, state and local agencies.

Policy T-6.6.2: The Port development plans will be coordinated with appropriate plans of other agencies including FDOT's 5-Year Transportation Plan and the TPO's adopted Transportation Improvement Plan (TIP).

Policy T-6.6.3: The Port shall coordinate with the appropriate City departments to assure that Port transportation requirements are consistent with and included in the plans of the TPO.

GOAL T-7: The reduction of vulnerability of Port occupants to hurricanes and other natural disasters.

Objective T-7.1: The Port evacuation time will be consistent with that of the County from Evacuation Zone 12.

Policy T-7.1.1: The Port shall maintain a disaster evacuation, response, and recovery plan as part of its comprehensive Port Security Plan approved by the United States Coast Guard and Florida Department of Law Enforcement.

Policy T-7.1.2: The Port shall coordinate with the County to ensure that its plan is consistent with that for County Evacuation Zone 12.

Policy T-7.1.3: The Port shall coordinate with the County in the development of a revised update of the Escambia County and City Hurricane Preparedness Plan which considers revised evacuation routes, the Port's role in the evacuation process, the orderly evacuation of Port workers, resident businesses, and cargo, and the post-hurricane recovery process.

Policy T-7.1.4: The Port shall conduct an annual review of its disaster evacuation, response, and recovery plan with all Port tenants, users, and resident businesses.

Objective T-7.2: The Port shall fully implement compliance with life safety, fire prevention, construction and flood plain management codes of the City and state.

Policy T-7.2.1: The Port area building standards shall continue to be consistent with or in excess of the most current construction, life safety and fire prevention codes.

Policy T-7.2.2: The City's land development regulations shall identify priorities for shoreline land uses which provide for a range of water-dependent uses, in-water related activities, economic growth stimuli, hurricane contingency planning, and protection of the natural and water quality of the environment.

Objective T-7.3: The Port shall provide immediate response to post-hurricane and natural disaster situations as requested or required by the Escambia County Civil Defense Organization.

Policy T-7.3.1: The Port-assigned recovery task forces shall be recommended to be incorporated in the current version of the Escambia County Emergency Management Organization and shall include a Port representative and, if available, a City Engineer.

Policy T-7.3.2: The Port shall coordinate with the County to develop plans and ordinance amendments, as necessary, which reflect any Port related recommendations in any inter-agency hazard mitigation reports or reports pursuant to Port or coastal operations.

Policy T-7.3.3: The Port shall develop the procedures for the Recovery Task Force to evaluate and recommend to the City and County various replacement options and priorities for damaged public/commercial facilities.

GOAL T-8: Airport facilities that promote economic development, including new industry, business and tourism, while meeting existing and future demand.

Objective T-8.1: Future development or expansion of the Pensacola Gulf Coast Regional Airport shall be consistent with the 2000 Airport Master Plan Update and F.A.A. approved Airport Layout Plan or subsequent updates.

Policy T-8.1.1: The City shall coordinate the future updates of the Airport Master Plan with updates to the City's Comprehensive Plan.

Policy T-8.1.2: As an integral component of the airport master planning process, the City shall make provisions for regional transportation facilities for the efficient use and operation of the airport.

Policy T-8.1.3: The City shall coordinate the future expansion and/or development of Pensacola Regional Airport with Escambia County to ensure land use compatibility consistent with Chapter 333 of the Florida Statutes.

Objective T-8.2: As identified in the 2000 Airport Master Plan, the Airport shall continue to work towards the development of an Airport Commerce Park on 65 acres of property adjacent to the northwest quadrant of the Airport.

Policy T-8.2.1: The Airport will continue to acquire properties in the targeted 65-acre site through a combination of Florida Department of Transportation and Airport Capital Improvement funds.

Policy T-8.2.2: The Airport will explore the development of the Airport Commerce Park through build-to-suit development, third-party developers, design-build contracts, or other types of Request For Proposals processes.

Policy T-8.2.3: The Airport shall explore alternative funding sources and partnerships to finance the development of the Airport Commerce Park.

Policy T-8.2.4: The Airport shall explore the creation of partnerships with local and regional economic development agencies to attract appropriate businesses and firms to the Commerce Park to foster agglomeration economies.

Policy T-8.2.5: The Airport shall consider the development of a free-trade zone at the Commerce Park to attract firms and industries and enhance their economic competitiveness.

Policy T-8.2.6: The Airport will explore coordination with the Port of Pensacola for the provision of helicopter or air service at the proposed inland Port facility.

Objective T-8.3: The Airport will continue to coordinate operations and expansion plans with the appropriate transportation planning entities to ensure an integrated traffic circulation system.

Policy T-8.3.1: If the City undertakes future construction projects at the airport, the City shall develop a traffic circulation and parking plan to accommodate the impacts of that construction project.

Policy T-8.3.2: The City shall ensure that future airport development or expansion is consistent with the transportation element of this comprehensive plan and applicable TPO long-range transportation plans.

Policy T-8.3.3: The City shall coordinate with FDOT in developing a comprehensive airport signage plan to include all interstate and major streets leading to the airport from all directions.

Policy T-8.3.4: Airport development plans and capital improvement program will be reviewed for consistency with transportation plans of the MPO, the FDOT and other applicable transportation planning agencies.

Objective T-8.4: The Airport shall continue to coordinate operational and expansion activities with the Federal Aviation Administration (FAA), the TPO and the FDOT.

Policy T-8.4.1: Cost estimates of proposed airport improvements shall be submitted for utilization in the Joint Automated Capital Improvement Program (JACIP) of the FDOT and FAA, the TPO transportation improvement plan, and the City's Capital Improvements Element.

Policy T-8.4.2: The Airport Manager shall provide planning and budgeting information to FDOT, the MPO, and the City's Comprehensive Plan Capital Improvements Element to encourage the inclusion of airport expansion projects and related traffic corridor improvements in their budgets.

Objective T-8.5: The City shall actively participate in the *Northwest Florida Steering Committee of the Continuing Florida Aviation Systems Planning Process (CFASPP and Strategic Intermodal Systems Development Plan)*, to assure that the service needs of the Pensacola Regional Airport are considered in the coordination of air transportation in the Northwest Florida area.

Policy T-8.5.1: The development of new airports to support economic growth will take into consideration the use of existing airports.

Objective T-8.6: Coordinate with the United States Navy and the F.A.A. in the periodic review of the *Naval Aviation Training System (NATS) Plan* to reasonably assure that both military and civilian air space operations are compatible.

Policy T-8.6.1: Through the Airport Master Plan Update process, the City shall communicate the long range forecasting of airport operations for airport facilities to reasonably assure that civilian air space needs can be identified.

Objective T-8.7: All airport projects shall be consistent with the Future Land Use, Coastal Management and Conservation Elements of the City's Comprehensive Plan.

Policy T-8.7.1: Revisions to the Airport Master Plan Update shall be reviewed to ensure consistency with the City's Comprehensive Plan.

GOAL T-8: Airport improvements and operations that consider environmental impacts and compatibility with surrounding land uses.

Objective T-8.1: The City shall enforce the Airport Land Use Regulations to prevent incompatible land use that have a potential for being hazardous to aircraft operations as well as to the persons and property on the ground in the vicinity of the incompatible land use.

Policy T-8.1.1: The City shall encourage real estate agents to notify potential property owners that their property is within the Airport Impact District noise zones.

Policy T-8.1.2: The City shall continue to enforce Section 12-2-11, Airport Land Use District, and Section 12-11, Airport, of the Land Development Code to reasonably ensure that airport obstructions do not intersect the airport's runway protection zones, approach surfaces, transition surfaces, horizontal surfaces and conical surfaces.

Policy T-8.1.3: The City shall ensure that future changes to the Land Development Code shall be consistent with Chapter 333 of the Florida Statutes.

Objective T-8.2: The City shall continue to examine the concept of multiple land uses within Airport Restricted Zoned property.

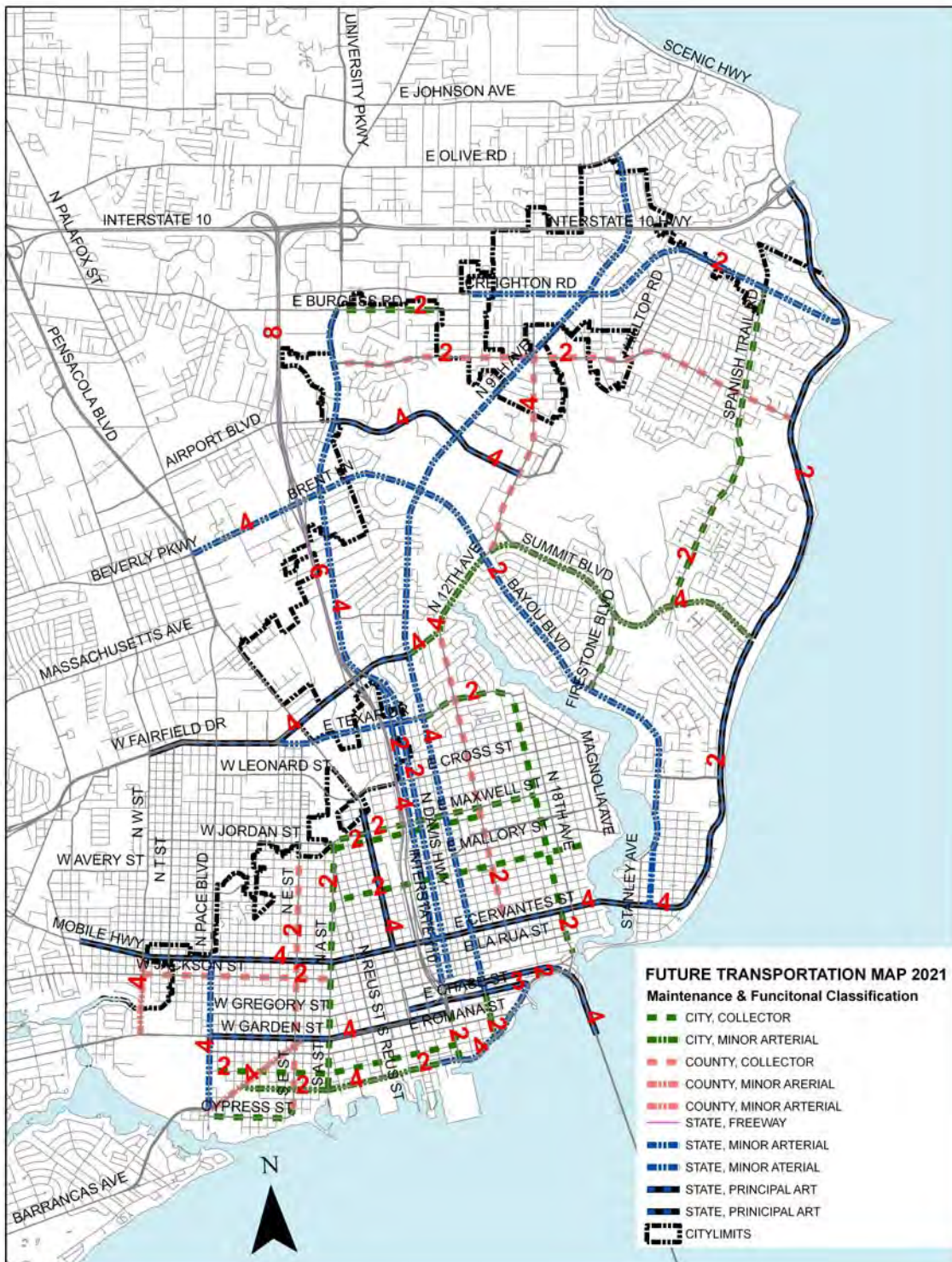
Policy T-8.2.1: The City shall consider a compatible multiple use concept for the open space area at the end of Runway 8/26, considering the environmental sensitivity of the Gaberonne wetland area.

Policy T-8.2.2: The City shall consider the development of airport-related commercial activities within the ARZ zone but outside of runway protection zones, consistent with Chapter 333 of the Florida Statutes.

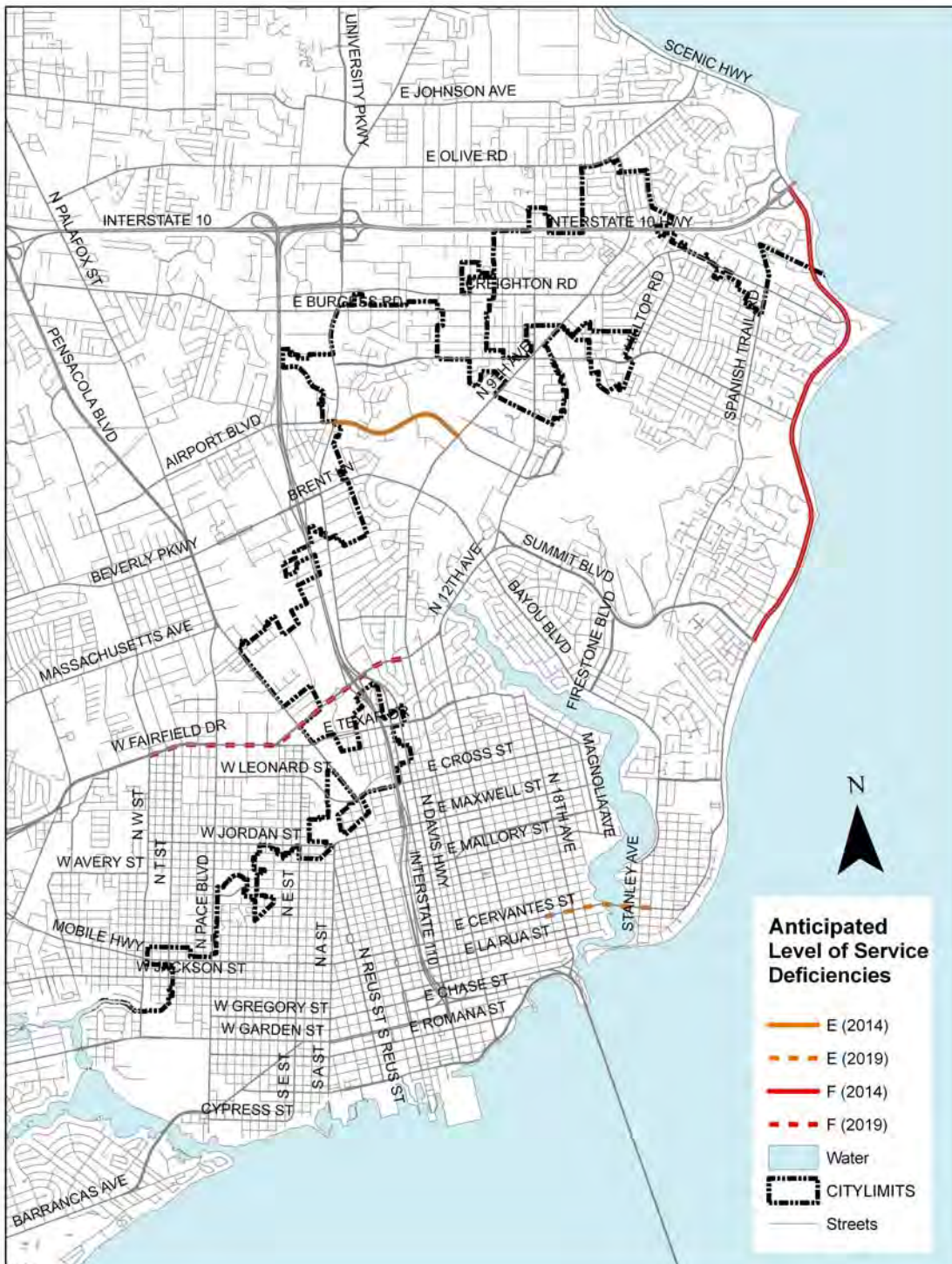
Objective T-8.3: The City shall continue to encourage Escambia County to enforce its airport land use compatibility regulations in the unincorporated area around the Pensacola Regional Airport.

Policy T-8.3.1: The City should continue to coordinate with the County, particularly after the approval of the *FAR Part 150 Noise Study*, to assure that the County enforcement of noise regulations around the Regional Airport is compatible with the City's noise regulations.

City of Pensacola Future Transportation Map



City of Pensacola Anticipated Roadway Level of Service Deficiencies



CHAPTER 3

HOUSING

GOAL H-1: An adequate supply of quality housing available to meet the needs of Pensacola households, now and in the future, in all neighborhoods.

Objective H-1.1: Monitor and evaluate the housing market within the City to assess how well supply addresses present and expected future needs in the planning period.

Policy H-1.1.1: Review population trends and new construction figures to identify future housing needs of City residents.

Policy H-1.1.2: Conduct periodic surveys to identify substandard housing structures.

Policy H-1.1.3: Coordinate with public agencies and the private sector to ensure that a sufficient quantity of dwelling units exists to meet the housing needs of the existing and anticipated population in the City, including households with special needs.

Objective H-1.2: Encourage the creation and conservation of a wide variety of housing development and redevelopment types throughout the City.

Policy H-1.2.1: Continue to provide incentives for the development of new dwelling units in situations where housing needs are not being adequately met by the private sector with special emphasis on the elderly, handicapped, very low to moderate income and workforce households. These incentives could include density bonuses, donation of City-owned property, payment of utility connections and impact fees, assistance with obtaining financing from local lending institutions, and expedited permitting.

Policy H-1.2.2 Encourage the efficient use of existing housing by promoting rehabilitation and adaptive re-use of non-residential buildings.

Policy H-1.2.3: Encourage the efficient use of infrastructure by focusing well-designed new and redeveloped housing on vacant, infill or underdeveloped land.

GOAL H-2: Sufficient quality affordable housing to support the needs of present and future residents.

Objective H-2.1: Identify very low, low, moderate income and workforce housing needs and provide safe, decent and sanitary housing for existing and future residents at a

sufficient volume and variety and at an affordable price range as defined in Chapter 420, Florida Statutes.

Policy H-2.1.1: Conduct a periodic housing needs assessment plan to determine actual housing needs for very low, low, moderate income and workforce households.

Policy H-2.1.2: Continue to provide information about and pursue state and federal sources of funding designated for very low, low, and moderate income housing.

Policy H-2.1.3: Continue to work to improve the conditions of the housing stock by applying for and utilizing funds available through federal and State grants and programs.

Policy H-2.1.4: Continue to distribute applicable Federal and State funds for housing assistance throughout the City to provide for a wide variety of neighborhood settings and housing choices for very low, low and moderate income families while avoiding undue concentration in any given neighborhood.

Policy H-2.1.5: Research the possibility of obtaining dwelling units through donation, tax deed, purchase or other relevant means of acquisition for the purpose of making them available to low and moderate income families

Objective H-2.2: Continue to participate in the Community Development Block Grant Program to rehabilitate substandard owner-occupied housing units within the City in order to maintain existing residential neighborhoods.

Policy H-2.2.1: Continue to designate areas with high incidences of substandard dwelling units and low overall incomes as identified by census tract and other identified areas for timely and efficient rehabilitation activity and program implementation.

Policy H-2.2.2: Continue to provide temporary housing to households having their homes rehabilitated under the CDBG single-family owner-occupied housing rehabilitation program.

Objective H-2.3: Coordinate with other housing providers to foster efficient collaboration and provision of affordable housing.

Policy H-2.3.1: Continue to strive for a high level of intragovernmental and intergovernmental coordination between the City of Pensacola, Escambia County, and other public and private housing providers for all housing assistance efforts for very low, low and moderate income families.

Policy H-2.3.2: Coordinate with the major housing agencies in the area in developing, promoting, and maintaining housing counseling and training services to aid low and moderate income families in finding and maintaining housing compatible with their needs and income capabilities.

Policy H-2.3.3: Continue to implement regulations that are compatible with region-wide regulations for the allocation of very low, low and moderate income housing as stated in the Northwest Strategic Regional Plan Policy, and coordinate with Escambia County to provide for consistency in housing policies, regulations, and incentives.

Policy H-2.3.4: Continue to support the efforts of the Area Housing Commission by having City Council representation on their commission, and assisting in their efforts to locate and develop sites and housing programs for very low, low, and moderate income families.

Objective H-2.4: Encourage and facilitate the creation of quality affordable housing throughout the City.

Policy H-2.4.1: Continue to coordinate, support, and encourage attempts of private enterprises, non-profit groups, and civic organizations to build attractive, quality new dwelling units for households across the full spectrum of income ranges and for those with special needs.

Policy H-2.4.2: Encourage new housing units available to low and moderate income persons by lowering the cost of developing such units through incentive programs to the developers and applying for and utilizing available and eligible federal and state housing programs designed to assist low and moderate income families.

Policy H-2.4.3: Continue to initiate new, and support existing, public or public/private partnership for the provision of new rental units and new owner-occupied housing units for very low, low and moderate income households.

Objective H-2.5: Develop innovative programs and policies to create and preserve sustainable affordable housing.

Policy H-2.5.1: Continue to establish partnerships with local lending agencies that will explore, develop and promote creative ways of financing owner occupied housing for low and moderate income families, the improvement of substandard units and the development of standard ones. All agencies involved in the provision of affordable housing within the City are invited to participate in this "partnership."

Policy H-2.5.2: Encourage the replacement of obsolete public housing units with a quality mixture of for-sale and mixed-income rental properties with supportive services on site.

Policy H-2.5.3: Encourage affordable housing through the exploration of innovative design and regulations in the Land Development Code.

Policy H-2.5.4: Continue to offer incentive for infill housing development through its liens waiver policy for affordable housing.

Policy H-2.5.5: Present a periodic progress report in creating and preserving sustainable affordable housing to the Planning Board of the City of Pensacola and the Mayor.

GOAL H-3: A range of housing options to support the spectrum of a diverse and vibrant population.

Objective H-3.1: Encourage a variety of quality housing types to meet the needs, financial abilities and preferences of present and future Pensacola residents.

Policy H-3.1.1: Encourage the provision of quality affordable housing in areas where it is determined that the demand for housing affordable to low, moderate and workforce families has not been addressed by the local market.

Policy H-3.1.2: Continue to provide for different intensities of attractive single family development to reflect differences in the existing and desired character of single family areas across the City.

Policy H-3.1.3: Continue to permit and encourage accessory dwelling units in appropriate residential zoning districts, subject to regulations designed to limit impacts and protect neighborhood character, in order to create attractive and affordable rental opportunities and provide greater flexibility for homeowners.

Policy H-3.1.4: Support mixed-income housing developments including quality, affordable, rental or for-purchase workforce housing, especially along transit lines in the inner city and urban core.

Policy H-3.1.5: Encourage mixed-income rental housing that allows both market-rate and subsidized units of equal quality and aesthetic appeal in the same development.

Policy H-3.1.6: Continue to allow residentially designed manufactured home units on individual lots in the R-1A, R-2A, R-NC, C-1, C-2, and C-3 zoning districts and as a conditional use in the R-1AA zoning district. Residentially

designed manufactured home units shall be permitted in approved mobile home parks existing as of May 1, 1991, and in approved manufactured home parks. Standard design manufactured home units shall be permitted in approved mobile home parks existing as of May 1, 1991, and in approved manufactured home parks.

Policy H-3.1.7: Continue to identify opportunities and encourage redevelopment and attractive infill development that maintains the single-family character of an area, but allows for a greater range of residential housing types, i.e. garage apartments, cottages, tandem houses.

Policy H-3.1.8: Explore the creation of an independent not-for-profit entity to perform land trust and land banking activities to preserve and promote a range of housing options.

Objective H-3.2: Promote a range of housing options to support the population throughout all life stages and capabilities.

Policy H-3.2.1: Improve the balance in the City's population by attracting a proportionate share of the region's families with children through appropriate housing options in order to encourage stabilized neighborhoods and a vital public school system.

Policy H-3.2.2: Facilitate people who are aging to remain in their own neighborhoods and homes as their needs change by supporting shared housing, accessory dwelling units, adult foster homes, and other assisted residential living arrangements.

Policy H-3.2.3: Encourage the development of housing accessible to people with physical limitations and the adaptation of existing homes to improve accessibility for people of all ages and capabilities.

Policy H-3.2.4: Support and technical assistance shall be given through intergovernmental coordination to handicapped service organizations within the City to help provide them with the infrastructure and public facilities necessary to support and encourage independent living for clients of their programs.

Policy H-3.2.5: Continue to include measures in the Land Development Code that assure that group homes and foster care facilities can be developed in residential zones in proximity to convenient support services in accordance with federal, state and local regulations.

Objective H-3.3: Recognize the importance of housing to economic development efforts, and encourage the provision of a wide variety of housing types that support the retention,

expansion and creation of desirable employment opportunities and a competitive workforce.

Policy H-3.3.1: Support housing development by considering the cumulative impact of City regulations on the protection and improvement of existing housing and on the ability of housing developers to provide quality under-represented housing types that are affordable to and appeal to the full spectrum of the workforce.

Policy H-3.3.2: City ordinances, codes, land development regulations and the permitting process shall be reviewed from time to time and amended, where necessary, for the purpose of eliminating excessive requirements in order to increase private sector participation in meeting housing needs.

Policy H-3.3.3: Allow an exemption from concurrency, pursuant to F.S. 163.3180, for certain affordable workforce housing units developed consistent with s.380.0651(3).

Policy H-3.3.4: Continue to provide expeditious and timely review of development and permit applications.

Policy H-3.3.5: Continue to work to reverse the declining residential population of the City, both in total number as well as in diversity of age, education attainment and working status.

Objective H-3.4: Promote context-appropriate residential redevelopment in the downtown, urban core and inner-city areas.

Policy H-3.4.1: Promote and encourage the use of higher density within the downtown and inner city to creating sufficient mass to establish cohesive residential neighborhoods.

Policy H-3.4.2: Support downtown mixed-use development consistent with the Goals of the Comprehensive Plan's Land Use Element and CRA Downtown Master Plan strategies.

Policy H-3.4.3: Encourage utilization of vacant upper floors in the downtown business district for residential development for loft and non-suburban style apartments.

Policy H-3.4.4: Encourage production of high quality multi-family rental and for-sale units such as apartments, condominiums or co-ops and single family attached units such as townhouses and rowhouses in the downtown area at rents and prices affordable to the majority of younger professionals, empty nesters and urban

families with above moderate, but below upper level incomes through development incentives.

Policy H-3.4.5: Physically revitalize and modernize inner-city neighborhoods by providing appropriate incentives for mixed-income home ownership opportunities combined with multi-family rental units and retail space that reflect traditional neighborhood design.

GOAL H-4: Vibrant, stable neighborhoods that represent the unique diversity of Pensacola's past, present, and future.

Objective H-4.1: Maintain the stability of existing neighborhoods while expanding opportunities for housing choices.

Policy H-4.1.1: Encourage conservation, where appropriate, of the existing supply of standard housing by continued code enforcement and demolition of deteriorated structures which are beyond repair.

Policy H-4.1.2: Continue to encourage private investment in the conservation of residential structures within the City limits.

Policy H-4.1.3: Continue to encourage revitalization of neighborhoods not designated as a formal "historic district" and provide adequate control over the new development and redevelopment by establishing development guidelines that will maintain the aesthetic quality of the area. These guidelines will be included in a Land Development Code amendment.

Objective H-4.2: Increase opportunities for new housing development while balancing the equally important objective of ensuring that new development is compatible with neighborhood character.

Policy H-4.2.1: In order to maintain a consistent and appealing character in residential areas, seek to ensure through development standards that new and converted structures are aesthetically compatible with existing development and reflective of the character of that development in terms of scale, open space, setbacks, siting and unit orientation.

Policy H-4.2.2: Promote denser, but still human-scaled neighborhoods by permitting multifamily building types with height limits and development standards that promote a strong relationship between individual dwellings and the ground level.

Objective H-4.3: Preserve and enhance the unique identities and character of housing in traditional or older neighborhoods.

Policy H-4.3.1: Encourage the rehabilitation and maintenance of existing sound housing to conserve physical assets that contribute to a neighborhood's desired character.

Policy H-4.3.2: Encourage housing design that supports the conservation, enhancement and continued vitality of areas of the City with special scenic, historic, architectural or cultural value.

Policy H-4.3.3: In addition to exploring the development of "special district" ordinances, the City shall continue to provide ordinances to preserve neighborhood character and viable housing stock with the support of public agencies and neighborhood-based organizations.

Objective H-4.4: Redevelopment of the housing stock in distressed and deteriorated neighborhoods.

Policy H-4.4.1: Maintain housing quality by encouraging the revitalization of housing that exceeds minimum construction standards.

Policy H-4.4.2: Promote housing opportunities that build a sense of community and neighborhood pride through quality design and aesthetic appeal.

Policy H-4.4.3: Continue to enhance the quality of the design of new infill residential development.

Objective H-4.5: Quality schools that support vibrant, attractive neighborhoods.

Policy H-4.5.1: Recognize the interconnected importance of quality neighborhood school retention with community economic development, neighborhood stability, diversity and sustainability efforts.

Policy H-4.5.1: In partnership with other agencies, encourage the maintenance and improvement of urban schools to preserve and enhance neighborhood quality and vitality.

Policy H-4.5.2: Support the viability of urban schools by encouraging residents and families to locate or remain in underutilized urban school districts.

Policy H-4.5.3: Utilize, where appropriate, homeownership and rehabilitation incentives to attract families to underutilized school districts, including incentives to the private sector to maintain a housing production capacity sufficient to meet the needs of workforce families.

GOAL H-5: Sustainable, environmentally-friendly neighborhoods that enhance the City's livability.

Objective H-5.1: Encourage the greatest concentration of housing in areas with convenient access to transit, a mix of activities, a range of residential services and amenities and opportunities to live within walking distance of employment.

Policy H-5.1.1: Encourage “walkable,” mixed-use, mixed-income communities that offer a variety of services, multiple housing options and diverse residents to create a stimulating urban lifestyle.

Policy H-5.1.2: Encourage economic development, retail opportunities and incentives for the downtown CRA and inner-city redevelopment districts to support a vibrant urban living experience.

Policy H-5.1.3: Continue to support low-impact home-based businesses and “cottage industries” in mixed-use districts and residential areas while ensuring that those proposed for residential areas do not negatively impact residential neighborhoods.

Policy H-5.1.4: Promote a residential development pattern with increased availability of housing at densities that promote walking and transit use near employment concentrations, residential services and amenities.

Objective H-5.2: Ensure that new residential development is consistent with the environmental capacity of the site and the character of the surrounding area.

Policy H-5.2.1: Continue to utilize flexible development options, including cluster development, to preserve the environmental integrity and viability of the site and surrounding area.

Policy H-5.2.2: Foster flexibility in the division of land and the siting of dwellings and other improvements to reduce the development's impact on environmentally sensitive areas and resources.

Policy H-5.2.3: Continue to provide supporting infrastructure improvements and maintenance of leisure services facilities, such as parks and open space, available to existing neighborhoods and new housing developments.

Policy H-5.2.4: Continue to offer reduced parking requirements for housing where impacts on surrounding neighborhoods are minimal as identified in the land development code.

Policy H-5.2.5: Minimize the exposure of housing to excessive off-site environmental impacts including pollution, noise, vibration and odors associated

with industrial or commercial uses through landscaping and streetscape screenings.

Objective H-5.3: Energy-efficient homes that minimize their impact on the environment while energy decreasing costs to residents.

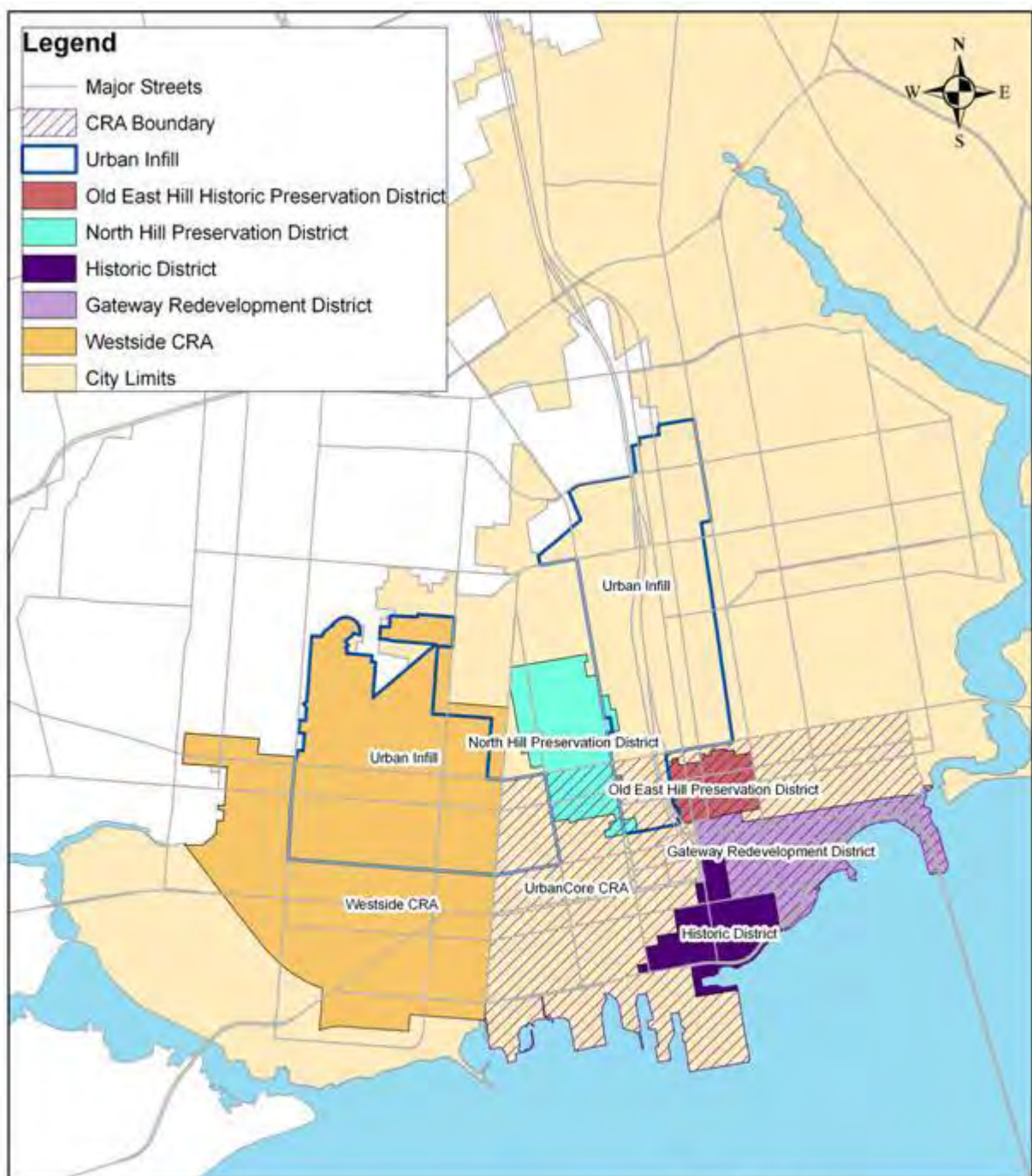
Policy H-5.3.1: Consider, where appropriate, revisions to the land development code that will support the development of energy efficient infill housing.

Policy H-5.3.2: Encourage the use of eco-friendly, “green,” sustainable building standards in residential projects.

Policy H-5.3.3: Encourage the use of the most feasible, safe and energy-efficient systems and methods for constructing rental and home ownership housing to increase its useful life.

Policy H-5.3.4: For qualifying households and homes, the City shall utilize existing weatherization programs and encourage the use of energy efficiency programs available through local agencies like Gulf Power and Energy Services of Pensacola.

City of Pensacola Special Districts



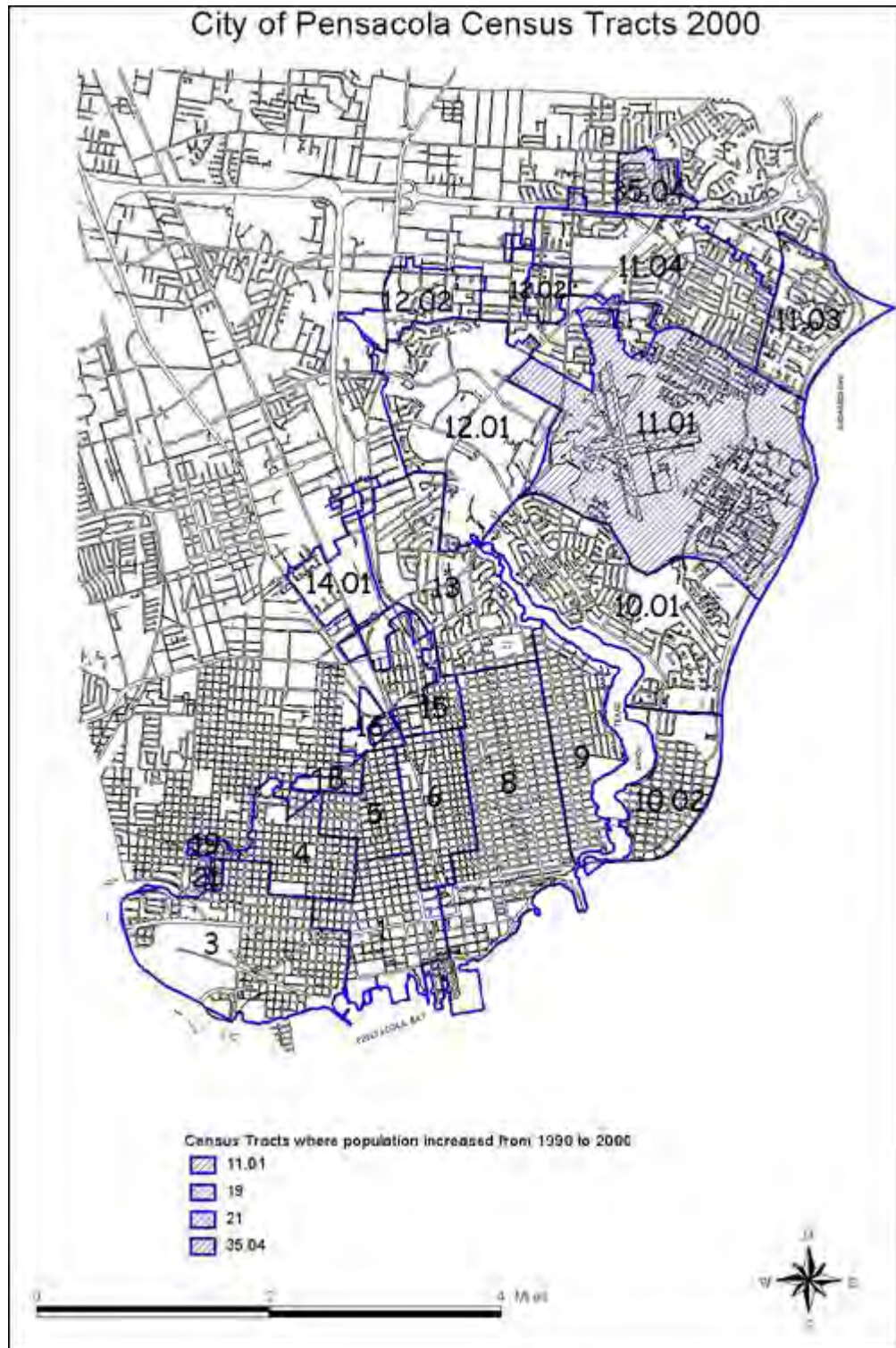
Special Districts City of Pensacola



Date: 2010

This map was prepared by the GIS section of the City of Pensacola and is provided for information purposes only and is not to be used for development of construction plans or any type of engineering services based on information depicted herein. It is maintained for the function of this office only. It is not intended for conveyance nor is it a survey. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

City of Pensacola Census Tracts



CHAPTER 4

PUBLIC FACILITIES

GOAL PF-1: The City shall make provision of the necessary solid waste, sanitary sewer, drainage and potable water facilities for the purpose of meeting existing and projected public facility demands within the City of Pensacola.

Objective PF-1.1: The City and/or the appropriate agency shall correct public facilities deficiencies as described in the Public Facilities and the Capital Improvements Chapters of the Comprehensive Plan.

Policy PF-1.1.1: The following level of service standards shall be utilized so that development permits are issued concurrent with adequate public facilities capacity:

Solid Waste - 4.52 pounds per capita per day

Drainage - LOS A - tolerates street flooding to a depth of 3 inches or less in the gutters when the rest of the pavement is passable, and allows open or green space flooding of up to 12" as long as there is no threat to public health or safety, or permanent impediment to the intended use of the property; LOS B - tolerates flooding of entire street surface up to 4"; LOS C - tolerates structure flooding; based on the following design criteria:

- * In existing developments adequate drainage capacity to accommodate run-off associated with a 3-year, 12-hour design storm for collection systems;
- * In new developments adequate drainage capacity to accommodate a 25-year, 12-hour design storm for collection systems and for retention and detention ponds. As a minimum the first 1/2" of runoff must be retained on the site of the development. At the discretion of the City Engineer, retention standards may be increased beyond the 1/2" minimum standards on a site specific basis.

Objective PF-1.2: The City shall participate with the Emerald Coast Utilities Authority in the preparation of the ECUA's 5-Year Capital Improvements Plan to ensure the future provision of sanitary sewer and potable water facilities.

Sanitary Sewer - No existing deficiencies identified

Potable Water - No existing deficiencies identified

Policy PF-1.2.1: The following level of service standards shall be utilized so that development permits are issued concurrent with adequate public facilities capacity:

Sanitary Sewer - 100 gallons per capita per day (gpcd) for average flow capacity and 200 gpcd for peak flow capacity.

Potable Water - 118 gallons per capita per day for Zone 1 and 146 gallons per capita per day for Zone 2.

Objective PF-1.3: The City shall:

1. Coordinate the extension of, or increase in the capacity of, sanitary sewer or potable water facilities with ECUA based on population projections and the development of land as described in the Future Land Use Chapter and delineated on the Future Land Use Map Series.
2. Update the City's Stormwater Master Plan in order to assess need to extend or increase capacity of the municipal drainage system.

Policy PF-1.3.1: The City shall monitor and verify the availability and capacity of public facilities prior to issuing development permits so that a determination can be made as to whether adequate capacity will be available concurrent with the impacts of the development.

Policy PF-1.3.2: No City development permits will be issued for new development, which will result in increased demand on City or ECUA controlled public facilities beyond their design capacities based on adopted level of service standards, unless the necessary facilities are available concurrent with the impacts of the development.

Policy PF-1.3.3: The City shall prepare an annual summary of capacity and demands for drainage and solid waste facilities and the ECUA will prepare annual summaries of capacity and demand for sanitary sewer and potable water facilities within the City limits pursuant to the Uniform Special District Accountability Act of 1989.

Objective PF-1.4: The City shall maximize the use of existing drainage facilities through efficient and timely maintenance and shall propose an interlocal agreement with Escambia County and the ECUA, which will describe provisions under which sanitary sewer and potable water facilities will be expanded so as to discourage urban sprawl.

Policy PF-1.4.1: The following priorities shall be established in providing for public facility needs:

1. Correction of existing deficiencies;
2. Replacement of existing facilities as they deteriorate, unless these facilities are located in an area that is deemed hazardous to human safety or environ-mentally unsound; and,
3. Provision of future facility needs when developments comply with all other requirements of the Comprehensive Plan.

Policy PF-1.4.2: Through provisions of the proposed interlocal agreement, ECUA shall be required to upgrade, maintain and expand sanitary sewer and potable water facilities in existing developed areas in the City and the County at a higher priority than that of construction and/or expansion into undeveloped areas, especially when such expansion fosters urban sprawl.

Objective PF-1.5: The City of Pensacola has implemented, and will continue to operate, a solid waste management programs for the separation of domestic waste into recyclable and non-recyclable categories in order to reduce overall quantities of landfilled waste by 30% in accordance with Chapter 187.201(13), F.S., to the maximum extent economically feasible.

Policy PF-1.5.1: Projected solid waste landfill demands through the year 2019 will be met through the interlocal agreement with Escambia County regarding the utilization of the County's resource recovery facility.

Policy PF-1.5.2: The City of Pensacola will continue to conduct solid waste separation programs using the most feasible separation techniques.

Policy PF-1.5.3: The City will continue a public information/education campaign concerning the City's solid waste management program.

Policy PF-1.5.4: The City shall encourage the use of xeriscaping© (i.e., the use of native vegetation in its natural state by residents so that less yard waste will be generated by mowing and pruning activities) through education of City residents.

Policy PF-1.5.5: The City of Pensacola will conduct periodic studies on future solid waste management techniques.

GOAL PF-2: Provision of sanitary sewer, solid waste, drainage and potable water facilities shall be done in a manner which reasonably ensures the maintenance and integrity of environmental quality, as well as protection and maintenance of groundwater aquifer recharge areas, surface groundwater and receiving waters.

Objective PF-2.1: The City shall coordinate with the ECUA and Escambia County in efforts to reduce effluent discharge to surface water.

Policy PF-2.1.1: When considering a site for a sewage treatment plant, the City shall encourage ECUA to consider locations close to facilities, crop lands, etc., which can use the effluent generated by the plant.

Policy PF-2.1.2: The City will coordinate with the ECUA and the Escambia County Health Department to identify the location of individual septic tanks in the City for the purpose of discontinuing septic tank use and requiring utilization of the sewer collection system.

Policy PF-2.1.3: The City will review cumulative impact of new development on natural resources.

Policy PF-2.1.4: The City shall continue to monitor the implementation actions of the Escambia/Santa Rosa Coast Resources Planning and Management Committees and recommend area-wide compliance with the policies pertaining to wastewater facilities planning.

Policy PF-2.1.5: Where economic feasible, the City will support ECUA's efforts to require impact fees on developments which create a demand for additional public facilities, sufficient to finance the development's share of the cost.

Objective PF-2.2: The City shall continue to require all new development, and redevelopment where economically feasible, to protect natural drainage features and sensitive environmental resources by implementing stormwater management and erosion control practices, which comply with regulations adopted in the revised Land Development Code.

Policy PF-2.2.1: The City shall monitor stormwater management facilities on City-owned lands that are adjacent to or contain natural water systems to minimize impact.

Policy PF-2.2.2: The City shall continue to develop cooperative approaches to restoring and managing regionally significant natural systems through implementation of the recommendations from the *Escambia County/City of Pensacola Stormwater Plan* and the *Pensacola Bay System S.W.I.M. Plan*.

Objective PF-2.3: The City's Land Development Code shall be revised where necessary to assure that development, which adversely affects functioning natural systems, is minimized or prevented.

Policy PF-2.3.1: The City shall protect the hydrologic and ecologic function of estuarine systems by designating areas as Conservation Land Use Districts and through the implementation and enforcement of "Resource Protection Overlay Districts".

Overlay Zoning Districts are as follows:

- X Wellhead Protection District - The purpose of this district is to avoid risks of damage to sources of drinking water by prohibiting within close proximity of public water wells certain land uses, facilities and activities which involve a reasonable likelihood of discharges of pollutants into or upon surface of ground waters.
- X Bayou Texar Shoreline protection District - The purpose of this district is to establish standards which recognize and protect the environmental resources of the Bayou Texar shoreline. This district ensures the preservation of the natural buffering effect of open spaces along the shoreline for storm surge abatement and the filtering of stormwater runoff.
- X Escambia Bay Shoreline Protection District - The purpose of this district is to establish standards, which recognize and protect the unique scenic vistas and environmental resources of the Escambia Bay shoreline.

Policy PF-2.3.2: The City shall continue to enforce all ordinances, which relate to drainage, stormwater management, litter, and sedimentation and erosion control.

Policy PF-2.3.3: The City shall continue to provide technical assistance for the development of non-structural approaches to stormwater drainage control.

Policy PF-2.3.4: The City shall continue to encourage use of permeable surfaces for parking lots, patios, sidewalks, driveways, etc.

Objective PF-2.4: The City shall develop a public information campaign about watershed management (either on its own or in conjunction with other applicable agencies or governmental entities).

Policy PF-2.4.1: The City shall coordinate with Escambia County, the Escambia County School Board, ECUA and the NFWFMD in funding and/or developing educational materials which will be utilized for public information purposes on watershed management.

Policy PF-2.4.2: The City shall coordinate with the Escambia County Agriculture Extension Service and/or other appropriate agencies in developing landscape design and/or urban forestry programs, which promote the preservation of native vegetation for the purpose of sedimentation and erosion control.

Objective PF-2.5: The City of Pensacola shall coordinate with the County, the ECUA and the NFWFMD to promote water conservation through identifying methods of reducing sanitary sewer flows and pumping of potable water.

Policy PF-2.5.1: The City shall coordinate with the Emerald Coast Utilities Authority (ECUA) to develop a public information campaign concerning water conservation.

Policy PF-2.5.2: The City shall coordinate with Escambia County, the Escambia County School Board, ECUA and the NFWFMD in the continued funding and/or development of educational materials which will be utilized for public information purposes on water conservation.

Policy PF-2.5.3: The City shall coordinate with Escambia County, the Escambia County School Board, ECUA, and the NFWFMD in researching all funding mechanisms which are available for establishing a water conservation campaign.

Policy PF-2.5.4: The City shall continue to enforce codes and ordinances requiring water-saving devices in new and rehabilitated construction and encouraging or requiring use of permeable surfaces for parking lots. The City shall consider incentives for developments, which utilize water conservation technology, not to exclude energy conservation technology such as water-sourced heat pumps.

Policy PF-2.5.5: The City shall coordinate with ECUA in studying the development of irrigation systems, which utilize water sources other than the groundwater aquifer for City-owned building sites, recreational sites or public rights-of-way.

Policy PF-2.5.6: The City shall coordinate with the Escambia County Agriculture Extension Service and/or other appropriate agencies in developing landscape design and/or urban forestry programs, which promote the use of indigenous vegetation for the purpose of conserving water used for irrigation. This coordination may be either in the form of shared funding or manpower.

Objective PF-2.6: The City shall continue to enforce its Land Development Code regulations protecting the function of the Sand and Gravel Aquifer.

Policy PF-2.6.1: The City shall utilize maps contained in the *Wellhead Protection Area Delineation In Southern Escambia County, Florida, Water Resources Special Report 97-4, December 1997*, prepared by the Northwest Florida Water Management District, as may be amended, and included by reference, to identify wellhead protection areas around existing water wells and shall continue to cooperate with the Emerald Coast Utilities Authority in reviewing land use regulations within these areas.

Policy PF-2.6.2: The City shall protect all water recharge areas within the City through enforcement of all existing ordinances adopted in the Land Development Code, including but not limited to the following:

1. Open space requirements;
2. Amount of impervious surfaces permitted in critical water recharge areas;
3. Stormwater management;
4. Erosion control; and
5. Landscaping and vegetation protection.

Objective PF-2.7: The City shall continue to cooperate in developing a hazardous waste management program in coordination with State and County governments and agencies for the proper collection, storage, disposal and transport of hazardous wastes generated within the City.

Policy PF-2.7.1: The City shall continue to respond to all hazardous materials incidents in the City in compliance with Title III of the Superfund Amendment and Re-authorization Act of 1986 and the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988.

Policy PF-2.7.2: The City shall promote the use of scheduled amnesty days for the appropriate collection of hazardous wastes.

Policy PF-2.7.3: All industries with hazardous wastes shall be required to develop a spill clean-up plan, provide storage facilities for hazardous wastes generated on site, and provide for safe transport of any hazardous waste.

Policy PF-2.7.4: The City shall coordinate with County, State and Federal agencies in the development and compliance of hazardous waste management programs.

Policy PF-2.7.5: The City shall regulate the use and disposal of hazardous materials and wastes within critical aquifer protection areas and within wellhead protection zones.

GOAL PF-3: The City shall encourage the use of energy efficient and environmentally-beneficial activities and products for public facility use.

Objective PF-3.1: The City shall encourage construction of new facilities and purchase of equipment to be used with environmentally beneficial equipment.

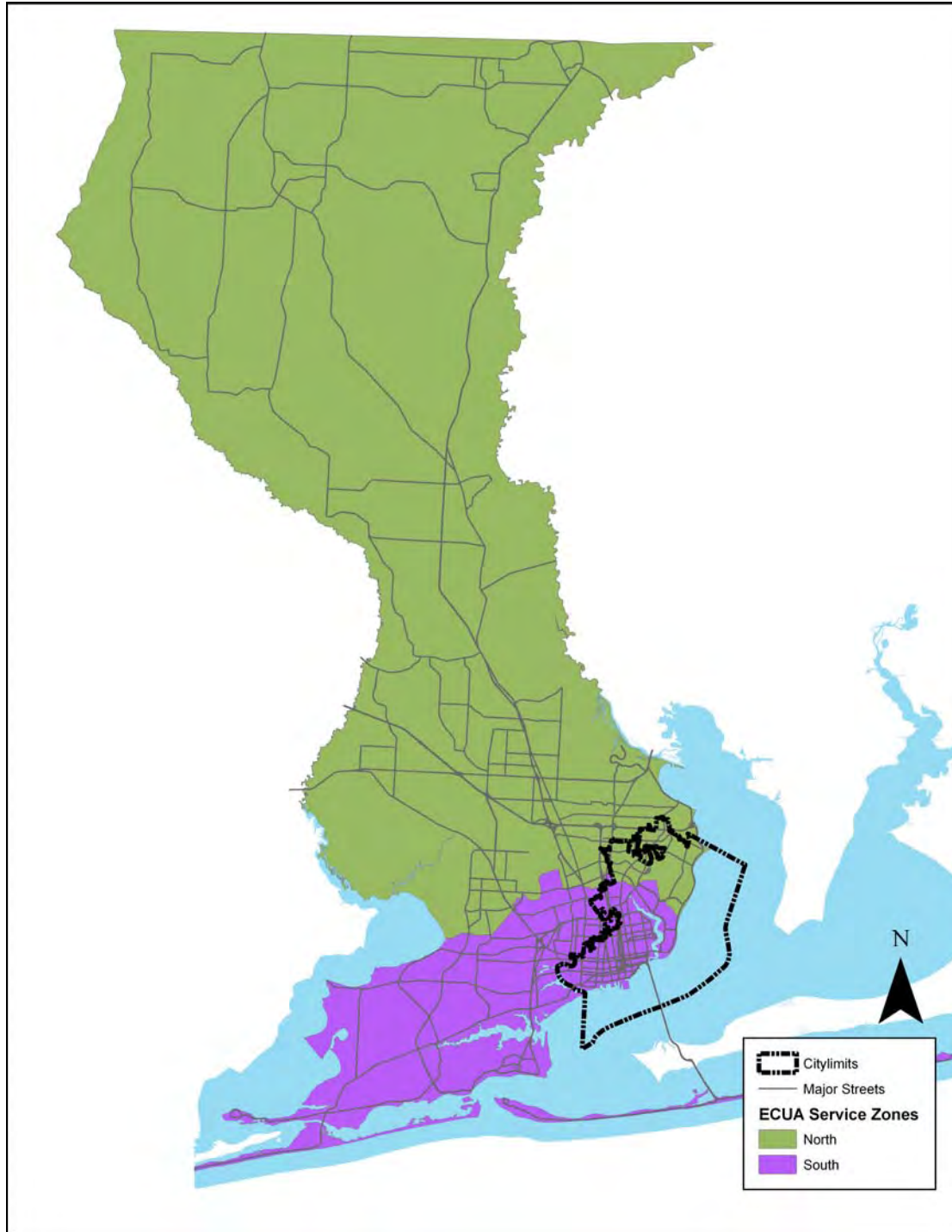
Policy PF-3.1.1: The City shall encourage all new public facilities to be constructed utilizing energy and resource efficient techniques and systems including benchmarks from the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Green Building Rating Systems. The City shall also encourage LEED certification where appropriate and feasible.

Policy PF-3.1.2: The City shall exclusively purchase environmentally-beneficial equipment such as Energy-Star qualified products when cost feasible.

Public Facilities



Emerald Coast Utility Authority Service Zones



CHAPTER 5

COASTAL MANAGEMENT

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

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

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

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

Policy CM-1.1.2: All City owned or City financed waterfront development, except for industrial uses, shall provide for public waterfront access.

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

- * The use is compatible with surrounding land uses.
- * Upland support services are available.
- * A hurricane contingency plan is in place.
- * The water quality concerns have been addressed.
- * A plan is in place for mitigation actions in the event that the environment is adversely affected.
- * The economic need and feasibility for the facility have been established.

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

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

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

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

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

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

Policy CM-1.2.3: The City shall take whatever actions that are necessary so that all public facilities located near the City's shoreline or in the CHHA are resistant to storm events and meet all the building standards for the hurricane-force winds and floods.

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

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

- * Low density - along Escambia Bay north of Hyde Park Road and south of Gadsden Street, and along both shores of Bayou Texar.
- * Medium density - along Pensacola Bay (except for the Historic District), and along Bayou Chico.
- * High density - Historic District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy CM-1.7.2: The City will continue to participate in the National Flood Insurance Program.

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

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

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

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

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

GOAL CM-2: The City shall ensure the highest environmental quality feasible, the City will seek to conserve, protect, and properly manage its natural resources.

Objective CM-2.1: The City shall protect, conserve or enhance coastal wetlands, living marine resources and wildlife habitat.

Policy CM-2.1.1: The City shall limit the specific and cumulative impacts of development and redevelopment which will have adverse effects on wetlands, water quality, wildlife habitat, living marine resources and beach systems by prohibiting these developments unless mitigation actions are specified or by withholding public funds from these projects.

Policy CM-2.1.2: By the year 2021, the City shall restore or enhance disturbed or degraded natural areas for City-owned property including beaches, estuaries, wetlands, shoreline ecosystems, and drainage systems and shall establish programs to mitigate future disruptions or degradations.

Policy CM-2.1.3: The City shall establish standards for new development adjacent to wetlands to reasonably assure that the quality and quantity of their stormwater discharge does not adversely impact the physical and/or ecological features of those habitats.

Policy CM-2.1.4: With respect to acquisition, the City, where feasible, shall protect, conserve, or enhance coastal wetlands, living marine resources and wildlife habitat unduly threatened by development through establishment of public or private conservation easements or other available means as deemed appropriate.

Objective CM-2.2: The City shall maintain and improve estuarine environmental quality.

Policy CM-2.2.1: The City shall coordinate with Escambia County and the City of Century through the existing interlocal agreement to conduct stormwater management plans which will provide recommendations for preventing estuarine pollution, controlling surface water runoff and protecting living marine resources.

Policy CM-2.2.2: The City shall review and contribute to any updates of the Comprehensive Plans in surrounding jurisdictions and other policy plans that would affect implementation of local estuarine protection goals.

Policy CM-2.2.3: With respect to acquisition, the City, where feasible, shall protect, conserve, or enhance estuarine environmental quality unduly threatened by development through establishment of public or private conservation easements or other available means as deemed appropriate.

Policy CM-2.2.4: The City shall work with local organizations, regional, state agencies to establish procedures to protect and increase the water quality near existing shorelines.

Objective CM-2.3: The City shall reasonably assure that impacts of man-made structures on beach systems are minimal.

Policy CM-2.3.1: Construction in the CHHA shall conform to regulations set forth in the Land Development Code for floodplain management.

Objective CM-2.4: The City shall coordinate with the West Florida Historic Preservation, Inc. and other appropriate agencies in the protection, preservation or sensitive reuse of historic resources.

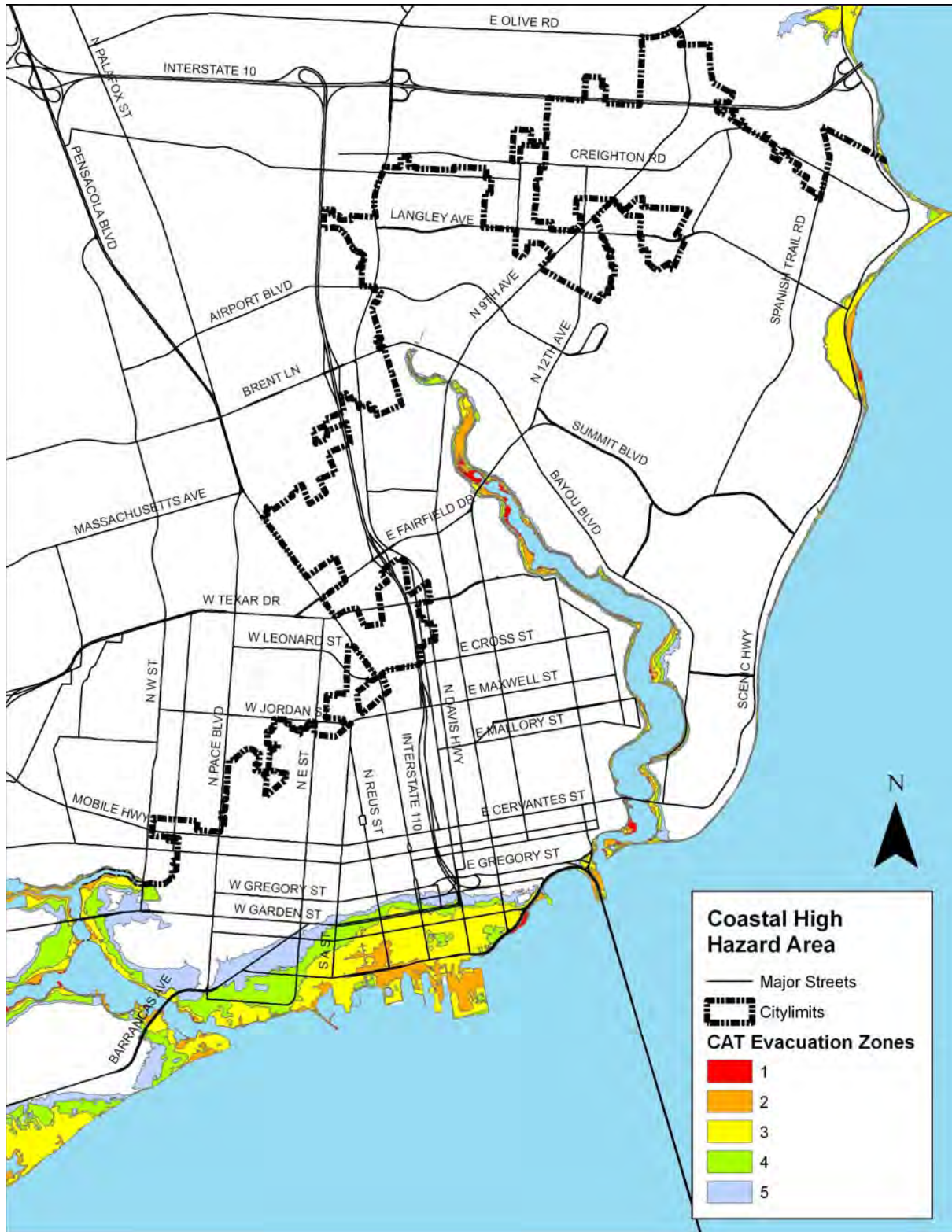
Policy CM-2.4.1: The City shall continue to support the Historic Pensacola Preservation Board in its efforts to identify historic sites and register them with the proper agencies.

Policy CM-2.4.2: Through historic zoning district guidelines and building codes, the City shall continue to establish controls for safe construction practices and for retaining the character of development within the districts.

Objective CM-2.5: The City shall continue to discourage off shore oil and gas drilling in the coastal areas of North Florida, and the City shall continue to demand accountability for clean-up of any leaks or spills of oil or oil products as well as other contaminants and pollutants.

Policy CM-2.5.1: The City shall continue to cooperate with other local and state agencies in opposition to the leasing of coastal area waters for offshore oil and gas drilling through appropriate actions. Further, the City shall cooperate with local, state and federal agencies in the clean-up efforts following the Deepwater Horizon oil spill and any other oil leak or spill as well as other contaminants and pollutants that affect waterways within the city limits.

City of Pensacola Coastal High Hazard Areas



CHAPTER 6

CONSERVATION AND SUSTAINABILITY

GOAL C-1: The City of Pensacola will seek to properly manage and protect the environment and its natural resources to the highest level possible.

Objective C-1.1: The City will work with the appropriate agencies to preserve and protect air quality within the City and the Pensacola Urbanized Area to meet ambient air quality standards as currently required by the Florida Department of Environmental Protection (FDEP).

Policy C-1.1.1: The City shall support and cooperate with Escambia County, FDEP, and FDOT in monitoring air pollution sources in the area.

Policy C-1.1.2: The City shall ensure that new industrial development is located in compatible land use areas where impact on air quality can be monitored and minimized.

Policy C-1.1.3: The City shall reduce automobile emission pollution by:

- a. Improving traffic flow patterns.
- b. Encouraging carpooling, the "ride-share" program, and other mass transit options.
- c. Encouraging buffer vegetation along arterial roadways and residential areas.
- d. Developing bicycle paths and pedestrian walkways within the City to encourage use of "clean" transportation.
- e. Encourage efforts to require compliance with emission standards.

Policy C-1.1.4: The City shall continue to enforce City regulations which prohibit or restrict the practice of open fire burning within the City.

Objective C-1.2: The City shall, through its land development regulations, protect, to the maximum extent feasible, all ecologically significant plant and animal communities identified by the U. S. Fish and Wildlife Service, the Florida Game and Fresh Water Fish Commission and other governmental and non-governmental agencies.

Policy C-1.2.1: The City shall take into consideration endangered or threatened plant and animal species, habitat conditions, occurrences and disturbances, in reviewing development proposals.

Policy C-1.2.2: The City shall require that development proposals upon request include a survey for endangered and threatened plant or animal communities utilizing information provided by the Florida Natural Areas Inventory indicating

that no such plant or animal communities occur or are likely to occur with the goal that no documented endangered or threatened natural vegetative or animal communities are destroyed.

Policy C-1.2.3: In areas where protected resources or unique vegetative communities are anticipated or documented, utilizing data information provided by the Florida Natural Areas Inventory development plans shall include an inventory of these resources and vegetative communities.

Policy C-1.2.4: The Land Development Code shall ensure reasonable protection of indigenous tree species, and where degradation has occurred, restoration shall take place by planting native species.

Policy C-1.2.5: The City shall adopt regulations which require the responsible party to mitigate impacts where degradation of environmentally sensitive areas, as defined in 9J-5.003(41), F.A.C., occurs as a result of development activities (cost to be incurred by the proposed development affecting the environmentally sensitive areas).

Policy C-1.2.6: The City will study the design of low-impact parks at Carpenter Creek and Gaberonne Swamp using native plants and other natural features that will not alter the wildlife values of the park.

Policy C-1.2.7: The City will coordinate efforts to conserve, appropriately use or protect unique vegetative communities located within more than one local jurisdiction with adjacent local governments and public or private agencies, including but not limited to the Florida Department of Environmental Protection, The Florida Fish and Wildlife Conservation Commission, and local chapters of groups such as the Sierra Club and Audubon Society.

Policy C-1.2.8: With respect to acquisition, the City, where feasible, shall protect ecologically significant plant and animal communities unduly threatened by development through establishment of public or private conservation easements or other available means as deemed appropriate.

Objective C-1.3: The City will coordinate with the County and other regional agencies to encourage a greater abundance and diversity of aquatic vegetation and fish species in Bayou Texar, Bayou Chico and Pensacola Bay.

Policy C-1.3.1: Through coordinated efforts with ECUA, the City will encourage alternative methods of gray-water discharge, such as a recycling program, reducing the volume of wastewater discharged into area waters.

Policy C-1.3.2: The Land Development Code will include provisions that require stream bank and shoreline buffer zones adjacent to surface water bodies to enhance filtration of stormwater run-off.

Policy C-1.3.3: The City will permit shoreline development only when such development would not destroy or degrade the estuarine or deepwater environment, provided it meets the following criteria:

1. A plan is in place for mitigation actions in the event that the environment is adversely affected.
2. The economic need and feasibility for the development has been established.

Policy C-1.3.4: The City, in coordination with Escambia County and the ECUA, will implement a public information program to educate residents on the type and use of pesticides that are environmentally safe.

Policy C-1.3.5: The City shall take necessary measures to reduce the quantity and improve the quality of stormwater discharged to area bodies of surface water as follows:

1. Implementation of the Pensacola Bay System S.W.I.M Plan recommendations.
2. Implementation of the Escambia County/City of Pensacola Stormwater Management Plan recommendations.
3. Improvements to the municipal drainage system shall be designed with appropriate water quality control techniques.
4. Continuing maintenance of stormwater systems will be performed in a timely and adequate manner which minimizes adverse environmental impacts.

Policy C- C-1.3.6: The City will encourage further development of artificial reefs to enhance fish populations.

Objective C-1.4: The City shall participate in the development of a hazardous waste management program, in coordination with the State and County, for the proper collection, storage, disposal, and transport of hazardous wastes generated within the City.

Policy C-1.4.1: The City shall continue to respond to all hazardous material incidents in the City in compliance with Title III of the Superfund Amendment and Re-authorization Act of 1986 and the Florida Hazardous Materials Emergency Response and Community Right-to Know Act of 1988.

Policy C-1.4.2: The City, in coordination with Escambia County and the ECUA, shall provide educational material and schedule amnesty days to provide for the

collection of hazardous wastes from City residents and small commercial and industrial hazardous waste generators.

Policy C-1.4.3: The City shall coordinate with County, State, and Federal agencies in the development and compliance of hazardous waste management programs.

Objective C-1.5: The City shall regulate future development on or near floodplain areas to reduce the exposure of human life and property to damage from natural hazards.

Policy C-1.5.1: The City shall establish limits on public expenditures and capital improvement for developments located in Coastal High Hazard Areas (CHHA).

Policy C-1.5.2: The City will actively enforce minimum building standards identified in the adopted Flood Plain Management Ordinance for construction within the 100-year flood plain.

Policy C-1.5.3: The City shall cooperate with the Federal Emergency Management Agency (FEMA) to regularly update the 100-year flood plain and to continue FEMA regulations.

Objective C-1.6: The City shall establish responsibility for the alleviation of the harmful and damaging effects of on-site generated erosion, sedimentation, runoff, and the accumulation of debris on adjacent downhill and/or downstream properties.

Policy C-1.6.1: The City shall require that no person may subdivide or make any change in the use of land or construct or change the size of a structure, except for individual single-family and duplex home construction, without first submitting a stormwater management plan to the City Engineer and obtaining a stormwater management permit from the building official.

Policy C-1.6.2: The City shall require that all land development plans include measures to minimize soil erosion in sensitive soil erosion areas. These plans should utilize native species for landscaping to the maximum extent possible.

Policy C-1.6.3: The City shall review and update its Erosion, Sedimentation, and Runoff Control ordinance as necessary.

Objective C-1.7: The quality of Pensacola's surface and ground waters should meet or exceed the minimum requirements set by the Florida Department of Environmental Protection.

Policy C-1.7.1: The City shall protect all water recharge areas within the City through enforcement of the Land Development Code, and periodic review and

amendment of these regulations, as necessary, to strengthen the overall protection of water recharge areas including but not limited to the following:

1. Open space requirements;
2. Amount of impervious surfaces permitted in critical water recharge areas;
3. Stormwater management;
4. Erosion control;
5. Landscaping and vegetation protection.

Policy C-1.7.2: The City shall utilize maps contained in the *Wellhead Protection Area Delineation in Southern Escambia County, Florida, Water Resources Special Report 97-4, December 1997*, prepared by the Northwest Florida Water Management District, as may be amended, and included by reference, to identify wellhead protection areas around existing water wells and shall continue to cooperate with the Escambia County Utilities Authority in reviewing land use regulations within these areas.

Policy C-1.7.3: The City shall continue to coordinate its efforts with those of federal and State agencies to complete the clean-up of hazardous waste sites and abandoned dump areas to protect the groundwater from leaching.

Policy C-1.7.4: The City shall regulate, minimize or prohibit development which can be expected to cause or increase salt-water intrusion, interfere with water use rights, or pollute or damage ecosystems within the City.

Policy C-1.7.5: The City shall coordinate with the NFWFMD to prohibit the extraction of water where use exceeds the available recharge, or in areas of concern near utility wells "cones of influence".

Policy C-1.7.6: The City will continue to coordinate with the ECUA and the Escambia County Health Department to identify the location of individual septic tanks in the City for the purpose of discontinuing septic tank use and requiring future utilization of the sewer collection system.

Objective C-1.8: The City shall encourage the conservation of fresh groundwater and the reuse of existing water supplies.

Policy C-1.8.1: The City shall encourage the development of building codes that provide for the installation of water saving devices in new construction and renovation projects.

Policy C-1.8.2: The City will coordinate with ECUA to investigate the feasibility of establishing a graywater system throughout the City for irrigation and other suitable purposes.

Policy C-1.8.3: To reduce the quantity of potable water used for irrigation, the Land Development Code will include provisions encouraging the use of native vegetation for all development or redevelopment activities, whenever feasible.

Policy C-1.8.4: New development shall not be permitted unless a continual source of potable and/or non-potable water is available to meet the projected needs of the population.

Policy C-1.8.5: The City of Pensacola shall support the water management plans and water shortage plans of the Northwest Florida Water Management District through cooperation with ECUA and through enforcement of water conservation provisions.

Objective C-1.9: The City shall identify and cooperate in the protection of all endangered or threatened species by including appropriate regulations within the Land Development Code.

Policy C-1.9.1: The City shall use a current and complete inventory, prepared by other reliable sources, which includes endangered or threatened plant and animal species, habitat conditions, occurrences and disturbances, in reviewing development proposals.

Policy C-1.9.2: The City shall include regulations within the Land Development Code that prohibits any development that would destroy the habitat of endangered or threatened species, when the habitats has been identified and documented.

Objective C-1.10: The City's wetlands shall be conserved and protected, to the greatest extent feasible, from any adverse physical or hydrological alteration without proper mitigation.

Policy C-1.10.1: The City shall require review and approval of dredge and fill permits by the Florida Department of Environmental Regulation for wetlands within its jurisdiction.

Policy C-1.10.2: Where alteration of wetlands is necessary in order to allow for reasonable use of property, then the restoration of disturbed wetlands shall be provided for or additional wetland areas will be created to replace the area that was destroyed.

Policy C-1.10.3: The City shall designate the Gaberonne Swamp area owned by the City as an environmentally sensitive area to be used only for purposes of low-intensity recreation activities, with construction activities limited to those which will not disturb the natural environment pursuant to FAA approval.

Objective C-1.11: The City shall, as feasible, establish and implement a systematic plan for reforesting its urban fabric that optimizes the resources available in the City Tree Planting Trust Fund.

Policy C-1.11.1: The plan should contain an audit and condition analysis of protected trees existing on public properties, and prioritized replanting plan in roadway rights of way between specific intersections on specific roadways.

Policy C-1.11.2: The plan shall coordinate with regulations in the Land Development Code to produce aesthetic uniformity along roadways and biodiversity throughout the total urban forest, promotion of minimum tree spacing, and planting and maintenance specifications should prescribe best practices to optimized tree life.

GOAL C-2: The City of Pensacola will seek to promote sustainable development which meets the needs of the present without compromising the ability to meet the needs of the future through the protection of the natural environment.

Objective C-2.1: The City will encourage green site development in which the design, construction, and operation promote the preservation of resources and environmentally sensitive construction practices, systems and materials.

Policy C-2.1.1: The City shall promote and encourage the construction of buildings with design by recognized environmental rating agencies including the Florida Green Building Coalition, the National Home Builder Association and the U.S. Green Building Council.

Policy C-2.1.2: The City shall establish land use regulations that provide incentives for the construction of LEED certified buildings.

Policy C-2.1.3: The City shall continue to promote, through its Land Development Code regulations, the use of Florida landscape materials that promote water conservation and the principals of Xeriscape.

CHAPTER 7

RECREATION AND OPEN SPACE

GOAL R-1: The City of Pensacola shall ensure that all Pensacola residents have access to a wide range of recreational facilities and City Parks.

Objective R-1.1: The City will acquire, develop and maintain parks and recreational facilities to meet the needs of the city's current and projected population.

Policy R-1.1.1: The City will adopt a recreational level of service of .5 acres/1000 persons for mini-parks (at a 1/4 mile radius); 2 acres/1000 persons for neighborhood parks (at a 1/2 mile radius); 1.5 acres per 1,000 persons for community parks (city-wide radius); and, 1 acre per 1,000 persons for open space (citywide radius). Activity based level of service standards shall be adopted as follows:

Swimming Pools	1 pool/25,000 population
Tennis Courts	1 court/2,000 population
Basketball Courts	1 court/5,000 population
Baseball/Softball Fields	1 field/3,000 population
Football/Soccer/Rugby Fields	1 field/4,000 population
Golf Course (9-hole)	1 course/25,000 population
Golf Course (18-hole)	1 course/50,000 population

Policy R-1.1.2: The City will acquire and/or develop recreation sites and correct or improve existing deficiencies consistent with the Capital Improvements Element as follows:

- ❖ Baars Park- develop neighborhood park.
- ❖ Acquire land near Legion Field
- ❖ Acquire land near Sanders Beach-Corinne Jones Center.
- ❖ Acquire property or implement interlocal agreement for Dory Miller Park.
- ❖ Acquire land or implement interlocal agreement for ball fields near "T" and "W" Streets.
- ❖ Coordinate Master Plan for Hollice Williams Park with CRA.
- ❖ Construct Community Center in Service Area 8.
- ❖ Develop Community Aquatic Center.
- ❖ Develop Mallory Heights Park III.

Policy R-1.1.3: The City will periodically review demographic changes within Pensacola and conduct needs assessment survey for each park service area to determine necessary equipment and services for City parks and recreational facilities.

Policy R-1.1.4: The City will reduce maintenance cost of parks and recreational facilities by using native plants for landscaping in appropriate areas.

Policy R-1.1.5: Where feasible, the City shall provide additional recreation and open space opportunities including, but not limited to, sites/facilities required to meet LOS standards, and/or sites that would further objectives to protect natural environments, through establishment of public or private conservation easements, or through other available means as deemed appropriate.

Policy R-1.1.6: Where feasible in the redevelopment of existing recreation and open space sites or development of new sites, the City shall provide facilities for outdoor recreation activities, including, but not limited to, nature trails or boardwalks, interpretive displays, wildlife observation areas, or picnic areas, if applicable.

Policy R-1.1.7: The City shall identify and prioritize for acquisition, properties that provide for open space amenities, especially if they are located within the urban core or provide access to scenic vistas or waterways.

Policy R-1.1.8: The City shall manage natural areas and waterfront open spaces appropriate for the resources that are contained within, or are being protected by such lands. At a minimum, this shall include removal of non-native and invasive vegetation.

Policy: R-1.1.9: The City shall strive to maintain the quality and availability of recreational facilities for residents throughout the City.

Policy: R-1.1.10: The City shall strive to ensure the quality of the recreational equipment will be provided equally to all recreational facilities in the City.

Objective R-1.2: The City will continue to analyze and improve accessibility of recreational facilities and natural resources.

Policy R-1.2.1: The City will encourage the Pensacola Transportation Planning Organization (TPO) to conduct a study of roadways adjacent to park and recreational facilities and develop a plan for a coordinated system of bicycle lanes and sidewalks/paths linking residential areas with these facilities. This system will be coordinated with plans for existing or proposed state or federal scenic highway corridors and/or greenway trail systems.

Policy R-1.2.2: The City will coordinate with Escambia County Transit System to reasonably assure, when feasible, provision of service to major recreational facilities.

Policy R-1.2.3: The City will maintain existing public access to the greatest extent possible, and if deemed feasible will increase opportunities for public

access to the shoreline through establishment of public or private conservation easements or through other available means as deemed appropriate. Private property rights will be protected in providing additional public access to the shoreline.

Objective R-1.3: The City shall coordinate public and private resources to meet development and maintenance needs for recreation by execution of existing interlocal agreements with public agencies and by assistance to private resources through technical help or through co-sponsorship of activities.

Policy R-1.3.1: The City shall continue to contribute funding to the Pensacola-Escambia Clean Community Commission for the community education program they coordinate with Escambia County School Board about littering and misuse of recreational facilities and for their monitoring of the "Adopt-A-Park" program which coordinates private resources to maintain City parks and rights-of-way.

Policy R-1.3.2: The City shall continue the interlocal agreement for coordination between the City and the Escambia County School Board in the provision and maintenance of shared recreational facilities.

Policy R-1.3.3: The City shall continue to cosponsor recreational programs and events, such as the baseball/softball program and other athletic events, races and festivals, using City facilities and maintenance.

Objective R-1.4: Open space areas, which are accessible to the public for low-intensity use shall be provided through implementation of the open space requirements of the Land Development Code.

Policy R-1.4.1: The City will designate corridor open space areas for new roadways and for reconstruction of existing roadways wherever adequate rights-of-way exist.

Policy R-1.4.2: The City will accept or acquire easements and/or right-of-ways for portions of Gaberonne Swamp and Carpenter Creek from the end of Ellyson Drive north to Bayou Boulevard to protect these areas in their natural state by designating them as conservation districts.

Policy R-1.4.3: The City shall maintain open space areas by implementing Title 12 of the Land Development Code, specifically Chapter 12-2 (zoning district setback requirements) and Chapter 12-8 (subdivision regulations which require a donation of 5% of land for open space or recreation).

Policy R-1.4.4: Open space definitions and standards as described in the Recreation and Open Space Chapter of the Comprehensive Plan will be included in the City of Pensacola Land Development Code.

GOAL R-2: The City shall continue encourage greater usage of recreational facilities and open spaces.

Objective R-2.1: The City will pursue efforts to promote interconnectivity with existing recreational facilities and open spaces.

Policy: R-2.1.1: The City will review existing park locations to determine when interconnections could be established that would promote greater use.

Objective R-2.2: The City will pursue efforts to promote interconnectivity with Escambia County recreational facilities and open space with City resources.

Policy R-2.2.2: The City will coordinate with Escambia County to promote the concept of interconnecting County recreational facilities and City recreational facilities to be used by residents.

City of Pensacola Recreation Service Areas



CHAPTER 8

INTERGOVERNMENTAL COORDINATION

GOAL IC-1: The City of Pensacola shall foster and encourage intergovernmental coordination with Escambia County, other adjacent local governments, and local, regional, State and Federal agencies.

Objective IC-1.1: The City will prepare or update existing interlocal agreements with appropriate governmental entities in Escambia County to provide continued intergovernmental coordination.

Policy IC-1.1.1: The City will continue to review all existing interlocal agreements to evaluate their effectiveness and to assure that any new requirements from the Comprehensive Plan will be addressed in the agreement.

Policy IC-1.1.2: The City will prepare interlocal agreements with Escambia County and/or the ECUA to assure coordination regarding infrastructure development which affects both the City and the County.

Policy IC-1.1.3: The City will prepare an interlocal agreement with the District School Board in order to assure collaborative planning of educational facilities and infrastructure development.

Policy IC-1.1.4: The City will coordinate with the Pensacola State College and the University of West Florida in order to assure collaborative planning of infrastructure development.

Policy IC-1.1.5: The City will continue to promote compatibility with local military service.

Objective IC-1.2: The City will participate in and develop new committees or informal coordination mechanisms which will further intergovernmental coordination.

Policy IC-1.2.1: The City will assist in the development and participate in a joint City/County/ECUA coordinating committee to review future development plans with the ECUA facilities capacities.

Policy IC-1.2.2: The City will continue to participate in existing intergovernmental coordination committees (i.e., Transportation Planning Organization, Bay Area Resource Council, Chamber of Commerce) and expand some of the functions of these committees to address problem areas identified in the Comprehensive Plan.

Policy IC-1.2.3: The City shall establish a regular exchange of City Planning Board agendas and Escambia County Planning Board agendas for the purpose of providing information to each entity regarding certain issues with potential intergovernmental impacts.

Policy IC-1.2.4: The City will coordinate with Escambia County to identify potential adverse effects of development decisions made within a one-half (1/2) mile on either side of the City limits.

Policy IC-1.2.5: The City of Pensacola shall routinely review and coordinate the level of service standards with the WFRPC, TPO, DCA, DEP, FDOT and all other appropriate State, regional and local agencies in the development of each element of the Comprehensive Plan.

Policy IC-1.2.6: The City shall continue to coordinate with the WFRPC and other appropriate agencies to ensure that the impacts of development proposed in the City's plan are coordinated with adjacent local governments (i.e., expansion of marinas, airport, ports, bridges and new roads).

Policy IC-1.2.7: The City shall continue to coordinate with the School District to insure that the School Board has an opportunity to review and comment on the effect of proposed residential development, the effect of comprehensive plan amendments and rezonings on the public school facilities plan.

Objective IC-1.3: The City will continue to enforce LOS standards with Escambia County, the ECUA, and the FDOT, and to coordinate with the District School Board facilities work program.

Policy IC-1.3.1: The City will continue to annually review enforce adopted LOS standards and coordinate with the ECUA in planning for future growth.

Policy IC-1.3.2: The City will continue to enforce adopted roadway LOS standards with Escambia County and FDOT, which are consistent, particularly where roadways pass through jurisdictional boundaries.

Policy IC-1.3.3: The City will coordinate with the District School Board facilities work program, which is used to plan for future growth.

Policy IC-1.3.4: The City will coordinate population estimates and projections with the School Board at a minimum of once each year as part of the review of the DSB facilities work program (5-year plan).

Policy IC-1.3.5: In order to coordinate the effective and efficient provision and siting of educational facilities with associated infrastructure and services within the City, representative of the City and the School Board will meet by June 2000

to develop mechanisms for coordination of educational facilities planning. The City will amend the Plan by January 2001 to incorporate the coordination mechanisms developed.

Objective IC-1.4: The City shall ensure that the impacts of development proposed in the City's Comprehensive Plan are coordinated with adjacent municipalities, Escambia County, WFRPC, the State of Florida, the TPO and other appropriate agencies.

Policy IC-1.4.1: The City will coordinate comprehensive planning with local governmental agencies including the School Board, the WFRPC, the Northwest Florida Water Management District, etc. for all developments that will have a significant impact on the region.

Policy IC-1.4.2: The City will participate in the update of the *West Florida Strategic Regional Policy Plan*.

Policy IC-1.4.3: In order to coordinate the management of environmental systems that fall under the jurisdiction of more than one local government, the City shall:

- * Monitor and evaluate updates to the *Escambia/Santa Rosa Coastal Resource Management Plan*.
- * Participate in the Florida-Alabama TPO.
- * Participate in the formulation of, and coordinate in the implementation of, the *Pensacola Bay System S.W.I.M. Plan* and the *Escambia County/City of Pensacola Stormwater Management Plan*.

Objective IC-1.5: The City will provide for formal or informal conflict resolution mechanisms when necessary to deal with issues of intergovernmental coordination.

Policy IC-1.5.1: The City will utilize the services of the West Florida Regional Planning Council for informal conflict mediation where appropriate.

Policy IC-1.5.2: The City will provide for joint meetings of the City Council and the County Commission to resolve issues relating to intergovernmental coordination

Objective IC-1.6: The City of Pensacola shall periodically sponsor workshops with the Escambia County School District, other units of local government, and the ECUA to discuss future expansion plans and identify any proposed land use or facility impacts.

Policy IC-1.6.1: The City of Pensacola shall annually review the master plans of the Escambia County School District, other units of local government, the WFRPC, the State, and the ECUA in the comprehensive planning process and shall advise the respective bodies concerning inconsistencies.

Objective IC-1.7: The City shall comply with Florida laws for review of annexation requests and for resolving annexation issues.

Policy IC-1.7.1: City and County staff will exchange and review data regarding levels of service and land use for areas that are being considered for annexation.

Policy IC-1.7.2: The City will consider conducting an opinion survey of any area(s) being considered for annexation to determine the feasibility of conducting a referendum prior to initiating an annexation action.

Policy IC-1.7.3: The City will coordinate with State legislators in addressing State laws concerning annexation.

GOAL IC-2: The City of Pensacola shall coordinate and plan with the Escambia County District School Board for the provision of adequate and readily accessible educational sites and the timely construction of school facilities.

Objective IC-2.1: The City will cooperate with the School District in siting individual facilities in an orderly and timely manner that is responsive to alleviating overcrowding, providing special facilities, and meeting the demands of new development through, but not limited to, the following policies.

Policy IC-2.1.1: The City Planning Department will coordinate with the School District staff in the siting of school facilities throughout the City so that their location is consistent with and, to the degree possible, will further the Goals, Objectives, and Policies of the Comprehensive Plan.

Policy IC-2.1.2: The City will evaluate the ability for the co-location of public parks, public library facilities, or other public facilities as appropriate, when school sites are chosen and the development plans prepared. The technical inter-relationships of the Capital Improvements Programs will in part, identify co-location/joint use opportunities.

Objective IC-2.2: The City will provide the School District an opportunity for coordinated, on-going review of the impacts of development.

Policy IC-2.2.1: The City will inform the School District of proposed amendments to the Future Land Use Map of the City.

Policy IC-2.2.2: The City will request that the School District, prior to final consideration by the School Board, formally contact the City regarding any existing school in the City that is being considered for closure, capacity change,

or programmatic change, so that the City can assess the impact of the school closure upon the community and provide formal comments if desired.

CHAPTER 9

CAPITAL IMPROVEMENTS

GOAL CI-1: The City shall utilize development standards which will effectively maximize facilities and will provide for new facilities as growth occurs in a manner consistent with the City's Future Land Use element.

Objective CI-1.1: The City shall utilize the capital improvements element to correct existing deficiencies within the framework of the 5-year Schedule of Improvements; to accommodate desired future growth; and to replace worn-out or obsolete facilities.

Policy CI-1.1.1: The Capital Improvements Element shall include only those facility types explicitly required in Chapter J-5, FAC, which are Sanitary Sewer, Solid Waste, Drainage, Potable Water, Transportation and Parks and Recreation.

Policy CI-1.1.2: All existing deficiencies defined in the CIE shall be evaluated and necessary facilities upgraded and/or replaced utilizing the follow method for prioritizing the year the projects will be implemented:

- * Highest priority will be given to projects which directly affect the health and safety of the public.
- * Second priority will be given to those projects, which would be more cost-effectively undertaken with other facilities under the 5-year Schedule of Improvements.

Policy CI-1.1.3: The Capital Improvement Element's 5-year Schedule of Improvements will be included in the City's Capital Improvement Program and will have priority over any other City capital needs.

Policy CI-1.1.4: Proposed capital improvements projects shall be evaluated based on their direct relationship to the Comprehensive Plan Elements and shall include consideration of:

1. The elimination of existing capacity deficiency;
2. The elimination of public hazards;
3. The project's financial feasibility and impact on the local budget;
4. The project's ability to increase the efficiency of use of existing facilities, prevent or reduce future improvement cost, provide service to developed areas lacking full service, or promote infill development; and,
5. Plans of state agencies and water management districts that provide public facilities within the City.

Policy CI-1.1.5: The City Manager, Director of Finance, Community Design & Planning Director, Engineering Department Director, Leisure Services Director, Public Services & Sanitation Director, and the Port Director will serve as the internal review group for the purpose of evaluating and ranking in order of priority projects proposed for inclusion in the 5-year Schedule of Improvements. Other appropriate City officials may, from time to time, be requested to serve on the committee or provide assistance to the committee as circumstances and issues require.

Objective CI-1.2: Infrastructure improvement costs required due to increased use of existing facilities by future development will be proportionately shared by the City and the developer in order to maintain adopted LOS standards taking into account the costs associated with adequately documenting the degree to which future development is responsible for causing such improvements.

Policy CI-1.2.1: The City will implement a stormwater utility fee, if necessary, to assess costs for future drainage improvements and continue to utilize local funding and State and federal grants to adequately maintain adopted LOS standards for drainage. In addition, the City will continue to utilize local optional gas tax to fund local roadway improvements for the purpose of maintaining adopted LOS standards. The City will pursue new revenue sources and methods to fund local roadway and drainage projects.

Policy CI-1.2.2: The City shall continue to implement its program for mandatory dedications or fees in lieu of as a condition of plat approval for the provision of recreation and open space.

Objective CI-1.3: The City shall coordinate its land development process and fiscal resources with its adopted Capital Improvements schedule to ensure all development orders and building permits for future development and redevelopment will only be issued if adopted level of service standards for public facilities are maintained.

Policy CI-1.3.1: All development orders and building permits for future development and redevelopment activities shall be issued by the City only if public facilities necessary to meet the following adopted level of service standards are available concurrent with the impacts of the development.

- * Sanitary Sewer - 100 gallons per capita per day average flow.
- * Solid Waste - 4.52 pounds per capita per day.
- * Drainage - LOS A - tolerates street flooding to a depth of 3 inches or less in the gutters when the rest of the pavement is passable, and allows open or green space flooding of up to 12" as long as there is no threat to public health or safety, or permanent impediment to the intended use of the property; LOS B - tolerates flooding of

entire street surface up to 4"; LOS C - tolerates structure flooding; based on the following design criteria:

In existing developments adequate drainage capacity to accommodate run-off associated with a 3-year, 12-hour design storm for collection systems.

In new developments adequate drainage capacity to accommodate a 25-year, 12-hour design storm for collection systems and for retention and detention ponds. As a minimum the first 1/2" of runoff must be retained on the site of the development. At the discretion of the City Engineer, retention standards may be increased beyond the 1/2" minimum standards on a site-specific basis.

- * Potable Water - 118 gallons per capita per day (gpcd) for Zone 1, 146 gpcd for Zone 2.

*	Roadway Type	LOS (Peak hour)
	State Roadways	
	Intrastate	C
	Other State Roads	E
	Roads Within the TCEA	Exempt
	Local Collector Roads	E
	Other Local Roads	C

- * Recreation Standards
Acreage - .5 acres/1000 persons for mini parks (1/4 mile radius); 2 acres/1000 persons for neighborhood parks (1/2 mile radius); 1.5 acres/1000 persons for community parks (citywide radius), and; 1 acre/1,000 persons for open space (citywide radius).

Swimming Pool	1 pool/25,000 persons
Tennis Court	1 court/2,000 "
Basketball Court	1 court/5,000 "
Baseball/Softball Field	1 field/3,000 "
Football/Soccer/Rugby Field	1 field/4,000 "
Golf Course	1-9-hole course/25,000
Golf Course	1-18-hole course/50,000

Policy CI-1.3.2: The City will not issue development orders unless public facilities that meet adopted LOS standards are available or meet the requirements of the City's adopted Concurrency Management System.

Policy CI-1.3.3: The City shall make provision for the availability of public facilities to serve developments for which development orders were issued prior to the adoption of the Comprehensive Plan.

Policy CI-1.3.4: The City shall track all de minimis impact of development for annual submittal of the CIE through the established concurrency management system.

Objective CI-1.4: The City shall utilize all funding resources and mechanisms which are necessary for capital improvements.

Policy CI-1.4.1: The City shall study the feasibility of implementing as many local funding mechanisms as possible for capital improvements.

Objective CI-1.5: The City shall follow the 5-year Schedule of Improvements (as amended from time to time) as set forth in the Capital Improvements Element (CIE) except in the instance of unforeseen natural disasters or cut-backs in funding sources, either of which could change funding or expenditure priorities.

Policy CI-1.5.1: The City shall review the CIE on an annual basis to ensure that the required fiscal resources are available to provide public facilities to support adopted LOS standards.

Policy CI-1.5.2: The City shall adopt a monitoring and evaluation program for the review of the CIE.

Objective CI-1.6: Proposed expenditure of public funds that subsidize or enable land development in Coastal High Hazard Areas shall be limited to those projects identified in the Coastal Management Chapter.

Policy CI-1.6.1: The use of City funds for shoreline development in the CHHA will be based on the following priorities:

- A. Water dependent uses
- B. Water related recreation
- C. Residential
- D. Commercial

Objective CI-1.7: The City shall adopt its CIE at the same time that it adopts its Annual Operating Budget. The CIE shall include those projects necessary to maintain the adopted level of service standards set forth in Policy 1.3.1.

Policy CI-1.7.1: The ratio of general government debt service expenditures to general government total expenditures shall not exceed 15 percent (as measured by either the most recent comprehensive annual financial report or the adopted

current year budget) except when a proposed borrowing is necessitated to finance reconstruction following emergencies (such as a hurricane or natural disaster).

CAPITAL IMPROVEMENTS FY 2011 - FY 2015																	
(S) Source																	
	2011			2012			2013			2014			2015			TOTAL PROJECTS	CITY'S SHARE
PROJECT	COST	CITY'S SHARE	OTHER SHARE	COST	CITY'S SHARE	OTHER SHARE	COST	CITY'S SHARE	OTHER SHARE	COST	CITY'S SHARE	OTHER SHARE	COST	CITY'S SHARE	OTHER SHARE		
PORT																	
Maintenance Dredging	640,000	320,000 (1) Port	320,000 (2) FSTED													640,000	320,000
Port Intermodal Rail Enhancements	2,750,000	0	2,750,000 (18) TIGER II													2,750,000	0
America's Marine Highways Terminal & Facilities Development, Phase I				900,000	225,000 TBD	675,000 (16) MARAD	900,000	225,000 TBD	675,000 (16) MARAD							1,800,000	450,000
America's Marine Highways Terminal & Facilities Development, Phase II										450,000	112,500 TBD	337,500 (16) MARAD	450,000	112,500 TBD	337,500 (16) MARAD	900,000	225,000
Dockside Utility Improvements	150,000	75,000 (1) Port	75,000 (2) FSTED													150,000	75,000
On-dock Rail Switch Repairs	60,000	60,000 (1) Port	0													60,000	60,000
Entrance Gate Relocation and Improvements	250,000	50,000 (1) Port	200,000 (3) TSA													250,000	50,000
Intermodal Rail Replacement				1,000,000	0	1,000,000 (18) TIGER II	1,000,000	0	1,000,000 (18) TIGER II							2,000,000	0
Dock & Wharf Apron Strengthening (Berth 6 Rehabilitation)				1,100,000	0	1,100,000 (18) TIGER II	1,100,000	0	1,100,000 (18) TIGER II							2,200,000	0
Berth 6 Fender System Replacement							1,000,000	0	1,000,000 (18) TIGER II							1,000,000	0
Port Total	3,850,000	505,000	3,345,000	3,000,000	225,000	2,775,000	4,000,000	225,000	3,775,000	450,000	112,500	337,500	450,000	112,500	337,500	11,750,000	1,180,000
STORMWATER PROJECTS																	
Davis Highway at Valley Drive							309,700	309,700 (5) SWCP		255,000	255,000 (5) SWCP					564,700	564,700
Sanders Beach Storm Sewer Reconstruction										370,000	370,000 (5) SWCP		500,000	500,000 (5) SWCP		870,000	870,000
Gaberonne Swamp Stormwater Enhancements				200,000	200,000 (5) SWCP											200,000	200,000
Land Acquisition Retention Pond Sites										35,000	35,000 (5) SWCP		300,000	300,000 (5) SWCP		335,000	335,000
Baywoods Gulley Stormwater Enhancements				200,000	200,000		295,300	295,300 (5) SWCP								495,300	495,300
Carpenters Creek at Brent Lane				370,000	370,000 (5) SWCP		200,000	200,000 (5) SWCP								570,000	570,000
"L" and Zarragossa Street Drainage Improvements				340,000	340,000 (5) SWCP		104,200	104,200 (5) SWCP								444,200	444,200
12th Avenue at Carpenter's Creek	20,000	20,000 (5) SWCP		250,000	250,000 (5) SWCP		180,800	180,800 (5) SWCP								450,800	450,800
Bayou Chico Stormwater Outfall Retrofits	500,000	500,000 (5) SWCP		300,000	300,000 (5) SWCP											800,000	800,000
Birmam Woods S/D Discharge at Bayou Texar	340,000	340,000 (5) SWCP														340,000	340,000
Scenic Heights Discharge (Langley into Escambia Bay)										500,000	500,000 (5) SWCP		500,000	500,000 (5) SWCP		1,000,000	1,000,000

Bayou Blvd at Tyler Discharge													360,000	360,000 (5) SWCP		360,000	360,000
Stormwater Vaults Citywide	14,200	14,200 (5) SWCP		250,000	250,000 (5) SWCP		250,000	250,000 (5) SWCP		250,000	250,000 (5) SWCP		250,000	250,000 (5) SWCP		1,014,200	1,014,200
DeSoto Street @ Bayou Texar (Western Shore)							450,000	450,000 (5) SWCP								450,000	450,000
Stormwater Capital Maintenance	162,600	162,600 (5) SWCP		326,800	326,800 (5) SWCP		326,800	326,800 (5) SWCP		326,800	326,800 (5) SWCP		326,800	326,800 (5) SWCP		1,469,800	1,469,800
Northmoor Court @ Carpenter's Creek							120,000	120,000 (5) SWCP		500,000	500,000 (5) SWCP					620,000	620,000
Admiral Mason Park	800,000	800,000 (5) SWCP														800,000	800,000
Stormwater Total	1,836,800	1,836,800	0	2,236,800	2,236,800	0	2,236,800	2,236,800	0	2,236,800	2,236,800	0	2,236,800	2,236,800	0	10,784,000	10,784,000
TRANSPORTATION																	
Street Rehabilitation (Formerly Street Resurfacing)	853,400	853,400 (6) LOGT		853,400	853,400 (6) LOGT		853,400	853,400 (6) LOGT		853,400	853,400 (6) LOGT		853,400	853,400 (6) LOGT		4,267,000	4,267,000
Street Reconstruction	521,900	521,900 (6) LOGT		521,900	521,900 (6) LOGT		521,900	521,900 (6) LOGT		521,900	521,900 (6) LOGT		521,900	521,900 (6) LOGT		2,609,500	2,609,500
Intersection/Traffic Improvements	118,300	118,300 (6) LOGT		118,300	118,300 (6) LOGT		118,300	118,300 (6) LOGT		118,300	118,300 (6) LOGT		118,300	118,300 (6) LOGT		591,500	591,500
Transportation Total	1,493,600	1,493,600	0	1,493,600	1,493,600	0	1,493,600	1,493,600	0	1,493,600	1,493,600	0	1,493,600	1,493,600	0	7,468,000	7,468,000
AIRPORT																	
2011																	
Install Pedestrian Sidewalks and Bike Path - GA	600,000	300,000 (7) CIA (9) PFC	300,000 (8) FDOT													600,000	300,000
Parking Garage Expansion	30,000,000	0	30,000,000 (17)													30,000,000	0
Relocate Fuel Farm Phase I	200,000	10,000 (7) CIA (9) PFC	190,000 (11) FAA													200,000	10,000
Landside Access Road Improvements	250,000	12,500 (7) CIA (9) PFC	237,500 (11) FAA													250,000	12,500
Areawide Wayfinding Signage	400,000	400,000 (7) CIA (9) PFC														400,000	400,000
Acquisition of Army Reserve Center and Construction of Parking Lot	6,900,000	5,150,000 (7) CIA (9) PFC	1,750,000 (8) FDOT													6,900,000	5,150,000
Acquire Land - Commerce Park Phase I	1,333,400	333,400 (7) CIA (9) PFC	1,000,000 (8) FDOT													1,333,400	333,400
Apron Joint Seal Replacement and Line Removal	600,000	30,000 (7) CIA (9) PFC	570,000 (11) FAA													600,000	30,000
Expand GA Apron - Design	351,000	17,550 (7) CIA (9) PFC	333,450 (11) FAA													351,000	17,550
Additional GA Ramp - Design	400,000	20,000 (7) CIA (9) PFC	380,000 (11) FAA													400,000	20,000
Landside Signage Improvements Phase I	400,000	20,000 (7) CIA (9) PFC	380,000 (11) FAA													400,000	20,000
Master Plan Update	1,200,000	60,000 (7) CIA (9) PFC	1,140,000 (11) FAA													1,200,000	60,000
Terminal Roadway Improvements Phase 1	1,900,000	95,000 (7) CIA (9) PFC	1,805,000 (11) FAA													1,900,000	95,000

2012																	
Pave Interior Perimeter Road				489,500	24,500	465,000										489,500	24,500
					(7) CIA (9) PFC	(11) FAA											
Acquire Land - Commerce Park Phase I				1,333,333	333,333	1,000,000										1,333,333	333,333
					(7) CIA (9) PFC	(8) FDOT											
Improvements to Retention Pit - Design				900,000	45,000	855,000										900,000	45,000
					(7) CIA (9) PFC	(11) FAA											
Relocate Fuel Farm Phase II				900,000	45,000	855,000										900,000	45,000
					(7) CIA (9) PFC	(11) FAA											
Environmental Assessment for ILS at R/W 35				250,000	12,500	237,500										250,000	12,500
					(7) CIA (9) PFC	(11) FAA											
Airfield Pavement and Lighting Rehab - Design				150,000	7,500	142,500										150,000	7,500
					(7) CIA (9) PFC	(11) FAA											
2013																	
Acquire Land - Commerce Park Phase I							1,333,400	333,400	1,000,000							1,333,400	333,400
								(7) CIA (9) PFC	(8) FDOT								
New ARFF Vehicle (fire rescue)							700,000	35,000	665,000							700,000	35,000
								(7) CIA (9) PFC	(11) FAA								
Construct Hold Pads							1,210,000	60,500	1,149,500							1,210,000	60,500
								(7) CIA (9) PFC	(11) FAA								
Replace Perimeter Fence							900,000	45,000	855,000							900,000	45,000
								(7) CIA (9) PFC	(11) FAA								
Remove Old TRACON Building							1,000,000	50,000	950,000							1,000,000	50,000
								(7) CIA (9) PFC	(11) FAA								
2014																	
Acquire Land - Commerce Park Phase II										2,000,000	500,000	1,500,000				2,000,000	500,000
											(7) CIA (9) PFC	(8) FDOT					
New ARFF Vehicle										700,000	35,000	665,000				700,000	35,000
											(7) CIA (9) PFC	(11) FAA					
Additional GA Ramp - Construction										3,000,000	150,000	2,850,000				3,000,000	150,000
											(7) CIA (9) PFC	(11) FAA					
EA/EIS for GA R/W 17L/35R										229,000	11,450	217,550				229,000	11,450
											(7) CIA (9) PFC	(11) FAA					
Strengthen SW Ramp - Design										200,000	10,000	190,000				200,000	10,000
											(7) CIA (9) PFC	(11) FAA					
2015																	
Acquire Land - Commerce Park Phase II													2,000,000	500,000	1,500,000	2,000,000	500,000
														(7) CIA (9) PFC	(8) FDOT		
Strengthen Cargo Ramp													900,000	45,000	855,000	900,000	45,000
														(7) CIA (9) PFC	(11) FAA		
Design/Build Connecting Taxiways to Additional T-Hangers													955,000	47,750	907,250	955,000	47,750
														(7) CIA (9) PFC	(11) FAA		
Strengthen SW Ramp - Construction													1,300,000	65,000	1,235,000	1,300,000	65,000
														(7) CIA (9) PFC	(11) FAA		
GA Ramp Expansion - Design													600,000	30,000	570,000	600,000	30,000
														(7) CIA (9) PFC	(11) FAA		
Airport Total	44,534,400	6,448,450	38,085,950	4,022,833	467,833	3,555,000	5,143,400	523,900	4,619,500	6,129,000	706,450	5,422,550	5,755,000	687,750	5,067,250	65,584,633	8,834,383
GRAND TOTAL FOR ALL PROJECTS	51,714,800	10,283,850	41,430,950	10,753,233	4,423,233	6,330,000	12,873,800	4,479,300	8,394,500	10,309,400	4,549,350	5,760,050	9,935,400	4,530,650	5,404,750	95,586,633	28,266,383

- (1) PORT - Port Funds
 (2) FSTED - Florida Seaport Transportation Economic Development Council
 (3) PI - Private Investment
 (4) TSA - Transportation Security Administration Grant
 (5) SWCP - Stormwater Capital Projects Fund
 (6) LOGT - Local Option Gas Tax
 (7) CIA - Capital Improvements Fund, Airport
 (8) FDOT - Florida Department of Transportation
 (9) PFC - Passenger Facility Charge
 (10) CFC - Customer Facility Charge
 (11) FAA - Federal Aviation Administration Entitlements
 (12) SISGM - Strategic Intermodal System Growth Management
 (13) Bond - Airport Bonds
 (14) ARRA - American Recovery & Reinvestment Act Port Security Grant Program (funding pending grant award)
 (16) MARAD - US Maritime Administration America's Marine Highways Program (projected future funding source)
 (17) - Economic Recovery Funds (to be constructed if funds are awarded)
 (18) TIGER II - National Infrastructure Investments funding pending grant award

CHAPTER 10

HISTORIC PRESERVATION

GOAL HP-1: The City shall continue to preserve its existing historic buildings, historic sites, and historic and preservation districts.

Objective HP-1.1: The City shall continue to enforce its existing historic preservation ordinances.

Policy HP-1.1.1: The City shall, through its historic preservation ordinances, continue to provide zoning categories that support the purpose and character of each historic and preservation district and identify appropriate permitted and conditional uses in those districts.

Policy HP-1.1.2: The City shall, through its historic preservation ordinances, continue to provide procedures for review and for the continuation of the Architectural Review Board as the principal review authority.

Policy HP-1.1.3: The City shall, through its historic preservation ordinances, continue to reference the “The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” as a guiding document for historic preservation efforts.

Policy HP-1.1.4: The City shall, through its historic preservation ordinances, continue to provide standards and guidelines for restoration, rehabilitation, alterations, and additions, to existing contributing structures within its historic and preservation districts.

Policy HP-1.1.5: The City shall, through its historic preservation ordinances, continue to provide standards and guidelines for restoration, rehabilitation, alterations, and additions, to existing non-contributing and modern in-fill structures within its historic and preservation districts.

Policy HP-1.1.6: The City shall, through its historic preservation ordinances, continue to provide standards and guidelines for the construction of new structures within its historic and preservation districts.

Policy HP-1.1.7: The City shall, through its historic preservation ordinances, continue to provide standards and guidelines for demolition and relocation of all structures in the historic and preservation districts.

Objective HP-1.2: The City shall maintain an Architectural Review Board which shall have the purpose of preserving and protecting historic or architecturally-significant buildings and historic and preservation districts.

Policy HP-1.2.1: The Architectural Review Board shall review all development activities in the historic and preservation districts and apply the historic preservation ordinances adopted by the City of Pensacola.

Policy HP-1.2.2: The Architectural Review Board shall refer to “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” in making its decisions pertaining to contributing historic structures.

Policy HP-1.2.3: The Architectural Review Board shall consider the distinct historical context, development pattern, neighborhood integrity and architectural character of each historic and preservation district in making its decisions.

Policy HP-1.2.4: The Architectural Review Board shall have the authority to grant variances to the Land Development Code when it determines that the granting of said variances are consistent with historic character of a structure or its corresponding historic or preservation district.

Objective HP-1.3: The City shall maintain the historic character and aesthetics of its historic and preservation districts.

Policy HP-1.3.1: The City shall maintain the historic street patterns and street names in each historic and preservation district.

Policy HP-1.3.2: The City shall continue to provide and maintain street lights and similar municipal appurtenances in the public rights-of-way to create aesthetically pleasing streetscapes.

Policy HP-1.3.2: The City shall continue to provide and maintain landscaping, street lights, and similar municipal appurtenances in the public rights-of-way to provide an aesthetically pleasing streetscape.

Policy HP-1.3.3: The City shall require all traffic control signs, traffic signals, transformers, switching gear and related accessory equipment to be installed in the public right-of-way in the historic and preservation districts are approved by the Architectural Review Board.

Policy HP-1.3.4: The City shall encourage all utility providers to place their utilities underground in historic and preservation districts to protect the aesthetic character of the districts.

Policy HP-1.3.5: The City shall formulate regulations pertaining to Architectural Review Board approval of all new electrical, telephone and cable wires and related equipment, such as (but not limited to) utility cabinets, transmission poles and transformers, to be installed in the historic and preservation district.

Objective HP-1.4: The City shall strengthen existing ordinances, as necessary, in order to preserve the integrity of historic buildings, historic sites, and historic and preservation districts.

Policy HP-1.4.1: The City shall review its historic preservation ordinances and identify its strengths and weaknesses.

Policy HP-1.4.2: The City shall strengthen existing ordinances, as necessary, in order to enhance the preservation of the integrity of historic buildings and historic and preservation districts.

Policy HP-1.4.3: The City shall create a separate chapter in its Land Development Code which contains all new and revised regulations and guidelines pertaining to historic buildings, historic sites, and historic and preservation districts.

GOAL HP-2: The City shall continue to identify buildings, sites and neighborhoods with historic significance and deserving of preservation.

Objective HP-2.1: The City shall continue to identify and encourage the preservation, continued use or adaptive reuse of buildings that are eligible for designation as historic buildings.

Policy HP-2.1.1: The City shall provide guidance to citizens seeking to have historic structures placed on the Florida Master Site File.

Policy HP-2.1.2: The City shall provide guidance to citizens seeking to have historic structures placed on the National Register of Historic Places.

Objective HP-2.2: The City shall continue to identify established neighborhoods that may deserve designation as a historic or preservation district, subject to the approval of its residents.

Goal HP-2.2.1: The City shall identify existing neighborhoods for designation as a locally-designated historic or preservation district.

Goal HP-2.2.2: The City shall establish adequate standards and guidelines for these districts in its historic preservation ordinances to maintain its historic character and aesthetic quality.

Goal HP-2.2.3: The City shall provide guidance in the nomination of qualified historic and preservation districts to the National Register of Historic Places.

GOAL HP-3: In conjunction with the University of West Florida, West Florida Historic Preservation, Inc., and other community organizations, the City shall continue to support activities relating to historic preservation.

Policy HP-3.1: The City shall support the historic preservation roles of the University of West Florida, West Florida Historic Preservation, Inc., community organizations, neighborhood associations and individuals.

Goal HP-3.1.1: The City shall encourage and support historic building surveys of its neighborhoods and the listing of historic buildings on the Florida Master Site File.

Goal HP-3.1.2: The City shall encourage and support the nomination of historic buildings and sites to the National Register of Historic Places.

Goal HP-3.1.3: The City shall assist the Pensacola Bay Area Convention and Visitors Bureau and other organizations in providing local heritage tourism programs.

Goal HP-3.1.4: The City shall encourage and support activities that involve walking, bicycling and driving through historic and preservation districts.

Goal HP-3.1.5: The City shall encourage community and cultural events to take place in the historic and preservation districts, with the cooperation of their residents, to enhance awareness and appreciation of the heritage and resources of these districts.

Goal HP-3.1.6: The City shall have “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” and similar technical publications available for review by those interested in the preservation of historic structures.

Policy HP-3.2: The City of Pensacola shall maintain an archaeological review procedure for all proposed construction on City-owned property.

Goal HP-3.2.1: The City shall maintain an archaeological review procedure that provides for an initial determination and review of project impact for projects on City-owned property.

Goal HP-3.2.2: The archaeological review procedure shall be conducted by a professional archaeologist meeting the standards of the Society of Professional Archaeology and having substantial experience in the archaeology and history of Pensacola.

Goal HP-3.2.3: The City shall prepare a memorandum of agreement specifying actions to be taken to avoid or mitigate any adverse effects of construction on any archaeological resources found during the process.

CHAPTER 11

PUBLIC SCHOOL FACILITIES ELEMENT

GOAL PSFE-1: Coordinate and maintain high quality education facilities

Coordinate with the School Board of City of Pensacola (herein "School Board") to ensure high quality public school facilities that are consistent with the Comprehensive Plan and serve to enhance communities.

Objective PSFE-1.1: Schools as community focal points

Enhance communities and encourage school facilities to serve as community focal points through effective school facility design and siting standards. The location will be coordinated with the future land use map.

Policy PSFE-1.1.1: School location

New schools shall be located proximate to the student population they are intended to serve. New elementary schools shall be located within walking distance of the residential neighborhoods to be served.

Policy PSFE-1.1.2: Shared-use and co-location of school sites

Coordinate with the School Board to continue to permit the shared-use and co-location of school sites and City facilities with similar facility needs as described in the Interlocal Agreement for Public School Facility Planning dated August 7th, 2006 (herein "Interlocal Agreement"). The City will identify opportunities for collocation and shared use facilities when preparing updates to the Schedule of Capital Improvements and when planning and designing new community facilities.

Policy PSFE-1.1.3: Emergency shelters

City of Pensacola will continue to coordinate with the School Board on emergency preparedness issues, including the use of public schools as emergency shelters as required by Section 163.3177(12)(g)(8), Florida Statutes. The School Board will continue to fulfill the building code requirements of Section 1012.372, Florida Statutes, such that as appropriate new educational facilities will serve as public shelters for emergency management purposes.

Policy PSFE-1.1.4: School design

The School Board will design and ensure performance standards for new school facilities according to the "Design Guidelines and Technical Specifications 2006"

Florida Department of Education State Requirements for Educational Facilities (SREF).

Policy PSFE-1.1.5: Community vitality

The City of Pensacola will continue to recognize the interconnected importance of quality neighborhood school retention with community economic development, neighborhood stability, diversity and sustainability efforts. Therefore, in partnership with other agencies, the City will encourage the maintenance and improvement of urban schools to preserve and enhance neighborhood quality and vitality.

Policy PSFE-1.1.6: Attracting new residents

The City of Pensacola will support the vitality of urban schools by encouraging new residents to locate in underutilized school districts. Where appropriate, existing homeownership and rehabilitation incentives may be utilized to attract families to such school districts and encourage the private sector to maintain a housing production capacity sufficient to meet the needs of families between moderate and upper level incomes.

Objective PSFE-1.2: Future land use and school siting

Consistent with Section 163.3177, Florida Statutes, the City will include sufficient allowable land use designations for schools proximate to residential development to meet the projected need for schools.

Policy PSFE-1.2.1: Future Land Use categories.

Consistent with the City's Future Land Use Element, public schools shall be an allowable use in all land use categories, except for Conservation. The Land Development Code may include siting standards for schools, consistent with the Comprehensive Plan. The City will consider the provisions of Section 1013.33(13), Florida Statutes (2007).

Policy PSFE-1.2.2: Flood zones and coastal high hazard area

Consistent with the City's Future Land Use Element, future schools shall not be allowed within the coastal high hazard area as delineated by the City.

Objective PSFE-1.3: School facility siting and consistency with the Comprehensive Plan

The City shall ensure that the planning, construction, and opening of educational facilities are coordinated in time and place, concurrent with necessary services and infrastructure, and consistent with the Comprehensive Plan.

Policy PSFE-1.3.1: Consistency with Comprehensive Plan

The City will coordinate with the School Board by giving an informal assessment regarding the consistency of potential new school sites, and significant expansions or potential closures of existing schools with the Comprehensive Plan, as described in the Interlocal Agreement. The informal assessment reviews, as applicable, the following: environmental suitability, transportation and pedestrian access, availability of infrastructure services, safety concerns, land use compatibility, consistency with community vision, and other relevant issues.

Policy PSFE-1.3.2: Review of school sites

The City shall review potential new school sites, and significant expansions or potential closures of existing schools for consistency with the following criteria:

- a. That school sites are compatible with present and projected uses of adjacent property.
- b. The locations of proposed new elementary schools are proximate to and within walking distance of the residential neighborhoods served.
- c. The locations of proposed new high schools are on the periphery of residential neighborhoods, with access to major roads.
- d. Existing or planned adequate public facilities are available to support the school.
- e. Safe access to and from the school site is available for by pedestrians and vehicles.
- f. The site is well drained and the soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements.
- g. The proposed school location is not within a velocity flood zone or floodway, as delineated in the applicable comprehensive plan.
- h. The site is not in conflict with City stormwater management plans or watershed management plans;
- i. The proposed site can accommodate required parking, circulation, and queuing of vehicles.
- j. The proposed location lies outside the area regulated by Section 333.03, F.S., regarding the construction of public educational facilities in the vicinity of an airport.

The City shall also consider the following in its review:

- a. Site acquisition and development costs;
- b. Whether existing schools can be expanded or renovated to support community redevelopment and revitalization;
- c. Efficient use of existing infrastructure;
- d. Discouragement of urban sprawl;
- e. Environmental constraints that would either preclude or render cost infeasible the development or significant renovation of a public school on a site; and
- f. Adverse impacts to archaeological or historic sites.

Objective PSFE-1.4: Pedestrian access to schools

The City shall work with the School Board to improve safe student access to school facilities, and to reduce hazardous walking conditions consistent with the Florida Safe Ways to School Program.

Policy PSFE-1.4.1: Bicycle and pedestrian access

All public schools shall provide bicycle and pedestrian access consistent with Florida Statutes. Parking at public schools will be provided consistent with the City's Land Development Code (LDC) requirements.

Policy PSFE-1.4.2: Sidewalk Master Plan

The City will continue to review the Sidewalk Master Plan to comprehensively address bicycle and pedestrian needs. The plan will continue to focus on bicycle and pedestrian needs relating to school facilities.

Policy PSFE-1.4.3: Sidewalk/pedestrian improvements

In order to ensure continuous pedestrian access to public schools, priority for City sidewalk/pedestrian improvements will be given to cases of hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, and specific provisions for constructing such facilities will be included in the schedule of capital improvements adopted each fiscal year.

Policy PSFE-1.4.4: New development adjacent to school property

New developments adjacent to existing or planned school sites shall be required to provide a right-of-way and a direct access path for pedestrian travel.

Policy PSFE-1.4.5: Sidewalk requirements for development near schools

New residential developments and redevelopment shall be required to provide sidewalks (complete, unobstructed, continuous with a minimum width of 5 feet) along collector, arterial, and local roads designed to move traffic through subdivisions. Sidewalks shall be required pursuant to the City's Community Design Standards.

Policy PSFE-1.4.6: Coordination with FL-AL TPO

Continue to coordinate with the FL-AL TPO to ensure funding for safe access to schools including participation in the Bicycle Pedestrian Advisory Committee and the Community Traffic Safety Team.

Objective PSFE-1.5: Coordinate Future Land Use Map amendments and DRIs to maintain school capacity

It is the objective of the City to coordinate petitions for future land use changes and developments of regional impact to maintain adequate school capacity to meet future growth needs. This goal will be accomplished recognizing the School Board's statutory and constitutional responsibility to provide a uniform system of free and adequate public schools, and the City's authority for land use, including the authority to approve or deny petitions for comprehensive plan amendments, re-zonings or final plat and site plans that generate students and impact the City of Pensacola school system.

Policy PSFE-1.5.1: School Board review and input

As per section 7.6 of the Interlocal Agreement the City shall take the School Board comments and findings on the availability of adequate school capacity into consideration when reviewing comprehensive plan amendments and other land use decisions.

Policy PSFE-1.5.2: Determining impact of Future Land Use changes and DRIs

The School Board shall use the adopted student generation rates to estimate the potential impact of a proposed future land use change or DRI on available school capacity. When such analysis projects a potential deficiency, the School Board shall include in its comments how it will propose to meet the projected demand. The City will take these comments into consideration per Policy PSFE-1.5.1 prior to approving or denying any future land use change or DRI.

GOAL PSFE-2: Implement school concurrency

The School Board will coordinate with the City to assure the future availability of public school facilities to serve new development will be consistent with the adopted level of service standards. This goal will be accomplished recognizing the School Board's statutory and constitutional responsibility to provide a uniform system of free and adequate public schools, and the City's authority for land use, including the authority to approve or deny comprehensive plan amendments, re-zonings or other development orders that generate students and impact the City's school system.

Objective PSFE-2.1: Level of Service standards

The City will coordinate with the School Board to ensure that the capacity of schools is sufficient to support residential development at the adopted level of service (LOS) standards within the period covered by the 5-year schedule of capital improvements, and the long range planning period. The adopted LOS standards shall be achieved by the conclusion of the first 5-year schedule of capital improvements and the LOS standards shall be maintained each subsequent year. These standards shall be consistent with the Interlocal Agreement agreed upon by the School Board, the City, and the local municipalities.

Policy PSFE-2.1.1: Consistency

The LOS standards set forth herein shall be applied consistently by all local governments within City of Pensacola and by the School Board to all schools of the same type.

Policy PSFE-2.1.2: Level of Service standards

Consistent with the Interlocal Agreement, the City and School Board agree to the following level of service standards for school concurrency in City of Pensacola, based on Florida Inventory of School Houses (FISH) permanent capacity, maximum school size by type, core facility capacity. In calculating achievement of LOS relocatables are not considered permanent capacity and school enrollment shall be based on the annual enrollment of each school based on actual counts reported to the Department of Education in October of each year.

TYPE OF SCHOOL	LEVEL OF SERVICE
Existing	100% of FISH permanent capacity
New or Expansion to Elementary (K-5)	100% of FISH permanent capacity and school size shall not exceed FISH permanent capacity of 800.
New or Expansion to Middle (6-8)	100% of FISH permanent capacity and school size shall not exceed FISH permanent capacity of 1200.
New or Expansion to High (9-12)	100% of FISH permanent capacity and

	school size shall not exceed FISH permanent capacity of 2000.
New or Expansion to Combination (K-8)	100% of FISH permanent capacity and school size shall not exceed FISH permanent capacity of 2000.
Centers	100% of FISH permanent capacity or the level of service based on the student/teacher ratios dictated by specific programs, whichever is lowest.
LEVEL-OF SERVICE STANDARD FOR CORE FACILITIES (K-5, 6-8, K-8)	
Dining/Kitchen	100% of permanent Total Capacity*
* Total Capacity for Dining/Kitchen facility shall be based on a standard of three (3) feeding periods per day based on the design capacity of the core facilities.	
LEVEL-OF SERVICE STANDARD FOR CORE FACILITIES (9-12)	
Dining/Kitchen	100% of permanent Total Capacity*
* Total Capacity for Dining/Kitchen facility shall be based on a standard of four (4) feeding periods per day based on the design capacity of the core facilities.	

Policy PSFE-2.1.3: Amending Level of Service standards

Potential amendments to the LOS standards shall be considered at least annually at the staff working group meeting referenced in subsection 1.1 of the Interlocal Agreement. If there is consensus to amend any level of service, it shall be accomplished by the execution of an amendment to the Interlocal Agreement by all parties and the adoption of amendments to the City, City and Town's comprehensive plans. The amended LOS shall not be effective until all plan amendments are effective, and the amended Interlocal Agreement is fully executed.

Policy PSFE-2.1.4: Financial feasibility of LOS

No LOS standard shall be amended without a showing that the amended LOS standard is financially feasible, supported by adequate data and analysis, and can be achieved and maintained through the five-year schedule for capital improvements.

Objective PSFE-2.2: School Concurrency Service Areas

The City shall establish School Concurrency Service Areas, as the areas within which an evaluation is made to determine if adequate school capacity is available based on the adopted level of service standards.

Policy PSFE-2.2:1: Concurrency Service areas

The Concurrency Service Areas for the City as agreed in the Interlocal Agreement, shall be coterminous with the attendance zone for each individual school. For special purpose centers, charter schools, and magnet schools the concurrency service area shall be district-wide.

Policy PSFE-2.2:2: Maximize capacity utilization

Concurrency service areas shall maximize capacity utilization, taking into account transportation costs, limiting maximum student travel times, achieving socio-economic, racial and cultural diversity objectives, and other relevant factors as related to determined by the School Board's policy on maximization of capacity.

Policy PSFE-2.2:3: Amending concurrency service areas

Potential amendments to the concurrency service areas shall be considered annually at the staff working group meeting referenced in Subsection 1.1 of the Interlocal Agreement. If there is consensus to amend the concurrency service areas to establish boundaries other than those that are conterminous with the school attendance zones, it shall be accomplished by a written execution of an amendment to the Interlocal Agreement by all parties and by the amendment to the City, City and Town's comprehensive plan. The amended concurrency service area shall not be effective until the amended Interlocal Agreement is fully executed and comprehensive plan amendments are in effect. Amendments to the concurrency service areas that keep the CSAs borders coterminous with the school attendance zones, shall be agreed upon by all parties and shall not require comprehensive plan amendments.

Objective PSFE-2.3: Student generation rates

The School Board will work with the City, City of Pensacola, and Town of Century to establish student generation rates that will be used to determine the impact of development on public school facilities.

Policy PSFE-2.3:1: Student generation rates

Consistent with the Interlocal Agreement, the School Board staff, working with the City staff and municipal staffs, will develop and apply student generation multipliers for residential developments by dwelling unit type (single family or multi-family) for each school type (elementary, middle, K-8, high, or center), considering past trends in student enrollment in order to project future public school enrollment.

Policy PSFE-2.3:2: Calculating student generation rates

The student generation rates shall be calculated by the School Board City, City of Pensacola, and Town of Century in accordance with professionally accepted methodologies, shall be reviewed and updated at least every two years.

Objective PSFE-2.4: Process for school concurrency implementation

In coordination with the School Board, the City will establish a joint process for implementation of school concurrency that includes applicability, capacity determination, and availability standards. The City shall manage the timing of residential subdivision and site plan approvals to ensure adequate school capacity is available consistent with adopted level of service standards for public school concurrency.

Policy PSFE-2.4.1: Applicability standards

School concurrency applies to residential development or a phase of residential development requiring an approval of subdivision plat, site plan, or its functional equivalent.

Policy PSFE-2.4.2: Exempted development

The following residential development shall be considered exempt from the school concurrency requirements:

1. Single family lots of record that have received final subdivision plat approval prior to the effective date of the PSFE, or single family subdivision plats actively being reviewed at the time of adoption of the PSFE that have received preliminary plat approval.
2. Residential developments that have received final site plan approval prior to the effective date of the PSFE, or residential site plans actively being reviewed at the time of adoption of the PSFE.
3. Amendments to residential site plans or subdivisions, which were previously approved prior to the effective date of the PSFE, and which do not increase the number of students generated by the development based on the adopted student generation rates.
4. Age restricted developments that are subject to deed restrictions prohibiting the permanent occupancy of a resident under the age of fifty five (55). Such deed restrictions must be recorded and must be irrevocable for a period of at least thirty (30) years.
5. Group quarters that do not generate students, including facilities such as local jails, prisons, hospitals, bed and breakfast, motels and hotels, temporary emergency shelters for the homeless, adult halfway houses,

firehouse dorms, college dorms exclusive of married student housing, and religious non-youth facilities.

Policy PSFE-2.4.3: Capacity determination standards

The City shall adopt LDC provisions to establish the application procedure and process for evaluating school capacity and making concurrency determinations consistent with the Interlocal Agreement. The School Board shall be responsible for conducting concurrency reviews. The City may choose to provide an informal assessment of school concurrency at the time of preliminary plat, but the test of concurrency shall be at final plat, site plan, or functional equivalent approval.

Policy PSFE-2.4.4: School board findings

The School Board's findings and recommendations shall address whether adequate capacity exists for each affected concurrency service area, based on the level of service standards. If adequate capacity does not exist, the School Board findings shall address whether appropriate mitigation can be accepted. If mitigation can be accepted, the School Board's findings shall identify the accepted form of mitigation that is consistent with the policies set forth herein.

Policy PSFE-2.4.5: Allocated capacity in CIP

In evaluating a subdivision plat or site plan for concurrency, any relevant programmed capacity improvements in years 1, 2, or 3 of the 5-year schedule of capital improvements shall be considered available capacity for a proposed project and factored into the concurrency analysis. Any relevant programmed improvements in years 4 or 5 of the 5-year schedule of improvements shall not be considered available capacity for a proposed project unless funding for the improvement is assured through School Board agreement to accelerate the proposed project, or through proportionate fair share mitigation, or some other means of assuring adequate capacity will be available within 3 years. The School Board may choose to use relocatable classrooms to provide temporary capacity while funded schools or school expansions are being constructed.

Policy PSFE-2.4.6: Determination of insufficient capacity

In the event that the School Board finds that there is not sufficient capacity in the affected concurrency service area(s) to address the impacts of a proposed development, the following standards shall apply:

- The project must provide capacity enhancement sufficient to meet its impacts through proportionate share mitigation; or

- Approval of the site plan or final plat (or functional equivalent) must be delayed to a date when the capacity enhancement necessary to maintain level of service can be assured; or
- A condition of approval of the site plan or final plat (or functional equivalent) shall be that the project's development order and/or building permits shall be delayed to a date when the capacity enhancement necessary to maintain level of service can be assured.

Policy PSFE-2.4.7: Availability standard

Where capacity will not be available to serve students generated by a residential development the City shall use the lack of school capacity as a basis for denial of petitions for final plats, site plans or functional equivalents. However, the City shall not deny a petition for a final plat, site plan, or functional equivalent due to a failure to achieve and maintain the adopted level of service for public school capacity where:

Adequate school facilities will be in place or under actual construction within three years after the issuance of the final plat or site plan or functional equivalent;

Adequate school facilities are available in an adjacent concurrency service area and the impacts of development can be shifted to that area; or,

The developer executes a legally binding commitment with the School Board to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to the final plat or site plan (or functional equivalent) as provided in the Interlocal Agreement.

Objective PSFE-2.5: Proportionate share mitigation

The City shall coordinate with the School Board to provide proportionate share mitigation alternatives that are financially feasible and will achieve and maintain the adopted level of service standard consistent with the School Board's adopted financially feasible 5-Year Facilities Work Program.

Policy PSFE-2.5.1: Acceptable mitigation

The School Board may allow mitigation for developments that would otherwise cause the LOS standards to be exceeded. Mitigation options shall include the following:

Contribution of, or payment for, acquisition of new or expanded school sites;

Construction or expansion of permanent school facilities;

Mitigation banking, the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell excess capacity credits within the same concurrency service area; and

Charter schools, provided they are constructed to State Requirements for Educational Facilities (SREF) standards, so that it can be relied on the over the longer term as public school capacity, designed to whatever minimum size and specifications established by the School Board to ensure that if the School Board is required, it can efficiently operate the school.

Policy PSFE-2.5:2: CIP and proposed mitigation

Proposed mitigation must be directed toward a permanent capacity improvement identified in the School Board's financially feasible 5-Year Work Plan. However, the School Board may accept mitigation in the form of an improvement not identified on the 5-year Work Plan and commit to add the needed improvement to the 5-year Work Plan. The School Board must find that any proposed mitigation will satisfy the demands created by the proposed development consistent with the adopted level of service standards, and the mitigation shall be assured by a legally binding development agreement between the School Board, the City, and the applicant executed prior to the issuance of the final plat, site plan or functional equivalent.

Policy PSFE-2.5:3: Shifting impacts

Mitigation shall not be required when the adopted level of service cannot be met in a specific concurrency service area if the needed capacity for the development is available in one or more contiguous concurrency service areas and the impacts of the development can be shifted to a contiguous concurrency service area. Where more than one concurrency service area is available to accommodate student impacts, the School Board shall evaluate how the impacts of a development shall be shifted. Measures to maximize capacity, including modifications to concurrency service areas in lieu of shifting development impacts, can be considered.

Policy PSFE-2.5:4: Relocatable Classrooms

Relocatable classrooms will not be accepted as mitigation.

Policy PSFE-2.5:5: Calculation proportionate share mitigation

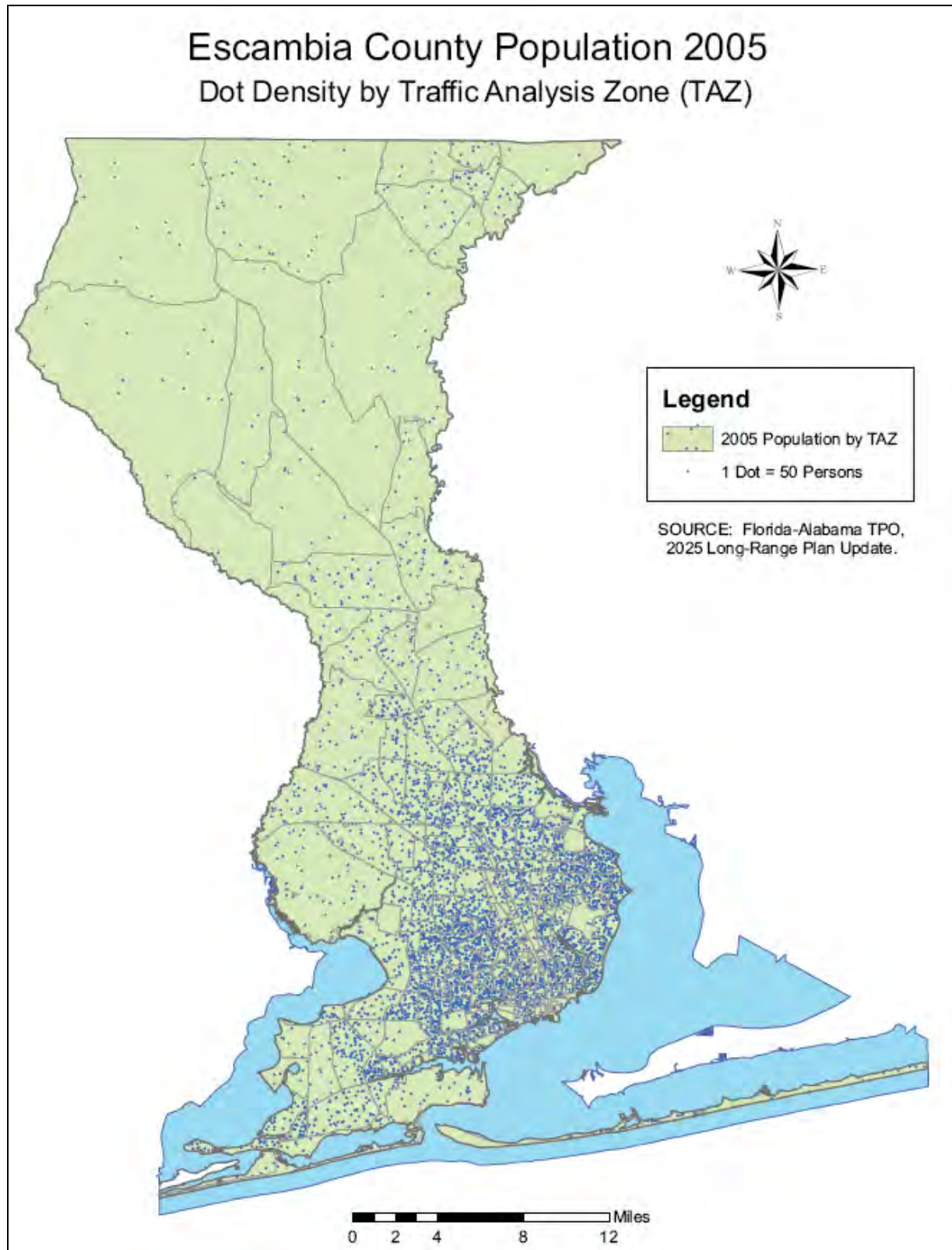
The applicant's total proportionate-share mitigation obligation to resolve a capacity deficiency shall be based on the following formula, for each school level: multiply the number of new student stations required to serve the new development by the average cost per student station and, if needed, add the additional cost of a core facility to accommodate the additional student stations.

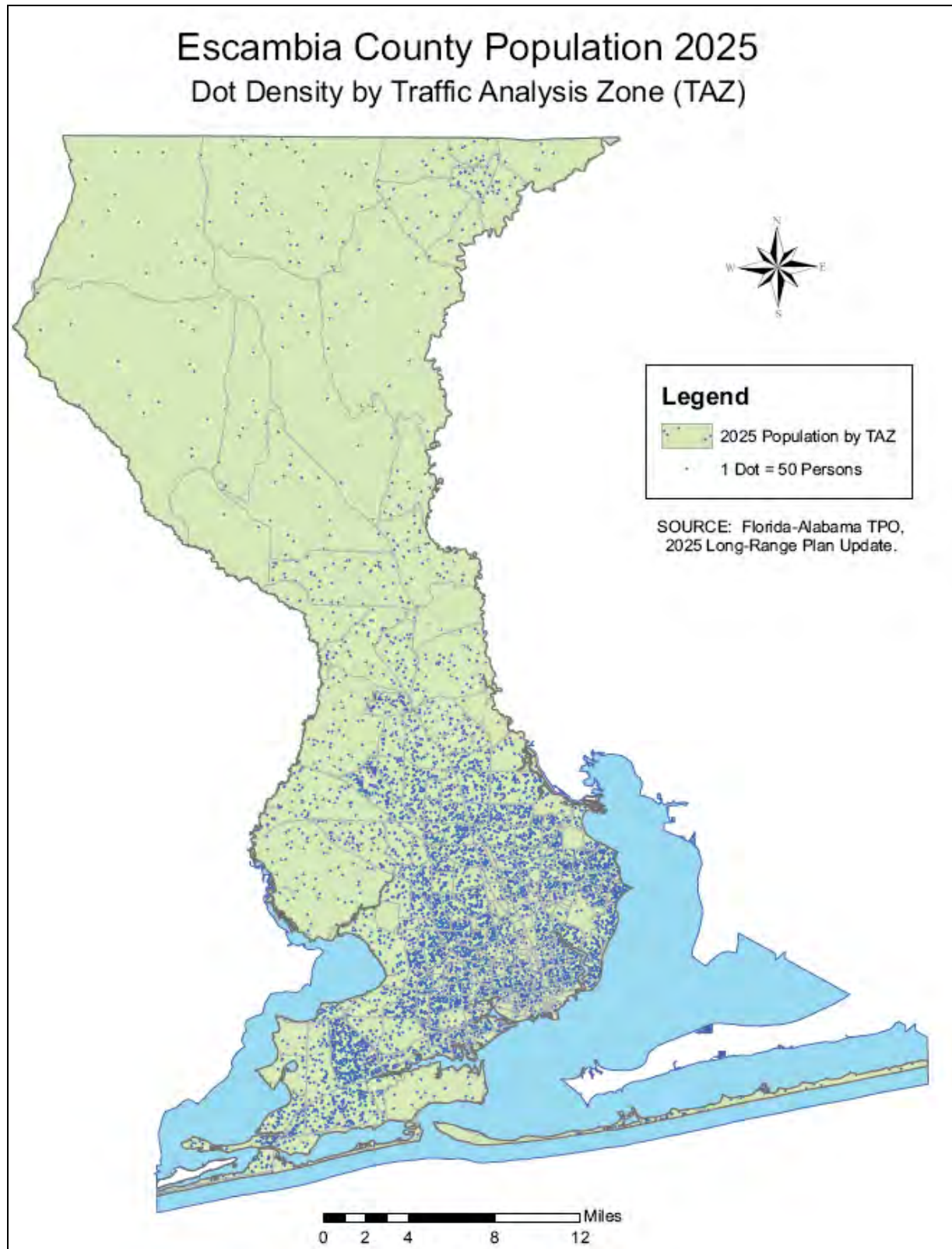
The average cost per student station shall include school facility development costs and land costs. The applicant's proportionate-share mitigation obligation will be credited toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.

School Facility Maps

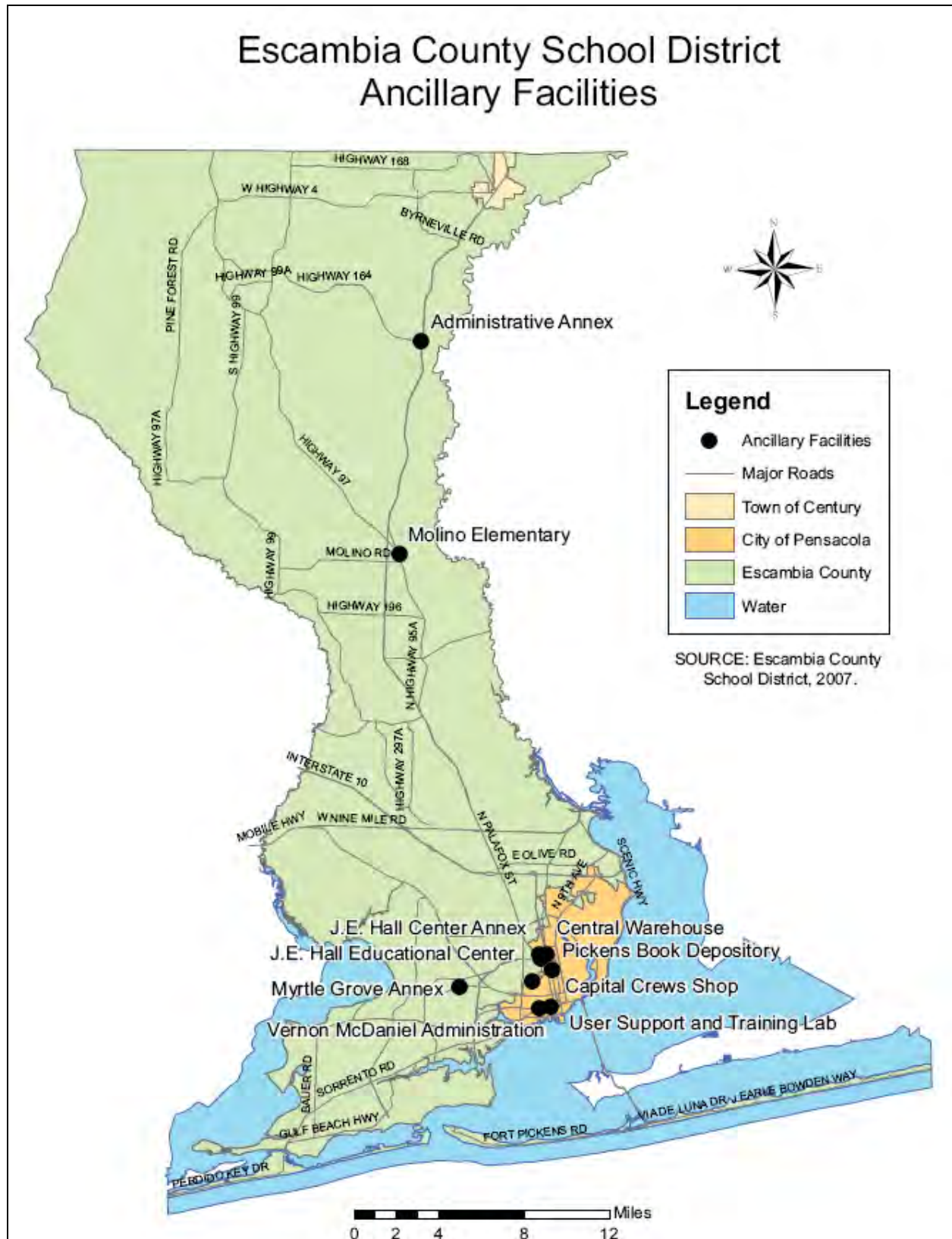
Consistent with Section 123.3177(12)(g), Florida Statutes, the Public School Facilities Element shall include future conditions maps showing existing and anticipated schools over the five-year and long-term planning periods. The maps of necessity may be general over the long-term planning period and do not prescribe a land use on a particular parcel of land.

Escambia County Population 2005

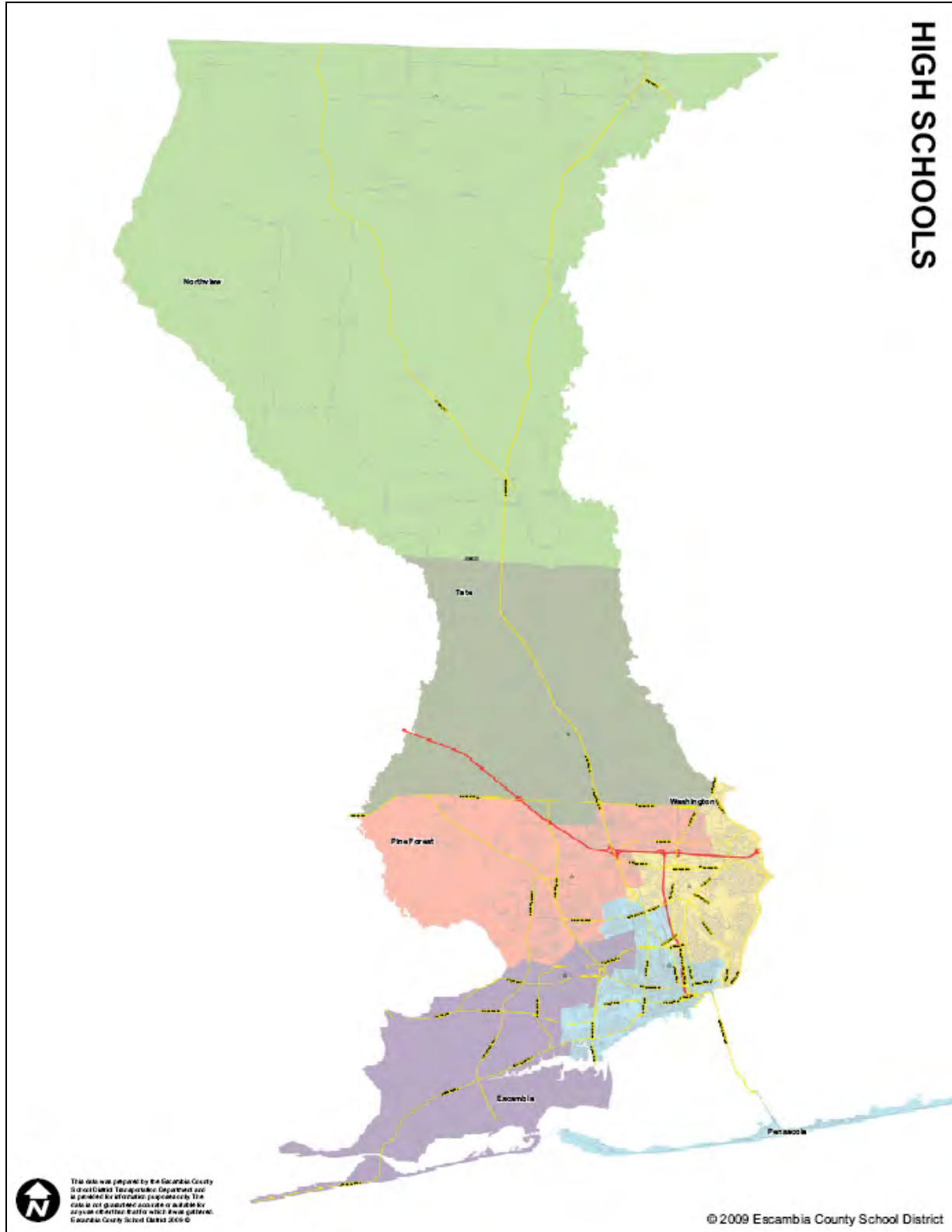




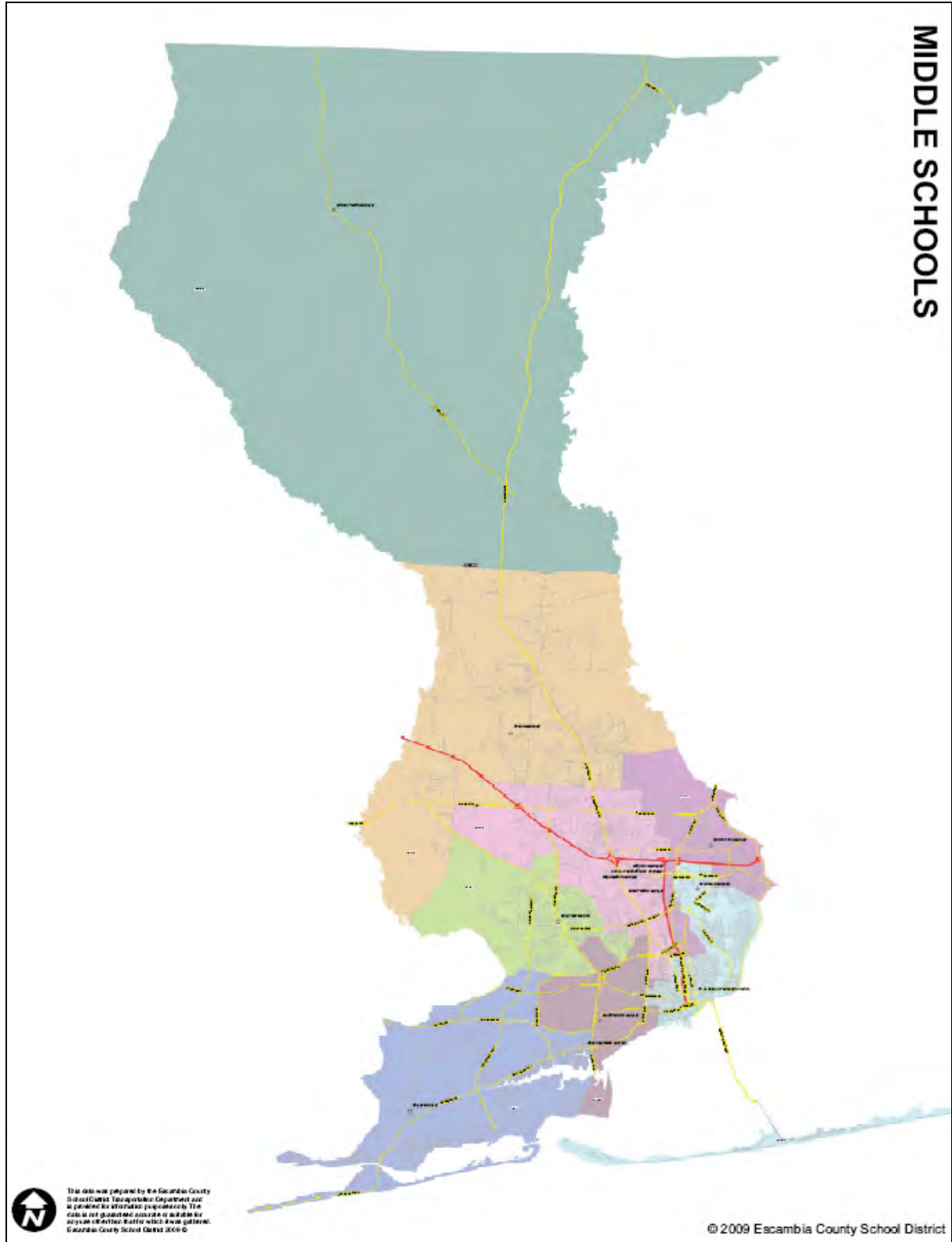
Escambia County School District Ancillary Facilities



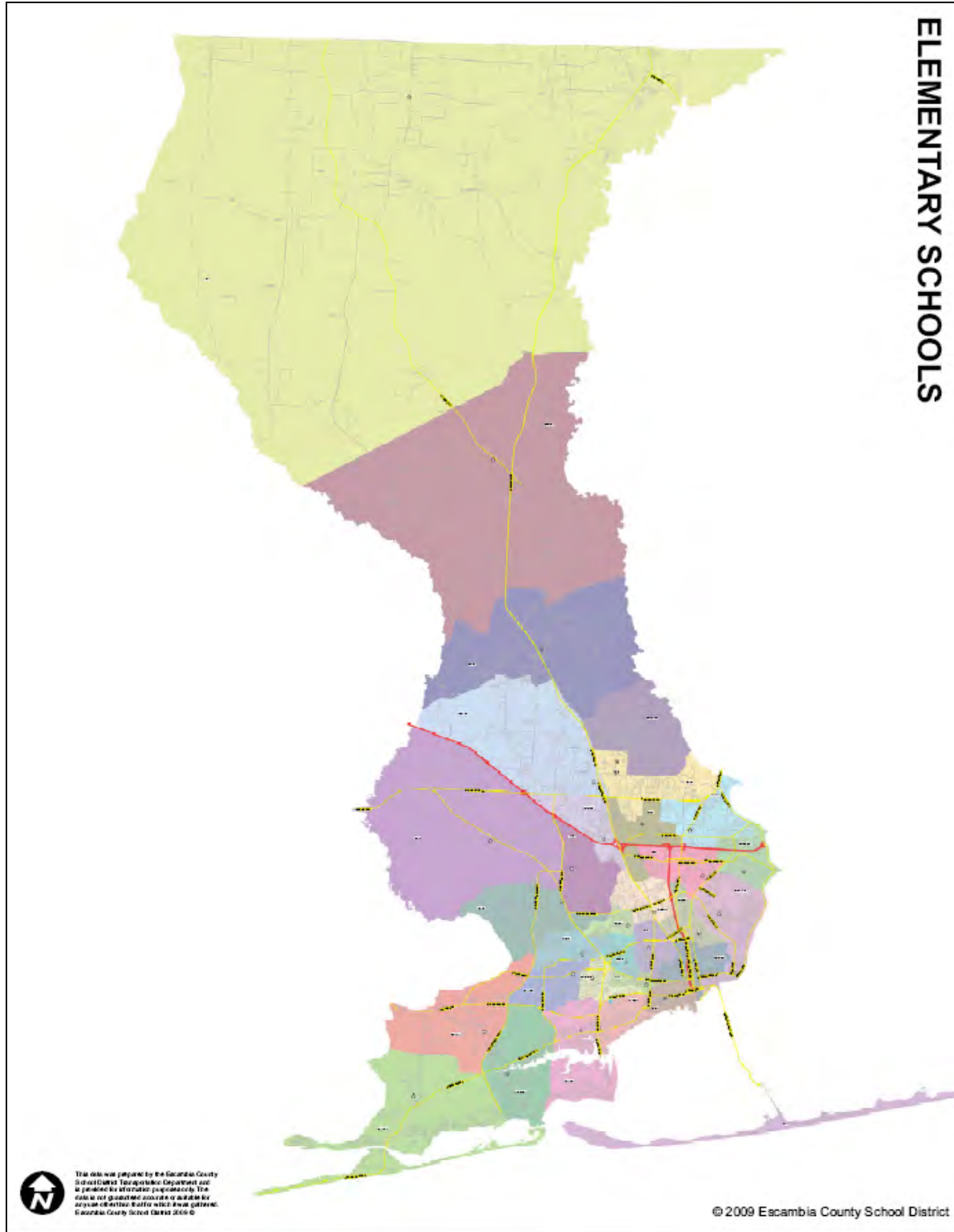
Escambia County High School Attendance Zones



Escambia County Middle School Attendance Zones



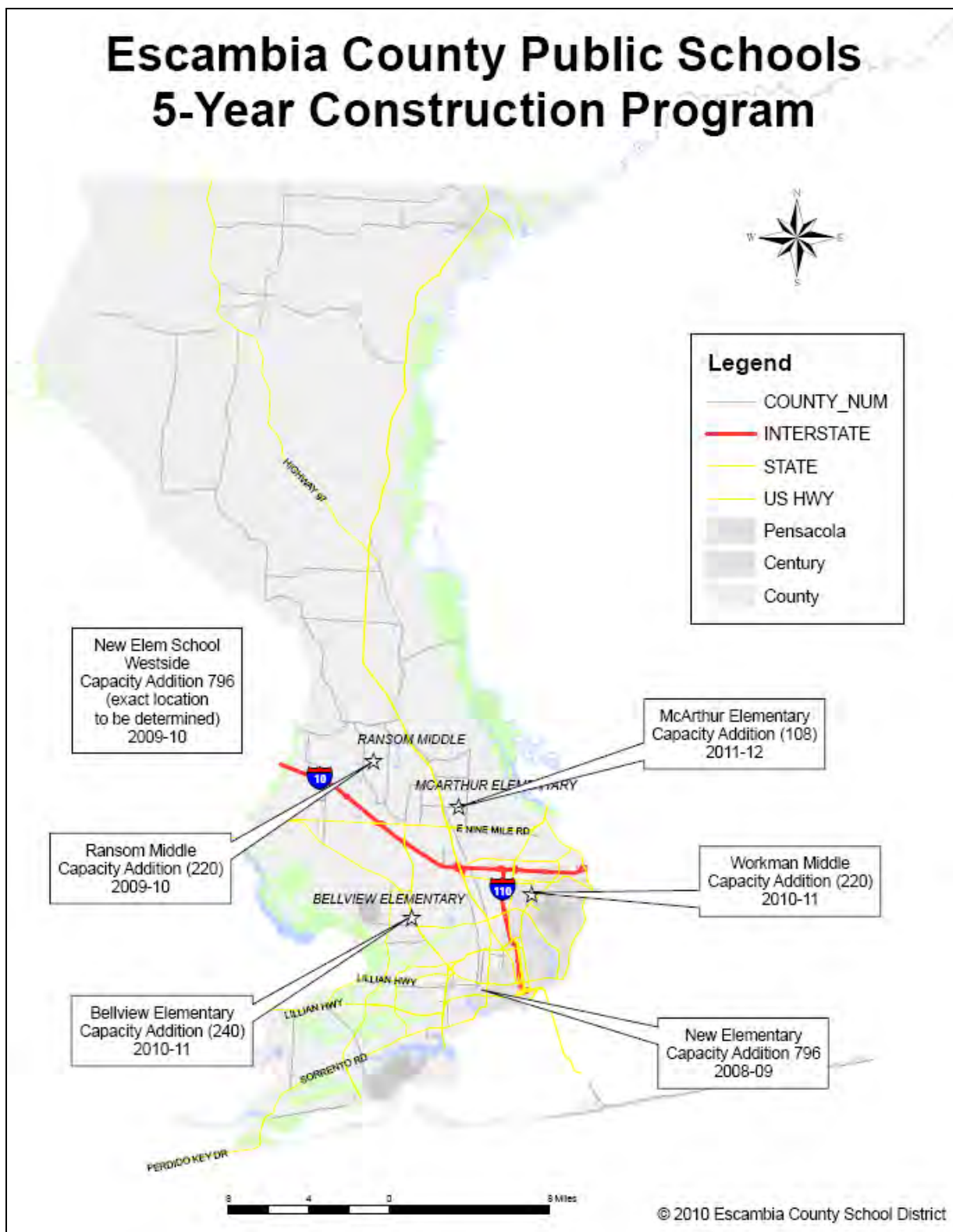
Escambia County Elementary School Attendance Zones



Escambia County Public Schools 5-Year Construction Program

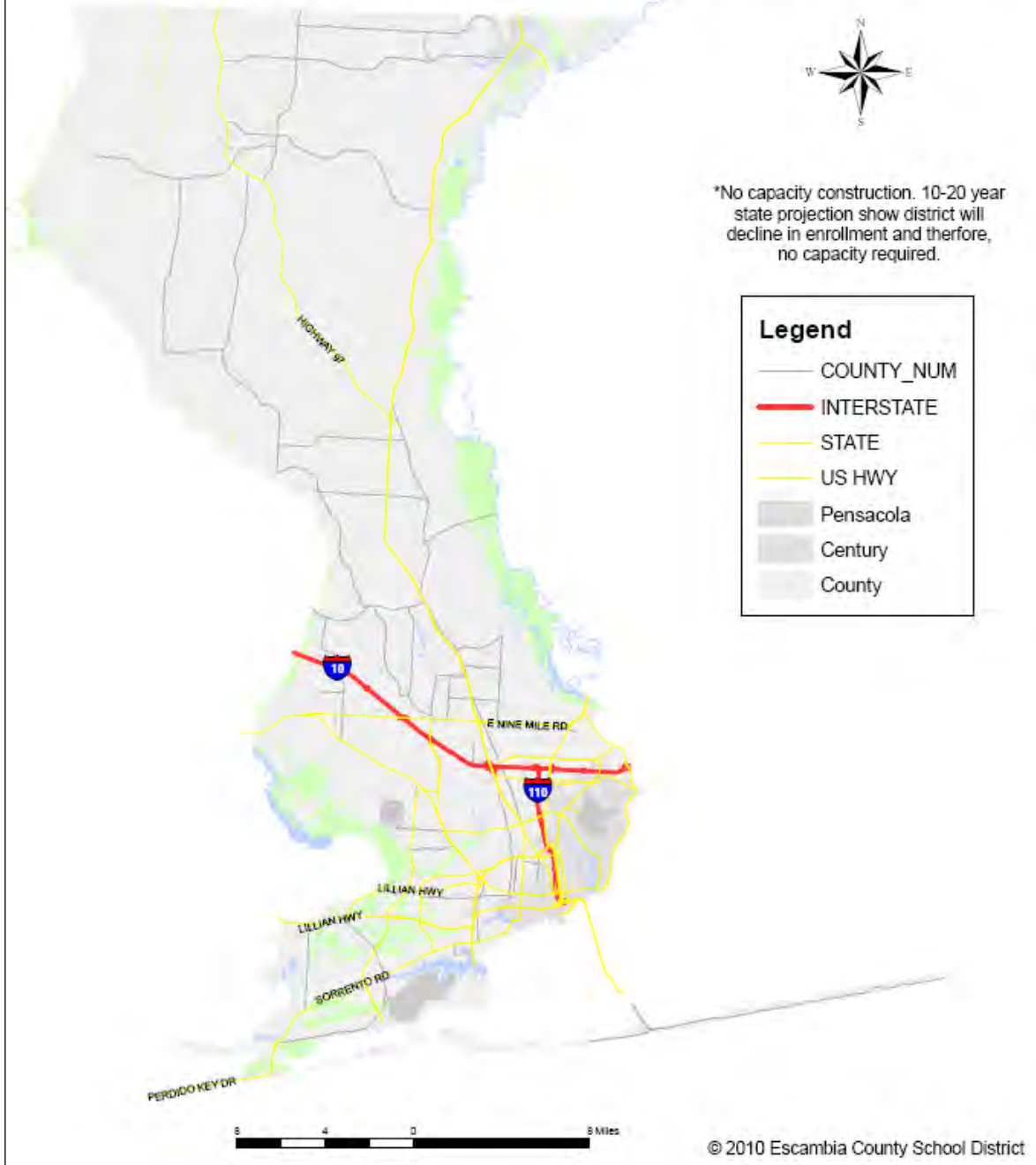
Public Schools and Facilities

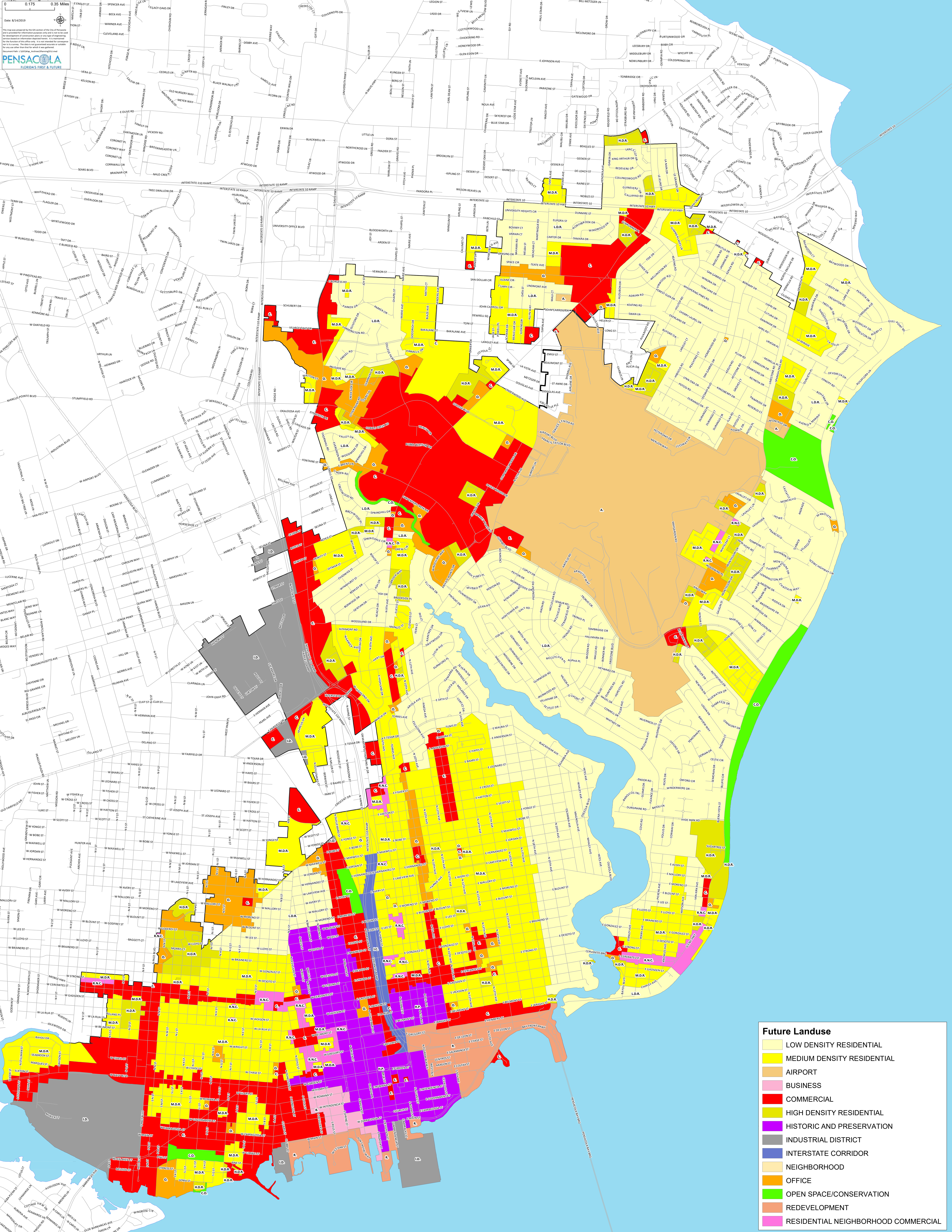
Escambia County Public Schools 5-Year Construction Program



Escambia County Public Schools 20-Year Construction/Needs Program

Escambia County Public Schools 20-Year Construction/Needs Program*





Future Landuse

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- AIRPORT
- BUSINESS
- COMMERCIAL
- HIGH DENSITY RESIDENTIAL
- HISTORIC AND PRESERVATION
- INDUSTRIAL DISTRICT
- INTERSTATE CORRIDOR
- NEIGHBORHOOD
- OFFICE
- OPEN SPACE/CONSERVATION
- REDEVELOPMENT
- RESIDENTIAL NEIGHBORHOOD COMMERCIAL

City of Pensacola

COMPREHENSIVE PLAN

VOLUME I

Goals, Objectives, and Policies



Pensacola, Florida
Community Development Department

2019

**CITY OF PENSACOLA
COMPREHENSIVE PLAN**

**VOLUME I
GOALS, OBJECTIVES, AND POLICIES**

**PENSACOLA, FLORIDA
COMMUNITY DEVELOPMENT DEPARTMENT**

2019

*VOLUME II - DATA AND ANALYSIS TO THE COMPREHENSIVE PLAN
SERVES AS SUPPORTING DOCUMENTATION TO THIS SECTION*

CITY OF PENSACOLA COMPREHENSIVE PLAN

VOLUME I GOALS, OBJECTIVES, AND POLICIES

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CHAPTER 1

FUTURE LAND USE

GOAL FLU-1: Maximize the use of land both from an economic standpoint, and from the standpoint of minimizing threats to the health, safety and welfare of residents and to the continued well-being of the natural environment.

Objective FLU-1.1: Specify the desired development pattern through a land use category system that provides for the location, type, density and intensity of development and redevelopment based on natural conditions and dependent on the availability of services as shown on the Future Land Use Map and controlled through the adopted Land Development Code.

Policy FLU-1.1.1: All development orders and building permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet adopted level of service standards are available concurrent with the impacts of the development.

Policy FLU-1.1.2: The City will amend its Land Development Code as needed to remain consistent with the requirements of Chapter 163.3202, Florida Statutes and Chapter 9J-5.022 and 9J-5.023, F.A.C. so that future growth and development will continue to be managed through the preparation, adoption, implementation and enforcement of land development regulations that are consistent with the Comprehensive Plan.

Policy FLU-1.1.3: The Land Development Code will be evaluated during the EAR-based amendment process to identify revisions that are needed to implement the goals, objectives and policies of the Comprehensive Plan. The Land Development Code includes:

1. Zoning District Regulations
2. Neighborhood Preservation Standards
3. Off-Street Parking
4. Signage
5. Tree/Landscape Regulations
6. Subdivisions
7. Control of Erosion, Sedimentation and Runoff
8. Flood Plain Management
9. Airport Zoning

Policy FLU-1.1.4: Each future land use category shall have a set of zoning districts that may be permitted within that future land use category, and zoning that is not consistent with the category shall not be approved. The zoning ordinances shall include a table which sets forth the different zoning districts

which are permitted within each future land use category, and designations which are not consistent with the table shall not be approved.

Policy FLU-1.1.5: Future land use categories, including densities and intensities of use for each category, shall be established as follows:

Conservation District: The Conservation Land Use District is established to preserve open space as necessary for protecting water resources, preserving scenic areas, preserving historic sites, providing parklands and wilderness reserves, conserving endemic vegetation, preventing flood damage and soil erosion. This future land use category shall apply to environmentally sensitive areas identified on the Future Land Use Map and protected from development pursuant to site plan review. The following generalized uses are permitted:

- (a) Wildlife and vegetation conservation:
Wildlife refuge, nature trails and related facilities
- (b) Recreational facilities:
Passive recreation
Bike trails
Jogging trails
- (c) Other similar and compatible conservation and recreational uses:
Boat moorings, fishing piers, drainage areas, etc.

Residential Districts: The Residential Land Use Districts are established for the purpose of providing and preserving areas of predominantly low, medium or high residential development. A variety of residential uses shall be allowed, based on zoning classification, at the following maximum densities:

- * Low Density Residential - 5 or fewer residential dwelling units per acre.
- * Medium Density Residential - 18 or fewer residential dwelling units per acre. Conditional use permits for the following land uses may be approved in the Medium Density Residential Land Use District based on site plan review and public notification procedures: Residential design manufactured homes, bed and breakfast, day care centers and accessory office units subject to intensity standards for the Office and Residential/Neighborhood Commercial Land Use Districts.
- * High Density Residential - 35 or fewer residential dwelling units per acre allowed pursuant to lot coverage, landscape area, parking and recreational area development requirements provided in the adopted Land Development Code. No building shall exceed a height of 150'. This height limitation shall not apply to buildings for which preliminary development plan approval was granted by the City Council on or before December 31, 1994.

Office District: The Office Land Use District is established for the purpose of providing for a mixture of residential and office uses, developed separately or within the same structure. When located in older, developed areas of the City, the district is intended to provide for residential or office infill development at a density, character and scale compatible with the surrounding area. In newer, vacant areas of the City, the district is also intended as a transition area between residential and commercial uses. Residential and office uses are allowed at the following maximum densities and intensities:

- * Residential - density not to exceed 35 dwelling units per acre.
- * Office - the maximum combined area occupied by all principal and accessory buildings on a lot shall be 30% for a one- to four-story building, 25% for a five- to seven-story building and 20% for any building over eight stories. No building shall exceed a height of 100'.

Residential/Neighborhood Commercial District: The Residential/ Neighborhood Commercial Land Use District is established for the purpose of providing for a mixture of residential, professional and certain types of neighborhood convenience-shopping-retail sales and service uses. Residential and office or commercial uses shall be allowed within the same structure. When located in older sections of the community in which by custom and tradition the intermixing of such uses has been found to be necessary and desirable, the districts intended to provide for infill development at a density, character and scale compatible with the surrounding area. When located in newer developing areas where it is necessary and desirable to create a transition zone between a residential and a commercial district, the district is intended to provide for mixed office, commercial and residential development. Residential, office and low-intensity commercial uses are allowed at the following maximum densities and intensities:

- * Residential - density not to exceed 35 dwelling units per acre.
- * Office and Commercial - the maximum combined area occupied by all principal and accessory buildings on a lot shall be 30% for a one- to four-story building, 25% for a five- to seven-story building and 20% for any building over eight stories. No building shall exceed a height of 100'.
- * Commercial uses shall be restricted to a maximum floor area subject to regulations set forth in the adopted Land Development Code.

Commercial District: The Commercial Land Use District is established for the purpose of providing areas of commercial development ranging from compact shopping areas to limited industrial/high intensity commercial uses. Light industrial uses such as fabrication, assembly and warehousing are permitted.

Conventional residential use is allowed as well as residential uses on upper floors above ground floor commercial or office uses and in other types of mixed-use development. Residential, office and commercial uses are allowed at the following maximum densities and intensities:

- * Residential - density not to exceed 35 dwelling units per acre outside the dense business area and density not to exceed 135 dwelling units per acre in the dense business area.
- * Office and Commercial in the dense business area - the maximum combined area occupied by all principal and accessory buildings shall be 100% of lot size (subject to compliance with parking provisions) up to a height of 100'. Developments of over 100' in height shall be required to reduce the lot coverage by 10%. No building shall exceed a height of 150'.
- * Office and Commercial - outside of the dense business area the maximum combined area occupied by all principal and accessory buildings shall be 75% of lot size up to a height of 100'. Developments of over 100' in height shall be required to reduce the lot coverage by 10%. No building shall exceed a height of 150'.

Industrial District: The Industrial Land Use District is established for the purpose of providing areas for industrial development for community and regionally oriented service areas. The district is intended to facilitate the more intense, large-scale manufacturing, warehousing, distribution, wholesaling and other industrial functions of the City and the region. The uses in this district would typically be of a scale and intensity that are more likely to be capable of having an adverse affect (through sound, vibration, odor, etc) on adjacent properties if they are not of a compatible character (i.e. residential, office, and general commercial land uses). Office, commercial and a mixture of light industrial, heavy industrial and industrial park uses are allowed, with maximum building coverage of 75% of lot size up to a maximum height of 100 feet.

Neighborhood District: The Neighborhood Land Use District is established to provide for land uses and aesthetic considerations which are distinctive and unique to neighborhoods defined by specific geographic boundaries on the Future Land Use Map.

A variety of residential, office and commercial uses will be allowed at the following maximum densities or intensities:

- * Residential – density not to exceed 35 dwelling units per acre.
- * Office and Commercial - the maximum combined area occupied by all principal and accessory buildings shall be 75% of lot size up to a maximum height of 100'.

Historic and Preservation District: The Historic and Preservation Land Use District is established to preserve the development pattern and distinctive architectural character of these unique areas through the restoration of existing buildings and construction of compatible new buildings. These buildings and historic sites and their period architecture make the district unique and worthy of continuing preservation efforts. 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 districts. The district is an established business area, residential neighborhood and tourist attraction, containing historic sites and museums, a variety of specialty retail shops, restaurants, small offices, and residences.

A variety of residential, office and commercial uses will be allowed at the following maximum densities or intensities:

- * Residential – density not to exceed 35 dwelling units per acre in the Pensacola (Seville) Historic District, the North Hill Preservation District and the Old East Hill Preservation District and density not to exceed 135 dwelling units per acre in the Palafox Historic Business District.
- * Office and Commercial in the Pensacola (Seville) Historic District, the North Hill Preservation District and the Old East Hill Preservation District - buildings shall not exceed a maximum height of 45'. Lot coverage shall be regulated by use of front, side and rear yard requirements pursuant to regulations in the Land Development Code and based on existing development.
- * Office and Commercial in the Palafox Historic Business District - the maximum combined area occupied by all principal and accessory buildings shall be 100% of lot size (subject to compliance with parking provisions) up to a height of 100'. Developments of over 100' in height shall be required to reduce the lot coverage by 10%. No building shall exceed a height of 150'.

Redevelopment District: The Redevelopment Land Use District is established to promote the orderly redevelopment of the southern gateway to the City and portions of the Pensacola Bay waterfront area in order to enhance visual appearance, preserve unique shoreline vistas, provide public shoreline access, preserve or provide working waterfront activities, improve traffic safety and encourage a high quality of site planning. Site specific analysis of each development proposal within the district is intended to ensure that the scenic orientation and open space image of the shoreline is maintained, that the development characteristics are upgraded and the boundary of the adjacent special districts are positively reinforced.

A variety of residential, office and commercial uses will be allowed at the following densities or intensities:

- * Residential - density not to exceed 100 dwelling units per acre in the Gateway Redevelopment District and 60 dwelling units per acre in the Waterfront Redevelopment District.
- * Office and Commercial in the Gateway Redevelopment District - the maximum combined area occupied by all principal and accessory buildings shall be 75% of lot size up to a maximum height of 100'.
- * Office and Commercial in the Waterfront Redevelopment District - the maximum combined area occupied by all principal and accessory buildings shall be 75% of lot size up to a maximum height of 60'.

Business District: The Business Land Use District is established to promote the compatible redevelopment of the City's historic downtown waterfront by encouraging high quality site planning and architectural design which is compatible with both the historic character of the existing structures and the waterfront activities.

- * Residential - density not to exceed 108 dwelling units per acre in the South Palafox Business District.
- * Office and Commercial in the South Palafox Business District - the maximum combined area occupied by all principal and accessory buildings shall be 100% of lot size up to a maximum height of 80'.

Airport District: The Airport Land Use District is established to regulate 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. Land owned by the City allows only open space, recreational or commercial and industrial uses customarily related to airport operations. Low density residential and a variety of office and commercial uses will be allowed on privately owned land, based on the zoning classification and subject to the requirements of Chapter 333 of the Florida Statutes, at the following maximum densities:

- * Residential - density not to exceed 5 dwelling units per acre.
- * Office and Commercial - the maximum combined area occupied by all principal and accessory buildings shall be 50%. No building shall exceed a height of 45', subject to airport height limitations.

Interstate Corridor District: The Interstate Corridor Land Use District is established to provide for non-highway land uses both below and adjoining the Interstate I-110 corridor on land owned by the Florida Department of Transportation and leased by the City of Pensacola as shown in the Site Development Plan in the DOT *Corridor Location, Design and Multiple Use Report: Interstate 110, Pensacola, Escambia County, Florida, 1972*. The

following land uses are allowed at the land use mix composition shown below, with site plan review and City Council approval:

- * Residential – density not to exceed 35 dwelling units per acre up to a maximum 3% of the developable land.
- * Service, tourist and community commercial and light industrial uses up to a maximum 25% of developable land.
- * Recreation and open space facilities, and community centers owned and operated by the City up to a maximum 35% of developable land.
- * Public utilities, City government buildings and facilities and public transportation facilities up to a maximum 37% of developable land.

The maximum combined area occupied by all principal and accessory buildings shall be 50%. No building shall exceed a height of 45', subject to DOT height limitations.

Policy FLU-1.1.6: The following uses shall be allowed in all future land use districts, except for Conservation and Interstate Corridor, subject to regulations set forth in the adopted Land Development Code, and Chapter 333 of the Florida Statutes: Community residential homes, schools with curriculum the same as public schools, libraries, churches, home occupations and accessory structures incidental to any permitted use. Parks and playgrounds and utility structures shall be allowed in every district.

Policy FLU-1.1.7: Adaptive reuse of vacant public, semipublic, institutional or historically significant structures within the Medium and High Density Residential Land Use Districts and the Residential Neighborhood Commercial Land Use District shall be allowed subject to issuance of a conditional use permit.

Applicants for a conditional use permit must submit development plans, undergo site review process through the Planning Board, provide for public notification of property owners within an established radius and obtain approval from the City Council. To ensure the compatibility of the conditional use development with the surrounding residential neighborhood the City Council may prescribe appropriate conditions and safeguards as follows:

- * Limit or otherwise designate the following: the manner in which the use is conducted; the height, size or location of a building or other structure; the number, size, location, height or lighting of signs; the location and intensity of outdoor lighting or require its shielding.
- * Establish special or more stringent buffer, yard or other open space requirements.
- * Designate the size, number, location or nature of vehicle access points.

- * Require berming, screening, landscaping or similar methods to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- * Designate the size, height, location or materials for a fence or wall.

Objective FLU-1.2: Existing nonconforming land uses which are incompatible or inconsistent with the Future Land Use Plan will not be allowed to expand, to be enlarged, or to be rebuilt or reopened if destroyed, pursuant to provisions adopted in the Land Development Code and consistent with the requirements of Chapter 163, F.S.

Policy FLU-1.2.1: Expansion or replacement of land uses, which are incompatible with the Future Land Use Plan, shall be prohibited. Existing nonconforming uses will be permitted as provided in the City's Land Development Code.

Policy FLU-1.2.2: Land uses which are potentially incompatible due to type of use and/or intensity of use, shall be buffered from one another through the use of physical and/or natural vegetative barriers within required yards established in the adopted Land Development Code.

Objective FLU-1.3: The City shall protect its natural resources and its historic, architectural and archaeological resources in accordance with the City's Land Development Code.

Policy FLU-1.3.1: Continue to protect natural open space areas within the City as designated in the Recreation and Open Space Element.

Policy FLU-1.3.2: Public access to the waterfront shall be maintained or improved by the City (i.e., boat ramps, street rights-of-way). Private property rights will be protected in providing public access to the waterfront.

Policy FLU-1.3.3: Wetlands and other natural vegetative and wildlife habitats identified, as Conservation Districts on the City's Future Land Use Map will be protected from development through provisions in the Land Development Code.

Policy FLU-1.3.4: Regulate the location of hazardous waste disposal, storage and treatment facilities within the City through enforcement of land development regulations.

Policy FLU-1.3.5: The City shall coordinate with West Florida Historic Preservation, Inc. by providing technical assistance in its efforts to identify, designate and preserve historic architectural resources and shall continue to enforce the regulations in the adopted Historic District zoning ordinance.

Policy FLU-1.3.6: The City shall abide by the guidelines of its archaeological resolution whenever development is planned for City-owned property.

Policy FLU-1.3.7: The City shall utilize maps contained in the *Wellhead Protection Area Delineation In Southern Escambia County, Florida, Water Resources Special Report 97-4, December 1997*, prepared by the Northwest Florida Water Management District, as may be amended, and included by reference, to identify wellhead protection areas around existing water wells and shall continue to cooperate with the Escambia County Utilities Authority in reviewing land use regulations within these areas.

Policy FLU-1.3.8: Land uses delineated by the Future Land Use element shall be permitted based on the availability of water supplies in addition to the availability of public water facilities consistent with the requirements of Chapter 163, F.S.

Objective FLU-1.4: All development and redevelopment in the Coastal High Hazard Area shall be consistent with the Coastal Management Element and shall be coordinated with appropriate regional hurricane evacuation plans.

Policy FLU-1.4.1: For City-funded developments, water-dependent and water-related activities shall be given a higher priority for permit approval.

Policy FLU-1.4.2: Public access to the waterfront shall be encouraged in all developments utilizing City funds except for industrial developments.

Policy FLU-1.4.3: Future residential land use developments in the CHHA shall be limited to the following densities by location:

- * Low density - along Escambia Bay north of Hyde Park Road and south of Gadsden Street, and along both shores of Bayou Texar.
- * Medium density - along Pensacola Bay (except for the Historic District), and along Bayou Chico.
- * High density - Historic District.

Policy FLU-1.4.4: Future residential land use developments in the dense business area constructed in the CHHA shall be limited to medium density (18 or fewer residential dwelling units per acre). Allowable density above the medium density limit established by future land use category may be transferred to portions of the development site outside the CHHA.

Objective FLU-1.5: The City shall coordinate with other local governments and agencies to reduce or minimize adverse impacts in the region due to development in the City.

Policy FLU-1.5.1: The City shall develop procedures for review of requests for development orders which might affect or be affected by another government or agency and coordinate appropriately.

Policy FLU-1.5.2: The City shall review and contribute to any updates of the Comprehensive Plans in surrounding jurisdictions and other policy plans that would affect implementation of local resource protection goals.

Objective FLU-1.6: Ensure that suitable land is available for utilities necessary to support proposed developments through enforcement of subdivision ordinances which require the provision of adequate land for utilities infrastructure.

Policy FLU-1.6.1: Pursue an interlocal agreement and an informal coordination mechanism, to the extent possible, with Emerald Coast Utilities Authority and other utilities providers in locating public facilities and utilities to maximize the efficiency of services provided, to minimize their cost and to minimize their impacts on the natural environment.

Objective FLU-1.7: Facilitate efficient and reliable delivery of electric service.

Policy FLU-1.7.1: New electric distribution substations shall be a permitted use in all land use categories and zoning districts within the City except those designated as preservation, conservation, or historic preservation on the future land use map or duly adopted ordinance pursuant to F.S. 163.3208.

Policy FLU-1.7.2: Standards for set-backs, landscaping, buffering, screening, and other aesthetic compatibility-based standards shall apply to new distribution electric substations pursuant to F.S. 163.3208 to achieve compatibility with adjacent and surrounding land uses to the maximum extent practicable.

Policy FLU-1.7.3: The City shall grant or deny a properly completed application for a permit to locate a new distribution electric substation within a residential land use category or zoning district pursuant to the requirements of F.S. 163.3208.

Objective FLU-1.8: Provide for effective land development opportunities while allowing for innovative solutions through the Land Development Code.

Policy FLU-1.8.1: The land development regulations shall be modified and/or expanded to reflect the goals, objectives and policies of all the Comprehensive Plan elements.

Policy FLU-1.8.2: Land development regulations shall allow flexibility, within some zoning districts to provide for affordable housing and other redevelopment opportunities.

Policy FLU-1.8.3: Land development regulations shall include standards for residential density bonuses and density transfers above the limit otherwise established by future land use category in exchange for the construction of affordable housing and as an incentive to achieve superior building and site

design, preserve environmentally sensitive lands and open space, and provide public benefit uses including access to the waterfront.

- Density bonuses for superior building and site design, preservation of environmentally sensitive lands and open space, and provision of public benefit uses shall not exceed 10% of the limit otherwise established by land use category and shall be available to residential developments in the medium density residential land use district, high density residential land use district, office land use district, residential/neighborhood commercial land use district, commercial land use district, redevelopment land use district and business land use district.
- Density bonuses for superior building and site design, preservation of environmentally sensitive lands and open space, and provision of public benefit uses shall be based upon clear and convincing evidence that the proposed design will result in a superior product that is compatible with the surrounding land uses and produces a more desirable product than the same development without the bonus.
- Density bonuses for the provision of affordable housing shall not exceed 25% of the limit otherwise established by land use category and shall be available to residential developments in the medium density residential land use district, high density residential land use district, office land use district, residential/neighborhood commercial land use district, commercial land use district, redevelopment land use district and business land use district.
- Density bonuses for the provision of affordable housing shall be based upon ratios of the amount of affordable housing to market rate housing within a proposed residential development and shall include mechanisms to assure that the units remain affordable for a reasonable timeframe such as resale and rental restrictions and rights of first refusal.
- The maximum combined density bonus for superior building and site design, preservation of environmentally sensitive lands and open space, provision of public benefit uses and affordable housing provided to any single development shall not exceed 35% of the limit otherwise established by land use category.
- Density transfers shall be a direct transfer of unutilized density from a donor site to a receiving site, subject to the City's land development and density transfer regulations.

- All density bonuses and density transfers shall be approved by the City Planning Board.

Objective FLU-1.9: Direct development in the City to areas where infrastructure exists to reduce development outside of the City limits which would cause further urban sprawl.

Policy FLU-1.9.1: Promote infill development of vacant and underutilized parcels within City limits through use of appropriate land development regulations, and provision of effective urban services.

Policy FLU-1.9.2: Encourage mixed-use development as a means to increase density in the designated urban core and inner-city redevelopment areas of the City in accordance with adopted redevelopment area plans through EAR-based amendments of the Comprehensive Plan and revisions of the Land Development Code.

Policy FLU-1.9.3: Support increased density in proximity to existing and proposed urban elementary schools, and seek to use such schools as neighborhood focal points by collocating public facilities such as parks and community centers with schools to the extent possible.

Policy FLU-1.9.4: Continue to encourage mixed use development through the use of innovative land development techniques such as planned unit developments, cluster housing, mixed-uses on individual parcels and other approaches as provided in the land development code.

Policy FLU-1.9.5: Promote innovative arrangements of development types and promote a complimentary mix of residential/commercial/recreation uses along primary vehicular corridors of neighborhoods so as to minimize the impacts of new development on existing resources and facilities by allowing a variety of uses in close proximity to one another.

Policy FLU-1.9.6: Allow development of a mixture of residential, commercial and office land uses in the mixed residential/office/commercial zoning districts along primary vehicular corridors of the Urban Core and inner-city Community Redevelopment Areas, through review and revision of the Land Development Code.

Objective FLU-1.10: Increase and enhance Traditional Neighborhoods

Policy FLU-1.10.1: Identify and revise incompatible zoning designations and approved land uses to ensure suitable development in support of existing traditional neighborhoods and a cohesive urban fabric.

Policy FLU-1.10.2: Encourage new Neo-Traditional Neighborhood Development and compatibly designed infill within the urban core and inner-city redevelopment areas through review, and revision where necessary, of the land use regulations in the Land Development Code.

Policy FLU-1.10.3: Explore Neighborhood Conservation Overlay Districts to ensure compatible infill development in existing traditional neighborhoods.

Policy FLU-1.10.4: Explore the use of State and Federal redevelopment programs to encourage Neo-Traditional Neighborhood Developments that include a mix of uses and provide housing for a range of incomes.

Objective FLU 1.11: Promote development in the downtown urban core areas of the City.

Policy FLU-1.11.1: Promote through the redevelopment process, the introduction of mixed-use development to enhance retail viability, establish truly pedestrian-oriented shopping districts, create more attractive buildings and public spaces, support transit viability, and reduce vehicle trips.

Policy FLU-1.11.2: Review land use regulations in the Land Development Code and revise where necessary to support walkability and pedestrian activity, arts, and entertainment uses in the City's downtown.

Policy FLU-1.11.3: Review land use regulations in the Land Development Code and revise where necessary to encourage the vertical and horizontal integration of a complementary mix of commercial, service and other non- residential uses that address the needs of families and other household types living in downtown neighborhoods.

Policy FLU-1.11.4: Pursue the establishment of a downtown railroad "quiet zone" to facilitate downtown development.

Policy FLU-1.11.5: Continue to coordinate with the Downtown Improvement Board on parking enforcement and management to provide adequate parking for downtown patrons.

Policy FLU-1.11.6: Continue to waive off-street parking requirements in the HC-1 and HC-2 districts, for residential land uses in the dense business area, and for qualifying buildings in the South Palafox Business District and C-2A district to encourage downtown and urban core development.

Policy FLU-1.11.7: Continue to allow the off-site provision of parking through a shared parking agreement in qualifying zoning districts to promote downtown and urban core development.

Objective FLU-1.12.: Implement plans for redevelopment and renewal of blighted areas in Census Tracts 1 through 8, and particularly in the downtown urban core and inner-city Community Redevelopment Areas.

Policy FLU-1.12.1: Continue to undertake redevelopment projects and programs as outlined in the *Urban Core Community Redevelopment Plan* (2010 Update), the *Pensacola Waterfront Redevelopment Plan* (2000/Update 2010), the *Pensacola Historic District Master Plan*, (2004) and the *Belmont DeVilliers Land use Plan* (2004) and promote increased density.

Policy FLU-1.12.2: Continue to engage in redevelopment activities within the designated Urban Infill and Redevelopment Area in accordance with the *Urban Infill and Redevelopment Area Plan*.

Policy FLU-1.12.3: Implement redevelopment efforts as identified in the *Westside Community Redevelopment Area Plan* (2007).

Policy FLU-1.12.4: Encourage Brownfield and grayfield redevelopment and adaptive reuse within the urban core and inner-city development areas.

Policy FLU-1.12.5: Promote redevelopment of existing automobile-oriented corridors and the upgrading of existing commercial development to create vibrant, mixed-use boulevards that balance efficient movement of motor vehicles with the creation of attractive pedestrian-friendly districts that serve the adjoining neighborhoods as well as passing motorists pursuant to adopted redevelopment plans.

Policy FLU-1.12.6: Provide infrastructure improvements as part of a redevelopment program in the above mentioned areas in such a way that will not strain the economic resources of the City's existing and new residents.

Policy FLU-1.12.7: Provide for some economic incentives for development in the cited neighborhoods including the following:

- * Establishing lower level of service standards for some facilities in developed neighborhoods so that costs of upgrading facilities will not be prohibitive; and
- * Establishing lower or abolishing impact fee assessments in these neighborhoods if the use of impact fees are adopted in the Plan.

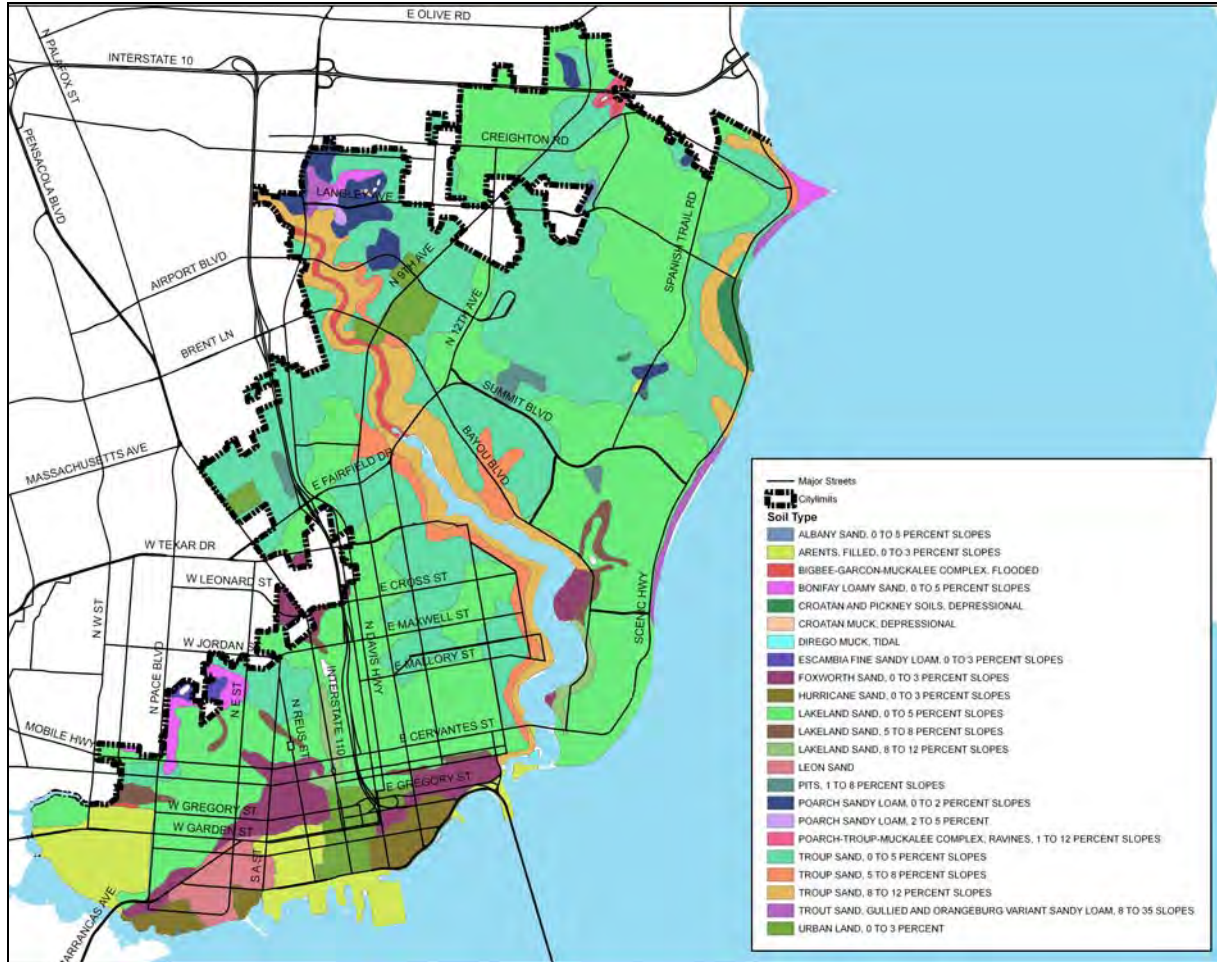
Objective FLU-1.13: Opportunity for dispute resolution in consideration of revisions to the Comprehensive Plan.

Policy FLU-1.13.1: Opportunity shall be afforded, pursuant to F.S. 163.3181 (4), for informal mediation or other alternative dispute resolution to a property owner who's request for an amendment to the Comprehensive Plan pertaining to his

property is denied. The costs of the mediation or other alternative dispute resolution shall be borne equally by the local government and the property owner. If the owner requests mediation, the time for bringing a judicial action is tolled until the completion of the mediation or 120 days, whichever is earlier.

Policy FLU-1.13.2: Prior to an administrative hearing conducted pursuant to review of the comprehensive plan or plan amendment by the state land planning agency, opportunity to mediate or otherwise resolve the dispute of any affected person who intervenes as a party to that proceeding shall be afforded pursuant to F.S. 163.3184 (10)(c). The costs of the mediation or other alternative dispute resolution shall be borne equally by all the parties to the proceeding.

City of Pensacola Soils



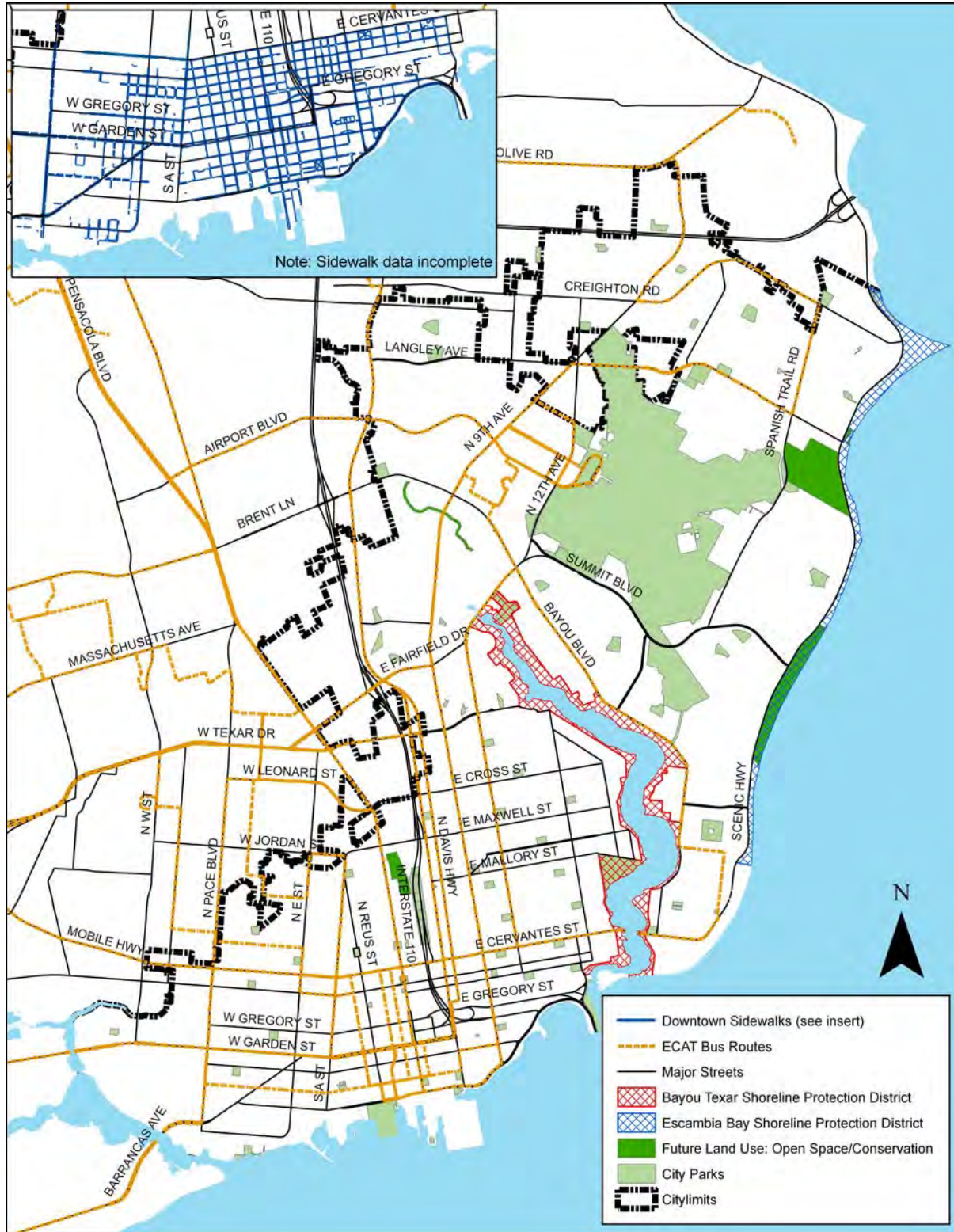
City of Pensacola Flood Zones



City of Pensacola Wellhead Protection Zones



City of Pensacola Energy Conservation



CHAPTER 2

TRANSPORTATION

GOAL T-1: A safe, convenient, and efficient street system.

Objective T-1.1: The City shall maintain Level of Service standards and implement recommendations to address existing and forecasted LOS deficiencies.

Policy T-1.1.1: The City of Pensacola has adopted Florida Department of Transportation (FDOT) Quality/Level of Service Handbook standards to determine maximum volumes for adopted level of service on the Florida Intrastate Highway System. In addition, the City has adopted the following Level of Service standards on the other roadway types within the City limits to determine maximum volumes:

Roadway Type	LOS (Peak hour)
State Roadways	
Intrastate	C
Other State Roads	E
Roads Within the TCEA	Exempt
Local Roadways	
Local Collector Roads	E
Other Local Roads	C

Policy T-1.1.2: The City of Pensacola shall continue to examine traffic impacts associated with development on roadways within the City to ensure that adopted Level of Service standards are not degraded.

Policy T-1.1.3: The City will review annually, adopted Level of Service standards, traffic volumes, and system demands in order to monitor impacts of new development on the traffic circulation of the City.

Policy T-1.1.4: The City of Pensacola has designated an Urban Redevelopment Transportation Concurrency Exception Area (TCEA) within the boundaries of the Community Redevelopment Area as established pursuant to Resolution 54-80. The boundary of the Urban Redevelopment TCEA is shown on the adopted Future Traffic circulation Map.

Objective T-1.2: The City of Pensacola shall continue to cooperate with the local comprehensive transportation planning process in the Pensacola urbanized area.

Policy T-1.2.1: The City will continue to coordinate with the West Florida Regional Planning Council, FDOT, and the TPO regarding transportation planning and programs within the Pensacola urbanized area.

Policy T-1.2.2: The City will continue to participate in the preparation of the Florida Alabama Transportation Planning Organization's (TPO's) long-range transportation study to evaluate transportation needs and alternatives to improve traffic circulation between the Gulf Breeze peninsula and the City of Pensacola. The City will request the FDOT prepare an analysis of land use and traffic impacts of landfall locations proposed for the western terminus of a new Pensacola Bay bridge.

Policy T-1.2.3: The City shall coordinate with the FDOT, the TPO, the Federal Highway Administration (FHWA), Escambia County, and other Corridor Management Entity partners, where feasible, in implementing elements of the Corridor Management Plan (CMP) for the Scenic Bluffs Highway Corridor.

Objective T-1.3: The City of Pensacola shall continue to maintain, protect, and improve the existing and future coordinated network of streets.

Policy T-1.3.1: The City will use the following definitions from the Land Development Code section 12-14-1 to classify streets within City limits. The City will identify the classification of local streets on the Roadway Functional Classification Map which shall be contained in the City's Land Development Code, and updated periodically to reflect current roadway function.

Street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated. The word "street" includes the following terms, further described as follows:

Streets, major arterial means streets which provide for through traffic movement between areas and across the City, and direct access to major employment locations and commercial uses.

Streets, minor arterial means street which provide for traffic movement between major neighborhoods.

Streets, collector means streets which provide for the movement of traffic between major arterials and local streets and direct access to abutting property.

Street, local means streets which provide for direct access to abutting land and used for local traffic movements only.

Streets, marginal access are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

Policy T-1.3.2: The City shall follow and annually update its 5-year Master Plan for City streets and roadways.

Policy T-1.3.3: The City will continue to coordinate land use decisions with the future traffic circulation system by coordinating traffic circulation improvements with the Future Land Use Map.

Policy T-1.3.4: The City shall incorporate safety measures such as signage, pavement markings, and engineering improvements into all transportation improvements.

Policy T-1.3.5: The City will review periodical accident frequency reports about applicable roads within the City limits and make necessary roadway improvements whenever and wherever applicable.

Policy T-1.3.6: The City shall preserve and protect the capacity of all major streets by minimizing points of ingress/egress, wherever possible, and by closing or relocating unnecessary curb cuts to provide efficient access to the roadway system when development occurs. The City will review, and revise where necessary, its existing standards for providing access and spacing in the Land Development Code. The City will periodically coordinate this review activity with Escambia County and the FDOT through continued participation with the Florida-Alabama TPO.

Policy T-1.3.7: The City shall protect existing and future transportation corridors by implementing the requirements of the subdivision ordinance. This includes mandatory dedication of rights-of-way, where required, as a condition of plat approval.

Objective T-1.4: The City shall continue to implement Transportation System Management strategies to improve the overall performance and quality of the existing transportation network.

Policy T-1.4.1: The City shall coordinate additional segments of the existing computerized signal system with Escambia County, the TPO, and FDOT.

Policy T-1.4.2: The City will review the elimination of one way streets in the current street network

Policy T-1.4.3: The City shall work to reduce excess surface parking along new and existing development through revisions to the Land Development Code where appropriate.

Policy T-1.4.4: The City shall continue to explore the replacement of traffic signals with stop signs at appropriate intersections.

Policy T-1.4.5: The City shall continue to implement “right sizing” strategies where appropriate to reduce lane widths and number of lanes to enhance the quality of the local transportation network.

Policy T-1.4.6: The City shall continue to integrate traffic calming measures including curb extensions, roundabouts, speed tables, raised intersections, textured crosswalks, and the addition of on-street parking to improve the overall quality of the motorized and non-motorized transportation network.

Policy T-1.4.7: In order to promote urban redevelopment within the Urban Redevelopment Area TCEA, the City will consider parking control and pricing policies, transportation demand management programs, transportation system management programs, availability of public transportation, and the use of creative financing tools for the provision of transportation services and facilities.

Policy T-1.4.8: The City shall coordinate with the DIB to implement the recommendations incorporated in the CRA Downtown Parking Study (May 1999) and Parking Management Analysis Findings and Recommendations (2006) including the following: traffic operation improvements; providing for pedestrian and bicyclists; identification of sites for on-grade parking lots or parking garages; identification of satellite parking locations linked to a downtown closed loop trolley to provide a "park and shuttle" alternative in the TCEA to reduce vehicle traffic in the central business district, and; a financial feasibility analysis to address costs of the improvements and possible funding sources.

Policy T-1.4.9: The City shall coordinate with the Downtown Improvement Board (DIB) and West Florida Historic Preservation, Inc. to periodically review the feasibility and joint funding of the existing closed loop trolley or shuttle service within the TCEA boundary.

GOAL T-2: An economically sound, safe, energy-efficient, and equitable mass transportation system.

Objective T-2.1: The City shall encourage Escambia County Area Transit (ECAT) in the provision of fixed route mass transit service linking major trip generators and attractors.

Policy T-2.1.1: The City shall continue to coordinate with the WFRPC and the TPO regarding the promotion of alternative modes of transportation (i.e., ridesharing, mass transit).

Policy T-2.1.2: The City shall endorse the promotion of the ECAT in order to relieve traffic and parking congestion and in order to foster energy conservation.

Policy T-2.1.3: The City shall coordinate with ECAT and Escambia County in evaluating transit routes and service utilizing route ridership, headways, or other appropriate performance standard.

Policy T-2.1.4: The City will encourage "ride sharing" programs in coordination with Escambia County in order to reduce the number of vehicles on the road during peak hours.

Policy T-2.1.5: The City will develop land use and site design guidelines to assure the accessibility of new development to mass transit service.

Objective T-2.2: The City shall assist in developing coordinated transportation systems for transportation-disadvantaged citizens.

Policy T-2.2.1: The City will support the provision of the para-transit system developed by the Community Transportation Coordinator as required by Chapter 427, Florida Statutes.

Policy T-2.2.2: The City will assist the TPO in the recommendation for a new coordinator by participating in the development of a Request for Proposals and in the evaluation of proposals received.

Objective T-2.3: The City shall encourage the pursuit of new sources of funding for mass transportation.

Policy T-2.3.1: The City shall work with ECAT, the County and the FDOT to provide for increased Service Development and Urban Corridor funding.

Policy T-2.3.2: The City will support Florida Transit Association in efforts to provide state operating assistance for mass transit.

Policy T-2.3.3: The City will support efforts to provide for a designated funding source for the local contribution.

Goal T-3: A complete network of pedestrian and bicycle facilities that enhances the City's livability, accessibility, and safety.

Objective T-3.1: The City shall continue to provide facilities in support of a safe, non-motorized transportation system.

Policy T-3.1.1: The City of Pensacola shall accommodate non-motorized forms of transportation in the design of transportation improvement projects.

Policy T-3.1.2: The City shall consider in its design of all future roadway improvements for major arterial streets, the accommodation of bicycle transportation needs where appropriate.

Policy T-3.1.3: The City shall encourage the development of a comprehensive bicycle education program in coordination with the TPO and Escambia County.

Policy T-3.1.4: The City shall continue to coordinate with the WFRPC and the TPO regarding the promotion of walking and bicycling as alternative modes of transportation.

Policy T-3.1.5: The City shall coordinate with and encourage the deployment of DIB-purchased and installed of bicycle racks within the TCEA boundary.

Objective T-3.2: The City shall coordinate all development in order to produce walkable communities and neighborhoods throughout the City.

Policy T-3.2.1: The City will continue to repair and construct new sidewalks where feasible through the Penny for Progress sidewalk program and other applicable funding sources like the Community Development Block Grant.

Policy T-3.2.2: The City will continue to include requirements for provision of sidewalks by developers around future commercial developments to aid in pedestrian transportation needs.

Policy T-3.2.3: In accordance with the City's Public Schools and Facilities Element of the Comprehensive Plan, new residential developments within two miles of an existing or planned school shall be required to provide sidewalks. In addition, sidewalks shall be placed along all collector, arterial, and local roads abutting the subdivision to the subdivision property line, where it has been determined that the most direct route from the subdivision to the school is along those roadways.

Policy T-3.2.4: The City shall continue to improve accessibility for citizens with mobility limitations throughout the City by providing curb cuts along all proposed sidewalks and through improvements to existing sidewalks where feasible.

Policy T-3.2.5: The City shall strive to upgrade existing and design new pedestrian crossings and intersections with the appropriate "intersection geometry" to allow for visibility, ease of crossing, and pedestrian connectivity.

Policy T-3.2.6: The City shall continue to install countdown-type pedestrian signals at the most appropriate and highly-traveled pedestrian crossings.

Policy T-3.2.7: The City shall, through coordination with the FDOT, the TPO, the Federal Highway Administration (FHWA), design and operate a

comprehensive network of “Complete Streets,” consisting of arterial, collector and local streets, that enables safe access and a full range of daily activities by all user groups, including pedestrians, bicyclists, motorists, and transit vehicles.

Policy T-3.2.8: The City will develop a typology of Complete Streets amenities, and identify the most appropriate enhancements for the range of streets within the City. This typology will be included as part of the Land Development Code or as a stand-alone supplement, and will be used to systematically plan public transportation upgrades and bicycle and pedestrian enhancements.

Policy T-3.2.9: The downtown Community Redevelopment Agency (CRA) will continue to develop and consider funding streetscape improvement projects to enhance pedestrian use of sidewalks as an alternative to vehicle use in the TCEA boundary.

Policy T-3.2.10: The City will continue to support pedestrian access and community beautification through proposed streetscape improvement projects in adopted neighborhood and revitalization plans where feasible.

Policy T-3.2.11: The City will pursue, where feasible, “Complete Street,” and intersection improvements along the corridors identified in adopted neighborhood and redevelopment plans to provide for aesthetics, accessibility and safety for pedestrians, bicycles and motorized vehicles. Such improvements may include traffic calming measures such as adequate lighting, shade trees, wider sidewalks, bike paths, street furniture, gateway treatments, directional signage and area identity markers where feasible.

GOAL T-4: Rail service that allows for the safe and efficient transportation of cargo and passengers while enhancing livability.

Objective T-4.1: The City shall coordinate for safe and efficient railroad operations along the existing system within the city limits.

Policy T-4.1.1: The City shall utilize available legal methods in order to provide that railroad companies will continue to maintain the roadway for vehicular traffic at railroad crossings.

Policy T-4.1.2: The City shall strive to be the first responder to any hazardous material incidents within the city limits and maintain an on-going training program to ensure maximum response capabilities in the event of derailments.

Policy T-4.1.3: The City shall monitor any modifications to the railroad trestle at Bayou Texar to provide for maximum enhancement of tidal circulation.

Policy T-4.1.4: The City shall coordinate with the appropriate railroad company to seek removal and/or replacement of the overpass at 17th Avenue that would allow for the continued improvements of 17th Avenue.

Policy T-4.1.5: The City shall encourage the return and continued service of Amtrak or other passenger rail service along existing rail lines.

Objective T-4.2: The City shall coordinate with the rail companies serving the area in order to achieve compatibility of rail facilities and operations with community planning efforts.

Objective T-4.2.1: The City shall work for the establishment of a rail quiet zone within the City limits for the benefit of local residents and businesses.

Policy T-4.2.2: The City shall coordinate with rail companies to identify unused railroad spurs and trackage and require or encourage their removal by the appropriate party.

Policy T-4.2.3: The City shall take action to secure abandoned railroad rights-of-way in the event that track removal or relocation occurs and determine the best land use for the impacted rights-of-way.

Policy T-4.2.4: The City shall explore the restoration of unused rails lines to be used for public recreational use.

GOAL T-5: The stimulation of economic development and generation of positive economic and employment benefits in the City of Pensacola and surrounding area by promoting the use of the waterfront and Port facilities to cargo shippers and water-dependent businesses, and coordinating with the Pensacola International Airport ~~Pensacola Gulf Coast Regional Airport~~ when feasible.

Objective T-5.1: The Port shall continue to attract new and expanded waterborne commerce.

Policy T-5.1.1: Sufficient financial resources shall be made available annually within the Port's departmental budget to facilitate the continued promotion of Port facilities to prospective users.

Policy T-5.1.2: The Port shall maintain a business development plan and facilities development strategy which identifies the annual marketing targets and long-range facility development objectives required to attract new and expanded business to the Port.

Policy T-5.1.3: The Port shall maintain close working relationships with applicable federal, state, regional and local economic development agencies, as

well as with the Pensacola International Airport ~~Pensacola Gulf Coast Regional Airport~~, and port-associated businesses (i.e. trucking companies, railroads, shipping lines, etc.) to enhance economic development opportunities, and to identify and pursue waterborne commerce opportunities.

Policy T-5.1.4: The Port shall review, and if necessary, revise its Terminal Tariff so as to maximize revenues while maintaining a competitive position within the industry.

Objective T-5.2: The Port shall diversify its business base in order to strengthen the Port's contribution to the economic vitality of the Pensacola area.

Policy T-5.2.1: The Port shall make its maritime knowledge and experience available to tourism officials, inter- and intra-governmental departments and agencies, political leaders and others to assist in exploring the development of excursion, cruise, or amenity vessel operations at public access areas of the downtown waterfront including, but not limited to, Commendencia Slip, Plaza de Luna, and the Vince Whibbs Community Maritime Park, etc.

Policy T-5.2.2: The City shall work with the TPO, National Park Service, and the Department of the Navy to review the feasibility and benefits of establishing a local and regional passenger ferry system to support tourism and water-related commerce in the area.

Policy T-5.2.3: The Port may acquire, by lease or purchase, land or buildings for the purpose of leasing to potential Port customers, or to provide the same for use by transient cargo users of the Port.

Policy T-5.2.4: The Port shall actively market its deep draft docks, berths, pier-side warehouses and other infrastructure to traditional and non-traditional waterborne commerce and water-dependent maritime industry interests.

Policy T-5.2.5: The Port shall market its northeastern boundary for development of a commercial/restaurant/retail venture.

Policy T-5.2.6: The Port shall market unimproved land located roughly in the north central portion of the Port for development of light manufacturing/assembly type operations with significant employment potential.

Policy T-5.2.7: The Port may collaborate with other government agencies and private waterfront and inland landholders to develop strategic alliances and public-private partnerships which expand and enhance the Port's ability to serve new and expanded cargo and water-dependent business activities.

Objective T-5.3: The Port shall maintain a 5-year capital improvement and replacement plan to address Port facility construction and maintenance requirements.

Policy T-5.3.2: The City shall consider the potential impact on the Port of Pensacola of non-maritime related developments in the areas immediately adjacent to the Port property.

Policy T-5.3.3: The City, through the annual Port Department budget with support from state and federal grant resources where applicable, shall identify and commit funding as available to provide and maintain facilities necessary to facilitate the Port's business activities as described in Objective 5.2.

Policy T-5.3.4: Port capital improvement and expansion plans will be coordinated and consistent with applicable federal, state, and local laws, ordinances and regulations and shall be sensitive to environmental issues in consideration of the economic policy of Port operations.

Objective T-5.4: The Port shall develop and implement a comprehensive facilities maintenance program.

Policy T-5.4.1: The City, through the annual Port Department budget, shall provide sufficient personnel and financial resources, as available, to implement the facilities maintenance program.

Policy T-5.4.2: Port facilities shall be maintained so as to minimize the requirement for replacement and thereby extend the useful and productive life of Port assets.

Objective T-5.5: The City will limit public expenditures in the Coastal High Hazard Area except in the provision of facilities necessary for Port maintenance and operations.

Policy T-5.5.1: Future Port related public expenditures in the Coastal High Hazard Area shall be limited to: those which provide evidence of natural disaster mitigation planning and design; those which restore or enhance natural resources; or, those which are necessary for operation and expansion to accommodate Port activity as determined by the City.

GOAL T-6: Port operations and developments that are undertaken in a manner which minimize or mitigate negative impacts on the basic functions and productivity of the City's natural land, coastal and water resources; and that eliminate, reduce or avoid Port related health and safety concerns for present and future residents of the City of Pensacola.

Objective T-6.1: The Port shall endeavor to protect, conserve, and enhance wetlands, living marine resources, coastal barriers, and other natural resources within its immediate geographic area of operation.

Policy T-6.1.1: The Port will conduct its operations in accordance with all state, federal, and local regulations designed to protect wetlands, aquatic wildlife and creatures, and water quality.

Policy T-6.1.2: The Port will protect to the extent reasonably feasible, living marine resources from any permanent effects of Port related dredging by providing that all dredging activity will be permitted and conducted in accordance with applicable state and federal regulations designed to reasonably ensure that dredging impacts are short-term and limited.

Policy T-6.1.3: All future Port developments shall be designed to meet Northwest Florida Water Management District standards for the control of stormwater runoff. Recommendations outlined in the City's Stormwater Management Plan will be implemented during new construction activities on the Port site.

Policy T-6.1.4: All Port users discharging coolant or ballast water into Port area waters must comply with the pertinent state and federal regulations.

Objective T-6.2: Port operations, development, and expansion plans will be integrated into all City plans for the downtown and waterfront areas and compatible with the surrounding land uses, including the plans of the City Planning Department and the Community Redevelopment Agency, as a water-dependent land use.

Policy T-6.2.1: The Port shall work with other City departments to reasonably ensure that Port transportation requirements are analyzed and reflected in the plans of the TPO as well as federal and state DOT plans by participating in the development and adoption process of these plans.

Policy T-6.2.2: City Council Resolution 12-05 and City Council Policy on Port Operations and Administration will be incorporated into the City of Pensacola Comprehensive Plan.

Policy T-6.2.3: The Port will work with other City, County, State and Federal departments and agencies to explore transportation planning and management solutions which seek to segregate Port vehicular and rail traffic from other traffic types along Main Street and in the downtown Pensacola corridor to the extent practical.

Policy T-6.2.4: The City shall consider the economic impact of the Port in all future coastal and waterfront land use planning or development.

Policy T-6.2.5: Future Port development shall be visually compatible with adjacent development in the downtown and Historic District to the extent reasonably possible.

Objective T-6.3: The Port shall maintain a petroleum products and hazardous waste management program.

Policy T-6.3.1: The Port shall maintain a consolidated hazardous waste and petroleum products contingency/emergency response plan, which implements the guidance in the *Florida Coastal Pollutant Spill Contingency Plan*.

Policy T-6.3.2: The Port shall coordinate all disaster/ hazardous waste and petroleum products contingency planning with the Escambia County Emergency Management Director, State Department of Environmental Protection and the U.S. Coast Guard.

Policy T-6.3.3: All future Port expansion planning will, to the extent financially feasible, incorporate the appropriate technology for the safe handling of hazardous wastes and petroleum products.

Policy T-6.3.4: All handlers of petroleum products shall be required to have a U.S. Coast Guard approved spill contingency plan.

Policy T-6.3.5: The Port shall maintain a current file of the U.S. Coast Guard inspection reports and the various industry/company hazardous materials and petroleum products operations and handling manuals.

Policy T-6.3.6: The Port will maintain a comprehensive inventory of hazardous materials and petroleum products and inventory of spill cleanup equipment.

Objective T-6.4: All Port projects shall be consistent with the Future Land Use, Coastal Management and Conservation Elements of the City's Comprehensive Plan.

Policy T-6.4.1: Revisions to the Port development plan shall be reviewed to ensure consistency with the City's Comprehensive Plan.

Objective T-6.5: The Port will continue to coordinate operations and expansion plans with the TPO, the FDOT, and other appropriate transportation planning entities to ensure an integrated traffic circulation system.

Policy T-6.5.1: Port development plans will be reviewed for consistency with transportation plans of applicable transportation planning agencies.

Objective T-6.6: The Port shall continue to coordinate operational and expansion activities with the U. S. Army Corps of Engineers, the TPO, the Department of Defense, the *Escambia/Santa Rosa Coastal Resource Planning and Management Plan* and the FDOT 5-Year Transportation Plan.

Policy T-6.6.1: The Port will continue to construct and operate Port facilities in cooperation with appropriate federal, state and local agencies.

Policy T-6.6.2: The Port development plans will be coordinated with appropriate plans of other agencies including FDOT's 5-Year Transportation Plan and the TPO's adopted Transportation Improvement Plan (TIP).

Policy T-6.6.3: The Port shall coordinate with the appropriate City departments to assure that Port transportation requirements are consistent with and included in the plans of the TPO.

GOAL T-7: The reduction of vulnerability of Port occupants to hurricanes and other natural disasters.

Objective T-7.1: The Port evacuation time will be consistent with that of the County from Evacuation Zone 12.

Policy T-7.1.1: The Port shall maintain a disaster evacuation, response, and recovery plan as part of its comprehensive Port Security Plan approved by the United States Coast Guard and Florida Department of Law Enforcement.

Policy T-7.1.2: The Port shall coordinate with the County to ensure that its plan is consistent with that for County Evacuation Zone 12.

Policy T-7.1.3: The Port shall coordinate with the County in the development of a revised update of the Escambia County and City Hurricane Preparedness Plan which considers revised evacuation routes, the Port's role in the evacuation process, the orderly evacuation of Port workers, resident businesses, and cargo, and the post-hurricane recovery process.

Policy T-7.1.4: The Port shall conduct an annual review of its disaster evacuation, response, and recovery plan with all Port tenants, users, and resident businesses.

Objective T-7.2: The Port shall fully implement compliance with life safety, fire prevention, construction and flood plain management codes of the City and state.

Policy T-7.2.1: The Port area building standards shall continue to be consistent with or in excess of the most current construction, life safety and fire prevention codes.

Policy T-7.2.2: The City's land development regulations shall identify priorities for shoreline land uses which provide for a range of water-dependent uses, in-water related activities, economic growth stimuli, hurricane contingency planning, and protection of the natural and water quality of the environment.

Objective T-7.3: The Port shall provide immediate response to post-hurricane and natural disaster situations as requested or required by the Escambia County Civil Defense Organization.

Policy T-7.3.1: The Port-assigned recovery task forces shall be recommended to be incorporated in the current version of the Escambia County Emergency Management Organization and shall include a Port representative and, if available, a City Engineer.

Policy T-7.3.2: The Port shall coordinate with the County to develop plans and ordinance amendments, as necessary, which reflect any Port related recommendations in any inter-agency hazard mitigation reports or reports pursuant to Port or coastal operations.

Policy T-7.3.3: The Port shall develop the procedures for the Recovery Task Force to evaluate and recommend to the City and County various replacement options and priorities for damaged public/commercial facilities.

GOAL T-8: Airport facilities that promote economic development, including new industry, business and tourism, while meeting existing and future demand.

Objective T-8.1: Future development or expansion of the Pensacola International Airport ~~Pensacola Gulf Coast Regional Airport~~ shall be consistent with the 2018 ~~2000~~ Airport Master Plan Update and F.A.A. approved Airport Layout Plan or subsequent updates.

Policy T-8.1.1: The City shall coordinate the future updates of the Airport Master Plan with updates to the City's Comprehensive Plan.

Policy T-8.1.2: As an integral component of the airport master planning process, the City shall make provisions for regional transportation facilities for the efficient use and operation of the airport.

Policy T-8.1.3: The City shall coordinate the future expansion and/or development of Pensacola International Airport ~~Pensacola Regional Airport~~ with Escambia County to ensure land use compatibility consistent with Chapter 333 of the Florida Statutes.

Objective T-8.2: As identified in the 2000 and 2018 Airport Master Plan, the Airport shall continue to work towards the development of the an Airport Commerce Park on 65 ~~an Airport Commerce Park on 65~~ acres of property adjacent to the northwest quadrant of the Airport.

Policy T-8.2.1: ~~The Airport will continue to acquire properties in the targeted 65-acre site through a combination of Florida Department of Transportation and Airport Capital Improvement funds.~~

Policy T-8.2.2: The Airport will explore the development of the area Airport Commerce Park through build-to-suit development, third-party developers, design-build contracts, or other types of ~~Request For Proposals~~ processes.

Policy T-8.2.3: The Airport shall explore alternative funding sources and partnerships to finance the development of the area Airport Commerce Park.

Policy T-8.2.4: The Airport shall explore the creation of partnerships with local and regional economic development agencies to attract appropriate businesses and firms to the area Commerce Park to foster agglomeration economies.

Policy T-8.2.5: The Airport shall consider the development of a free-trade zone at the Commerce Park to attract firms and industries and enhance their economic competitiveness.

Policy T-8.2.6: The Airport will explore coordination with the Port of Pensacola for the provision of helicopter or air service at the proposed inland Port facility.

Objective T-8.3: The Airport will continue to coordinate operations and expansion plans with the appropriate transportation planning entities to ensure an integrated traffic circulation system.

Policy T-8.3.1: If the City undertakes future construction projects at the airport, the City shall develop a traffic circulation and parking plan to accommodate the impacts of that construction project.

Policy T-8.3.2: The City shall ensure that future airport development or expansion is consistent with the transportation element of this comprehensive plan and applicable TPO long-range transportation plans.

Policy T-8.3.3: The City shall coordinate with FDOT in reviewing the developing a comprehensive airport signage plan to include all interstate and major streets leading to the airport from all directions.

Policy T-8.3.4: Airport development plans and capital improvement program will be reviewed for consistency with transportation plans of the MPO, the FDOT and other applicable transportation planning agencies.

Objective T-8.4: The Airport shall continue to coordinate operational and expansion activities with the Federal Aviation Administration (FAA), the TPO and the FDOT.

Policy T-8.4.1: Cost estimates of proposed airport improvements shall be submitted for utilization in the Joint Automated Capital Improvement Program (JACIP) of the FDOT and FAA, the TPO transportation improvement plan, and the City's Capital Improvements Element.

Policy T-8.4.2: The Airport ~~Director~~ Manager shall provide planning and budgeting information to FDOT, the MPO, and the City's Comprehensive Plan Capital Improvements Element to encourage the inclusion of airport expansion projects and related traffic corridor improvements in their budgets.

Objective T-8.5: The City shall actively participate in the *Northwest Florida Steering Committee of the Continuing Florida Aviation Systems Planning Process (CFASPP and Strategic Intermodal Systems Development Plan)*, to assure that the service needs of the Pensacola International Airport ~~Pensacola Regional Airport~~ are considered in the coordination of air transportation in the Northwest Florida area.

Policy T-8.5.1: The development of new airports to support economic growth will take into consideration the use of existing airports.

Objective T-8.6: Coordinate with the United States Navy and the F.A.A. in the periodic review of the *Naval Aviation Training System (NATS) Plan* to reasonably assure that both military and civilian air space operations are compatible.

Policy T-8.6.1: Through the Airport Master Plan Update process, the City shall communicate the long range forecasting of airport operations for airport facilities to reasonably assure that civilian air space needs can be identified.

Objective T-8.7: All airport projects shall be consistent with the Future Land Use, Coastal Management and Conservation Elements of the City's Comprehensive Plan.

Policy T-8.7.1: Revisions to the Airport Master Plan Update shall be reviewed to ensure consistency with the City's Comprehensive Plan.

GOAL T-8: Airport improvements and operations that consider environmental impacts and compatibility with surrounding land uses.

Objective T-8.1: The City shall enforce the Airport Land Use Regulations to prevent incompatible land use that have a potential for being hazardous to aircraft operations as well as to the persons and property on the ground in the vicinity of the incompatible land use.

Policy T-8.1.1: The City shall continue to require via City Code ~~encourage~~ real estate agents to notify potential property owners that their property is within the Airport Impact District noise zones.

Policy T-8.1.2: The City shall continue to enforce Section 12-2-11, Airport Land Use District, and Section 12-11, Airport, of the Land Development Code to reasonably ensure that ~~airport~~ obstructions do not intersect the airport's runway protection zones, or impact the airspace surfaces around the airport approach surfaces. ~~transition surfaces, horizontal surfaces and conical surfaces.~~

Policy T-8.1.3: The City shall ensure that future changes to the Land Development Code shall be consistent with Chapter 333 of the Florida Statutes.

Objective T-8.2: The City shall continue to examine the concept of multiple land uses within Airport Restricted Zoned property.

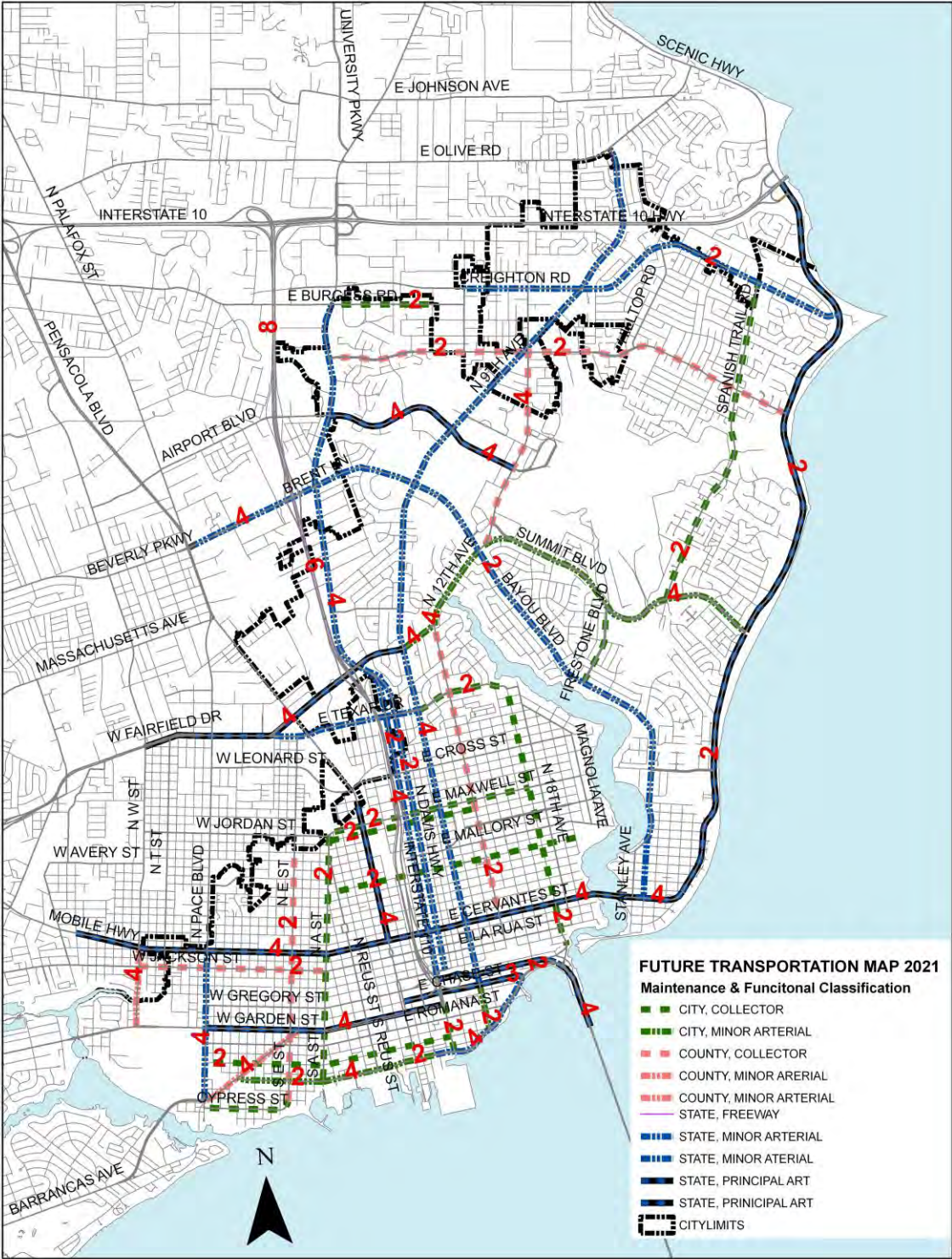
Policy T-8.2.1: The City shall consider a compatible multiple use concept for the open space area at the end of Runway 8/26, considering the environmental sensitivity of the Gaberonne wetland area.

Policy T-8.2.2: The City shall consider the development of airport-related commercial activities within the ARZ zone but outside of runway protection zones, consistent with Chapter 333 of the Florida Statutes.

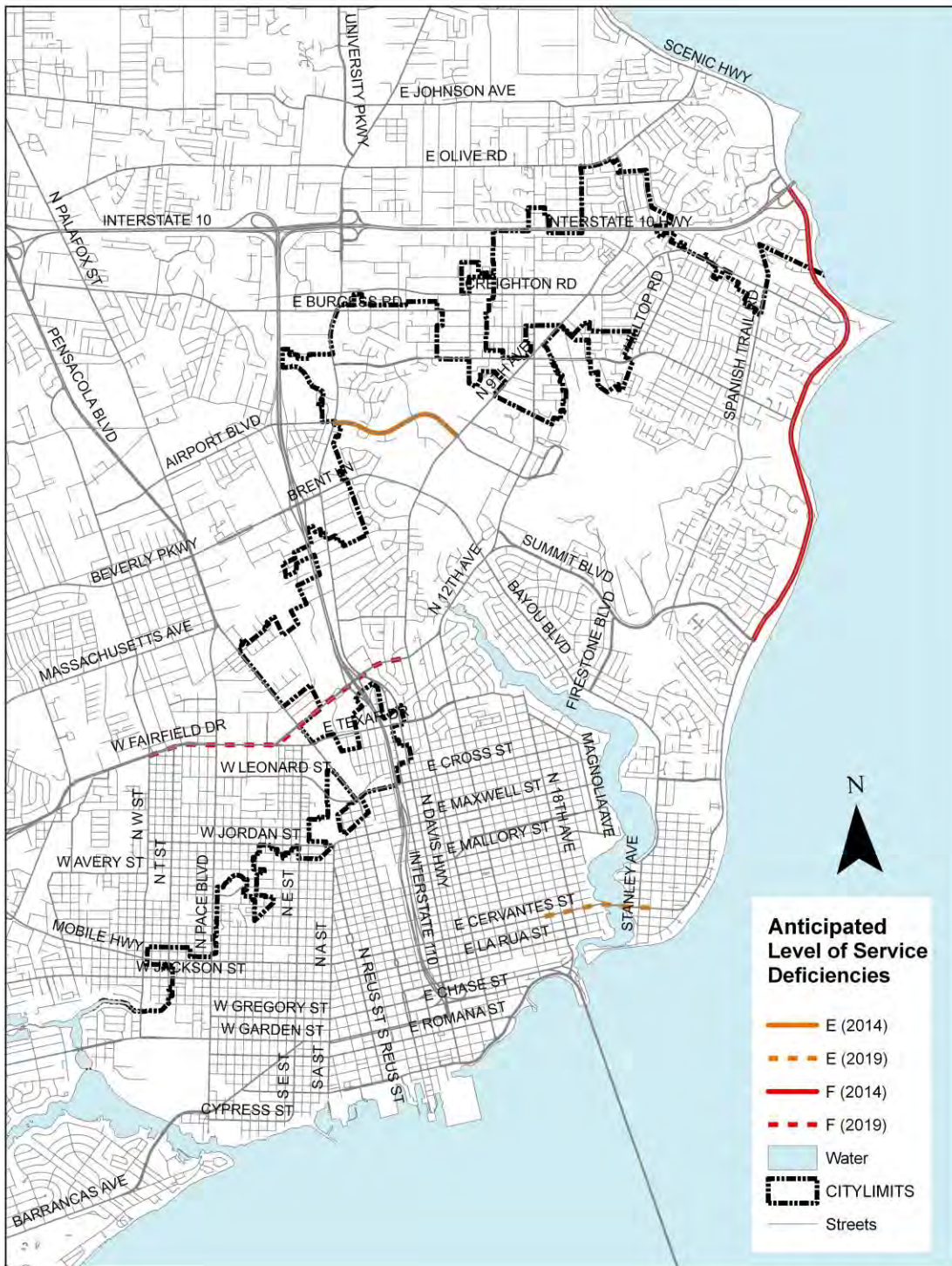
Objective T-8.3: The City shall continue to encourage Escambia County to enforce its airport land use compatibility regulations in the unincorporated area around the Pensacola International Airport ~~Pensacola Regional Airport~~.

Policy T-8.3.1: The City should continue to coordinate with the County, particularly after the approval of the *FAR Part 150 Noise Study*, to assure that the County enforcement of noise regulations around the Pensacola International Airport ~~Regional Airport~~ is compatible with the City's noise regulations.

City of Pensacola Future Transportation Map



City of Pensacola Anticipated Roadway Level of Service Deficiencies



CHAPTER 3

HOUSING

GOAL H-1: An adequate supply of quality housing available to meet the needs of Pensacola households, now and in the future, in all neighborhoods.

Objective H-1.1: Monitor and evaluate the housing market within the City to assess how well supply addresses present and expected future needs in the planning period.

Policy H-1.1.1: Review population trends and new construction figures to identify future housing needs of City residents.

Policy H-1.1.2: Conduct periodic surveys to identify substandard housing structures.

Policy H-1.1.3: Coordinate with public agencies and the private sector to ensure that a sufficient quantity of dwelling units exists to meet the housing needs of the existing and anticipated population in the City, including households with special needs.

Objective H-1.2: Encourage the creation and conservation of a wide variety of housing development and redevelopment types throughout the City.

Policy H-1.2.1: Continue to provide incentives for the development of new dwelling units in situations where housing needs are not being adequately met by the private sector with special emphasis on the elderly, handicapped, very low to moderate income and workforce households. These incentives could include density bonuses, donation of City-owned property, payment of utility connections and impact fees, assistance with obtaining financing from local lending institutions, and expedited permitting.

Policy H-1.2.2 Encourage the efficient use of existing housing by [promoting rehabilitation and adaptive re-use of non-residential buildings](#).

Policy H-1.2.3: Encourage the efficient use of infrastructure by focusing well-designed new and redeveloped housing on vacant, infill or underdeveloped land.

GOAL H-2: Sufficient quality affordable housing to support the needs of present and future residents.

Objective H-2.1: Identify very low, low, moderate income and workforce housing needs and provide safe, decent and sanitary housing for existing and future residents at a

sufficient volume and variety and at an affordable price range as defined in Chapter 420, Florida Statutes.

Policy H-2.1.1: ~~2sHousing~~ Conduct a periodic ~~annual~~ housing needs assessment plan to determine actual housing needs for very low, low, moderate income and workforce households.

Policy H-2.1.2: Continue to provide information about and pursue state and federal sources of funding designated for very low, low, and moderate income housing.

Policy H-2.1.3: Continue to work to improve the conditions of the housing stock by applying for and utilizing funds available through federal and State grants and programs.

Policy H-2.1.4: Continue to distribute applicable Federal and State funds for housing assistance throughout the City to provide for a wide variety of neighborhood settings and housing choices for very low, low and moderate income families while avoiding undue concentration in any given neighborhood.

Policy H-2.1.5: Research the possibility of obtaining dwelling units through donation, tax deed, purchase or other relevant means of acquisition for the purpose of making them available to low and moderate income families

Objective H-2.2: Continue to participate in the Community Development Block Grant Program to rehabilitate substandard owner-occupied housing units within the City in order to maintain existing residential neighborhoods.

Policy H-2.2.1: Continue to designate areas with high incidences of substandard dwelling units and low overall incomes as identified by census tract and other identified areas for timely and efficient rehabilitation activity and program implementation.

Policy H-2.2.2: Continue to provide temporary housing to households having their homes rehabilitated under the CDBG single-family owner-occupied housing rehabilitation program.

Objective H-2.3: Coordinate with other housing providers to foster efficient collaboration and provision of affordable housing.

Policy H-2.3.1: Continue to strive for a high level of intragovernmental and intergovernmental coordination between the City of Pensacola, Escambia County, and other public and private housing providers for all housing assistance efforts for very low, low and moderate income families.

Policy H-2.3.2: Coordinate with the major housing agencies in the area in developing, promoting, and maintaining housing counseling and training services to aid low and moderate income families in finding and maintaining housing compatible with their needs and income capabilities.

Policy H-2.3.3: Continue to implement regulations that are compatible with region-wide regulations for the allocation of very low, low and moderate income housing as stated in the Northwest Strategic Regional Plan Policy, and coordinate with Escambia County to provide for consistency in housing policies, regulations, and incentives.

Policy H-2.3.4: Continue to support the efforts of the Area Housing Commission by having City Council representation on their commission, and assisting in their efforts to locate and develop sites and housing programs for very low, low, and moderate income families.

Objective H-2.4: Encourage and facilitate the creation of quality affordable housing throughout the City.

Policy H-2.4.1: Continue to coordinate, support, and encourage attempts of private enterprises, non-profit groups, and civic organizations to build attractive, quality new dwelling units for households across the full spectrum of income ranges and for those with special needs.

Policy H-2.4.2: Encourage new housing units available to low and moderate income persons by lowering the cost of developing such units through incentive programs to the developers and applying for and utilizing available and eligible federal and state housing programs designed to assist low and moderate income families.

Policy H-2.4.3: Continue to initiate new, and support existing, public or public/private partnership for the provision of new rental units and new owner-occupied housing units for very low, low and moderate income households.

Objective H-2.5: Develop innovative programs and policies to create and preserve sustainable affordable housing.

Policy H-2.5.1: Continue to establish partnerships with local lending agencies that will explore, develop and promote creative ways of financing owner occupied housing for low and moderate income families, the improvement of substandard units and the development of standard ones. All agencies involved in the provision of affordable housing within the City are invited to participate in this "partnership."

Policy H-2.5.2: Encourage the replacement of obsolete public housing units with a quality mixture of for-sale and mixed-income rental properties with supportive services on site.

~~Policy H-2.6.3: Encourage The City shall Develop and implement inclusionary zoning standards for the provision of quality affordable housing in areas where it is determined that the demand for housing affordable to low, moderate and workforce families has not been addressed by the local market. Such inclusionary standards shall include provisions for new residential construction or the payment of a fee in lieu (existing Policy 1.1.8 and EAR)~~

Policy H-2.5.3: Encourage affordable housing through the exploration of innovative design and regulations in the Land Development Code.

Policy H-2.5.4: Continue to offer incentive for infill housing development through its liens waiver policy for affordable housing.

Policy H-2.5.5: Present a periodic progress report in creating and preserving sustainable affordable housing to the Planning Board of the City of Pensacola and the Mayor.

GOAL H-3: A range of housing options to support the spectrum of a diverse and vibrant population.

Objective H-3.1: Encourage a variety of quality housing types to meet the needs, financial abilities and preferences of present and future Pensacola residents.

Policy H-3.1.1: Encourage the provision of quality affordable housing in areas where it is determined that the demand for housing affordable to low, moderate and workforce families has not been addressed by the local market.

Policy H-3.1.2: Continue to provide for different intensities of attractive single family development to reflect differences in the existing and desired character of single family areas across the City.

Policy H-3.1.3: Continue to permit and encourage accessory dwelling units in appropriate residential zoning districts, subject to regulations designed to limit impacts and protect neighborhood character, in order to create attractive and affordable rental opportunities and provide greater flexibility for homeowners.

Policy H-3.1.4: Support mixed-income housing developments including quality, affordable, rental or for-purchase workforce housing, especially along transit lines in the inner city and urban core.

Policy H-3.1.5: Encourage mixed-income rental housing that allows both market-rate and subsidized units of equal quality and aesthetic appeal in the same development.

Policy H-3.1.6: Continue to allow residentially designed manufactured home units on individual lots in the R-1A, R-2A, R-NC, C-1, C-2, and C-3 zoning districts and as a conditional use in the R-1AA zoning district. Residentially designed manufactured home units shall be permitted in approved mobile home parks existing as of May 1, 1991, and in approved manufactured home parks. Standard design manufactured home units shall be permitted in approved mobile home parks existing as of May 1, 1991, and in approved manufactured home parks.

Policy H-3.1.7: [Continue to](#) identify opportunities and encourage redevelopment and attractive infill development that maintains the single-family character of an area, but allows for a greater range of residential housing types, i.e. garage apartments, cottages, tandem houses.

Policy H-3.1.88: Explore the creation of an independent not-for-profit entity to perform land trust and land banking activities to preserve and promote a range of housing options.

Objective H-3.2: Promote a range of housing options to support the population throughout all life stages and capabilities.

Policy H-3.2.1: Improve the balance in the City's population by attracting a proportionate share of the region's families with children through appropriate housing options in order to encourage stabilized neighborhoods and a vital public school system.

Policy H-3.2.2: Facilitate people who are aging to remain in their own neighborhoods and homes as their needs change by supporting shared housing, accessory dwelling units, adult foster homes, and other assisted residential living arrangements.

Policy H-3.2.3: Encourage the development of housing accessible to people with physical limitations and the adaptation of existing homes to improve accessibility for people of all ages and capabilities.

Policy H-3.2.4: Support and technical assistance shall be given through intergovernmental coordination to handicapped service organizations within the City to help provide them with the infrastructure and public facilities necessary to support and encourage independent living for clients of their programs.

Policy H-3.2.5: Continue to include measures in the Land Development Code that assure that group homes and foster care facilities can be developed in residential zones in proximity to convenient support services in accordance with federal, state and local regulations.

Objective H-3.3: Recognize the importance of housing to economic development efforts, and encourage the provision of a wide variety of housing types that support the retention, expansion and creation of desirable employment opportunities and a competitive workforce.

Policy H-3.3.1: Support housing development by considering the cumulative impact of City regulations on the protection and improvement of existing housing and on the ability of housing developers to provide quality under-represented housing types that are affordable to and appeal to the full spectrum of the workforce.

Policy H-3.3.2: City ordinances, codes, land development regulations and the permitting process shall be reviewed from time to time and amended, where necessary, for the purpose of eliminating excessive requirements in order to increase private sector participation in meeting housing needs.

Policy H-3.3.3: Allow an exemption from concurrency, pursuant to F.S. 163.3180, for certain affordable workforce housing units developed consistent with s.380.0651(3).

Policy H-3.3.4: Continue to provide expeditious and timely review of development and permit applications.

Policy H-3.3.5: Continue to ~~work to reverse the declining residential population of the City, both in total number as well as in diversity of age, education attainment and working status.~~ promote a variety of housing development that will support and increase a diverse residential population.

Objective H-3.4: Promote context-appropriate residential redevelopment in the downtown, urban core and inner-city areas.

Policy H-3.4.1: Promote and encourage the use of higher density within the downtown and inner city to creating sufficient mass to establish cohesive residential neighborhoods.

Policy H-3.4.2: Support downtown mixed-use development consistent with the Goals of the Comprehensive Plan's Land Use Element and CRA Downtown Master Plan strategies.

Policy H-3.4.3: Encourage utilization of vacant upper floors in the downtown business district for residential development for loft and non-suburban style apartments.

Policy H-3.4.4: Encourage production of high quality multi-family rental and for-sale units such as apartments, condominiums or co-ops and single family attached units such as townhouses and rowhouses in the downtown area at rents and prices affordable to the majority of younger professionals, empty nesters and urban families with above moderate, but below upper level incomes through development incentives.

[Policy H-3.4.5: Physically revitalize and modernize inner-city neighborhoods by providing appropriate incentives for mixed-income home ownership opportunities combined with multi-family rental units and retail space that reflect traditional neighborhood design.](#)

GOAL H-4: Vibrant, stable neighborhoods that represent the unique diversity of Pensacola's past, present, and future.

Objective H-4.1: Maintain the stability of existing neighborhoods while expanding opportunities for housing choices.

Policy H-4.1.1: Encourage conservation, where appropriate, of the existing supply of standard housing by continued code enforcement and demolition of deteriorated structures which are beyond repair.

Policy H-4.1.2: Continue to encourage private investment in the conservation of residential structures within the City limits.

Policy H-4.1.3: Continue to encourage revitalization of neighborhoods not designated as a formal "historic district" and provide adequate control over the new development and redevelopment by establishing development guidelines that will maintain the aesthetic quality of the area. These guidelines will be included in a Land Development Code amendment.

Objective H-4.2: Increase opportunities for new housing development while balancing the equally important objective of ensuring that new development is compatible with neighborhood character.

Policy H-4.2.1: In order to maintain a consistent and appealing character in residential areas, seek to ensure through development standards that new and converted structures are aesthetically compatible with existing development and reflective of the character of that development in terms of scale, open space, setbacks, siting and unit orientation.

Policy H-4.2.2: Promote denser, but still human-scaled neighborhoods by permitting multifamily building types with height limits and development standards that promote a strong relationship between individual dwellings and the ground level.

~~Policy H-4.2.3: Physically revitalize and modernize inner city neighborhoods by providing appropriate incentives for mixed income home ownership opportunities combined with multi family rental units and retail space that reflect traditional neighborhood design.~~

Objective H-4.3: Preserve and enhance the unique identities and character of housing in traditional or older neighborhoods.

Policy H-4.3.1: Encourage the rehabilitation and maintenance of existing sound housing to conserve physical assets that contribute to a neighborhood's desired character.

Policy H-4.3.2: Encourage housing design that supports the conservation, enhancement and continued vitality of areas of the City with special scenic, historic, architectural or cultural value.

Policy H-4.3.3: In addition to exploring the development of "special district" ordinances, the City shall continue to provide ordinances to preserve neighborhood character and viable housing stock with the support of public agencies and neighborhood-based organizations.

Objective H-4.4: Redevelopment of the housing stock in distressed and deteriorated neighborhoods.

Policy H-4.4.1: Maintain housing quality by encouraging the revitalization of housing stock to meet minimum building construction standards ~~that exceeds minimum construction standards.~~

Policy H-4.4.2: Promote housing opportunities that build a sense of community and neighborhood pride through quality design and aesthetic appeal.

Policy H-4.4.3: Continue to enhance the quality of the design of new infill residential development.

Objective H-4.5: Quality schools ~~at the heart of that support~~ vibrant, attractive neighborhoods.

Policy H-4.5.1: Recognize the interconnected importance of quality neighborhood school retention ~~in larger~~ with community economic development, neighborhood stability, diversity and sustainability efforts.

Policy H-4.5.1: In partnership with other agencies, encourage the maintenance and improvement of urban schools to preserve and enhance neighborhood quality and vitality.

Policy H-4.5.2: Support the viability of urban schools by encourageing residents and families to locate or remain in underutilized urban school districts.

Policy H-4.5.3: Utilize, where appropriate, homeownership and rehabilitation incentives to attract families to underutilized school districts, including incentives to the private sector to maintain a housing production capacity sufficient to meet the needs of workforce families.

GOAL H-5: Sustainable, environmentally-friendly neighborhoods that enhance the City's livability.

Objective H-5.1: Encourage the greatest concentration of housing in areas with convenient access to transit, a mix of activities, a range of residential services and amenities and opportunities to live within walking distance of employment.

Policy H-5.1.1: Encourage “walkable,” mixed-use, mixed-income communities that offer a variety of services, multiple housing options and diverse residents to create a stimulating urban lifestyle.

Policy H-5.1.2: Encourage economic development, retail opportunities and incentives for the downtown CRA and inner-city redevelopment districts to support a vibrant urban living experience.

Policy H-5.1.3: Continue to support low-impact home-based businesses and “cottage industries” in mixed-use districts and residential areas while ensuring that those proposed for residential areas do not negatively impact residential neighborhoods.

Policy H-5.1.4: Promote a residential development pattern with increased availability of housing at densities that promote walking and transit use near employment concentrations, residential services and amenities.

Objective H-5.2: Ensure that new residential development is consistent with the environmental capacity of the site and the character of the surrounding area.

Policy H-5.2.1: Continue to utilize flexible development options, including cluster development, to preserve the environmental integrity and viability of the site and surrounding area.

Policy H-5.2.2: Foster flexibility in the division of land and the siting of dwellings and other improvements to reduce the development's impact on environmentally sensitive areas and resources.

Policy H-5.2.3: Continue to provide supporting infrastructure improvements and maintenance of leisure services facilities, such as parks and open space, available to existing neighborhoods and new housing developments.

Policy H-5.2.4: Continue to offer reduced parking requirements for housing where impacts on surrounding neighborhoods are minimal as identified in the land development code.

Policy H-5.2.5: Minimize the exposure of housing to excessive off-site environmental impacts including pollution, noise, vibration and odors associated with industrial or commercial uses through landscaping and streetscape screenings.

Objective H-5.3: Energy-efficient homes that minimize their impact on the environment while energy decreasing costs to residents.

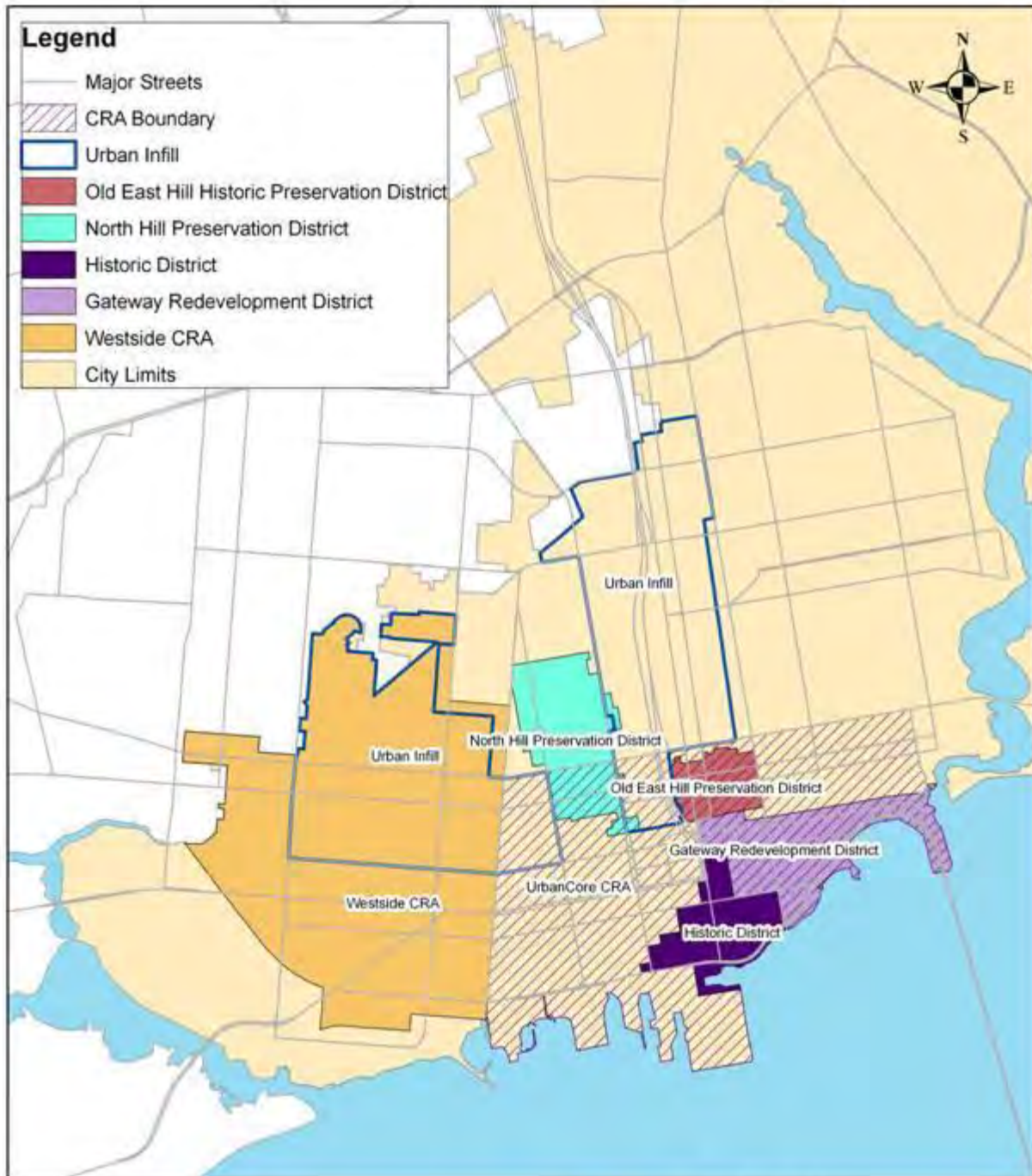
Policy H-5.3.1: Consider, where appropriate, revisions to the land development code that will support the development of energy efficient infill housing.

Policy H-5.3.2: Encourage the use of eco-friendly, "green," sustainable building standards in residential projects.

Policy H-5.3.3: Encourage the use of the most feasible, safe and energy-efficient systems and methods for constructing rental and home ownership housing to increase its useful life.

Policy H-5.3.4: For qualifying households and homes, the City shall utilize existing weatherization programs and encourage the use of energy efficiency programs available through local agencies like Gulf Power and Energy Services of Pensacola.

City of Pensacola Special
Districts



Special Districts City of Pensacola



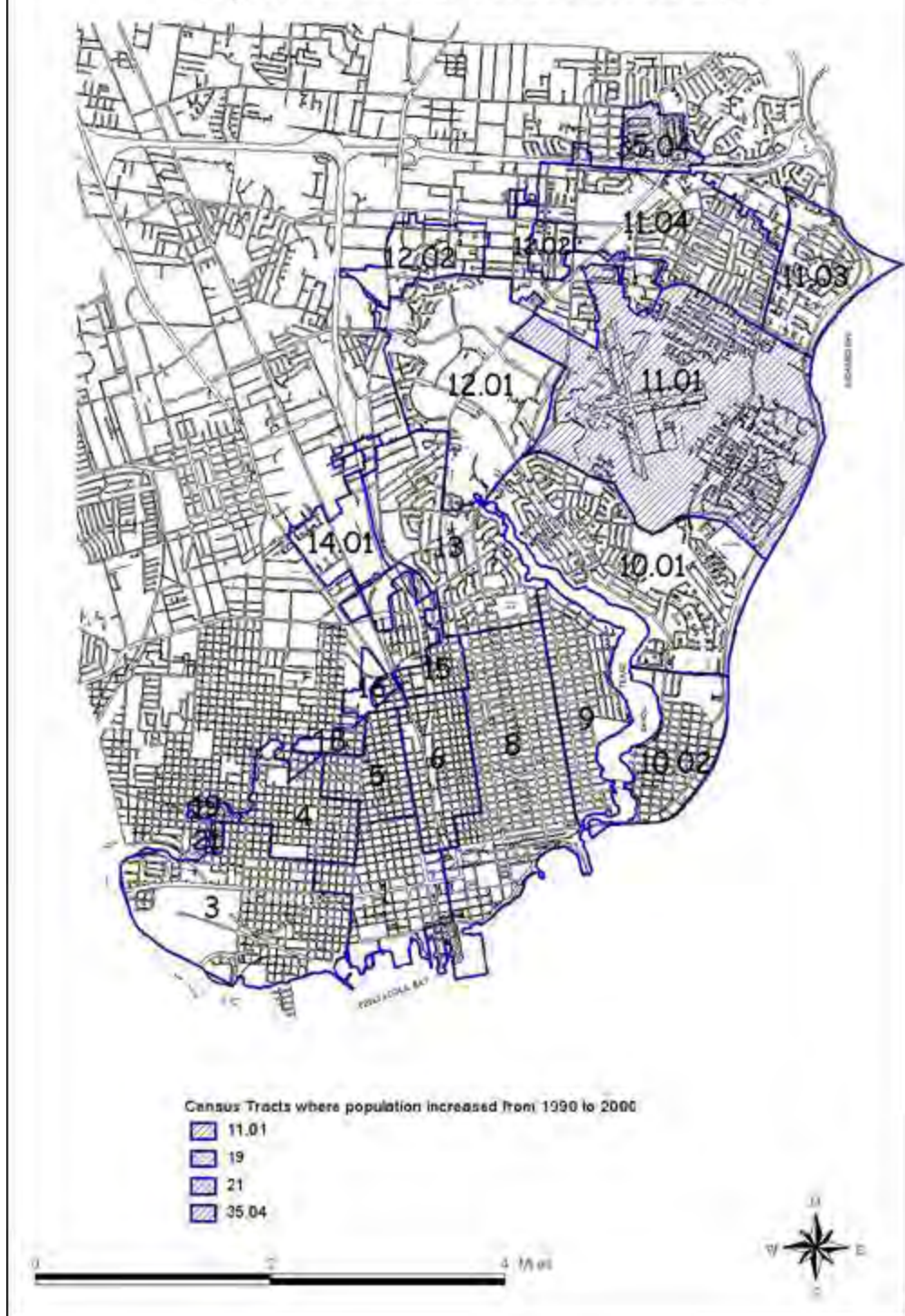
Date: 2010

This map was prepared by the GIS section of the City of Pensacola and is provided for information purposes only and is not to be used for development of construction plans or any type of engineering services based on information depicted herein. It is maintained for the function of this office only. It is not intended for conveyance nor is it a survey. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

City of Pensacola Census Tracts

Housing

City of Pensacola Census Tracts 2000



CHAPTER 4

PUBLIC FACILITIES

GOAL PF-1: The City shall make provision of the necessary solid waste, sanitary sewer, stormwater drainage and potable water facilities for the purpose of meeting existing and projected public facility demands within the City of Pensacola.

Objective PF-1.1: The City and/or the appropriate agency shall correct public facilities deficiencies as described in the Public Facilities and the Capital Improvements Chapters of the Comprehensive Plan.

Policy PF-1.1.1: The following level of service standards shall be utilized so that development permits are issued concurrent with adequate public facilities capacity:

Solid Waste - 4.52 pounds per capita per day

Drainage - LOS A - tolerates street flooding to a depth of 3 inches or less in the gutters when the rest of the pavement is passable, and allows open or green space flooding of up to 12" as long as there is no threat to public health or safety, or permanent impediment to the intended use of the property; LOS B - tolerates flooding of entire street surface up to 4" at centerline of roadway; LOS C - tolerates structure flooding; based on the following design criteria:

- * In existing developments adequate drainage capacity to accommodate run-off associated with a 3-year, 12-hour design storm for collection systems;
- * In new developments adequate drainage capacity to accommodate a ~~25~~ 100-year, ~~12~~ 24-hour critical duration design storm (pre-development rate) for collection systems and for retention and detention ponds. As a minimum the first $\frac{1}{2}$ 1" of runoff must be retained on the site of the development. At the discretion of the City Engineer, retention standards may be increased beyond the $\frac{1}{2}$ 1" minimum retention standards and the 100-year design storm on a site specific basis.

Objective PF-1.2: The City shall participate with the Emerald Coast Utilities Authority (ECUA) in the preparation of the ECUA's 5-Year Capital Improvements Plan to ensure the future provision of sanitary sewer and potable water facilities.

Sanitary Sewer - No existing deficiencies identified

Potable Water - No existing deficiencies identified

Policy PF-1.2.1: The following level of service standards shall be utilized so that development permits are issued concurrent with adequate public facilities capacity:

Sanitary Sewer - 100 gallons per capita per day (gpcd) for average flow capacity and 200 gpcd for peak flow capacity.

Potable Water - 118 gallons per capita per day for Zone 1 and 146 gallons per capita per day for Zone 2.

Objective PF-1.3: The City shall:

1. Coordinate the extension of, or increase in the capacity of, sanitary sewer or potable water facilities with ECUA based on population projections and the development of land as described in the Future Land Use Chapter and delineated on the Future Land Use Map Series.
2. Routinely ~~U~~ update the City's current Stormwater Master/Management Plan, dated April, 2019, in order to assess need to extend or increase capacity of the municipal drainage system.

Policy PF-1.3.1: The City shall monitor and verify the availability and capacity of public facilities prior to issuing development permits so that a determination can be made as to whether adequate capacity will be available concurrent with the impacts of the development.

Policy PF-1.3.2: No City development permits will be issued for new development, which will result in increased demand on City or ECUA controlled public facilities beyond their design capacities based on adopted level of service standards, unless the necessary facilities are available concurrent with the impacts of the development.

Policy PF-1.3.3: The City shall prepare an annual summary of capacity and demands for drainage and solid waste facilities and the ECUA will prepare annual summaries of capacity and demand for sanitary sewer and potable water facilities within the City limits pursuant to the Uniform Special District Accountability Act of 1989.

Objective PF-1.4: The City shall maximize the use of existing drainage facilities through efficient and timely maintenance and shall propose an interlocal agreement with Escambia County and the ECUA, which will describe provisions under which sanitary sewer and potable water facilities will be expanded so as to discourage urban sprawl.

Policy PF-1.4.1: The following priorities shall be established in providing for public facility needs:

1. Correction of existing deficiencies;
2. Replacement of existing facilities as they deteriorate, unless these facilities are located in an area that is deemed hazardous to human safety or environ-mentally unsound; and,
3. Provision of future facility needs when developments comply with all other requirements of the Comprehensive Plan.

Policy PF-1.4.2: Through provisions of the proposed interlocal agreement, ECUA shall be required to upgrade, maintain and expand sanitary sewer and potable water facilities in existing developed areas in the City and the County at a higher priority than that of construction and/or expansion into undeveloped areas, especially when such expansion fosters urban sprawl.

Objective PF-1.5: The City of Pensacola has implemented, and will continue to operate, a solid waste management programs for the separation of domestic waste into recyclable and non-recyclable categories in order to reduce overall quantities of landfilled waste by 30% in accordance with Chapter 187.201(13), F.S., to the maximum extent economically feasible.

Policy PF-1.5.1: Projected solid waste landfill demands through the year 2019 will be met through the interlocal agreement with Escambia County regarding the utilization of the County's resource recovery facility.

Policy PF-1.5.2: The City of Pensacola will continue to conduct solid waste separation programs using the most feasible separation techniques.

Policy PF-1.5.3: The City will continue a public information/education campaign concerning the City's solid waste management program.

Policy PF-1.5.4: The City shall encourage the use of xeriscaping© (i.e., the use of native vegetation in its natural state by residents so that less yard waste will be generated by mowing and pruning activities) through education of City residents.

Policy PF-1.5.5: The City of Pensacola will conduct periodic studies on future solid waste management techniques.

GOAL PF-2: Provision of sanitary sewer, solid waste, drainage and potable water facilities shall be done in a manner which reasonably ensures the maintenance and integrity of environmental quality, as well as protection and maintenance of groundwater aquifer recharge areas, surface groundwater and receiving waters.

Objective PF-2.1: The City shall coordinate with the ECUA and Escambia County in efforts to reduce effluent discharge to surface water.

Policy PF-2.1.1: When considering a site for a sewage treatment plant, the City shall encourage ECUA to consider locations close to facilities, crop lands, etc., which can use the effluent generated by the plant.

Policy PF-2.1.2: The City will coordinate with the ECUA and the Escambia County Health Department to identify the location of individual septic tanks in the City for the purpose of discontinuing septic tank use and requiring utilization of the sewer collection system.

Policy PF-2.1.3: The City will review cumulative impact of new development on natural resources.

Policy PF-2.1.4: The City shall continue to monitor the implementation actions of the Escambia/Santa Rosa Coast Resources Planning and Management Committees and recommend area-wide compliance with the policies pertaining to wastewater facilities planning.

Policy PF-2.1.5: Where economically feasible, the City will support ECUA's efforts to require impact fees on developments which create a demand for additional public facilities, sufficient to finance the development's share of the cost.

Objective PF-2.2: The City shall continue to require all new development, and redevelopment where economically feasible, to protect natural drainage features and sensitive environmental resources by implementing stormwater management and erosion control practices, which comply with regulations adopted in the revised Land Development Code.

Policy PF-2.2.1: The City shall monitor stormwater management facilities on City-owned lands that are adjacent to or contain natural water systems to minimize impact.

Policy PF-2.2.2: The City shall continue to develop cooperative approaches to restoring and managing regionally significant natural systems through implementation of the recommendations from the *Escambia County/City of Pensacola Stormwater Plan* and the *Pensacola Bay System S.W.I.M. Plan*.

Objective PF-2.3: The City's Land Development Code shall be revised where necessary to assure that development, which adversely affects functioning natural systems, is minimized or prevented.

Policy PF-2.3.1: The City shall protect the hydrologic and ecologic function of estuarine systems by designating areas as Conservation Land Use Districts and through the implementation and enforcement of “Resource Protection Overlay Districts”.

Overlay Zoning Districts are as follows:

- X Wellhead Protection District - The purpose of this district is to avoid risks of damage to sources of drinking water by prohibiting within close proximity of public water wells certain land uses, facilities and activities which involve a reasonable likelihood of discharges of pollutants into or upon surface of ground waters.
- X Bayou Texar Shoreline protection District - The purpose of this district is to establish standards which recognize and protect the environmental resources of the Bayou Texar shoreline. This district ensures the preservation of the natural buffering effect of open spaces along the shoreline for storm surge abatement and the filtering of stormwater runoff.
- X Escambia Bay Shoreline Protection District - The purpose of this district is to establish standards, which recognize and protect the unique scenic vistas and environmental resources of the Escambia Bay shoreline.

Policy PF-2.3.2: The City shall continue to enforce all ordinances, which relate to drainage, stormwater management, litter, and sedimentation and erosion control.

Policy PF-2.3.3: The City shall continue to provide technical assistance for the development of non-structural approaches to stormwater drainage control.

Policy PF-2.3.4: The City shall continue to encourage use of permeable surfaces for parking lots, patios, sidewalks, driveways, etc.

Objective PF-2.4: The City shall develop a public information campaign about watershed management (either on its own or in conjunction with other applicable agencies or governmental entities).

Policy PF-2.4.1: The City shall coordinate with Escambia County, the Escambia County School Board, ECUA and the NFWFMD in funding and/or developing educational materials which will be utilized for public information purposes on watershed management.

Policy PF-2.4.2: The City shall coordinate with the Escambia County Agriculture Extension Service and/or other appropriate agencies in developing landscape design and/or urban forestry programs, which promote the preservation of native vegetation for the purpose of sedimentation and erosion control.

Objective PF-2.5: The City of Pensacola shall coordinate with the County, the ECUA and the NFWFMD to promote water conservation through identifying methods of reducing sanitary sewer flows and pumping of potable water.

Policy PF-2.5.1: The City shall coordinate with the Emerald Coast Utilities Authority (ECUA) to develop a public information campaign concerning water conservation.

Policy PF-2.5.2: The City shall coordinate with Escambia County, the Escambia County School Board, ECUA and the NFWFMD in the continued funding and/or development of educational materials which will be utilized for public information purposes on water conservation.

Policy PF-2.5.3: The City shall coordinate with Escambia County, the Escambia County School Board, ECUA, and the NFWFMD in researching all funding mechanisms which are available for establishing a water conservation campaign.

Policy PF-2.5.4: The City shall continue to enforce codes and ordinances requiring water-saving devices in new and rehabilitated construction and encouraging or requiring use of permeable surfaces for parking lots. The City shall consider incentives for developments, which utilize water conservation technology, not to exclude energy conservation technology such as water-sourced heat pumps.

Policy PF-2.5.5: The City shall coordinate with ECUA in studying the development of irrigation systems, which utilize water sources other than the groundwater aquifer for City-owned building sites, recreational sites or public rights-of-way.

Policy PF-2.5.6: The City shall coordinate with the Escambia County Agriculture Extension Service and/or other appropriate agencies in developing landscape design and/or urban forestry programs, which promote the use of indigenous vegetation for the purpose of conserving water used for irrigation. This coordination may be either in the form of shared funding or manpower.

Objective PF-2.6: The City shall continue to enforce its Land Development Code regulations protecting the function of the Sand and Gravel Aquifer.

Policy PF-2.6.1: The City shall utilize maps contained in the *Wellhead Protection Area Delineation In Southern Escambia County, Florida, Water Resources Special Report 97-4, December 1997*, prepared by the Northwest Florida Water Management District, as may be amended, and included by reference, to identify wellhead protection areas around existing water wells and shall continue to cooperate with the Emerald Coast Utilities Authority in reviewing land use regulations within these areas.

Policy PF-2.6.2: The City shall protect all water recharge areas within the City through enforcement of all existing ordinances adopted in the Land Development Code, including but not limited to the following:

1. Open space requirements;
2. Amount of impervious surfaces permitted in critical water recharge areas;
3. Stormwater management;
4. Erosion control; and
5. Landscaping and vegetation protection.

Objective PF-2.7: The City shall continue to cooperate in developing a hazardous waste management program in coordination with State and County governments and agencies for the proper collection, storage, disposal and transport of hazardous wastes generated within the City.

Policy PF-2.7.1: The City shall continue to respond to all hazardous materials incidents in the City in compliance with Title III of the Superfund Amendment and Re-authorization Act of 1986 and the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988.

Policy PF-2.7.2: The City shall promote the use of scheduled amnesty days for the appropriate collection of hazardous wastes.

Policy PF-2.7.3: All industries with hazardous wastes shall be required to develop a spill clean-up plan, provide storage facilities for hazardous wastes generated on site, and provide for safe transport of any hazardous waste.

Policy PF-2.7.4: The City shall coordinate with County, State and Federal agencies in the development and compliance of hazardous waste management programs.

Policy PF-2.7.5: The City shall regulate the use and disposal of hazardous materials and wastes within critical aquifer protection areas and within wellhead protection zones.

GOAL PF-3: The City shall encourage the use of energy efficient and environmentally-beneficial activities and products for public facility use.

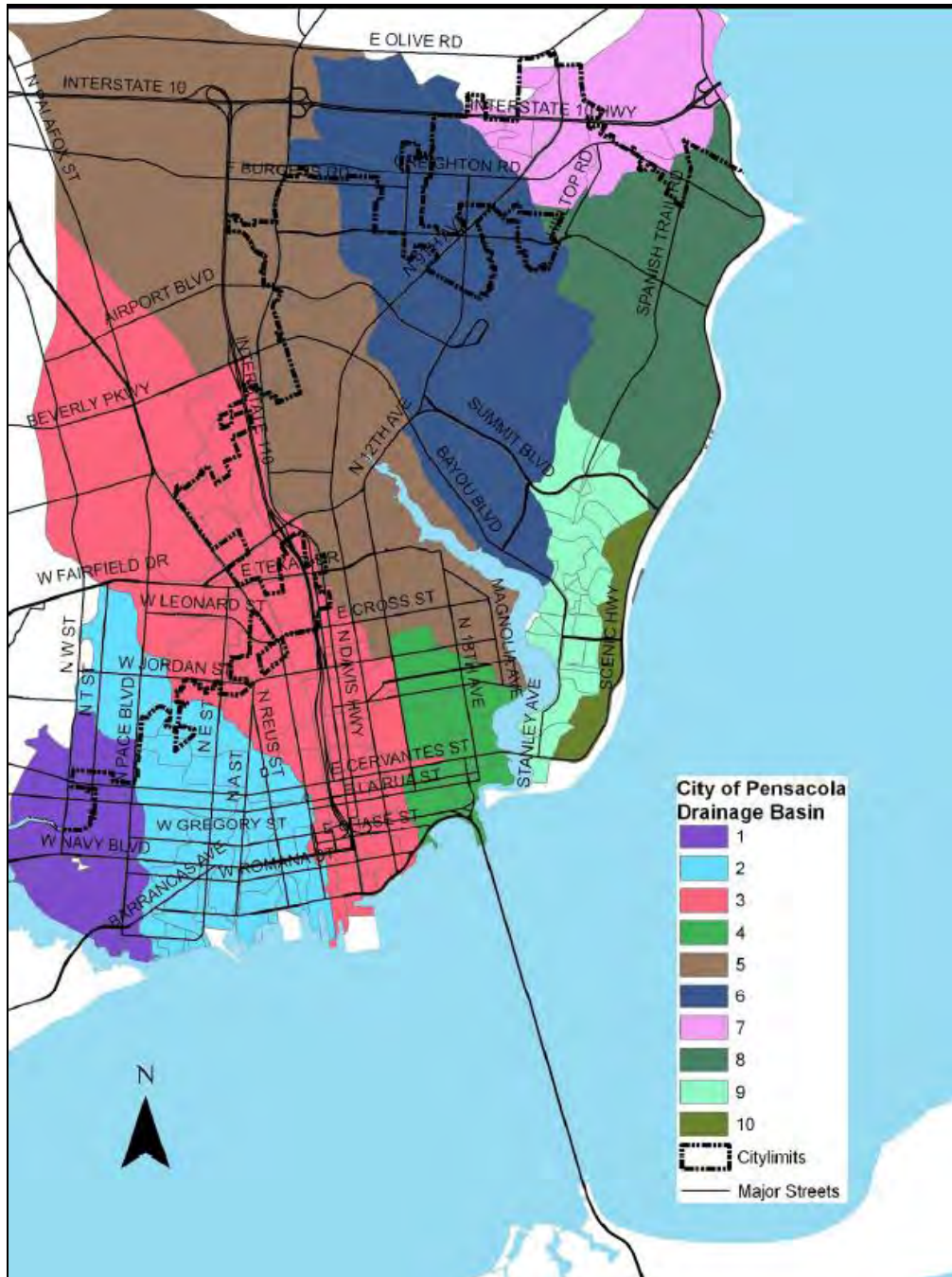
Objective PF-3.1: The City shall encourage construction of new facilities and purchase of equipment to be used with environmentally beneficial equipment.

Policy PF-3.1.1: The City shall encourage all new public facilities to be constructed utilizing energy and resource efficient techniques and systems

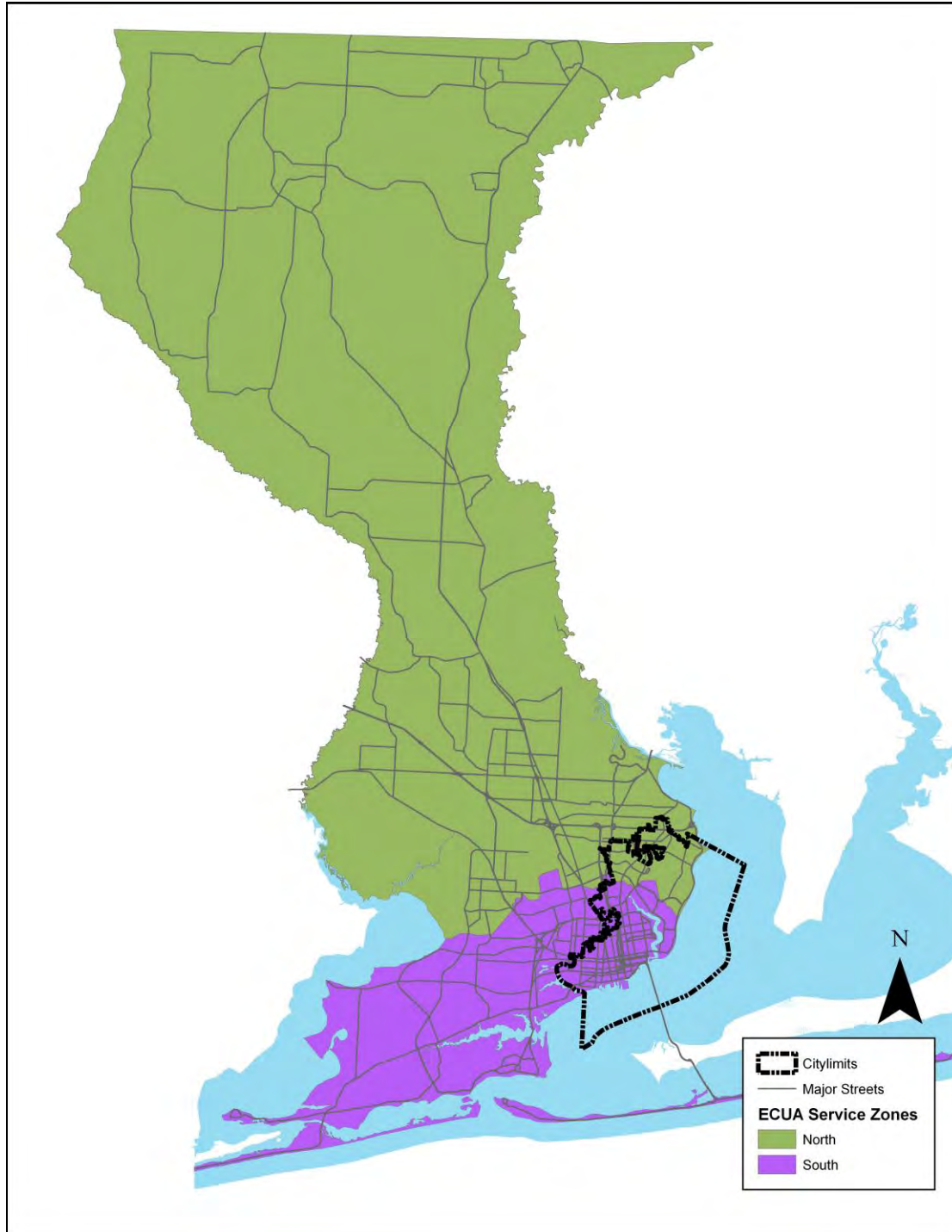
including benchmarks from the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Green Building Rating Systems. The City shall also encourage LEED certification where appropriate and feasible.

Policy PF-3.1.2: The City shall exclusively purchase environmentally-beneficial equipment such as Energy-Star qualified products when cost feasible.

City of Pensacola Drainage Basins



Emerald Coast Utility Authority Service Zones



CHAPTER 5

COASTAL MANAGEMENT

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

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

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

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

Policy CM-1.1.2: All City owned or City financed waterfront development, except for industrial uses, shall provide for public waterfront access.

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

- * The use is compatible with surrounding land uses.
- * Upland support services are available.
- * A hurricane contingency plan is in place.
- * The water quality concerns have been addressed.
- * A plan is in place for mitigation actions in the event that the environment is adversely affected.
- * The economic need and feasibility for the facility have been established.

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

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

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

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

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

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

Policy CM-1.2.3: The City shall take whatever actions that are necessary so that all public facilities located near the City's shoreline or in the CHHA are resistant to storm events and meet all the building standards for the hurricane-force winds and floods.

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

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

- * Low density - along Escambia Bay north of Hyde Park Road and south of Gadsden Street, and along both shores of Bayou Texar.
- * Medium density - along Pensacola Bay (except for the Historic District), and along Bayou Chico.
- * High density - Historic District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy CM-1.7.2: The City will continue to participate in the National Flood Insurance Program.

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

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

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

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

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

GOAL CM-2: The City shall ensure the highest environmental quality feasible, the City will seek to conserve, protect, and properly manage its natural resources.

Objective CM-2.1: The City shall protect, conserve or enhance coastal wetlands, living marine resources and wildlife habitat.

Policy CM-2.1.1: The City shall limit the specific and cumulative impacts of development and redevelopment which will have adverse effects on wetlands, water quality, wildlife habitat, living marine resources and beach systems by prohibiting these developments unless mitigation actions are specified or by withholding public funds from these projects.

Policy CM-2.1.2: By the year 2021, the City shall restore or enhance disturbed or degraded natural areas for City-owned property including beaches, estuaries, wetlands, shoreline ecosystems, and drainage systems and shall establish programs to mitigate future disruptions or degradations.

Policy CM-2.1.3: The City shall establish standards for new development adjacent to wetlands to reasonably assure that the quality and quantity of their stormwater discharge does not adversely impact the physical and/or ecological features of those habitats.

Policy CM-2.1.4: With respect to acquisition, the City, where feasible, shall protect, conserve, or enhance coastal wetlands, living marine resources and wildlife habitat unduly threatened by development through establishment of public or private conservation easements or other available means as deemed appropriate.

Objective CM-2.2: The City shall maintain and improve estuarine environmental quality.

Policy CM-2.2.1: The City shall coordinate with Escambia County and the City of Century through the existing interlocal agreement to conduct stormwater management plans which will provide recommendations for preventing estuarine pollution, controlling surface water runoff and protecting living marine resources.

Policy CM-2.2.2: The City shall review and contribute to any updates of the Comprehensive Plans in surrounding jurisdictions and other policy plans that would affect implementation of local estuarine protection goals.

Policy CM-2.2.3: With respect to acquisition, the City, where feasible, shall protect, conserve, or enhance estuarine environmental quality unduly threatened by development through establishment of public or private conservation easements or other available means as deemed appropriate.

Policy CM-2.2.4: The City shall work with local organizations, regional, state agencies to establish procedures to protect and increase the water quality near existing shorelines.

Objective CM-2.3: The City shall reasonably assure that impacts of man-made structures on beach systems are minimal.

Policy CM-2.3.1: Construction in the CHHA shall conform to regulations set forth in the Land Development Code for floodplain management.

Objective CM-2.4: The City shall coordinate with the West Florida Historic Preservation, Inc. and other appropriate agencies in the protection, preservation or sensitive reuse of historic resources.

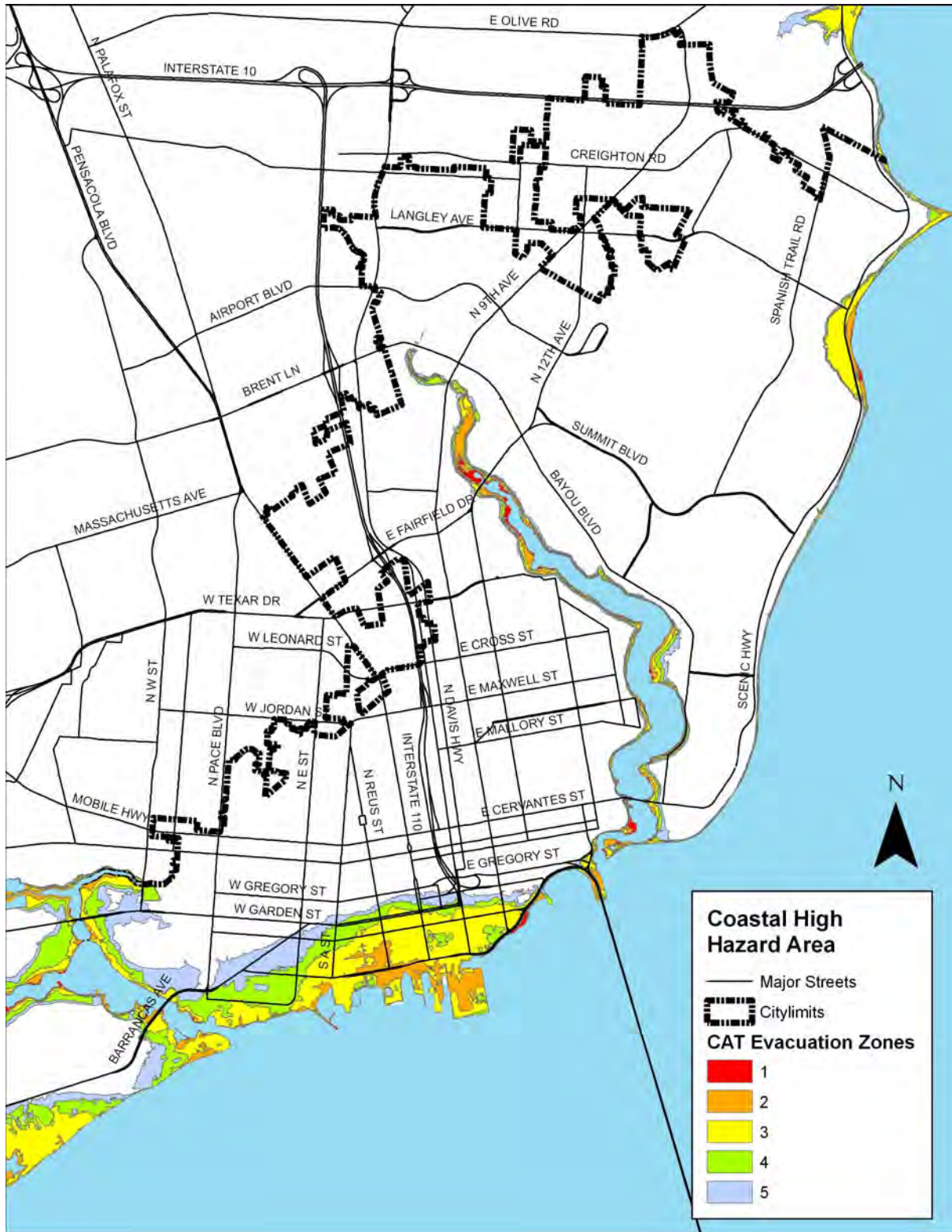
Policy CM-2.4.1: The City shall continue to support the Historic Pensacola Preservation Board in its efforts to identify historic sites and register them with the proper agencies.

Policy CM-2.4.2: Through historic zoning district guidelines and building codes, the City shall continue to establish controls for safe construction practices and for retaining the character of development within the districts.

Objective CM-2.5: The City shall continue to discourage off shore oil and gas drilling in the coastal areas of North Florida, and the City shall continue to demand accountability for clean-up of any leaks or spills of oil or oil products as well as other contaminants and pollutants.

Policy CM-2.5.1: The City shall continue to cooperate with other local and state agencies in opposition to the leasing of coastal area waters for offshore oil and gas drilling through appropriate actions. Further, the City shall cooperate with local, state and federal agencies in the clean-up efforts following the Deepwater Horizon oil spill and any other oil leak or spill as well as other contaminants and pollutants that affect waterways within the city limits.

City of Pensacola Coastal High Hazard Areas



CHAPTER 6

CONSERVATION AND SUSTAINABILITY

GOAL C-1: The City of Pensacola will seek to properly manage and protect the environment and its natural resources to the highest level possible.

Objective C-1.1: The City will work with the appropriate agencies to preserve and protect air quality within the City and the Pensacola Urbanized Area to meet ambient air quality standards as currently required by the Florida Department of Environmental Protection (FDEP).

Policy C-1.1.1: The City shall support and cooperate with Escambia County, FDEP, and FDOT in monitoring air pollution sources in the area.

Policy C-1.1.2: The City shall ensure that new industrial development is located in compatible land use areas where impact on air quality can be monitored and minimized.

Policy C-1.1.3: The City shall reduce automobile emission pollution by:

- a. Improving traffic flow patterns.
- b. Encouraging carpooling, the "ride-share" program, and other mass transit options.
- c. Encouraging buffer vegetation along arterial roadways and residential areas.
- d. Developing bicycle paths and pedestrian walkways within the City to encourage use of "clean" transportation.
- e. Encourage efforts to require compliance with emission standards.

Policy C-1.1.4: The City shall continue to enforce City regulations which prohibit or restrict the practice of open fire burning within the City.

Objective C-1.2: The City shall, through its land development regulations, protect, to the maximum extent feasible, all ecologically significant plant and animal communities identified by the U. S. Fish and Wildlife Service, the Florida Game and Fresh Water Fish Commission and other governmental and non-governmental agencies.

Policy C-1.2.1: The City shall take into consideration endangered or threatened plant and animal species, habitat conditions, occurrences and disturbances, in reviewing development proposals.

Policy C-1.2.2: The City shall require that development proposals upon request include a survey for endangered and threatened plant or animal communities utilizing information provided by the Florida Natural Areas Inventory indicating

that no such plant or animal communities occur or are likely to occur with the goal that no documented endangered or threatened natural vegetative or animal communities are destroyed.

Policy C-1.2.3: In areas where protected resources or unique vegetative communities are anticipated or documented, utilizing data information provided by the Florida Natural Areas Inventory development plans shall include an inventory of these resources and vegetative communities.

Policy C-1.2.4: The Land Development Code shall ensure reasonable protection of indigenous tree species, and where degradation has occurred, restoration shall take place by planting native species.

Policy C-1.2.5: The City shall adopt regulations which require the responsible party to mitigate impacts where degradation of environmentally sensitive areas, as defined in 9J-5.003(41), F.A.C., occurs as a result of development activities (cost to be incurred by the proposed development affecting the environmentally sensitive areas).

Policy C-1.2.6: The City will study the design of low-impact parks at Carpenter Creek and Gaberonne Swamp using native plants and other natural features that will not alter the wildlife values of the park.

Policy C-1.2.7: The City will coordinate efforts to conserve, appropriately use or protect unique vegetative communities located within more than one local jurisdiction with adjacent local governments and public or private agencies, including but not limited to the Florida Department of Environmental Protection, The Florida Fish and Wildlife Conservation Commission, and local chapters of groups such as the Sierra Club and Audubon Society.

Policy C-1.2.8: With respect to acquisition, the City, where feasible, shall protect ecologically significant plant and animal communities unduly threatened by development through establishment of public or private conservation easements or other available means as deemed appropriate.

Objective C-1.3: The City will coordinate with the County and other regional agencies to encourage a greater abundance and diversity of aquatic vegetation and fish species in Bayou Texar, Bayou Chico and Pensacola Bay.

Policy C-1.3.1: Through coordinated efforts with ECUA, the City will encourage alternative methods of gray-water discharge, such as a recycling program, reducing the volume of wastewater discharged into area waters.

Policy C-1.3.2: The Land Development Code will include provisions that require stream bank and shoreline buffer zones adjacent to surface water bodies to enhance filtration of stormwater run-off.

Policy C-1.3.3: The City will permit shoreline development only when such development would not destroy or degrade the estuarine or deepwater environment, provided it meets the following criteria:

1. A plan is in place for mitigation actions in the event that the environment is adversely affected.
2. The economic need and feasibility for the development has been established.

Policy C-1.3.4: The City, in coordination with Escambia County and the ECUA, will implement a public information program to educate residents on the type and use of pesticides that are environmentally safe.

Policy C-1.3.5: The City shall take necessary measures to reduce the quantity and improve the quality of stormwater discharged to area bodies of surface water as follows:

1. Implementation of the Pensacola Bay System S.W.I.M Plan recommendations.
2. Implementation of the Escambia County/City of Pensacola Stormwater Management Plan recommendations.
3. Improvements to the municipal drainage system shall be designed with appropriate water quality control techniques.
4. Continuing maintenance of stormwater systems will be performed in a timely and adequate manner which minimizes adverse environmental impacts.

Policy C- C-1.3.6: The City will encourage further development of artificial reefs to enhance fish populations.

Objective C-1.4: The City shall participate in the development of a hazardous waste management program, in coordination with the State and County, for the proper collection, storage, disposal, and transport of hazardous wastes generated within the City.

Policy C-1.4.1: The City shall continue to respond to all hazardous material incidents in the City in compliance with Title III of the Superfund Amendment and Re-authorization Act of 1986 and the Florida Hazardous Materials Emergency Response and Community Right-to Know Act of 1988.

Policy C-1.4.2: The City, in coordination with Escambia County and the ECUA, shall provide educational material and schedule amnesty days to provide for the

collection of hazardous wastes from City residents and small commercial and industrial hazardous waste generators.

Policy C-1.4.3: The City shall coordinate with County, State, and Federal agencies in the development and compliance of hazardous waste management programs.

Objective C-1.5: The City shall regulate future development on or near floodplain areas to reduce the exposure of human life and property to damage from natural hazards.

Policy C-1.5.1: The City shall establish limits on public expenditures and capital improvement for developments located in Coastal High Hazard Areas (CHHA).

Policy C-1.5.2: The City will actively enforce minimum building standards identified in the adopted Flood Plain Management Ordinance for construction within the 100-year flood plain.

Policy C-1.5.3: The City shall cooperate with the Federal Emergency Management Agency (FEMA) to regularly update the 100-year flood plain and to continue FEMA regulations.

Objective C-1.6: The City shall establish responsibility for the alleviation of the harmful and damaging effects of on-site generated erosion, sedimentation, runoff, and the accumulation of debris on adjacent downhill and/or downstream properties.

Policy C-1.6.1: The City shall require that no person may subdivide or make any change in the use of land or construct or change the size of a structure, except for individual single-family and duplex home construction, without first submitting a stormwater management plan to the City Engineer and obtaining a stormwater management permit from the building official.

Policy C-1.6.2: The City shall require that all land development plans include measures to minimize soil erosion in sensitive soil erosion areas. These plans should utilize native species for landscaping to the maximum extent possible.

Policy C-1.6.3: The City shall review and update its Erosion, Sedimentation, and Runoff Control ordinance as necessary.

Objective C-1.7: The quality of Pensacola's surface and ground waters should meet or exceed the minimum requirements set by the Florida Department of Environmental Protection.

Policy C-1.7.1: The City shall protect all water recharge areas within the City through enforcement of the Land Development Code, and periodic review and

amendment of these regulations, as necessary, to strengthen the overall protection of water recharge areas including but not limited to the following:

1. Open space requirements;
2. Amount of impervious surfaces permitted in critical water recharge areas;
3. Stormwater management;
4. Erosion control;
5. Landscaping and vegetation protection.

Policy C-1.7.2: The City shall utilize maps contained in the *Wellhead Protection Area Delineation in Southern Escambia County, Florida, Water Resources Special Report 97-4, December 1997*, prepared by the Northwest Florida Water Management District, as may be amended, and included by reference, to identify wellhead protection areas around existing water wells and shall continue to cooperate with the Escambia County Utilities Authority in reviewing land use regulations within these areas.

Policy C-1.7.3: The City shall continue to coordinate its efforts with those of federal and State agencies to complete the clean-up of hazardous waste sites and abandoned dump areas to protect the groundwater from leaching.

Policy C-1.7.4: The City shall regulate, minimize or prohibit development which can be expected to cause or increase salt-water intrusion, interfere with water use rights, or pollute or damage ecosystems within the City.

Policy C-1.7.5: The City shall coordinate with the NFWMD to prohibit the extraction of water where use exceeds the available recharge, or in areas of concern near utility wells "cones of influence".

Policy C-1.7.6: The City will continue to coordinate with the ECUA and the Escambia County Health Department to identify the location of individual septic tanks in the City for the purpose of discontinuing septic tank use and requiring future utilization of the sewer collection system.

Objective C-1.8: The City shall encourage the conservation of fresh groundwater and the reuse of existing water supplies.

Policy C-1.8.1: The City shall encourage the development of building codes that provide for the installation of water saving devices in new construction and renovation projects.

Policy C-1.8.2: The City will coordinate with ECUA to investigate the feasibility of establishing a graywater system throughout the City for irrigation and other suitable purposes.

Policy C-1.8.3: To reduce the quantity of potable water used for irrigation, the Land Development Code will include provisions encouraging the use of native vegetation for all development or redevelopment activities, whenever feasible.

Policy C-1.8.4: New development shall not be permitted unless a continual source of potable and/or non-potable water is available to meet the projected needs of the population.

Policy C-1.8.5: The City of Pensacola shall support the water management plans and water shortage plans of the Northwest Florida Water Management District through cooperation with ECUA and through enforcement of water conservation provisions.

Objective C-1.9: The City shall identify and cooperate in the protection of all endangered or threatened species by including appropriate regulations within the Land Development Code.

Policy C-1.9.1: The City shall use a current and complete inventory, prepared by other reliable sources, which includes endangered or threatened plant and animal species, habitat conditions, occurrences and disturbances, in reviewing development proposals.

Policy C-1.9.2: The City shall include regulations within the Land Development Code that prohibits any development that would destroy the habitat of endangered or threatened species, when the habitats has been identified and documented.

Objective C-1.10: The City's wetlands shall be conserved and protected, to the greatest extent feasible, from any adverse physical or hydrological alteration without proper mitigation.

Policy C-1.10.1: The City shall require review and approval of dredge and fill permits by the Florida Department of Environmental Regulation for wetlands within its jurisdiction.

Policy C-1.10.2: Where alteration of wetlands is necessary in order to allow for reasonable use of property, then the restoration of disturbed wetlands shall be provided for or additional wetland areas will be created to replace the area that was destroyed.

Policy C-1.10.3: The City shall designate the Gaberonne Swamp area owned by the City as an environmentally sensitive area to be used only for purposes of low-intensity recreation activities, with construction activities limited to those which will not disturb the natural environment pursuant to FAA approval.

Objective C-1.11: The City shall, as feasible, establish and implement a systematic plan for reforesting its urban fabric that optimizes the resources available in the City Tree Planting Trust Fund.

Policy C-1.11.1: The plan should contain an audit and condition analysis of protected trees existing on public properties, and prioritized replanting plan in roadway rights of way between specific intersections on specific roadways.

Policy C-1.11.2: The plan shall coordinate with regulations in the Land Development Code to produce aesthetic uniformity along roadways and biodiversity throughout the total urban forest, promotion of minimum tree spacing, and planting and maintenance specifications should prescribe best practices to optimized tree life.

GOAL C-2: The City of Pensacola will seek to promote sustainable development which meets the needs of the present without compromising the ability to meet the needs of the future through the protection of the natural environment.

Objective C-2.1: The City will encourage green site development in which the design, construction, and operation promote the preservation of resources and environmentally sensitive construction practices, systems and materials.

Policy C-2.1.1: The City shall promote and encourage the construction of buildings with design by recognized environmental rating agencies including the Florida Green Building Coalition, the National Home Builder Association and the U.S. Green Building Council.

Policy C-2.1.2: The City shall establish land use regulations that provide incentives for the construction of LEED certified buildings.

Policy C-2.1.3: The City shall continue to promote, through its Land Development Code regulations, the use of Florida landscape materials that promote water conservation and the principals of Xeriscape.

CHAPTER 7

RECREATION AND OPEN SPACE

GOAL R-1: The City of Pensacola shall ensure that all Pensacola residents have access to a wide range of recreational facilities and City Parks.

Objective R-1.1: The City will acquire, develop and maintain parks and recreational facilities to meet the needs of the city's current and projected population.

Policy R-1.1.1: The City will adopt a recreational level of service of .5 acres/1000 persons for mini-parks (at a 1/4 mile radius); 2 acres/1000 persons for neighborhood parks (at a 1/2 mile radius); 1.5 acres per 1,000 persons for community parks (city-wide radius); and, 1 acre per 1,000 persons for open space (citywide radius). Activity based level of service standards shall be adopted as follows:

Swimming Pools	1 pool/25,000 population
Tennis Courts	1 court/2,000 population
Basketball Courts	1 court/5,000 population
Baseball/Softball Fields	1 field/3,000 population
Football/Soccer/Rugby Fields	1 field/4,000 population
Golf Course (9-hole)	1 course/25,000 population
Golf Course (18-hole)	1 course/50,000 population

Policy R-1.1.2: The City will acquire and/or develop recreation sites and correct or improve existing deficiencies consistent with the Capital Improvements Element as follows:

- ❖ Baars Park- develop neighborhood park.
- ❖ ~~Acquire land near Legion Field~~ Develop soccer complex at Hitzman Park.
- ❖ Acquire land near Sanders Beach-Corinne Jones Center.
- ❖ ~~Acquire property or implement interlocal agreement for Dory Miller Park.~~
- ❖ Acquire land or implement interlocal agreement for ball fields near "T" and "W" Streets.
- ❖ Coordinate Master Plan for Hollice Williams Park with CRA.
- ❖ Construct Community Center in ~~Service Area 8~~ District 2.
- ❖ ~~Develop Community Aquatic Center~~
- ❖ Develop Mallory Heights Park III.

Policy R-1.1.3: The City will periodically review demographic changes within Pensacola and ~~conduct update~~ needs assessment survey for each park service area to determine necessary equipment and services for City parks and recreational facilities.

Policy R-1.1.4: The City will reduce maintenance cost of parks and recreational facilities by using native plants for landscaping in appropriate areas.

Policy R-1.1.5: Where feasible, the City shall provide additional recreation and open space opportunities including, but not limited to, sites/facilities required to meet LOS standards, and/or sites that would further objectives to protect natural environments, through establishment of public or private conservation easements, or through other available means as deemed appropriate

Policy R-1.1.65: Where feasible in the redevelopment of existing recreation and open space sites or development of new sites, the City shall provide facilities for outdoor recreation activities, including, but not limited to, nature trails or boardwalks, interpretive displays, wildlife observation areas, or picnic areas, if applicable.

Policy R-1.1.76: The City shall identify and prioritize for acquisition, properties that provide for open space amenities, especially if they are located within the urban core or provide access to scenic vistas or waterways.

Policy R-1.1.87: The City shall manage natural areas and waterfront open spaces appropriate for the resources that are contained within, or are being protected by such lands. At a minimum, this shall include removal of non-native and invasive vegetation.

Policy: R-1.1.98: The City shall strive to maintain the quality and availability of recreational facilities for residents throughout the City.

Policy: R-1.1.409: The City shall strive to ensure the quality of the recreational equipment will be provided equally to all recreational facilities in the City.

Objective R-1.2: The City will continue to analyze and improve accessibility of recreational facilities and natural resources.

Policy R-1.2.1: The City will encourage the Pensacola Transportation Planning Organization (TPO) to conduct a study of roadways adjacent to park and recreational facilities and develop a plan for a coordinated system of bicycle lanes and sidewalks/paths linking residential areas with these facilities. This system will be coordinated with plans for existing or proposed state or federal scenic highway corridors and/or greenway trail systems.

Policy R-1.2.2: The City will coordinate with Escambia County Transit System to reasonably assure, when feasible, provision of service to major recreational facilities.

Policy R-1.2.3: The City will maintain existing public access to the greatest extent possible, and if deemed feasible will increase opportunities for public access to the shoreline through establishment of public or private conservation easements or through other available means as deemed appropriate. Private property rights will be protected in providing additional public access to the shoreline.

Objective R-1.3: The City shall coordinate public and private resources to meet development and maintenance needs for recreation by execution of existing interlocal agreements with public agencies and by assistance to private resources through technical help or through co-sponsorship of activities.

Policy R-1.3.1: The City shall continue to contribute funding to the Keep Pensacola Beautiful ~~Escambia Clean Community Commission for the community education program they coordinate with Escambia County School Board about littering and misuse of recreational facilities and~~ for their monitoring of the "Adopt-A-Park" program which coordinates private resources to maintain City parks and rights-of-way.

Policy R-1.3.2: The City shall continue the interlocal agreement for coordination between the City and the Escambia County School Board in the provision and maintenance of shared recreational facilities.

Policy R-1.3.3: The City shall continue to cosponsor recreational programs and events, such as ~~the baseball/softball program and other athletic events,~~ races and festivals, using City facilities and maintenance.

Objective R-1.4: Open space areas, which are accessible to the public for low-intensity use shall be provided through implementation of the open space requirements of the Land Development Code.

Policy R-1.4.1: The City will designate corridor open space areas for new roadways and for reconstruction of existing roadways wherever adequate rights-of-way exist.

Policy R-1.4.2: The City will accept or acquire easements and/or right-of-ways for portions of Gaberonne Swamp and Carpenter Creek from the end of Ellyson Drive north to Bayou Boulevard to protect these areas in their natural state by designating them as conservation districts.

Policy R-1.4.3: The City shall maintain open space areas by implementing Title 12 of the Land Development Code, specifically Chapter 12-2 (zoning district setback requirements) and Chapter 12-8 (subdivision regulations which require a donation of 5% of land for open space or recreation).

Policy R-1.4.4: Open space definitions and standards as described in the Recreation and Open Space Chapter of the Comprehensive Plan will be included in the City of Pensacola Land Development Code.

GOAL R-2: The City shall continue encourageing greater usage of recreational facilities and open spaces.

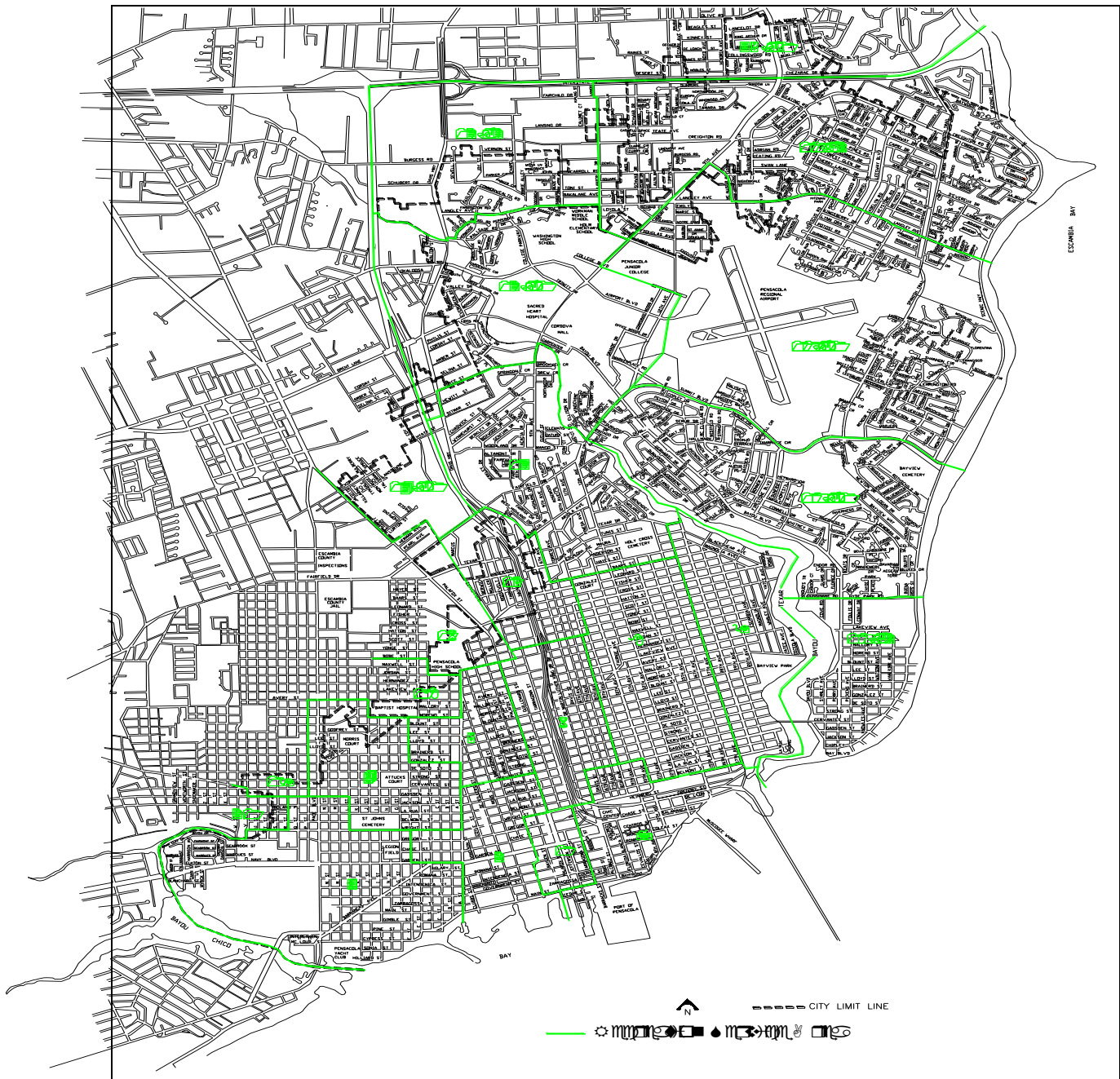
Objective R-2.1: The City will pursue efforts to promote interconnectivity with existing recreational facilities and open spaces.

Policy: R-2.1.1: The City will review existing park locations to determine when interconnections could be established that would promote greater use.

Objective R-2.2: The City will pursue efforts to promote interconnectivity with Escambia County recreational facilities and open space with City resources.

Policy R-2.2.2: The City will ~~coordinate~~work with Escambia County to promote the concept of interconnecting County recreational facilities and City recreational facilities to be used by residents.

City of Pensacola Recreation Service Areas



CHAPTER 8

INTERGOVERNMENTAL COORDINATION

GOAL IC-1: The City of Pensacola shall foster and encourage intergovernmental coordination with Escambia County, other adjacent local governments, and local, regional, State and Federal agencies.

Objective IC-1.1: The City will prepare or update existing interlocal agreements with appropriate governmental entities in Escambia County to provide continued intergovernmental coordination.

Policy IC-1.1.1: The City will continue to review all existing interlocal agreements to evaluate their effectiveness and to assure that any new requirements from the Comprehensive Plan will be addressed in the agreement.

Policy IC-1.1.2: The City will prepare interlocal agreements with Escambia County and/or the ECUA to assure coordination regarding infrastructure development which affects both the City and the County.

Policy IC-1.1.3: The City will prepare an interlocal agreement with the District School Board in order to assure collaborative planning of educational facilities and infrastructure development.

Policy IC-1.1.4: The City will coordinate with the Pensacola State College and the University of West Florida in order to assure collaborative planning of infrastructure development.

Policy IC-1.1.5: The City will continue to promote compatibility with local military service.

Objective IC-1.2: The City will participate in and develop new committees or informal coordination mechanisms which will further intergovernmental coordination.

Policy IC-1.2.1: The City will assist in the development and participate in a joint City/County/ECUA coordinating committee to review future development plans with the ECUA facilities capacities.

Policy IC-1.2.2: The City will continue to participate in existing intergovernmental coordination committees (i.e., Transportation Planning Organization, Bay Area Resource Council, Chamber of Commerce) and expand some of the functions of these committees to address problem areas identified in the Comprehensive Plan.

Policy IC-1.2.3: The City shall establish a regular exchange of City Planning Board agendas and Escambia County Planning Board agendas for the purpose of providing information to each entity regarding certain issues with potential intergovernmental impacts.

Policy IC-1.2.4: The City will coordinate with Escambia County to identify potential adverse effects of development decisions made within a one-half (1/2) mile on either side of the City limits.

Policy IC-1.2.5: The City of Pensacola shall routinely review and coordinate the level of service standards with the WFRPC, TPO, DCA, DEP, FDOT and all other appropriate State, regional and local agencies in the development of each element of the Comprehensive Plan.

Policy IC-1.2.6: The City shall continue to coordinate with the WFRPC and other appropriate agencies to ensure that the impacts of development proposed in the City's plan are coordinated with adjacent local governments (i.e., expansion of marinas, airport, ports, bridges and new roads).

Policy IC-1.2.7: The City shall continue to coordinate with the School District to insure that the School Board has an opportunity to review and comment on the effect of proposed residential development, the effect of comprehensive plan amendments and rezonings on the public school facilities plan.

Objective IC-1.3: The City will continue to enforce LOS standards with Escambia County, the ECUA, and the FDOT, and to coordinate with the District School Board facilities work program.

Policy IC-1.3.1: The City will continue to annually review enforce adopted LOS standards and coordinate with the ECUA in planning for future growth.

Policy IC-1.3.2: The City will continue to enforce adopted roadway LOS standards with Escambia County and FDOT, which are consistent, particularly where roadways pass through jurisdictional boundaries.

Policy IC-1.3.3: The City will coordinate with the District School Board facilities work program, which is used to plan for future growth.

Policy IC-1.3.4: The City will coordinate population estimates and projections with the School Board at a minimum of once each year as part of the review of the DSB facilities work program (5-year plan).

Policy IC-1.3.5: In order to coordinate the effective and efficient provision and siting of educational facilities with associated infrastructure and services within the City, representative of the City and the School Board will meet by June 2000

to develop mechanisms for coordination of educational facilities planning. The City will amend the Plan by January 2001 to incorporate the coordination mechanisms developed.

Objective IC-1.4: The City shall ensure that the impacts of development proposed in the City's Comprehensive Plan are coordinated with adjacent municipalities, Escambia County, WFRPC, the State of Florida, the TPO and other appropriate agencies.

Policy IC-1.4.1: The City will coordinate comprehensive planning with local governmental agencies including the School Board, the WFRPC, the Northwest Florida Water Management District, etc. for all developments that will have a significant impact on the region.

Policy IC-1.4.2: The City will participate in the update of the *West Florida Strategic Regional Policy Plan*.

Policy IC-1.4.3: In order to coordinate the management of environmental systems that fall under the jurisdiction of more than one local government, the City shall:

- * Monitor and evaluate updates to the *Escambia/Santa Rosa Coastal Resource Management Plan*.
- * Participate in the Florida-Alabama TPO.
- * Participate in the formulation of, and coordinate in the implementation of, the *Pensacola Bay System S.W.I.M. Plan* and the *Escambia County/City of Pensacola Stormwater Management Plan*.

Objective IC-1.5: The City will provide for formal or informal conflict resolution mechanisms when necessary to deal with issues of intergovernmental coordination.

Policy IC-1.5.1: The City will utilize the services of the West Florida Regional Planning Council for informal conflict mediation where appropriate.

Policy IC-1.5.2: The City will provide for joint meetings of the City Council and the County Commission to resolve issues relating to intergovernmental coordination

Objective IC-1.6: The City of Pensacola shall periodically sponsor workshops with the Escambia County School District, other units of local government, and the ECUA to discuss future expansion plans and identify any proposed land use or facility impacts.

Policy IC-1.6.1: The City of Pensacola shall annually review the master plans of the Escambia County School District, other units of local government, the WFRPC, the State, and the ECUA in the comprehensive planning process and shall advise the respective bodies concerning inconsistencies.

Objective IC-1.7: The City shall comply with Florida laws for review of annexation requests and for resolving annexation issues.

Policy IC-1.7.1: City and County staff will exchange and review data regarding levels of service and land use for areas that are being considered for annexation.

Policy IC-1.7.2: The City will consider conducting an opinion survey of any area(s) being considered for annexation to determine the feasibility of conducting a referendum prior to initiating an annexation action.

Policy IC-1.7.3: The City will coordinate with State legislators in addressing State laws concerning annexation.

GOAL IC-2: The City of Pensacola shall coordinate and plan with the Escambia County District School Board for the provision of adequate and readily accessible educational sites and the timely construction of school facilities.

Objective IC-2.1: The City will cooperate with the School District in siting individual facilities in an orderly and timely manner that is responsive to alleviating overcrowding, providing special facilities, and meeting the demands of new development through, but not limited to, the following policies.

Policy IC-2.1.1: The City Planning Department will coordinate with the School District staff in the siting of school facilities throughout the City so that their location is consistent with and, to the degree possible, will further the Goals, Objectives, and Policies of the Comprehensive Plan.

Policy IC-2.1.2: The City will evaluate the ability for the co-location of public parks, public library facilities, or other public facilities as appropriate, when school sites are chosen and the development plans prepared. The technical inter-relationships of the Capital Improvements Programs will in part, identify co-location/joint use opportunities.

Objective IC-2.2: The City will provide the School District an opportunity for coordinated, on-going review of the impacts of development.

Policy IC-2.2.1: The City will inform the School District of proposed amendments to the Future Land Use Map of the City.

Policy IC-2.2.2: The City will request that the School District, prior to final consideration by the School Board, formally contact the City regarding any existing school in the City that is being considered for closure, capacity change,

or programmatic change, so that the City can assess the impact of the school closure upon the community and provide formal comments if desired.

CHAPTER 9

CAPITAL IMPROVEMENTS

GOAL CI-1: The City shall utilize development standards which will effectively maximize facilities and will provide for new facilities as growth occurs in a manner consistent with the City's Future Land Use element.

Objective CI-1.1: The City shall utilize the capital improvements element to correct existing deficiencies within the framework of the 5-year Schedule of Improvements; to accommodate desired future growth; and to replace worn-out or obsolete facilities.

Policy CI-1.1.1: The Capital Improvements Element shall include only those facility types explicitly required in Chapter J-5, FAC, which are Sanitary Sewer, Solid Waste, Drainage, Potable Water, Transportation and Parks and Recreation.

Policy CI-1.1.2: All existing deficiencies defined in the CIE shall be evaluated and necessary facilities upgraded and/or replaced utilizing the follow method for prioritizing the year the projects will be implemented:

- * Highest priority will be given to projects which directly affect the health and safety of the public.
- * Second priority will be given to those projects, which would be more cost-effectively undertaken with other facilities under the 5-year Schedule of Improvements.

Policy CI-1.1.3: The Capital Improvement Element's 5-year Schedule of Improvements will be included in the City's Capital Improvement Program and will have priority over any other City capital needs.

Policy CI-1.1.4: Proposed capital improvements projects shall be evaluated based on their direct relationship to the Comprehensive Plan Elements and shall include consideration of:

1. The elimination of existing capacity deficiency;
2. The elimination of public hazards;
3. The project's financial feasibility and impact on the local budget;
4. The project's ability to increase the efficiency of use of existing facilities, prevent or reduce future improvement cost, provide service to developed areas lacking full service, or promote infill development; and,
5. Plans of state agencies and water management districts that provide public facilities within the City.

Policy CI-1.1.5: The City ~~Manager~~ Administrator, Chief Financial Officer, ~~Director of Finance~~, ~~Community Design & Planning Director~~ Administrator, Public Works and Facilities Director, City Engineer ~~Engineering Department~~, Parks and Recreation ~~Leisure Services Director~~, Public Services & Sanitation Director, and the Port Director will serve as the internal review group for the purpose of evaluating and ranking in order of priority projects proposed for inclusion in the 5-year Schedule of Improvements. Other appropriate City officials may, from time to time, be requested to serve on the committee or provide assistance to the committee as circumstances and issues require.

Objective CI-1.2: Infrastructure improvement costs required due to increased use of existing facilities by future development will be proportionately shared by the City and the developer in order to maintain adopted LOS standards taking into account the costs associated with adequately documenting the degree to which future development is responsible for causing such improvements.

Policy CI-1.2.1: The City will implement a stormwater utility fee, if necessary, to assess costs for future drainage improvements and continue to utilize local funding and State and federal grants to adequately maintain adopted LOS standards for drainage. In addition, the City will continue to utilize local optional gas tax to fund local roadway improvements for the purpose of maintaining adopted LOS standards. The City will pursue new revenue sources and methods to fund local roadway and drainage projects.

Policy CI-1.2.2: The City shall continue to implement its program for mandatory dedications or fees in lieu of as a condition of plat approval for the provision of recreation and open space.

Objective CI-1.3: The City shall coordinate its land development process and fiscal resources with its adopted Capital Improvements schedule to ensure all development orders and building permits for future development and redevelopment will only be issued if adopted level of service standards for public facilities are maintained.

Policy CI-1.3.1: All development orders and building permits for future development and redevelopment activities shall be issued by the City only if public facilities necessary to meet the following adopted level of service standards are available concurrent with the impacts of the development.

- * Sanitary Sewer - 100 gallons per capita per day average flow. (Building and Inspections to verify)
- * Solid Waste - 4.52 pounds per capita per day. (Sanitation to verify)
- * Drainage - LOS A - tolerates street flooding to a depth of 3 inches or less in the gutters when the rest of the pavement is passable, and allows open or green space flooding of up to 12" as long as there is no threat to public health or safety, or permanent impediment to

the intended use of the property; LOS B - tolerates flooding of entire street surface up to 4" at centerline of roadway; LOS C - tolerates structure flooding; based on the following design criteria:

In existing developments adequate drainage capacity to accommodate run-off associated with a ~~3~~10-year, ~~12-hour~~ critical duration design (pre-development rate) storm for collection systems.

In new developments adequate drainage capacity to accommodate a ~~25~~100-year, ~~12~~24-hour critical duration design storm (pre-development rate) for collection systems and for retention and detention ponds. As a minimum the first $\frac{1}{2}$ -1" of runoff must be retained on the site of the development. At the discretion of the City Engineer, retention standards may be increased beyond the $\frac{1}{2}$ -1" minimum standards and the 100-year design storm on a site-specific basis.

- * Potable Water - 118 gallons per capita per day (gpcd) for Zone 1, 146 gpcd for Zone 2. (Building Inspections to verify)

*	Roadway Type	LOS (Peak hour)
	State Roadways	
	Intrastate	C
	Other State Roads	E
	Roads Within the TCEA	Exempt
	Local Collector Roads	E
	Other Local Roads	C

- * Recreation Standards (Parks/Rec to verify)
 Acreage - .5 acres/1000 persons for mini parks (1/4 mile radius); 2 acres/1000 persons for neighborhood parks (1/2 mile radius); 1.5 acres/1000 persons for community parks (citywide radius), and; 1 acre/1,000 persons for open space (citywide radius).

Swimming Pool	1 pool/25,000 persons
Tennis Court	1 court/2,000 "
Basketball Court	1 court/5,000 "
Baseball/Softball Field	1 field/3,000 "
Football/Soccer/Rugby Field	1 field/4,000 "
Golf Course	1-9-hole course/25,000
Golf Course	1-18-hole course/50,000

Policy CI-1.3.2: The City will not issue development orders unless public facilities that meet adopted LOS standards are available or meet the requirements of the City's adopted Concurrency Management System.

Policy CI-1.3.3: The City shall make provision for the availability of public facilities to serve developments for which development orders were issued prior to the adoption of the Comprehensive Plan.

Policy CI-1.3.4: The City shall track all de minimis impact of development for annual submittal of the CIE through the established concurrency management system.

Objective CI-1.4: The City shall utilize all funding resources and mechanisms which are necessary for capital improvements.

Policy CI-1.4.1: The City shall study the feasibility of implementing as many local funding mechanisms as possible for capital improvements.

Objective CI-1.5: The City shall follow the 5-year Schedule of Improvements (as amended from time to time) as set forth in the Capital Improvements Element (CIE) except in the instance of unforeseen natural disasters or cut-backs in funding sources, either of which could change funding or expenditure priorities.

Policy CI-1.5.1: The City shall review the CIE on an annual basis to ensure that the required fiscal resources are available to provide public facilities to support adopted LOS standards.

Policy CI-1.5.2: The City shall adopt a monitoring and evaluation program for the review of the CIE.

Objective CI-1.6: Proposed expenditure of public funds that subsidize or enable land development in Coastal High Hazard Areas shall be limited to those projects identified in the Coastal Management Chapter.

Policy CI-1.6.1: The use of City funds for shoreline development in the CHHA will be based on the following priorities:

- A. Water dependent uses
- B. Water related recreation
- C. Residential
- D. Commercial

Objective CI-1.7: The City shall adopt its CIE at the same time that it adopts its Annual Operating Budget. The CIE shall include those projects necessary to maintain the adopted level of service standards set forth in Policy 1.3.1.

Policy CI-1.7.1: The ratio of general government debt service expenditures to general government total expenditures shall not exceed 15 percent (as measured by either the most recent comprehensive annual financial report or the adopted current year budget) except when a proposed borrowing is necessitated to finance reconstruction following emergencies (such as a hurricane or natural disaster).
(Finance to verify this section and update Capital Improvements chart below...)

CAPITAL IMPROVEMENTS FY 2011 - FY 2015																	
(S) Source	2011			2012			2013			2014			2015			TOTAL PROJECTS	CITY'S SHARE
PROJECT	COST	CITY'S SHARE	OTHER SHARE	COST	CITY'S SHARE	OTHER SHARE	COST	CITY'S SHARE	OTHER SHARE	COST	CITY'S SHARE	OTHER SHARE	COST	CITY'S SHARE	OTHER SHARE		
PORT																	
Maintenance Dredging	640,000	320,000 (1) Port	320,000 (2) FSTED													640,000	320,000
Port Intermodal Rail Enhancements	2,750,000	0	2,750,000 (18) TIGER II													2,750,000	0
America's Marine Highways Terminal & Facilities Development, Phase I				900,000	225,000 TBD	675,000 (16) MARAD	900,000	225,000 TBD	675,000 (16) MARAD							1,800,000	450,000
America's Marine Highways Terminal & Facilities Development, Phase II										450,000	112,500 TBD	337,500 (16) MARAD	450,000	112,500 TBD	337,500 (16) MARAD	900,000	225,000
Dockside Utility Improvements	150,000	75,000 (1) Port	75,000 (2) FSTED													150,000	75,000
On-dock Rail Switch Repairs	60,000	60,000 (1) Port	0													60,000	60,000
Entrance Gate Relocation and Improvements	250,000	50,000 (1) Port	200,000 (3) TSA													250,000	50,000
Intermodal Rail Replacement				1,000,000	0	1,000,000 (18) TIGER II	1,000,000	0	1,000,000 (18) TIGER II							2,000,000	0
Dock & Wharf Apron Strengthening (Berth 6 Rehabilitation)				1,100,000	0	1,100,000 (18) TIGER II	1,100,000	0	1,100,000 (18) TIGER II							2,200,000	0
Berth 6 Fender System Replacement							1,000,000	0	1,000,000 (18) TIGER II							1,000,000	0
Port Total	3,850,000	505,000	3,345,000	3,000,000	225,000	2,775,000	4,000,000	225,000	3,775,000	450,000	112,500	337,500	450,000	112,500	337,500	11,750,000	1,180,000
STORMWATER PROJECTS																	
Davis Highway at Valley Drive							309,700	309,700 (5) SWCP		255,000	255,000 (5) SWCP					564,700	564,700
Sanders Beach Storm Sewer Reconstruction										370,000	370,000 (5) SWCP		500,000	500,000 (5) SWCP		870,000	870,000
Gaberonne Swamp Stormwater Enhancements				200,000	200,000 (5) SWCP											200,000	200,000
Land Acquisition Retention Pond Sites										35,000	35,000 (5) SWCP		300,000	300,000 (5) SWCP		335,000	335,000
Baywoods Gulley Stormwater Enhancements				200,000	200,000		295,300	295,300 (5) SWCP								495,300	495,300
Carpenters Creek at Brent Lane				370,000	370,000 (5) SWCP		200,000	200,000 (5) SWCP								570,000	570,000
"L" and Zaragossa Street Drainage Improvements				340,000	340,000 (5) SWCP		104,200	104,200 (5) SWCP								444,200	444,200
12th Avenue at Carpenter's Creek	20,000	20,000 (5) SWCP		250,000	250,000 (5) SWCP		180,800	180,800 (5) SWCP								450,800	450,800
Bayou Chico Stormwater Outfall Retrofits	500,000	500,000 (5) SWCP		300,000	300,000 (5) SWCP											800,000	800,000
Birnam Woods S/D Discharge at Bayou Texar	340,000	340,000 (5) SWCP														340,000	340,000
Scenic Heights Discharge (Langley into Escambia Bay)										500,000	500,000 (5) SWCP		500,000	500,000 (5) SWCP		1,000,000	1,000,000

Bayou Blvd at Tyler Discharge														360,000	360,000 (5) SWCP		360,000	360,000
Stormwater Vaults Citywide	14,200	14,200 (5) SWCP		250,000	250,000 (5) SWCP		250,000	250,000 (5) SWCP		250,000	250,000 (5) SWCP		250,000	250,000 (5) SWCP		1,014,200	1,014,200	
DeSoto Street @ Bayou Texar (Western Shore)							450,000	450,000 (5) SWCP								450,000	450,000	
Stormwater Capital Maintenance	162,600	162,600 (5) SWCP		326,800	326,800 (5) SWCP		326,800	326,800 (5) SWCP		326,800	326,800 (5) SWCP		326,800	326,800 (5) SWCP		1,469,800	1,469,800	
Northmoor Court @ Carpenter's Creek							120,000	120,000 (5) SWCP		500,000	500,000 (5) SWCP					620,000	620,000	
Admiral Mason Park	800,000	800,000 (5) SWCP														800,000	800,000	
Stormwater Total	1,836,800	1,836,800	0	2,236,800	2,236,800	0	2,236,800	2,236,800	0	2,236,800	2,236,800	0	2,236,800	2,236,800	0	10,784,000	10,784,000	
TRANSPORTATION																		
Street Rehabilitation (Formerly Street Resurfacing)	853,400	853,400 (6) LOGT		853,400	853,400 (6) LOGT		853,400	853,400 (6) LOGT		853,400	853,400 (6) LOGT		853,400	853,400 (6) LOGT		4,267,000	4,267,000	
Street Reconstruction	521,900	521,900 (6) LOGT		521,900	521,900 (6) LOGT		521,900	521,900 (6) LOGT		521,900	521,900 (6) LOGT		521,900	521,900 (6) LOGT		2,609,500	2,609,500	
Intersection/Traffic Improvements	118,300	118,300 (6) LOGT		118,300	118,300 (6) LOGT		118,300	118,300 (6) LOGT		118,300	118,300 (6) LOGT		118,300	118,300 (6) LOGT		591,500	591,500	
Transportation Total	1,493,600	1,493,600	0	1,493,600	1,493,600	0	1,493,600	1,493,600	0	1,493,600	1,493,600	0	1,493,600	1,493,600	0	7,468,000	7,468,000	
AIRPORT																		
2011																		
Install Pedestrian Sidewalks and Bike Path - GA	600,000	300,000 (7) CIA (9) PFC	300,000 (8) FDOT													600,000	300,000	
Parking Garage Expansion	30,000,000	0	30,000,000 (17)													30,000,000	0	
Relocate Fuel Farm Phase I	200,000	10,000 (7) CIA (9) PFC	190,000 (11) FAA													200,000	10,000	
Landside Access Road Improvements	250,000	12,500 (7) CIA (9) PFC	237,500 (11) FAA													250,000	12,500	
Areawide Wayfinding Signage	400,000	400,000 (7) CIA (9) PFC														400,000	400,000	
Acquisition of Army Reserve Center and Construction of Parking Lot	6,900,000	5,150,000 (7) CIA (9) PFC	1,750,000 (8) FDOT													6,900,000	5,150,000	
Acquire Land - Commerce Park Phase I	1,333,400	333,400 (7) CIA (9) PFC	1,000,000 (8) FDOT													1,333,400	333,400	
Apron Joint Seal Replacement and Line Removal	600,000	30,000 (7) CIA (9) PFC	570,000 (11) FAA													600,000	30,000	
Expand GA Apron - Design	351,000	17,550 (7) CIA (9) PFC	333,450 (11) FAA													351,000	17,550	
Additional GA Ramp - Design	400,000	20,000 (7) CIA (9) PFC	380,000 (11) FAA													400,000	20,000	
Landside Signage Improvements Phase I	400,000	20,000 (7) CIA (9) PFC	380,000 (11) FAA													400,000	20,000	
Master Plan Update	1,200,000	60,000 (7) CIA (9) PFC	1,140,000 (11) FAA													1,200,000	60,000	
Terminal Roadway Improvements Phase 1	1,900,000	95,000 (7) CIA (9) PFC	1,805,000 (11) FAA													1,900,000	95,000	

2012																	
Pave Interior Perimeter Road				489,500	24,500	465,000										489,500	24,500
					(7) CIA (9) PFC	(11) FAA											
Acquire Land - Commerce Park Phase I				1,333,333	333,333	1,000,000										1,333,333	333,333
					(7) CIA (9) PFC	(8) FDOT											
Improvements to Retention Pit - Design				900,000	45,000	855,000										900,000	45,000
					(7) CIA (9) PFC	(11) FAA											
Relocate Fuel Farm Phase II				900,000	45,000	855,000										900,000	45,000
					(7) CIA (9) PFC	(11) FAA											
Environmental Assessment for ILS at R/W 35				250,000	12,500	237,500										250,000	12,500
					(7) CIA (9) PFC	(11) FAA											
Airfield Pavement and Lighting Rehab - Design				150,000	7,500	142,500										150,000	7,500
					(7) CIA (9) PFC	(11) FAA											
2013																	
Acquire Land - Commerce Park Phase I							1,333,400	333,400	1,000,000							1,333,400	333,400
								(7) CIA (9) PFC	(8) FDOT								
New ARFF Vehicle (fire rescue)							700,000	35,000	665,000							700,000	35,000
								(7) CIA (9) PFC	(11) FAA								
Construct Hold Pads							1,210,000	60,500	1,149,500							1,210,000	60,500
								(7) CIA (9) PFC	(11) FAA								
Replace Perimeter Fence							900,000	45,000	855,000							900,000	45,000
								(7) CIA (9) PFC	(11) FAA								
Remove Old TRACON Building							1,000,000	50,000	950,000							1,000,000	50,000
								(7) CIA (9) PFC	(11) FAA								
2014																	
Acquire Land - Commerce Park Phase II										2,000,000	500,000	1,500,000				2,000,000	500,000
											(7) CIA (9) PFC	(8) FDOT					
New ARFF Vehicle										700,000	35,000	665,000				700,000	35,000
											(7) CIA (9) PFC	(11) FAA					
Additional GA Ramp - Construction										3,000,000	150,000	2,850,000				3,000,000	150,000
											(7) CIA (9) PFC	(11) FAA					
EA/EIS for GA R/W 17L/35R										229,000	11,450	217,550				229,000	11,450
											(7) CIA (9) PFC	(11) FAA					
Strengthen SW Ramp - Design										200,000	10,000	190,000				200,000	10,000
											(7) CIA (9) PFC	(11) FAA					
2015																	
Acquire Land - Commerce Park Phase II													2,000,000	500,000	1,500,000	2,000,000	500,000
														(7) CIA (9) PFC	(8) FDOT		
Strengthen Cargo Ramp											900,000	45,000	855,000	(7) CIA (9) PFC	(11) FAA	900,000	45,000
Design/Build Connecting Taxiways to Additional T-Hangers											955,000	47,750	907,250	(7) CIA (9) PFC	(11) FAA	955,000	47,750
Strengthen SW Ramp - Construction											1,300,000	65,000	1,235,000	(7) CIA (9) PFC	(11) FAA	1,300,000	65,000
GA Ramp Expansion - Design											600,000	30,000	570,000	(7) CIA (9) PFC	(11) FAA	600,000	30,000
Airport Total	44,534,400	6,448,450	38,085,950	4,022,833	467,833	3,555,000	5,143,400	523,900	4,619,500	6,129,000	706,450	5,422,550	5,755,000	687,750	5,067,250	65,584,633	8,834,383
GRAND TOTAL FOR ALL PROJECTS	51,714,800	10,283,850	41,430,950	10,753,233	4,423,233	6,330,000	12,873,800	4,479,300	8,394,500	10,309,400	4,549,350	5,760,050	9,935,400	4,530,650	5,404,750	95,586,633	28,266,383

- (1) PORT - Port Funds
(2) FSTED - Florida Seaport Transportation Economic Development Council
(3) PI - Private Investment
(4) TSA - Transportation Security Administration Grant
(5) SWCP - Stormwater Capital Projects Fund
(6) LOGT - Local Option Gas Tax
(7) CIA - Capital Improvements Fund, Airport
(8) FDOT - Florida Department of Transportation
(9) PFC - Passenger Facility Charge
(10) CFC - Customer Facility Charge
(11) FAA - Federal Aviation Administration Entitlements
(12) SISGM - Strategic Intermodal System Growth Management
(13) Bond - Airport Bonds
(14) ARRA - American Recovery & Reinvestment Act Port Security Grant Program (funding pending grant award)
(16) MARAD - US Maritime Administration America's Marine Highways Program (projected future funding source)
(17) - Economic Recovery Funds (to be constructed if funds are awarded)
(18) TIGER II - National Infrastructure Investments funding pending grant award

CHAPTER 10

HISTORIC PRESERVATION

GOAL HP-1: The City shall continue to preserve its existing historic buildings, historic sites, and historic and preservation districts.

Objective HP-1.1: The City shall continue to enforce its existing historic preservation ordinances.

Policy HP-1.1.1: The City shall, through its historic preservation ordinances, continue to provide zoning categories that support the purpose and character of each historic and preservation district and identify appropriate permitted and conditional uses in those districts.

Policy HP-1.1.2: The City shall, through its historic preservation ordinances, continue to provide procedures for review and for the continuation of the Architectural Review Board as the principal review authority.

Policy HP-1.1.3: The City shall, through its historic preservation ordinances, continue to reference the “The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” as a guiding document for historic preservation efforts.

Policy HP-1.1.4: The City shall, through its historic preservation ordinances, continue to provide standards and guidelines for restoration, rehabilitation, alterations, and additions, to existing contributing structures within its historic and preservation districts.

Policy HP-1.1.5: The City shall, through its historic preservation ordinances, continue to provide standards and guidelines for restoration, rehabilitation, alterations, and additions, to existing non-contributing and modern in-fill structures within its historic and preservation districts.

Policy HP-1.1.6: The City shall, through its historic preservation ordinances, continue to provide standards and guidelines for the construction of new structures within its historic and preservation districts.

Policy HP-1.1.7: The City shall, through its historic preservation ordinances, continue to provide standards and guidelines for demolition and relocation of all structures in the historic and preservation districts.

Objective HP-1.2: The City shall maintain an Architectural Review Board which shall have the purpose of preserving and protecting historic or architecturally-significant buildings and historic and preservation districts.

Policy HP-1.2.1: The Architectural Review Board shall review all development activities in the historic and preservation districts and apply the historic preservation ordinances adopted by the City of Pensacola.

Policy HP-1.2.2: The Architectural Review Board shall refer to “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” in making its decisions pertaining to contributing historic structures.

Policy HP-1.2.3: The Architectural Review Board shall consider the distinct historical context, development pattern, neighborhood integrity and architectural character of each historic and preservation district in making its decisions.

Policy HP-1.2.4: The Architectural Review Board shall have the authority to grant variances to the Land Development Code when it determines that the granting of said variances are consistent with historic character of a structure or its corresponding historic or preservation district.

Objective HP-1.3: The City shall maintain the historic character and aesthetics of its historic and preservation districts.

Policy HP-1.3.1: The City shall maintain the historic street patterns and street names in each historic and preservation district.

Policy HP-1.3.2: The City shall continue to provide and maintain street lights and similar municipal appurtenances in the public rights-of-way to create aesthetically pleasing streetscapes.

Policy HP-1.3.2: The City shall continue to provide and maintain landscaping, street lights, and similar municipal appurtenances in the public rights-of-way to provide an aesthetically pleasing streetscape.

Policy HP-1.3.3: The City shall require all traffic control signs, traffic signals, transformers, switching gear and related accessory equipment to be installed in the public right-of-way in the historic and preservation districts are approved by the Architectural Review Board.

Policy HP-1.3.4: The City shall encourage all utility providers to place their utilities underground in historic and preservation districts to protect the aesthetic character of the districts.

Policy HP-1.3.5: The City shall formulate regulations pertaining to Architectural Review Board approval of all new electrical, telephone and cable wires and related equipment, such as (but not limited to) utility cabinets, transmission poles and transformers, to be installed in the historic and preservation district.

Objective HP-1.4: The City shall strengthen existing ordinances, as necessary, in order to preserve the integrity of historic buildings, historic sites, and historic and preservation districts.

Policy HP-1.4.1: The City shall review its historic preservation ordinances and identify its strengths and weaknesses.

Policy HP-1.4.2: The City shall strengthen existing ordinances, as necessary, in order to enhance the preservation of the integrity of historic buildings and historic and preservation districts.

Policy HP-1.4.3: The City shall create a separate chapter in its Land Development Code which contains all new and revised regulations and guidelines pertaining to historic buildings, historic sites, and historic and preservation districts.

GOAL HP-2: The City shall continue to identify buildings, sites and neighborhoods with historic significance and deserving of preservation.

Objective HP-2.1: The City shall continue to identify and encourage the preservation, continued use or adaptive reuse of buildings that are eligible for designation as historic buildings.

Policy HP-2.1.1: The City shall provide guidance to citizens seeking to have historic structures placed on the Florida Master Site File.

Policy HP-2.1.2: The City shall provide guidance to citizens seeking to have historic structures placed on the National Register of Historic Places.

Objective HP-2.2: The City shall continue to identify established neighborhoods that may deserve designation as a historic or preservation district, subject to the approval of its residents.

Goal HP-2.2.1: The City shall identify existing neighborhoods for designation as a locally-designated historic or preservation district.

Goal HP-2.2.2: The City shall establish adequate standards and guidelines for these districts in its historic preservation ordinances to maintain its historic character and aesthetic quality.

Goal HP-2.2.3: The City shall provide guidance in the nomination of qualified historic and preservation districts to the National Register of Historic Places.

GOAL HP-3: In conjunction with the University of West Florida, West Florida Historic Preservation, Inc., and other community organizations, the City shall continue to support activities relating to historic preservation.

Policy HP-3.1: The City shall support the historic preservation roles of the University of West Florida, West Florida Historic Preservation, Inc., community organizations, neighborhood associations and individuals.

Goal HP-3.1.1: The City shall encourage and support historic building surveys of its neighborhoods and the listing of historic buildings on the Florida Master Site File.

Goal HP-3.1.2: The City shall encourage and support the nomination of historic buildings and sites to the National Register of Historic Places.

Goal HP-3.1.3: The City shall assist the Pensacola Bay Area Convention and Visitors Bureau and other organizations in providing local heritage tourism programs.

Goal HP-3.1.4: The City shall encourage and support activities that involve walking, bicycling and driving through historic and preservation districts.

Goal HP-3.1.5: The City shall encourage community and cultural events to take place in the historic and preservation districts, with the cooperation of their residents, to enhance awareness and appreciation of the heritage and resources of these districts.

Goal HP-3.1.6: The City shall have “The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings” and similar technical publications available for review by those interested in the preservation of historic structures.

Policy HP-3.2: The City of Pensacola shall maintain an archaeological review procedure for all proposed construction on City-owned property.

Goal HP-3.2.1: The City shall maintain an archaeological review procedure that provides for an initial determination and review of project impact for projects on City-owned property.

Goal HP-3.2.2: The archaeological review procedure shall be conducted by a professional archaeologist meeting the standards of the Society of Professional Archaeology and having substantial experience in the archaeology and history of Pensacola.

Goal HP-3.2.3: The City shall prepare a memorandum of agreement specifying actions to be taken to avoid or mitigate any adverse effects of construction on any archaeological resources found during the process.

CHAPTER 11

PUBLIC SCHOOL FACILITIES ELEMENT

GOAL PSFE-1: Coordinate and maintain high quality education facilities

Coordinate with the School Board of City of Pensacola (herein "School Board") to ensure high quality public school facilities that are consistent with the Comprehensive Plan and serve to enhance communities.

Objective PSFE-1.1: Schools as community focal points

Enhance communities and encourage school facilities to serve as community focal points through effective school facility design and siting standards. The location will be coordinated with the future land use map.

Policy PSFE-1.1.1: School location

New schools shall be located proximate to the student population they are intended to serve. New elementary schools shall be located within walking distance of the residential neighborhoods to be served.

Policy PSFE-1.1.2: Shared-use and co-location of school sites

Coordinate with the School Board to continue to permit the shared-use and co-location of school sites and City facilities with similar facility needs as described in the Interlocal Agreement for Public School Facility Planning dated August 7th, 2006 (herein "Interlocal Agreement"). The City will identify opportunities for collocation and shared use facilities when preparing updates to the Schedule of Capital Improvements and when planning and designing new community facilities.

Policy PSFE-1.1.3: Emergency shelters

City of Pensacola will continue to coordinate with the School Board on emergency preparedness issues, including the use of public schools as emergency shelters as required by Section 163.3177(12)(g)(8), Florida Statutes. The School Board will continue to fulfill the building code requirements of Section 1012.372, Florida Statutes, such that as appropriate new educational facilities will serve as public shelters for emergency management purposes.

Policy PSFE-1.1.4: School design

The School Board will design and ensure performance standards for new school facilities according to the "Design Guidelines and Technical Specifications 2006"

Florida Department of Education State Requirements for Educational Facilities (SREF).

Policy PSFE-1.1.5: Community vitality

The City of Pensacola will continue to recognize the interconnected importance of quality neighborhood school retention with community economic development, neighborhood stability, diversity and sustainability efforts. Therefore, in partnership with other agencies, the City will encourage the maintenance and improvement of urban schools to preserve and enhance neighborhood quality and vitality.

Policy PSFE-1.1.6: Attracting new residents

The City of Pensacola will support the vitality of urban schools by encouraging new residents to locate in underutilized school districts. Where appropriate, existing homeownership and rehabilitation incentives may be utilized to attract families to such school districts and encourage the private sector to maintain a housing production capacity sufficient to meet the needs of families between moderate and upper level incomes.

Objective PSFE-1.2: Future land use and school siting

Consistent with Section 163.3177, Florida Statutes, the City will include sufficient allowable land use designations for schools proximate to residential development to meet the projected need for schools.

Policy PSFE-1.2.1: Future Land Use categories.

Consistent with the City's Future Land Use Element, public schools shall be an allowable use in all land use categories, except for Conservation. The Land Development Code may include siting standards for schools, consistent with the Comprehensive Plan. The City will consider the provisions of Section 1013.33(13), Florida Statutes (2007).

Policy PSFE-1.2.2: Flood zones and coastal high hazard area

Consistent with the City's Future Land Use Element, future schools shall not be allowed within the coastal high hazard area as delineated by the City.

Objective PSFE-1.3: School facility siting and consistency with the Comprehensive Plan

The City shall ensure that the planning, construction, and opening of educational facilities are coordinated in time and place, concurrent with necessary services and infrastructure, and consistent with the Comprehensive Plan.

Policy PSFE-1.3.1: Consistency with Comprehensive Plan

The City will coordinate with the School Board by giving an informal assessment regarding the consistency of potential new school sites, and significant expansions or potential closures of existing schools with the Comprehensive Plan, as described in the Interlocal Agreement. The informal assessment reviews, as applicable, the following: environmental suitability, transportation and pedestrian access, availability of infrastructure services, safety concerns, land use compatibility, consistency with community vision, and other relevant issues.

Policy PSFE-1.3.2: Review of school sites

The City shall review potential new school sites, and significant expansions or potential closures of existing schools for consistency with the following criteria:

- a. That school sites are compatible with present and projected uses of adjacent property.
- b. The locations of proposed new elementary schools are proximate to and within walking distance of the residential neighborhoods served.
- c. The locations of proposed new high schools are on the periphery of residential neighborhoods, with access to major roads.
- d. Existing or planned adequate public facilities are available to support the school.
- e. Safe access to and from the school site is available for by pedestrians and vehicles.
- f. The site is well drained and the soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements.
- g. The proposed school location is not within a velocity flood zone or floodway, as delineated in the applicable comprehensive plan.
- h. The site is not in conflict with City stormwater management plans or watershed management plans;
- i. The proposed site can accommodate required parking, circulation, and queuing of vehicles.
- j. The proposed location lies outside the area regulated by Section 333.03, F.S., regarding the construction of public educational facilities in the vicinity of an airport.

The City shall also consider the following in its review:

- a. Site acquisition and development costs;
- b. Whether existing schools can be expanded or renovated to support community redevelopment and revitalization;
- c. Efficient use of existing infrastructure;
- d. Discouragement of urban sprawl;
- e. Environmental constraints that would either preclude or render cost infeasible the development or significant renovation of a public school on a site; and
- f. Adverse impacts to archaeological or historic sites.

Objective PSFE-1.4: Pedestrian access to schools

The City shall work with the School Board to improve safe student access to school facilities, and to reduce hazardous walking conditions consistent with the Florida Safe Ways to School Program.

Policy PSFE-1.4.1: Bicycle and pedestrian access

All public schools shall provide bicycle and pedestrian access consistent with Florida Statutes. Parking at public schools will be provided consistent with the City's Land Development Code (LDC) requirements.

Policy PSFE-1.4.2: Sidewalk Master Plan

The City will continue to review the Sidewalk Master Plan to comprehensively address bicycle and pedestrian needs. The plan will continue to focus on bicycle and pedestrian needs relating to school facilities.

Policy PSFE-1.4.3: Sidewalk/pedestrian improvements

In order to ensure continuous pedestrian access to public schools, priority for City sidewalk/pedestrian improvements will be given to cases of hazardous walking conditions pursuant to Section 1006.23, Florida Statutes, and specific provisions for constructing such facilities will be included in the schedule of capital improvements adopted each fiscal year.

Policy PSFE-1.4.4: New development adjacent to school property

New developments adjacent to existing or planned school sites shall be required to provide a right-of-way and a direct access path for pedestrian travel.

Policy PSFE-1.4.5: Sidewalk requirements for development near schools

New residential developments and redevelopment shall be required to provide sidewalks (complete, unobstructed, continuous with a minimum width of 5 feet) along collector, arterial, and local roads designed to move traffic through subdivisions. Sidewalks shall be required pursuant to the City's Community Design Standards.

Policy PSFE-1.4.6: Coordination with FL-AL TPO

Continue to coordinate with the FL-AL TPO to ensure funding for safe access to schools including participation in the Bicycle Pedestrian Advisory Committee and the Community Traffic Safety Team.

Objective PSFE-1.5: Coordinate Future Land Use Map amendments and DRIs to maintain school capacity

It is the objective of the City to coordinate petitions for future land use changes and developments of regional impact to maintain adequate school capacity to meet future growth needs. This goal will be accomplished recognizing the School Board's statutory and constitutional responsibility to provide a uniform system of free and adequate public schools, and the City's authority for land use, including the authority to approve or deny petitions for comprehensive plan amendments, re-zonings or final plat and site plans that generate students and impact the City of Pensacola school system.

Policy PSFE-1.5.1: School Board review and input

As per section 7.6 of the Interlocal Agreement the City shall take the School Board comments and findings on the availability of adequate school capacity into consideration when reviewing comprehensive plan amendments and other land use decisions.

Policy PSFE-1.5.2: Determining impact of Future Land Use changes and DRIs

The School Board shall use the adopted student generation rates to estimate the potential impact of a proposed future land use change or DRI on available school capacity. When such analysis projects a potential deficiency, the School Board shall include in its comments how it will propose to meet the projected demand. The City will take these comments into consideration per Policy PSFE-1.5.1 prior to approving or denying any future land use change or DRI.

GOAL PSFE-2: Implement school concurrency

The School Board will coordinate with the City to assure the future availability of public school facilities to serve new development will be consistent with the adopted level of service standards. This goal will be accomplished recognizing the School Board's statutory and constitutional responsibility to provide a uniform system of free and adequate public schools, and the City's authority for land use, including the authority to approve or deny comprehensive plan amendments, re-zonings or other development orders that generate students and impact the City's school system.

Objective PSFE-2.1: Level of Service standards

The City will coordinate with the School Board to ensure that the capacity of schools is sufficient to support residential development at the adopted level of service (LOS) standards within the period covered by the 5-year schedule of capital improvements, and the long range planning period. The adopted LOS standards shall be achieved by the conclusion of the first 5-year schedule of capital improvements and the LOS standards shall be maintained each subsequent year. These standards shall be consistent with the Interlocal Agreement agreed upon by the School Board, the City, and the local municipalities.

Policy PSFE-2.1.1: Consistency

The LOS standards set forth herein shall be applied consistently by all local governments within City of Pensacola and by the School Board to all schools of the same type.

Policy PSFE-2.1.2: Level of Service standards

Consistent with the Interlocal Agreement, the City and School Board agree to the following level of service standards for school concurrency in City of Pensacola, based on Florida Inventory of School Houses (FISH) permanent capacity, maximum school size by type, core facility capacity. In calculating achievement of LOS relocatables are not considered permanent capacity and school enrollment shall be based on the annual enrollment of each school based on actual counts reported to the Department of Education in October of each year.

TYPE OF SCHOOL	LEVEL OF SERVICE
Existing	100% of FISH permanent capacity
New or Expansion to Elementary (K-5)	100% of FISH permanent capacity and school size shall not exceed FISH permanent capacity of 800.
New or Expansion to Middle (6-8)	100% of FISH permanent capacity and school size shall not exceed FISH permanent capacity of 1200.
New or Expansion to High (9-12)	100% of FISH permanent capacity and

	school size shall not exceed FISH permanent capacity of 2000.
New or Expansion to Combination (K-8)	100% of FISH permanent capacity and school size shall not exceed FISH permanent capacity of 2000.
Centers	100% of FISH permanent capacity or the level of service based on the student/teacher ratios dictated by specific programs, whichever is lowest.
LEVEL-OF SERVICE STANDARD FOR CORE FACILITIES (K-5, 6-8, K-8)	
Dining/Kitchen	100% of permanent Total Capacity*
* Total Capacity for Dining/Kitchen facility shall be based on a standard of three (3) feeding periods per day based on the design capacity of the core facilities.	
LEVEL-OF SERVICE STANDARD FOR CORE FACILITIES (9-12)	
Dining/Kitchen	100% of permanent Total Capacity*
* Total Capacity for Dining/Kitchen facility shall be based on a standard of four (4) feeding periods per day based on the design capacity of the core facilities.	

Policy PSFE-2.1.3: Amending Level of Service standards

Potential amendments to the LOS standards shall be considered at least annually at the staff working group meeting referenced in subsection 1.1 of the Interlocal Agreement. If there is consensus to amend any level of service, it shall be accomplished by the execution of an amendment to the Interlocal Agreement by all parties and the adoption of amendments to the City, City and Town's comprehensive plans. The amended LOS shall not be effective until all plan amendments are effective, and the amended Interlocal Agreement is fully executed.

Policy PSFE-2.1.4: Financial feasibility of LOS

No LOS standard shall be amended without a showing that the amended LOS standard is financially feasible, supported by adequate data and analysis, and can be achieved and maintained through the five-year schedule for capital improvements.

Objective PSFE-2.2: School Concurrency Service Areas

The City shall establish School Concurrency Service Areas, as the areas within which an evaluation is made to determine if adequate school capacity is available based on the adopted level of service standards.

Policy PSFE-2.2:1: Concurrency Service areas

The Concurrency Service Areas for the City as agreed in the Interlocal Agreement, shall be coterminous with the attendance zone for each individual school. For special purpose centers, charter schools, and magnet schools the concurrency service area shall be district-wide.

Policy PSFE-2.2:2: Maximize capacity utilization

Concurrency service areas shall maximize capacity utilization, taking into account transportation costs, limiting maximum student travel times, achieving socio-economic, racial and cultural diversity objectives, and other relevant factors as related to determined by the School Board's policy on maximization of capacity.

Policy PSFE-2.2:3: Amending concurrency service areas

Potential amendments to the concurrency service areas shall be considered annually at the staff working group meeting referenced in Subsection 1.1 of the Interlocal Agreement. If there is consensus to amend the concurrency service areas to establish boundaries other than those that are conterminous with the school attendance zones, it shall be accomplished by a written execution of an amendment to the Interlocal Agreement by all parties and by the amendment to the City, City and Town's comprehensive plan. The amended concurrency service area shall not be effective until the amended Interlocal Agreement is fully executed and comprehensive plan amendments are in effect. Amendments to the concurrency service areas that keep the CSAs borders coterminous with the school attendance zones, shall be agreed upon by all parties and shall not require comprehensive plan amendments.

Objective PSFE-2.3: Student generation rates

The School Board will work with the City, City of Pensacola, and Town of Century to establish student generation rates that will be used to determine the impact of development on public school facilities.

Policy PSFE-2.3:1: Student generation rates

Consistent with the Interlocal Agreement, the School Board staff, working with the City staff and municipal staffs, will develop and apply student generation multipliers for residential developments by dwelling unit type (single family or multi-family) for each school type (elementary, middle, K-8, high, or center), considering past trends in student enrollment in order to project future public school enrollment.

Policy PSFE-2.3:2: Calculating student generation rates

The student generation rates shall be calculated by the School Board City, City of Pensacola, and Town of Century in accordance with professionally accepted methodologies, shall be reviewed and updated at least every two years.

Objective PSFE-2.4: Process for school concurrency implementation

In coordination with the School Board, the City will establish a joint process for implementation of school concurrency that includes applicability, capacity determination, and availability standards. The City shall manage the timing of residential subdivision and site plan approvals to ensure adequate school capacity is available consistent with adopted level of service standards for public school concurrency.

Policy PSFE-2.4.1: Applicability standards

School concurrency applies to residential development or a phase of residential development requiring an approval of subdivision plat, site plan, or its functional equivalent.

Policy PSFE-2.4.2: Exempted development

The following residential development shall be considered exempt from the school concurrency requirements:

1. Single family lots of record that have received final subdivision plat approval prior to the effective date of the PSFE, or single family subdivision plats actively being reviewed at the time of adoption of the PSFE that have received preliminary plat approval.
2. Residential developments that have received final site plan approval prior to the effective date of the PSFE, or residential site plans actively being reviewed at the time of adoption of the PSFE.
3. Amendments to residential site plans or subdivisions, which were previously approved prior to the effective date of the PSFE, and which do not increase the number of students generated by the development based on the adopted student generation rates.
4. Age restricted developments that are subject to deed restrictions prohibiting the permanent occupancy of a resident under the age of fifty five (55). Such deed restrictions must be recorded and must be irrevocable for a period of at least thirty (30) years.
5. Group quarters that do not generate students, including facilities such as local jails, prisons, hospitals, bed and breakfast, motels and hotels, temporary emergency shelters for the homeless, adult halfway houses,

firehouse dorms, college dorms exclusive of married student housing, and religious non-youth facilities.

Policy PSFE-2.4.3: Capacity determination standards

The City shall adopt LDC provisions to establish the application procedure and process for evaluating school capacity and making concurrency determinations consistent with the Interlocal Agreement. The School Board shall be responsible for conducting concurrency reviews. The City may choose to provide an informal assessment of school concurrency at the time of preliminary plat, but the test of concurrency shall be at final plat, site plan, or functional equivalent approval.

Policy PSFE-2.4.4: School board findings

The School Board's findings and recommendations shall address whether adequate capacity exists for each affected concurrency service area, based on the level of service standards. If adequate capacity does not exist, the School Board findings shall address whether appropriate mitigation can be accepted. If mitigation can be accepted, the School Board's findings shall identify the accepted form of mitigation that is consistent with the policies set forth herein.

Policy PSFE-2.4.5: Allocated capacity in CIP

In evaluating a subdivision plat or site plan for concurrency, any relevant programmed capacity improvements in years 1, 2, or 3 of the 5-year schedule of capital improvements shall be considered available capacity for a proposed project and factored into the concurrency analysis. Any relevant programmed improvements in years 4 or 5 of the 5-year schedule of improvements shall not be considered available capacity for a proposed project unless funding for the improvement is assured through School Board agreement to accelerate the proposed project, or through proportionate fair share mitigation, or some other means of assuring adequate capacity will be available within 3 years. The School Board may choose to use relocatable classrooms to provide temporary capacity while funded schools or school expansions are being constructed.

Policy PSFE-2.4.6: Determination of insufficient capacity

In the event that the School Board finds that there is not sufficient capacity in the affected concurrency service area(s) to address the impacts of a proposed development, the following standards shall apply:

- The project must provide capacity enhancement sufficient to meet its impacts through proportionate share mitigation; or

- Approval of the site plan or final plat (or functional equivalent) must be delayed to a date when the capacity enhancement necessary to maintain level of service can be assured; or
- A condition of approval of the site plan or final plat (or functional equivalent) shall be that the project's development order and/or building permits shall be delayed to a date when the capacity enhancement necessary to maintain level of service can be assured.

Policy PSFE-2.4.7: Availability standard

Where capacity will not be available to serve students generated by a residential development the City shall use the lack of school capacity as a basis for denial of petitions for final plats, site plans or functional equivalents. However, the City shall not deny a petition for a final plat, site plan, or functional equivalent due to a failure to achieve and maintain the adopted level of service for public school capacity where:

Adequate school facilities will be in place or under actual construction within three years after the issuance of the final plat or site plan or functional equivalent;

Adequate school facilities are available in an adjacent concurrency service area and the impacts of development can be shifted to that area; or,

The developer executes a legally binding commitment with the School Board to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to the final plat or site plan (or functional equivalent) as provided in the Interlocal Agreement.

Objective PSFE-2.5: Proportionate share mitigation

The City shall coordinate with the School Board to provide proportionate share mitigation alternatives that are financially feasible and will achieve and maintain the adopted level of service standard consistent with the School Board's adopted financially feasible 5-Year Facilities Work Program.

Policy PSFE-2.5:1: Acceptable mitigation

The School Board may allow mitigation for developments that would otherwise cause the LOS standards to be exceeded. Mitigation options shall include the following:

Contribution of, or payment for, acquisition of new or expanded school sites;

Construction or expansion of permanent school facilities;

Mitigation banking, the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell excess capacity credits within the same concurrency service area; and

Charter schools, provided they are constructed to State Requirements for Educational Facilities (SREF) standards, so that it can be relied on the over the longer term as public school capacity, designed to whatever minimum size and specifications established by the School Board to ensure that if the School Board is required, it can efficiently operate the school.

Policy PSFE-2.5:2: CIP and proposed mitigation

Proposed mitigation must be directed toward a permanent capacity improvement identified in the School Board's financially feasible 5-Year Work Plan. However, the School Board may accept mitigation in the form of an improvement not identified on the 5-year Work Plan and commit to add the needed improvement to the 5-year Work Plan. The School Board must find that any proposed mitigation will satisfy the demands created by the proposed development consistent with the adopted level of service standards, and the mitigation shall be assured by a legally binding development agreement between the School Board, the City, and the applicant executed prior to the issuance of the final plat, site plan or functional equivalent.

Policy PSFE-2.5:3: Shifting impacts

Mitigation shall not be required when the adopted level of service cannot be met in a specific concurrency service area if the needed capacity for the development is available in one or more contiguous concurrency service areas and the impacts of the development can be shifted to a contiguous concurrency service area. Where more than one concurrency service area is available to accommodate student impacts, the School Board shall evaluate how the impacts of a development shall be shifted. Measures to maximize capacity, including modifications to concurrency service areas in lieu of shifting development impacts, can be considered.

Policy PSFE-2.5:4: Relocatable Classrooms

Relocatable classrooms will not be accepted as mitigation.

Policy PSFE-2.5:5: Calculation proportionate share mitigation

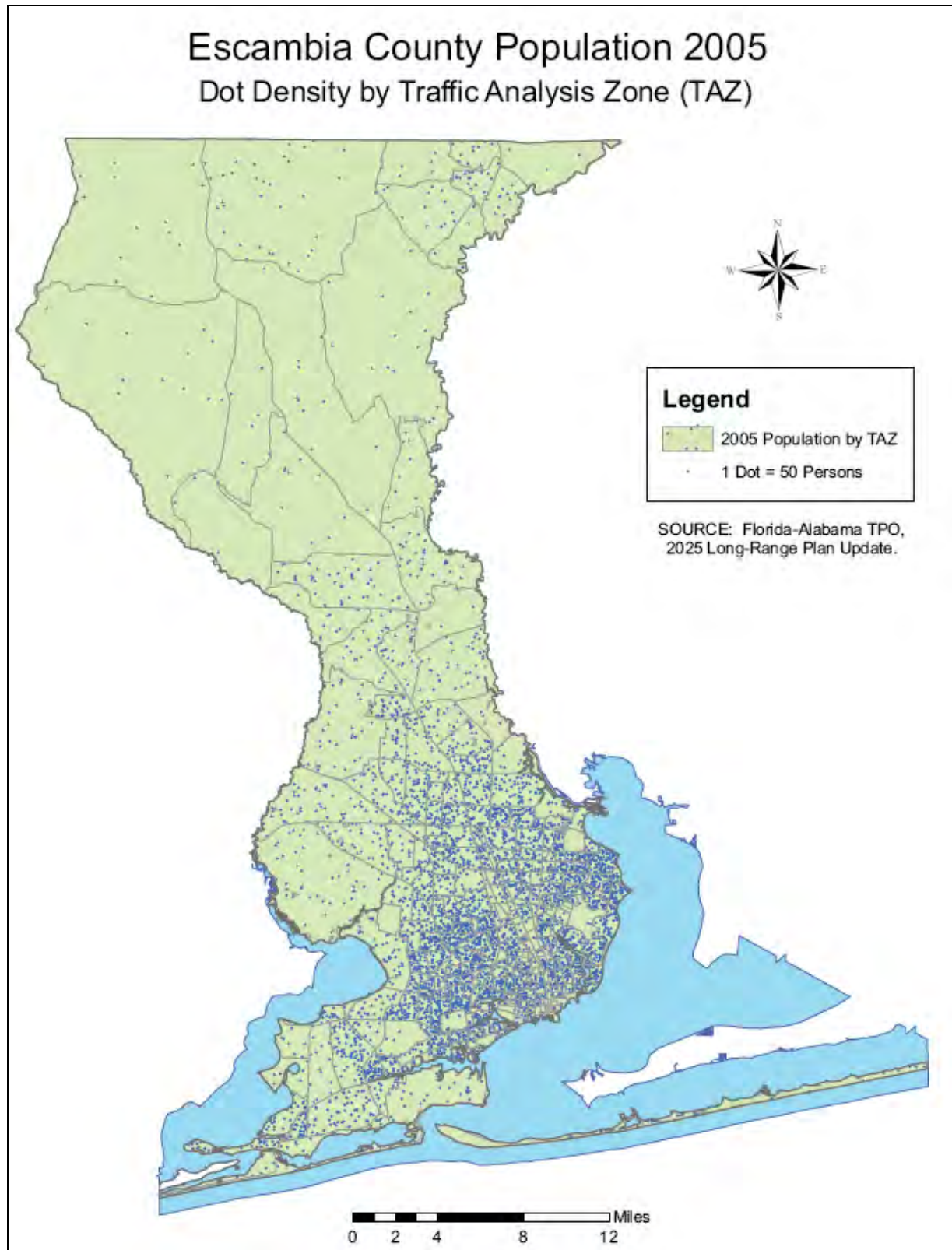
The applicant's total proportionate-share mitigation obligation to resolve a capacity deficiency shall be based on the following formula, for each school level: multiply the number of new student stations required to serve the new development by the average cost per student station and, if needed, add the additional cost of a core facility to accommodate the additional student stations.

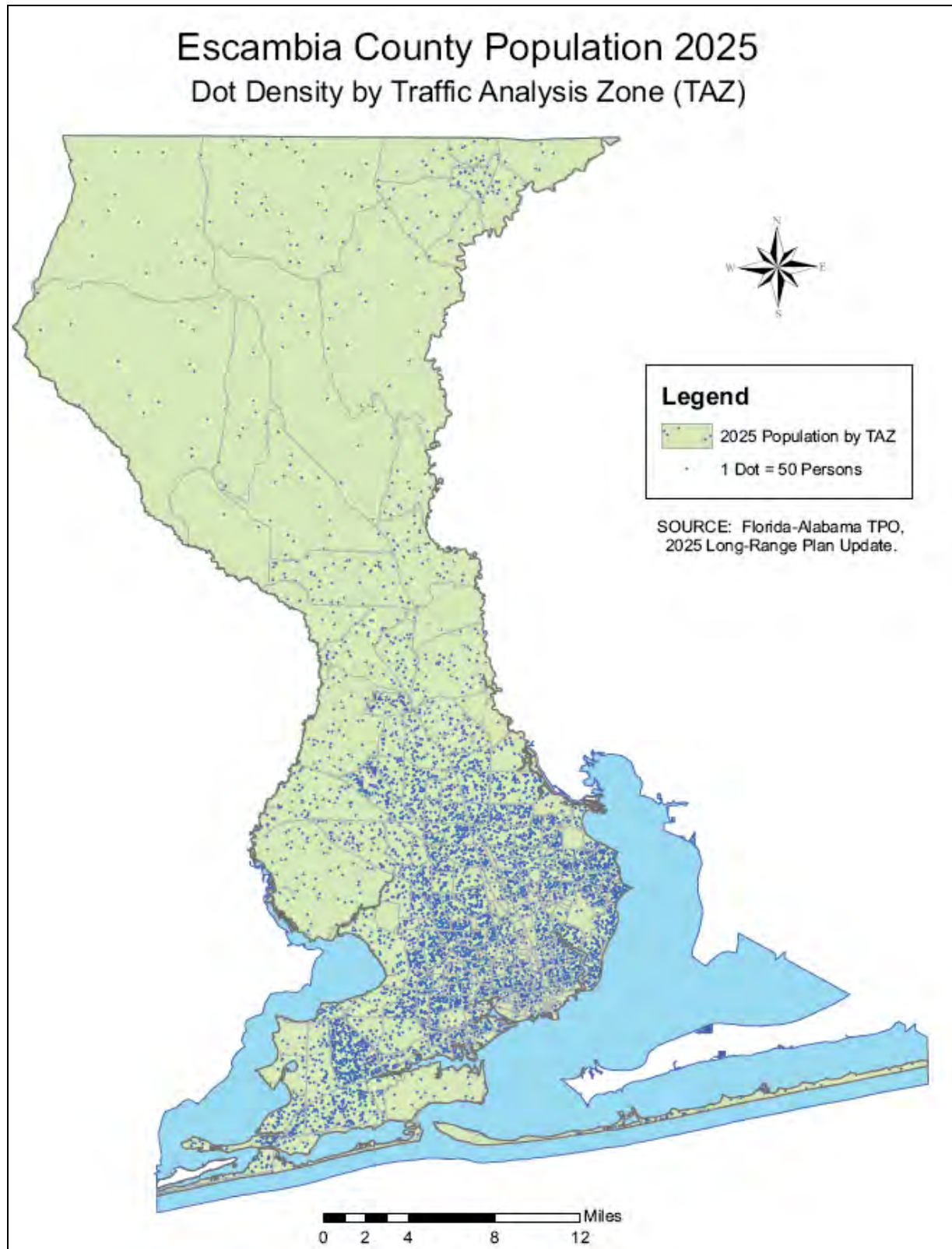
The average cost per student station shall include school facility development costs and land costs. The applicant's proportionate-share mitigation obligation will be credited toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.

School Facility Maps

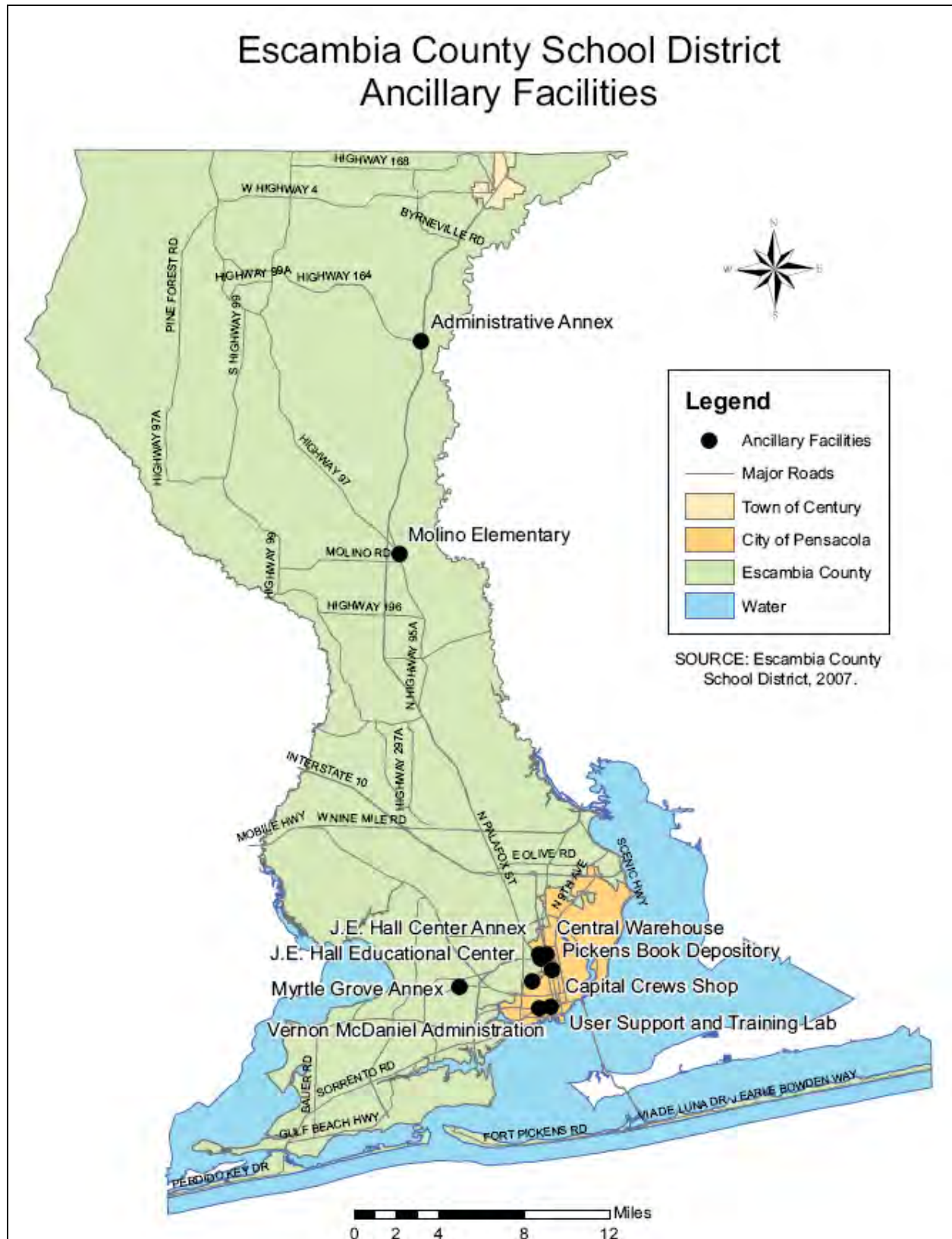
Consistent with Section 123.3177(12)(g), Florida Statutes, the Public School Facilities Element shall include future conditions maps showing existing and anticipated schools over the five-year and long-term planning periods. The maps of necessity may be general over the long-term planning period and do not prescribe a land use on a particular parcel of land.

Escambia County Population 2005

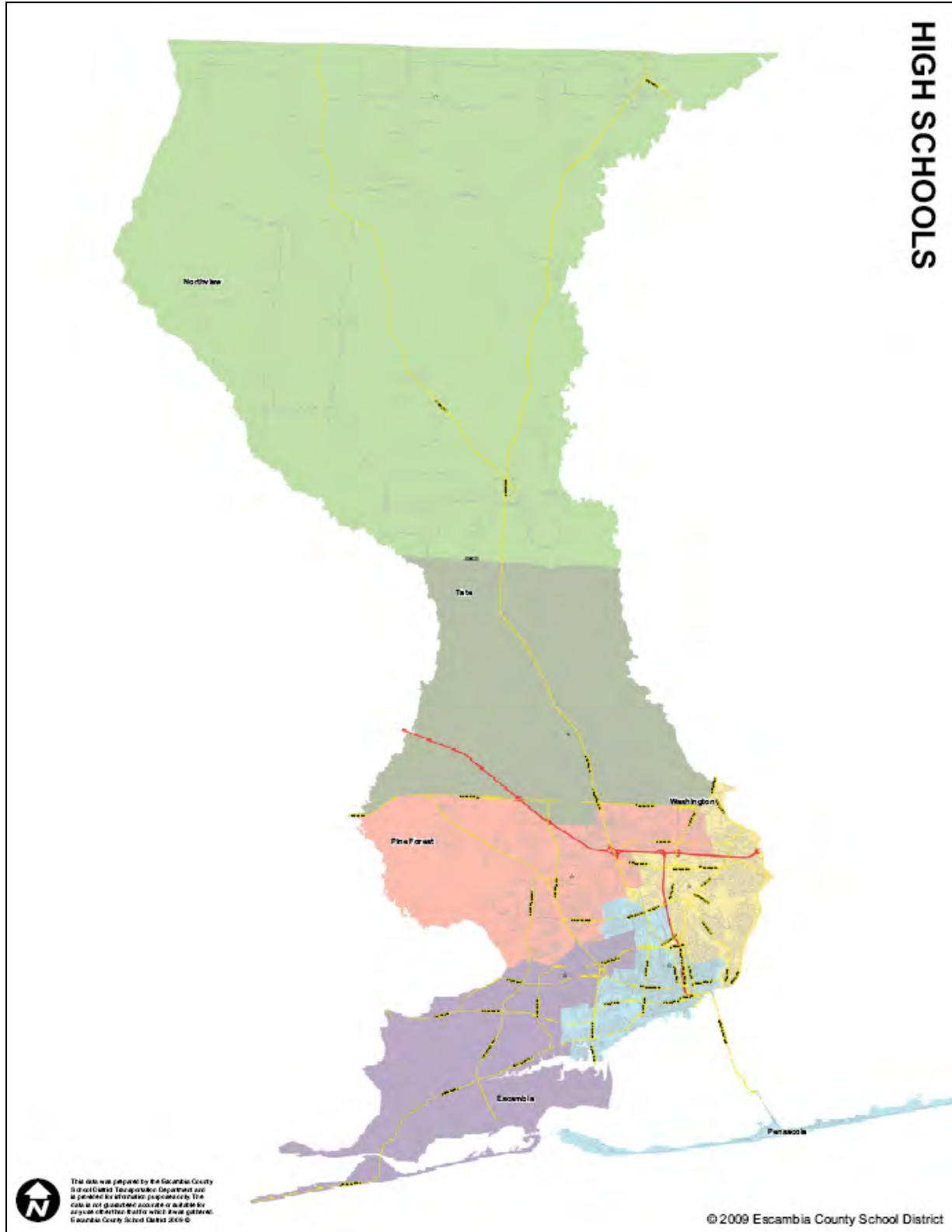




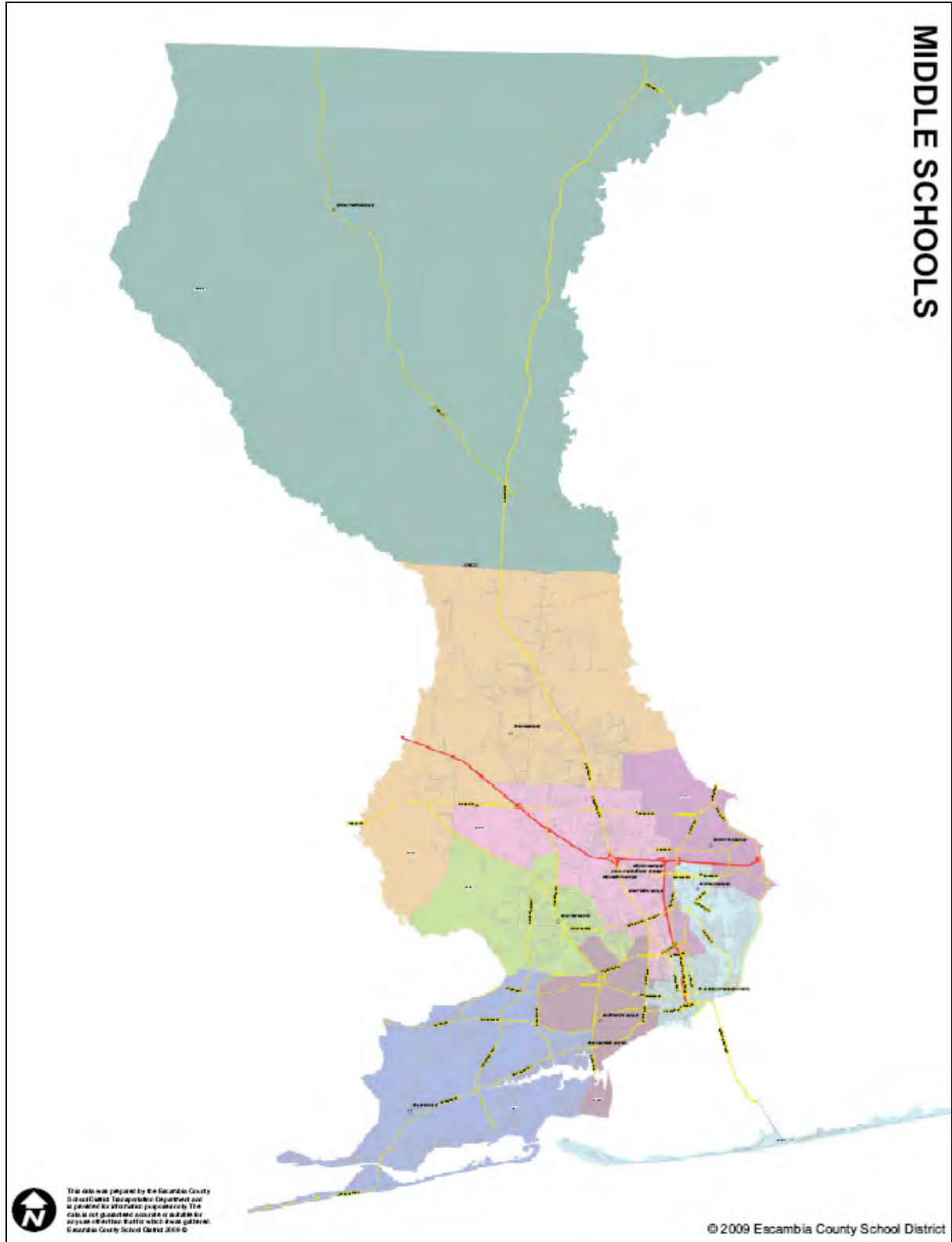
Escambia County School District Ancillary Facilities



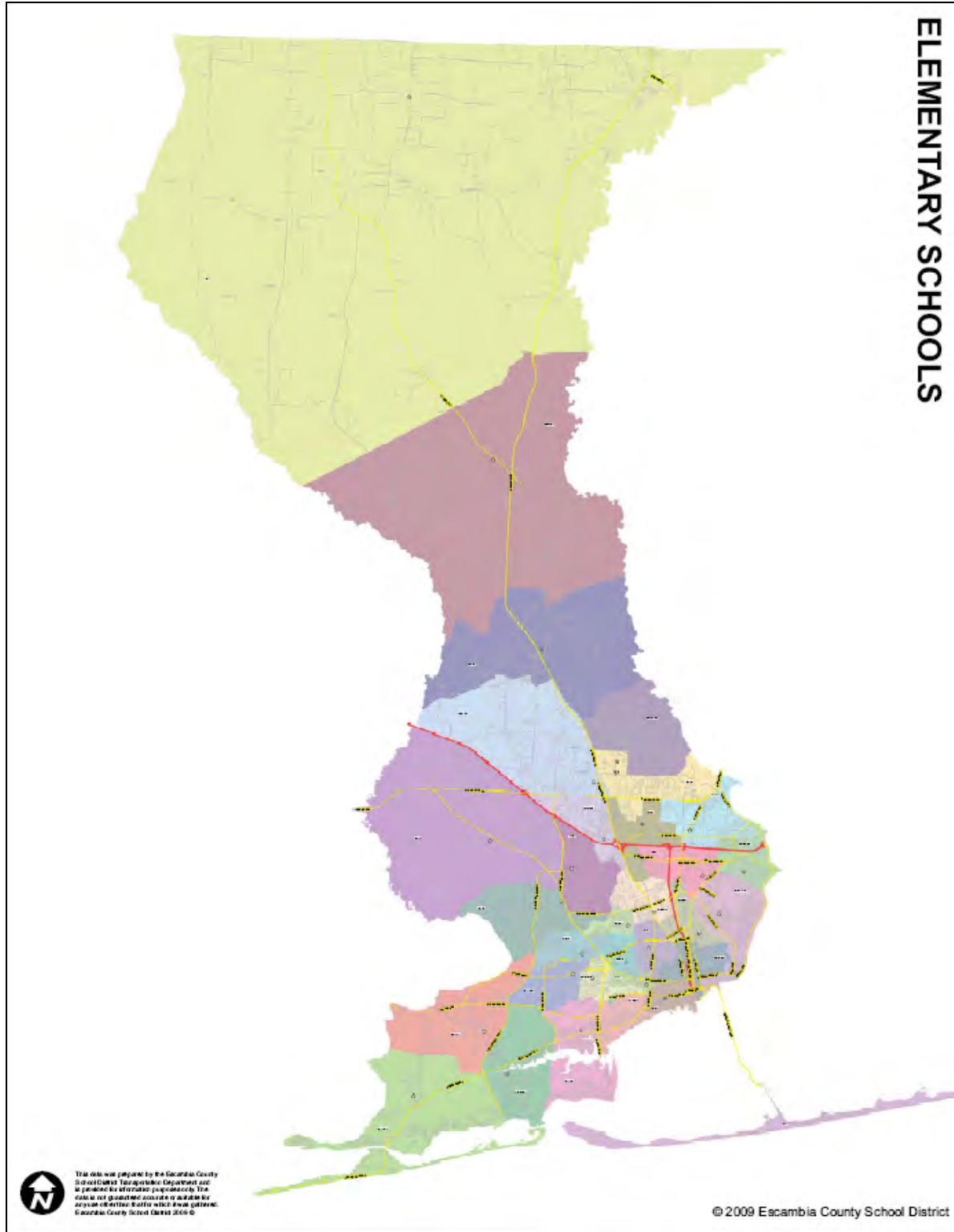
Escambia County High School Attendance Zones



Escambia County Middle School Attendance Zones



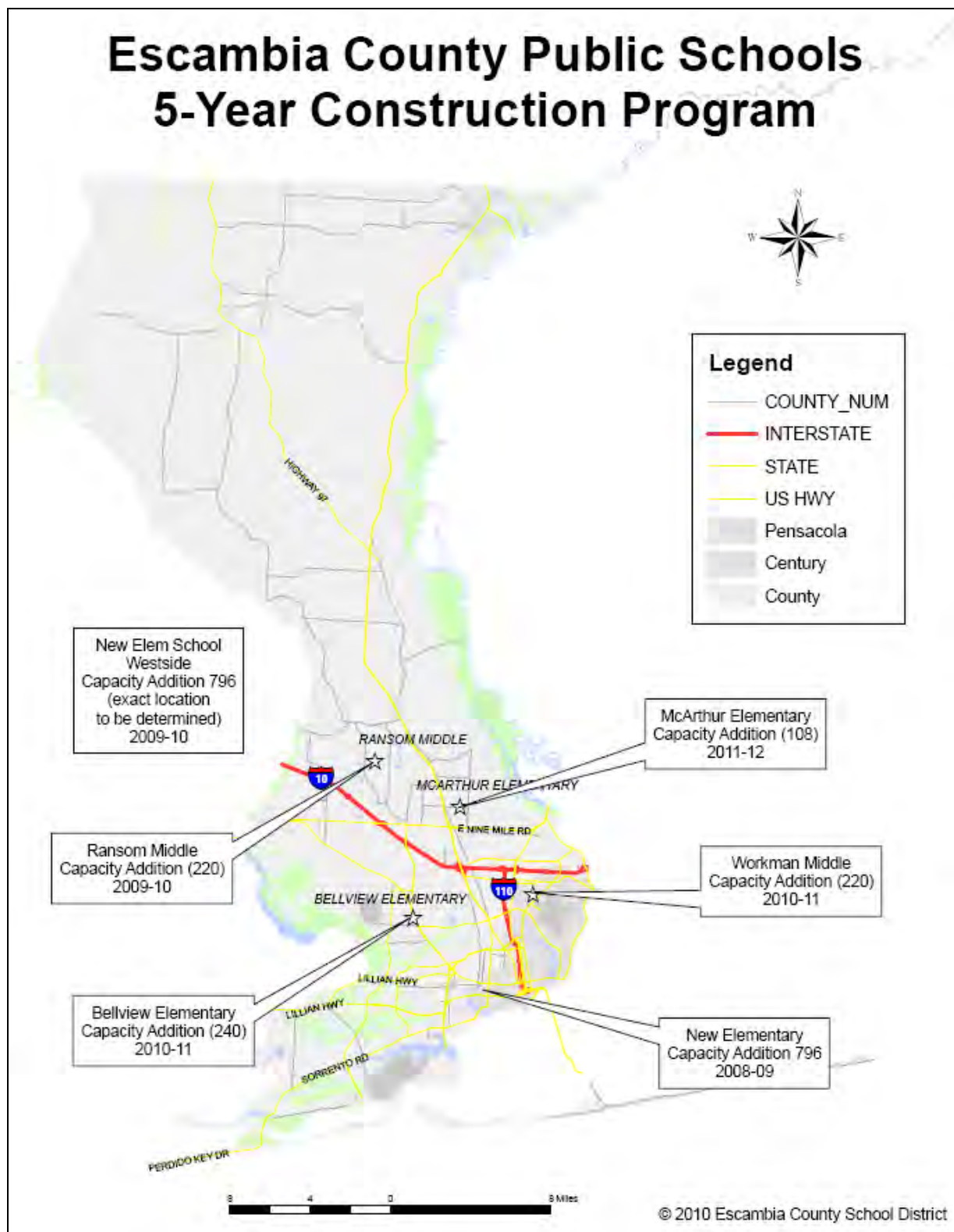
Escambia County Elementary School Attendance Zones



Escambia County Public Schools 5-Year Construction Program

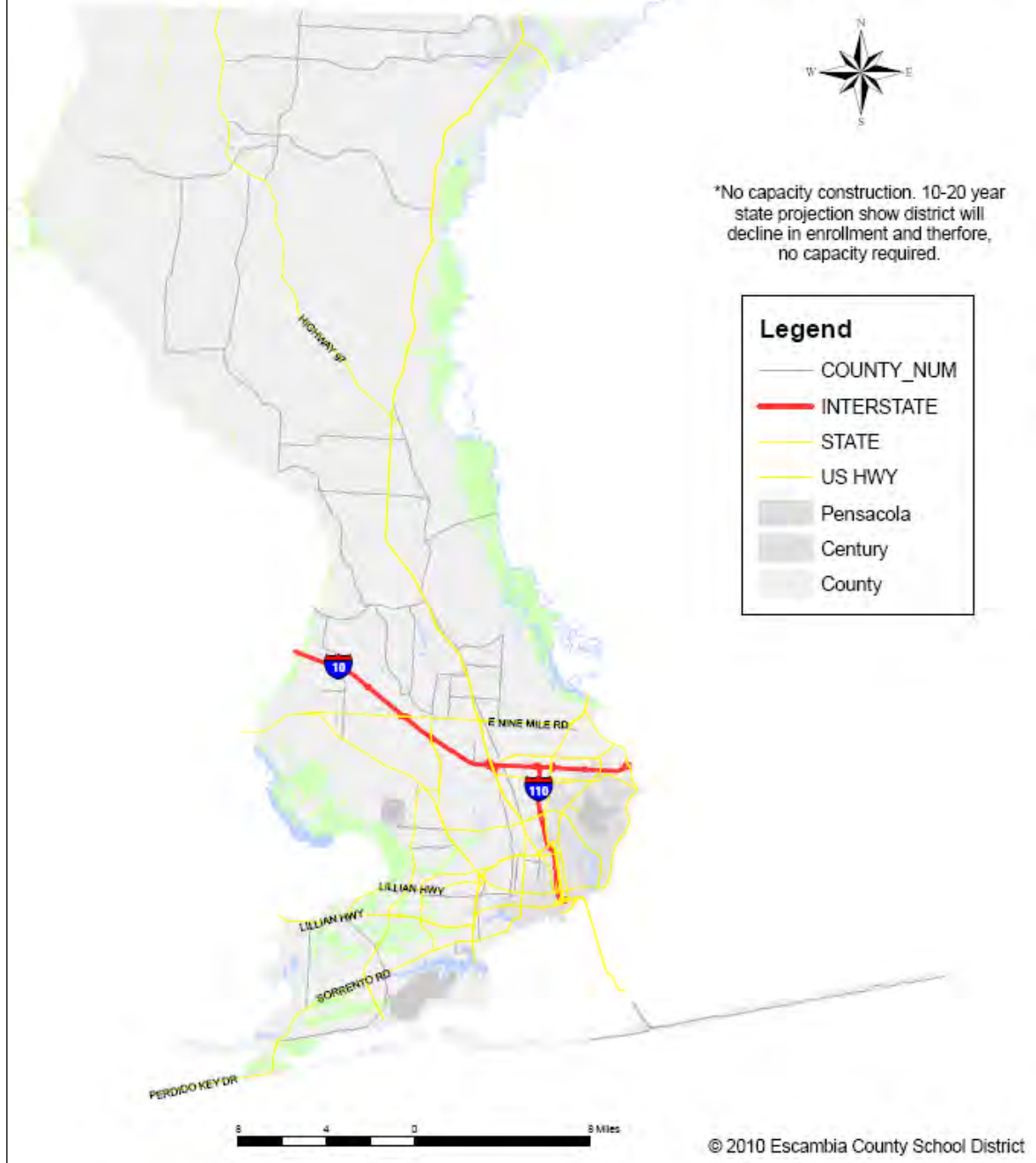
Public Schools and Facilities

Escambia County Public Schools 5-Year Construction Program



Escambia County Public Schools 20-Year Construction/Needs Program

Escambia County Public Schools 20-Year Construction/Needs Program*





PLANNING SERVICES

MINUTES OF THE PLANNING BOARD

April 9, 2019

MEMBERS PRESENT: Chairman Paul Ritz, Nathan Monk, Kurt Larson, Danny Grundhoefer, Ryan Wiggins

MEMBERS ABSENT: Nina Campbell, Laurie Murphy

STAFF PRESENT: Brandi Deese, Assistant Planning Services Administrator, Leslie Statler, Planner, Sherry Morris, Planning Services Administrator, Gregg Harding, Historic Preservation Planner, Don Kraher, Council Executive, Laurie Byrne, Constituent Services, Derrik Owens, Public Works Director, Brian Cooper, Parks and Recreation Director, Marcie Whitaker, Housing Administrator, Dan Flynn, Airport Director

OTHERS PRESENT: John Hutchinson, Bob Greene, Ron Martin, Rob Pettitt, Lindsey McIntosh

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from March 12, 2019.
- **New Business:**
 1. Conditional Use Permit Approval for 110 W. Strong Street
 2. Evaluation and Appraisal Review (EAR) Based - Comprehensive Plan Amendments
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:02 pm with a quorum present and explained the Board procedures to the audience.

Approval of Meeting Minutes

Ms. Wiggins made a motion to approve the March 12, 2019 minutes, seconded by Mr. Larson, and it carried unanimously.

New Business

Conditional Use Permit Approval for 110 W. Strong Street

J. Nixon Daniel, III, on behalf of Martha's Vineyard, has requested a Conditional Use Permit for a Board and Lodging House for the property located at 110 W. Strong Street. The applicant indicates the purpose of the conditional use request is to provide charitable housing to families whose friends and loved ones are in the local hospitals. This property is currently zoned PR-2, North Hill Preservation Multi-Family, which permits the land use of Bed and Breakfast by right but grants the land use of Boarding and Lodging House as a Conditional Use Permit.

EVERYTHING THAT'S GREAT ABOUT FLORIDA IS BETTER IN PENSACOLA.

The applicant is proposing to modify the existing structures to increase the number of units and will no longer qualify as a Bed and Breakfast.

Chairman Ritz stated he had researched the background of Martha's Vineyard and noticed there was a Euclid address also owned by Martha's Vineyard. He became more and more confident in the mission purpose, and personally, it hit close to home with his own family. He felt it had a benefit to the community and advised he would support his kind of approach. Mr. Larson asked what would happen if the property was no longer owned by Martha's Vineyard, and Ms. Deese explained the Conditional Use Permit runs with the land, however, they would have to adhere to the standards provided within the approvals. She stated the idea of a Conditional Use Permit was that it might be a good use within the district with conditions attached to it, and this Board and Council could add to those conditions.

Mr. Hutchinson further explained that Martha's Vineyard provided free accommodations and meals to out-of-town families who were here in town because of a medical crisis, and they currently operate in Pine Glades neighborhood. Marti and Dennis Tackett opened up their home for this purpose after observing the need. He clarified the guests were referred by hospital staff, and they did not take walk-ins. He said they averaged around 100 guests per year, and 40 percent of the guests come by plane, so there are no automobiles so parking would not be an issue. He also advised the visual aspect from the street would not be changed.

Ms. Wiggins was impressed by their board members and their mission and thanked Mr. Hutchinson for providing the service. Mr. Monk asked for the difference with the Ronald McDonald House, and Mr. Hutchinson explained this organization accepted all families, not just those with children. He also indicated their doors were open to gay couples, any religion and any lifestyle; he explained the only counseling performed was upon request. Mr. Grundhoefer recused himself from voting because of his firm's relationship with the ministry. Mr. Larson asked that if Martha's Vineyard ever sold the property to someone who would turn it into a bed and breakfast, this use would be addressed again by the Planning Board. Ms. Deese explained one of the differences in a bed and breakfast and a boarding and lodging house was that the owner was required to stay onsite, and the Board might want to add that language if they felt more comfortable; Mr. Larson accepted that suggestion. Mr. Monk did not want to do something which prohibited the ministry from expanding.

Mr. Robertson, the present owner, stated they had managed Noble Manor for 14 years. They had been concerned that in North Hill you could only have four rooms, and you must also live onsite. He confirmed they were not an Air BNB and had no previous issues with neighbors. He stressed this request was a good fit for the community.

Mr. Larson made a motion to approve with a condition that if Martha's Vineyard ever sold the property, this would be addressed again by the Planning Board. The motion was seconded by Mr. Monk. Ms. McIntosh, who lives next door, agreed with the mission, but had concerns with selling her property and the fact that her husband was a physician and wanted to stay under the radar. She also was concerned with runoff from the concrete since her property is downhill from the site. She pointed out a massive add-on and a concrete yard, and if the owners waited, they could possibly find the right buyer for the home. She suggested property on Cervantes for the more industrial buyer suited the needs for a home like this.

Chairman Ritz explained that on the runoff issue, the neighbors would have recourse since the City would not allow them to dump their stormwater onto other properties. As far as price drops, this Board could not tell the homeowner what to sell the property at. However, the Board does take into consideration the neighbors, the property owners themselves, and the ideas of where the City should move forward. Regardless of the Board vote, this item would go before the Council, and concerns could be addressed at that time. Mr. Monk pointed out he had been working with people for the past 15 years helping them to move out from homelessness, and explained anyone who interacts with the public is not guaranteed anonymity unless they are living in a gated community.

He indicated the Waterfront used their Victorian homes as rehab facilities, and when it came time to sell, they sold very quickly at a good price, and did not believe this project would do any damage to the aesthetics of the neighborhood. **The motion then carried unanimously.**

Evaluation and Appraisal Review (EAR) Based - Comprehensive Plan Amendments

As provided in Florida Statute 163, all local governments within the state of Florida are required to participate in a state coordinated review for an Evaluation and Appraisal Report Based Comprehensive Plan Update. The proposed amendments within this update reflect changes in state requirements and local conditions.

Chairman Ritz had noted the changes in the name of the airport, Master Plan dates and did not find anything offensive or egregious to the betterment of the City. Ms. Deese confirmed that with the Board's approval, the amendment would proceed to Council, the State and then back to Council. Mr. Monk also did not see anything out of the ordinary. Mr. Grundhoefer asked where the document originated, and Ms. Deese advised it came from Planning Services as a requirement of the State for every five to seven years; the amendment was due to the State by November 2019. She also indicated that the document would be reviewed by the Department of Economic Opportunity, but it was not a means to measure success or to be reprimanded for not reaching goals.

Ms. Whitaker addressed housing assessments being performed somewhat annually, but changed the language to periodic to be broad and give them that leeway for obtaining grants; she indicated some of the language had been relocated in the document for a better placement. She further explained the incentives as homebuyer incentives, City-owned lot discounts for new construction, and also went with broad definitions so different strategies could be included.

Mr. Cooper explained the recreation open space and providing one pool per 25k residents and stated we meet most of the national standards. He indicated we were deficient in rectangular fields, but we were trying to build three at Hitzman Park with the possibility of three more in the future. Regarding conservation easements, he advised at this point, the city has 93 parks, and acquiring new land for a new park would be nearly impossible. Ms. Deese explained that any areas with conservation zoning were already addressed in the LDC. Mr. Grundhoefer then addressed co-sponsoring activities language being removed, and Mr. Cooper stated the language was specific, and advise they did not co-sponsor baseball or softball since those were sponsored by other organizations who just use our facilities.

Mr. Grundhoefer also asked why the Mayor was not included in the internal review for Capital Improvements. Mr. Owens explained that capital projects could be multiple departments across the city, but agreed the Mayor should be on the list. Most of the revisions in this section involved changes in personnel and titles.

Mr. Grundhoefer felt the document was good for Pensacola and made a motion to approve the amended document and recommend it to Council, seconded by Mr. Larson, and the motion carried unanimously.

Open Forum – Ms. Wiggins addressed saving some of the buildings downtown from demolition. She explained she was in a renovation process, and it was almost as expensive to remodel as to build new; with no incentive to remodel, we were losing the charm of the older structures. Chairman Ritz explained his own home in East Hill was almost 100 years old, and there were some things he could not update at all because of the cost.

He asked if incentives were something the Board could accomplish, and Ms. Deese advised that was outside of the scope in recommending proposed changes in the LDC, however, an overlay in a historic community such as East Hill would be more in line with what the Board could recommend to Council. Mr. Monk pointed out there should be some type of incentive. He also suggested looking at the barriers that were placed on people. He pointed out everyone gets upset about regulating paint color, but when they try to upgrade their electrical, it really gets invasive. Ms. Wiggins explained everyone looked at the overlay as a "stick" and she was opting for a "carrot." Ms. Deese advised the Board members to speak to the Mayor as residents to see if there was any interest. Mr. Grundhoefer explained he did not dislike density, but some of the projects were not done nicely. If East Hill had some regulations, it might stop some of the property selling with one house demolished in order to build four houses. Chairman Ritz pointed out there were some instances where the primary structure was torn down, leaving the garage apartment which was now the primary structure. He explained the Board needed to be careful with what time period they chose, since in some years, there was more density while in others just farmland. Ms. Wiggins restated she was coming from the point of incentivizing people to do what would be better and not enforcing codes. Chairman Ritz offered there was nothing they could do about the Florida Building Code, but an overlay would be the purview of this Board.

Ms. Deese explained there were two different ordinances being considered by Council. The one which passed second reading involved the notification in protecting the health of citizens so that the contractor has the burden to notify property owners within a certain distance if they were going to demolish certain structures. The demolition ordinance recommended by this Board had not yet been reviewed by Legal, but could possibly be scheduled in May of this year. She also advised the CRA overlay was being reconsidered on May 16 at Council.

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 2:58 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Brandi C. Deese', with a long horizontal line extending to the right.

Brandi C. Deese
Secretary to the Board



PLANNING SERVICES

THE UPSIDE *of* FLORIDA

MINUTES OF THE PLANNING BOARD

July 9, 2019

MEMBERS PRESENT: Chairman Paul Ritz, Kurt Larson, Nathan Monk, Danny Grundhoefer, Laurie Murphy

MEMBERS ABSENT: Ryan Wiggins, Nina Campbell

STAFF PRESENT: Leslie Statler, Planner, Greg Harding, Historic Preservation Planner, Heather Lindsay, Assistant City Attorney, Jonathan Bilby, Building Official

OTHERS PRESENT: Councilwoman Sherri Myers, Diane Mack, Sarah O'Neill, John Connell, Dottie Dubuisson, Renee Foret, Sam Lundy, John & Jonathan Connell, Steve Geci, Barbara Mayall, Michael Carro, Don Redhead, Tia Queyquep, Ann Hill, Ron Helms, Justin Beck

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from May 14, 2019.
- **New Business:**
 1. Preliminary Plat Review – “Whispering Creek” subdivision
 2. Rezoning Request – 3200 BLK Seville Drive
 3. Amendment to Conditional Use Permit – 501 S. Palafox Street (Al Fresco)
 4. Aesthetic Review – 501 S. Palafox Street (Al Fresco)
 5. Review of Gateway Review Board
 6. LDC Amendment – Ice Machines
 7. Comprehensive Plan Amendment – Density Transfer
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:02 pm with a quorum present and explained the Board procedures to the audience.

Approval of Meeting Minutes

Ms. Murphy made a motion to approve the May 14, 2019 minutes, seconded by Mr. Larson, and it carried unanimously.

New Business

Preliminary Plat Review – “Whispering Creek” subdivision

Chairman Ritz reviewed some of the comments received regarding this project and asked Mr. Geci to address the Board. Mr. Geci advised there were no real issues with the corrections to be made. In the previous phase of the subdivision, they constructed a stormwater pond which would also handle new

EVERYTHING THAT'S GREAT ABOUT FLORIDA IS BETTER IN PENSACOLA.

property, and there would be no new stormwater pond added. Water and sewer are available. Deeded access is being provided through the Target shopping center. He has some questions to staff regarding the comments asking for everything to be on one sheet. He also stated there will be two parking spaces per lot, and in most cases three or four.

Ms. Murphy stated she was an active member of the restoration crew for Carpenters Creek located behind the property and noted this plat was heavily forested, and she had several concerns since this property would empty into Carpenters Creek. She asked if they planned to raise the property up since at one point there was a 10' grade difference. She pointed out the stormwater pond for the Whispers subdivision had not worked well and asked how the runoff would be handled for the new development after clearcutting all the trees. Mr. Geci stated there was a tremendous slope from north to south, so they would cut one end and fill the other with retaining walls at each end to grade it out, and it would be difficult to save any trees. Once the site was developed with the inlets and pipes to control it all, there wouldn't be any flow down the bank. He explained currently there was sheet flow into the pond which had caused problems over time. Ms. Murphy pointed out the water did not flow toward the stormwater pond; Mr. Geci advised none of the water would flow onto the adjacent property.

Chairman Ritz clarified that the agenda item was the preliminary plat review which normally did not cover sheet flow, and Mr. Geci's answers were acceptable at this point since the Board had certain criteria for preliminary plat review. While important for the City of Pensacola, in the rules for preliminary review, it might not be an item on which you could accept or reject the plat. Mr. Geci advised they would address all the details with construction plans reviewed by the City and water management district. Ms. Murphy pointed out there were no Conifer trees listed on the tree list; Chairman Ritz explained the City had a list of protected trees, and the trees not listed were not protected. Mr. Geci advised the tree survey was prepared in accordance with the City ordinance, and they would comply with it.

Mr. Monk advised his concern with preliminary reviews involved a lot of steps he would want to know had been taken before any review. Once something was stamped and approved, it became very difficult to stop it down the line. He pointed out there was probably someone living on the property, there were runoff issues, tree issues and community issues. Whenever he was told the issues would be handled down the line, sometimes they never were, and there should be a fix to this portion of the process. Chairman Ritz explained that someone living on the property was a legal issue and not a part of the Board's decision making process. Mr. Geci pointed out this was a preliminary plat and discussed the steps up to the preliminary plat. Beyond this stage, there were construction plans, permits from the City and the utility authority; this stage was not designed to address all the details. Mr. Monk felt the Board had the obligation to ask these questions. Chairman Ritz explained that they needed to balance the questions they asked with what was required by the agenda item as a preliminary plat. Mr. Grundhoefer asked about the development, and Mr. Geci stated it was single-family detached. Ms. Murphy asked how long it would take to develop the 20 homes, and Mr. Connell advised they would begin immediately with construction as soon as the roads were finished. He explained the reason for not going through the Whispers was because they left a parcel which connected to this property which was intended to have an extension of the Whispers in the next phase; through the course of engineering and legalities, that parcel was thrown into the homeowners' association instead of being retained by the developer as owners. He also stated there were two holding ponds in the Whispers, and those holding ponds were to be maintained by the City. He explained no water would flow into the Target parking lot or the existing Whispers location. The new phase would be compatible to the Whispers subdivision. He also pointed out the homeless situation is all over the City of Pensacola and not just in this area. He clarified that they would adhere to any City ordinance or requirement concerning this project.

Ms. O'Neill wanted to know how many protected trees were being removed; she was also concerned with the homeless and the wildlife in this location. She was also concerned that the project was being pushed

through quickly. Chairman Ritz explained according to the LDC, private property owners can clear cut trees by right, and protected trees have been allowed to be removed from residential property. He emphasized the Board was trying to stay with the agenda item, and discussions brought forth deal with other legislative issues which might be addressed by the City Council in a different forum. He clarified the preliminary plat deals with a proper drawing showing the delineation of the properties, roadways, setbacks and other particular features.

Ms. Mack asked if the number of parcels was included in the preliminary plat and was this the maximum of parcels allowed. Ms. Statler advised this was not the maximum the developer could build since this parcel was zoned C-2 with a very dense allowance. Chairman Ritz explained that cumulative zoning means we are allowed to use this zoning and other zoning designations below it such as C-1, and the R designations to determine what can be built there. Ms. Mack suggested since the developer had already seen the value of having fewer lots in the allowed area, given the current real estate market, there was an opportunity to have fewer lots, noting how much retaining trees adds to the value of each parcel and each developed single family home. Regarding climate change, the most effective thing we could do and the least expensive way would be to re-forest the planet.

Mr. Grundhoefer asked if there was another option rather than building retaining walls as a possibility for not building up a site and clear cutting. Mr. Geci stated they had looked at condominiums but decided on the less dense subdivision. Because of the slope of the site, to have building pads that were level, they were limited; they were cutting the north end and filling the south end and then leveling it out.

Ms. Dubuisson cautioned the Board, the developer and the City to stop and look at the ripple effect of every change that this particular development would cause. She pointed out our Mayor emphasized neighborhoods, and the neighbors have made known they do not wish for this activity at the current rate currently being discussed. She explained everything she was hearing was about reversing the natural order and trying to countermand the normal drainage of the property. It was noted the City had acquired responsibility for a privately developed stormwater pond serving the first development. She did not know how they could have anticipated the second development would be covered if they did not even know how many buildings were going in the new development. She suggested the Board table the item until all the questions raised by staff and the public could be addressed. She advised when the Board could slow the process down to answer any questions, she encouraged them to do so.

Councilwoman Meyers addressed the Board with a great concern for this project, and that the existing stormwater pond was the worst she had seen in the City of Pensacola. She explained the erosion was not coming from the land the developer wanted to clear cut but coming straight down the street through the Whispers and eroding it to the point you cannot drive into the pond to maintain it. She stated she had many conversations with Derrik Owens about the maintenance of the pond, and the pond was not sufficient for the Whispers and definitely would not be adequate for any additional impervious surfacing. She pointed out the City had spent a lot of resources trying to rehabilitate this pond. She stated Carpenters Creek was not a whispering creek but has been viewed as a conveyer of stormwater and was not designed for that much stormwater from impervious surfacing. She observed there was tremendous bank erosion along that creek because it was not designed to take on all that water from impervious surfaces. The new development would contribute to not only the demise of the stormwater pond, but would put more water into the creek, resulting in more erosion. She suggested using more pervious surfacing so the water would not enter the stormwater pond. She urged the Board not to approve the item until it had all the facts.

Mr. Monk made a motion to table the item, seconded by Ms. Murphy. Mr. Grundhoefer suggested the motion include information on what the Board was looking for. He also thought the Board needed more comfort that the stormwater system and the pond could take this development, and if not, return with a less impervious development and keeping the more natural terrain, something the Board could see was a positive statement. Mr. Monk and Ms. Murphy accepted this amendment. Chairman Ritz clarified the

added information of addressing stormwater during the tabling time. Mr. Monk also understood the motion to include lot size and the possibility of reducing the effect on the environment; Ms. Murphy added green stormwater structure with bio swales and other options available to give the Board more information and more items to look at to make a better decision. Mr. Monk agreed, and the motion carried unanimously.

Rezoning Request – 3200 BLK Seville Drive

Ms. Statler explained the zoning change would not change the uses permitted, but would simply change the minimum lot size and the front and rear setbacks which would be consistent with the properties to the north.

Mr. Beck presented to the Board and advised the current zoning prevented them from building anything on the property, and it was the only parcel on Bayou Texar with that zoning. He stated they had no intention of selling this lot at this time, and the rezoning would allow them to place a pool house on it. **Mr. Larson made a motion to approve as presented, seconded by Mr. Monk, and it carried unanimously.**

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

Mr. Sallis presented to the Board and stated he was addressing the ordinance and as a developer and wanted to go through the proper procedures. Mr. Carro had met with the Mayor to talk about the retail for this project which was not currently in the ordinance. Mr. Sallis explained they wanted the Board's support for retail in this development and to obtain approval of the aesthetics. He explained the developer was working with them to create a cover for the airstreams to shelter them from weather events so they could have successful businesses year round. He stated the idea was to have an old building which looked like Al Fresco was added later; he hoped the current rendering had the bones of a warehouse which housed the outdoor retail market. He stated Mr. Bilby informed him there still might be issues because of the flood design manuals for the City. He confirmed the property was clearly in a flood zone, and to build, they would have to comply with flood management. They would need to completely elevate the site and build it up to around 4.5' with a 40' ramp and steps, which was a cost not worth pursuing. The other method was to use FEMA standards for flood proof construction - a wall around the development to withhold water for several hours - which was not a sensible effort in construction. He explained they wanted to leave the airstreams as they are; the documents provided illustrated mobile restaurant units made from shipping containers, but they were no longer going to pursue that. They preferred to leave the airstreams where they were, moving one of the airstreams to allow an open flow underneath the proposed covering. They would be anchored in the same method of a mobile home, but this was no longer acceptable according to Mr. Bilby. He asked that they be allowed to keep the airstreams as they are but move one of them and anchor it in the similar method the others have been in the past and construct the overhead structure.

Chairman Ritz stated in the intervening years of the original airstream decision, he had heard both pros and cons especially as it related to what is considered a prominent corner in Pensacola. He explained the bank across the street had to build up because of the flood zone. He personally had received more negative comments than positive on the airstreams. He did like the current aesthetic presentation because it fit in the "building that has been there" mentality. He referred to the conditional use permit issue and the aesthetic review as being two separate agenda items.

Mr. Grundhoefer confirmed moving the one airstream was the main issue. Mr. Sallis explained the Board was first tasked to allow retail as a part of the ordinance and discussed the methods of anchoring; they were hoping to use the helical design for the mobile units. Mr. Grundhoefer appreciated the new design and stated he would support it and thought retail was appropriate in this situation. Mr. Bilby explained the flood ordinance gave two conditions in new construction to either to elevate 3' or to anchor to resist flood loads and to flood proof. He was not sure why the existing airstreams were allowed the way there were, but the

existing ordinance would not allow them to be placed in that manner. Recreational vehicles are covered but only up to 180 days before they must be removed. He loved this concept and explained the helical anchors were fine but they would need to flood proof up to that 3' elevation above base flood elevation along with the anchor. They could flood proof each individual shipping container, anchor them, and the development would go through with no problem. He clarified the basic flood regulations were out of the National Flood Insurance Program adopted by Pensacola. Mr. Monk felt Al Fresco helped to develop downtown to what it currently is and wanted to find a way to be safe and to find an answer.

Chairman Ritz advised with the conditional use, he did not have a problem with retail, and this project brings life and a higher people count through more hours of the day. Ms. Statler explained this conditional use had changed today, and staff had just been made aware of it at the same time the Board was made aware. In discussions with Legal and the Planning Director, it was not something that could be voted on today. She advised the site plan had changed, and basically the conditional use packet that would move forward was not what was in front of the Board. Mr. Sallis voiced his frustration since there is now not a change to the site plan. Chairman Ritz clarified that the current packet was not advertised and the site plan would be different from the one the citizens of Pensacola had seen. Mr. Grundhoefer felt the conditional use didn't have to do with the way the site was configured. Ms. Statler further explained the conditional use itself is site specific and deals with the orientation of the structures on the site, and the aesthetics would be considered under Item 4. Mr. Monk asked if the Board could not approve the language of the containers themselves but the option for retail, and Ms. Statler stated that was acceptable. Chairman Ritz pointed out with other business owners having high stakes in the game, public notice needed to be considered. Mr. Sallis stated their May submittal was not in time for the Board's consideration and was then delayed, and they missed June because of the proper advertising. Mr. Carro stated they did not miss June, and the Board had expected to see them in June; the City did not perform the proper notification, even as they were making the changes the Board requested. Mr. Sallis explained the flood comments were received in the last week regarding the current submittal and was the reason for the changes to keep what they currently have and cover it.

Ms. Statler clarified the application deadline for conditional use is 30 days and not 21; when this project was initially submitted for May, staff did not have a full, complete packet 30 days prior to the meeting. Staff agreed to let it come forward as a discussion item. This item was submitted in a timely manner with the conditional use application with all specifications and met the deadline for this meeting. The procedures for a conditional use are different and based on a development plan submitted with the application. The reason the Board could not vote on this was because the development plan submitted with the application had changed; it doesn't matter if it was a minor or a major change. Relative to the flood proofing, there was a Development Review meeting attended by Mr. Carro where that requirement was fully discussed several months ago.

Chairman Ritz pointed out he had no problem with retail, but the language in the conditional use application had changed and was in line with the advice of Legal and staff. He was hesitant to tell one applicant they have to provide above and beyond for their one item and then with a little bit more of a cavalier attitude allow a change that someone may complain to City Council that they didn't see. Ms. Statler advised the Board should postpone to a date certain and staff would expect revisions to present to the Board in August. She stated the 30-day deadline would be this Friday, with the actual Planning Board deadline on July 23 for the August 13 meeting. Mr. Sallis stated they would submit plans by this Friday showing the existing airstreams remaining, with the anchoring details worked out with Mr. Bilby for the building code requirements. Ms. Statler advised the Board could proceed with the review of the aesthetic and provide comments on design to allow them to move forward. Chairman Ritz offered the Board should table until the August meeting.

Mr. Larson made a motion to table Item 3, seconded by Ms. Murphy, and it carried unanimously.

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

Mr. Sallis appreciated the support of the Board and appreciated staff working with them on the very specific and detailed conditional use ordinance, and the current design was intentional to create the plaza called for in the ordinance. Mr. Carro stated he had four to six tenants who are affected by the weather. Since he cannot charge additional rent, he could prevent turnover in giving them more hours and more days in which to operate. He was also more pleased with the wood design.

Ms. Mack stated the most charming feature of Al Fresco is that it is open air and open light. She would like to see the light coming through perhaps through a green roof. Mr. Carro did not disagree; however, the entrance would be open air with four palm trees, and at least three sides would be open air with natural light. Mr. Sallis stated there were two cupolas on the roof to allow for good airflow and light which were designed to create interest in the structure. Chairman Ritz agreed this was a better approach for the roof, and Mr. Monk also liked the design which gives reprieve in the hot and cold temperatures. Adding the retail was important since he felt it would become a hub of activity. Ms. Murphy understood the importance of tenant turnover and thought the design was a great idea to help retain the businesses there. Mr. Larson stated it reminded him of the old warehouse district and appreciated the effort in design changes. Mr. Grundhoefer asked if approved, would the design go to Council before the conditional use, and Ms. Statler explained it would not. **Mr. Grundhoefer made a motion to approve the aesthetic design, seconded by Mr. Larson, and it carried unanimously.**

Review of Gateway Review Board (to eliminate the Gateway Review Board)

Chairman Ritz explained if approved, this would place slightly more work on the Planning Board for items in the Gateway Review Board purview. Ms. Statler explained signage is now handled through an abbreviated review process and would not be reviewed by the Board unless the chairman determined it should be. Mr. Grundhoefer asked why this Board and not the ARB. Ms. Statler clarified that ARB covers the historic areas, and Planning Board does have purview over aesthetics. The Gateway Redevelopment District is under the same section as the Waterfront Redevelopment District, which is under the Planning Board purview. Mr. Larson stated with the new bridge and waterfront development, there would be some changes which will demand review. **Mr. Larson made a motion to approve because its well within the scope of what the City has asked us to do, seconded by Mr. Monk, and it carried unanimously.**

LDC Amendment – Ice Machines

Chairman Ritz advised the issue was with the aesthetics and appearance of the vending machines. Ms. Dubuisson pointed out this was not only a vending machine issue but a traffic-originating and noise issue and has an impact on everything around it not only in aesthetics but in an access point of view – not just how it looks but how it functions. Mr. Grundhoefer clarified what they are tasked with is not whether you can put these ugly boxes in a parking lot; it has to do with can we change it to make it uglier. Mr. Monk agreed this was a bad idea, and the few he did see around town were unattractive and problematic in a lot of ways and did not see any reason to vote for this. Ms. Murphy noted the request was included screening rooftop mechanical equipment with lattice and allowing advertising on the sides. Mr. Grundhoefer asked who sponsored the item, and Ms. Statler stated it was a request presented to the Mayor's office. **Mr. Larson made a motion to deny, seconded by Mr. Monk, and it carried unanimously.**

Comprehensive Plan Amendment – Density Transfer

Ms. Statler advised that like density bonuses, density transfers will be required to be approved by the Planning Board and not at a staff level. The review process was not as technical as for the platting process where you have a staff review with comments issued. Chairman Ritz offered that the language presented

was far less restrictive than with some items with a checklist. Ms. Statler explained if this was approved for the Comprehensive Plan, they would come back and draft the conditions and procedures to obtain the transfer. Ms. Murphy asked how long the units stayed affordable. Chairman Ritz advised with the language not written, that was to be determined. Mr. Monk stated most affordable housing was done through granting, and almost all of them have a 30-year retention period; if it was set at 20 or 30 years, it would meet the national standard. Chairman Ritz pointed out there are legal requirements if a developer chooses to go affordable, depending on which funding sources are followed. If we, as the Board, believe the City should develop rules and regulations for density transfers, we would vote they should; the language would then be crafted and approved. If the Board did not think the City should pursue density transfers, the language would not be developed. Ms. Murphy had a problem with gentrification of neighborhoods. Ms. Statler explained this was step one to get this into the Comprehensive Plan in order to move forward. Step two would be to return to the Board to get the language into the LDC; staff would draft the language, and the Board would make modifications. Chairman Ritz stated the Board had conducted workshops outside of the Board's meetings to work on the specific language. Ms. Murphy agreed public input would be beneficial. Chairman Ritz explained the language could be drafted, but it was controlled by the Florida legislature. Ms. Murphy asked if the City received financial incentives for these bonuses or transfers, and Chairman Ritz advised that would be illegal. Ms. Murphy wanted to know what the incentive was, and Ms. Statler stated there had been some discussions in general regarding the fact that if someone had common ownership of a property, they could transfer density from one lot they were not going to develop to a maximum density onto to their other lot which would have more density. Other municipalities have both bonuses and density transfers, but Pensacola does not. She pointed out we deal with developers who come in and have a vision of what they want to do, and sometimes the zoning district does not allow for the density they need, so something like this could help those developers in that they would not have to go through a rezoning which might be contentious. She clarified they were not changing the land use but allowing for more density with the understanding there was a tradeoff. The language has been drafted as and/or – redevelopment and/or affordable housing. She explained there might be an environmental issue where the property is deemed wasteland, but they have density, and another piece of property might be suitable for more development with something with more density. **Ms. Murphy made a motion to approve, seconded by Mr. Grundhoefer, and it carried unanimously.**

Open Forum – Ms. Dubuisson thanked the Board for their service and encouraged them to be conscious of every step taken to move something farther and the end game; the good reasoning the Board had may not be present in the later steps.

Mr. Monk advised he had rescinded his application to serve on the Board because of time restraints. He would not be able to attend at the rate necessary. He felt the Board had accomplished a lot and he had enjoyed the process; however, this was the right decision for him. The Board appreciated his service and wished him well.

The Board then commended Ms. Statler on her assistance in the meeting. It was noted Ms. Campbell had resigned, and the Board would need another Planning Board member sitting on the ARB.

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 4:19 pm.

Respectfully Submitted,



Leslie Statler

Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00422

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PUBLIC HEARING: REQUEST FOR ZONING MAP AMENDMENT - 3200 BLOCK SEVILLE DRIVE

RECOMMENDATION:

That City Council conduct a Public Hearing on September 26, 2019, to consider the request to Amend the Zoning Map for the property located in the 3200 Block of Seville Drive.

HEARING REQUIRED: Public

SUMMARY:

The City has received a request from Justin and Kristin Beck to amend the City's Zoning Map from Single Family Residential (R-1AAAAA) to Single Family Residential (R-1AAAA).

The proposed change will make the zoning district consistent with the adjacent platted lot to the east which is under common ownership by the applicants. At approximately 12,196 sf, the parcel is currently undersized for the district; the district regulations require a minimum of 20,000 sf. The parcel would be challenging to develop while applying the more stringent R1-AAAAA standards given the lot depth is less than the sum of the required front and rear setbacks. The adjacent properties to the west along Bayou Texar which are located within the R1-AAAAA zoning district are larger lots and can accommodate the more substantial, estate-like setbacks. The allowed uses for the property *will not* change with this Amendment.

On July 9, 2019, the Planning Board unanimously recommended approval of the Zoning Map Amendment.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

9/10/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Kerrith Fiddler, Assistant City Administrator
Sherry H. Morris, Planning Services Administrator

ATTACHMENTS:

- 1) 3200 Block Seville Drive Zoning Map Amendment Application Planning Board - 7/9/2019
- 2) Planning Board Minutes - 7/9/2019
- 3) 3200 BLK Seville Drive - Zoning Map, dated September 2019
- 4) Proposed Ordinance No. 30-19 - 3200 Block Seville Drive

PRESENTATION: No

PLANNING SERVICES

MEMORANDUM

TO: Planning Board Members
FROM: Leslie Statler, Planner 
DATE: June 28, 2019
SUBJECT: Request for Zoning Map Amendment
3200 BLK Seville Drive

Justin and Kristen Beck are requesting a Zoning Map Amendment for the property located in the 3200 BLK of Seville Drive and identified by parcel number 33-1S-30-0603-000-001. The property currently has a Future Land Use designation of Low Density Residential (LDR) and lies within the R1-AAAAA Single Family Residential zoning district. The applicants are proposing to amend the zoning designation to R-1AAAA Single Family Residential zoning district.

The proposed change will make the zoning consistent with the adjacent platted lot to the east which is under common ownership by the applicants. At approximately 12,196 sf, the parcel is currently undersized for the district; the district regulations require a minimum of 20,000 sf. The parcel would be challenging to develop while applying the more stringent R1-AAAAA standards given the lot depth is less than the sum of the required front and rear setbacks. The adjacent properties to the west along Bayou Texar which are located within the R1-AAAAA zoning district are larger lots and can accommodate the more substantial, estate-like setbacks.

This request has been routed through the various City departments and utility providers. Those comments are attached for your review.

Review Routing
Project: 3200 BLK Seville Drive

Meeting: July 9, 2019
Comments Due: June 25, 2019

Department:	Comments:	Date Rec'd
FIRE	No Objections	6/10/2019
PW/E	No Objections	6/10/2019
InspSvcs		
ESP	Pensacola Energy has no comment on the rezoning request for 3200 BLK Seville Dr.	6/26/2019
ECUA	No Objections	6/13/2019
GPW		
ATT	AT&T has no objection to the rezoning request for the 3200 BLK of Seville Dr.	6/25/2019

Leslie Statler

From: Annie Bloxson
Sent: Monday, June 10, 2019 10:09 AM
To: Leslie Statler
Subject: RE: CORRECTION: 3200 BLK Seville Drive / Rezoning Request

Good Morning,

I have no issues with the rezoning request.

Respectfully,

Annie Bloxson

Fire Marshal

Visit us at PensacolaFire.com

475 E. Strong St.

Pensacola, FL 32501

Office: 850.436.5200

abloxson@cityofpensacola.com



Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

From: Leslie Statler <LStatler@cityofpensacola.com>

Sent: Monday, June 10, 2019 10:01 AM

To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Derrik Owens <DOWens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <KLGRESSE@SOUTHERNCO.COM>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>

Leslie Statler

From: Derrik Owens
Sent: Monday, June 10, 2019 8:39 AM
To: Leslie Statler
Subject: RE: 3200 BLK Seville Drive / Rezoning Request

PW&F has no objection to the request...

From: Leslie Statler <LStatler@cityofpensacola.com>
Sent: Friday, June 7, 2019 4:05 PM
To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <KLGRESSE@SOUTHERNCO.COM>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>
Subject: 3200 BLK Seville Drive / Rezoning Request
Importance: High

Good afternoon all!

Please review and comment on the attached Rezoning request for the property located in the 3200 BLK of Seville Drive and identified with parcel number 33-1S-30-0603-000-001. All comments must be received by close of business on **Tuesday, June 25, 2019**. ~~This is a revision to the current (operational) Conditional Use.~~

Please note this request does NOT include an amendment to the Future Land Use Map; it is a straight rezoning request.

If you have any questions please let us know.

Leslie

Leslie Statler

Planner

Visit us at <http://cityofpensacola.com>

222 W Main St.

Pensacola, FL 32502

Direct Office: 850.435.1673

Plannign Services: 850.435.1670

lstatler@cityofpensacola.com



Leslie Statler

From: Diane Moore
Sent: Wednesday, June 26, 2019 8:20 AM
To: Leslie Statler
Subject: RE: CORRECTION: 3200 BLK Seville Drive / Rezoning Request

Leslie,

Pensacola Energy has no comment on the rezoning request for 3200 BLK Seville Dr.

Regards,
Diane

Diane Moore | Gas Distribution Engineer
Pensacola Energy | 1625 Atwood Drive, Pensacola, FL 32514
Desk: 850-474-5319 | Cell: 850-324-8004 | Fax: 850-474-5331
Email: dmoore@cityofpensacola.com

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For Non-Emergency Citizen Requests, Dial 311 or visit Pensacola311.com

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From: Leslie Statler <LStatler@cityofpensacola.com>
Sent: Tuesday, June 25, 2019 3:02 PM
To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <kellie.simmons@nexteraenergy.com>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>
Subject: FW: CORRECTION: 3200 BLK Seville Drive / Rezoning Request
Importance: High

Happy Tuesday all!

Leslie Statler

From: Andre Calaminus <andre.calaminus@ecua.fl.gov>
Sent: Thursday, June 13, 2019 9:43 AM
To: Leslie Statler
Subject: RE: 3200 BLK Seville Drive / Rezoning Request

Hi Leslie,

ECUA Engineering has no comment or objection on this rezoning request.

Thank you,

Andre Calaminus | Right of Way Agent | Emerald Coast Utilities Authority |

P.O. Box 17089 | Pensacola, FL 32522-7089 | Web: www.ecua.fl.gov |

Phone: (850) 969-5822 | Fax: (850) 969-6511 |

From: Leslie Statler [mailto:LStatler@cityofpensacola.com]

Sent: Friday, June 07, 2019 4:05 PM

To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <KLGRESSE@SOUTHERNCO.COM>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>

Subject: 3200 BLK Seville Drive / Rezoning Request

Importance: High

****WARNING: This is an external email --- DO NOT CLICK links or attachments from unknown senders ****

Good afternoon all!

Please review and comment on the attached Rezoning request for the property located in the 3200 BLK of Seville Drive and identified with parcel number 33-1S-30-0603-000-001. All comments must be received by close of business on **Tuesday, June 25, 2019**. ~~This is a revision to the current (operational) Conditional Use.~~

Please note this request does NOT include an amendment to the Future Land Use Map; it is a straight rezoning request.

If you have any questions please let us know.

Leslie

Leslie Statler

Planner

Leslie Statler

From: WRIGHT, STAN <sw1778@att.com>
Sent: Tuesday, June 25, 2019 4:22 PM
To: Leslie Statler
Subject: FW: 3200 BLK Seville Drive / Rezoning Request
Attachments: 3200 BLK Seville Drive REZONING Application, Supporting Docs.pdf

Importance: High

Leslie,
AT&T has no objection to the rezoning request for the 3200 BLK of Seville Dr.
Thanks

Stan Wright

MGR OSP PLNG & ENGRG DESIGN
Technology Operations

AT&T

605 W Garden St, Pensacola, FL 32502
o 850.436-1488 sw1778@att.com
C 850.554.4413
MOBILIZING YOUR WORLD

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From: FENNER, KARL L
Sent: Tuesday, June 11, 2019 8:25 AM
To: WRIGHT, STAN <sw1778@att.com>
Subject: FW: 3200 BLK Seville Drive / Rezoning Request
Importance: High

Karl Fenner

Area Manager – OSP Plng and Eng
Technology Operations

AT&T

605 W Garden St, Pensacola, FL 32502
o 850.436.1485 | kf5345@att.com

MOBILIZING YOUR WORLD

**REZONING**

Please check application type:

☐
Conventional Rezoning

Application Fee: \$2,500.00

Rehearing/Rescheduling (Planning Board): \$250.00

Rehearing/Rescheduling (City Council): \$750.00

Comprehensive Plan / FLUM Amendment
☐
(< 10 acres)

\$3,500.00

\$250.00

\$750.00

☐
(≥ 10 acres)

\$3,500.00

\$250.00

\$1,000.00

Applicant Information:Name: Justin A. Beck and Kristin E. Beck Date: 5/13/2019Address: 1900 Villafane DrivePhone: 850-529-7499 Fax: _____ Email: jbeck@teambeck.com**Property Information:**Owner Name: Justin A. Beck and Kristin E. Beck Phone: 850-529-7499Location/Address: 3200 BLK Seville Drive, Pensacola, FL 32503Parcel ID: 331 - S - 300 - 603 - 000 - 001 Acres/Square Feet: 0.2804Zoning Classification: Existing R-1AAAAA Proposed R-1AAAAA

Future Land Use Classification: Existing _____ Proposed _____

Reason Rezoning Requested: To make zoning contiguous with adjoining property.

Required Attachments: (A) Full legal description of property (from deed or survey)
 (B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this 13 day of May

Justin A. Beck

Applicant Signature

Justin A. Beck and Kristin E. Beck

Applicant Name (Print)

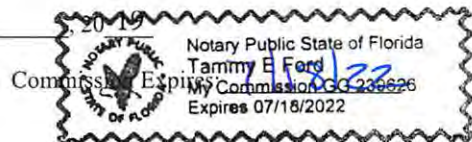
DocuSigned by:

Justin A. Beck

Owner Signature

Justin A. Beck and Kristin E. Beck

Owner Name (Print)

Sworn to and subscribed to before me this 13 day of MayName: Tammy E. Ford**FOR OFFICE USE ONLY**

Council District: _____ Date Received: _____ Case Number: _____

Date Postcards mailed: _____ Planning Board Date: _____ Recommendation: _____

Committee Date: _____ Council Date: _____ Council Action: _____

Second Reading: _____ Ordinance Number: _____

Escambia County Property Appraiser
331S300603000001 - Full Legal Description

BEG AT MOST WLY COR OF LT 1 BLK 3 OF SEVILLE S/D PB 6 P 53 S 30 DEG 15 MIN 00 SEC E ALG WLY LI LT 1 BLK 3 SEVILLE S/D 119 78/100 FT TO MOST SLY COR OF LT 1 BLK 3 SEVILLE S/D S 52 DEG 45 MIN 00 SEC W 109 50/100 FT N 22 DEG 43 MIN 54 SEC W 122 85/100 FT TO CURVE CONCAVE TO N HAVING RADIUS OF 75 FT (DELTA 01 DEG 54 MIN 36 SEC CHD 2 50/100 FT CHD BRG N 53 DEG 42 MIN 18 SEC E) ELY ALG ARC OF SD CURVE (ALSO BEING SLY R/W LI OF IRONWOOD RD 60 FT R/W) ARC DIST 2 50/100 FT TO PT OF TANG CONT ALG SLY R/W LI N 52 DEG 45 MIN 0 SEC E 90 80/100 FT TO POB OR 7893 P 1301 SHEET D

6/3/2019

about:blank



6/3/2019

about:blank



Recorded in Public Records 5/2/2018 8:17 AM OR Book 7893 Page 1301,
Instrument #2018033675, Pam Childers Clerk of the Circuit Court Escambia
County, FL Recording \$27.00 Deed Stamps \$1,050.00

Prepared by and return to:
Stephen B. Shell
Shell, Fleming, Davis & Menge, P.A.
226 Palafox Place
Pensacola, FL 32502
File Number: B4080.00000

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 1st day of May, 2018 between **Charles J. Scarborough, a single person**, whose post office address is **370 Wahackme Road, New Canaan, CT 06840**, and **Susan E. Scarborough, a single person**, whose post office address is **25 S. Beach Drive, Rowayton, CT 06853**, collectively referred to herein as grantor, and **Justin A. Beck and Kristin E. Beck, husband and wife**, whose post office address is **1900 Villa Fane Drive, Pensacola, FL 32503**, grantee;

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Escambia County, Florida** to-wit:

A parcel of land in Section 2, Township 2 South, Range 29 West, Escambia County, Florida, described as follows:

Begin at the most Westerly corner of Lot 1, Block 3, of Seville, a subdivision according to plat recorded in Plat Book 6, at Page 53, of the public records of said county; thence go South 30 degrees 15 minutes 00 seconds East along the Westerly line of said Lot 1, Block 3, of Seville, a distance of 119.78 feet to the most Southerly corner of said Lot 1, Block 3, of Seville; thence go South 52 degrees 45 minutes 00 seconds West a distance of 109.50 feet; thence North 22 degrees 43 minutes 54 seconds West a distance of 122.85 feet to a curve concave to the North having a radius of 75.00 feet (delta = 01 degrees 54 minutes 36 seconds, chord = 2.50', chord bearing = North 53 degrees 42 minutes 18 seconds East); thence go Easterly along the arc of said curve (also being the Southerly right-of-way line of Ironwood Road, 60' R/W) an arc distance of 2.50 feet to a point of tangency; thence continue along said Southerly right-of-way -line, North 52 degrees 45 minutes 00 seconds East a distance of 90.80 feet to the Point of Beginning.

The above parcel of land is situated in Section 2, Township 2 South, Range 29 West, Escambia County, Florida, and contains 12,055.82 square feet, more or less.

Parcel Identification Number: 331S300603000001

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the State of Florida, nor is it contiguous to or a part of homestead property. Grantor's residence and homestead address is 1 Talladega Trail, Pensacola, Florida 32506.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

DoubleTime®

BK: 7893 PG: 1302

And subject to taxes for the current year and later years and all valid easements and restrictions of record, if any, which are not hereby reimposed; and also subject to any claim, right, title or interest arising from any recorded instrument reserving, conveying, leasing, or otherwise alienating any interest in the oil, gas and other minerals. And grantor does warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever, subject only to the exceptions set forth herein.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: Teo O. Camper

Witness Name: Arthur Zinn

Charles J. Scarborough

(Seal)

State of Connecticut

County of FAIRFIELD

The foregoing instrument was acknowledged before me this 30th day of April, 2018 by Charles J. Scarborough, who ☐ is personally known or ☒ has produced a driver's license as identification.

[Notary Seal]

Margdalene C. Colandro
Notary Public

Printed Name: MAGDALENE C. COLANDRO

My Commission Expires: Oct. 31, 2021



BK: 7893 PG: 1303 Last Page

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: T. Coolidge

Witness Name: Arthur Zinn

Susan E. Scarborough (Seal)

State of CONNECTICUT
County of FAIRFIELD

The foregoing instrument was acknowledged before me this 30th day of April, 2018 by Susan E. Scarborough, who ☐ is personally known or ☒ has produced a driver's license as identification.



Magdalene C. Colandro
Notary Public

Printed Name: MAGDALENE C. COLANDRO

My Commission Expires: Oct. 31, 2021



PLANNING SERVICES

THE UPSIDE *of* FLORIDA

MINUTES OF THE PLANNING BOARD

July 9, 2019

MEMBERS PRESENT: Chairman Paul Ritz, Kurt Larson, Nathan Monk, Danny Grundhoefer, Laurie Murphy

MEMBERS ABSENT: Ryan Wiggins, Nina Campbell

STAFF PRESENT: Leslie Statler, Planner, Greg Harding, Historic Preservation Planner, Heather Lindsay, Assistant City Attorney, Jonathan Bilby, Building Official

OTHERS PRESENT: Councilwoman Sherri Myers, Diane Mack, Sarah O'Neill, John Connell, Dottie Dubuisson, Renee Foret, Sam Lundy, John & Jonathan Connell, Steve Geci, Barbara Mayall, Michael Carro, Don Redhead, Tia Queyquep, Ann Hill, Ron Helms, Justin Beck

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from May 14, 2019.
- **New Business:**
 1. Preliminary Plat Review – “Whispering Creek” subdivision
 2. Rezoning Request – 3200 BLK Seville Drive
 3. Amendment to Conditional Use Permit – 501 S. Palafox Street (Al Fresco)
 4. Aesthetic Review – 501 S. Palafox Street (Al Fresco)
 5. Review of Gateway Review Board
 6. LDC Amendment – Ice Machines
 7. Comprehensive Plan Amendment – Density Transfer
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:02 pm with a quorum present and explained the Board procedures to the audience.

Approval of Meeting Minutes

Ms. Murphy made a motion to approve the May 14, 2019 minutes, seconded by Mr. Larson, and it carried unanimously.

New Business

Preliminary Plat Review – “Whispering Creek” subdivision

Chairman Ritz reviewed some of the comments received regarding this project and asked Mr. Geci to address the Board. Mr. Geci advised there were no real issues with the corrections to be made. In the previous phase of the subdivision, they constructed a stormwater pond which would also handle new

EVERYTHING THAT'S GREAT ABOUT FLORIDA IS BETTER IN PENSACOLA.

property, and there would be no new stormwater pond added. Water and sewer are available. Deeded access is being provided through the Target shopping center. He has some questions to staff regarding the comments asking for everything to be on one sheet. He also stated there will be two parking spaces per lot, and in most cases three or four.

Ms. Murphy stated she was an active member of the restoration crew for Carpenters Creek located behind the property and noted this plat was heavily forested, and she had several concerns since this property would empty into Carpenters Creek. She asked if they planned to raise the property up since at one point there was a 10' grade difference. She pointed out the stormwater pond for the Whispers subdivision had not worked well and asked how the runoff would be handled for the new development after clearcutting all the trees. Mr. Geci stated there was a tremendous slope from north to south, so they would cut one end and fill the other with retaining walls at each end to grade it out, and it would be difficult to save any trees. Once the site was developed with the inlets and pipes to control it all, there wouldn't be any flow down the bank. He explained currently there was sheet flow into the pond which had caused problems over time. Ms. Murphy pointed out the water did not flow toward the stormwater pond; Mr. Geci advised none of the water would flow onto the adjacent property.

Chairman Ritz clarified that the agenda item was the preliminary plat review which normally did not cover sheet flow, and Mr. Geci's answers were acceptable at this point since the Board had certain criteria for preliminary plat review. While important for the City of Pensacola, in the rules for preliminary review, it might not be an item on which you could accept or reject the plat. Mr. Geci advised they would address all the details with construction plans reviewed by the City and water management district. Ms. Murphy pointed out there were no Conifer trees listed on the tree list; Chairman Ritz explained the City had a list of protected trees, and the trees not listed were not protected. Mr. Geci advised the tree survey was prepared in accordance with the City ordinance, and they would comply with it.

Mr. Monk advised his concern with preliminary reviews involved a lot of steps he would want to know had been taken before any review. Once something was stamped and approved, it became very difficult to stop it down the line. He pointed out there was probably someone living on the property, there were runoff issues, tree issues and community issues. Whenever he was told the issues would be handled down the line, sometimes they never were, and there should be a fix to this portion of the process. Chairman Ritz explained that someone living on the property was a legal issue and not a part of the Board's decision making process. Mr. Geci pointed out this was a preliminary plat and discussed the steps up to the preliminary plat. Beyond this stage, there were construction plans, permits from the City and the utility authority; this stage was not designed to address all the details. Mr. Monk felt the Board had the obligation to ask these questions. Chairman Ritz explained that they needed to balance the questions they asked with what was required by the agenda item as a preliminary plat. Mr. Grundhoefer asked about the development, and Mr. Geci stated it was single-family detached. Ms. Murphy asked how long it would take to develop the 20 homes, and Mr. Connell advised they would begin immediately with construction as soon as the roads were finished. He explained the reason for not going through the Whispers was because they left a parcel which connected to this property which was intended to have an extension of the Whispers in the next phase; through the course of engineering and legalities, that parcel was thrown into the homeowners' association instead of being retained by the developer as owners. He also stated there were two holding ponds in the Whispers, and those holding ponds were to be maintained by the City. He explained no water would flow into the Target parking lot or the existing Whispers location. The new phase would be compatible to the Whispers subdivision. He also pointed out the homeless situation is all over the City of Pensacola and not just in this area. He clarified that they would adhere to any City ordinance or requirement concerning this project.

Ms. O'Neill wanted to know how many protected trees were being removed; she was also concerned with the homeless and the wildlife in this location. She was also concerned that the project was being pushed

through quickly. Chairman Ritz explained according to the LDC, private property owners can clear cut trees by right, and protected trees have been allowed to be removed from residential property. He emphasized the Board was trying to stay with the agenda item, and discussions brought forth deal with other legislative issues which might be addressed by the City Council in a different forum. He clarified the preliminary plat deals with a proper drawing showing the delineation of the properties, roadways, setbacks and other particular features.

Ms. Mack asked if the number of parcels was included in the preliminary plat and was this the maximum of parcels allowed. Ms. Statler advised this was not the maximum the developer could build since this parcel was zoned C-2 with a very dense allowance. Chairman Ritz explained that cumulative zoning means we are allowed to use this zoning and other zoning designations below it such as C-1, and the R designations to determine what can be built there. Ms. Mack suggested since the developer had already seen the value of having fewer lots in the allowed area, given the current real estate market, there was an opportunity to have fewer lots, noting how much retaining trees adds to the value of each parcel and each developed single family home. Regarding climate change, the most effective thing we could do and the least expensive way would be to re-forest the planet.

Mr. Grundhoefer asked if there was another option rather than building retaining walls as a possibility for not building up a site and clear cutting. Mr. Geci stated they had looked at condominiums but decided on the less dense subdivision. Because of the slope of the site, to have building pads that were level, they were limited; they were cutting the north end and filling the south end and then leveling it out.

Ms. Dubuisson cautioned the Board, the developer and the City to stop and look at the ripple effect of every change that this particular development would cause. She pointed out our Mayor emphasized neighborhoods, and the neighbors have made known they do not wish for this activity at the current rate currently being discussed. She explained everything she was hearing was about reversing the natural order and trying to countermand the normal drainage of the property. It was noted the City had acquired responsibility for a privately developed stormwater pond serving the first development. She did not know how they could have anticipated the second development would be covered if they did not even know how many buildings were going in the new development. She suggested the Board table the item until all the questions raised by staff and the public could be addressed. She advised when the Board could slow the process down to answer any questions, she encouraged them to do so.

Councilwoman Meyers addressed the Board with a great concern for this project, and that the existing stormwater pond was the worst she had seen in the City of Pensacola. She explained the erosion was not coming from the land the developer wanted to clear cut but coming straight down the street through the Whispers and eroding it to the point you cannot drive into the pond to maintain it. She stated she had many conversations with Derrik Owens about the maintenance of the pond, and the pond was not sufficient for the Whispers and definitely would not be adequate for any additional impervious surfacing. She pointed out the City had spent a lot of resources trying to rehabilitate this pond. She stated Carpenters Creek was not a whispering creek but has been viewed as a conveyer of stormwater and was not designed for that much stormwater from impervious surfacing. She observed there was tremendous bank erosion along that creek because it was not designed to take on all that water from impervious surfaces. The new development would contribute to not only the demise of the stormwater pond, but would put more water into the creek, resulting in more erosion. She suggested using more pervious surfacing so the water would not enter the stormwater pond. She urged the Board not to approve the item until it had all the facts.

Mr. Monk made a motion to table the item, seconded by Ms. Murphy. Mr. Grundhoefer suggested the motion include information on what the Board was looking for. He also thought the Board needed more comfort that the stormwater system and the pond could take this development, and if not, return with a less impervious development and keeping the more natural terrain, something the Board could see was a positive statement. Mr. Monk and Ms. Murphy accepted this amendment. Chairman Ritz clarified the

added information of addressing stormwater during the tabling time. Mr. Monk also understood the motion to include lot size and the possibility of reducing the effect on the environment; Ms. Murphy added green stormwater structure with bio swales and other options available to give the Board more information and more items to look at to make a better decision. Mr. Monk agreed, and the motion carried unanimously.

Rezoning Request – 3200 BLK Seville Drive

Ms. Statler explained the zoning change would not change the uses permitted, but would simply change the minimum lot size and the front and rear setbacks which would be consistent with the properties to the north.

Mr. Beck presented to the Board and advised the current zoning prevented them from building anything on the property, and it was the only parcel on Bayou Texar with that zoning. He stated they had no intention of selling this lot at this time, and the rezoning would allow them to place a pool house on it. **Mr. Larson made a motion to approve as presented, seconded by Mr. Monk, and it carried unanimously.**

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

Mr. Sallis presented to the Board and stated he was addressing the ordinance and as a developer and wanted to go through the proper procedures. Mr. Carro had met with the Mayor to talk about the retail for this project which was not currently in the ordinance. Mr. Sallis explained they wanted the Board's support for retail in this development and to obtain approval of the aesthetics. He explained the developer was working with them to create a cover for the airstreams to shelter them from weather events so they could have successful businesses year round. He stated the idea was to have an old building which looked like Al Fresco was added later; he hoped the current rendering had the bones of a warehouse which housed the outdoor retail market. He stated Mr. Bilby informed him there still might be issues because of the flood design manuals for the City. He confirmed the property was clearly in a flood zone, and to build, they would have to comply with flood management. They would need to completely elevate the site and build it up to around 4.5' with a 40' ramp and steps, which was a cost not worth pursuing. The other method was to use FEMA standards for flood proof construction - a wall around the development to withhold water for several hours - which was not a sensible effort in construction. He explained they wanted to leave the airstreams as they are; the documents provided illustrated mobile restaurant units made from shipping containers, but they were no longer going to pursue that. They preferred to leave the airstreams where they were, moving one of the airstreams to allow an open flow underneath the proposed covering. They would be anchored in the same method of a mobile home, but this was no longer acceptable according to Mr. Bilby. He asked that they be allowed to keep the airstreams as they are but move one of them and anchor it in the similar method the others have been in the past and construct the overhead structure.

Chairman Ritz stated in the intervening years of the original airstream decision, he had heard both pros and cons especially as it related to what is considered a prominent corner in Pensacola. He explained the bank across the street had to build up because of the flood zone. He personally had received more negative comments than positive on the airstreams. He did like the current aesthetic presentation because it fit in the "building that has been there" mentality. He referred to the conditional use permit issue and the aesthetic review as being two separate agenda items.

Mr. Grundhoefer confirmed moving the one airstream was the main issue. Mr. Sallis explained the Board was first tasked to allow retail as a part of the ordinance and discussed the methods of anchoring; they were hoping to use the helical design for the mobile units. Mr. Grundhoefer appreciated the new design and stated he would support it and thought retail was appropriate in this situation. Mr. Bilby explained the flood ordinance gave two conditions in new construction to either to elevate 3' or to anchor to resist flood loads and to flood proof. He was not sure why the existing airstreams were allowed the way there were, but the

existing ordinance would not allow them to be placed in that manner. Recreational vehicles are covered but only up to 180 days before they must be removed. He loved this concept and explained the helical anchors were fine but they would need to flood proof up to that 3' elevation above base flood elevation along with the anchor. They could flood proof each individual shipping container, anchor them, and the development would go through with no problem. He clarified the basic flood regulations were out of the National Flood Insurance Program adopted by Pensacola. Mr. Monk felt Al Fresco helped to develop downtown to what it currently is and wanted to find a way to be safe and to find an answer.

Chairman Ritz advised with the conditional use, he did not have a problem with retail, and this project brings life and a higher people count through more hours of the day. Ms. Statler explained this conditional use had changed today, and staff had just been made aware of it at the same time the Board was made aware. In discussions with Legal and the Planning Director, it was not something that could be voted on today. She advised the site plan had changed, and basically the conditional use packet that would move forward was not what was in front of the Board. Mr. Sallis voiced his frustration since there is now not a change to the site plan. Chairman Ritz clarified that the current packet was not advertised and the site plan would be different from the one the citizens of Pensacola had seen. Mr. Grundhoefer felt the conditional use didn't have to do with the way the site was configured. Ms. Statler further explained the conditional use itself is site specific and deals with the orientation of the structures on the site, and the aesthetics would be considered under Item 4. Mr. Monk asked if the Board could not approve the language of the containers themselves but the option for retail, and Ms. Statler stated that was acceptable. Chairman Ritz pointed out with other business owners having high stakes in the game, public notice needed to be considered. Mr. Sallis stated their May submittal was not in time for the Board's consideration and was then delayed, and they missed June because of the proper advertising. Mr. Carro stated they did not miss June, and the Board had expected to see them in June; the City did not perform the proper notification, even as they were making the changes the Board requested. Mr. Sallis explained the flood comments were received in the last week regarding the current submittal and was the reason for the changes to keep what they currently have and cover it.

Ms. Statler clarified the application deadline for conditional use is 30 days and not 21; when this project was initially submitted for May, staff did not have a full, complete packet 30 days prior to the meeting. Staff agreed to let it come forward as a discussion item. This item was submitted in a timely manner with the conditional use application with all specifications and met the deadline for this meeting. The procedures for a conditional use are different and based on a development plan submitted with the application. The reason the Board could not vote on this was because the development plan submitted with the application had changed; it doesn't matter if it was a minor or a major change. Relative to the flood proofing, there was a Development Review meeting attended by Mr. Carro where that requirement was fully discussed several months ago.

Chairman Ritz pointed out he had no problem with retail, but the language in the conditional use application had changed and was in line with the advice of Legal and staff. He was hesitant to tell one applicant they have to provide above and beyond for their one item and then with a little bit more of a cavalier attitude allow a change that someone may complain to City Council that they didn't see. Ms. Statler advised the Board should postpone to a date certain and staff would expect revisions to present to the Board in August. She stated the 30-day deadline would be this Friday, with the actual Planning Board deadline on July 23 for the August 13 meeting. Mr. Sallis stated they would submit plans by this Friday showing the existing airstreams remaining, with the anchoring details worked out with Mr. Bilby for the building code requirements. Ms. Statler advised the Board could proceed with the review of the aesthetic and provide comments on design to allow them to move forward. Chairman Ritz offered the Board should table until the August meeting.

Mr. Larson made a motion to table Item 3, seconded by Ms. Murphy, and it carried unanimously.

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

Mr. Sallis appreciated the support of the Board and appreciated staff working with them on the very specific and detailed conditional use ordinance, and the current design was intentional to create the plaza called for in the ordinance. Mr. Carro stated he had four to six tenants who are affected by the weather. Since he cannot charge additional rent, he could prevent turnover in giving them more hours and more days in which to operate. He was also more pleased with the wood design.

Ms. Mack stated the most charming feature of Al Fresco is that it is open air and open light. She would like to see the light coming through perhaps through a green roof. Mr. Carro did not disagree; however, the entrance would be open air with four palm trees, and at least three sides would be open air with natural light. Mr. Sallis stated there were two cupolas on the roof to allow for good airflow and light which were designed to create interest in the structure. Chairman Ritz agreed this was a better approach for the roof, and Mr. Monk also liked the design which gives reprieve in the hot and cold temperatures. Adding the retail was important since he felt it would become a hub of activity. Ms. Murphy understood the importance of tenant turnover and thought the design was a great idea to help retain the businesses there. Mr. Larson stated it reminded him of the old warehouse district and appreciated the effort in design changes. Mr. Grundhoefer asked if approved, would the design go to Council before the conditional use, and Ms. Statler explained it would not. **Mr. Grundhoefer made a motion to approve the aesthetic design, seconded by Mr. Larson, and it carried unanimously.**

Review of Gateway Review Board (to eliminate the Gateway Review Board)

Chairman Ritz explained if approved, this would place slightly more work on the Planning Board for items in the Gateway Review Board purview. Ms. Statler explained signage is now handled through an abbreviated review process and would not be reviewed by the Board unless the chairman determined it should be. Mr. Grundhoefer asked why this Board and not the ARB. Ms. Statler clarified that ARB covers the historic areas, and Planning Board does have purview over aesthetics. The Gateway Redevelopment District is under the same section as the Waterfront Redevelopment District, which is under the Planning Board purview. Mr. Larson stated with the new bridge and waterfront development, there would be some changes which will demand review. **Mr. Larson made a motion to approve because its well within the scope of what the City has asked us to do, seconded by Mr. Monk, and it carried unanimously.**

LDC Amendment – Ice Machines

Chairman Ritz advised the issue was with the aesthetics and appearance of the vending machines. Ms. Dubuisson pointed out this was not only a vending machine issue but a traffic-originating and noise issue and has an impact on everything around it not only in aesthetics but in an access point of view – not just how it looks but how it functions. Mr. Grundhoefer clarified what they are tasked with is not whether you can put these ugly boxes in a parking lot; it has to do with can we change it to make it uglier. Mr. Monk agreed this was a bad idea, and the few he did see around town were unattractive and problematic in a lot of ways and did not see any reason to vote for this. Ms. Murphy noted the request was included screening rooftop mechanical equipment with lattice and allowing advertising on the sides. Mr. Grundhoefer asked who sponsored the item, and Ms. Statler stated it was a request presented to the Mayor's office. **Mr. Larson made a motion to deny, seconded by Mr. Monk, and it carried unanimously.**

Comprehensive Plan Amendment – Density Transfer

Ms. Statler advised that like density bonuses, density transfers will be required to be approved by the Planning Board and not at a staff level. The review process was not as technical as for the platting process where you have a staff review with comments issued. Chairman Ritz offered that the language presented

was far less restrictive than with some items with a checklist. Ms. Statler explained if this was approved for the Comprehensive Plan, they would come back and draft the conditions and procedures to obtain the transfer. Ms. Murphy asked how long the units stayed affordable. Chairman Ritz advised with the language not written, that was to be determined. Mr. Monk stated most affordable housing was done through granting, and almost all of them have a 30-year retention period; if it was set at 20 or 30 years, it would meet the national standard. Chairman Ritz pointed out there are legal requirements if a developer chooses to go affordable, depending on which funding sources are followed. If we, as the Board, believe the City should develop rules and regulations for density transfers, we would vote they should; the language would then be crafted and approved. If the Board did not think the City should pursue density transfers, the language would not be developed. Ms. Murphy had a problem with gentrification of neighborhoods. Ms. Statler explained this was step one to get this into the Comprehensive Plan in order to move forward. Step two would be to return to the Board to get the language into the LDC; staff would draft the language, and the Board would make modifications. Chairman Ritz stated the Board had conducted workshops outside of the Board's meetings to work on the specific language. Ms. Murphy agreed public input would be beneficial. Chairman Ritz explained the language could be drafted, but it was controlled by the Florida legislature. Ms. Murphy asked if the City received financial incentives for these bonuses or transfers, and Chairman Ritz advised that would be illegal. Ms. Murphy wanted to know what the incentive was, and Ms. Statler stated there had been some discussions in general regarding the fact that if someone had common ownership of a property, they could transfer density from one lot they were not going to develop to a maximum density onto to their other lot which would have more density. Other municipalities have both bonuses and density transfers, but Pensacola does not. She pointed out we deal with developers who come in and have a vision of what they want to do, and sometimes the zoning district does not allow for the density they need, so something like this could help those developers in that they would not have to go through a rezoning which might be contentious. She clarified they were not changing the land use but allowing for more density with the understanding there was a tradeoff. The language has been drafted as and/or – redevelopment and/or affordable housing. She explained there might be an environmental issue where the property is deemed wasteland, but they have density, and another piece of property might be suitable for more development with something with more density. **Ms. Murphy made a motion to approve, seconded by Mr. Grundhoefer, and it carried unanimously.**

Open Forum – Ms. Dubuisson thanked the Board for their service and encouraged them to be conscious of every step taken to move something farther and the end game; the good reasoning the Board had may not be present in the later steps.

Mr. Monk advised he had rescinded his application to serve on the Board because of time restraints. He would not be able to attend at the rate necessary. He felt the Board had accomplished a lot and he had enjoyed the process; however, this was the right decision for him. The Board appreciated his service and wished him well.

The Board then commended Ms. Statler on her assistance in the meeting. It was noted Ms. Campbell had resigned, and the Board would need another Planning Board member sitting on the ARB.

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 4:19 pm.

Respectfully Submitted,



Leslie Statler

Secretary to the Board

PROPOSED
ORDINANCE NO. _____

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING THE ZONING
CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO
AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF
THE CITY OF PENSACOLA; AMENDING THE ZONING MAP
OF THE CITY OF PENSACOLA; REPEALING CLAUSE AND
EFFECTIVE DATE.

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

WHEREAS, a proposed amended zoning classification has
been referred to the local planning agency pursuant to §163.3174,
Fla. Stat., and a proper public hearing was held on September 26,
2019 concerning the following proposed zoning classification
affecting the property described therein; and

WHEREAS, after due deliberation, the City Council has
determined that the amended zoning classification set forth herein
will affirmatively contribute to the health, safety, and general
welfare of the citizens of the City of Pensacola; and

WHEREAS, said amended zoning classification is consistent
with all applicable elements of the Comprehensive Plan as amended,
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. That the Zoning Map of the City of Pensacola
and all notations, references and information shown thereon is
hereby amended so that the following described real property
located in the City of Pensacola, Florida, to-wit:

BEG AT MOST WLY COR OF LT 1 BLK 3 OF SEVILLE S/D PB 6 P
53 S 30 DEG 15 MIN 00 SEC E ALG WLY LI LT 1 BLK 3
SEVILLE S/D 119 78/100 FT TO MOST SLY COR OF LT 1 BLK 3
SEVILLE S/D S 52 DEG 45 MIN 00 SEC W 109 50/100 FT N 22
DEG 43 MIN 54 SEC W 122 85/100 FT TO CURVE CONCAVE TO N
HAVING RADIUS OF 75 FT (DELTA 01 DEG 54 MIN 36 SEC CHD
2 50/100 FT CHD BRG N 53 DEG 42 MIN 18 SEC E) ELY ALG
ARC OF SD CURVE (ALSO BEING SLY R/W LI OF IRONWOOD RD

60 FT R/W) ARC DIST 2 50/100 FT TO PT OF TANG CONT ALG
SLY R/W LI N 52 DEG 45 MIN 0 SEC E 90 80/100 FT TO POB
OR 7893 P 1301 SHEET D.

is hereby changed from the R-1AAAAA (Single Family Residential)
District to the R-1AAAA (Single Family Residential) District.

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

File #: 30-19

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 30-19, REQUEST FOR ZONING MAP AMENDMENT - 3200 BLOCK SEVILLE DRIVE

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 30-19 on first reading:

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA; AMENDING THE ZONING MAP OF THE CITY OF PENSACOLA; REPEALING CLAUSE AND EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The City has received a request from Justin and Kristin Beck to amend the City's Zoning Map from Single Family Residential (R-1AAAAA) to Single Family Residential (R-1AAAA).

The proposed change will make the zoning district consistent with the adjacent platted lot to the east which is under common ownership by the applicants. At approximately 12,196 sf, the parcel is currently undersized for the district; the district regulations require a minimum of 20,000 sf. The parcel would be challenging to develop while applying the more stringent R1-AAAAA standards given the lot depth is less than the sum of the required front and rear setbacks. The adjacent properties to the west along Bayou Texar which are located within the R1-AAAAA zoning district are larger lots and can accommodate the more substantial, estate-like setbacks. The allowed uses for the property *will not* change with this Amendment.

On July 9, 2019, the Planning Board unanimously recommended approval of the Zoning Map Amendment.

PRIOR ACTION:

None.

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

9/10/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Kerrith Fiddler, Assistant City Administrator
Sherry H. Morris, Planning Services Administrator

ATTACHMENTS:

- 1) Proposed Ordinance No. 30-19
- 2) 3200 Block Seville Drive Zoning Map Amendment Application - Planning Board - 7/9/2019
- 3) Planning Board Minutes - 7/9/2019
- 4) 3200 Block Seville Drive - Zoning Map, dated September 2019

PRESENTATION: No

PROPOSED
ORDINANCE NO. _____

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING THE ZONING
CLASSIFICATION OF CERTAIN PROPERTY PURSUANT TO
AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF
THE CITY OF PENSACOLA; AMENDING THE ZONING MAP
OF THE CITY OF PENSACOLA; REPEALING CLAUSE AND
EFFECTIVE DATE.

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

WHEREAS, a proposed amended zoning classification has
been referred to the local planning agency pursuant to §163.3174,
Fla. Stat., and a proper public hearing was held on September 26,
2019 concerning the following proposed zoning classification
affecting the property described therein; and

WHEREAS, after due deliberation, the City Council has
determined that the amended zoning classification set forth herein
will affirmatively contribute to the health, safety, and general
welfare of the citizens of the City of Pensacola; and

WHEREAS, said amended zoning classification is consistent
with all applicable elements of the Comprehensive Plan as amended,
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

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and all notations, references and information shown thereon is
hereby amended so that the following described real property
located in the City of Pensacola, Florida, to-wit:

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SEVILLE S/D S 52 DEG 45 MIN 00 SEC W 109 50/100 FT N 22
DEG 43 MIN 54 SEC W 122 85/100 FT TO CURVE CONCAVE TO N
HAVING RADIUS OF 75 FT (DELTA 01 DEG 54 MIN 36 SEC CHD
2 50/100 FT CHD BRG N 53 DEG 42 MIN 18 SEC E) ELY ALG
ARC OF SD CURVE (ALSO BEING SLY R/W LI OF IRONWOOD RD

60 FT R/W) ARC DIST 2 50/100 FT TO PT OF TANG CONT ALG
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is hereby changed from the R-1AAAAA (Single Family Residential)
District to the R-1AAAA (Single Family Residential) District.

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

PLANNING SERVICES

MEMORANDUM

TO: Planning Board Members
FROM: Leslie Statler, Planner *LSW*
DATE: June 28, 2019
SUBJECT: Request for Zoning Map Amendment
3200 BLK Seville Drive

Justin and Kristen Beck are requesting a Zoning Map Amendment for the property located in the 3200 BLK of Seville Drive and identified by parcel number 33-1S-30-0603-000-001. The property currently has a Future Land Use designation of Low Density Residential (LDR) and lies within the R1-AAAAA Single Family Residential zoning district. The applicants are proposing to amend the zoning designation to R-1AAAA Single Family Residential zoning district.

The proposed change will make the zoning consistent with the adjacent platted lot to the east which is under common ownership by the applicants. At approximately 12,196 sf, the parcel is currently undersized for the district; the district regulations require a minimum of 20,000 sf. The parcel would be challenging to develop while applying the more stringent R1-AAAAA standards given the lot depth is less than the sum of the required front and rear setbacks. The adjacent properties to the west along Bayou Texar which are located within the R1-AAAAA zoning district are larger lots and can accommodate the more substantial, estate-like setbacks.

This request has been routed through the various City departments and utility providers. Those comments are attached for your review.

Review Routing
Project: 3200 BLK Seville Drive

Meeting: July 9, 2019
Comments Due: June 25, 2019

Department:	Comments:	Date Rec'd
FIRE	No Objections	6/10/2019
PW/E	No Objections	6/10/2019
InspSvcs		
ESP	Pensacola Energy has no comment on the rezoning request for 3200 BLK Seville Dr.	6/26/2019
ECUA	No Objections	6/13/2019
GPW		
ATT	AT&T has no objection to the rezoning request for the 3200 BLK of Seville Dr.	6/25/2019

Leslie Statler

From: Annie Bloxson
Sent: Monday, June 10, 2019 10:09 AM
To: Leslie Statler
Subject: RE: CORRECTION: 3200 BLK Seville Drive / Rezoning Request

Good Morning,

I have no issues with the rezoning request.

Respectfully,

Annie Bloxson

Fire Marshal

Visit us at PensacolaFire.com

475 E. Strong St.

Pensacola, FL 32501

Office: 850.436.5200

abloxson@cityofpensacola.com



Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

From: Leslie Statler <LStatler@cityofpensacola.com>

Sent: Monday, June 10, 2019 10:01 AM

To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <KLGRESSE@SOUTHERNCO.COM>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>

Leslie Statler

From: Derrik Owens
Sent: Monday, June 10, 2019 8:39 AM
To: Leslie Statler
Subject: RE: 3200 BLK Seville Drive / Rezoning Request

PW&F has no objection to the request...

From: Leslie Statler <LStatler@cityofpensacola.com>
Sent: Friday, June 7, 2019 4:05 PM
To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <KLGRESSE@SOUTHERNCO.COM>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>
Subject: 3200 BLK Seville Drive / Rezoning Request
Importance: High

Good afternoon all!

Please review and comment on the attached Rezoning request for the property located in the 3200 BLK of Seville Drive and identified with parcel number 33-15-30-0603-000-001. All comments must be received by close of business on **Tuesday, June 25, 2019**. ~~This is a revision to the current (operational) Conditional Use.~~

Please note this request does NOT include an amendment to the Future Land Use Map; it is a straight rezoning request.

If you have any questions please let us know.

Leslie

Leslie Statler

Planner

Visit us at <http://cityofpensacola.com>

222 W Main St.

Pensacola, FL 32502

Direct Office: 850.435.1673

Plannign Services: 850.435.1670

lstatler@cityofpensacola.com



Leslie Statler

From: Diane Moore
Sent: Wednesday, June 26, 2019 8:20 AM
To: Leslie Statler
Subject: RE: CORRECTION: 3200 BLK Seville Drive / Rezoning Request

Leslie,

Pensacola Energy has no comment on the rezoning request for 3200 BLK Seville Dr.

Regards,
Diane

Diane Moore | Gas Distribution Engineer
Pensacola Energy | 1625 Atwood Drive, Pensacola, FL 32514
Desk: 850-474-5319 | Cell: 850-324-8004 | Fax: 850-474-5331
Email: dmoore@cityofpensacola.com

***Please consider the environment before printing this email.



For Non-Emergency Citizen Requests, Dial 311 or visit Pensacola311.com

Notice: Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

From: Leslie Statler <LStatler@cityofpensacola.com>
Sent: Tuesday, June 25, 2019 3:02 PM
To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <kellie.simmons@nexteraenergy.com>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>
Subject: FW: CORRECTION: 3200 BLK Seville Drive / Rezoning Request
Importance: High

Happy Tuesday all!

Leslie Statler

From: Andre Calaminus <andre.calaminus@ecua.fl.gov>
Sent: Thursday, June 13, 2019 9:43 AM
To: Leslie Statler
Subject: RE: 3200 BLK Seville Drive / Rezoning Request

Hi Leslie,

ECUA Engineering has no comment or objection on this rezoning request.

Thank you,

Andre Calaminus | Right of Way Agent | Emerald Coast Utilities Authority |

P.O. Box 17089 | Pensacola, FL 32522-7089 | Web: www.ecua.fl.gov |

Phone: (850) 969-5822 | Fax: (850) 969-6511 |

From: Leslie Statler [mailto:LStatler@cityofpensacola.com]

Sent: Friday, June 07, 2019 4:05 PM

To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <KLGRESSE@SOUTHERNCO.COM>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>

Subject: 3200 BLK Seville Drive / Rezoning Request

Importance: High

****WARNING: This is an external email --- DO NOT CLICK links or attachments from unknown senders ****

Good afternoon all!

Please review and comment on the attached Rezoning request for the property located in the 3200 BLK of Seville Drive and identified with parcel number 33-1S-30-0603-000-001. All comments must be received by close of business on **Tuesday, June 25, 2019**. ~~This is a revision to the current (operational) Conditional Use.~~

Please note this request does NOT include an amendment to the Future Land Use Map; it is a straight rezoning request.

If you have any questions please let us know.

Leslie

Leslie Statler

Planner

Leslie Statler

From: WRIGHT, STAN <sw1778@att.com>
Sent: Tuesday, June 25, 2019 4:22 PM
To: Leslie Statler
Subject: FW: 3200 BLK Seville Drive / Rezoning Request
Attachments: 3200 BLK Seville Drive REZONING Application, Supporting Docs.pdf

Importance: High

Leslie,
AT&T has no objection to the rezoning request for the 3200 BLK of Seville Dr.
Thanks

Stan Wright

MGR OSP PLNG & ENGRG DESIGN
Technology Operations

AT&T

605 W Garden St, Pensacola, FL 32502
o 850.436-1488 sw1778@att.com
C 850.554.4413

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From: FENNER, KARL L
Sent: Tuesday, June 11, 2019 8:25 AM
To: WRIGHT, STAN <sw1778@att.com>
Subject: FW: 3200 BLK Seville Drive / Rezoning Request
Importance: High

Karl Fenner

Area Manager – OSP Plng and Eng
Technology Operations

AT&T

605 W Garden St, Pensacola, FL 32502
o 850.436.1485 | kf5345@att.com

MOBILIZING YOUR WORLD

**REZONING**

Please check application type:

☐
Conventional Rezoning

Application Fee: \$2,500.00

Rehearing/Rescheduling (Planning Board): \$250.00

Rehearing/Rescheduling (City Council): \$750.00

Comprehensive Plan / FLUM Amendment
☐
(< 10 acres)

\$3,500.00

\$250.00

\$750.00

☐
(≥ 10 acres)

\$3,500.00

\$250.00

\$1,000.00

Applicant Information:Name: Justin A. Beck and Kristin E. Beck Date: 5/13/2019Address: 1900 Villafane DrivePhone: 850-529-7499 Fax: _____ Email: jbeck@teambeck.com**Property Information:**Owner Name: Justin A. Beck and Kristin E. Beck Phone: 850-529-7499Location/Address: 3200 BLK Seville Drive, Pensacola, FL 32503Parcel ID: 331 - S - 300 - 603 - 000 - 001 Acres/Square Feet: 0.2804Zoning Classification: Existing R-1AAAAA Proposed R-1AAAAA

Future Land Use Classification: Existing _____ Proposed _____

Reason Rezoning Requested: To make zoning contiguous with adjoining property.

Required Attachments: (A) Full legal description of property (from deed or survey)
 (B) General location map with property to be rezoned indicated thereon

The above information, together with all other answers and information provided by me (us) as petitioner (s)/applicant (s) in the subject application, and all other attachments thereto, is accurate and complete to the best of my (our) knowledge and belief as of this 13 day of May

Justin A. Beck

Applicant Signature

Justin A. Beck and Kristin E. Beck

Applicant Name (Print)

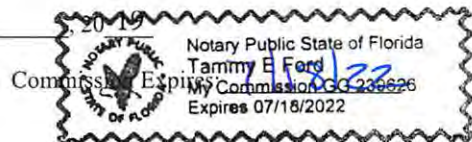
DocuSigned by:

Justin A. Beck

Owner Signature

Justin A. Beck and Kristin E. Beck

Owner Name (Print)

Sworn to and subscribed to before me this 13 day of MayName: Tammy E. Ford**FOR OFFICE USE ONLY**

Council District: _____ Date Received: _____ Case Number: _____

Date Postcards mailed: _____ Planning Board Date: _____ Recommendation: _____

Committee Date: _____ Council Date: _____ Council Action: _____

Second Reading: _____ Ordinance Number: _____

Escambia County Property Appraiser
331S300603000001 - Full Legal Description

BEG AT MOST WLY COR OF LT 1 BLK 3 OF SEVILLE S/D PB 6 P 53 S 30 DEG 15 MIN 00 SEC E ALG WLY LI LT 1 BLK 3 SEVILLE S/D 119 78/100 FT TO MOST SLY COR OF LT 1 BLK 3 SEVILLE S/D S 52 DEG 45 MIN 00 SEC W 109 50/100 FT N 22 DEG 43 MIN 54 SEC W 122 85/100 FT TO CURVE CONCAVE TO N HAVING RADIUS OF 75 FT (DELTA 01 DEG 54 MIN 36 SEC CHD 2 50/100 FT CHD BRG N 53 DEG 42 MIN 18 SEC E) ELY ALG ARC OF SD CURVE (ALSO BEING SLY R/W LI OF IRONWOOD RD 60 FT R/W) ARC DIST 2 50/100 FT TO PT OF TANG CONT ALG SLY R/W LI N 52 DEG 45 MIN 0 SEC E 90 80/100 FT TO POB OR 7893 P 1301 SHEET D

6/3/2019

about:blank



6/3/2019

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Recorded in Public Records 5/2/2018 8:17 AM OR Book 7893 Page 1301,
Instrument #2018033675, Pam Childers Clerk of the Circuit Court Escambia
County, FL Recording \$27.00 Deed Stamps \$1,050.00

Prepared by and return to:
Stephen B. Shell
Shell, Fleming, Davis & Menge, P.A.
226 Palafox Place
Pensacola, FL 32502
File Number: B4080.00000

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 1st day of May, 2018 between **Charles J. Scarborough, a single person**, whose post office address is **370 Wahackme Road, New Canaan, CT 06840**, and **Susan E. Scarborough, a single person**, whose post office address is **25 S. Beach Drive, Rowayton, CT 06853**, collectively referred to herein as grantor, and **Justin A. Beck and Kristin E. Beck, husband and wife**, whose post office address is **1900 Villa Fane Drive, Pensacola, FL 32503**, grantee;

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Escambia County, Florida** to-wit:

A parcel of land in Section 2, Township 2 South, Range 29 West, Escambia County, Florida, described as follows:

Begin at the most Westerly corner of Lot 1, Block 3, of Seville, a subdivision according to plat recorded in Plat Book 6, at Page 53, of the public records of said county; thence go South 30 degrees 15 minutes 00 seconds East along the Westerly line of said Lot 1, Block 3, of Seville, a distance of 119.78 feet to the most Southerly corner of said Lot 1, Block 3, of Seville; thence go South 52 degrees 45 minutes 00 seconds West a distance of 109.50 feet; thence North 22 degrees 43 minutes 54 seconds West a distance of 122.85 feet to a curve concave to the North having a radius of 75.00 feet (delta = 01 degrees 54 minutes 36 seconds, chord = 2.50', chord bearing = North 53 degrees 42 minutes 18 seconds East); thence go Easterly along the arc of said curve (also being the Southerly right-of-way line of Ironwood Road, 60' R/W) an arc distance of 2.50 feet to a point of tangency; thence continue along said Southerly right-of-way -line, North 52 degrees 45 minutes 00 seconds East a distance of 90.80 feet to the Point of Beginning.

The above parcel of land is situated in Section 2, Township 2 South, Range 29 West, Escambia County, Florida, and contains 12,055.82 square feet, more or less.

Parcel Identification Number: 331S300603000001

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the State of Florida, nor is it contiguous to or a part of homestead property. Grantor's residence and homestead address is 1 Talladega Trail, Pensacola, Florida 32506.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

DoubleTime®

BK: 7893 PG: 1302

And subject to taxes for the current year and later years and all valid easements and restrictions of record, if any, which are not hereby reimposed; and also subject to any claim, right, title or interest arising from any recorded instrument reserving, conveying, leasing, or otherwise alienating any interest in the oil, gas and other minerals. And grantor does warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever, subject only to the exceptions set forth herein.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: Teo O. Camper
Arthur Zinn
 Witness Name: Arthur Zinn

Charles J. Scarborough (Seal)

State of Connecticut

County of FAIRFIELD

The foregoing instrument was acknowledged before me this 30th day of April, 2018 by Charles J. Scarborough, who ☐ is personally known or ☒ has produced a driver's license as identification.



[Notary Seal]

Magdalene C. Colandro
 Notary Public

Printed Name: MAGDALENE C. COLANDRO

My Commission Expires: Oct. 31, 2021

BK: 7893 PG: 1303 Last Page

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Name: T. Coolidge

Witness Name: Arthur Zinn

Susan E. Scarborough (Seal)

State of CONNECTICUT
County of FAIRFIELD

The foregoing instrument was acknowledged before me this 30th day of April, 2018 by Susan E. Scarborough, who ☐ is personally known or ☒ has produced a driver's license as identification.



Magdalene C. Colandro
Notary Public

Printed Name: MAGDALENE C. COLANDRO

My Commission Expires: Oct. 31, 2021



PLANNING SERVICES

THE UPSIDE *of* FLORIDA

MINUTES OF THE PLANNING BOARD

July 9, 2019

MEMBERS PRESENT: Chairman Paul Ritz, Kurt Larson, Nathan Monk, Danny Grundhoefer, Laurie Murphy

MEMBERS ABSENT: Ryan Wiggins, Nina Campbell

STAFF PRESENT: Leslie Statler, Planner, Greg Harding, Historic Preservation Planner, Heather Lindsay, Assistant City Attorney, Jonathan Bilby, Building Official

OTHERS PRESENT: Councilwoman Sherri Myers, Diane Mack, Sarah O'Neill, John Connell, Dottie Dubuisson, Renee Foret, Sam Lundy, John & Jonathan Connell, Steve Geci, Barbara Mayall, Michael Carro, Don Redhead, Tia Queyquep, Ann Hill, Ron Helms, Justin Beck

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from May 14, 2019.
- **New Business:**
 1. Preliminary Plat Review – “Whispering Creek” subdivision
 2. Rezoning Request – 3200 BLK Seville Drive
 3. Amendment to Conditional Use Permit – 501 S. Palafox Street (Al Fresco)
 4. Aesthetic Review – 501 S. Palafox Street (Al Fresco)
 5. Review of Gateway Review Board
 6. LDC Amendment – Ice Machines
 7. Comprehensive Plan Amendment – Density Transfer
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:02 pm with a quorum present and explained the Board procedures to the audience.

Approval of Meeting Minutes

Ms. Murphy made a motion to approve the May 14, 2019 minutes, seconded by Mr. Larson, and it carried unanimously.

New Business

Preliminary Plat Review – “Whispering Creek” subdivision

Chairman Ritz reviewed some of the comments received regarding this project and asked Mr. Geci to address the Board. Mr. Geci advised there were no real issues with the corrections to be made. In the previous phase of the subdivision, they constructed a stormwater pond which would also handle new

EVERYTHING THAT'S GREAT ABOUT FLORIDA IS BETTER IN PENSACOLA.

property, and there would be no new stormwater pond added. Water and sewer are available. Deeded access is being provided through the Target shopping center. He has some questions to staff regarding the comments asking for everything to be on one sheet. He also stated there will be two parking spaces per lot, and in most cases three or four.

Ms. Murphy stated she was an active member of the restoration crew for Carpenters Creek located behind the property and noted this plat was heavily forested, and she had several concerns since this property would empty into Carpenters Creek. She asked if they planned to raise the property up since at one point there was a 10' grade difference. She pointed out the stormwater pond for the Whispers subdivision had not worked well and asked how the runoff would be handled for the new development after clearcutting all the trees. Mr. Geci stated there was a tremendous slope from north to south, so they would cut one end and fill the other with retaining walls at each end to grade it out, and it would be difficult to save any trees. Once the site was developed with the inlets and pipes to control it all, there wouldn't be any flow down the bank. He explained currently there was sheet flow into the pond which had caused problems over time. Ms. Murphy pointed out the water did not flow toward the stormwater pond; Mr. Geci advised none of the water would flow onto the adjacent property.

Chairman Ritz clarified that the agenda item was the preliminary plat review which normally did not cover sheet flow, and Mr. Geci's answers were acceptable at this point since the Board had certain criteria for preliminary plat review. While important for the City of Pensacola, in the rules for preliminary review, it might not be an item on which you could accept or reject the plat. Mr. Geci advised they would address all the details with construction plans reviewed by the City and water management district. Ms. Murphy pointed out there were no Conifer trees listed on the tree list; Chairman Ritz explained the City had a list of protected trees, and the trees not listed were not protected. Mr. Geci advised the tree survey was prepared in accordance with the City ordinance, and they would comply with it.

Mr. Monk advised his concern with preliminary reviews involved a lot of steps he would want to know had been taken before any review. Once something was stamped and approved, it became very difficult to stop it down the line. He pointed out there was probably someone living on the property, there were runoff issues, tree issues and community issues. Whenever he was told the issues would be handled down the line, sometimes they never were, and there should be a fix to this portion of the process. Chairman Ritz explained that someone living on the property was a legal issue and not a part of the Board's decision making process. Mr. Geci pointed out this was a preliminary plat and discussed the steps up to the preliminary plat. Beyond this stage, there were construction plans, permits from the City and the utility authority; this stage was not designed to address all the details. Mr. Monk felt the Board had the obligation to ask these questions. Chairman Ritz explained that they needed to balance the questions they asked with what was required by the agenda item as a preliminary plat. Mr. Grundhoefer asked about the development, and Mr. Geci stated it was single-family detached. Ms. Murphy asked how long it would take to develop the 20 homes, and Mr. Connell advised they would begin immediately with construction as soon as the roads were finished. He explained the reason for not going through the Whispers was because they left a parcel which connected to this property which was intended to have an extension of the Whispers in the next phase; through the course of engineering and legalities, that parcel was thrown into the homeowners' association instead of being retained by the developer as owners. He also stated there were two holding ponds in the Whispers, and those holding ponds were to be maintained by the City. He explained no water would flow into the Target parking lot or the existing Whispers location. The new phase would be compatible to the Whispers subdivision. He also pointed out the homeless situation is all over the City of Pensacola and not just in this area. He clarified that they would adhere to any City ordinance or requirement concerning this project.

Ms. O'Neill wanted to know how many protected trees were being removed; she was also concerned with the homeless and the wildlife in this location. She was also concerned that the project was being pushed

through quickly. Chairman Ritz explained according to the LDC, private property owners can clear cut trees by right, and protected trees have been allowed to be removed from residential property. He emphasized the Board was trying to stay with the agenda item, and discussions brought forth deal with other legislative issues which might be addressed by the City Council in a different forum. He clarified the preliminary plat deals with a proper drawing showing the delineation of the properties, roadways, setbacks and other particular features.

Ms. Mack asked if the number of parcels was included in the preliminary plat and was this the maximum of parcels allowed. Ms. Statler advised this was not the maximum the developer could build since this parcel was zoned C-2 with a very dense allowance. Chairman Ritz explained that cumulative zoning means we are allowed to use this zoning and other zoning designations below it such as C-1, and the R designations to determine what can be built there. Ms. Mack suggested since the developer had already seen the value of having fewer lots in the allowed area, given the current real estate market, there was an opportunity to have fewer lots, noting how much retaining trees adds to the value of each parcel and each developed single family home. Regarding climate change, the most effective thing we could do and the least expensive way would be to re-forest the planet.

Mr. Grundhoefer asked if there was another option rather than building retaining walls as a possibility for not building up a site and clear cutting. Mr. Geci stated they had looked at condominiums but decided on the less dense subdivision. Because of the slope of the site, to have building pads that were level, they were limited; they were cutting the north end and filling the south end and then leveling it out.

Ms. Dubuisson cautioned the Board, the developer and the City to stop and look at the ripple effect of every change that this particular development would cause. She pointed out our Mayor emphasized neighborhoods, and the neighbors have made known they do not wish for this activity at the current rate currently being discussed. She explained everything she was hearing was about reversing the natural order and trying to countermand the normal drainage of the property. It was noted the City had acquired responsibility for a privately developed stormwater pond serving the first development. She did not know how they could have anticipated the second development would be covered if they did not even know how many buildings were going in the new development. She suggested the Board table the item until all the questions raised by staff and the public could be addressed. She advised when the Board could slow the process down to answer any questions, she encouraged them to do so.

Councilwoman Meyers addressed the Board with a great concern for this project, and that the existing stormwater pond was the worst she had seen in the City of Pensacola. She explained the erosion was not coming from the land the developer wanted to clear cut but coming straight down the street through the Whispers and eroding it to the point you cannot drive into the pond to maintain it. She stated she had many conversations with Derrik Owens about the maintenance of the pond, and the pond was not sufficient for the Whispers and definitely would not be adequate for any additional impervious surfacing. She pointed out the City had spent a lot of resources trying to rehabilitate this pond. She stated Carpenters Creek was not a whispering creek but has been viewed as a conveyer of stormwater and was not designed for that much stormwater from impervious surfacing. She observed there was tremendous bank erosion along that creek because it was not designed to take on all that water from impervious surfaces. The new development would contribute to not only the demise of the stormwater pond, but would put more water into the creek, resulting in more erosion. She suggested using more pervious surfacing so the water would not enter the stormwater pond. She urged the Board not to approve the item until it had all the facts.

Mr. Monk made a motion to table the item, seconded by Ms. Murphy. Mr. Grundhoefer suggested the motion include information on what the Board was looking for. He also thought the Board needed more comfort that the stormwater system and the pond could take this development, and if not, return with a less impervious development and keeping the more natural terrain, something the Board could see was a positive statement. Mr. Monk and Ms. Murphy accepted this amendment. Chairman Ritz clarified the

added information of addressing stormwater during the tabling time. Mr. Monk also understood the motion to include lot size and the possibility of reducing the effect on the environment; Ms. Murphy added green stormwater structure with bio swales and other options available to give the Board more information and more items to look at to make a better decision. Mr. Monk agreed, and the motion carried unanimously.

Rezoning Request – 3200 BLK Seville Drive

Ms. Statler explained the zoning change would not change the uses permitted, but would simply change the minimum lot size and the front and rear setbacks which would be consistent with the properties to the north.

Mr. Beck presented to the Board and advised the current zoning prevented them from building anything on the property, and it was the only parcel on Bayou Texar with that zoning. He stated they had no intention of selling this lot at this time, and the rezoning would allow them to place a pool house on it. **Mr. Larson made a motion to approve as presented, seconded by Mr. Monk, and it carried unanimously.**

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

Mr. Sallis presented to the Board and stated he was addressing the ordinance and as a developer and wanted to go through the proper procedures. Mr. Carro had met with the Mayor to talk about the retail for this project which was not currently in the ordinance. Mr. Sallis explained they wanted the Board's support for retail in this development and to obtain approval of the aesthetics. He explained the developer was working with them to create a cover for the airstreams to shelter them from weather events so they could have successful businesses year round. He stated the idea was to have an old building which looked like Al Fresco was added later; he hoped the current rendering had the bones of a warehouse which housed the outdoor retail market. He stated Mr. Bilby informed him there still might be issues because of the flood design manuals for the City. He confirmed the property was clearly in a flood zone, and to build, they would have to comply with flood management. They would need to completely elevate the site and build it up to around 4.5' with a 40' ramp and steps, which was a cost not worth pursuing. The other method was to use FEMA standards for flood proof construction - a wall around the development to withhold water for several hours - which was not a sensible effort in construction. He explained they wanted to leave the airstreams as they are; the documents provided illustrated mobile restaurant units made from shipping containers, but they were no longer going to pursue that. They preferred to leave the airstreams where they were, moving one of the airstreams to allow an open flow underneath the proposed covering. They would be anchored in the same method of a mobile home, but this was no longer acceptable according to Mr. Bilby. He asked that they be allowed to keep the airstreams as they are but move one of them and anchor it in the similar method the others have been in the past and construct the overhead structure.

Chairman Ritz stated in the intervening years of the original airstream decision, he had heard both pros and cons especially as it related to what is considered a prominent corner in Pensacola. He explained the bank across the street had to build up because of the flood zone. He personally had received more negative comments than positive on the airstreams. He did like the current aesthetic presentation because it fit in the "building that has been there" mentality. He referred to the conditional use permit issue and the aesthetic review as being two separate agenda items.

Mr. Grundhoefer confirmed moving the one airstream was the main issue. Mr. Sallis explained the Board was first tasked to allow retail as a part of the ordinance and discussed the methods of anchoring; they were hoping to use the helical design for the mobile units. Mr. Grundhoefer appreciated the new design and stated he would support it and thought retail was appropriate in this situation. Mr. Bilby explained the flood ordinance gave two conditions in new construction to either to elevate 3' or to anchor to resist flood loads and to flood proof. He was not sure why the existing airstreams were allowed the way there were, but the

existing ordinance would not allow them to be placed in that manner. Recreational vehicles are covered but only up to 180 days before they must be removed. He loved this concept and explained the helical anchors were fine but they would need to flood proof up to that 3' elevation above base flood elevation along with the anchor. They could flood proof each individual shipping container, anchor them, and the development would go through with no problem. He clarified the basic flood regulations were out of the National Flood Insurance Program adopted by Pensacola. Mr. Monk felt Al Fresco helped to develop downtown to what it currently is and wanted to find a way to be safe and to find an answer.

Chairman Ritz advised with the conditional use, he did not have a problem with retail, and this project brings life and a higher people count through more hours of the day. Ms. Statler explained this conditional use had changed today, and staff had just been made aware of it at the same time the Board was made aware. In discussions with Legal and the Planning Director, it was not something that could be voted on today. She advised the site plan had changed, and basically the conditional use packet that would move forward was not what was in front of the Board. Mr. Sallis voiced his frustration since there is now not a change to the site plan. Chairman Ritz clarified that the current packet was not advertised and the site plan would be different from the one the citizens of Pensacola had seen. Mr. Grundhoefer felt the conditional use didn't have to do with the way the site was configured. Ms. Statler further explained the conditional use itself is site specific and deals with the orientation of the structures on the site, and the aesthetics would be considered under Item 4. Mr. Monk asked if the Board could not approve the language of the containers themselves but the option for retail, and Ms. Statler stated that was acceptable. Chairman Ritz pointed out with other business owners having high stakes in the game, public notice needed to be considered. Mr. Sallis stated their May submittal was not in time for the Board's consideration and was then delayed, and they missed June because of the proper advertising. Mr. Carro stated they did not miss June, and the Board had expected to see them in June; the City did not perform the proper notification, even as they were making the changes the Board requested. Mr. Sallis explained the flood comments were received in the last week regarding the current submittal and was the reason for the changes to keep what they currently have and cover it.

Ms. Statler clarified the application deadline for conditional use is 30 days and not 21; when this project was initially submitted for May, staff did not have a full, complete packet 30 days prior to the meeting. Staff agreed to let it come forward as a discussion item. This item was submitted in a timely manner with the conditional use application with all specifications and met the deadline for this meeting. The procedures for a conditional use are different and based on a development plan submitted with the application. The reason the Board could not vote on this was because the development plan submitted with the application had changed; it doesn't matter if it was a minor or a major change. Relative to the flood proofing, there was a Development Review meeting attended by Mr. Carro where that requirement was fully discussed several months ago.

Chairman Ritz pointed out he had no problem with retail, but the language in the conditional use application had changed and was in line with the advice of Legal and staff. He was hesitant to tell one applicant they have to provide above and beyond for their one item and then with a little bit more of a cavalier attitude allow a change that someone may complain to City Council that they didn't see. Ms. Statler advised the Board should postpone to a date certain and staff would expect revisions to present to the Board in August. She stated the 30-day deadline would be this Friday, with the actual Planning Board deadline on July 23 for the August 13 meeting. Mr. Sallis stated they would submit plans by this Friday showing the existing airstreams remaining, with the anchoring details worked out with Mr. Bilby for the building code requirements. Ms. Statler advised the Board could proceed with the review of the aesthetic and provide comments on design to allow them to move forward. Chairman Ritz offered the Board should table until the August meeting.

Mr. Larson made a motion to table Item 3, seconded by Ms. Murphy, and it carried unanimously.

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

Mr. Sallis appreciated the support of the Board and appreciated staff working with them on the very specific and detailed conditional use ordinance, and the current design was intentional to create the plaza called for in the ordinance. Mr. Carro stated he had four to six tenants who are affected by the weather. Since he cannot charge additional rent, he could prevent turnover in giving them more hours and more days in which to operate. He was also more pleased with the wood design.

Ms. Mack stated the most charming feature of Al Fresco is that it is open air and open light. She would like to see the light coming through perhaps through a green roof. Mr. Carro did not disagree; however, the entrance would be open air with four palm trees, and at least three sides would be open air with natural light. Mr. Sallis stated there were two cupolas on the roof to allow for good airflow and light which were designed to create interest in the structure. Chairman Ritz agreed this was a better approach for the roof, and Mr. Monk also liked the design which gives reprieve in the hot and cold temperatures. Adding the retail was important since he felt it would become a hub of activity. Ms. Murphy understood the importance of tenant turnover and thought the design was a great idea to help retain the businesses there. Mr. Larson stated it reminded him of the old warehouse district and appreciated the effort in design changes. Mr. Grundhoefer asked if approved, would the design go to Council before the conditional use, and Ms. Statler explained it would not. **Mr. Grundhoefer made a motion to approve the aesthetic design, seconded by Mr. Larson, and it carried unanimously.**

Review of Gateway Review Board (to eliminate the Gateway Review Board)

Chairman Ritz explained if approved, this would place slightly more work on the Planning Board for items in the Gateway Review Board purview. Ms. Statler explained signage is now handled through an abbreviated review process and would not be reviewed by the Board unless the chairman determined it should be. Mr. Grundhoefer asked why this Board and not the ARB. Ms. Statler clarified that ARB covers the historic areas, and Planning Board does have purview over aesthetics. The Gateway Redevelopment District is under the same section as the Waterfront Redevelopment District, which is under the Planning Board purview. Mr. Larson stated with the new bridge and waterfront development, there would be some changes which will demand review. **Mr. Larson made a motion to approve because its well within the scope of what the City has asked us to do, seconded by Mr. Monk, and it carried unanimously.**

LDC Amendment – Ice Machines

Chairman Ritz advised the issue was with the aesthetics and appearance of the vending machines. Ms. Dubuisson pointed out this was not only a vending machine issue but a traffic-originating and noise issue and has an impact on everything around it not only in aesthetics but in an access point of view – not just how it looks but how it functions. Mr. Grundhoefer clarified what they are tasked with is not whether you can put these ugly boxes in a parking lot; it has to do with can we change it to make it uglier. Mr. Monk agreed this was a bad idea, and the few he did see around town were unattractive and problematic in a lot of ways and did not see any reason to vote for this. Ms. Murphy noted the request was included screening rooftop mechanical equipment with lattice and allowing advertising on the sides. Mr. Grundhoefer asked who sponsored the item, and Ms. Statler stated it was a request presented to the Mayor's office. **Mr. Larson made a motion to deny, seconded by Mr. Monk, and it carried unanimously.**

Comprehensive Plan Amendment – Density Transfer

Ms. Statler advised that like density bonuses, density transfers will be required to be approved by the Planning Board and not at a staff level. The review process was not as technical as for the platting process where you have a staff review with comments issued. Chairman Ritz offered that the language presented

was far less restrictive than with some items with a checklist. Ms. Statler explained if this was approved for the Comprehensive Plan, they would come back and draft the conditions and procedures to obtain the transfer. Ms. Murphy asked how long the units stayed affordable. Chairman Ritz advised with the language not written, that was to be determined. Mr. Monk stated most affordable housing was done through granting, and almost all of them have a 30-year retention period; if it was set at 20 or 30 years, it would meet the national standard. Chairman Ritz pointed out there are legal requirements if a developer chooses to go affordable, depending on which funding sources are followed. If we, as the Board, believe the City should develop rules and regulations for density transfers, we would vote they should; the language would then be crafted and approved. If the Board did not think the City should pursue density transfers, the language would not be developed. Ms. Murphy had a problem with gentrification of neighborhoods. Ms. Statler explained this was step one to get this into the Comprehensive Plan in order to move forward. Step two would be to return to the Board to get the language into the LDC; staff would draft the language, and the Board would make modifications. Chairman Ritz stated the Board had conducted workshops outside of the Board's meetings to work on the specific language. Ms. Murphy agreed public input would be beneficial. Chairman Ritz explained the language could be drafted, but it was controlled by the Florida legislature. Ms. Murphy asked if the City received financial incentives for these bonuses or transfers, and Chairman Ritz advised that would be illegal. Ms. Murphy wanted to know what the incentive was, and Ms. Statler stated there had been some discussions in general regarding the fact that if someone had common ownership of a property, they could transfer density from one lot they were not going to develop to a maximum density onto to their other lot which would have more density. Other municipalities have both bonuses and density transfers, but Pensacola does not. She pointed out we deal with developers who come in and have a vision of what they want to do, and sometimes the zoning district does not allow for the density they need, so something like this could help those developers in that they would not have to go through a rezoning which might be contentious. She clarified they were not changing the land use but allowing for more density with the understanding there was a tradeoff. The language has been drafted as and/or – redevelopment and/or affordable housing. She explained there might be an environmental issue where the property is deemed wasteland, but they have density, and another piece of property might be suitable for more development with something with more density. **Ms. Murphy made a motion to approve, seconded by Mr. Grundhoefer, and it carried unanimously.**

Open Forum – Ms. Dubuissou thanked the Board for their service and encouraged them to be conscious of every step taken to move something farther and the end game; the good reasoning the Board had may not be present in the later steps.

Mr. Monk advised he had rescinded his application to serve on the Board because of time restraints. He would not be able to attend at the rate necessary. He felt the Board had accomplished a lot and he had enjoyed the process; however, this was the right decision for him. The Board appreciated his service and wished him well.

The Board then commended Ms. Statler on her assistance in the meeting. It was noted Ms. Campbell had resigned, and the Board would need another Planning Board member sitting on the ARB.

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 4:19 pm.

Respectfully Submitted,



Leslie Statler

Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00438

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PITT SLIP AMENDED AND RESTATED LEASE

RECOMMENDATION:

That City Council approve the Amended and Restated Lease Agreement requested by Seville Harbour, Inc. (f/k/a South Florida Marine Investors, Inc.) Further that City Council authorize the Mayor to take all necessary actions to execute the Amended and Restated Lease Agreement.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Attorneys for the City have negotiated an amended and restated lease with Seville Harbour, Inc. Seville Harbour subleases the upland improvements to Merrill Land Company. Those upland improvements include the Fish House and Atlas restaurants. The proposed lease includes the following provisions:

- i. The proposed lease is a fully amended and restated lease, superseding the earlier lease and the amendments thereto.
- ii. The current extension of the lease expires February 28, 2045. The new amended and restated lease is for 99 years with a termination date of August 31, 2118.
- iii. The leased premises are the submerged lands in the Pitt Slip marina area and the uplands where the Fish House and Atlas restaurants are currently located, including the parking lots immediately adjacent to the building and the oyster shell parking lot south of the restaurant. The parking lot across the street and west of the restaurants is not included as part of the leased premises.
- iv. The leased premises are subject to the covenants, conditions, and restrictions of the federal and state grants to the extent that they apply.
- v. The leased premises may be used for a marina, a harbor master facility, ships store, fuel

facilities, parking, restaurants, office space, lounges, and other ancillary, compatible marina uses.

- vi. The City shall contribute \$350,000 towards the construction of a breakwater. If the breakwater is damaged or destroyed during a hurricane or other event, Seville Harbour is responsible for rebuilding the breakwater.
- vii. Rent will remain at its current amount for the remainder of the current extension through February 2045. Beginning on March 1, 2045, and continuing through the remainder of the lease, the base rent will increase 108%. Thereafter, automatic adjustments to the base rent will occur every five years based on the CPI.
- viii. Seville Harbour will be able to assign or sublease its interest in whole or in part, to which the City's consent shall not be unreasonably withheld.
- ix. Seville Harbour acknowledges that the grant restrictions may restrict in perpetuity all or substantial portions of the leased premises to use as an outdoor recreation area for the use and benefit of the general public.
- x. The marina facilities will be open and available to the general public, with slips being available to the public for lease by the day, week, or month, with no lease term exceeding seven months. A reasonable number of boat slips will be reserved for transient, day use, or other special public purpose.
- xi. In no event shall the use of the leased premises by lessee or any other person or entity interfere with the public's use of Bartram Park or any other park or public area adjacent to the leased premises. Visitors to Bartram Park will have use of Bartram Park unrestricted by any provisions of the lease, and that use includes without limitation full access to the water adjacent to Bartram Park for public outdoor recreational uses.
- xii. Seville Harbour will dismiss with prejudice its case, including any claim for attorneys' fees and costs, in Case No. 2014 CA 000081.

PRIOR ACTION:

September 12, 2019 - City Council voted to pull the recommended Slip Amended and Restated Lease item to be brought back to City Council along with additional information as requested by City Council.

November 8, 2018 - The City Council approved the declaration of the existence of exigent circumstances regarding parcels I, IA and III included in the Seville Harbour lease in accordance with Section 2-3-4 of the City Code.

October 11, 2018 - The City Council did not vote on a proposed purchase and sale agreement of parcels I, IA and III included in the Seville Harbour lease. The motioned died due to lack of a second.

June 14, 2018 - The City Council did not approve a motion to approve a settlement proposal encompassing the lease of South Palafox property, the sale of Pitt Slip parcels and an agreement addressing satisfaction of payment of prevailing party attorneys' fees in the Fish House lawsuit.

September 18, 1985 - The City initially entered into the 30 year Pitt Slip Lease for parcels IA, I and III, and there have been several amendments to the original lease since that time, and several assignments related thereto.

FUNDING:

N/A

FINANCIAL IMPACT:

The City contribution of \$350,000 towards the construction of the breakwater will be funded from the Insurance Retention Fund.

CITY ATTORNEY REVIEW: Yes

9/17/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Keith Wilkins, Deputy City Administrator

ATTACHMENTS:

- 1) Amended and Restated Lease
- 2) 1985 Lease Agreement
- 3) 1985 Lease Amendment
- 4) Final SSD Plan 102485
- 5) Marina Village at Seville
- 6) SSD Amendment 04299
- 7) Parcel map

PRESENTATION: No

STATE OF FLORIDA
COUNTY OF ESCAMBIA

AMENDED AND RESTATED LEASE

THIS AMENDED AND RESTATED LEASE (this "Amended Lease") is made and entered into this ____ day of _____, 2019 (the "Lease Effective Date") by and between the CITY OF PENSACOLA, a Florida municipal corporation ("Lessor"), whose address is 222 W. Main Street, Pensacola, Florida 32502, and SEVILLE HARBOUR, INC. (f/k/a South Florida Marine Investors, Inc.), a Florida corporation, ("Lessee"), whose address is 850 S. Palafox Street, Suite 102, Pensacola, Florida 32502. Lessor and Lessee are collectively referred to herein as the "Parties".

W I T N E S S E T H:

WHEREAS, Lessor is the fee simple owner of the land described in Exhibit "A" attached hereto and incorporated herein by reference;

WHEREAS, Lessor and Florida Sun International, Inc., as lessee, entered into that certain Pitt Slip Marina Lease Agreement dated September 18, 1985, and that certain Amendment to Pitt Slip Lease Agreement dated October 17, 1985 (collectively, the "Original Lease"), whereby Florida Sun International leased such real property from Lessor;

WHEREAS, the Original Lease is evidenced by that certain Memorandum of Lease recorded in O. R. Book 2249, Page 859, and re-recorded in O. R. Book 2259, Page 767, Public Records of Escambia County, Florida, and is attached as Exhibit "A" to that certain Absolute Assignment of Lease recorded in O. R. Book 3624, Page 100, Public Records of Escambia County, Florida;

WHEREAS, Lessee is the current lessee under the Original Lease by virtue of instruments recorded, respectively, in O. R. Book 2249, Page 862; O. R. Book 2913, Page 967; O. R. Book 2973, Page 223; O. R. Book 3624, Page 100; O. R. Book 4067, Page 375; and O. R. Book 4551, Page 312; all of the Public Records of Escambia County, Florida;

WHEREAS, Lessor and Lessee acknowledge and agree that the Original Lease has not been amended except as referenced above and that the Original Lease is in full force and effect in accordance with its terms;

WHEREAS, Lessor and Lessee desire to amend and restate the Original Lease in its entirety as set forth hereinbelow;

NOW, THEREFORE, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and in consideration of the covenants and conditions set forth below, the Parties mutually agree, each for itself and its successors, as follows:

1. RECITALS AND AMENDMENT. The foregoing recitals are true and correct and are hereby incorporated herein by reference. This Amended Lease amends and restates the Original Lease in its entirety.

2. LEASED PREMISES. Lessor hereby leases to Lessee, and Lessee hereby rents and takes from the Lessor, those certain parcels of real property described as Parcels I, IA and III in Exhibit "A" attached hereto and incorporated herein by reference, excluding, however, any portion of such real property that is part of the uplands portion of Bartram Park (the "Leased Premises"), upon the terms and subject to the conditions of this Lease. A copy of the most recent survey of a portion of the property is attached as Exhibit _____. In the event that Lessee has not located or obtained a survey of the remainder of the Leased Premises prior to the date of execution of this Lease, then within ninety (90) days after the Lease Effective Date, Lessee, at Lessee's sole cost and expense, shall deliver to Lessor a current survey of the Leased Premises, prepared by a Florida-licensed land surveyor reasonably acceptable to Lessor, and certified by such surveyor as meeting the minimum Florida survey requirements. Within thirty (30) days after Lessor's written approval of such survey, Exhibit "A" hereto shall be amended accordingly by a written instrument executed by Lessor and Lessee and recorded in the public records of Escambia County, Florida. The "Leased Premises" do not include Parcel II as described in Exhibit "A" to the Original Lease, and said Parcel II is hereby expressly deleted from the Original Lease as amended and restated by this Amended Lease.

Notwithstanding anything in this Amended Lease to the contrary, the Leased Premises are leased subject to the following matters:

(a) All matters appearing in the public records of Escambia County, Florida, including but not limited to the matters listed hereinbelow;

(b) All terms, covenants, conditions and restrictions of the following documents to the extent if any they restrict or regulate the Leased Premises:

(1) Florida Department of Natural Resources, Florida Recreation Development Assistance Program, Project No. 1-01-10, including but not limited to:

a. Notice of Limitation of Use / Site Dedication recorded in O. R. Book 2343, Page 763, Public Records of Escambia County, Florida;

b. Florida Department of Natural Resources, Florida Recreation Development Assistance Program, Project Agreement, Project No.

1-01-10, dated November 22, 1983, recorded in O. R. Book 2343, Page 764, Public Records of Escambia County, Florida; and

c. Florida Department of Natural Resources, Florida Recreation Development Assistance Program, Amendment to Agreement, dated July 2, 1985, recorded in O. R. 2343, Page 772, Public Records of Escambia County, Florida.

(2) Federal Land and Water Conservation Fund Project No. 12-00132, William Bartram Memorial Park Project, administered by Florida Department of Environmental Protection, Division of Recreation and Parks, including but not limited to:

a. Land and Water Conservation Fund Project Agreement dated June 22, 1977, between U. S. Department of Interior, Bureau of Outdoor Recreation, and the State of Florida.

(3) Florida Recreation Development Assistance Program, FRDAP Project No. 1-01-8 for development of William Bartram Memorial Park, including but not limited to:

a. State of Florida, Department of Natural Resources, Florida Recreation Development Assistance Program Development Agreement dated October 9, 1979;

b. State of Florida, Department of Natural Resources, Florida Recreation Development Assistance Program Amendment to Development Agreement;

c. Limitation of Use recorded in O. R. Book 1408, Page 909, Public Records of Escambia County, Florida; and

d. Amended Limitation of Use recorded in O. R. Book 1732, Page 102, Public Records of Escambia County, Florida.

(c) Site Specific Development Plan for the Leased Premises;

(d) Permit Agreement recorded in O. R. Book 1073, Page 660, Public Records of Escambia County, Florida;

(e) Easement contained in Ordinance vacating roads recorded in O. R. Book 2332, Page 639, Public Records of Escambia County, Florida;

(f) Underground Easement for Electric Services to Gulf Power Company recorded in O. R. Book 2251, Page 475, Public Records of Escambia County, Florida;

(g) Memorandum of Agreement recorded in O. R. Book 6230, Page 1239, Public Records of Escambia County, Florida;

(h) Any state of facts which an accurate survey or physical inspection of the Leased Premises would show;

(i) The current Site Specific Development (SSD) zoning designation, and all zoning laws, ordinances, resolutions, restrictions, rules and regulations, building and use restrictions, future land use maps, uses, restrictions and provisions, and other laws, rules and regulations now in effect or hereafter adopted by any governmental authority having jurisdiction;

(j) Easements which are hereby reserved by Lessor for the use and benefit of the general public on, over and across all public and private sidewalks, roads, and drives now or hereafter located or constructed upon the Leased Premises or any portion thereof;

(k) Utility easements which are hereby reserved by Lessor for all utilities, if any, located on, over, under or across the Leased Premises or any portion thereof; and

(l) All the terms, covenants, conditions and other provisions of this Amended Lease.

Without limiting the foregoing, Lessor and Lessee expressly acknowledge and agree that neither this Amended Lease nor any of its terms or conditions are intended, nor shall be construed or operate, to affect, terminate, modify, or amend in any respect the sublease currently in effect between Lessee, as sublessor, and Merrill Land, LLC, as sublessor. The sublessee under such sublease shall be an intended third party beneficiary of the covenant in the preceding sentence and shall be entitled to enforce the same against the Parties hereto as to the remaining term of its sublease unless such sublease is amended or replaced.

3. USE OF PREMISES; COMPLIANCE WITH GRANTS.

(a) Lessee shall use the submerged land portions of the Leased Premises solely as a marina complex of approximately 94 boat slips making said slips available for rent by the public on a non-discriminatory, first come first served basis. The Leased Premises also may be used as a harbor master facility, ships store, fuel facilities, parking, restaurants, office space, lounges, and other ancillary, compatible marina uses if and to the extent permitted by the Site Specific Development Plan identified in Section 2(c) above. Notwithstanding any contrary provision of this Amended Lease, in no event shall Lessee use the Leased Premises for any use or purpose that violates the terms, conditions, covenants or restrictions of any permit, grant, or instrument identified in Section 2. Lessee acknowledges that among other terms, conditions, covenants, and restrictions, the permits, grants, and instruments identified in Section 2 above may restrict in perpetuity all or substantial portions of the Leased Premises to use as an outdoor recreation area for the use and benefit of the general public. These facilities will be open and available to the general public, with slips being available to the public for lease by the

day, week, or month, with no lease term exceeding seven (7) months. A reasonable number of slips will be reserved for transient, day use, or other special public purpose.

(b) In no event shall the use of the Leased Premises by Lessee or any other person or entity interfere with the public's use of Bartram Park or any other park or public area adjacent to the Leased Premises or with the use or operation of the Port of Pensacola. Visitors to Bartram Park will have use of Bartram Park unrestricted by any provisions of this Amended Lease, including without limitation full access to the water adjacent to Bartram Park for swimming, fishing, launching kayaks and paddleboards, parking, and other public outdoor recreational uses.

4. IMPROVEMENTS.

(a) No later than January 1, 2020, Lessee shall obtain all required permits for and shall begin actual construction of a breakwater on a portion of the submerged land that is part of the Leased Premises, and Lessee shall thereafter diligently and continuously prosecute such construction until completion, and shall complete such construction no later than December 31, 2021; provided that Lessee shall not commence such construction until Lessor shall have given its written approval of the location, plans, and specifications for such breakwater, such approval not to be unreasonably withheld. Lessee warrants to Lessor that such breakwater shall be constructed in a good and workmanlike manner and that Lessee shall expend not less than Two Million Dollars (\$2,000,000.00) for the construction of the breakwater and marina improvements on the submerged land of the Leased Premises. Lessor shall contribute Three Hundred Fifty Thousand Dollars (\$350,000.00) toward the cost of construction of the breakwater with said amount to be paid directly to the Lessee's breakwater contractor as part of its final payment application and within 30 days of invoicing. The Parties recognize that the breakwater is for the protection of the marina. Upon full execution of this Amended Lease, Lessee shall dismiss with prejudice, including its claim for taxation of costs and attorneys' fees, the pending case styled Seville Harbour, Inc. and Merrill Land, LLC v. The City of Pensacola, Case No. 2014-CA-000081, in the Circuit Court in and for Escambia County, Florida. The time deadlines for commencement and completion of such breakwater shall be extended day for day to the extent of delays resulting from a Force Majeure Event (as defined in Section 16 below), provided that Lessee shall be conclusively deemed to have waived its right to extend such time deadlines by reason of a Force Majeure Event if Lessee fails to give Lessor written notice of such Force Majeure Event within thirty (30) days after the first occurrence of such Force Majeure Event, and provided that in no event shall either of such deadlines be extended for more than one hundred eighty (180) days. In the event that Lessee fails to comply with its obligations under this paragraph (a), then in addition to all other remedies available to Lessor, Lessor shall be entitled to collect, as rent, the amount of additional real property ad valorem taxes that it would have received had Lessee complied with such obligations, and Lessor shall be entitled to continue to receive said amount until Lessee complies with such obligations. For the avoidance of

doubt, such breakwater is part of the "Improvements" as defined in paragraph (b) below and is subject to the provisions of paragraphs (b), (c), (d) and (e) below.

(b) The aforesaid breakwater and all other buildings, improvements, and signage now existing or hereafter constructed or placed on the Leased Premises at any time and from time to time during the Term of this Amended Lease are referred to in this Amended Lease as the "Improvements". Lessee shall be solely responsible to ensure that all Improvements and all design, construction, alteration, removal, and demolition of any Improvements shall at all times comply with all applicable laws, codes, ordinances, rules, and regulations, including but not limited to the federal Americans with Disabilities Act and regulations thereunder, and shall be maintained in good repair. Lessee shall not construct, alter, remove, or demolish any Improvements, in whole or in part, without first having obtained the written approval of Lessor, which approval shall not be unreasonably withheld, conditioned, or delayed. No Improvements shall be constructed, altered, removed, or demolished except in strict accordance with architectural design, site plan, construction contracts, construction budget, construction schedule, and plans and specifications approved in writing by Lessor prior to commencement of such work, such approvals not to be unreasonably withheld, conditioned, or delayed; provided, however, that the approval of Lessor required by this paragraph shall not be deemed to be any acknowledgement by the Lessor that such plans and specifications, other approved items, or the proposed Improvements or other work complies or will comply with applicable laws, codes, ordinances, rules, and regulations, and shall not relieve Lessee from obtaining all governmental authorizations, permits and approvals required by applicable laws, codes, ordinances, rules, and regulations, all of which shall be obtained prior to commencement of construction, alteration, removal or demolition of any Improvements. Without limiting the generality of the foregoing, the materials, architectural design, and plans and specifications of any Improvements shall conform with any applicable published design criteria established by the City of Pensacola as in effect from time to time and shall be compatible with the materials and architecture of other then-existing buildings and improvements within the vicinity of the Leased Premises.

(c) Lessee shall be solely responsible for payment of all hard and soft costs of construction, alteration, removal, and demolition of any Improvements and, prior to commencement of any work on the Leased Premises, Lessee shall provide Lessor with reasonably satisfactory evidence of Lessee's ability to pay the costs of such work as and when due. Lessee shall cause all work and Improvements on the Leased Premises to be performed and constructed with new materials and in a good and workmanlike manner, pursuant to valid building permits and in conformance with this Amended Lease, all applicable federal, state, county and municipal laws, codes, ordinances, rules and regulations, and Lessor's reasonable construction rules and regulations. Lessee shall indemnify, defend and hold Lessor free and harmless from all liens and claims of lien, and all other liability, claims and demands arising out of any work done or material supplied to the Leased Premises by or at the request of Lessee. All Improvements (expressly excluding, however, movable office furniture and trade fixtures, trade equipment, and houseboats) shall be deemed to be a part of the real estate and shall remain upon and be surrendered with the Leased Premises upon the termination of this

Amended Lease. Except to the extent otherwise provided in paragraph (a) above with respect to the breakwater, upon commencement of any permitted construction, alteration, removal or demolition, Lessee shall thereafter diligently and continuously prosecute such work to completion within a reasonable time.

(d) Lessor shall have the right, but not the obligation, to require Lessee to post a payment and performance bond for any construction contract exceeding \$1,000,000, said bond to be posted on an American Institute of Architect form, naming Lessor as the intended beneficiary, and complying with any applicable statutory requirements.

(e) Notwithstanding the foregoing or any other provision of this Amended Lease, neither Lessor's interest in the Leased Premises nor the Improvements shall be subject to any lien, statutory or otherwise, by reason of any Improvements constructed or altered upon, removed from or demolished on the Leased Premises or work, labor, services or materials performed upon or supplied to the Leased Premises by or upon the order or request of Lessee or its employees or contractors or anyone acting by, through or under Lessee. All persons performing labor or service or furnishing materials to the Leased Premises on the order of Lessee must look solely to Lessee for payment. Lessee shall keep the Leased Premises and Improvements free from any construction liens, mechanics liens, vendors liens or any other liens or claims arising out of any work performed, materials furnished or obligations incurred by or at the request of Lessee or its employees, contractors, or anyone acting by, through or under Lessee, all of which liens and claims are hereby expressly prohibited, and Lessee shall defend, indemnify and hold Lessor harmless from and against any such lien or claim or action thereon, together with costs of suit and reasonable attorneys' fees and costs incurred by Lessor in connection with any such lien, claim or action.

In the event that any claim or lien shall be recorded against the Leased Premises or Improvements in violation of this paragraph and such claim or lien shall not be removed or discharged within ninety (90) days of filing, Lessee shall, within ten (10) days of Lessor's written demand, either transfer such lien to a transfer bond or deposit with Lessor 150 percent of the amount of said lien, at Lessor's option. Nothing within this Amended Lease shall be deemed to subject the Lessor's property to a construction lien, and any such lien shall be deemed invalid.

(f) During the Term of this Amended Lease, Lessee shall permit the representatives of Lessor access to the Leased Premises and Improvements at all reasonable times deemed necessary for the purpose of confirming Lessee's compliance with this Amended Lease, including but not limited to inspection of all work being performed in connection with the construction, alteration, removal, or demolition of Improvements.

5. TERM. The term of this Amended Lease (the "Term") shall commence on the Lease Effective Date and shall end on August 31, 2118.

6. RENT.

(a) Base Rent. Beginning on the Lease Effective Date and continuing to and including February 1, 2045, and as compensation for the use of the Leased Premises, Lessee shall pay the Lessor annual base rent in the amount of \$46,161.60 (the "Base Rent"), payable in twelve (12) equal monthly installments of \$3,846.80 each in accordance with paragraph (b) below (each such monthly installment being referred to herein as a "Monthly Rent Payment"). Beginning on March 1, 2045 and continuing to and including August 31, 2118, and as compensation for the use of the Leased Premises, Lessee shall pay the Lessor annual base rent in the amount of \$96,016.20 (the "Base Rent"), payable in twelve (12) equal monthly installments of \$8001.35 in accordance with paragraph (b) below (each such monthly installment being referred to herein as a "Monthly Rent Payment"), subject to adjustment as provided in paragraph (c) below.

(b) Base Rent Payment Terms. Each Monthly Rent Payment shall be due and payable in advance, without invoicing, notice, demand, deduction or set-off, on the first (1st) day of each calendar month beginning on the Lease Effective Date and continuing during the remainder of the Term; provided that the first Monthly Rent Payment shall be pro-rated according to the Lease Effective Date and the number of days remaining in the month in which the Lease Effective Date occurs, and shall be due and paid by Lessee to the Lessor on the Lease Effective Date.

(c) Automatic Periodic Adjustments to Base Rent. The term "Lease Year" as used in this Amended Lease shall mean each period of twelve (12) consecutive months that commences on March 1 of any calendar year; provided that the first Lease Year shall commence on the Lease Effective Date and shall end on February 29, 2020. Effective on and as of March 1, 2050 and on and as of the first day of every fifth (5th) Lease Year thereafter, the annual Base Rent shall be increased in direct proportion to the increase, if any, of the CPI (hereinafter defined) for the third month prior to such date (the "New CPI") over the CPI for the same month five (5) years earlier (the "Base CPI") as follows: The Base Rent for the Lease Year immediately preceding March 1, 2050, or the first day of every fifth (5th) Lease Year thereafter, as the case may be, shall be multiplied by a fraction, the numerator of which shall be the New CPI and the denominator of which shall be the Base CPI. The product of such multiplication shall be the new annual Base Rent for the new Lease Year that commences on March 1, 2050, or the first day of every fifth (5th) Lease Year thereafter, as the case may be, and such adjusted Base Rent shall be in effect during the remainder of the Term, subject to further adjustments in accordance with this paragraph (c) and paragraph (d) below. In no event, however, shall the annual Base Rent for such new Lease Year be less than the annual Base Rent for the immediately preceding Lease Year. As used herein, "CPI" shall mean the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, All Items, not seasonally adjusted, 1982-84 = 100 reference base, published by the Bureau of Labor Statistics of the United States Department of Labor. If the Bureau of Labor Statistics of the United States Department of Labor ceases publishing the CPI or materially changes the method of its computation, components, base year, consumers whose experiences are included therein or other features thereof, a comparable index published by a governmental agency, responsible financial periodical, trade association or educational institution

selected by the Lessor, in its sole discretion, shall be substituted for the CPI and used in making the computations required herein. Lessor shall calculate and provide written notice to Lessee for each increase. Any delay in the notice being provided to Lessee does not constitute a waiver of the increase in rent or waiver of the start date of the rent increase.

(d) General. The term "Rent" when used in this Amended Lease shall include Base Rent and all other amounts payable by Lessee to or on behalf of Lessor under this Amended Lease.

(e) Sales Tax. Lessee shall pay all sales and use taxes imposed by Florida Statutes Section 212.031 and any future amendments thereto or other applicable Florida law in effect from time to time (the "Sales Tax") on the Rent due under this Amended Lease and on all other payments required by this Amended Lease to be made by the Lessee which are taxable under applicable Florida law. Such sales or use tax shall be due and payable concurrently with the payment of the Rent or other payment with respect to which such tax is required to be paid.

(f) Late Charges and Interest. If Rent or any other charge due under this Amended Lease by Lessee to Lessor is not paid within ten (10) calendar days after such Rent or other charge became due, a late charge of five percent (5%) of the amount due shall be due and payable to Lessor to compensate Lessor for its added expenses due to said late payment. Further, any Rent or other charge due under this Amended Lease that is not paid within 30 days of the date due shall bear interest at fifteen percent (15%) per annum, or the highest rate allowed by law, whichever is less, from the date due until the date paid in full.

7. TAXES. Lessor and Lessee shall cause the Leased Premises and Improvements to be separately assessed for Taxes (hereinafter defined). Commencing on the Lease Effective Date, Lessee shall directly pay, prior to delinquency, all Taxes imposed against or with respect to the Leased Premises and Improvements with respect to any time period during the Term. As used herein the term "Taxes" shall mean all ad valorem and non-ad valorem taxes, fees, assessments and special assessments (including interest and penalties thereon), including without limitation real property ad valorem taxes and stormwater fees and assessments, which are, at any time and from time to time during the Term, assessed or imposed against any legal or equitable interest of Lessor or Lessee in the Leased Premises, or in any Improvements now or hereafter situated thereon, by the City of Pensacola, Escambia County or State of Florida or by any school, agricultural, lighting, fire, mosquito control, water, drainage or other improvement, benefits or tax district thereof, and which are collected by the Escambia County Tax Collector (or comparable agency), together with any tax imposed in addition to or in substitution of, partially or totally, any such tax, fee or assessment. If at any time during the Term all or any part of the Leased Premises or any Improvements thereon are deemed exempt and not subject to Taxes, in whole or in part, Lessee, upon Lessor's request, shall pay to the City of Pensacola amounts equivalent to the Taxes that would

have otherwise been due and payable to the City of Pensacola in the absence of such exemption.

8. **RENT DEPOSIT.** Upon execution of this Amended Lease by all parties, Lessee shall deposit \$10,000.00 as a security deposit for its obligations under this Amended Lease. This deposit shall be released at the five-year anniversary of this Amended Lease provided that the Lessee has complied with all obligations, including timely payment of Rent, and completion of the Improvements contemplated by this Amended Lease.

9. **ASSIGNMENT AND SUBLEASE.**

(a) Assignment. The Lessee shall not assign this Lease (in whole or in part) or the Lessee's interest in or to the Leased Premises or any part thereof without first having obtained the Lessor's prior written consent, which consent shall not be unreasonably withheld. Without limiting the foregoing, it is a precondition to Lessor review and approval of a requested assignment that there shall then exists no uncured Event of Default nor any event or state of facts which with notice or the lapse of time, or both, would constitute an Event of Default. In the event that the Lessee requests permission to assign this Amended Lease, in whole or in part, the request shall be submitted to the Lessor not less than sixty (60) days prior to the proposed effective date of the assignment requested, and shall be accompanied by a copy of the proposed assignment agreement and of all agreements collateral thereto, together with the following information and any other information requested by the Lessor: the identity and contact information of the assignee, whether the requested assignment is a full or partial assignment of this Amended Lease, a statement of the entire consideration to be received by the Lessee by reason of such assignment, the type of business to be conducted on the Leased Premises by the assignee, and history and financial information of the Assignee. In addition, Lessee shall be entitled to assign the Amended Lease or any portion thereof to any corporate entity in which Ray Russenberger is the majority equity owner and is in operational control, to any immediate family member, or to any trust for use and benefit of immediate family members as part of his Estate Planning, without requiring advance approval. In such event, Lessee shall timely notify Lessor of such change, and provide evidence that said assignment was in compliance with the requirements of this Amended Lease.

(b) Sublease. Excepting the current sublease between Lessee and Merrill Land, LLC, the Lessee shall not further sublease the Leased Premises or any part thereof without having first obtained the Lessor's prior written consent, which consent shall not be unreasonably withheld. Without limiting the generality of the foregoing, it is a precondition to Lessor review and approval of a proposed sublease of the Leased Premises that there shall then exists no uncured Event of Default nor any event or state of facts that with notice or the lapse of time, or both, would constitute an Event of Default. In the event that the Lessee requests permission to sublease the Leased Premises in whole or in part, the request shall be submitted to the Lessor not less than sixty (60) days prior to the proposed effective date of the sublease requested, and shall be accompanied by a copy of the proposed sublease agreement and of all agreements collateral thereto,

together with the following information and any other information requested by the Lessor: the identity and contact information of the sublessee, a description of the part of the Leased Premises to be subleased, a statement of the entire consideration to be received by the Lessee by reason of such sublease (including but not limited to sub-sublease rent and other charges payable by the sublessee), the type of business to be conducted on subleased premises by the sublessee, and history and financial information of the sublessee.

(c) Consummation of Assignment or Sublease. The Lessor's consent for the assignment or sublease for which the Lessor's consent is required and for which such consent has been given shall be by written instrument, in a form satisfactory to the Lessor and the Lessor's legal counsel, and shall be executed by the assignee or sublessee who shall agree, in writing, for the benefit of the Lessor, to be bound by and to perform all the terms, covenants, and conditions of this Amended Lease. Failure either to obtain the Lessor's prior written consent or to comply with the provisions of this Amended Lease shall serve to prevent any such transfer, assignment, or sublease from becoming effective. The Lessee agrees and acknowledges that it shall remain fully and primarily liable for all obligations of the lessee under this Amended Lease, notwithstanding any full or partial assignment of this Amended Lease or any sublease of all or any portion of the Leased Premises, and notwithstanding Lessor's consent to any such assignment or sublease. Receipt by Lessor of Rent or any other payment from an assignee, sublessee, or occupant of the Leased Premises shall not be deemed a waiver of any covenant in this Amended Lease against assignment and subletting or as acceptance of the assignee, sublessee, or occupant as a tenant or a release of the Lessee from further observance or performance of the covenants contained in this Amended Lease. No provision of this Amended Lease shall be deemed to have been waived by the Lessor, unless such waiver is in writing, signed by the Lessor.

10. **OWNERSHIP OF IMPROVEMENTS.** This Amended Lease represents a ground lease only. During the Term, Lessee shall own all Improvements existing or constructed on the Leased Premises, but Lessee shall not alter, remove, or demolish any Improvements except in accordance with Section 4 above. Upon the expiration or termination of this Amended Lease for any reason, the Improvements on the Leased Premises shall automatically be and become the sole property of Lessor, and Lessee shall have no further right, title or interest therein.

11. **CONDITION OF LEASED PREMISES AND IMPROVEMENTS.** LESSEE HEREBY ACKNOWLEDGES AND AGREES THAT THE LESSOR LEASES THE LEASED PREMISES AND LESSEE ACCEPTS THE LEASED PREMISES AND IMPROVEMENTS "AS/IS, WHERE IS AND WITH ALL FAULTS" WITHOUT ANY REPRESENTATION OR WARRANTY OF THE LESSOR, EXPRESS OR IMPLIED, OF ANY KIND WHATSOEVER. LESSEE ACKNOWLEDGES THAT THE LESSOR HAS MADE NO REPRESENTATIONS OR WARRANTIES RELATING TO THE SUITABILITY OF THE LEASED PREMISES OR IMPROVEMENTS FOR ANY PARTICULAR USE OR PURPOSE (INCLUDING WITHOUT LIMITATION THE USE SET FORTH IN SECTION 3

ABOVE) AND THAT THE LESSOR SHALL HAVE NO OBLIGATION WHATSOEVER TO REPAIR, MAINTAIN, RENOVATE OR OTHERWISE INCUR ANY COST OR EXPENSE WITH RESPECT TO THE LEASED PREMISES OR IMPROVEMENTS UNLESS OTHERWISE EXPRESSLY SET FORTH IN THIS LEASE. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, LESSOR SHALL NOT BE LIABLE FOR ANY LATENT OR PATENT DEFECTS IN THE LEASED PREMISES OR IMPROVEMENTS, AND LESSOR SHALL NOT HAVE ANY LIABILITY OR RESPONSIBILITY TO LESSEE FOR ANY LOSS, DAMAGE OR EXPENSE INCURRED BY LESSEE OCCASIONED BY THE CONDITION OR CHARACTERISTICS OF THE LEASED PREMISES OR IMPROVEMENTS. FURTHER, LESSOR HEREBY DISCLAIMS ANY AND ALL EXPRESS AND IMPLIED WARRANTIES AS TO THE CONDITION OF THE LEASED PREMISES AND IMPROVEMENTS, INCLUDING WITHOUT LIMITATION ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR ANY PARTICULAR PURPOSE, HABITABILITY OR TENANTABILITY.

12. MAINTENANCE.

(a) This Amended Lease constitutes a triple net lease of the Leased Premises and, notwithstanding any language herein to the contrary, it is intended, and Lessee expressly covenants and agrees, that all rent and other payments herein required to be paid by Lessee to Lessor shall be absolutely net payments to Lessor, meaning that, during the Term, Lessor is not and shall not be required to expend any money or do any acts or take any steps affecting or with respect to the use, occupancy, operation, maintenance, preservation, repair, restoration, protection or insuring of the Leased Premises or any Improvements, or any part thereof. Further, Lessee shall be solely and entirely responsible for all costs and expenses for, related to or arising out of the use, operation, repair, maintenance and/or replacement of the Leased Premises and Improvements, and all components thereof, whether such repair, maintenance, or replacement is ordinary, extraordinary, foreseen, unforeseen, structural, aesthetic, or otherwise.

(b) Lessee, at Lessee's sole cost and expense, shall keep and maintain the entire Leased Premises and the Improvements, and every part and component thereof, interior and exterior, including without limitation the grounds, landscaping and parking facilities on the Leased Premises, in good condition, appearance and repair and shall promptly make all repairs and replacements thereto, interior and exterior, structural and non-structural, ordinary as well as extraordinary, and foreseen as well as unforeseen, as needed in order to maintain the Leased Premises and the Improvements in good condition, appearance and repair. Lessee shall not do or suffer any waste, damage, disfigurement or injury to the Leased Premises, the Improvements or any portion thereof. Further, Lessee shall at all times maintain the Leased Premises and the Improvements in a safe, neat and orderly manner and condition, and free from trash, debris and other unsafe, unsightly or unsanitary matter. Without limiting the generality of the foregoing, Lessee shall not construct, demolish, remove or alter any Improvements or any portion thereof except in accordance with Section 4 above.

(c) Without limiting the foregoing, Lessee shall also:

(1) at all times perform commercially reasonable routine maintenance and preventive maintenance of the Leased Premises and all Improvements, and all components thereof, and maintain all of the foregoing in a good and clean condition, repair and preservation;

(2) replace or substitute any fixtures, equipment and components that have become worn out with replacement or substitute fixtures, equipment and components, free of all liens and encumbrances, that shall automatically become a part of the Improvements;

(3) at all times keep the Leased Premises' grounds and the interiors and exteriors of all Improvements, fixtures, landscaping, equipment, and personal property in a good, clean, and orderly working condition and appearance;

(4) at all times observe all insurance regulations and requirements concerning the use and condition of the Leased Premises and Improvements for the purpose of reducing fire hazards and increasing the safety of Lessee's operations on the Leased Premises;

(5) at all times be responsible for the maintenance and repair of all utility services lines upon and serving the Leased Premises and/or Improvements, including, but not limited to, water and gas lines, electrical power and telephone conduits and lines, sanitary sewers, and storm sewers;

(6) replace broken or cracked plate glass, paint/repaint Improvements, and mow the grass and keep landscaped areas weeded; and

(7) provide and use suitable covered metal receptacles for all garbage, trash, and other refuse; assure that boxes, cartons, barrels, or similar items are not piled in an unsightly, unsafe manner on or about the Leased Premises; provide a complete and proper arrangement, satisfactory to Lessor, for the adequate sanitary handling and disposal of all trash, garbage, and refuse resulting from the use and operation of the Leased Premises.

(d) Representatives of Lessor, together with a representative of Lessee, may, at Lessor's option, inspect the Leased Premises and Improvements quarterly to observe and note its condition, cleanliness, and existing damage, and to determine repairs and maintenance required pursuant to the terms of this Amended Lease, provided that such inspections do not materially interfere with the use of the Leased Premises by Lessee or others. Neither Lessor's inspection of the Leased Premises or Improvements nor Lessor's failure to inspect the Leased Premises or Improvements shall relieve Lessee of any of its obligations under this Amended Lease or applicable law.

(e) Should Lessee refuse, fail or neglect to undertake any maintenance, repairs, or replacements required pursuant to the terms of this Amended Lease within thirty (30) days after written notice, then Lessor shall have, in addition to all other rights and remedies under this Amended Lease, at law, or in equity, the right, but not the obligation, to perform such maintenance, repair, or replacement on behalf of and for Lessee. The costs of such maintenance, repair or replacement, plus fifteen (15.0%) percent for administration, shall be reimbursed by Lessee to Lessor no later than 30 days following receipt by Lessee of written demand from Lessor for same.

(f) Upon the expiration or termination of this Amended Lease for any reason, Lessee shall surrender to Lessor the Leased Premises and the Improvements in good condition, appearance and repair, excepting only such ordinary wear and tear as could not have been prevented by reasonable routine and preventive maintenance and by Lessee's compliance with its obligations under this Section. Notwithstanding the foregoing, however, if requested by the Lessor in writing, within ninety (90) days after termination of this Amended Lease for any reason, Lessee shall demolish and remove the Improvements and all trash and debris, grade the Leased Premises, and deliver the Leased Premises to the Lessor in a neat, clean, graded, level and safe condition.

(g) Lessor's rights and Lessee's obligations under this Section shall survive the expiration or termination of this Amended Lease.

13. UTILITIES. All utilities now or hereafter located or installed on the Leased Premises, including but not limited to electricity, telephone, cable, and internet, shall be underground, and Lessee shall be solely responsible for all costs and fees charged by each utility provider with respect to the underground installation, maintenance, repair, and replacement of such utilities. Lessee shall arrange for direct billing to Lessee from all entities providing utility services to the Leased Premises or Improvements, and shall pay when due all invoices for such utility services.

14. DAMAGE AND DESTRUCTION. In the event that the Improvements or any portion thereof, excluding the Marina and its ancillary structures, shall be damaged or destroyed by fire or other casualty, Lessee shall give immediate notice thereof to Lessor and the same shall be repaired, restored and/or rebuilt by Lessee at its sole cost and expense, to the condition at least equal to that which existed prior to its damage or destruction and in compliance with all laws and regulations applicable at the time of repair and/or restoration of any improvements constructed thereon, and in accordance with and subject to all terms and conditions of Section 4 above. The City shall be named as an additional insured as to any policies of insurance in place to provide compensation for casualty loss to the Improvements, including, without limitation, wind, flood, and fire coverages. Lessee shall, at its sole expense, restore any damage to the breakwater regardless of whether such damage is covered by insurance.

15. *This section left intentionally blank.*

16. **FORCE MAJEURE EVENT.** Subject to compliance with Section 4(a) above and except for Lessee's obligations to pay Rent and other sums of money pursuant to the terms of this Amended Lease, each party's obligations under this Amended Lease shall be abated or excused if and to the extent that performance of such obligations is rendered impossible or impracticable for a period of more than 30 days by reason of strikes, riots, acts of God, shortages of labor or materials, theft, fire, public enemy, injunction, insurrection, court order, requisition of other governmental body or authority, war, governmental laws, regulations or restrictions, or any other causes of any kind whatsoever which are beyond the control of the Parties hereto (each a "Force Majeure Event"), until such Force Majeure Event is eliminated or ceases to exist; provided however, that the Party claiming such Force Majeure Event shall use all due diligence to eliminate or mitigate such Force Majeure Event or the effects thereof as soon as possible.

17. **PARKING.** Lessee, at its sole cost and expense, shall provide vehicular parking spaces on the Leased Premises and/or secure off-premises vehicular parking spaces that are at all times adequate to the permitted use of the Leased Premises by Lessee and other occupants, if any, of the Leased Premises or Improvements and their respective agents, representatives, employees, contractors, guests and invitees, and, at a minimum, is sufficient to meet applicable zoning regulations, codes, ordinances and regulations of the City of Pensacola.

18. **COMPLIANCE WITH GOVERNMENTAL REGULATIONS.** Lessee, in the use and enjoyment of the Leased Premises and Improvements, shall comply with all governmental regulations, statutes, ordinances, rules, ordinances and directives of any federal, state, county or municipal governmental units or agencies having jurisdiction over the Leased Premises, the Improvements, or any business being conducted thereon.

19. **ENVIRONMENTAL COMPLIANCE.**

(a) Lessee shall comply with, and shall cause all sublessees and other persons and entities occupying the Leased Premises or any portion thereof to comply with, all federal, state, municipal and county laws, statutes, ordinances, codes, administrative orders, rules and regulations and permits relating to environmental matters, stormwater management, and pollution control applicable to or governing the Leased Premises, the Improvements, the construction, alteration or demolition of the Improvements, or the occupancy, use or operation of the Leased Premises or Improvements by any person or entity. Lessee shall furnish to the Lessor at the time same are filed, received, submitted or tendered, a copy of every permit application, permit, notice, order or other document sent to or received from any regulatory agency responsible for environmental matters, stormwater management, or pollution control. Lessee shall not suffer, allow, cause, condone, license, permit or sanction any activities, conduct, acts, omissions, or operations that enable or result in any pollutants, contaminants, hazardous materials or substances or other waste to be accumulated, deposited, placed, released, spilled, stored or used upon or under any portion of the Leased Premises or Improvements, or any groundwater, or any body of water on, touching upon, or adjacent to the Leased Premises, contrary to or in violation of any of said laws, statutes, ordinances, codes, administrative

orders, rules, regulations or permits. In the event Lessee violates this prohibition, Lessee shall be solely responsible for any and all reporting, cleanup, remediation, damages, fines, and penalties arising therefrom or in connection therewith, in accordance with said laws, statutes, ordinances, codes, administrative orders, rules, regulations or permits.

(b) Lessee shall fully and promptly pay, perform, discharge, indemnify and hold harmless Lessor and its elected and appointed officials, officers, members, employees, volunteers, representatives and agents from and against any and all claims, orders, demands, causes of action, proceedings, judgments, suits, fines, penalties, liabilities, damages, losses, remediation costs, response costs, and all other costs and expenses (including without limitation reasonable attorneys' fees, consultant fees, court costs, and expenses paid to third parties) arising out of, as a result of, or in connection with (i) Lessee's failure to observe, perform, satisfy, or comply with, any obligation of Lessee under this Section; or (ii) any hazardous substance, contamination, or pollution discharged, released, deposited, dumped, spilled, leached, leaked, or placed into, on, under, or from, the Leased Premises, or any portion thereof, or any groundwater, or any body of water on, touching upon, or adjacent to the Leased Premises, by Lessee or any sublessee or other person or entity occupying the Leased Premises, or any portion thereof, at any time from and after September 18, 1985 (the effective date of the Original Lease) until Lessee and all persons and entities occupying the Leased Premises, or any portion thereof, by, through or under Lessee have fully vacated the Leased Premises.

(c) Notwithstanding the foregoing, Lessee does not indemnify Lessor for claims related to environmental conditions existing on or under the Leased Premises prior to September 18, 1985, except and only to the extent that such conditions are made worse by the negligent or unreasonable acts or omissions of Lessee, its contractors, employees, agents, or representatives, or any sublessee or other person or entity occupying the Leased Premises, or any portion thereof, by, through or under Lessee.

(d) The provisions of this Section shall survive the expiration or termination of this Amended Lease.

20. SPECIAL PROVISIONS.

(a) The Lessee, its transferees, grantees, sublessees, successors and assigns, shall irrevocably release, indemnify, defend, and hold harmless Lessor and its elected and appointed officials, officers, members, employees, volunteers, representatives and agents, from any and all claims for damages of whatever nature resulting from any dredging by the Lessee, including but not limited to the incidental depositing of dredged materials resulting from dredging, bulkheading, and/or riprapping, and other incidental damage resulting from the dredging operations and the like which might occur. The Lessor and the Lessee, their successors and assigns, agree to cooperate with each other in connection with the securing of periodic dredging of the marina, and in this connection, agree to execute such applications, releases and other documents necessary or incidental to the approval of the U.S Army Corps of Engineers, or other public agency, to undertake and execute such dredging as shall be requested by either party. The Lessor

and the Lessee, their successors and assigns, further release each other from any and all claims for damage occasioned or arising from any disturbance of the Bay bottom, which results as a natural consequence, from normal, non-negligent, periodic maintenance, bulkheading, riprapping or dredging by such party, either in the maintenance and repair of the marina on the Leased Premises or the use, maintenance, and employment of the rights of the marina waterways.

(b) It shall be the Lessee's responsibility to provide maintenance dredging within the boundaries of the submerged land within the Leased Premises as deemed necessary for the operation of the public marina. The Lessee shall dredge only to depths permitted by the Florida Department of Environmental Protection and U. S. Army Corps of Engineers regulations and permits. It shall be the Lessor's responsibility to provide maintenance dredging of the Bay approach to the boundaries of the submerged land within the Leased Premises in accordance with maintenance schedules of the Port of Pensacola, or as otherwise necessary to maintain navigable access to the marina facility. The Lessor's responsibility to maintain navigable access to the marina shall be governed by permits issued for such work.

21. SEVERABILITY. If any clause or provision of this Amended Lease is illegal, invalid or unenforceable under present or future laws effective during the term of this Amended Lease, then and in that event, it is the intention of the Parties hereto that the remainder of this Amended Lease shall not be affected thereby.

22. SURRENDER AND HOLDING OVER.

(a) With Lessor's Consent. If Lessee shall, with the written consent of the Lessor, hold over after the expiration or sooner termination of the Term of this Amended Lease, the resulting tenancy shall, unless otherwise mutually agreed in writing, be on a month-to-month basis until such time as Lessee shall terminate this Amended Lease and surrender the Leased Premises and Improvements to Lessor upon not less than sixty (60) days' prior written notice to Lessor, or Lessor shall terminate this Amended Lease upon not less than sixty (60) days' prior written notice to Lessee. During such month-to-month tenancy, Lessee shall continue to pay Rent and other charges as established in accordance with the provisions of this Amended Lease, and shall be bound by all of the other provisions of this Amended Lease.

(b) Without Lessor's Consent. If Lessee shall, without the written consent of the Lessor, hold over after the expiration or sooner termination of the Term of this Lease, the resulting tenancy privilege shall, unless otherwise mutually agreed in writing, be a tenancy at sufferance. During such tenancy at sufferance, Lessee shall pay Rent equal to two hundred percent (200%) of the Rent in effect at the time of expiration or termination, and shall be bound by all of the other provisions of this Amended Lease. At Lessor's option, at the termination of the Amended Lease, Lessee shall vacate Leased Premises upon delivery of thirty days (30 days) written notice. Failure of Lessee to vacate the Leased Premises shall be deemed a default under Section 27.

23. CORPORATE TENANCY. If Lessee is not a natural person, the undersigned representative of Lessee hereby warrants and certifies that Lessee is an entity in good standing and is authorized to do business in the State of Florida. The undersigned representative of Lessee hereby further warrants and certifies that he or she, as such representative, is authorized and empowered to bind the entity to the terms of this Amended Lease by his or her signature thereto. Lessor, before it accepts and delivers this Amended Lease, may require Lessee to supply it with a certified copy of the entity resolution or such other document authorizing the execution of this Amended Lease by Lessee.

24. INTEGRATION, MERGER AND AMENDMENT. This Amended Lease contains the entire agreement of the Parties with respect to the subject matter of this Amended Lease, and fully substitutes, replaces, and supersedes any prior letter of intent, memorandum of understanding, and other prior negotiations, agreements and understandings with respect thereto. This Amended Lease may not be altered, changed or amended, except by written instrument signed by all Parties hereto and executed in the same formality as this Amended Lease.

25. NO WAIVER. No provision of this Amended Lease shall be deemed waived by Lessor by any act, omission, conduct or course of dealing by Lessor. Rather, a provision of this Amended Lease may be waived by Lessor only by a written instrument duly authorized and executed by Lessor which specifically identifies the provision being waived. The terms, provisions, covenants, and conditions contained in this Amended Lease shall apply to, inure to the benefit of, and be binding upon the Parties hereto, and upon their respective permitted successors in interest and legal representatives, except as otherwise expressly provided herein and except that Lessor shall have no liability to Lessee under this Amended Lease except as otherwise expressly stated herein.

26. INSURANCE. Lessee shall procure and maintain at all times during the term of this Amended Lease, insurance of the types and to the limits specified herein issued by insurer(s) qualified to do business in Florida whose business reputation, financial stability and claims payment reputation is reasonably satisfactory to Lessor. Notwithstanding any provisions to the contrary, only liability insurance is applicable to the Marina portion of the property.

Lessee acknowledges and agrees that the types and minimum limits of insurance herein required may become inadequate following during the Term of this Amended Lease, and, therefore agrees that the minimum limits may be increased to commercially reasonable limits and/or additional types of insurance may be required by the Lessor from time to time during the Term of this Amended Lease, but in no event more than once every two (2) Lease Years. Notwithstanding any provisions to the contrary, only liability insurance is applicable to the Marina portion of the property.

Subject to the foregoing and unless otherwise agreed by the Lessor in writing, the amounts, form and type of insurance shall conform to the following minimum requirements:

WORKER'S COMPENSATION

Lessee shall purchase and maintain Worker's Compensation Insurance Coverage for all Workers' Compensation obligations if legally required. Additionally, the policy, or separately obtained policy, must include Employers Liability Coverage of at least \$100,000 each person- accident, \$100,000 each person-disease, and \$500,000 aggregate – disease.

COMMERCIAL GENERAL LIABILITY COVERAGE

Lessee shall purchase coverage on forms no more restrictive than the latest editions of the Commercial General Liability forms filed by the Insurance Services Office. Lessor shall not be considered liable for premium payment or entitled to any premium return or dividend or be considered a member of any mutual or reciprocal company. Minimum limits of \$1,000,000 per occurrence, and per accident, combined single limit for liability must be provided, with umbrella insurance coverage making up any difference between the policy limits of underlying policy coverage and the total amount of coverage required. Coverage must be provided for bodily injury and property damage liability for premises and operations. Fire Legal Liability shall be endorsed onto this policy in an amount of at least \$300,000 per occurrence. The coverage shall be written on occurrence-type basis and the Lessor must be listed as an additional insured. Umbrella Liability Insurance coverage shall not be more restrictive than the underlying insurance policy coverages. The coverage shall be written on an occurrence-type basis.

MARINA OPERATORS LEGAL LIABILITY

Coverage shall be provided with Lessor listed as an Additional Insured. This policy is to cover the liability exposures associated with the operation of a marina including those related to the care, custody, and control (CCC) of watercraft. The coverage shall cover both land and waterborne exposures located at the marina. This policy shall not insure the docks or ancillary facilities adjacent to the docks from flood or wind damages, but rather is provided to protect the Lessor against potential liability claims associated with Marina operations.

LIQUOR LIABILITY COVERAGE

Lessee shall maintain coverage for bodily injury and property damage arising out of the furnishing of alcoholic beverages of \$1,000,000.00 per occurrence. Lessor shall be listed as an Additional Insured.

POLLUTION/ENVIRONMENTAL IMPAIRMENT COVERAGE

Lessee shall maintain coverage for pollution/environmental impairment with minimum limits of \$1,000,000.00 per occurrence. Lessor shall be listed as an Additional Insured.

BUSINESS AUTOMOBILE POLICY

Lessee shall purchase and maintain coverage with minimum limits of \$1,000,000 per accident combined single limits covering bodily injury and property damage liability arising out of operation, maintenance or use of owned, non-owned and hired automobiles and employee non-ownership use, with umbrella insurance coverage making up any difference between the policy limits of underlying policy coverage and the total amount of coverage required. The coverage shall be written on occurrence-type basis and the Lessor must be listed as an additional insured. Umbrella Liability Insurance coverage shall not be more restrictive than the underlying insurance policy coverages. The coverage shall be written on an occurrence-type basis.

BUILDER'S RISK

Lessee shall require any contractor constructing, altering, removing or demolishing Improvements on or from the Leased Premises to provide builder's risk insurance on an Inland Marine "All Risk" type form which includes, without limitation, collapse coverage and windstorm coverage. The amount of such insurance shall be 100% of the completed value of the work being done by such contractor. Such builder's risk policy shall contain a "Waiver of Subrogation" clause in favor of Lessor. The Lessor must be listed as an additional insured. Notwithstanding any language to the contrary, the Marina parcel shall not be subject to this provision.

PROPERTY INSURANCE

Lessee shall maintain in force at all times, property insurance coverage which insures any Improvements on the Leased Premises against fire, extended coverage and Standard Insurance Office (ISO) defined "Special Perils" of physical damage, together with coverages or endorsements for ordinance or law, vandalism, malicious mischief, earthquake, windstorm, hail and storm surge and flood. Lessor shall be named as an additional insured and loss payee, as its interest may appear, under all such policies of insurance. The amount of coverage will be 100% of the replacement cost. The deductibles under such policies shall be subject to the prior written approval of Lessor, such approval not to be unreasonably withheld. Such policy shall contain a "Waiver of Subrogation" clause in favor of Lessor. Notwithstanding any language to the contrary, such insurance shall not be required for marina docks, vessels (including without limitation houseboats), or other property located on the water above the submerged land that is part of this Lease.

CERTIFICATES OF INSURANCE

Lessee's required insurance shall be documented in Certificates of Insurance furnished to Lessor that list this Amended Lease and provide that Lessor shall be notified at least thirty (30) days in advance of cancellation, nonrenewal or adverse change or restriction in coverage. If requested by Lessor, Lessee shall furnish copies of Lessee's insurance policies, forms, endorsements, jackets and other items forming a part of, or

relating to such policies. Certificates shall be on the "Certificate of Insurance" form reasonably acceptable to the Lessor. Lessee shall replace any canceled, adversely changed, restricted or non-renewed policies with new policies reasonably acceptable to Lessor and shall file with Lessor Certificates of Insurance under the new policies at least fifteen (15) days prior to the effective date of such cancellation, adverse change or restriction. If any policy is not timely replaced, in a manner reasonably acceptable to Lessor, Lessee shall, upon instructions of Lessor, cease all operations on the Leased Premises under this Amended Lease until authorized by Lessor, in writing, to resume operations.

REQUIRED INSURANCE PRIMARY

The insurance coverage required of Lessee shall be considered primary, and all other insurance shall be considered as excess, over and above the Lessee's required coverage.

LOSS CONTROL AND SAFETY

Lessee shall retain control over its employees, agents, servants and contractors, as well as control over its guests and invitees, and its activities on and about the Leased Premises and the manner in which such activities shall be undertaken and to that end, Lessee shall not be deemed to be an agent of Lessor. Reasonable precaution shall be exercised at all times by Lessee for the protection of all persons, including employees, and property.

INDEMNITY

(a) Lessee shall indemnify and hold harmless Lessor and its elected and appointed officials, officers, members, employees, volunteers, representatives and agents from any and all fines, claims, suits, actions, demands, losses, damages, liabilities, costs and expenses (including, without limitation, attorney's fees) in connection with any loss of life, bodily or personal injury, or damage to or loss of property arising from or out of any occurrence in, upon, at or about the Leased Premises or Improvements; arising from or out of any occurrence in, upon at or about the Park Property or any part thereof occasioned or caused in whole or in part, either directly or indirectly, by the act omission, negligence, misconduct or breach of this Amended Lease by Lessee, its employees, agents, customers, clients, guests, invitees or by any other person entering the Park Property under express or implied invitation of Lessee; or arising out of this Amended Lease, Lessee's violation of any provision of this Amended Lease, or the use of the Leased Premises or Improvements by Lessee or any other person or entity; provided, however, that nothing contained herein shall be construed as a waiver, in whole or in part, of the sovereign immunity of the Lessor under the Constitution, statutes and case law of the State of Florida, nor as a change or modification in any manner whatsoever of the method or conditions of preserving, asserting, or enforcing any claim or legal liability against the Lessor. Further, Lessee's indemnity obligations under this

paragraph shall not be limited by the availability or extent of any insurance coverage required to be maintained by Lessee under this Section.

(b) Further, and without limiting the foregoing, Lessee shall observe, perform, satisfy, and comply with, and shall be solely responsible for the costs of observing, performing, satisfying, and complying with, all terms, conditions, covenants, and restrictions to be observed, performed, satisfied, or complied with by Lessor or Lessee under the permits, grants, and instruments identified in Section 2 above as they relate to the Leased Premises, and shall indemnify, defend, and hold harmless Lessor and Lessor's elected officials, employees, attorneys, volunteers, agents and representatives (collectively, the "Indemnified Parties"), from and against any and all claims, causes of action, loss, liability, damage, cost and expense, suffered or incurred by any of the Indemnified Parties by reason of any claim, dispute, lawsuit, administrative proceeding or enforcement action arising out, by reason or with respect to any such permit, grants, and instruments; or any violation or alleged violation of any such permit, grant, or instrument by Lessor or Lessee with respect to the Leased Premises.

LIMITATION OF LESSOR LIABILITY

In not event shall Lessor shall be liable or responsible to Lessee for any loss or damage to any property or the death of or injury to any person resulting from theft, fire, act of God, public enemy, injunction, riot, strike, insurrection, war, court order, requisition of other governmental body or authority, from acts or omissions of Lessee or any licensee, occupant, user, sublessee, or sub-sublessee of the Leased Premises or any portion thereof, or from any other matter beyond the control of Lessor.

27. DEFAULT and REMEDIES.

(a) Events of Default. Each of the following events shall constitute a default by Lessee under this Amended Lease (each, an "Event of Default"), to wit:

- (1) Lessee's failure to pay when due any Rent or other sum of money at any time payable by Lessee under this Amended Lease, and such failure is not cured by payment of rent and a five (5) percent late fee within 30 days of written demand by Lessor;
- (2) Lessee's abandonment of any substantial portion of the Leased Premises or Improvements, or failure to substantially use and operate the Leased Premises for the uses and purposes permitted pursuant to Section 2 above for a ninety days less and except Marina in the event the Marina is destroyed or substantially damaged by a named storm event; however, in such event, the Marina property shall continue to be made available to the general public;
- (3) Lessee's failure to observe, keep or perform the terms, covenants, agreements and conditions of this Amended Lease and failure to

cure any such breach within 30 days of written notice stating with particularity the nature of the breach. Notwithstanding any provisions to the contrary, this 30-day notice requirement shall not apply to a violation of Chapter 119, or any other statutory obligation of the Lessee that requires a less-than-30 days cure period.

- (4) The filing of a voluntary petition in bankruptcy by Lessee, or the filing of an involuntary petition in bankruptcy against Lessee which involuntary petition is not dismissed with sixty (60) days after filing;
- (5) Lessee making a voluntary assignment for the benefit of creditors;
- (6) A receiver or trustee being appointed for Lessee or a substantial portion of Lessee's assets;
- (7) Lessee's interest under this Amended Lease being sold or transferred under execution or other legal process; and
- (8) Lessee's use of the Leased Premises or any portion thereof being determined by the State of Florida as violating the terms, conditions, covenants or requirements of any permit, grant or instrument identified in Section 2 above or as constituting a "conversion" within the meaning of any such permit, grant or instrument or related federal or state statutes, rules or regulations.

(b) Remedies. Following any Event of Default, Lessor, in its sole discretion, may exercise any and all rights and remedies available under this Amended Lease, at law or in equity, and, without limiting the foregoing, may exercise any one or more of the following options, the exercise of any of which shall not be deemed to preclude the exercise of any others herein listed or otherwise provided by statute or general law at the same time or in subsequent times or actions:

- (1) Terminate this Amended Lease, in which case Lessee shall immediately surrender possession of the Leased Premises and Improvements to the Lessor. Failure to surrender the premises without a written agreement to extend or renew shall cause rent to accrue at 200 percent of the lease amount, and shall subject the Lessee to an immediate action for eviction. In such event, the Lessee shall be liable for all damages incurred by Lessor by reason of Lessee's default, including but not limited to the cost of recovering possession of the Leased Premises and Improvements; expenses of re-letting, including necessary renovation and alteration of the Leased Premises and Improvements, reasonable attorney's fees and any real estate commission actually paid; and the worth at the time of award by the court having jurisdiction thereof of (i) the unpaid Rent under this Amended Lease which had been earned at the time

of termination, and (ii) the unpaid Rent which would have been earned after termination until the property is surrendered (voluntarily or by court order) to Lessor.

- (2) In the event of such termination and eviction, the Lessee shall be deemed to have forfeited any and all rights to improvements constructed at the Lessee's expense.

(c) Rights Cumulative; No Waiver. The respective rights of Lessor under this Amended Lease shall be cumulative and shall be in addition to rights as otherwise provided at law or in equity, and failure on the part of Lessor to exercise promptly any such rights afforded it shall not operate to forfeit any such rights. No forbearance by Lessor of action upon any violation or breach of any of the terms, provisions, and covenants herein contained shall be deemed or construed to constitute a waiver of the terms, provisions, and covenants herein contained. Forbearance by Lessor to enforce one or more of the remedies herein provided upon an Event of Default shall not be deemed or construed to constitute a waiver of any other violation or Event of Default. Further, the acceptance by the Lessor of Rent or other charges or payments by the Lessee for any period or periods after the occurrence of an Event of Default shall not be deemed a waiver of such Event of Default or a waiver of or estoppel to enforce any right or remedy on the part of the Lessor arising or existing by reason of such Event of Default, whether or not Lessor has or had knowledge of such Event of Default. Legal actions to recover for loss or damage that Lessor may suffer by reason of termination of this Amended Lease or the deficiency from any reletting as provided for above shall include the expense of repossession or reletting and any repairs or remodeling undertaken by the Lessor following repossession.

28. QUIET ENJOYMENT. Provided Lessee has performed all of the terms, covenants, agreements and conditions of this Amended Lease, including the payment of Rent and all other sums due hereunder, Lessee shall peaceably and quietly hold and enjoy the Leased Premises subject to the provisions and conditions of this Amended Lease.

29. NOTICES. Any notices required or permitted by this Amended Lease or by law to be sent to Lessor shall be sufficient if transmitted by personal delivery, nationally recognized overnight delivery service (such as Federal Express Corporation or UPS), or certified mail, return receipt requested, addressed to Lessor as follows:

City of Pensacola
Attn: City Administrator
222 West Main Street, 7th Floor
Pensacola, Florida 32502

with copy to:

City Attorney
City of Pensacola
222 West Main Street, 7th Floor
Pensacola, Florida 32502

Any notices required or permitted by this Amended Lease or by law to be sent to Lessee shall be sufficient if transmitted by personal delivery, nationally recognized overnight delivery service (such as Federal Express Corporation or UPS), or certified mail, return receipt requested, addressed to Lessee as follows:

Seville Harbour, Inc.
850 S. Palafox Street, Suite 102
Pensacola, Florida 32502

with copy to:

Edward P. Fleming, Esq.
R. Todd Harris, Esq.
719 S. Palafox Street
Pensacola, Florida 32502

Either Party may change the above address by providing written notice to the other Party.

30. VENUE. Venue for any claim, action or proceeding arising out of this Amended Lease shall be Escambia County, Florida.

30-A ATTORNEYS' FEES AND COSTS: In any action arising from or related to the enforcement of rights and remedies created by this Amended Lease the prevailing party shall be entitled to recovery of all costs, including without limitation taxable costs, together with a reasonable attorneys' fee, including without limitation fees and costs incurred in establishing entitlement to or amount of such attorneys' fees or costs.

31. GOVERNING LAW. The laws of the State of Florida shall be the law applied in resolution of any action, claim or other proceeding arising out of this Amended Lease.

32. MEMORANDUM OF LEASE. Contemporaneously with the execution of this Amended Lease, the Parties shall execute a Memorandum of this Amended Lease in recordable form, which shall be sufficient to give constructive notice of this Amended Lease and its material terms. Lessee, at Lessee's expense, shall record such memorandum in the Public Records of Escambia County, Florida. Notwithstanding the foregoing, in lieu of such Memorandum, Lessor, at its option, may require Lessee to record this Amended Lease in the Public Records of Escambia County, Florida.

33. ESTOPPEL CERTIFICATES. Within ten (10) business days after a written request from Lessee, Lessor shall certify, by a duly executed and acknowledged written instrument, to any mortgagee or proposed mortgagee of Lessee's leasehold estate in the Leased Premises as to the validity and force and effect of this Amended Lease, the existence of any default on the part of any Party hereunder, and the existence of any offset, counterclaim or defense thereto on the part of Lessor, as well as to any other matters as may be reasonably requested by Lessee, up to but not more than three (3) times during any Lease Year. Lessee shall pay to Lessor the reasonable costs and attorney's fees incurred by Lessor in connection with each such estoppel certificate.

34. NON-DISCRIMINATION. Lessee agrees that it will not discriminate upon the basis of race, creed, religion, color, national origin, age, disability, sex, or any legally protected class in the construction, alteration or demolition of the Improvements or the subleasing, use, occupancy, or operation of the Leased Premises or Improvements. and that each contract, sublease or agreement with respect thereto shall specifically contain the following provision:

"EQUAL OPPORTUNITY PROVISION:

1. In the construction and operation of the Improvements, neither the Lessee nor any contractor or manager employed by Lessee shall discriminate against any employee or applicant for employment because of race, creed, religion, color, national origin, age, disability, sex, or any legally protected class, and they shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, religion, color, national origin, age, disability, sex, or any legally protected class. Such action shall include, but not be limited to the following: Employment, upgrading, demotion or transfer; recruitment, or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Lessee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by Lessee setting forth the provisions of this Equal Opportunity Clause, and to cause any contractor, subcontractor or manager to do likewise.

2. The Lessee, its sublessees and any contractor or manager shall, in all solicitations or advertisements for employees placed by them or on their behalf, state that all qualified applicants will receive consideration for employment without regard to race, creed, religion, color, national origin, age, disability, sex, or any legally protected class. They shall send to each labor union or representative of workers with which they, or any of them, have a collective bargaining agreement or other contract or understanding, a notice, to be provided by Lessee, advising the labor union or workers' representative of their commitments under this Equal Opportunity Clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment. Any sublessee, contractor or subcontractor shall comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the

Secretary of Labor and shall furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records and accounts by Lessee and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders."

Lessee certifies it does not maintain or provide for its employees any segregated facilities at any of its establishments and it does not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The Lessee certifies further that it will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it will not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion or national origin, because of habit, local custom or otherwise. Lessee further agrees that it will obtain identical certificates from proposed sublessees, contractors, subcontractors and managers prior to the award of any contracts or subleases, and that it will retain such certificates in its files.

35. SIGNAGE. Except as otherwise permitted pursuant to Section 4 above, Lessee shall not construct, operate or maintain any signage on the Leased Premises or Improvements without the prior the written approval of Lessor in its sole and absolute discretion. Notwithstanding any such approval, all signage shall comply with applicable codes, ordinances and regulations imposed by the City of Pensacola, including but not limited to the requirement of the Site Specific Development classification of the Leased Premises.

36. LEASEHOLD MORTGAGES BY LESSEE. The Lessor consents to the Lessee's mortgaging of its leasehold interest in the leased property, but such mortgage shall not be of the fee simple interest held by the Lessor. Any mortgagee's interest shall be limited to, and governed by, the interests created by the Amended Lease. The mortgagee must be a reputable, institutional lender doing business in the State of Florida.

37. *This section left intentionally blank.*

38. SUCCESSORS AND ASSIGNS. The terms and provisions of this Amended Lease are binding upon and shall inure to the benefit of the Lessor and Lessee, and their respective successors and assigns.

39. CONTRACT INTERPRETATION. The rule of construction to the effect that an instrument shall be construed against its draftsman shall not apply to this Amended Lease and shall not negate or invalidate any provision of this Amended Lease.

40. *This section left intentionally blank.*

41. **MUTUAL WAIVER OF CONSEQUENTIAL DAMAGES.** Any other provision of this Amended Lease to the contrary notwithstanding, in no event shall the Lessor or Lessee be liable to the other Party, directly or indirectly, for special, indirect, punitive, or consequential damages of any kind whatsoever (including without limitation lost profits, loss of business, or damage to reputation), even if Lessor or Lessee, as the case may be, has been advised of the possibility of such losses or damages and regardless of the form of action.

42. **NO WAIVER OF SOVEREIGN IMMUNITY.** Notwithstanding any contrary provision of this Amended Lease, except to the extent of the contractual obligations of Lessor expressly set forth in this Amended Lease, nothing in this Amended Lease shall be construed as a waiver, in whole or in part, of the Lessor's sovereign immunity under the Constitution, statutes and case law of the State of Florida, nor shall any provision of this Amended Lease be deemed a change or modification in any manner whatsoever of the method or conditions of preserving, asserting, or enforcing any claim or legal liability against the Lessor.

43. **FLORIDA PUBLIC RECORDS LAW.** The Florida Public Records Law, as contained in Chapter 119, Florida Statutes, is very broad. As a result, any written communication or other public record created or received by Lessor will be made available to the public and media, upon request, unless a statutory exemption from such disclosure exists. Lessee shall comply with the Florida Public Records Law in effect from time to time if and to the extent that the Florida Public Records Law is applicable to Lessee. Notwithstanding any contrary provision in this Amended Lease, any failure by Lessee to comply with the Florida Public Records Law, if and to the extent that it is applicable to Lessee, that continues for seven (7) days after written notice from the Lessor shall constitute an Event of Default by Lessee.

*[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.
SIGNATURES ON FOLLOWING PAGE.]*

IN WITNESS WHEREOF, the Parties have set their respective hands and seals hereto as of the date first written above.

Signed, sealed and delivered
in the presence of:

Print Name: _____

Print Name: _____

SEVILLE HARBOUR, INC.
a Florida corporation

By: _____
Ray Russenberger, Its President

CITY OF PENSACOLA
a Florida municipal corporation

By: _____
Grover C. Robinson, IV, Mayor

(AFFIX CITY SEAL)

Attest:

Ericka L. Burnett, City Clerk

Signed, sealed and delivered by Mayor
in the presence of:

Print Name: _____

Print Name: _____

Legal in form and valid as drawn:

Approved as to content:

Susan A. Woolf, City Attorney

Chris Holley
City Administrator

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Ray Russenberger, as President of Seville Harbour, Inc., a Florida corporation, on behalf of said corporation. Said person is personally known to me or presented his current Florida driver's license as identification.

AFFIX NOTARY SEAL

Notary Public
Print Name: _____
My Commission Expires: _____

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Grover C. Robinson, IV, as Mayor of the City of Pensacola, a Florida municipal corporation, on behalf of said municipal corporation. Said person is personally known to me or presented his current Florida driver's license as identification.

AFFIX NOTARY SEAL

Notary Public
Print Name: _____
My Commission Expires: _____

PITT SLIP MARINA LEASE AGREEMENT

THIS LEASE AGREEMENT entered into this the 18th day of September, 1985, by and between the CITY OF PENSACOLA, FLORIDA, a municipal corporation of Florida, hereinafter called the "Lessor," and FLORIDA SUN INTERNATIONAL, INC., a Florida corporation, hereinafter called the "Lessee," whose address is 2828 Edgewater Drive, Post Office Box 7717A, Orlando, Florida 32854.

WITNESSETH:

WHEREAS, the Lessor owns title to certain submerged and upland lands located on the waterfront of Pensacola, Escambia County, Florida, commonly referred to as "Pitt Slip" (hereinafter referred to as the "subject property"), which is more fully described on Exhibit A attached hereto; and

WHEREAS, the Lessee has been selected by the City Council as the top ranked marina firm and City Council has authorized the City Manager to negotiate a Lease Agreement for the construction of a marina at Pitt Slip; and

WHEREAS, the Lessee is desirous of leasing from the Lessor certain submerged and uplands in the waters of Pensacola Bay, Pitt Slip, on a long term basis for the purpose of constructing and operating a marina and docking facility, harbor master office, ships store and related parking; and

WHEREAS, the Lessor is desirous of leasing to the Lessee that certain submerged and uplands in the waters of Pensacola Bay, Pitt Slip, on a long term basis; now therefore,

THE PARTIES HERETO agree as follows:

1. THE PROPERTY

Subject to the terms and conditions set forth herein:

A. The Lessor leases to the Lessee, and the Lessee leases from the Lessor, Parcels I and III, as described on Exhibit A attached hereto.

B. The Lessor subleases to the Lessee, and the Lessee subleases from the Lessor, Parcel IA (owned by the State of Florida), as described on Exhibit A attached hereto.

II. LEASE TERMS

A. The term of this lease for Parcels I and III shall be for a period of thirty (30) years, commencing on the date of this agreement first written above.

B. This Lease Agreement may be renewed and extended for an additional thirty (30) years on the terms and conditions contained herein. To renew and extend this lease, Lessee shall give written notice to Lessor at least one (1) year prior to the expiration of the initial thirty (30) year lease term of its desire to renew and extend the term of this lease.

C. The term of this Lease/Sublease for Parcel 1A shall be for a period of thirty (30) years, commencing from the date that the State of Florida (through the Governor, Cabinet and Trustees of the Internal Improvement Fund) approves the sublease from the Lessor to the Lessee. Upon expiration of the thirty (30) year term, the Lease/Sublease may be renewed in successive five (5) year increments subject to the Lessee, as the sublessee, complying with all terms and conditions during the preceding lease period and upon payment of a lease fee from the Lessee to the Lessor equal to the appraised rental value as established by a fee appraisal conducted during the last year of the preceding lease term as charged to the Lessor by the State of Florida under its Lease Agreement. The Lessor and the Lessee agree to cooperate in securing renewals of the State lease.

III. LEASE PAYMENTS

Lessee shall pay rent to the Lessor in the amounts and manner set forth herein:

A. Commencing with the date of this Lease Agreement, Lessee shall pay ground rent on a monthly basis in advance at the annual rate of ten (10) cents per square foot of submerged and upland leased property in marina related use. Failure to pay rent within fifteen (15) days of the due date shall constitute a default of this Lease Agreement.

B. In addition to the ground rent payments provided for in paragraph III.A. above, the Lessee shall pay to the Lessor: (a) five percent (5%) of "gross sales," as hereinafter defined, from business

enterprises operated by the Lessee, except that the percentage attributable to marina fuel shall be four-tenth of one percent (0.4%) of sales up to one hundred and fifty thousand (150,000) gallons and one-half of one percent (0.5%) of sales exceeding one hundred fifty thousand (150,000) gallons; and (b) five percent (5%) of "gross rentals," as hereinafter defined, received from sublessees, except that the percentage attributable to office rent shall be two and one-half percent (2.5%).

Commencing with the first anniversary date of this Lease Agreement, the Lessee shall pay to the Lessor the amounts required under both paragraph III.A. above and this paragraph III.B. for the previous year; however, any amount paid by the Lessee as "ground rent" under paragraph III.A. above shall be applied to and shall reduce any amounts due under this paragraph III.B. (Example: If the Lessee owed the Lessor the sum of \$12,000.00 as "ground rent" during any given year, and the above-stated percentages of gross sales would require during that year the payment of \$15,000.00 from the Lessee to the Lessor, then the total amount paid to the Lessor by the Lessee for both "ground rent" and applicable percentages of gross sales would be the sum of \$15,000.00.)

In order to define, calculate and verify the amounts due the Lessor under this paragraph III.B., the following definitions and procedures shall apply:

1. Definitions of Gross Rentals and Gross Sales:

(a) As used herein, the term "gross rentals" shall mean all rents or other monies actually received by the Lessee from all business enterprises (sublessee or tenants -- including any business enterprises operated by the Lessee) within the project, including origination or renewal bonuses, but excluding deposits for damages or performance, and any sums collected and paid out for any sales, excise or other tax.

(b) As used herein, the term "gross sales" shall mean, all monies received by the Lessee, whether wholly or partially for cash or on credit, of all merchandise and services sold and all other receipts by sale or otherwise of all business conducted on or from the subject property by Lessee, its subsidiaries or business

combinations, including without limiting the foregoing, all sales to subsidiaries, business combinations, employees or agents of Lessee, all orders taken in or from the premises by Lessee, its employees or agents, although said orders may be received by telephone or mail, or filed elsewhere, or procured from the premises by house-to-house or other canvassing, and all rentals of boat slips and dry storage areas. Sales to customers on a lay-away basis shall be recognized as "gross sales" within ninety (90) days of the lay-away transaction and in any event must be fully recognized when the merchandise leaves the premises.

The term "gross sales" shall also include, without limitation, all deposits not refunded to purchasers, all service charges for lay-away sales, and all commissions received from vending and game machines on the premises for use by the general public, and other cash receipts resulting from sales transactions on the premises.

There shall be excluded from "gross sales" any sum collected and paid out for any sales, excise or other tax based upon all taxable sales in this definition of "gross sales" as required by law, whether now or thereafter in force. The term "gross sales" shall not include the exchange or transfer of merchandise between the stores of any tenant of Lessee where such exchanges or transfers of merchandise are made solely for the convenient operation of the business of any tenant of Lessee, and not for the purpose of consummating a sale made in, from or upon the premises; the amount of returns to shippers or manufacturers, nor the amount of any cash credit refunds upon any sale where the merchandise sold, or some part thereof, is transferred, returned by the purchaser to and accepted by any tenant; nor sales of fixtures.

There shall also be excluded from the term "gross sales" all fees or service charges for delivery fees and C.O.D. fees. The term "gross sales" shall also exclude finance charges resulting from a tenant's accounts receivable.

2. Verification and Accounting: The Lessee agrees to keep accurate and permanent records of all transactions and make same available for inspection and auditing by the Lessor. The Lessee

further agrees to require in all subleases that tenants maintain the same records and likewise make those available to the Lessor for inspection and auditing.

Within one hundred twenty (120) days after the end of each year during which percentage payments to the Lessor are due hereunder, the Lessee shall provide the Lessor with tax information and other financial data on the results of operations of Lessee from the leased premises, as the Lessor may request. Said data shall show the gross sales as defined herein and shall be accompanied by payment. The Lessor reserves the right to require audited statements if in the Lessor's opinion the tax statements and other financial data are insufficient for purposes of verification and accounting for results of operations from the Leased Premises. In the event the Lessor requests an audited statement and the results indicate that the percentage payments made to Lessor are equal to or greater than 97% of the amount due, Lessor shall be required to bear the cost of the audit.

Such information as Lessee deems confidential to its operation shall be kept confidential by the Lessor; provided, however, that the Lessor may make public disclosure of such information using gross amounts summarizing operations of the entire project and not disclosing results of operations of individual tenants.

C. Lessee shall pay Lessor interest from the date when due on all rent payments that are made by Lessee to Lessor more than fifteen (15) days after the date that same become due and payable. The interest to be paid Lessee shall be the announced commercial prime rate of interest charged by Chemical Bank of New York, or its successor, as that rate may change from day to day.

IV. AUTHORITY TO LEASE PROPERTY

A. By the execution hereof, the parties understand and agree that the Lessor will receive from the Governor and Cabinet of the State of Florida final approval of a lease from the State to the Lessor covering parcel 1A and that said lease will contain a provision whereby the Lessor may sublease said parcel to the Lessee

under the terms and conditions set forth herein. This Lease Agreement shall become effective on the date that the Governor and Cabinet give final approval to the sublease.

B. The Lessor has furnished the Lessee with a current survey of the property.

C. The parties understand that a portion of the property described is subject to an existing lease in favor of Southern Chemical Storage & Transit Company and further that certain improvements and storage tanks associated with said lease are located upon the subject property. Lessee, nonetheless, enters into this Lease Agreement notwithstanding the foregoing; however, in the event that Lessee's predecessor in possession of the property upon which said improvements and storage tanks are located abandons the property without having made provision for the removal of said improvements and storage tanks or other material necessary to make the site useable, and should it become necessary for the Lessee to remove same at Lessee's own expense, the Lessor shall offset and reduce lease payments due to it under the terms hereof by an amount equal to the costs incurred by the Lessee in making the site useable. The manner and terms upon which said offset in lease payments shall occur shall be subject to further negotiation between the parties.

The Lessor shall provide the Lessee exclusive possession of Gimble Street and that part of the premises southerly thereof at such time as the current lease with Southern Chemical Storage & Transit Company terminates in January, 1986, or at such earlier date as the Lessor acquires possession of the premises, with the consent of the current Lessee, and the Lessor vacates Gimble Street. Prior to the vacation of Gimble Street, the Lessee may use it for parking purposes, provided that the Lessee provides a reasonable means of ingress and egress for Southern Chemical Storage & Transit Company.

V. USE OF LEASED PROPERTY AND COMMENCEMENT
AND COMPLETION OF CONSTRUCTION

The leased property shall be developed by Lessee as a marina complex of approximately 94 slips and include a harbor master facility, ships store and fuel facilities and related parking. Lessee may use portions of the leased property for restaurants,

lounges or other ancillary, compatible marina uses upon approval by the Lessor's City Council as part of the final Site Specific Development Plan.

Lessee shall commence construction of the planned improvements after Lessor has completed the site work funded through the State of Florida's Department of Natural Resources, Florida Recreation Development Assistance Program Grant. Lessee shall complete construction of the improvements within six (6) months of the date of this Lease Agreement, provided that Lessee may request a reasonable extension of time for the commencement and completion of construction of said improvements, and Lessor agrees not to unreasonably withhold its approval of such request.

VI. CONSTRUCTION OF IMPROVEMENTS AND CONSTRUCTION PLANS

A. Plans and specifications for the development of the leased property, and the parking areas and Lessee's construction of all improvements shall be in conformity with the Redevelopment Plan, the final Site Specific Development Plan submitted and approved by the City Council in accordance with the Site Specific Development Zoning Ordinance, this Lease agreement and all applicable state and local laws and regulations.

B. Within thirty (30) days after the effective date of this Lease Agreement, Lessee shall submit to Lessor, for its review and approval, development concept plans for the construction of the improvements on the leased property, and the parking areas. Within sixty (60) days after the date of the approval of the development concept plans, Lessee shall submit to Lessor, for its review and approval Site Specific Development Plans for the construction of the improvements on the leased property, and the parking areas. Within ninety (90) days after approval by City Council of the final Site Specific Development Plan, Lessee shall submit to Lessor, for its review and approval, plans for the construction of the improvements on the leased property. Should Lessee's architect determine that additional time is required to secure environmental permit modifications and/or complete the construction plans, Lessee may request a reasonable extension of time for the completion of such

plans, and Lessor agrees not to unreasonably withhold its approval of such request. Nothing in the above or this paragraph shall prohibit the Lessee from submitting construction plans for site improvements on an incremental basis, provided the last such submittal shall be made prior to 1 December, 1985. For example, the Lessee may desire to submit for marina, shoreline protection, environmental permitting requirements, bulkhead or foundation permits separately in order to expedite construction, utilize state grants or meet tenant deadlines. In these instances the Lessor shall review the plans and furnish Lessee written approval or disapproval of the plans within thirty (30) days of submission of said plans by the Lessee, as long as the site improvements requested to be permitted have been approved by City Council as part of the Pitt Slip Land Use Plan in the case of the shoreline protection, environmental permit requirements and bulkheading and approved by City Council as part of the Site Specific Development Plan approval in case of the marina, marina supporting facilities and foundation permits.

All reference made to plans for the construction of improvements or construction plans are intended by the parties to include Site Development Plans for the construction of the marina, marina support facilities, street and site utilities, and the construction of all breakwaters, riprap and bulkhead systems, as well as the architectural working drawings for the construction of the improvements, i.e., the proposed buildings on the site.

C. If Lessor rejects any construction plans in whole or in part, as not being in conformity with the Redevelopment Plan, the final Site Specific Development Plan, this Lease Agreement or any applicable state and local laws and regulations, Lessor shall notify Lessee of such rejection in writing specifically setting forth the grounds for such rejection. Lessee shall submit new or corrected construction plans which so conform, within thirty (30) days from written notification to Lessee of the rejection. Lessor shall furnish Lessee written approval or disapproval of corrected plans by Lessee. Failure of Lessor and Lessee to reach agreement on approval of construction plans or new or corrected construction plans within

circumstances referred to in paragraph D. above.

inability to do so is caused by an act or omission of Lessor or the leased property no later than 1 December, 1985, unless Lessee's void if Lessee does not commence construction of the improvements on Agreement to the contrary, this Lease Agreement shall be null and G. Notwithstanding any provision or implication in this Lease

submission of said changes by Lessee.

proposed design concept changes within thirty (30) days of shall furnish Lessee written approval or disapproval of such design concept changes to Lessor for review and approval. Lessor's written approval thereof. Lessee will submit the proposed that no such design concept changes will be permitted without hereinafter called "design concept changes," it is agreed by Lessee, and construction plans and specifications as approved by Lessor, design from that shown on the final site development plan change or affect the basic character and nature of the development in the improvements to be erected on the leased property which F. In the event, Lessee proposes to make any substantial change improvements indicated in the construction plans as finally approved. term "improvements," as used in this Lease Agreement means the with the construction plans as finally approved by the Lessor. The or provided by Lessee on the leased property, shall be in conformity E. All work with respect to the improvements to be constructed

corrected construction plans.

period required for the submission of construction plans or new or commencement and completion of construction shall be extended by the dates and periods set forth in this Lease Agreement for the Lessee must submit new or corrected construction plans, then the plans, and/or if the construction plans are rejected by Lessor and environmental permit modifications and/or submission of construction D. If an extension of time is granted for the securing of approval of Lessee's plans.

Lessor or Lessee. Lessor shall not unreasonably withhold its render this Lease Agreement terminable at the option of either construction plans or new or corrected construction plans shall one hundred and twenty (120) days of the date of submission of the

private street system of the project, upkeep, and repair of the lessor's spoil site located within the private street systems for the purpose of access, maintenance, D. That the lessor shall retain a perpetual easement over the

facilities contained in the project. the purpose of access to the public marina and other public pedestrian paths to be constructed by the lessee in the project for egress, and right-of-way on and over private street systems and forth in an appropriate instrument in recordable form for ingress, C. That the lessor shall retain a perpetual easement to be set

underground.

B. That all utility distribution lines shall be placed

Plan.

accordance with the uses specified in the adopted site development A. That the leased property shall be devoted only to and in

successors in interest to the leased property, or any part thereof; lessee, and the successors and assigns of the parties, and all other covenants running with the land, and shall be binding on lessor, Lessor and Lessee agree that the following restrictions shall be

IX. COVENANTS AND RESTRICTIONS

the construction of improvements thereon. including inspection of all work being performed in connection with times deemed necessary for the purpose of this Lease Agreement, access to the leased property and licensed area at all reasonable extension hereof, lessee shall permit the representatives of lessor during the term of this Lease Agreement and any renewal or

VIII. ACCESS TO PROPERTY

from the leased property. shall have no right to remove such fixed and permanent improvements any renewal or extension hereof, and lessee acknowledges that it shall vest in lessor upon the termination of this Lease Agreement or character that shall be placed upon the leased property by lessee Title to any building or other improvements of a permanent

VII. TITLE TO IMPROVEMENTS

X. INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

A. The Lessee shall defend and indemnify the Lessor and save it harmless from any and all claims, suits, actions, damages, liability and expense in connection with loss of life, bodily or personal injury, or property damage arising from or out of any occurrence in, upon, at or about the leased premises or any part thereof, or occasioned wholly or in part by any act or omission of the Lessee, its agents, contractors, employees, servants, invitees, licensees or concessionaires.

B. Any subleases to be entered into by and between Lessee and its sublessees shall contain an indemnification and hold harmless clause under the terms of which the said sublessees shall also agree to defend and indemnify Lessor and save it harmless from any and all claims, suits, actions, damages, liability and expense in connection with loss of life, bodily or personal injury, or property damage arising from or out of any occurrence in, upon, at or about the sublessee's subleased portion of the leased property or any part thereof occasioned wholly or in part by any act or omission of said sublessee, its invitees or licensees.

XI. INSURANCE REQUIRED

Lessee shall maintain insurance and provide Lessor with certificates of insurance in accordance with Exhibit B attached hereto during the life of this Lease Agreement. The Lessee will not take possession of the property or commence construction activities on the premises until certificates have been approved by the Lessor's Department of Risk Management. The Lessor shall have the right to make reasonable increases to the minimum required limits of liability on Exhibit B during the life of this Lease Agreement.

XII. SPECIAL PROVISIONS

A. The Lessee may assign its interest in this Lease Agreement, provided that the Lessee obtains the prior written consent of the Lessor to such assignments, which consent shall not be unreasonably withheld. The Lessee may assign its interest in the Lease Agreement

thereon and that each contract, sublease or agreement with respect thereto shall specifically contain the following provision:

"EQUAL OPPORTUNITY PROVISION:

1. In the construction and operation of the improvements, neither the lessee nor any contractor or manager employed by Lessee shall discriminate against any employee or applicant for employment because of race, color, religion, age, sex or national origin, and they shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, age, sex or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion or transfer; recruitment, or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Lessee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by Lessee setting forth the provisions of this Equal Opportunity Clause, and to cause any contractor, subcontractor or manager to do likewise.

2. The Lessee, its sublessees and any contractor or manager shall, in all solicitations or advertisements for employees placed by them or on their behalf, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, age, sex or national origin. They shall send to each labor union or representative of workers with which they, or any of them, have a collective bargaining agreement or other contract or understanding, a notice, to be provided by Lessee, advising the labor union or workers' representative of their commitments under this Equal Opportunity Clause, and shall post copies of the notice in conspicuous places available to employees and

applicants for employment. Any sublessee, contractor or subcontractor shall comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor and shall furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records and accounts by Lessee and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders."

Lessee certifies it does not maintain or provide for its employees any segregated facilities at any of its establishments and it does not permit its employees to perform their services at any location under its control where segregated facilities are maintained. The Lessee certifies further that it will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it will not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion or national origin, because of habit, local custom or otherwise. Lessee further agrees that it will obtain identical certificates from proposed sublessees, contractors, subcontractors and managers prior to the award of any contracts or subleases, and that it will retain such certificates in its files.

H. The Lessee agrees to provide the Lessor with annual attendance reports at such time as the marina is opened for use by the general public. Said attendance reports shall be submitted to

the Lessor during the month of July of each year and shall provide marina occupancy for a one-year period beginning on July 1 and ending on June 30 of the previous year, such period constituting one fiscal year.

I. The Lessee shall reserve a perpetual easement and right-of-way over and upon the public marina together with all improvements constructed thereon, including all piers, docks and boat slips, subject to the right of the Lessor to close down the public marina for reasonable periods of time for necessary maintenance dredging which shall not be considered an infringement of the said easement. In addition, the Lessee shall grant a perpetual easement to the Lessor of ingress and egress to the public marina. The Lessor shall retain all rights in adjacent waters, which shall include the right to construct additional piers, docks, boat slips and the like.

J. The Lessor and the Lessee agree to assist each other in securing such further permits as may be necessary to construct additional piers, docks, boat slips and the like.

K. The Lessee, its transferees, grantees, successors and assigns, shall irrevocably release the Lessor, its agents or assigns, from any and all claims for damages of whatever nature resulting from any dredging by the Lessee including the incidental depositing of dredged materials resulting from dredging, bulkheading, and/or riprapping, and other incidental damage resulting from any dredging operations and the like which might occur. The Lessor and the Lessee, their successors and assigns, agree to cooperate with each other in connection with the securing of periodic dredging of the marina, and in this connection, agree to execute such applications, releases and other documents necessary or incidental to the approval of the U.S. Army Corps of Engineers, or other public agency, to undertake and execute such dredging as shall be requested by either party. The Lessor and the Lessee, their successors and assigns, further release each other from any and all claims for damage occasioned or arising from any disturbance of the Bay bottom, which results as a natural consequence, from normal periodic maintenance, bulkheading, riprapping or dredging by their

at the Lessee's expense. The Lessee shall be responsible for the installation of all underground utilities, including electrical, gas, sewer and water systems for the development project, at its sole cost and expense, within the boundaries of the development project. The Lessor shall furnish the Lessee with adequate gas and garbage collection services to the marina shall be governed by permits issued for such work.

L. The Lessee shall be responsible for the installation of all underground utilities, including electrical, gas, sewer and water systems for the development project, at its sole cost and expense, within the boundaries of the development project. The Lessor shall furnish the Lessee with adequate gas and garbage collection services to the marina shall be governed by permits issued for such work.

M. The Lessor agrees to assist the Lessee in securing the financing necessary for the construction and permanent financing of the project through presentations to financial institutions, and the Lessor agrees to enter into an application for industrial revenue bond financing of the subject property.

N. The Lessor shall cooperate in every respect with the Lessee in securing all required municipal permits and approvals in accordance with the Lessor's adopted regulations and procedures.

O. The parties shall participate in all news releases and other presentations to the media for the project. The CRA shall include this project in its public relations program for the overall downtown redevelopment effort.

P. The Lessee shall have the sole discretion over tenant selections and the marketing program, subject only to the Lessor's zoning regulations. The Lessee and the Lessor agree to incorporate public marina guidelines (on a publicly advertised first-come, first-served basis) as an addendum, Exhibit C, to this Lease Agreement

party, either in the maintenance and repair of the marina or the use, maintenance and employment of the rights of the marina waterways. It shall be the Lessee's responsibility to provide maintenance dredging within the leased boundaries of the marina as deemed necessary for the operation of the public marina. The Lessee shall dredge only to depths permitted by the DCR and ACE permits. It shall be the Lessor's responsibility to provide maintenance dredging of the Bay approach to the leased boundaries of the marina in accordance with maintenance schedules of the Port of Pensacola, or as otherwise necessary to maintain navigable access to the marina facility. The Lessor's responsibility to maintain navigable access to the marina shall be governed by permits issued for such work.

prior to the start of marina construction. The Lessee and the Lessor agree that the public marina guidelines will reserve a reasonable number of slips for transient, commercial and special public purpose vessel berthing.

Q. The Lessee agrees that it shall provide to the Lessor the local matching contribution, in the amount of Seventy-One Thousand Dollars (\$71,000.00), required for the Lessor to receive the 1984 Florida Department of Natural Resources, Florida Recreation Development Assistance Program Grant, Contract No. C1376, Project No. 1-01-10, for the project known as Pitt Slip Marina. Since it is a requirement of the Lessor to expend the sum of Seventy-One Thousand Dollars (\$71,000.00) as its required program matching contribution, the Lessee shall furnish the Lessor the sum of Seventy-One Thousand Dollars (\$71,000.00) upon completion of the planned site improvements, but in no event later than December 1, 1985.

R. The Lessee agrees that it shall comply, on behalf of the Lessor, with conditions E and G of the modified Department of the Army Permit 79E-1089 dated August 14, 1984, and all other conditions of this permit and any further modifications to this permit and the Lessee further agrees that it shall comply with the Department of Environmental Regulation Permit Modifications, Permit #170222359 contained in the DER letter dated August 3, 1984, for the project and any future modifications to this permit. The Lessee agrees that it shall be responsible for the cost of complying with the Department of the Army and DER permits and modifications for the Pitt Slip project. Lessee agrees to assist Lessor in its application for any planned or future modification of existing Department of Army or DER permits.

S. The parties have entered into this Lease Agreement recognizing the existence of a binding letter of interpretation between the Lessor and the State of Florida Department of Community Affairs, Division of Local Resource Management (the "Division") dated January 23, 1980, which fixes certain limitations upon the scope of the project.

T. Lessor agrees to give Lessee the first right of refusal on the portions of the subject property not already leased to Lessee for marina related uses subject to satisfactory performance by the Lessee on parcels already leased. The parties agree that satisfactory performance by Lessee for these purposes is defined as the completion of or satisfactory progress toward construction of the marina and related facilities as contained in the final approved Site Specific Development Plan. Parcel II is considered as a portion of the subject property for this purpose.

**XIII. ENFORCEMENT OF LEASE; FORFEITURE
DEFAULT; REMEDIES; NONWAIVER**

Lessor may enforce the performance of this Lease Agreement in any manner provided by law, and this Lease Agreement shall be void and shall be forfeited on a declaration of forfeiture by Lessor:

- A. If Lessee shall desert or vacate the leased property;
- B. If default shall be made by Lessee in the payment of the rent as specified in this agreement;
- C. If default shall be made by Lessee in the performance of any of the terms or conditions of this agreement that Lessee is to perform, including, but not limited to, the following:
 - (1) Lessee's obligation to timely submit evidence of its financing commitments to Lessor.
 - (2) Lessee's obligation to timely submit its construction plans to Lessor.
 - (3) Lessee's obligation to timely commence construction of the planned improvements on the leased property, the licensed area or the leased property.
 - (4) Lessee's obligation to timely complete construction of the planned improvements on the leased property.
- D. If Lessee shall fail to comply with any of the statutes, ordinances, rules or regulations of any governmental body governing or regulating the Lessee's business;
- E. If Lessee shall file a petition in bankruptcy, or make an assignment for the benefit of creditors, or be adjudicated a bankrupt, or take advantage of any insolvency act.

Lessor shall notify Lessee of any such default and of Lessor's intention to declare this Lease Agreement forfeited. The notice from Lessor shall be sent as specified in this Lease Agreement or may be delivered to Lessee personally, and unless Lessee shall have removed or cured the default or commenced taking action that will result in the default being removed or cured within ninety (90) days from the date of Lessor's notice of intention to declare the Lease Agreement forfeited (unless extended by written agreement of Lessor and Lessee), this Lease Agreement shall come to an end, as if the date established by notice of forfeiture were the day originally fixed herein for the expiration of the term of this Lease Agreement without any further notice from Lessor to Lessee. Lessor's agent or attorney shall have the right, without further notice or demand, to re-enter and remove Lessee and Lessee's property from the leased property without being deemed guilty of any trespass. In consideration of the substantial investment to be made by Lessee in improvements on the leased property, Lessor agrees that Lessee shall not be liable for any rent for the unexpired portion of the terms of this Lease Agreement if Lessor declares this Lease Agreement forfeited pursuant to the terms hereof, except for any rent and other payments which are currently due and payable. However, Lessee shall be liable to Lessor for any other damages suffered by Lessor on account of Lessee's default, including the expense of clearing any improvements which are damaged or destroyed and which Lessor elects to clear on account of Lessee's refusal or failure to repair or rebuild them as required hereinabove.

Notwithstanding the foregoing provisions of this Paragraph, if Lessee should default under the terms of this Lease Agreement and Lessor should declare this Lease Agreement forfeited, Lessor shall not disturb any sublessee's possession of any subleased premises if such sublessee pays rent to Lessor, in accordance with, and otherwise complies with the sublease agreement. Upon Lessor's entering into a lease agreement with a substitute Lessee for the leased property, the sublease shall be assigned to the substitute Lessee and the sublessee shall become a sublessee of the substitute Lessee and shall pay rent directly to the substitute Lessee.

The failure of Lessor to insist, in any one or more instances, on a strict performance of any of the terms or conditions of this Lease Agreement or to exercise any option set forth in this Lease Agreement shall not be construed as a future waiver or a relinquishment of the provision or option, but it shall continue and remain in full force and effect. The receipt by Lessor of rent, with knowledge of the breach of any term or condition hereof, shall not be deemed a waiver of the breach and no waiver by Lessor of any provision hereof shall be deemed to have been made unless expressed in writing and signed by Lessor.

XIV. ATTORNEY'S FEES

If default be made by Lessor or Lessee in the performance of any of the terms, covenants, agreements or conditions set forth in this Lease Agreement so that it becomes necessary to place the enforcement of this Lease Agreement or any part of this Lease Agreement or the collection of any rent due or to become due hereunder or the recovery or possession of the leased property in the hands of an attorney or to file suit upon this Lease Agreement, the prevailing party shall be entitled to recover all the costs incurred in such action, including a reasonable attorney's fee.

XV. NOTICES

All notices provided in this Lease Agreement shall be deemed sufficient when sent to U.S. Certified Mail, Return Receipt Requested, postage prepaid, to the following addresses:

Lessor: CITY OF PENSACOLA
c/o City Manager
City Hall
Pensacola, Florida 32501

Lessee: Florida Sun International, Inc.
2828 Edgewater Drive
Post Office Box 7717A
Orlando, Florida 32854

XVI. PROVISIONS BINDING

The terms and provisions of this Lease Agreement shall be binding upon and shall inure to the benefit of the parties hereto, their successors and assigns, respectively.

approval shall not be deemed to waive or render unnecessary lessor to or of any action by Lessee requiring Lessor's consent or subsequent time of the same provisions. The consent or approval by this Lease Agreement by Lessor shall be construed as a waiver at any and agreed that no waiver at any time of any of the provisions of its rights under this Lease Agreement. Further, it is covenanted continue, shall never be deemed to be a waiver by Lessor of any of non-action on the part of Lessee, no matter how long it may failure on the part of Lessor to complain of any action or

XXI. WAIVER

Agreement. are cancelled and superseded by the provisions of this Lease nature with reference to the subject matter of this Lease Agreement contemporaneous oral or written agreement or representations of any and Lessee on the subject of this Lease Agreement and all prior or This instrument constitutes the entire agreement between Lessor

XX. ENTIRE AGREEMENT

provisions. constitution or interpretation of this Lease Agreement or any of its convenience only and shall not be taken into consideration in any The paragraph headings in this Lease Agreement are intended for

XIX. PARAGRAPH HEADINGS

effect. provisions of this Lease Agreement shall continue in full force and provisions shall be considered severable and the remaining contravention of law or void as against public policy, such If any provision of this Lease Agreement shall be declared in

XVIII. SEVERABILITY

Council, signed by the parties hereto. except by an instrument in writing approved by Lessor's City This Lease Agreement may not be altered, changed or amended

XVII. AMENDMENT

Lessor's consent or approval to or of any subsequent similar act by Lessee.

XXII. TIME OF THE ESSENCE

Time is of the essence of each and every provision, covenant and condition of this Lease Agreement on the part of Lessor and Lessee to be done and performed.

XXIII. GOVERNING LAW

This Lease Agreement is subject to and shall be governed by the laws of the State of Florida.

EXECUTED in multiple original copies to be effective as of the day and year first above written.

CITY OF PENSACOLA,
a municipal corporation, Lessor

By: Rodney L. Kendig
City Manager

Attest:

Shirley F. Law
Asst. City Clerk

FLORIDA SUN INTERNATIONAL, INC.
a Florida corporation for profit
LESSEE

By: William A. Haddy, Jr. (SEAL)
Executive Vice President

Attest:

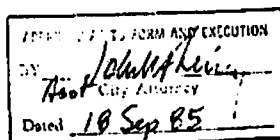
Charles C. Calhoun
Assistant Secretary

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 18th day of September, 1985, by RODNEY L. KENDIG and PAULINE JOHNS, the City Manager and City Clerk, respectively, of the CITY OF PENSACOLA, a municipal corporation, for and on behalf of the City.

GIVEN under my hand and official seal this 18th day of September, 1985.

Estelene C. Mager
Notary Public
My Commission Expires: _____



STATE OF FLORIDA
COUNTY OF ESCAMBIA

Before the subscriber personally appeared William G. Woodbury, Jr. known to me to be the individual described by said names, who executed the foregoing instrument, and to be the Executive Vice President and Assistant Secretary, and respectively, of FLORIDA SUN INTERNATIONAL, INC., a Florida corporation for profit, and acknowledged and declared that they as Executive Vice President and Assistant Secretary of said corporation and being duly authorized by it, signed its name and affixed its seal to and executed the said instrument for it and as its act and deed.

Given under my hand and official seal this 17th day of September, 1985.

W. J. Shaw
Notary Public
My Commission Expires October 29, 1985
My Commission Expires October 29, 1985

EXHIBIT "A"

PARCEL I

Begin at the Southwest corner of Block 8, Waterfront Grant, according to map of City of Pensacola by Thomas C. Watson, copyrighted in 1906, said point also being the intersection of the Easterly right-of-way line of Barracks Street (60' R/W) and the Northerly right-of-way line of Magnolia Street (60' R/W); thence go North 79 Degrees 25 Minutes 49 Seconds east along the aforesaid Northerly right-of-way line a distance of 175.00 feet; thence go North 10 Degrees 34 Minutes 11 Seconds West a distance of 280.00 feet; thence go North 79 Degrees 25 Minutes 49 Seconds east a distance of 135.00 feet; thence go north 10 Degrees 34 Minutes 11 Seconds West a distance of 30.00 feet; thence go North 79 Degrees 25 Minutes 49 Seconds East a distance of 827.08 feet; thence go South 10 Degrees 34 Minutes 11 Seconds East a distance of 310.00 feet; thence go South 59 Degrees 34 Minutes 30 Seconds West a distance of 191.38 feet; thence go South 79 Degrees 25 Minutes 49 Seconds West a distance of 347.08 feet; thence go South 10 Degrees 34 Minutes 11 Seconds East a distance of 95.00 feet; thence go South 79 Degrees 25 Minutes 49 Seconds West a distance of 123.00 feet; thence go North 10 Degrees 34 Minutes 11 Seconds West a distance of 100.00 feet; thence go South 79 Degrees 25 Minutes 49 Seconds West a distance of 487.00 feet to the Northwest corner of Block 17, Waterfront Grant, according to the aforesaid map of the City of Pensacola, said point also being the intersection of the Southerly right-of-way line of Magnolia Street (60' R/W) and the aforesaid easterly right-of-way line of Barracks Street; thence go North 10 Degrees 34 Minutes 11 Seconds west along the aforesaid Easterly right-of-way line a distance of 60.00 feet to the point of beginning, the above described parcel of land is situated in Section 46, Township 2 South, Range 30 West, Escambia County, Florida and contains 8.529 acres, Less and Except that portion of a Department of Transportation drainage easement in a portion of Cedar and Alcaniz Street.

PARCEL I-A

All of Lots 1-10, 21 and 22, and the West 20 feet of Lots 11-20, Block 8, Waterfront Grant, according to map of City of Pensacola by Thomas C. Watson, copyrighted in 1906. More particularly described as follows:

Begin at the Northwest corner Block 8, Waterfront Grant according to map of City of Pensacola by Thomas C. Watson copyrighted in 1906, said point also being the intersection of the Easterly right-of-way line of Barracks Street (60' R/W) and the South right-of-way line of Cedar Street (60' R/W); thence go North 79 Degrees 25 Minutes 49 Seconds East along the North line of the aforesaid Block 8 a distance of 175.00 feet; thence go South 10 Degrees 34 Minutes 11 Seconds East a distance of 250.00 feet to a point on the South line of the aforesaid Block 8; thence go South 79 Degrees 25 Minutes 49 Seconds West along the aforesaid South line a distance of 175.00 feet to a point on the aforesaid Easterly right-of-way line of Barracks Street; thence go North 10 Degrees 34 Minutes 11 Seconds West along the aforesaid Easterly right-of-way line a distance of 250.00 feet to the point of beginning. The above described parcel is situated in Section 46, Township 2 South, Range 30 West, Escambia County, Florida and contains 1.004 acres.

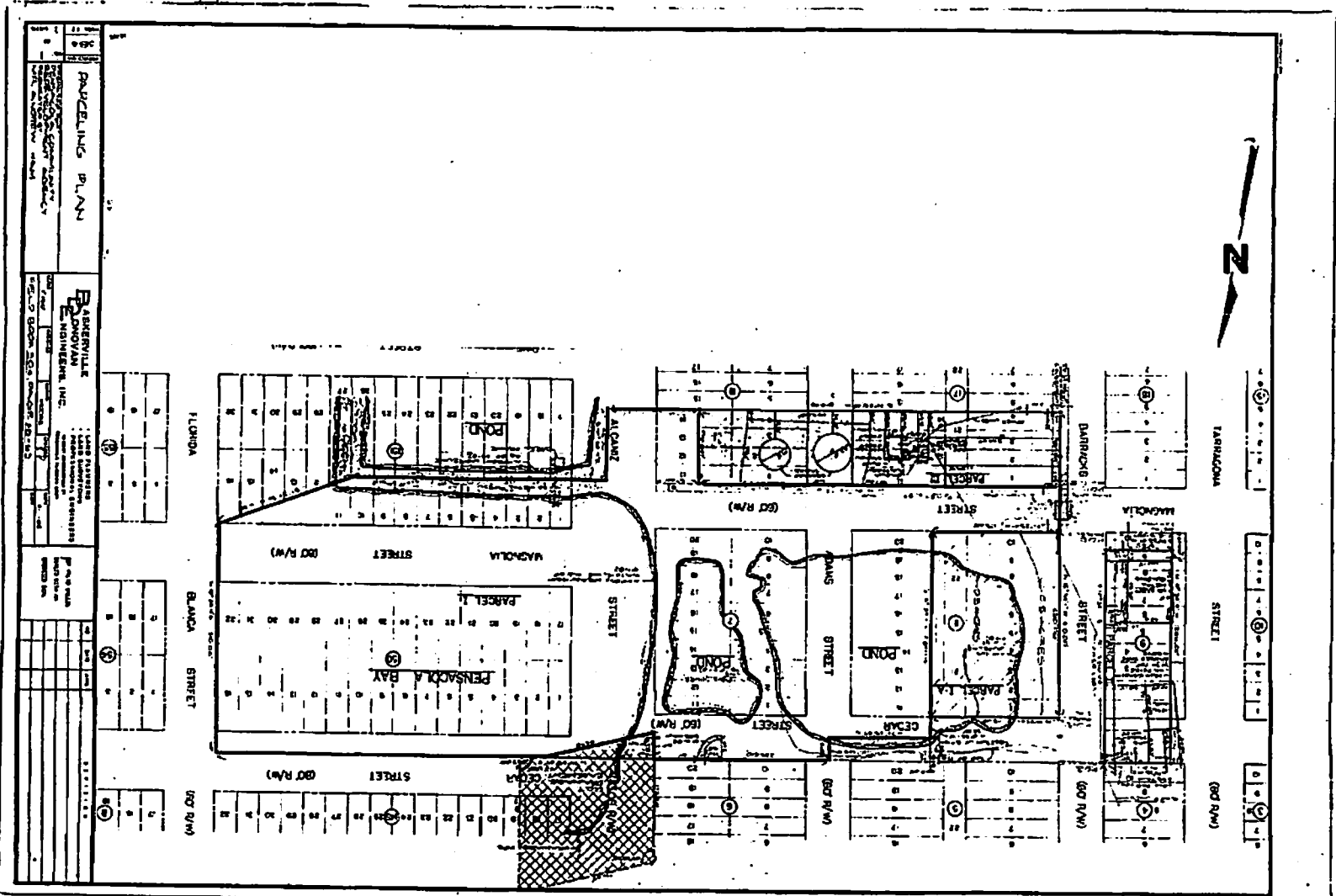
Parcel II

Begin at the Southeast corner of Block 4, Waterfront Grant, according to map of City of Pensacola by Thomas C. Watson copyrighted in 1906, said point also being the intersection of the Northerly right-of-way line of Cedar Street (60' R/W) and the Westerly right-of-way line of Barracks Street (60' R/W); thence go South 10 Degrees 34 Minutes 11 Seconds East along the aforesaid Westerly right-of-way line a distance of 286.00 feet; thence go South 79 Degrees 25 Minutes 49 Seconds West a distance of 91.00 feet; thence go North 10 Degrees 34 Minutes 11 Seconds West to a point on the aforesaid Northerly right-of-way line of Cedar Street a distance of 286.00 feet; thence go North 79 Degrees 25 Minutes 49 Seconds East along the aforesaid Northerly right-of-way line a distance of 91.00 feet to the point of beginning. The above-described parcel is situated in Section 46, Township 2 South, Range 30 West, Escambia County, Florida and contains 0.597 acres.

Parcel III

All of Lots 1-4, 11-14 and a portion of Lot 21, Block 17, all of Lots 1-4 and a portion of Lots 11-14, Block 18, and a portion of Adams Street, Waterfront Grant, according to map of City of Pensacola by Thomas C. Watson, copyrighted in 1906, more particularly described as follows:

Begin at the Northwest corner of Block 17, Waterfront Grant, according to map of City of Pensacola by Thomas C. Watson, copyrighted in 1906, said point also being the intersection of the Easterly right-of-way line of Barracks Street (60' R/W) and the Southerly right-of-way line of Magnolia Street (60' R/W); thence go North 79 Degrees 25 Minutes 49 Seconds East along the aforesaid Southerly right-of-way line of Magnolia Street (60' R/W) a distance of 487.00 feet; thence go South 10 Degrees 34 Minutes 11 Seconds East a distance of 100.00 feet; thence go South 79 Degrees 25 Minutes 49 Seconds West a distance of 487.00 feet to a point on the aforesaid Easterly right-of-way of Barracks Street (60' R/W); thence go North 10 Degrees 34 Minutes 11 Seconds west along the aforesaid Easterly right-of-way line of Barracks Street (60' R/W) a distance of 100.00 feet to the point of beginning. The above described parcel of land is situated in Section 46, Township 2 South, Range 30 West, Escambia County, Florida and contains 1.118 acres.



PROJECTING PLAN
 ENGINEER
 L. B. BERRYVILLE
 L. B. BERRYVILLE
 ENGINEERING, INC.
 1500 BROAD ASP. DRIVEWAY
 PENSACOLA, FLORIDA 32504
 DATE: 11/1/88
 SHEET NO. 1 OF 1

STREET	LOT	AREA	REMARKS
LARAGONA STREET	1	1.00	
LARAGONA STREET	2	1.00	
LARAGONA STREET	3	1.00	
LARAGONA STREET	4	1.00	
LARAGONA STREET	5	1.00	
LARAGONA STREET	6	1.00	
LARAGONA STREET	7	1.00	
LARAGONA STREET	8	1.00	
LARAGONA STREET	9	1.00	
LARAGONA STREET	10	1.00	
LARAGONA STREET	11	1.00	
LARAGONA STREET	12	1.00	
LARAGONA STREET	13	1.00	
LARAGONA STREET	14	1.00	
LARAGONA STREET	15	1.00	
LARAGONA STREET	16	1.00	
LARAGONA STREET	17	1.00	
LARAGONA STREET	18	1.00	
LARAGONA STREET	19	1.00	
LARAGONA STREET	20	1.00	
LARAGONA STREET	21	1.00	
LARAGONA STREET	22	1.00	
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LARAGONA STREET	26	1.00	
LARAGONA STREET	27	1.00	
LARAGONA STREET	28	1.00	
LARAGONA STREET	29	1.00	
LARAGONA STREET	30	1.00	
LARAGONA STREET	31	1.00	
LARAGONA STREET	32	1.00	
LARAGONA STREET	33	1.00	
LARAGONA STREET	34	1.00	
LARAGONA STREET	35	1.00	
LARAGONA STREET	36	1.00	
LARAGONA STREET	37	1.00	
LARAGONA STREET	38	1.00	
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LARAGONA STREET	92	1.00	
LARAGONA STREET	93	1.00	
LARAGONA STREET	94	1.00	
LARAGONA STREET	95	1.00	
LARAGONA STREET	96	1.00	
LARAGONA STREET	97	1.00	
LARAGONA STREET	98	1.00	
LARAGONA STREET	99	1.00	
LARAGONA STREET	100	1.00	

MINIMUM INSURANCE REQUIREMENTS

1. Workers' Compensation - Coverage to apply for all employees for Statutory Limits in compliance with the applicable state and federal laws. In addition, the policy must include:

a) Employers' Liability with a limit of not less than \$500,000 each accident.

b) Notice of Cancellation and/or Restriction - The policy must be endorsed to provide the City with thirty (30) days notice of cancellation or material change.

c) If any operations are to be undertaken on or about navigable waters, coverage must be included for the U.S. Longshoremen and Harbor Workers Act and Jones Act during any period of exposure.

2. Comprehensive General Liability - Coverage must be afforded on a form no more restrictive than the latest edition of the Comprehensive General Liability policy filed by the Insurance Services Office and must include:

a) Minimum limits of \$5,000,000 per occurrence combined single limit for Bodily Injury Liability and Property Damage Liability.

b) Premises and Operations.

c) Independent Contractors.

d) Products and Completed Operations.

e) Liquor Liability.

f) XCU Coverage.

g) Broad Form Property Damage.

h) Broad Form Contractual Coverage applicable to this specific lease, including any hold harmless and/or indemnification agreement.

i) Marine operators.

EXHIBIT B

2. Comprehensive General Liability - (continued)

- 1) Additional Insured - The City of Pensacola is to be specifically included as an additional insured for all coverages. Except with regard to limits of liability, this insurance shall apply separately to the City. This insurance shall be primary and not contributory with the City's insurance.
- j) Notice of Cancellation and/or Restriction - The policy must be endorsed to provide the City with thirty (30) days notice of cancellation or material change.

3. Business Auto Policy - Coverage must be afforded on a form no more restrictive than the latest edition of the Business Auto Policy filed by the Insurance Services Office and must include:

- a) Minimum limits of \$500,000 per occurrence combined single limit for Bodily Injury Liability and Property Damage Liability.
- b) Owned Vehicles.
- c) Hired and Non-Owned Vehicles.
- d) Employee Non-Ownership.
- e) Notice of Cancellation and/or Restriction - The policy must be endorsed to provide the City with thirty (30) days notice of cancellation or material change.

AMENDMENT TO PITT SLIP MARINA LEASE AGREEMENT

THIS AMENDMENT TO PITT SLIP MARINA LEASE AGREEMENT dated September 18, 1985, entered into this the 17th day of October, 1985, by and between the CITY OF PENSACOLA, FLORIDA, a municipal corporation of Florida, hereinafter called the "Lessor," and FLORIDA SUN INTERNATIONAL, INC., a Florida corporation, hereinafter called the "Lessee" whose address is 2828 Edgewater Drive, Post Office Box 1717 A, Orlando, Florida 32854.

WITNESSETH:

WHEREAS, Lessor and Lessee entered into that certain "Pitt Slip Marina Lease Agreement" on September 18, 1985, whereby the Lessor leased to the Lessee and the Lessee leased from the Lessor certain submerged and upland lands commonly referred to as "Pitt Slip"; and

WHEREAS, Lessor and Lessee desire to amend a particular provision of the aforesaid Pitt Slip Marina Lease Agreement in order to conform the term of the agreement to the term of that certain Lease Agreement, dated May 18, 1983 between Lessor and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for a portion of the Pitt Slip property, NOW, THEREFORE,

FOR AND IN CONSIDERATION OF the mutual obligations and benefits hereunto pertaining and other good and valuable consideration, Lessor and Lessee agree as follows:

1. Paragraph II.C. of that certain Pitt Slip Marina Lease Agreement, dated September 18, 1985, between Lessor and Lessee is amended to read as follows:

C. The term of this Lease/Sublease for Parcel 1A shall be for a period of twenty-seven (27) years, commencing from the date that the State of Florida (through the Board of Trustees of the Internal Improvement Trust Fund) approves the sublease from the Lessor to the Lessee. Upon expiration of the twenty-seven (27) year term, the Lease/Sublease may be renewed in successive five (5) year increments subject to the Lessee, as the sublessee, complying with all terms and conditions during the preceding

lease period and upon payment of a lease fee from the Lessee to the Lessor equal to the appraised rental value as established by a fee appraisal conducted during the last year of the preceding lease term as charged to the Lessor by the State of Florida under its Lease Agreement. The Lessor and the Lessee agree to cooperate in securing renewals of the State lease.

2. The terms and conditions of the aforesaid Pitt Slip Marina Lease Agreement shall otherwise remain in full force and effect as though they were set forth fully herein.

IN WITNESS WHEREOF, the Lessor and the Lessee have caused this agreement to be executed by their authorized representatives on the day and year first written above.

CITY OF PENSACOLA,
a municipal corporation, Lessor

By: Rodney L. Kendig
City Manager

Attest:

Pauline Johns
City Clerk

FLORIDA SUN INTERNATIONAL, INC.
a Florida corporation for profit,
Lessee

By: Vicente A. Hadley (SEAL)
Executive Vice President

Attest:

Charles Ch...
Assistant Secretary

STATE OF FLORIDA
COUNTY OF ESCAMBIA

Before the subscriber personally appeared Rodney L. Kendig and Pauline Johns, known to me to be the individuals described by said names, who executed the foregoing instrument, and to be the City Manager and City Clerk, respectively, of the City of Pensacola, a municipal corporation, and acknowledged and declared that they as City Manager and City Clerk of said corporation and being duly authorized by it, signed its name and affixed its seal to and executed the said instrument for it and as its act and deed.

Given under my hand and official seal this 17th day of October, 1985.

Theresa S. Laster
NOTARY PUBLIC
State of Florida at Large

My Commission Expires:

STATE OF FLORIDA
COUNTY OF ESCAMBIA

Before the subscriber personally appeared William A. Headley, Jr. and Charles K. Coleson, known to me to be the individuals described by said names, who executed the foregoing instrument, and to be the Executive Vice President and Assistant Secretary, respectively, of FLORIDA SUN INTERNATIONAL, INC., a Florida corporation for profit, and acknowledged and declared that they as Executive Vice President and Assistant Secretary of said corporation and being duly authorized by it, signed its name and affixed its seal to and executed the said instrument for it and as its act and deed.

Given, under my hand and official seal this 17th day
of October, 1985.

Theresa S. Laster
NOTARY PUBLIC
State of Florida at Large
My Commission Expires:

MY COMMISSION EXPIRES

JWP/jlm 10/7/85

OFFICE OF THE CITY CLERK
REPORT OF CITY COUNCIL ACTION

F-3

Agenda Item: # 8-L

Meeting Date: 10/24/85

SUBJECT: Final SSD Plan - Pitt Slip

MOTION:
TO APPROVE

Copies sent to the following as checked:

CITY MANAGER
CITY ATTORNEY
ASSISTANT CITY MANAGER

DEPUTY CITY MANAGER FOR
FINANCE

- Treasurer
- Property Mgt.
- Purchasing
- Data Processing

DEPUTY CITY MANAGER FOR
GENERAL GOVERNMENT

- COMMUNITY - Director
- DESIGN & PLANNING CD & Housing
- ENGINEERING - Director
- AND FIELD Streets & Traffic
- OPERATIONS Bldg. & Maintenance
- FIRE - Chief
- POLICE - Chief
- Inspection
- RISK MGT. - Director

DEPUTY CITY MANAGER FOR
PUBLIC ENTERPRISE

- AIRPORT - Director
- ESP - Director
- LEISURE - Director
- SERVICES Recreation
- Parks
- Saenger/Auditorium
- Library
- MARINE - Director
- OPERATIONS
- PERSONNEL - Director
- PUBLIC - Director
- SERVICES Sanitation
- Garage

- CRA - Director
- GCA - Director
- CIVIL - Director
- SERVICE

COUNCIL FILE

COMMITTEE				CITY COUNCIL MEMBERS	ACTION			
FINANCE	STEERING	GENERAL GOVERNMENT	PUBLIC ENTERPRISE		MOTION	SECOND	YES	NO
		*		Bill Miller				
		*		Jerry Maygarden				
			*	Tom Banjanin				
*			C	Norman Fritz				
VC	C			Cecil Hunter				
			*	Joyce Reese				
*			VC	Lester Smith	✓			
*	VC			Cecil Jones				
C			*	Howard Rein				
		*		Michael Bass				

C = CHAIRMAN
VC = VICE CHAIRMAN
* = MEMBER

J. SUBJECT: FINAL SUBDIVISION PLAT--LA MIRAGE

Reference Material:

Committee Memorandum October 18, 1985

Recommendation:

That City Council concur with the Planning Board recommendation, grant the waiver to reduce the right-of-way width from sixty (60) feet to fifty (50) feet, and approve the final plat of La Mirage Subdivision

The motion passed unanimously.

K. SUBJECT: FINAL SITE PLAN--CHAN'S LIQUORS & RESTAURANT--
900 EAST GREGORY STREET, GRD

Reference Material:

Committee Memorandum October 18, 1985

Recommendation:

That City Council concur with the Planning Board recommendation and approve the final site plan, with revisions, for Chan's Liquors & Restaurant, 900 East Gregory Street.

The motion passed unanimously.

L. SUBJECT: FINAL SSD PLAN--PITT SLIP

Reference Material:

Committee Memorandum October 18, 1985

Recommendation:

That City Council concur with the Planning Board recommendation and approve the final SSD plan for Pitt Slip, Phase I, subject to the revisions requested by staff and the ARB. Subsequent phases will be submitted separately for approval.

The motion passed unanimously.

COMMITTEE MEMORANDUM

COMMITTEE: General Government
DATE: October 18, 1985
SUBJECT: Final SSD Plan--Pitt Slip

Issue:

The Planning Board has reviewed the final Site Specific Development (SSD) plan of Pitt Slip, submitted by Carter Quina for Florida Sun International, Inc., the leasee of the site. This City-owned waterfront parcel, located in the Historic District, and several other similar parcels (i.e., Municipal Auditorium site, Port Royal site) were rezoned to SSD as part of the Comprehensive Plan rezoning process.

The SSD rezoning was implemented to provide for flexible land use guided by detailed site review and design criteria. The original waterfront conceptual plans prepared by Cy Paumier, Consultant to the City, serve as preliminary SSD plans for these City-owned properties. This Pitt Slip plan is the refined final SSD plan which requires City staff review, Planning Board review, and City Council approval.

A two-phase development approach is shown on the final site plan. Phase I includes 20,000 square feet of commercial and office space in two buildings; public bathroom facilities; off-street parking totaling 126 spaces (32 spaces under the two elevated buildings); boardwalks and site improvements; boat docks and marina facilities for approximately 90 slips, including fuel docks and transient docking; a dry dock expansion; an additional 61 on-grade parking spaces; and expanded boardwalk and site improvements (kiosks, light posts, public benches).

Overall, the Pitt Slip final plan is consistent with the guidelines set forth in the SSD ordinance. This site is located in the Historic District which does not require off-street parking. It should be noted that this plan is a good example of the shared parking concept recommended in the Land Development Code for daylight weekday/weekend uses. The following additional information and action was recommended by City staff prior to recording of the final by the leasee:

1. Submission of a landscape plan indicating location and type of vegetation.

City of
Pensacola



2. Relocation of fuel tanks for boat fueling off of the spoil disposal site with approval by the City Engineer and Fire Department.
3. Addition of a six (6) inch water line to pier fueling area with hydrants, subject to approval by the Fire Department.
4. Specification of size of refuse container and receptacles to serve boatdocks and boardwalks.

After reviewing this request, the Planning Board unanimously recommended approval of the Pitt Slip final SSD plan subject to the resolution of the additional items recommended by the staff above.

This project was also reviewed and approved by the Architectural Review Board at its October 17, 1985 meeting, subject to the deletion of the dry dock boat storage structure which will be replaced with a 10,000 square foot office/retail building in Phase II.

Alternatives:

1. Approve the final Pitt Slip SSD plan as submitted, subject to the revisions requested by staff and the ARB.
2. Approve the final Pitt Slip SSD plan with additional modifications.
3. Deny approval of the final Pitt Slip SSD plan.

Policy Implications:

The final Pitt Slip SSD plan is consistent with the conceptual site planning prepared for the area by Cy Paumier. This project also reflects the City's intent in all its waterfront projects to provide public open space and recreation use with an income producing, privately leased development.

The use of Pitt Slip as a public marina with related commercial and office uses is consistent with the City's adopted Comprehensive Plan.

Financial Impact:

The City has invested public funds to prepare this site for leasing and development. The successful development of the site as shown in the final plan will generate lease revenues to the City per the agreement with Florida Sun, International, Inc.

Final SSD Plan--Pitt Slip
October 18, 1985
Page 3

Additional ad valorem, utility tax, and sales tax revenue will accrue to local government. Additional job opportunities will be created.

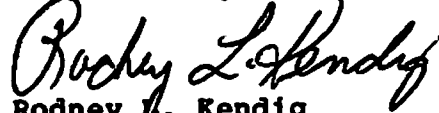
Staff Contact:

Deputy City Manager Ed Hinkle, Community Design and Planning Director Pete DeVries.

Recommendation:

That the City Council concur with the Planning Board recommendation (Alternative 1), subject to the revisions requested by staff and the ARB, and approve the final SSD plan for Pitt Slip.

Respectfully submitted,

A handwritten signature in cursive script, reading "Rodney L. Kendig".

Rodney L. Kendig
City Manager

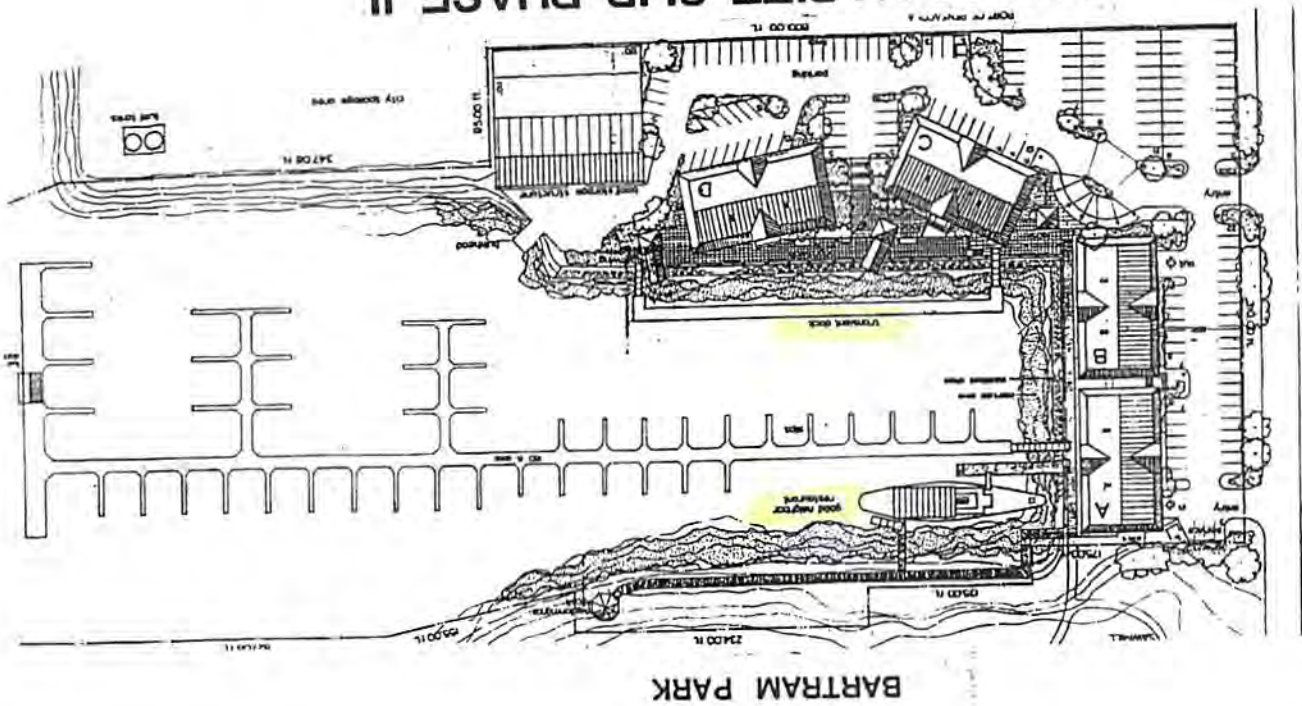
REQUESTED BY MR QUINA

OCTOBER 1985

NOT TO SCALE



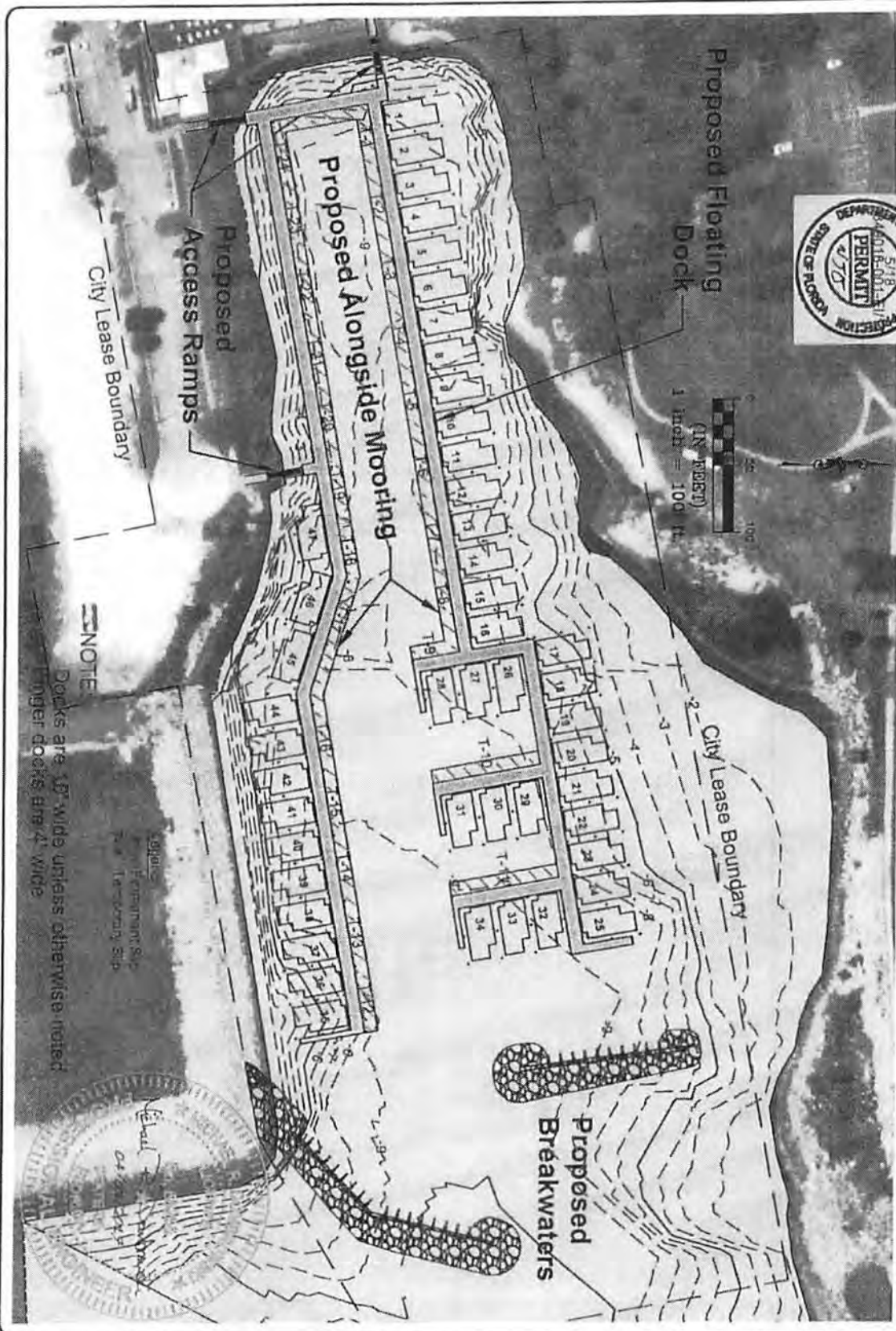
SITE PLAN PITT SLIP PHASE II



BARTRAM PARK

The Marina Village at Seville

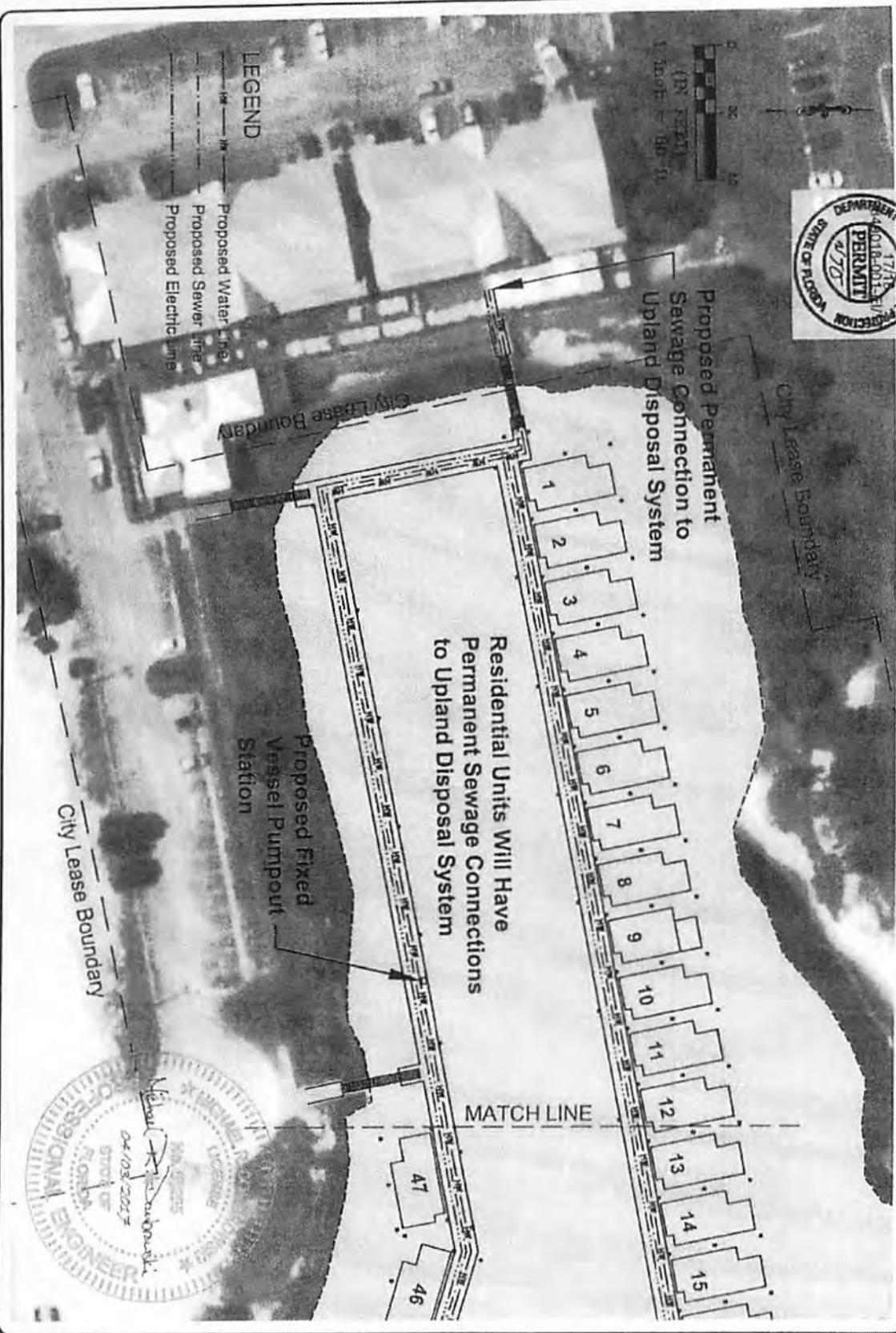




md
md associates, inc.
 543 Harbor Boulevard, Suite 204
 Destin, Florida 32541
 Certification of Authorization Number 0482
 850 054-1555 (voice) • 850 654-0500 (fax)
 www.md-associates.com

PROPOSED MARINA SITE PLAN
Seville Harbour Breakwaters and Docking Facilities
 Marina Management Corporation
 850 South Palmetto Street, Suite 102, Pensacola, Florida 32502

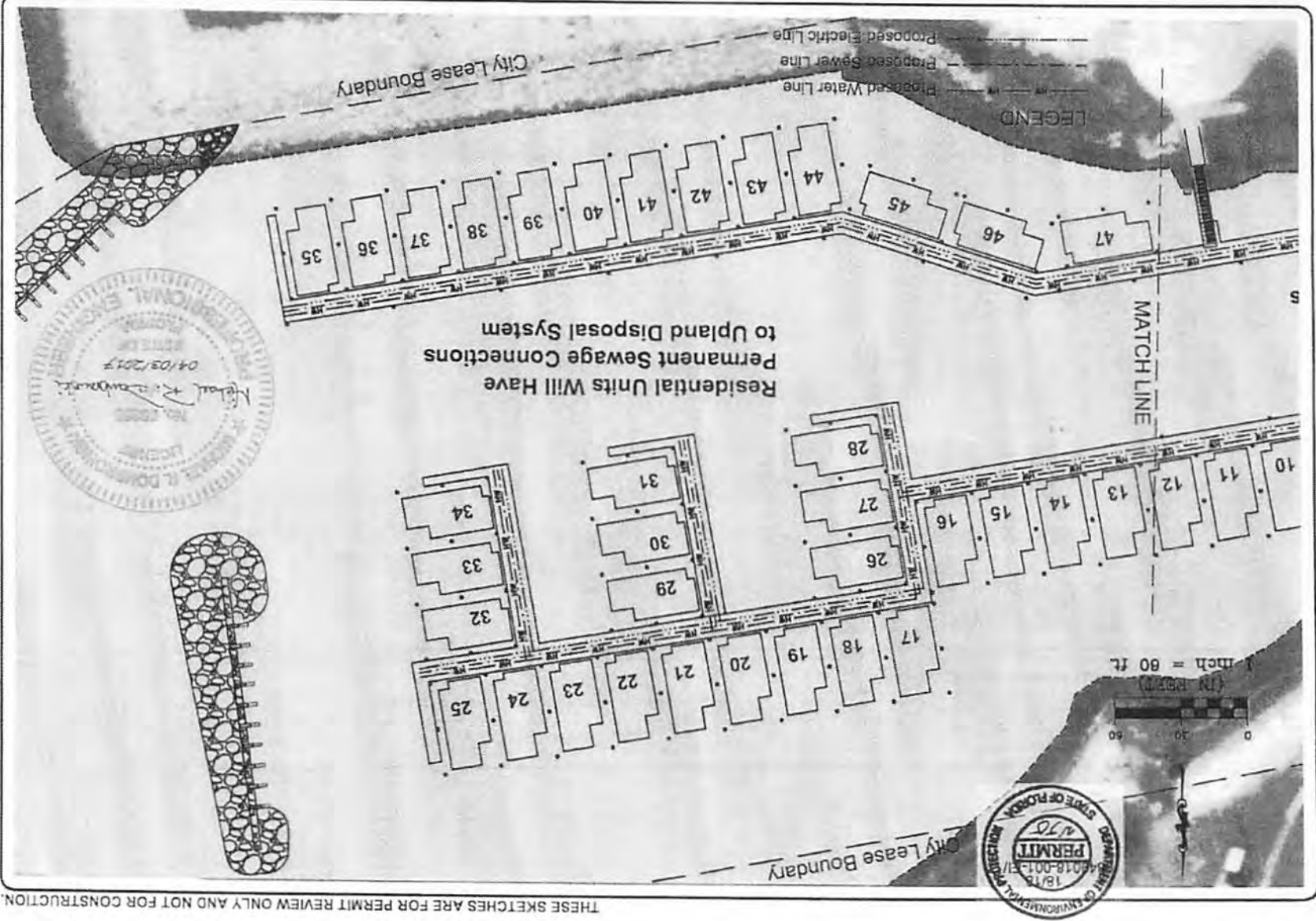
Michael R. Dombrowski, P.E.
 Florida P.E. Number 65206
 Date: October 01, 2016
 Sheet Rev Date April 03, 2017
 PROJECT NUMBER 16-346
 SHEET NUMBER 5



mrd
mrd associates, inc.
543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0560 (fax)
www.mrdassociates.com

UTILITY PLAN (1 of 2)
Seville Harbour Breakwaters and Docking Facilities
Marina Management Corporation
820 South Palmetto Street, Suite 102, Pensacola, Florida 32502

Michael R. Dombrowski, P.E.
Florida P.E. Number 55255
Date: October 04, 2016
Sheet Rev Date: April 03, 2017
PROJECT NUMBER: 16-346
SHEET NUMBER: 18



DEPARTMENT OF THE ARMY PERMIT

Permittee: Marina Management Corporation
c/o Ray Russenberger, President
850 South Palafox Street, Suite 102
Pensacola, Florida 32502

Permit No: SAJ-2016-03336 (SP-HMM)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Reconfigure an existing commercial marina and construct two breakwaters. The new 17,785 square feet structure would create a total of 47 permanent slips and 24 temporary day use slips. The two proposed breakwaters (157 linear feet and 269 linear feet) have a combined footprint of 10,543 square feet and consist of concrete sheet pile and reinforced concrete batter piles with armor stone at the base of the sheet pile.

The work described above is to be completed in accordance with the 16 (sixteen) pages of drawings (Attachment 1) and 4 additional attachments affixed at the end of this permit instrument.

Project Location: The project would affect waters of the United States associated with Pensacola Bay. The project is located at 600 South Barracks Street, in Section 42, Township 2 South, Range 30 West, in Pensacola, Escambia County, Florida.

Directions to site: From Garden Street in downtown Pensacola, turn south on Tarragona Street. Continue to the end of the road, then turn east on Main Street, then immediately turn south on Barracks Street. The project will be located on the east side of the road at 600 South Barracks Street.

Approximate Central Coordinates: Latitude 30.407156° North
Longitude 87.209799° West



Florida Department of Environmental Protection

160 W. Government Street, Suite 308
Pensacola, Florida 32502-5740

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Ryan E. Matthews
Interim Secretary

Permittee/Authorized Entity:

Marina Management Corp.
c/o Ray Russenberger
850 South Palafox, Suite 102
Pensacola, Florida 32502, Escambia County
ray@marinamgmt.com

Permittee/Authorized Entity:

The City of Pensacola
c/o Eric Olson, City Administrator
222 West Main Street
Pensacola, FL 32502, Escambia County
eolson@cityofpensacola.com

Seville Harbor – Facility Reconfiguration

Authorized Agent:

Michael Dombrowski
543 Harbor Boulevard
Destin, Florida 32541
md@mrd-associates.com

Environmental Resource Permit

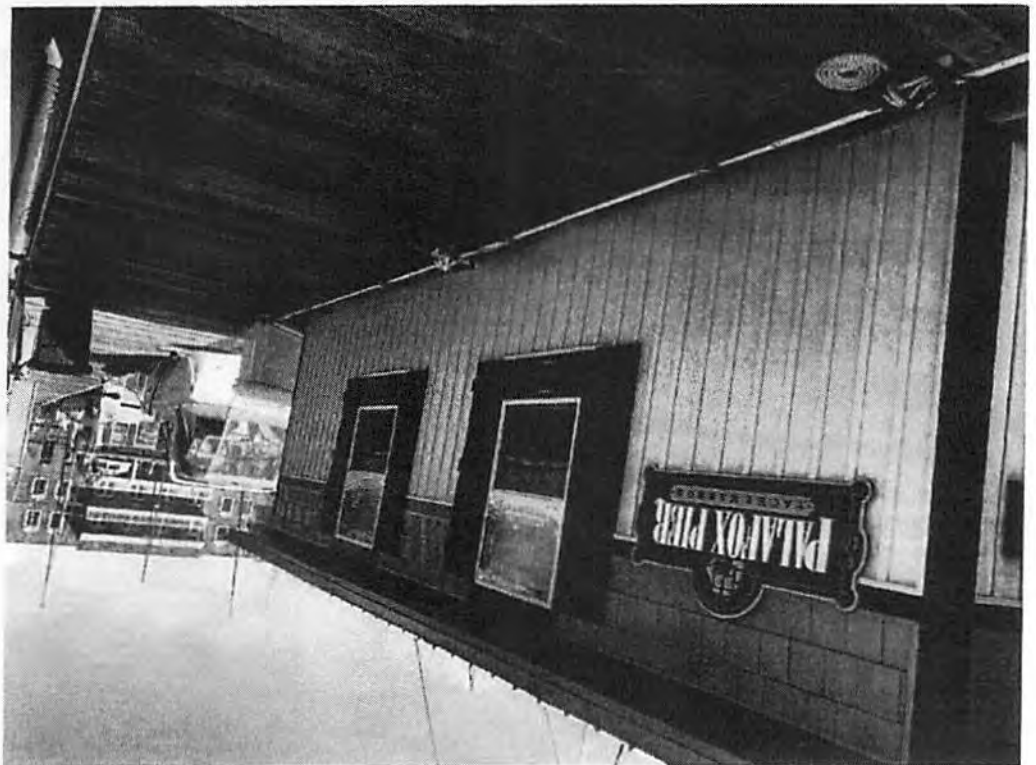
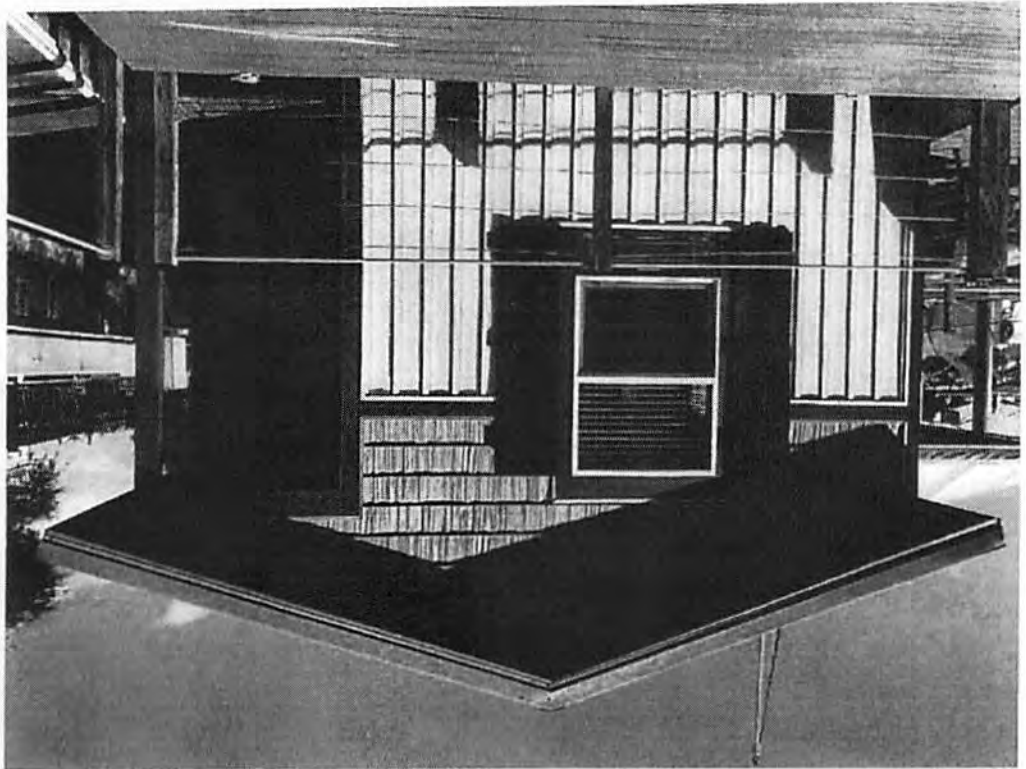
State-owned Submerged Lands Authorization – Not Applicable

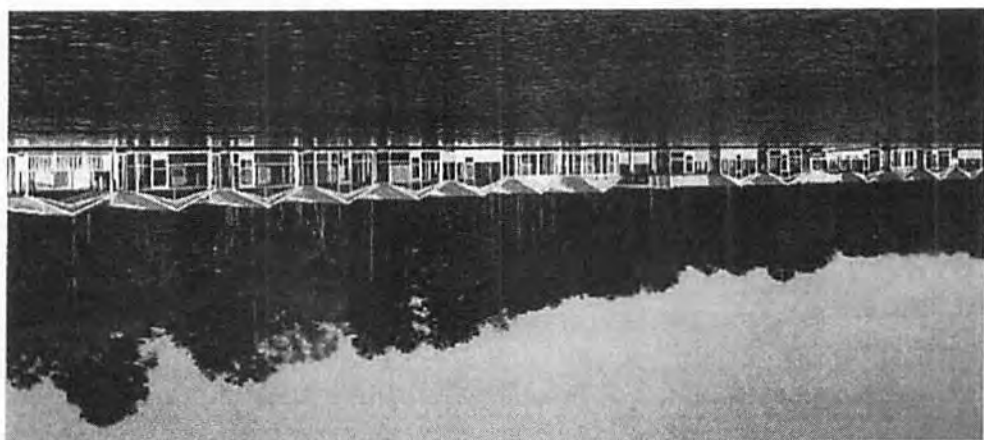
**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization
Required**

Escambia County
Permit No.: 0349018-001-EI/17

Permit Issuance Date: April 12, 2017

Permit Construction Phase Expiration Date: April 12, 2022





REPORT OF CITY COUNCIL ACTION
OFFICE OF THE CITY CLERK

Agenda Item: 9B-4

Classification 7
 Subject _____
 Location _____
 Date 4/29/99

SUBJECT:

SITE SPECIFIC DEVELOPMENT AMENDMENT - PITT SLIP

ORDINANCE # _____

**ACTION
TAKEN:**



**APPROVED
BY COUNCIL**

**REFERRED
COMMITTEE**

**FIRST
READING**

**SECOND
READING**

OTHER _____

COUNCIL MEMBERS	ACTION				COMMITTEE				
	MOT	SEC	YES	NO		PUB	GOVT		GROW
					FIN	ENT	SERV	TRANS	HOME
MIKE DESORBO		✓	✓		*	*	VC		VC
OWEN W EUBANKS			✓		C				
DOUGLAS C HALFORD			<i>Abstained</i>		*	C		*	*
RITA E JONES			✓				*		*
JOHN W NOBLES			✓		VC	*		C	
JOHN A PANYKO			✓			VC			
J D SMITH			✓				*	VC	*
SHARON L WAKEMAN			✓				*		
MICHAEL C WIGGINS	✓		✓		*		C	*	C
MARIE K YOUNG			✓			*		*	

C = CHAIRMAN VC = VICE CHAIRMAN * = MEMBER

COPIES:



COUNCIL FILE

CITY ATTORNEY

OTHER

3. SUBJECT: ARAGON - FINAL SUBDIVISION PLAT

Reference Material:

Committee Memorandum dated April 22, 1999

Recommendation:

That the Governmental Services Committee forward the final subdivision plat of Aragon to City Council.

The motion passed unanimously.

④ SUBJECT: SITE SPECIFIC DEVELOPMENT AMENDMENT - PITT SLIP

Reference Material:

Committee Memorandum dated April 22, 1999

Recommendation:

That City Council schedule a quasi-judicial hearing on June 24, 1999 to consider the request of Mr. Ray Russenberger to amend the Pitt Slip Site Specific Development (SSD) to permit the construction of 30 residential condominium units within two buildings within the Pitt Slip development.

The motion passed unanimously.

COMMITTEE MEMORANDUM

ITEM #4

COMMITTEE: Governmental Services

FROM: Thomas J. Bonfield, City Manager *TJB*

DATE: April 22, 1999

SUBJECT: Site Specific Development Amendment - Pitt Slip

RECOMMENDATION: That City Council schedule a quasi-judicial hearing on June 24, 1999 to consider the request of Mr. Ray Russenberger to amend the Pitt Slip Site Specific Development (SSD) to permit the construction of 30 residential condominium units within two buildings within the Pitt Slip development.

SUMMARY: Planning Board has recommended approval of a proposed amendment to the Pitt Slip SSD to permit the development of 30 residential condominium units within two buildings subject to stormwater retention plans being approved by the City Engineer and the developer providing additional parking in the vicinity of the Pitt Slip development.

PRIOR ACTION: City Council approved the Pitt Slip SSD in 1985.

CURRENT ACTION:

FUNDING: None required.


ATTACHMENTS: (1) Staff Report

STAFF CONTACT: Jennifer Fleming, CRA Executive Director; Leo Doidge, Planning Director

City of
Pensacola



MEMORANDUM

TO: Thomas J. Bonfield, City Manager
FROM: Leo Doidge, Planning Director 
DATE: April 22, 1999
SUBJECT: Site Specific Development Amendment - Pitt Slip

RECOMMENDATION:

That City Council schedule a quasi-judicial hearing on June 24, 1999 to consider the request of Mr. Ray Russenberger, represented by Spencer Maxwell Bullock, Architects, to amend the Pitt Slip Site Specific Development (SSD) to permit the construction of 30 residential condominium units within two buildings.

BACKGROUND:

Planning Board has reviewed the request of Mr. Ray Russenberger, current lessee of the Pitt Slip development, to amend the Pitt Slip Site Specific Development (SSD) to permit the construction of 30 residential condominium units in two buildings.

Phase 1 of the Pitt Slip SSD was approved by City Council in 1985 with two buildings containing offices, retail shops and a restaurant; in addition, a floating restaurant was also approved within the development. The area of the development proposed for the residential development was shown as a parking area in the original Phase I site plan. Mr. Russenberger's proposal is a substantial change to the adopted SSD which will require City Council approval. The Pitt Slip lease agreement between the City and Mr. Russenberger will also be required to be amended to allow the proposed development change. The review of this SSD amendment will be considered as a quasi-judicial decision of City Council.

During the review of this request, issues were raised by staff concerning the port and industrial land use activities occurring in the proximity of proposed residential development that may be considered objectionable to the residents. City staff stated that the existing Coastal Fuels liquid asphalt storage tanks would most likely remain in place for many years. A representative from Coastal Fuels recommended the developer construct a masonry wall between the tanks and the proposed condominiums. In addition, staff explained that Port related activities are expected to increase in the future which could add to the conflict between residential and port activities. Staff also noted that some of the existing parking spaces used by the public would be displaced by this development and that the developer would also be required to have stormwater retention plans approved by the City Engineer.

After reviewing the request, Planning Board recommended approval of the proposed SSD amendment for Pitt Slip subject to the developer providing additional parking in the vicinity of Pitt Slip and stormwater retention plans being approved by the City Engineer.

Additional background information regarding this request will be provided to City Council prior to the scheduled hearing.

FINANCIAL IMPACT:

The City and lessee will negotiate an amendment to the Pitt Slip lease agreement.

SSD AMENDMENT - PITT SLIP

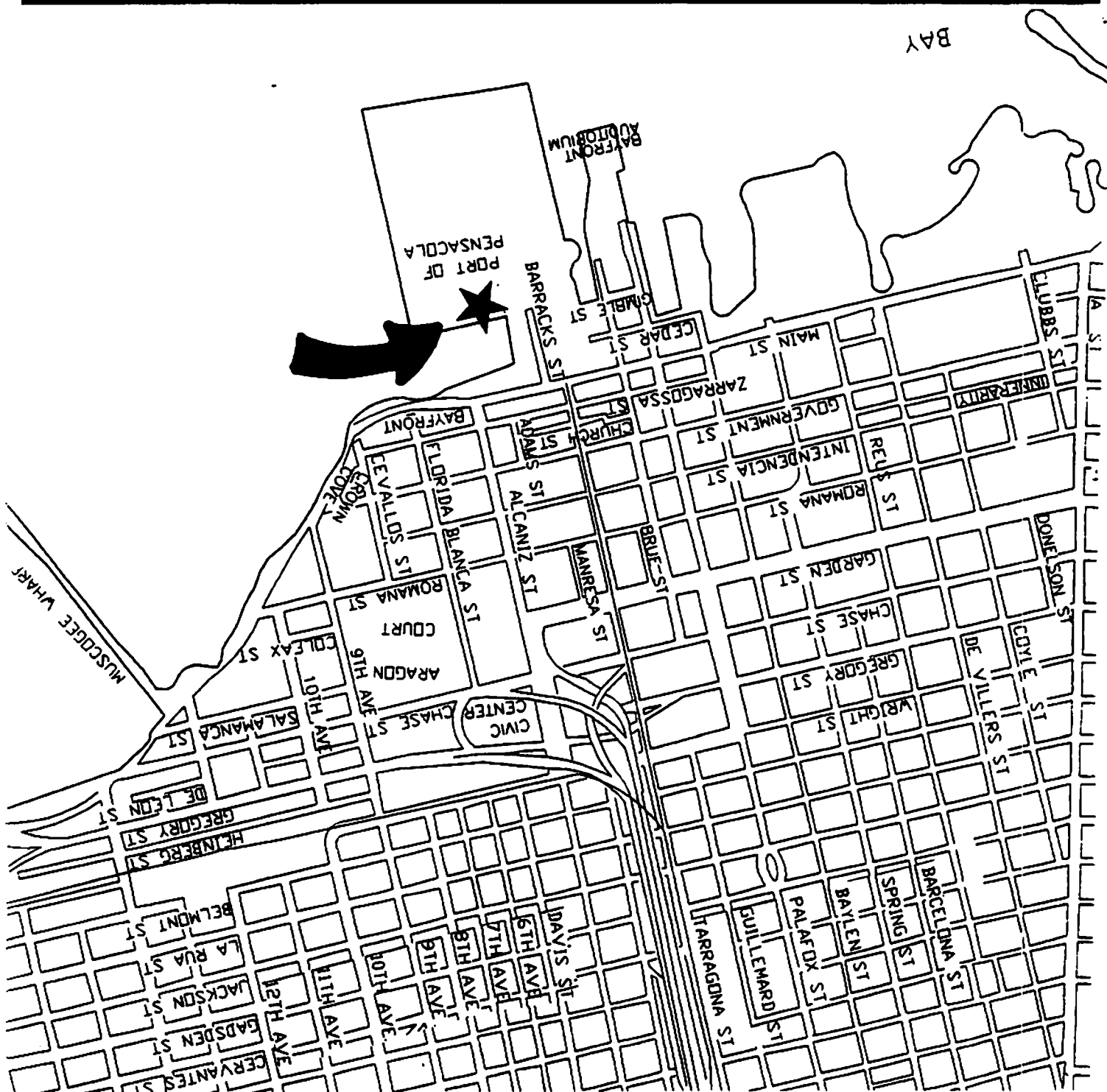
REQUESTED BY MR RUSSENBERGER

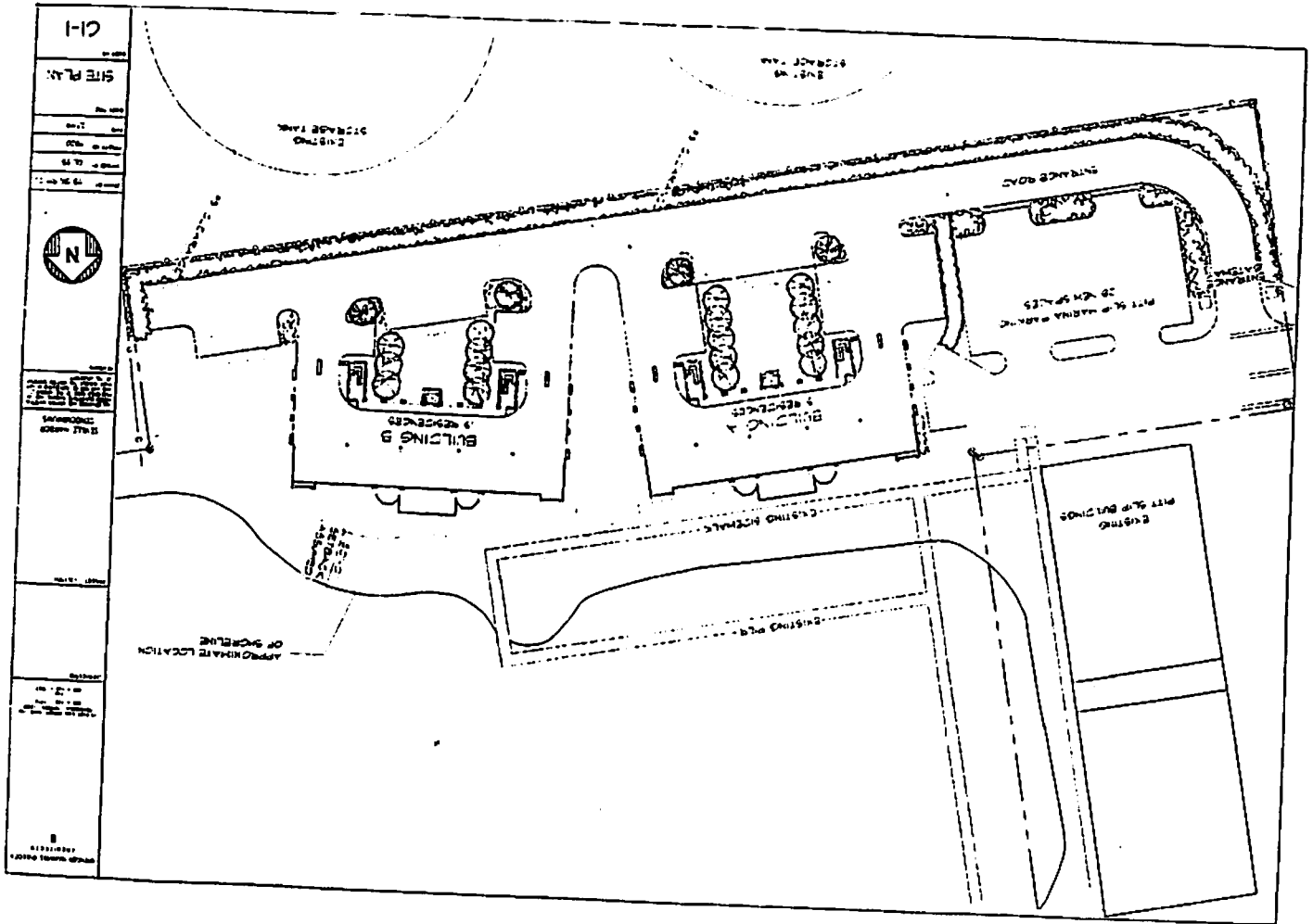
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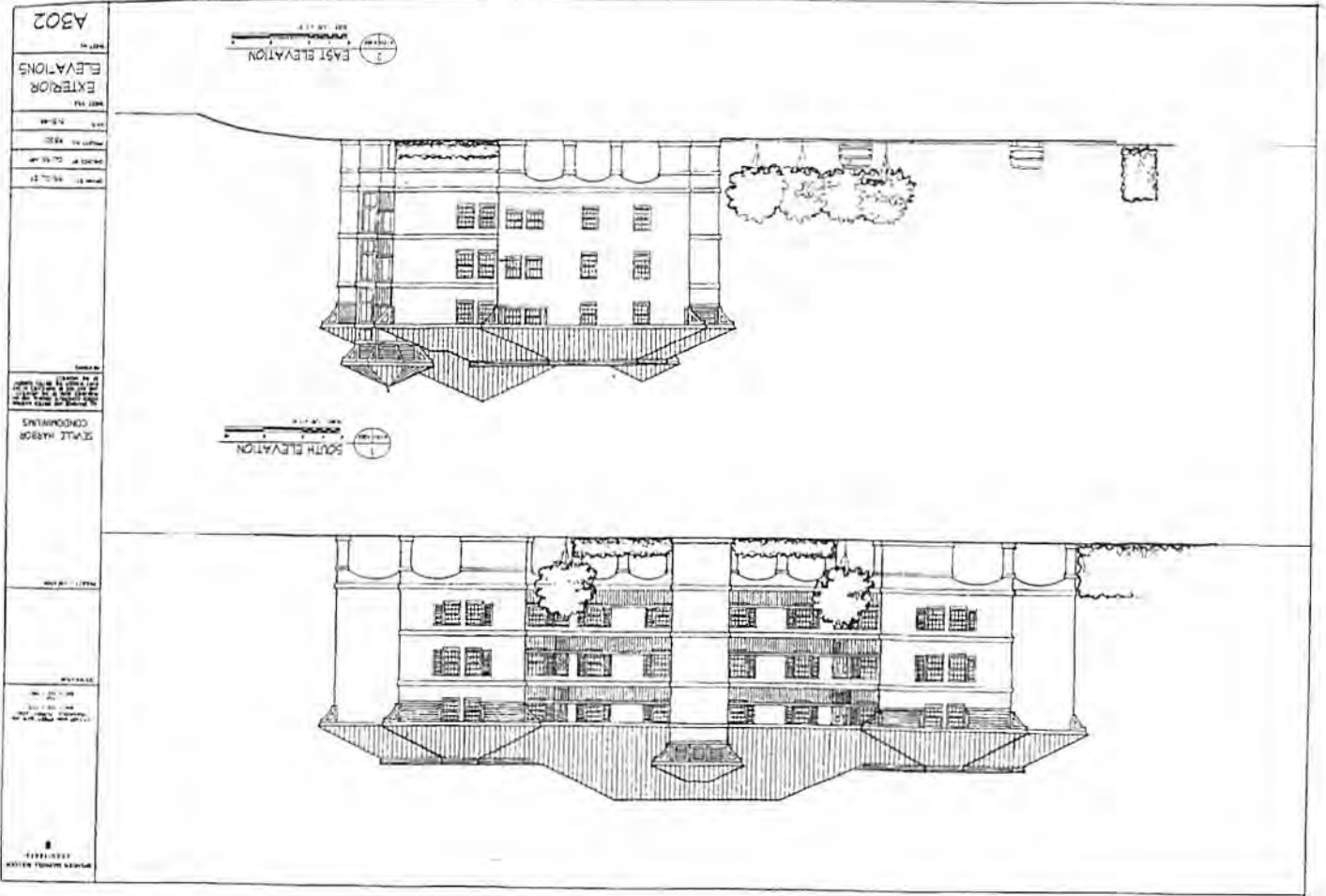


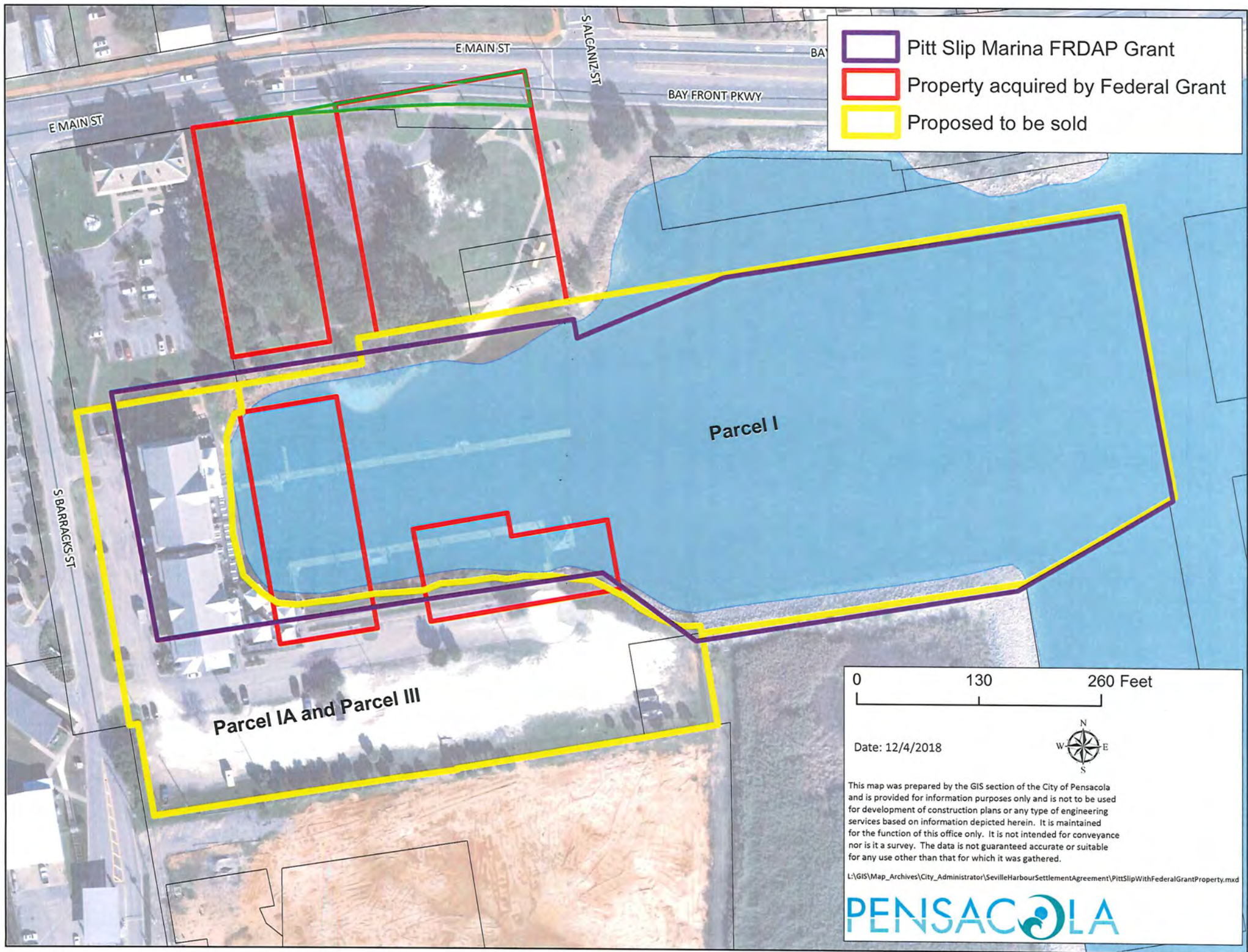
VICINITY MAP





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EXTERIOR ELEVATIONS
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From: Susan Woolf <swoolf@cityofpensacola.com>

Sent: Monday, September 23, 2019 8:05 AM

To: Andy Terhaar <aterhaar@cityofpensacola.com>; P.C. Wu <pcwu@cityofpensacola.com>; Jewel Cannada-Wynn <jcannada-wynn@cityofpensacola.com>; Ann Hill <AHill@cityofpensacola.com>; Jared Moore <JMoore@cityofpensacola.com>; Sherri Myers <smyers@cityofpensacola.com>; John Jerrals <JJerrals@cityofpensacola.com>

Cc: Grover C. Robinson, IV <GRobinson@cityofpensacola.com>; Christopher L. Holley <CHolley@cityofpensacola.com>; Don Kraher <DKraher@cityofpensacola.com>

Subject: RE: Amended and Restated Pitt Slip Lease Agreement

Councilmembers,

This is the partial survey I received from Ed Fleming this morning.

Susan

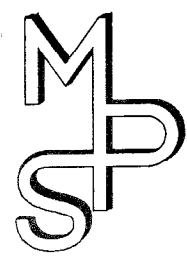
Susan A. Woolf, City Attorney

City of Pensacola

(850) 435-1615

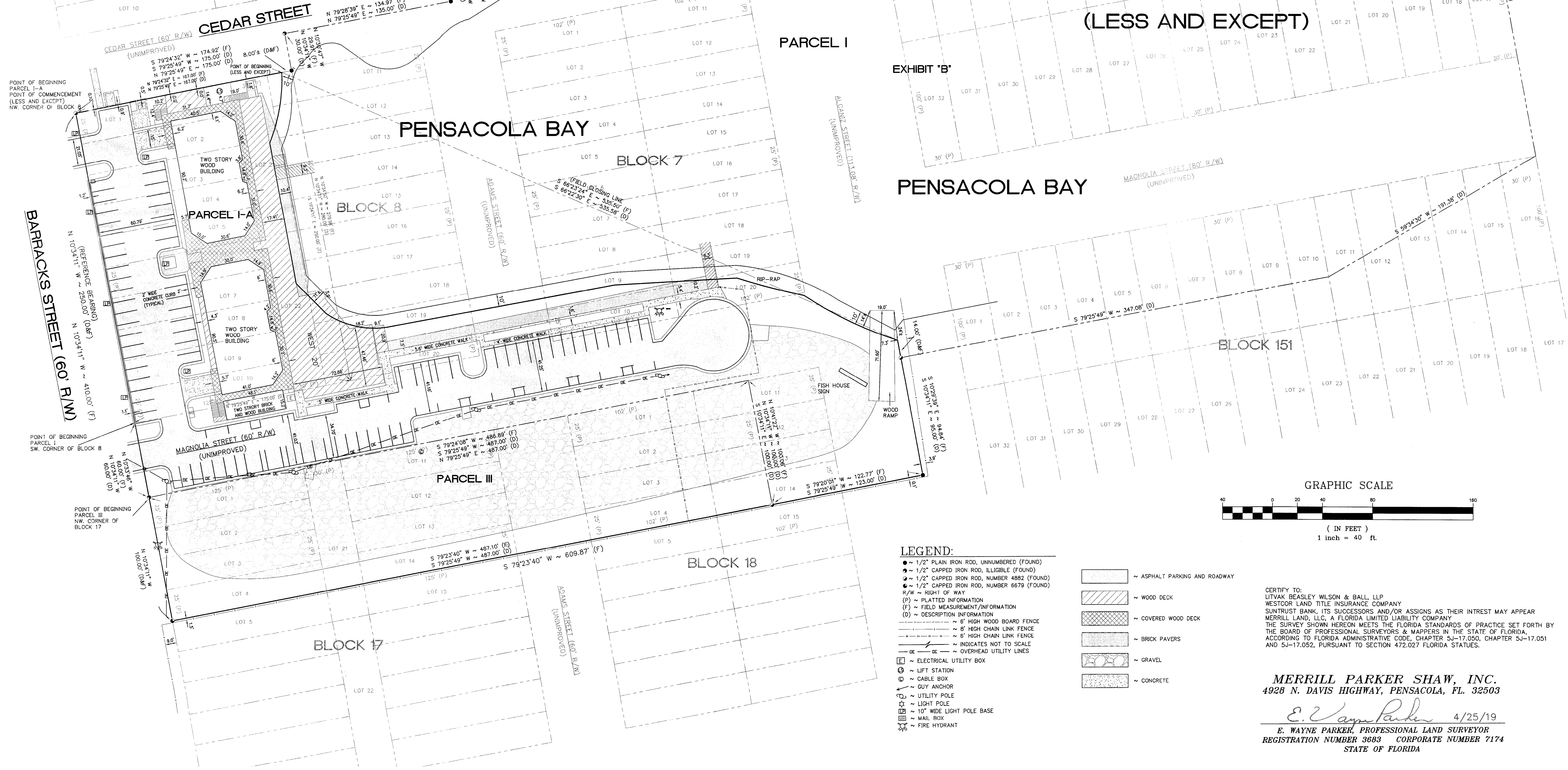
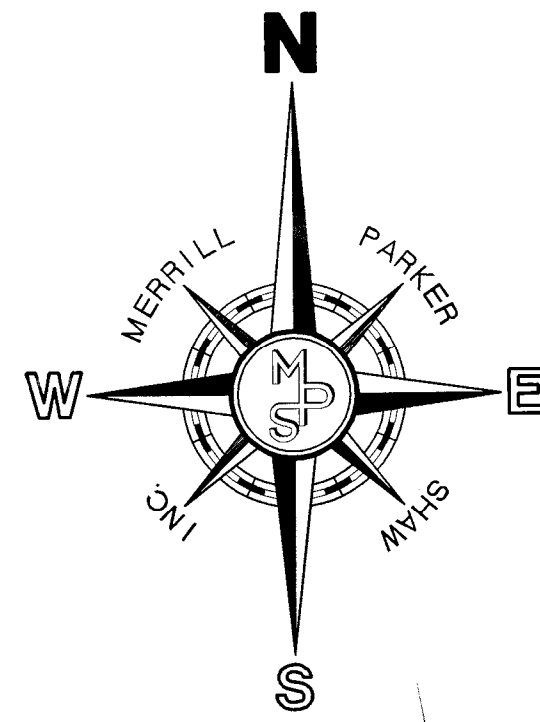
swoolf@cityofpensacola.com

Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.



BOUNDARY SURVEY WITH IMPROVEMENTS:

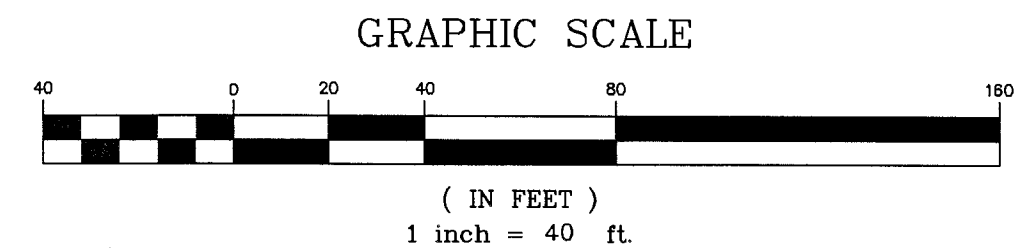
A PORTION OF THE WATERFRONT GRANT
CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA
ADDRESS: 600 S. BARRACKS STREET



LEGEND:

- ~ 1/2" PLAIN IRON ROD, UNNUMBERED (FOUND)
- ~ 1/2" CAPPED IRON ROD, ILLEGIBLE (FOUND)
- ~ 1/2" CAPPED IRON ROD, NUMBER 4882 (FOUND)
- ~ 1/2" CAPPED IRON ROD, NUMBER 6679 (FOUND)
- R/W ~ RIGHT OF WAY
- (P) ~ PLATTED INFORMATION
- (F) ~ FIELD MEASUREMENT/INFORMATION
- (D) ~ DESCRIPTION INFORMATION
- ~ 8' HIGH WOOD BOARD FENCE
- ~ 8' HIGH CHAIN LINK FENCE
- ~ 8' HIGH CHAIN LINK FENCE
- ~ 10' WIDE LIGHT POLE BASE
- ~ MAIL BOX
- ~ FIRE HYDRANT
- ~ ELECTRICAL UTILITY BOX
- ~ LIFT STATION
- ~ CABLE BOX
- ~ GUY ANCHOR
- ~ UTILITY POLE
- ~ LIGHT POLE
- ~ 10' WIDE LIGHT POLE BASE
- ~ MAIL BOX
- ~ FIRE HYDRANT

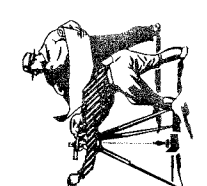
- ~ ASPHALT PARKING AND ROADWAY
- ~ WOOD DECK
- ~ COVERED WOOD DECK
- ~ BRICK PAVERS
- ~ GRAVEL
- ~ CONCRETE



CERTIFY TO:
LITVAK BEASLEY WILSON & BALL, LLP
WESTOOR LAND TITLE INSURANCE COMPANY
SUNTRUST BANK, ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTEREST MAY APPEAR
MERRILL LAND, LLC, A FLORIDA LIMITED LIABILITY COMPANY
THE SURVEY SHOWN HEREON MEETS THE FLORIDA STANDARDS OF PRACTICE SET FORTH BY
THE BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN THE STATE OF FLORIDA,
ACCORDING TO FLORIDA ADMINISTRATIVE CODE, CHAPTER 5J-17.050, CHAPTER 5J-17.051
AND 5J-17.052, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

MERRILL PARKER SHAW, INC.
4928 N. DAVIS HIGHWAY, PENSACOLA, FL. 32503

E. Wayne Parker 4/25/19
E. WAYNE PARKER, PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER 3683 CORPORATE NUMBER 7174
STATE OF FLORIDA



MERRILL PARKER SHAW, INC.
4928 N. DAVIS HWY
PENSACOLA, FL 32503
PH: (850) 475-4923
FAX: (850) 475-4924
FLORIDA CORPORATION NUMBER 7174

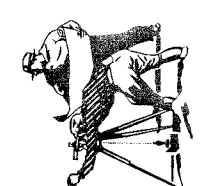


BOUNDARY SURVEY WITH IMPROVEMENTS:
A PORTION OF THE WATERFRONT GRANT
CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA
ADDRESS: 600 S. BARRACKS STREET
PREPARED FOR: MERRILL LAND COMPANY
REQUESTED BY: WILLIAM MERRILL

JOB NO. SHEET
19-11557-1 1 2

NO.	DATE	APPR.	REVISIONS:
1	4/25/19		CORRECT SPELLING IN CERTIFICATIONS

NOT VALID WITHOUT
THE SIGNATURE AND
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER

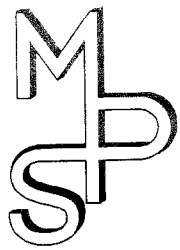


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BOUNDARY SURVEY WITH IMPROVEMENTS:
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CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA
ADDRESS: 600 S. BARRACKS STREET
PREPARED FOR: MERRILL LAND COMPANY
REQUESTED BY: WILLIAM MERRILL

JOB NO. SHEET
19-11557-1 1 2



BOUNDARY SURVEY WITH IMPROVEMENTS:

A PORTION OF THE WATERFRONT GRANT
CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA
ADDRESS: 600 S. BARRACKS STREET

DESCRIPTION: (AS FURNISHED)

PARCEL I:

BEGIN AT THE SOUTHWEST CORNER OF BLOCK 8, WATERFRONT GRANT, ACCORDING TO MAP OF CITY OF PENSACOLA BY THOMAS C. WATSON, COPYRIGHTED IN 1906, SAID POINT ALSO BEING THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF BARRACKS STREET (60' R/W) AND THE NORTHERLY RIGHT-OF-WAY LINE OF MAGNOLIA STREET (60' R/W); THENCE GO NORTH 79 DEGREES 25 MINUTES 49 SECONDS EAST ALONG THE AFORESAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 175.00 FEET; THENCE GO NORTH 10 DEGREES 34 MINUTES 11 SECONDS WEST A DISTANCE OF 280.00 FEET; THENCE GO NORTH 79 DEGREES 25 MINUTES 49 SECONDS EAST A DISTANCE OF 135.00 FEET; THENCE GO NORTH 10 DEGREES 34 MINUTES 11 SECONDS WEST A DISTANCE OF 30.00 FEET; THENCE GO NORTH 79 DEGREES 25 MINUTES 49 SECONDS EAST A DISTANCE OF 827.08 FEET; THENCE GO SOUTH 10 DEGREES 34 MINUTES 11 SECONDS EAST A DISTANCE OF 310.00 FEET; THENCE GO SOUTH 59 DEGREES 34 MINUTES 30 SECONDS WEST A DISTANCE OF 191.38 FEET; THENCE GO SOUTH 79 DEGREES 25 MINUTES 49 SECONDS WEST A DISTANCE OF 347.08 FEET; THENCE GO SOUTH 10 DEGREES 34 MINUTES 11 SECONDS EAST A DISTANCE OF 95.00 FEET; THENCE GO SOUTH 79 DEGREES 25 MINUTES 49 SECONDS WEST A DISTANCE OF 123.00 FEET; THENCE GO NORTH 10 DEGREES 34 MINUTES 11 SECONDS WEST A DISTANCE OF 100.00 FEET; THENCE GO SOUTH 79 DEGREES 25 MINUTES 49 SECONDS WEST A DISTANCE OF 487.00 FEET TO THE NORTHWEST CORNER OF BLOCK 17, WATERFRONT GRANT, ACCORDING TO THE AFORESAID MAP OF THE CITY OF PENSACOLA, SAID POINT ALSO BEING THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF MAGNOLIA STREET (60' R/W) AND THE AFORESAID EASTERLY RIGHT-OF-WAY LINE OF BARRACKS STREET; THENCE GO NORTH 10 DEGREES 34 MINUTES 11 SECONDS WEST ALONG THE AFORESAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING, THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN SECTION 46, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA AND CONTAINS 8.529 ACRES, LESS AND EXCEPT THAT PORTION OF A DEPARTMENT OF TRANSPORTATION DRAINAGE EASEMENT IN A PORTION OF CEDAR AND ALCANIZ STREET; AND

PARCEL I-A:

ALL OF LOTS 1-10, 21 AND 22, AND THE WEST 20 FEET OF LOT'S 11-20, BLOCK 8, WATERFRONT GRANT, ACCORDING TO MAP OF CITY OF PENSACOLA BY THOMAS C. WATSON, COPYRIGHTED IN 1906, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF BLOCK 8, WATERFRONT GRANT ACCORDING TO MAP OF CITY OF PENSACOLA BY THOMAS C. WATSON COPYRIGHTED IN 1906, SAID POINT ALSO BEING THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF BARRACKS STREET (60' R/W) AND THE SOUTH RIGHT-OF-WAY LINE OF CEDAR STREET (60' R/W); THENCE GO NORTH 79 DEGREES 25 MINUTES 49 SECONDS EAST ALONG THE NORTH LINE OF THE AFORESAID BLOCK 8 A DISTANCE OF 175.00 FEET; THENCE GO SOUTH 10 DEGREES 34 MINUTES 11 SECONDS EAST A DISTANCE OF 250.00 FEET TO A POINT ON THE SOUTH LINE OF THE AFORESAID BLOCK 8; THENCE GO SOUTH 79 DEGREES 25 MINUTES 49 SECONDS WEST ALONG THE AFORESAID SOUTH LINE A DISTANCE OF 175.00 FEET TO A POINT ON THE AFORESAID EASTERLY RIGHT-OF-WAY LINE OF BARRACKS STREET; THENCE GO NORTH 10 DEGREES 34 MINUTES 11 SECONDS WEST ALONG THE AFORESAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 250.00 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL IS SITUATED IN SECTION 46, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA AND CONTAINS 1.004 ACRES; AND

PARCEL III:

ALL OF LOTS 1-4, 11-14 AND A PORTION OF LOT 21, BLOCK 17, ALL OF LOTS 1-4 AND A PORTION OF LOTS 11-14, BLOCK 18, AND A PORTION OF ADAMS STREET, WATERFRONT GRANT, ACCORDING TO MAP OF CITY OF PENSACOLA BY THOMAS C. WATSON, COPYRIGHTED IN 1906, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF BLOCK 17, WATERFRONT GRANT, ACCORDING TO MAP OF CITY OF PENSACOLA BY THOMAS C. WATSON, COPYRIGHTED IN 1906, SAID POINT ALSO BEING THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF BARRACKS STREET (60' R/W) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF MAGNOLIA STREET (60' R/W); THENCE GO NORTH 79 DEGREES 25 MINUTES 49 SECONDS EAST ALONG THE AFORESAID SOUTHERLY RIGHT-OF-WAY LINE OF MAGNOLIA STREET (60' R/W) A DISTANCE OF 487.00 FEET; THENCE GO SOUTH 10 DEGREES 34 MINUTES 11 SECONDS EAST A DISTANCE OF 100.00 FEET; THENCE GO SOUTH 79 DEGREES 25 MINUTES 49 SECONDS WEST A DISTANCE OF 487.00 FEET TO A POINT ON THE AFORESAID EASTERLY RIGHT-OF-WAY OF BARRACKS STREET (60' R/W); THENCE GO NORTH 10 DEGREES 34 MINUTES 11 SECONDS WEST ALONG THE AFORESAID EASTERLY RIGHT-OF-WAY LINE OF BARRACKS STREET (60' R/W) A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN SECTION 46, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA AND CONTAINS 1.118 ACRES.

LESS AND EXCEPT:

DESCRIPTION:

DESCRIPTION AS PREPARED BY:
NORTHWEST FLORIDA ENGINEERING AND SURVEYING, INC.
COMMENCE AT THE NORTHWEST CORNER OF BLOCK 8, WATERFRONT GRANT, ACCORDING TO MAP OF THE CITY OF PENSACOLA BY THOMAS C. WATSON, COPYRIGHTED IN 1906, SAID POINT BEING THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF BARRACKS STREET (60' R/W) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF CEDAR STREET (60' R/W); THENCE GO NORTH 79 DEGREES 25 MINUTES 49 SECONDS EAST ALONG THE NORTH LINE OF SAID BLOCK 8 A DISTANCE OF 187.00 FEET TO THE POINT OF BEGINNING, SAID POINT LYING 10 FEET LANDWARD OF THE MEAN HIGH WATER LINE OF PENSACOLA BAY; THENCE CONTINUE NORTH 79 DEGREES 25 MINUTES 49 SECONDS EAST ALONG THE NORTH LINE OF BLOCK 8 A DISTANCE OF 8.00 FEET; THENCE DEPARTING SAID NORTH LINE OF BLOCK 8 A DISTANCE OF 30.00 FEET; THENCE GO SOUTH 10 DEGREES 34 MINUTES 11 SECONDS WEST A DISTANCE OF 30.00 FEET; THENCE GO NORTH 79 DEGREES 25 MINUTES 49 SECONDS EAST A DISTANCE OF 135.00 FEET; THENCE GO NORTH 10 DEGREES 34 MINUTES 11 SECONDS WEST A DISTANCE OF 30.00 FEET; THENCE GO NORTH 79 DEGREES 25 MINUTES 49 SECONDS EAST A DISTANCE OF 827.08 FEET; THENCE GO SOUTH 10 DEGREES 34 MINUTES 11 SECONDS EAST A DISTANCE OF 310.00 FEET; THENCE GO SOUTH 59 DEGREES 34 MINUTES 30 SECONDS WEST A DISTANCE OF 191.38 FEET; THENCE GO SOUTH 79 DEGREES 25 MINUTES 49 SECONDS WEST A DISTANCE OF 347.08 FEET; THENCE GO NORTH 10 DEGREES 34 MINUTES 11 SECONDS WEST A DISTANCE OF 95.00 FEET; THENCE GO SOUTH 79 DEGREES 25 MINUTES 49 SECONDS WEST A DISTANCE OF 123.00 FEET; THENCE GO NORTH 10 DEGREES 34 MINUTES 11 SECONDS WEST A DISTANCE OF 100.00 FEET TO A POINT LYING BOTH SOUTH 68 DEGREES 22 MINUTES 30 SECONDS EAST A DISTANCE OF 535.58 FEET FROM THE POINT OF BEGINNING AND 10 FEET LANDWARD OF THE MEAN HIGH WATER LINE OF PENSACOLA BAY; THENCE MEANDER WESTERLY AND NORTHERLY ALONG A LINE BEING 10 FEET LANDWARD AND PARALLEL OF SAID MEAN HIGH WATER LINE TO THE POINT OF BEGINNING.
THE ABOVE DESCRIBED PARCEL OF LAND IS SITUATED IN SECTION 46, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA AND CONTAINS 7 ACRES MORE OR LESS.

SURVEYOR'S NOTES:

1.) THE NORTH ARROW AND BEARINGS AS SHOWN HEREON ARE REFERENCED TO THE ASSUMED BEARING OF N 10°34'11" W ALONG THE WEST LINE OF BARRACKS STREET (60' R/W).

2.) SOURCE OF INFORMATION: A PREVIOUS SURVEY OF THE SUBJECT PARCEL PREPARED BY NORTHWEST FLORIDA ENGINEERING AND SURVEYING, DATE: 10/18/96, AND EXISTING FIELD MONUMENTATION.

3.) NO TITLE SEARCH WAS PERFORMED BY OR FURNISHED TO MERRILL PARKER SHAW, INC. FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, RIGHT-OF-WAYS, EASEMENTS, BUILDING SETBACKS, RESTRICTIVE COVENANTS, GOVERNMENTAL JURISDICTIONAL AREAS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES AND/OR USE OF THE SUBJECT PROPERTY.

4.) ONLY THE ABOVE GROUND VISIBLE ENCROACHMENTS AND IMPROVEMENTS WERE FIELD LOCATED AS SHOWN HEREON, UNLESS OTHERWISE NOTED, UNDERGROUND ENCROACHMENTS AND IMPROVEMENTS, IF ANY, WERE NOT FIELD LOCATED OR VERIFIED, UNLESS OTHERWISE NOTED.

5.) THE DIMENSIONS OF THE BUILDINGS (IF ANY) AS SHOWN HEREON ARE ALONG THE OUTSIDE FACE OF THE BUILDINGS AND DO NOT INCLUDE THE EAVES OVERHANG OR THE FOOTINGS OF THE FOUNDATIONS.

6.) THE SURVEY AS SHOWN HEREON DOES NOT DETERMINE OWNERSHIP.

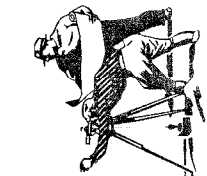
7.) THE MEASUREMENTS MADE IN THE FIELD, INDICATED THUSLY (F), AS SHOWN HEREON WERE MADE IN ACCORDANCE WITH UNITED STATES STANDARDS.

8.) FEDERAL AND STATE COPYRIGHT ACTS PROTECT THIS MAP FROM UNAUTHORIZED USE. THIS MAP IS NOT TO BE COPIED OR REPRODUCED IN WHOLE OR PART AND IS NOT TO BE USED FOR ANY OTHER TRANSACTION. THIS DRAWING CANNOT BE USED FOR THE BENEFIT OF ANY OTHER PERSON, COMPANY OR FIRM WITHOUT PRIOR WRITTEN CONSENT OF THE COPYRIGHT OWNER AND IS TO BE RETURNED UPON REQUEST.

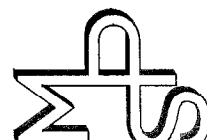
CERTIFY TO:
LITVAK BEASLEY WILSON & BALL, LLP
WESTCOAST LAND TITLE INSURANCE COMPANY
SUNTRUST BANK, ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTEREST MAY APPEAR
MERRILL LAND, LLC, A FLORIDA LIMITED LIABILITY COMPANY
THE SURVEY SHOWN HEREON MEETS THE FLORIDA STANDARDS OF PRACTICE SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN THE STATE OF FLORIDA, ACCORDING TO FLORIDA ADMINISTRATIVE CODE, CHAPTER 5J-17.050, CHAPTER 5J-17.051 AND 5J-17.052, PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

MERRILL PARKER SHAW, INC.
4928 N. DAVIS HIGHWAY, PENSACOLA, FL. 32503

E. Wayne Parker 4/25/19
E. WAYNE PARKER, PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER 3683 CORPORATE NUMBER 7174
STATE OF FLORIDA



MERRILL PARKER SHAW, INC.
4928 N. DAVIS HWY.
PENSACOLA, FL 32503
FLORIDA CORPORATION NUMBER 7174
PH: (850) 475-4823
FAX: (850) 475-4824



BOUNDARY SURVEY WITH IMPROVEMENTS:
A PORTION OF THE WATERFRONT GRANT
CITY OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA
ADDRESS: 600 S. BARRACKS STREET
PREPARED FOR: MERRILL LAND COMPANY
REQUESTED BY: WILLIAM MERRILL

JOB NO. 19-11557
SHEET 2 OF 2

REVISIONS:

APPR.

DATE

NO.

NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FIELD BOOK: 412, PAGE 51

FIELD DATE: 4/18/19

From: Susan Woolf <swoolf@cityofpensacola.com>

Sent: Sunday, September 22, 2019 6:02 PM

To: Andy Terhaar <aterhaar@cityofpensacola.com>; P.C. Wu <pcwu@cityofpensacola.com>; Jewel Cannada-Wynn <jcannada-wynn@cityofpensacola.com>; Ann Hill <AHill@cityofpensacola.com>; Jared Moore <JMoore@cityofpensacola.com>; Sherri Myers <smyers@cityofpensacola.com>; John Jerralds <JJerralds@cityofpensacola.com>

Cc: Grover C. Robinson, IV <GRobinson@cityofpensacola.com>; Christopher L. Holley <CHolley@cityofpensacola.com>; Don Kraher <DKraher@cityofpensacola.com>

Subject: FW: Amended and Restated Pitt Slip Lease Agreement

Councilmembers,

Please see the attached correspondence and enclosures (the 1984 SSD plan and the FDEP permit package) regarding the Pitt Slip lease. Additionally, I added my comments to the memorandum Seville Harbour's counsel sent to you on Friday and attached that document.

I reiterate that I am attempting to provide you with information I believe will assist your decision-making. To the extent that anything I say may be construed as advocating a position, please understand that I am representing the City as a whole.

Susan

Susan A. Woolf, City Attorney

City of Pensacola

(850) 435-1615

swoolf@cityofpensacola.com

Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

From: Susan Woolf

Sent: Monday, September 16, 2019 3:51 PM

To: Andy Terhaar <aterhaar@cityofpensacola.com>; P.C. Wu <pcwu@cityofpensacola.com>; Ann Hill <AHill@cityofpensacola.com>; Jared Moore <JMoore@cityofpensacola.com>; Jewel Cannada-Wynn <jcannada-wynn@cityofpensacola.com>; Sherri Myers <smyers@cityofpensacola.com>; jjerralds@cityofpensacola.com

Cc: Grover C. Robinson, IV <GRobinson@cityofpensacola.com>; Christopher L. Holley <CHolley@cityofpensacola.com>; Don Kraher <DKraher@cityofpensacola.com>

Subject: FW: Amended and Restated Pitt Slip Lease Agreement

DO NOT REPLY ALL

Good afternoon, Councilmembers.

I am writing to follow up with you after Thursday night's decision to pull the Pitt Slip lease from the agenda.

On August 13, I had my assistant call all councilmembers to inform each councilmember that this matter would be on the agenda at the first meeting in September and to schedule time with each of you to discuss the lease. As necessary, my assistant followed up with a second phone call, again offering to schedule a time to meet with me to review the proposed lease. On August 22, three weeks before the council meeting, I sent the proposed lease to all councilmembers (see email below) to provide you with time to review the lease in advance of its publication as part of the agenda.

I attempted to answer various questions from the dais during the council meeting. In an effort to provide further information (or, for some of you, repeat information previously provided), I have attached the following documents:

1. The proposed Amended and Restated Pitt Slip Lease (which would completely replace the prior lease agreement and amendment thereto)
2. The original Pitt Slip lease
3. The first amendment to the Pitt Slip lease
4. A map generated by the City's GIS department showing the parcels included in the lease (Parcel I, IA, and III) overlaid by the areas falling within the grants obtained by the City (red outlined areas are in one grant and the black outlined area is in a different grant)
5. The original 1985 SSD plan
6. The 1999 SSD plan (condominiums that were not built)
7. The proposed marina improvements with the floating houses

With respect to the grant restrictions, the manuals are long, dense, or both. I will be glad to review the information with any of you; the material does not lend itself to summary in an email. I also can provide you with links to the manuals if you wish – just let me know.

I reiterate that I am not advocating for or against the proposed lease. My goal is to provide you with information so that you are able to make an informed decision. I once again invite you to call me or meet with me to discuss the lease and any questions you may have.

Susan

Susan A. Woolf, City Attorney
City of Pensacola
(850) 435-1615
swoolf@cityofpensacola.com

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From: Susan Woolf

Sent: Thursday, August 22, 2019 4:39 PM

To: Andy Terhaar <aterhaar@cityofpensacola.com>; P.C. Wu <pcwu@cityofpensacola.com>; Ann Hill <AHill@cityofpensacola.com>; Jared Moore <JMoore@cityofpensacola.com>; Jewel Cannada-Wynn <jcannada-wynn@cityofpensacola.com>; Sherri Myers <smyers@cityofpensacola.com>

Cc: Grover C. Robinson, IV <GRobinson@cityofpensacola.com>; Don Kraher <DKraher@cityofpensacola.com>; Christopher L. Holley <CHolley@cityofpensacola.com>

Subject: Amended and Restated Pitt Slip Lease Agreement

Do Not Reply All

Good afternoon, President Terhaar and Councilmembers.

Please find attached the Amended and Restated Pitt Slip Agreement. At this time, it is anticipated that this agreement will be on the agenda for the next council meeting for your consideration and vote. I am providing the proposed lease to you now so that you have ample time to review the document in advance of the agenda conference and council meetings the week of September 9. If you have any questions, please call me or come by my office.

Have a good evening.

Susan

Susan A. Woolf

City Attorney

Visit us at <http://cityofpensacola.com>

City of Pensacola

222 W Main St.

Pensacola, FL 32502

Office: 850.435.1615

Cell: 850.378.6243

swoolf@cityofpensacola.com



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OFFICE of the CITY ATTORNEY
Susan A. Woolf, City Attorney

September 22, 2019

Via Email Only

President Andy Terhaar and Councilmembers

Re: Proposed Amended and Restated Pitt Slip

Dear Councilmembers:

Over the past month, I have provided you as a board and individually with documentation and information concerning the Pitt Slip lease matter. I am writing to provide you with a comprehensive response to various questions and issues that have been raised over the past several weeks concerning the proposed Amended and Restated Pitt Slip lease.

Background

The City acquired various tracts of property (including submerged property) at various times during the 1980s. Two grants were received, one from the State and one from the National Park Service, to acquire property and to develop the inlet now known as Pitt Slip. The grants contained several restrictions and requirements, including a commitment to utilize the property "in perpetuity" for the public's use as "outdoor recreational facilities." A violation of the grant restrictions could trigger substantial, adverse consequences for the City. The available penalties include an obligation to replace the property for public outdoor recreation use with a comparable property at a different location – likely a costly proposition given the scarcity of comparable property.

In 1985, the City leased the Pitt Slip property to a now-defunct corporation. The property was zoned for Site Specific Development (SSD), which requires that any use be considered by the Planning Board and then approved by the City Council. The initial use approved by the Planning Board and the City Council in September 1984 was as follows: a commercial office and retail sales building, a restaurant building, a 28-unit guest lodge, a harbor master building, a boat service building, and a 94-slip boat marina. In 1985, the City approved an SSD plan showing: two buildings with commercial and office space, public restrooms, on-site parking, dock and marina facilities with approximately 90 slips, a fuel dock and boardwalks. The property remains subject to the SSD approval process for any major changes in use.

Subsequent to those SSD approvals, Seville Harbour, Inc., purchased the lease and, in 2000, sublet a portion of it to Merrill Land, LLC, where the Fish House and Atlas restaurants are located. In years past, Seville Harbour had constructed floating piers and

moorings, and Pitt Slip was an active marina for boats. After many years of operation, the marina was heavily damaged by a storm, and Seville Harbour stated that it would not rebuild a marina unless a breakwater was in place to protect the harbor from winds from the east.

Unless Council elects to extend or amend the lease, the current lease (and the Merrill sublease) will expire in March 2045 (about 25.5 years from now), and the City will take title to all of the improvements at that time.

According to the Tax Collector's website, in 2018, Seville Harbour paid \$970.34 in ad valorem taxes and Merrill Land paid \$43,332.17 in ad valorem taxes. Neither company was assessed non-ad valorem taxes.

Seville Harbour's Proposal

The proposed 99-year, Amended and Restated Lease that is before you was negotiated with the Mayor and Seville Harbour to its current form.

In its application to the State for a permit to construct a breakwater, Seville Harbour provided plans and specifications for the construction of fixed pilings and floating docks to accommodate the placement of 47 "permanent slips" for floating houses like the prototype that is in place moored in the marina. Thirty-four floating houses are to be placed south of the shoreline of Bartram Park, and the remainder will be lined along the north shoreline of the existing parking area adjacent to the Port. They will be connected to shore through access ramps, two sewer lines, and water and electric line hookups. The permit from the FDEP describes the floating houses as "liveaboard facilities" docked at "floating residential liveaboard slips" with "permanent sewage connections to the upland disposal system." The site plan also depicts 24 "temporary slips" that are lined along the interior of the two primary docks running east-west in the marina. The FDEP permit documentation advises Seville Harbour "authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities."

Seville Harbour's counsel has advised that the floating houses should be regarded as "vessels", which are exempt from the Florida Building Code. I was told a few months ago that Seville Harbour was registering as a "vessel" the prototype-floating house that has been built. However, I am not aware of that being done. Counsel indicated that Seville Harbour intends to outfit the floating houses with a motor and a steering mechanism, and it intends to obtain boat registration decals from the State for them. As shown on the plans submitted to FDEP, they will be placed in locations that, for many of them, will require the movement of adjacent floating houses in order to move them in or out of the marina. Seville Harbour has indicated that the floating houses will serve as overnight accommodations, and that the structures will be available for lease to the public with

leases as short as a day and no longer than 7 months in length pursuant to the proposed lease.

Questions and Responses

1. How does the SSD designation affect the Pitt Slip property?

I previously provided you with a site specific development (SSD) plan from 1985. Since then, an earlier SSD plan has been located. (See attached). In the 1984 SSD plan, the drawing shows a restaurant, a retail/office building, and a guest lodge. Under the proposed Amended and Restated Lease, the improvements to the property are still subject to the SSD (Article 2).

Pursuant to the SSD ordinance, §12-2-15, “major” changes to the approved SSD plan must go before the Planning Board and City Council, whereas “minor” changes do not. Specifically, the ordinance states:

(B) Minor changes to an approved SSD final development plan. Minor changes to a final development plan may be approved by the mayor, city engineer, the city planner and building official when in their opinion the changes do not make major changes in the arrangement of buildings or other major features of the final development plan.

(C) Major changes to an approved SSD final development plan. Major changes such as, but not limited to, changes in land use or an increase or decrease in the area covered by the final development plan may be made only by following the procedures outlined in filing a new preliminary development plan as described in [section 12-2-81](#).

The ordinance indicates that the 4-member group – the mayor, city engineer, city planner, and building official - determine whether a change is “major” or “minor.” Regardless, the City Council may want to condition its approval of the proposed Amended and Restated Lease on the SSD process being followed for the marina improvements and any locating of floating houses at the marina, regardless of whether the floating houses are determined by a governmental agency to be “floating structures” or “vessels.”

2. Is there any other language in the proposed lease that gives City Council control over what is built at Pitt Slip?

With regards to the City Council’s control over the construction of improvements, as described above, major revisions to the original SSD plan must go before the Planning Board and then to City Council, thus if any improvements are deemed major changes, those must go before the Council. Additionally, there is language in the proposed Amended and Restated Lease that requires written approval from the City of the location, plans, and specifications of the breakwater (Article 4(a)). Further, in subparagraph (b) of Article 4, Seville Harbour “shall not construct, alter, remove, or demolish” any

improvements to the leased premises, which include the submerged lands, without first obtaining written approval of the City. Seville Harbour is responsible for ensuring that all improvements to the property comply with all laws, codes, and ordinances. "Improvements" are defined in subparagraph (b) to include the breakwater, all buildings, signage, and improvements now existing or hereafter constructed or placed on the property.

3. Do floating houses at the marina violate the grant restrictions?

The City and the Florida Department of Environmental Protection (FDEP) have communicated about the Pitt Slip property and grants over the past year or more. Further, there have been a number of site visits by State representatives since the inception of the project in 1985. The FDEP has not given its opinion or approval about the possibility of floating houses in the marina.

During the negotiations since February 2019, neither the City nor Seville Harbour has contacted FDEP to ask for its assessment of the proposed marina improvements, including the proposed floating houses. In the proposed lease, Seville Harbour has agreed to comply with the grant restrictions and to indemnify the City for any violations. However, indemnification would be by Seville Harbour, a corporation whose assets are unknown and that could declare bankruptcy if the cost was high. Further, if the State penalized the City for conversion of the property, then the City will be required to provide replacement property that meets the State and Federal requirements. With such a specific penalty, the requirement of indemnification in the proposed lease for any grant violation may not provide a high level of comfort and may be ineffective.

In an attempt to address these concerns, there is language in Article 3 of the proposed lease that provides Seville Harbour may not use the property, including the submerged lands, for any use or purpose that violates the grant restrictions. The language also indicates that "a reasonable number" of boat slips will be reserved for day use, and that visitors to Bartram Park will have unrestricted use of the park, including the ability to access the water adjacent to the park for recreational activity. The City Council could go a step further and require that any future use of the leased premises that elicits an objection from a grant-funding agency will be terminated promptly and any such facility removed.

4. Are the proposed floating houses "floating structures" or "vessels"?

Pursuant to the documents submitted by Seville Harbour to the FDEP to obtain permitting for construction of the marina, Seville Harbour plans to construct marina facilities and floating houses as shown (see attached FDEP permit package). While the original SSD plan for Pitt Slip showed a building on the uplands for "guest lodging", the building suggests a traditional motel/hotel type of structure. The concept of floating houses was not included in the original SSD plan. There have been questions raised as to whether

the proposed floating houses are vessels or floating structures. To my knowledge, there has not been a determination made at this time by any governmental entity as to whether the prototype-floating house is a vessel or a floating structure as those terms are defined by Florida law.

Neither Florida Statutes nor the City's land development code define "floating house." The term "floating structure" is defined in §327.02, Fla. Stat., as follows:

(14) "Floating structure" means a floating entity, with or without accommodations built thereon, which is not primarily used as a means of transportation on water but which serves purposes or provides services typically associated with a structure or other improvement to real property. The term includes, but is not limited to, an entity used as a residence, place of business or office with public access; a hotel or motel; a restaurant or lounge; a clubhouse; a meeting facility; a storage or parking facility; or a mining platform, dredge, dragline, or similar facility or entity represented as such. Floating structures are expressly excluded from the definition of the term "vessel" provided in this section. Incidental movement upon water or resting partially or entirely on the bottom does not, in and of itself, preclude an entity from classification as a floating structure.

A vessel is defined in that same statute as:

(46) "Vessel" is synonymous with boat as referenced in [s. 1\(b\), Art. VII of the State Constitution](#) and includes every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

It is significant whether the floating houses are deemed "floating structures" or "vessels." As described above, a floating structure is subject to the Florida Building Code, including the stringent hurricane-hardening requirements for residential and commercial structures, whereas a vessel is not. The State and local governments tax floating structures and vessels differently. Florida law prohibits a marina owner from requiring vessels to be moved from a marina when a hurricane is imminent. Further, floating structures subject to the Florida Building Code are improvements to the property that require City approval as described above. The mooring of vessels do not require City approval because they are not improvements to the real property; vessels moored at a marina are more akin to cars parked in a parking lot.

Based on my limited understanding of how the floating houses are constructed and the fact that are intended to be used for residential or hotel-type purposes, I believe that a governmental agency would find that the floating houses fall within the definition of "floating structures." The fact that the floating houses may be outfitted with engines, steering wheels, or boat decals is not determinative of how they would be regarded by any governmental agency or the City. Their actual use is determinative. If it is a floating

structure as defined by §327.02, then seemingly floating structures in the marina that are used as residential rental property would be a major change to the original SSD subject to the SSD plan revision process, including Planning Board and City Council review and approval.

5. Does Seville Harbour have the right to use the marina for floating houses instead of boats?

Seville Harbour currently has the right to use Pitt Slip for the purpose of operating a marina, as approved by City Council in the prior SSD process and as previously inspected and approved by the grant funding agencies. Section 327.02, Fla. Stat., defines a “marina” as follows:

“Marina” means a licensed commercial facility that provides secured public moorings or dry storage for vessels on a leased basis. A commercial establishment authorized by a licensed vessel manufacturer as a dealership is considered a marina for nonjudicial sale purposes.

Thus the approved 1984 and 1985 SSD plans allow for a marina to be used to moor vessels. If a floating house is regarded by the City as a “floating structure” – not a “vessel” – then Seville Harbour does not have an absolute right to use the marina for that purpose. If City Council wishes to allow Seville Harbour to use the marina for mooring floating houses, and floating houses are classified as “floating structures,” then that change to the SSD seemingly would be a major change in use that triggers the SSD process.

Conclusion

I have attempted to address the various questions and concerns that have been raised over the past two weeks since the prior City Council meeting when this agenda item was pulled. Please contact me if you have additional questions.

Sincerely,

/s/ *Susan A. Woolf*

Susan A. Woolf
City Attorney

/saw

Attachments: 1984 Site Specific Development Plan
FDEP permit package for Seville Harbour

11/4

OFFICE OF THE CITY CLERK
REPORT OF CITY COUNCIL ACTION

Agenda Item: # 9-L

Meeting Date: 9/27/84

SUBJECT: Final SSD - Pitt's Slip Project

MOTION:
TO APPROVE

Copies sent to the following as checked:

CITY MANAGER
CITY ATTORNEY
ASSISTANT CITY MANAGER
DEPUTY CITY MANAGER FOR
 GENERAL GOVERNMENT
PERSONNEL - Director
FINANCE - Director
 Comptroller/Treasurer
 Property Mgt./Purchasing
 Data Processing
ENGINEERING - Director
AND FIELD Streets & Traffic
OPERATIONS Bldg. Maintenance
RISK MGT. - Director
COMMUNITY - Director
DESIGN & CD & Housing
PLANNING
POLICE - Chief
 Inspection
FIRE - Chief
DEPUTY CITY MANAGER FOR
 PUBLIC ENTERPRISE
ENERGY - Director
SERVICES
PUBLIC - Director
SERVICES Sanitation
 Garage
LEISURE - Director
SERVICES Recreation
 Parks
 Saenger/Auditorium
 Library
AIRPORT - Director
MARINE - Director
OPERATIONS
CRA - Director
GCA - Director
CIVIL - Director
SERVICE
COUNCIL FILE

COMMITTEE					CITY COUNCIL MEMBERS				ACTION			
FINANCE	STEERING	GENERAL	GOVERNMENT	PUBLIC	ENTERPRISE				MOTION	SECOND	YES	NO
		*				Bill Miller						
				*		Hank Anson						
		*				Tom Banjanin						
VC				VC		Norman Fritz			/			
*		VC				Cecil Hunter						
		*				Joyce Reese						
				*		Lester Smith						
*		C				Cecil Jones			/			
*				C		Howard Rein						
C				*		Michael Bass						

C = CHAIRMAN
VC = VICE CHAIRMAN
* = MEMBER

Report of the General Government Committee
September 24, 1984
Page 2

L. SUBJECT: FINAL SSD--PITT'S SLIP PROJECT

Reference Material:

Committee Memorandum September 21, 1984

Recommendation:

That City Council concur with the Planning Board recommendation and approve the final SSD plan of Pitt's Slip. Prior to recording of the plan, the developer is to submit a detailed landscape plan indicating location and type of vegetation.

The motion passed unanimously.

M. SUBJECT: PROPOSED LEASE OF PARKING AREA--FIREMEN'S HALL

Reference Material:

Committee Memorandum September 21, 1984

Recommendation:

That the City Council concur with the Recreation Board recommendation and authorize staff to obtain an appraisal of the Firemen's Hall property.

The motion passed unanimously.

N. SUBJECT: SUBDIVISION ORDINANCE--PROJECT COMPLETION TIME AMENDMENT

Reference Material:

Committee Memorandum September 21, 1984

Recommendation:

Held in committee pending further research and discussion.

COMMITTEE MEMORANDUM

COMMITTEE: General Government
DATE: September 21, 1984
SUBJECT: Final SSD--Pitt Slip Project

Issue:

The City Planning Board reviewed the final SSD plan of the proposed Pitt Slip project submitted by Barrett, Daffin & Carlan for the Harbour Corporation. This site was rezoned to SSD in February, 1982, to provide for flexible land use.

The Pitt Slip plan includes a commercial office and retail sales building, a restaurant building, a 28 unit guest lodge, a harbor master building, a boat service building and a 94 slip boat marina.

Overall, the Pitt Slip Plan is consistent with the guidelines set forth in the SSD ordinance. After thoroughly reviewing this plan, the Planning Board unanimously recommended approval of the Pitt Slip project as submitted by the Harbour Corporation.

Alternatives:

1. Approve the final SSD Pitt Slip plan as submitted.
2. Disapprove the submitted plan and recommend changes to the Pitt Slip project.
3. Disapprove this project and call for additional proposals.

Policy Implications:

The design approval and construction of this project conforms to the development goals established by City Council for waterfront property.

Financial Impact:

Significant revenue will be generated for the City when development is complete.



Final SSD--Pitt Slip Project
September 21, 1984
Page 2

Staff Contact:

Deputy City Manager Ed Hinkle, Community Design and Planning Director Pete DeVries.

Recommendation:

That City Council concur with the Planning Board recommendation and approve the final SSD plan of Pitt Slip. Prior to recording of the plan, the developer is to submit a detailed landscape plan indicating location and type of vegetation.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Steve Garman", written in a cursive style.

Steve Garman
City Manager

BAYFRONT PARKWAY

GULF

POWER

PORT ROAD

AMPHITHEATER

RESTAURANT

REAR OFFICE
BUILDING

GUEST LODGE

BOAT SERVICE
FACILITY

FUEL DOCK

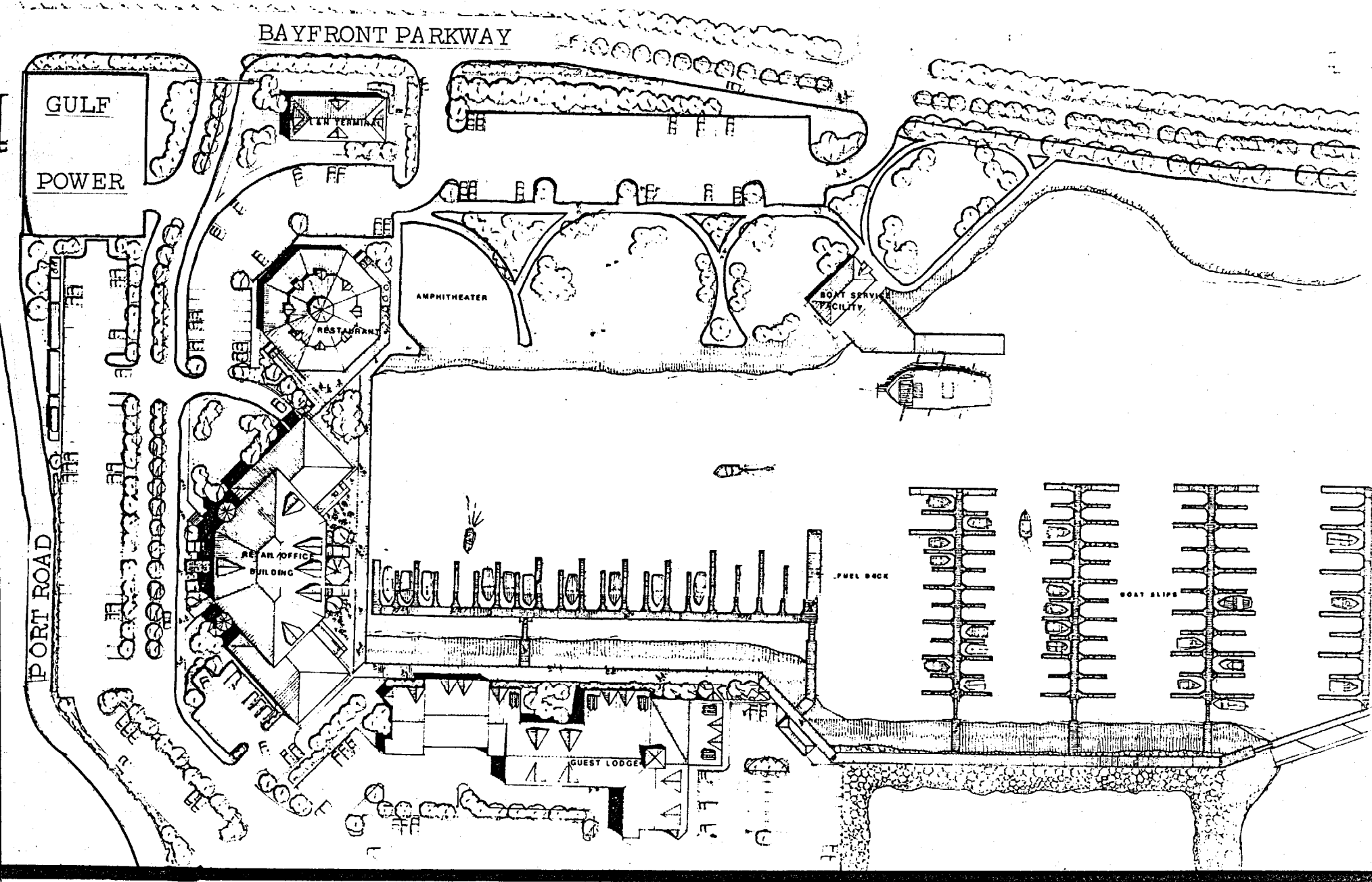
BOAT SLIPS

PITT'S SLIP

SEPTEMBER 1984

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OFFICE OF THE CITY CLERK
REPORT OF CITY COUNCIL ACTION

Agenda Item: 9-L

Meeting Date: 9/27/84

SUBJECT: Final SSD Pitt's Slip Project

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t to the following as checked-

CITY MANAGER

CITY ATTORNEYP--@

COMMITTEE CITY COUNCIL MEMBERS ACTION
ASSISTANT CITY MANAGER

DEPUTY CITY MANAGER F

W

GENERAL GOVERNMENT@

PERSONNEL Director

FINANCE Director

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Comptroller/Treasurer z W Z 8 M E-4
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Property Mgt./Purchasing P4 Cb 0 @4

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ENGINEERING Data Processing
Directov4@

Bill Miller

AND FIELD Streets & Traffic

Hank Anson

OPERATIONS Bldg. Maintenance
RISK MGT. Director

Tom@Banjanin

COMMUNITY Direct@@@

VC VC

Norman Fritz

DESIGN & PLANNING CD & Housing

VC

Cecil Hunter

POLICE Chief

Joyce Reese

FIRE Inspection
Chief

Lester Smith

DEPUTY CITY MANAGER FOR

C

Cecil Jones

PUBLIC ENTERPRISE

C

Howard Rein

ENERGY - Director
SERVICES
PUBLIC - Director

C

Michael Bass

SERVICES Sanitation

C = CHAIRMAN

Garage

VC = VICE CHAIRMAN

LEISURE - Director

= MEMBER

SERVICES	Recreation
	Parks
	Saenger/Auditorium
	Library
AIRPORT	- Director
MARINE	- Director
OPERATIONS	
CRA	- Director
GCA	- Director'
CIVIL	- Director
SERVICE	

COUNCIL F

L. SUBJECT: FINAL SSD--PITTIS SLIP PROJECT

Reference Material:

Committee Memorandum September 21, 1984

Recommendation:

That City Council concur with the Planning Board recommendation and approve the final SSD plan of Pitt's Slip. Prior to recording of the plan, the developer is to submit a detailed landscape plan indicating location and type of vegetation.

The motion passed unanimously.

M. SUBJECT: PROPOSED LEASE OF PARKING AREA--FIREMEN'S HALL

Reference Material:

Committee Memorandum September 21, 1984

Recommendation:

That the City Council concur with the Recreation Board recommendation and authorize staff to obtain an appraisal of the Firemen's Hall property.

The motion passed unanimously.

N. SUBJECT: SUBDIVISION ORDINANCE--PROJECT COMPLETION TIME

@RENDMENT

Reference Material:

Committee Memorandum September 21, 1984

Recommendation:

Held in committee pending further research and discussion.

COMMITTEE: General Government

DATE: September 21, 1984

SUBJECT: Final SSD--Pitt Slip Project

Issue:

The City Planning Board reviewed the final SSD plan of the proposed Pitt Slip project submitted by Barrett, Daffin & Carlan for the Harbour Corporation. This site was rezoned to SSD in February, 1982, to provide for flexible land use.

The Pitt Slip plan includes a commercial office and retail sales building, a restaurant building, a 28 unit guest lodge, a harbor master building, a boat service building and a 94 slip boat marina.

Overall, the Pitt Slip Plan is consistent with the guidelines set forth in the SSD ordinance. After thoroughly reviewing this plan, the Planning Board unanimously recommended approval of the Pitt Slip project as submitted by the Harbour Corporation.

Alternatives:

1. Approve the final SSD Pitt Slip plan as submitted.
2. Disapprove the submitted plan and recommend changes to the Pitt Slip project.
3. Disapprove this project and call for additional proposals.

Policy Implications:

The design approval and construction of this project conforms to the development goals established by City Council for waterfront property.

Financial Impact:

I

Significant revenue will be generated for the City when development is complete.

Staff Contact:

Deputy City Manager Ed Hinkle, Community Design and Planning Director Pete DeVries.

Recommendation:

That City Council concur with the Planning Board recommendation and approve the final SSD plan of Pitt Slip. Prior to recording of the plan, the developer is to submit a detailed landscape plan indicating location and type of vegetation.

R ly submitted,

Steve (arman
City Manager

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Florida Department of Environmental Protection

160 W. Government Street, Suite 308
Pensacola, Florida 32502-5740

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Ryan E. Matthews
Interim Secretary

Permittee/Authorized Entity:

Marina Management Corp.
c/o Ray Russenberger
850 South Palafox, Suite 102
Pensacola, Florida 32502, Escambia County
ray@marinamgmt.com

Permittee/Authorized Entity:

The City of Pensacola
c/o Eric Olson, City Administrator
222 West Main Street
Pensacola, FL 32502, Escambia County
eolson@cityofpensacola.com

Seville Harbor – Facility Reconfiguration

Authorized Agent:

Michael Dombrowski
543 Harbor Boulevard
Destin, Florida 32541
md@mrd-associates.com

Environmental Resource Permit

State-owned Submerged Lands Authorization – Not Applicable

**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization
Required**

Escambia County
Permit No.: 0349018-001-EI/17

Permit Issuance Date: April 12, 2017
Permit Construction Phase Expiration Date: April 12, 2022

Environmental Resource Permit

Permittee: Marina Management Corp. and The City of Pensacola

Permit No: 0349018-001-EI/17

PROJECT LOCATION

The activities authorized by this permit are located at Parcel ID Nos: 000S009100010008 and 000S009100011008, 600 South Barracks Street, Pensacola, Florida 32502, in Section 46, Township 02 South, Range 30 West in Escambia County, at 30.407147 Degrees North Latitude, 87.209146 Degrees West Longitude.

PROJECT DESCRIPTION

The permittee is authorized to remove an existing marina facility and construct two breakwater structures with riprap revetments, 47 unit liveaboard facility consisting of floating docks, mooring pilings and 3 access piers with 24 vessel mooring slips. The floating residential liveaboard slips will have permanent sewage connections to the upland disposal system. In addition, the facility will provide a permanent fixed vessel sewage pumpout station. The project is located within Pensacola Bay, a Class III Florida Waterbody, Prohibited Shellfish Harvesting Area. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Seville Harbor – Facility Reconfiguration

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

As staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), the Department has determined the activity is not on submerged lands owned by the State of Florida. Therefore, your project is not subject to the requirements of Chapter 253, F.S., or Rule 18-21, F.A.C.

Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **Shall be required** from the Corps. A copy of your permit application has been forwarded to the Corps for their review. The Corps will issue their authorization directly to you or contact you if additional information is needed. If you have not heard from the Corps within 30 days from the date your application was received at the local FDEP Office, contact the Corps for status and further information. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General

Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida's Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit, as described.

SPECIFIC CONDITIONS - PRIOR TO ANY CONSTRUCTION

1. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend to within 1 ft. of the bottom shall be placed around the active construction areas of the site. The screens shall be maintained and shall remain in place for the duration of the project construction to ensure that turbidity levels outside the construction area do not exceed 29 NTU's above background levels. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.

2. The following measures shall be taken by the permittee whenever turbidity levels within waters of the State surrounding the project site exceed 29 NTU's above background:
 - a. Immediately cease all work contributing to the water quality violation.
 - b. Modify the work procedures that were responsible for the violation, and install more turbidity containment devices and repair any non-functioning turbidity containment devices.
 - c. Notify the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, Northwest District Office, 160 W Government Street, Pensacola, Florida 32502-5794, in writing or by telephone at (850)595-8300 within 24 hours of the time the violation is first detected.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

3. If the approved permit drawings and/or narrative conflict with the specific conditions, then the specific conditions shall prevail.
4. A sewage pump-out facility shall be installed at the location shown on the attached permit drawings prior to or simultaneously with completion of construction activities. The permittee shall ensure marina personnel, who have been trained to operate the sewage pump-out facilities are available to assist boaters in operating the facilities during standard business hours (at a minimum) for the life of the facility. The sewage pump-out facility shall be in working order prior to any slip occupancy and be maintained in accordance with the requirements of this condition for the life of the facility.
5. Permanent sewage connection to the upland disposal system shall be installed and operational prior to the placement or use of floating residential liveaboard units.
6. Best management practices for erosion control shall be implemented and maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Rule 62-302, F.A.C. Methods shall include, but are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate project site.
7. There shall be no stock piling of tools, materials, (i.e., lumber, pilings, riprap, and debris) within wetlands, along the shoreline within the littoral zone, or elsewhere within waters/waters of the state.
8. All cleared vegetation, excess lumber, scrap wood, trash, garbage and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.
9. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.
10. All watercraft associated with the construction of the permitted structure shall only operate within waters of sufficient depth so as to preclude bottom scouring and prop dredging.
11. Any damage to wetlands outside of the authorized impact area as a result of construction shall be immediately reported to the Department at (850) 595-8300, and repaired by

Permittee: Marina Management Corp. and The City of Pensacola

Permit No: 0349018-001-EI/17

Page 4 of 11

reestablishing the pre-construction elevations and replanting vegetation of the same species, size, and density as that in the adjacent areas. The restoration shall be completed within 30 days of completion of construction, and the Department shall be notified of its completion within that same 30 day period.

12. This permit does not authorize the construction of any additional structures not illustrated on the permit drawings. Examples of additional structures include but are not limited to walkways, awnings, enclosed sides and covers over slip areas, finger piers, step-down stairs, storage closets and decking.

13. The sewage pump-out and the upland sewage collection system shall be connected to a Department permitted wastewater treatment plant. Please note: direct sewage pump-out hook-up to a wastewater treatment plant will require a permit from the Department's Water Facilities Section.

14. "Riprap" shall consist of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions. The riprap shall be free of sediment, debris and toxins or otherwise deleterious substances. Riprap shall have a diameter of at least 12 inches to 3 feet.

15. The riprap material shall be installed within two weeks of completion of construction of the breakwater wall.

16. The slope of the riprap shall be no steeper than 2:1 (Horizontal/Vertical).

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

17. The facility shall comply with the attached "Facility Management Plan" for the life of the project.

18. Overboard discharges of trash, human or animal waste, or fuel shall not occur at the facility.

19. Employees of the docking facility shall be trained in the proper use and maintenance of the sewage pump-out system.

20. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the bottom of the waterbody at mean low water so as to preclude bottom scouring or prop dredging.

SPECIFIC CONDITIONS – ADMINISTRATIVE/EMERGENCIES

21. The construction phase expires at 11:59 p.m. on the date indicated on the cover page of this permit.

22. For emergencies involving a serious threat to the public health, safety, welfare, or environment, the emergency telephone contact number is (800) 320-0519 (State Warning Point). The Department telephone number for reporting nonthreatening problems or system malfunctions is (850) 595-0663, day or night.

23. The mailing address for submittal of forms for the "Construction Commencement Notice", "As-Built Certification ...", "Request for Conversion of Stormwater Management Permit Construction Phase to Operation and Maintenance Phase", or other correspondence is FDEP, SLERP, 160 W. Government Street, Pensacola, Florida, 32502-0574.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – “Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit” [Form 62-330.310(3)]; or
 - b. For all other activities – “As-Built Certification and Request for Conversion to Operational Phase” [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as- built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
- a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer

Permittee: Marina Management Corp. and The City of Pensacola

Permit No: 0349018-001-EI/17

Page 7 of 11

of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Wade Dandridge at the letterhead address, at 850-595-0655, or at Wade.Dandridge@dep.state.fl.us

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION



For Andrew Joslyn
Permitting Program Administrator

AJ:wd

Attachments:

Project Drawings and Design Specs., 18 pages
Facility Management Plan, 7 pages

Copies furnished to:

Clif Payne, U.S. Army Corps of Engineers, lyal.c.payne@usace.army.mil
Escambia County, jtkirsche@co.escambia.fl.us, BDBANE@co.escambia.fl.us,
bdschneider@co.escambia.fl.us

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this permit, including all copies, were mailed before the close of business on April 12, 2017 to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, under 120.52(7) of the
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.



Clerk

April 12, 2017

Date

Permit Sketches and General Specifications



Seville Harbour Breakwaters and Docking Facilities

Section 46, Township 2 S, Range 30 W
Escambia County, Florida
30°24'25.88" N, 87°12'32.05" W

APPLICANT NAME AND ADDRESS

Marina Management Corporation
850 South Palafox Street, Suite 102
Pensacola, Florida 32502

INDEX OF SHEETS

SHEET NO.	DESCRIPTION
1	Cover And Index Of Sheets
2	Project Location
3	Existing Conditions
4	Demolition Plan
5	Proposed Marina Site Plan
6	Dock Dimension Plan
7	Dock Dimension Plan (2 of 2) - Deleted
8	Floating Dock Plan
9	Dock Cross-section A-A' (1 of 2)
10.....	Dock Cross-sections A-A' (2 of 2) and G-G'
11.....	Dock Cross-section B-B'
12.....	Typical Floating Dock Section
13.....	Breakwater Plan and Dimensions

SHEET NO.	DESCRIPTION
14	Breakwater Cross-section E-E'
15	Breakwater Cross-section F-F'
16	Turbidity Details
17	General Notes
18	Utility Plan (1 of 2)
19	Utility Plan (2 of 2)

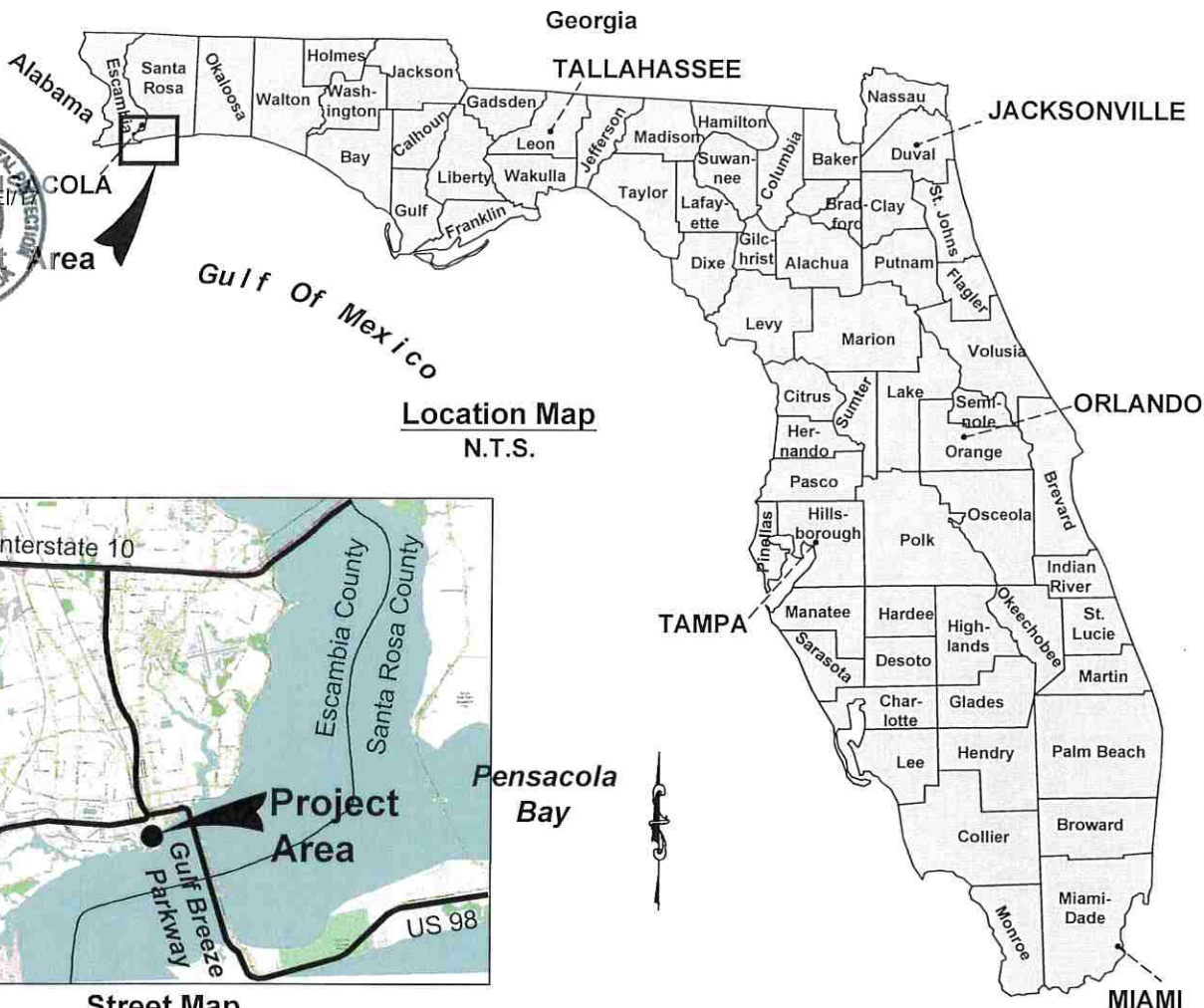


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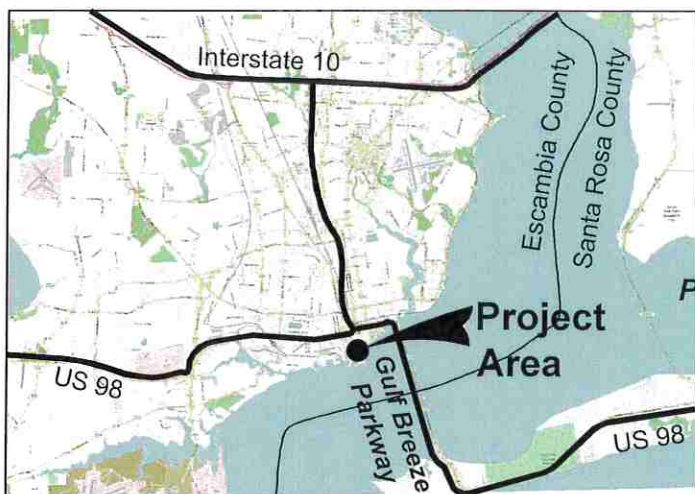
COVER AND INDEX OF SHEETS *Seville Harbour Breakwaters and Docking Facilities*

Marina Management Corporation
850 South Palafox Street, Suite 102, Pensacola, Florida 32502

Michael R. Dombrowski, P.E. Florida P.E. Number 55255	
Date: October 04, 2016	
Sheet Rev Date: April 03, 2017	
PROJECT NUMBER 16-346	SHEET NUMBER 1



Location Map
N.T.S.



Street Map
1" = 20,000'



Vicinity Map
1" = 1,000'



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PROJECT LOCATION
Seville Harbour Breakwaters and Docking Facilities

Marina Management Corporation
850 South Palafox Street, Suite 102, Pensacola, Florida 32502

Michael R. Dombrowski, P.E.
Florida P.E. Number 55255

Date: October 04, 2016

Sheet Rev Date: April 03, 2017

PROJECT NUMBER
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SHEET NUMBER
2

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(IN FEET)
1 inch = 150 ft.



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EXISTING CONDITIONS
Seville Harbour Breakwaters and Docking Facilities

Marina Management Corporation
850 South Palatka Street, Suite 102, Pensacola, Florida 32502

Michael R. Dombrowski, P.E.
Florida P.E. Number 55255
Date: October 04, 2016
Sheet Rev Date: April 03, 2017
PROJECT NUMBER
16-346
SHEET NUMBER
3

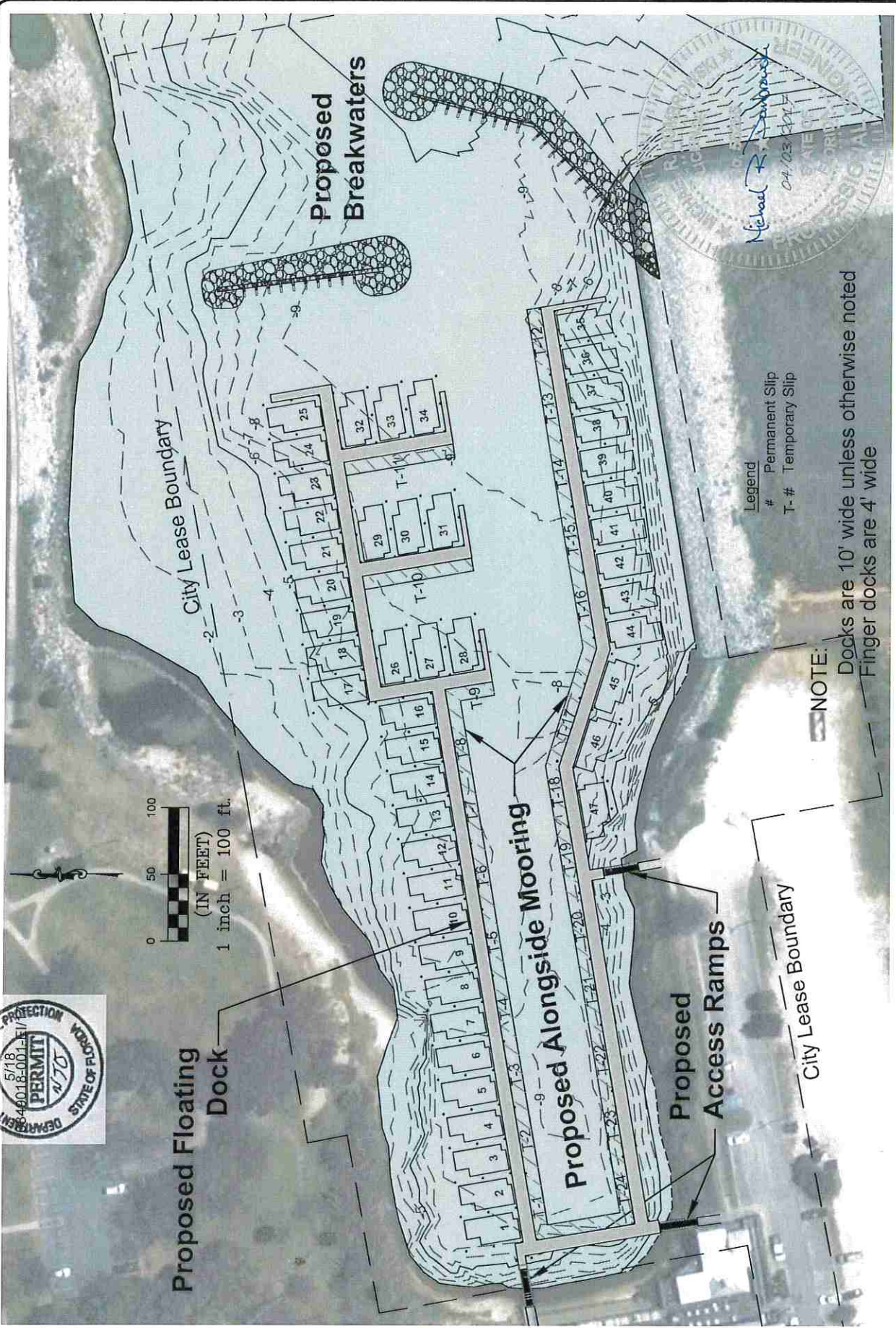


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DEMOLITION PLAN
Seville Harbour Breakwaters and Docking Facilities
Marina Management Corporation
850 South Palatka Street, Suite 102, Pensacola, Florida 32502

Michael R. Dombrowski, P.E.
Florida P.E. Number 55255
Date: October 04, 2016
Sheet Rev Date: April 03, 2017
PROJECT NUMBER
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SHEET NUMBER
4

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PROPOSED MARINA SITE PLAN
Seville Harbour Breakwaters and Docking Facilities

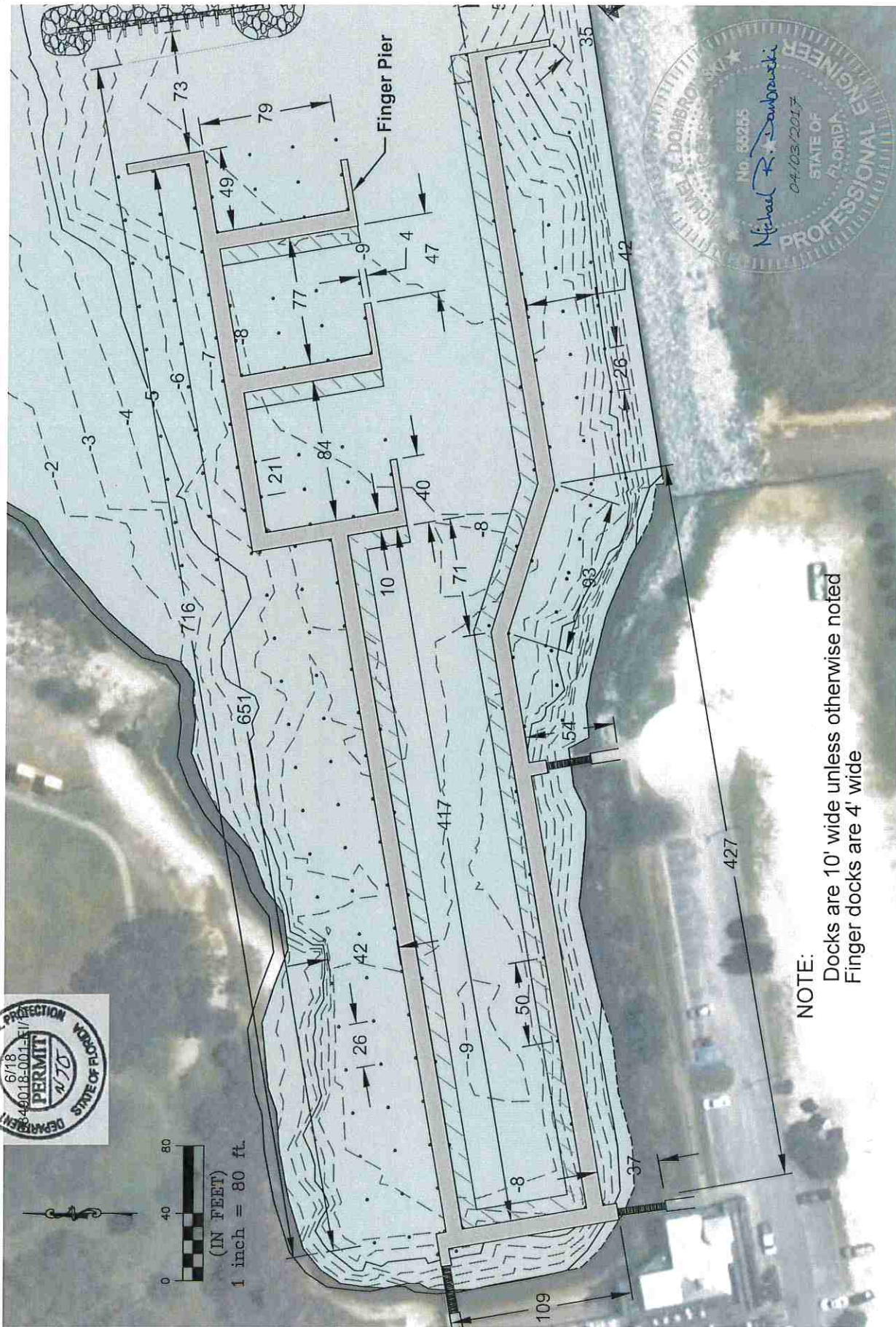
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Florida P.E. Number 55255
Date: October 04, 2016
Sheet Rev Date: April 03, 2017

PROJECT NUMBER
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5

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NOTE:

Docks are 10' wide unless otherwise noted
Finger docks are 4' wide



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DIMENSION PLAN
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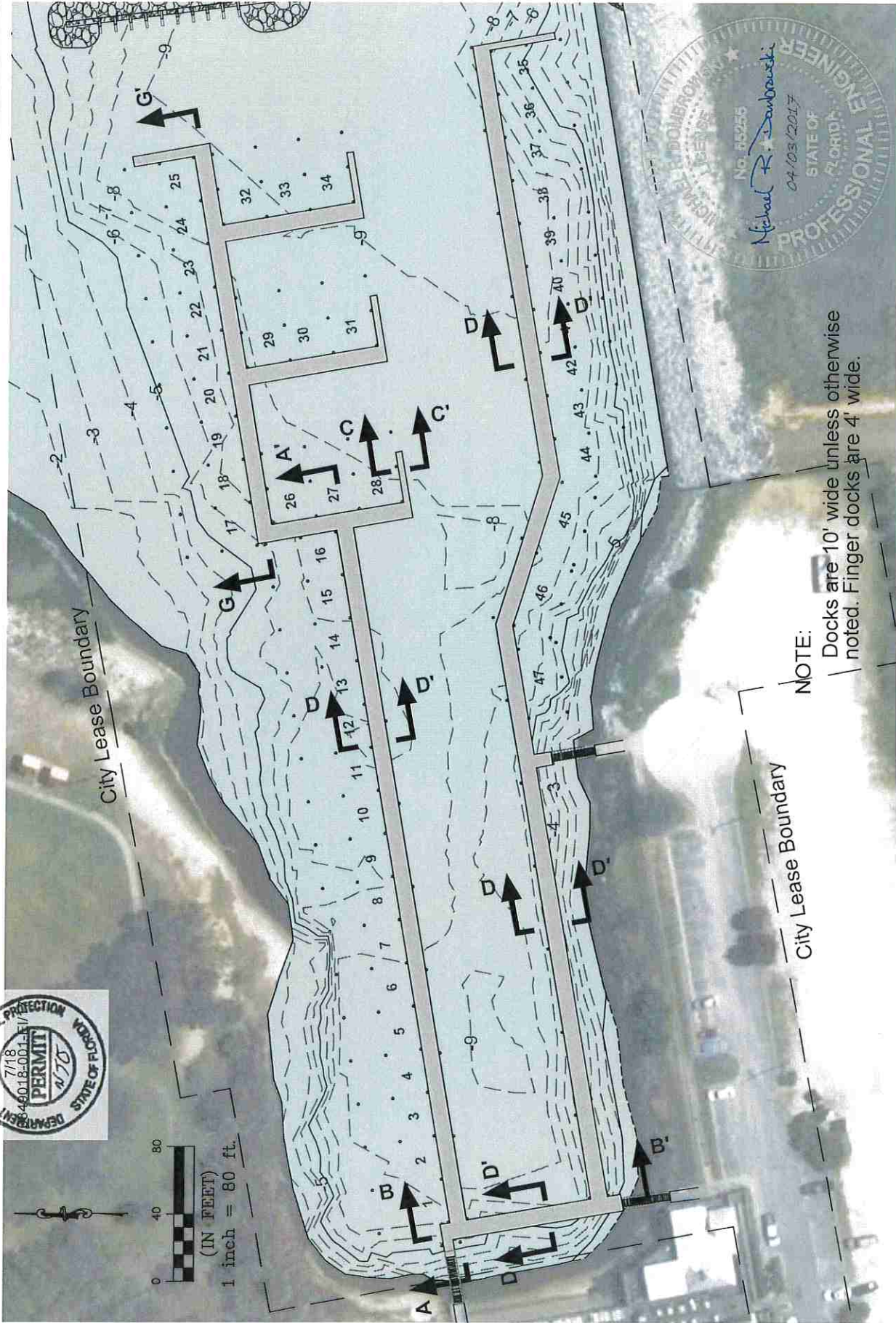
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Florida P.E. Number 55255

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PROJECT NUMBER
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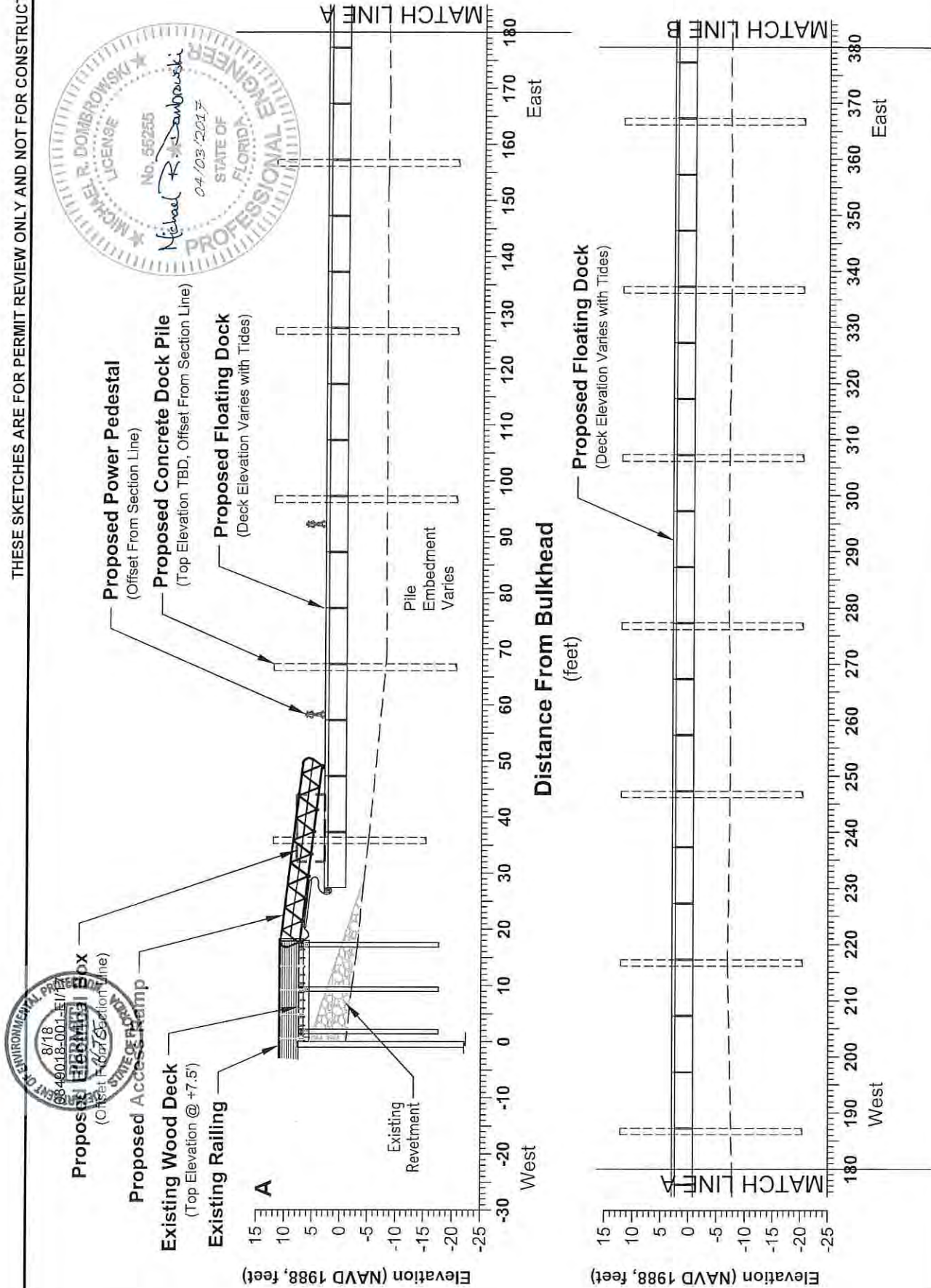
FLOATING DOCK PLAN
Seville Harbour Breakwaters and Docking Facilities

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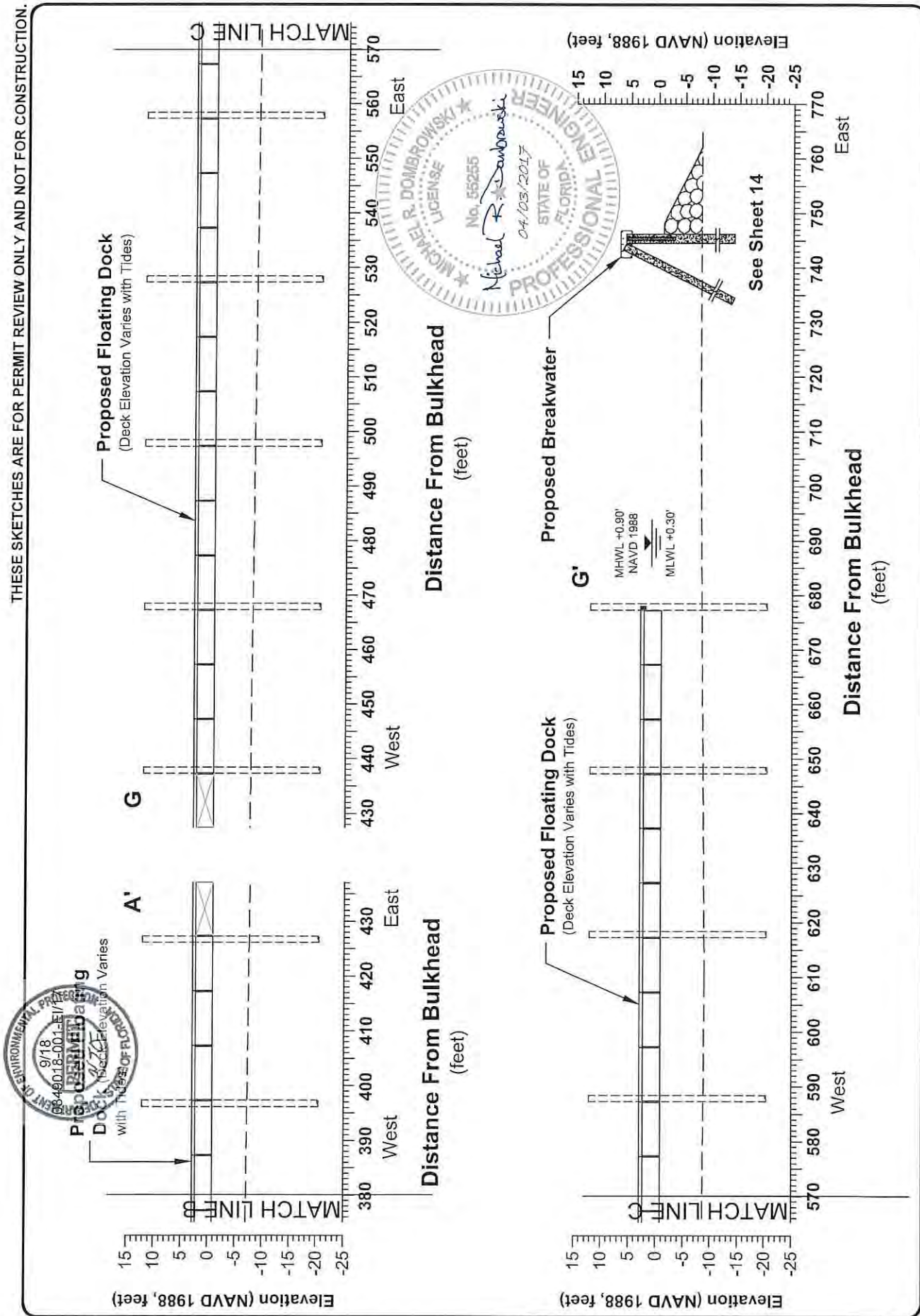
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DOCK SECTION A-A' (1 of 2)
Seville Harbour Breakwaters and Docking Facilities

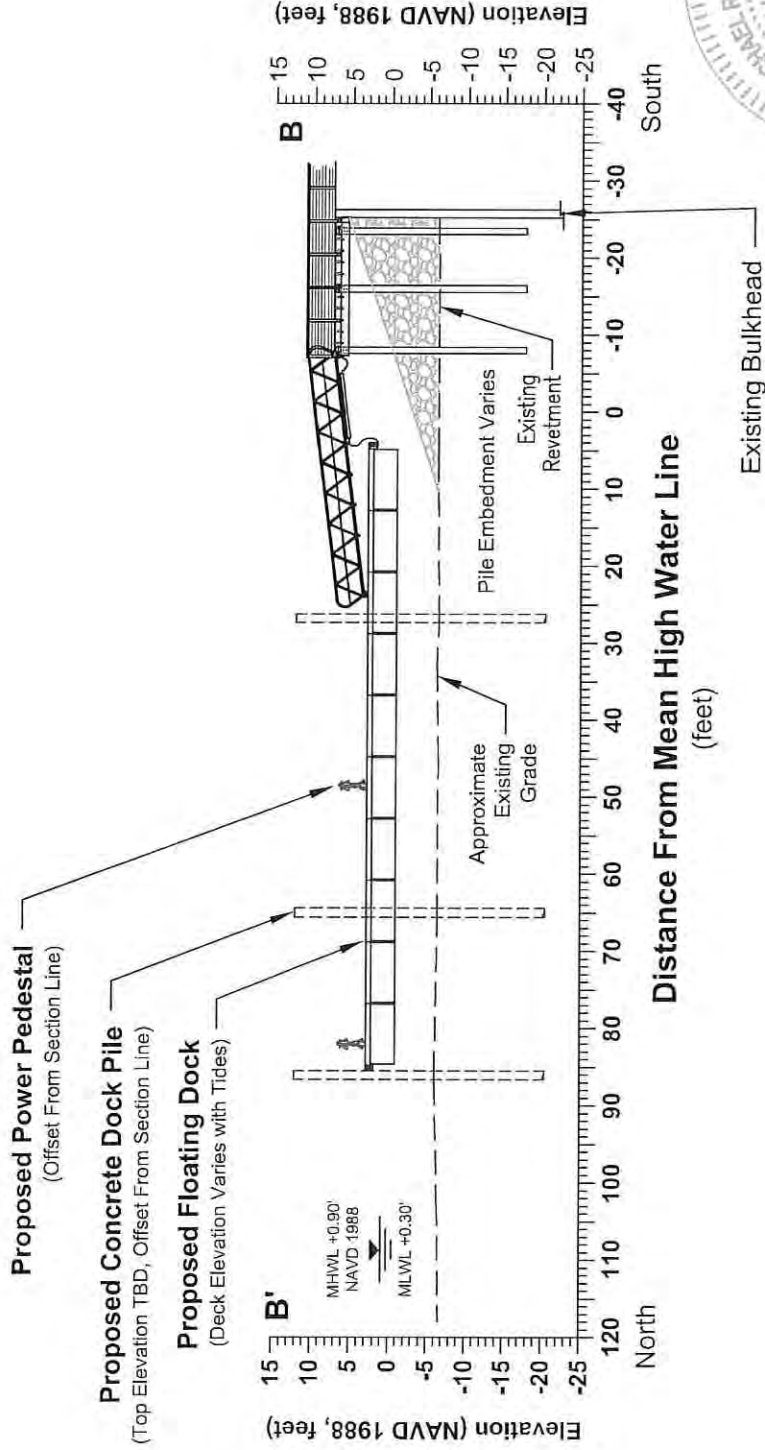
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Florida P.E. Number 55255
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Sheet Rev Date: April 03, 2017
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	DOCK SECTIONS A-A' (2 of 2) and G-G' Seville Harbour Breakwaters and Docking Facilities Marina Management Corporation 850 South Palafox Street, Suite 102, Pensacola, Florida 32502			



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DOCK SECTION B-B'
Seville Harbour Breakwaters and Docking Facilities

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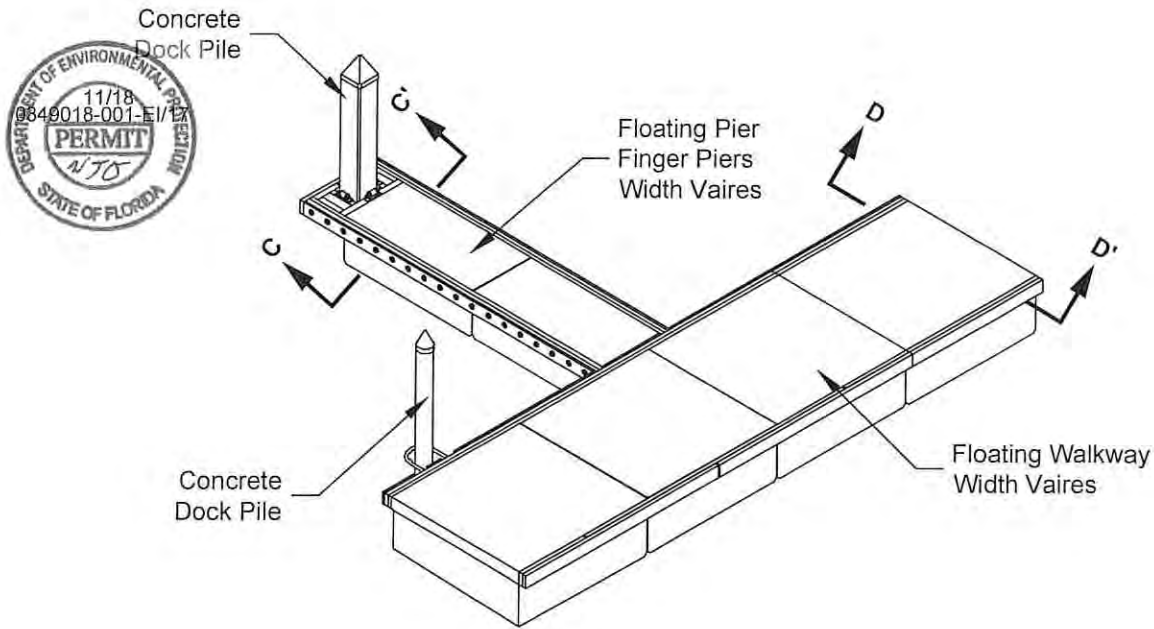
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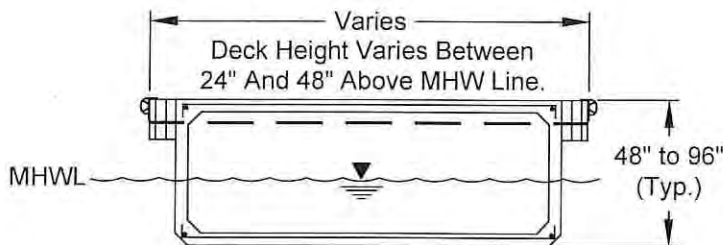
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11



TYPICAL FLOATING DOCK

SCALE: N.T.S.



Total Height Will Depend On Desired Distance Above The Water. Larger Boats Will Have Higher Decks.

TYPICAL FLOATING DOCK SECTION (C-C' and D-D')

SCALE: N.T.S.



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TYPICAL FLOATING DOCK
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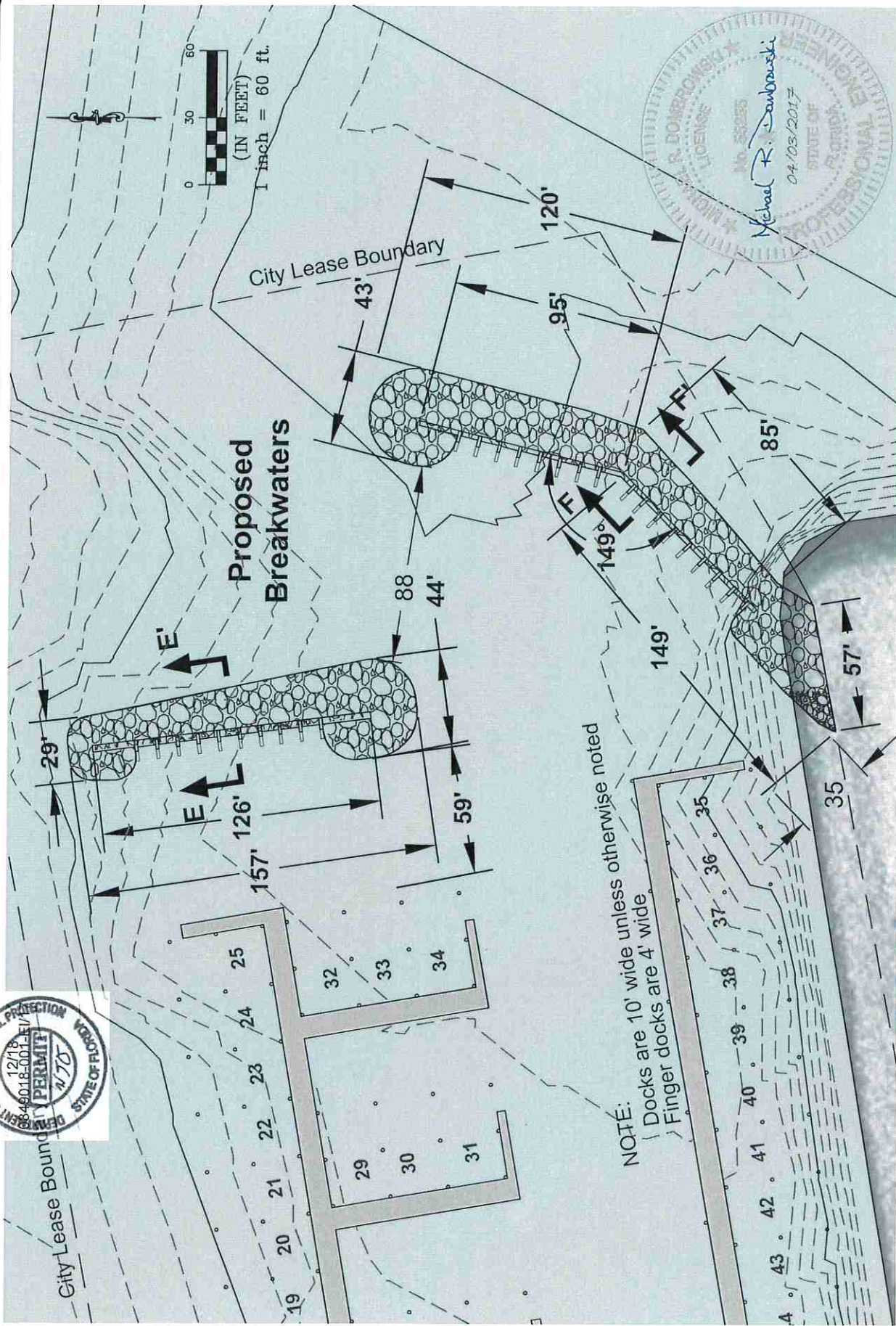
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NOTE:
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PROPOSED BREAKWATER PLAN
Seville Harbour Breakwaters and Docking Facilities

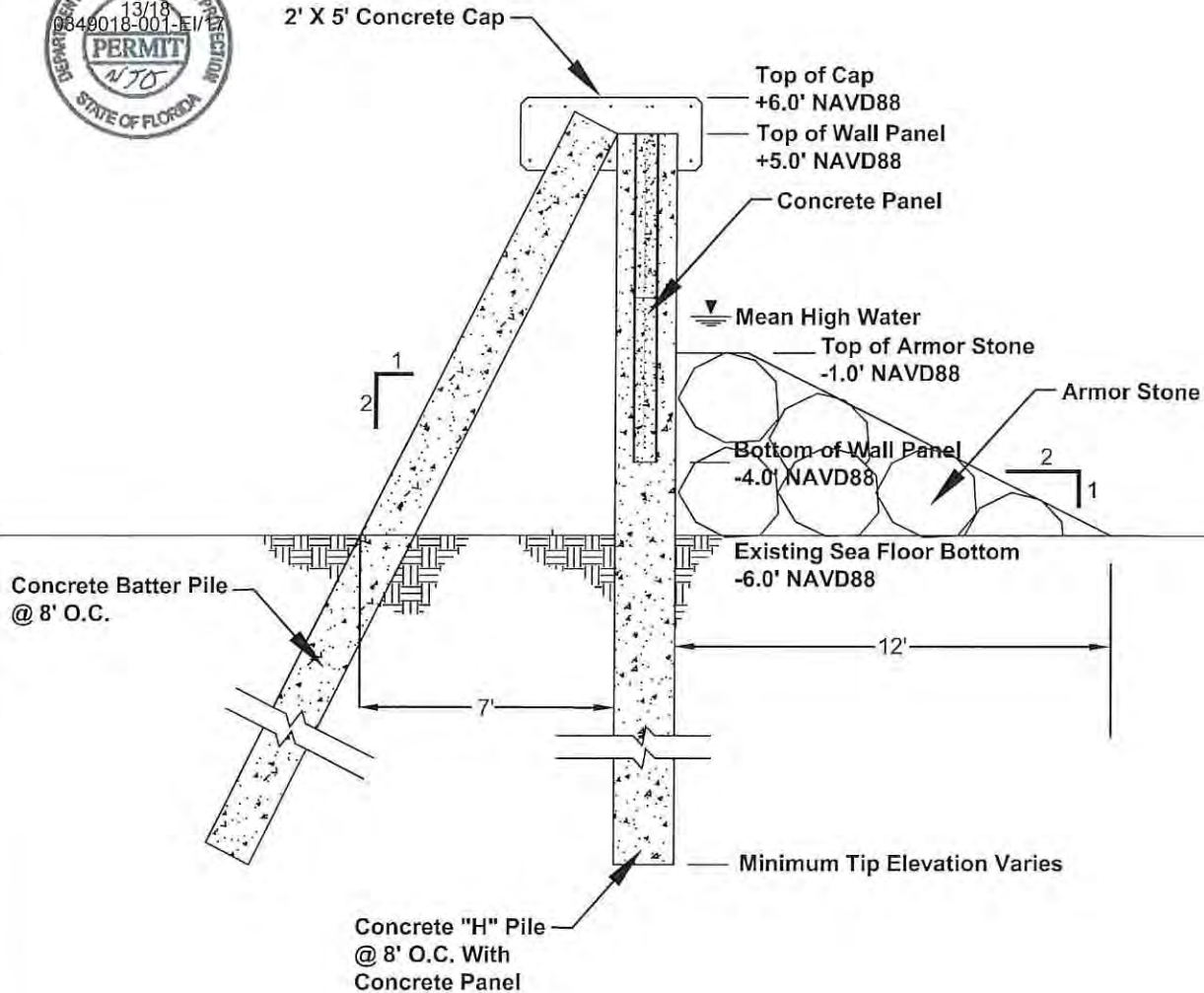
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SECTION E-E'

SCALE: 1" = 5'



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BREAKWATER SECTION E-E' Seville Harbour Breakwaters and Docking Facilities

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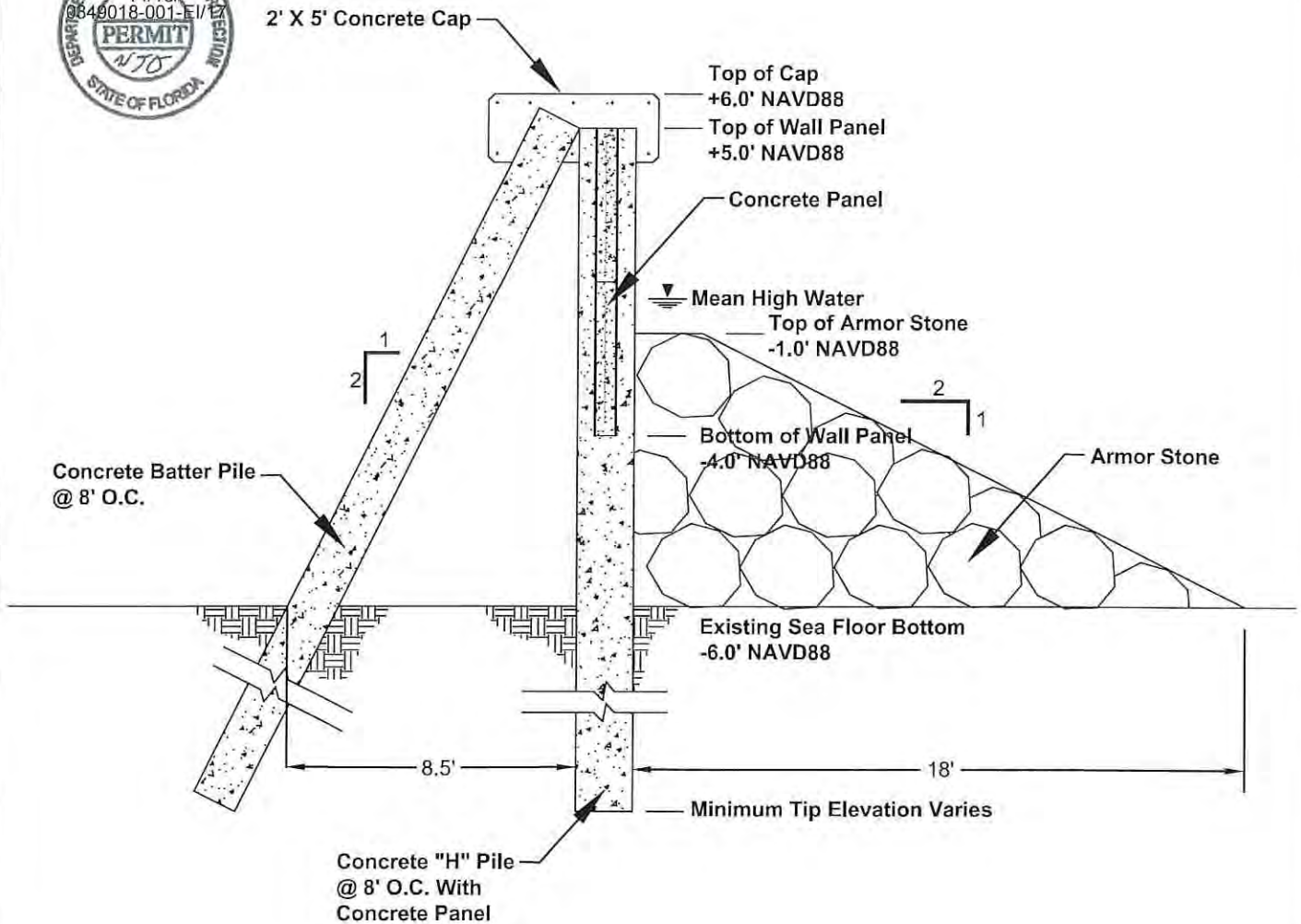
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SECTION F-F'

SCALE: 1" = 5'



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BREAKWATER SECTION F-F' Seville Harbour Breakwaters and Docking Facilities

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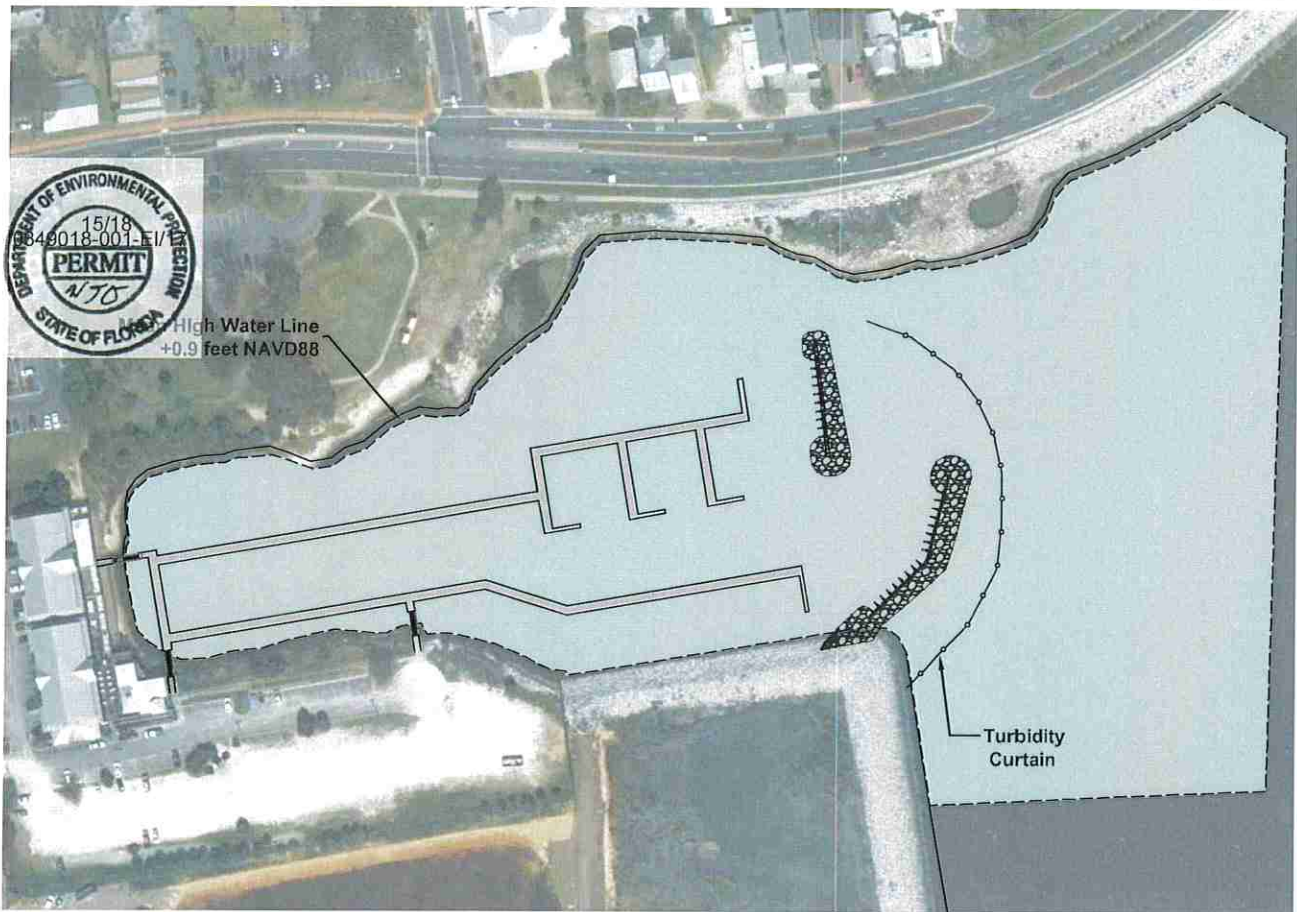
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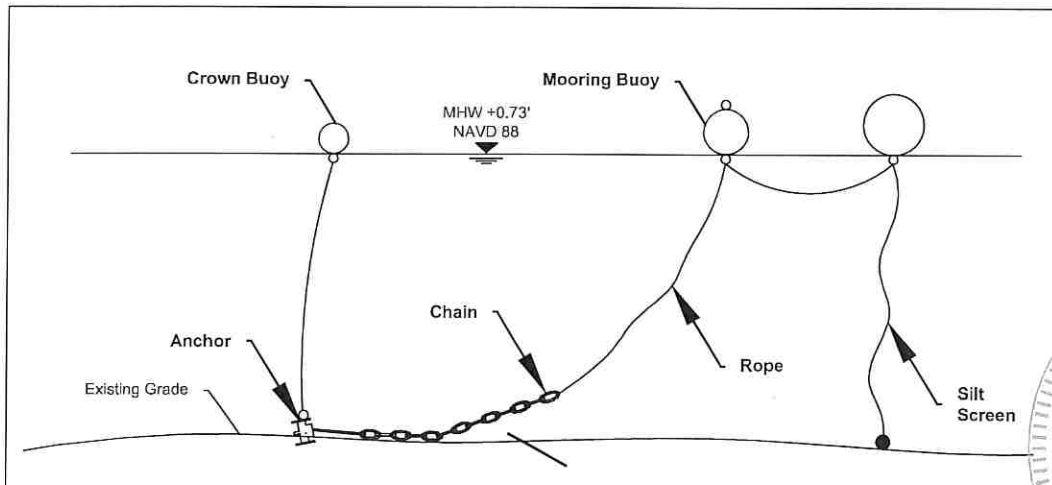
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PLAN VIEW

SCALE: 1" = 200'



TURBIDITY DETAILS

SCALE: N.T.S.



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TURBIDITY DETAILS Seville Harbour Breakwaters and Docking Facilities

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Florida P.E. Number 55255

Date: October 04, 2016

Sheet Rev Date: April 03, 2017

PROJECT NUMBER
16-346

SHEET NUMBER
16

NOTES:

- Drawing referenced to Florida State Plane North, North American Datum of 1983 (NAD 83).
- Elevations shown hereon are based on North American Vertical Datum of 1988 (NAVD 88).
- Bathymetric survey performed by MRD Associates, dated September 15, 2011.
- Construction should not violate State of Florida water quality standards.
- Water depth dimension represents the overall slip and boat length.
- Materials are subject to change. Pile dimensions will be determined during final design.
- Aerial photography obtained from Florida Department of Transportation (FDOT) and flown 01-13-2013. The location of all objects in the photograph are approximate and may not represent currently existing conditions.
- The location of turbidity curtains shown on these drawings is for illustrative purposes only. Turbidity curtains will be located to best assure water quality standards and relocated as construction activities warrant to ensure water quality standards are maintained throughout construction.

Fixed BreakwaterTotal area: 10,543 ft²

Materials: Prestressed concrete panels with prestressed soldier concrete piles and Armor Stone. Final material selection will be determined during final design.

Floating Concrete PierTotal area: 18,019 ft² of deck area

Total length: 1,880 lf of staging docks

Mooring Piles

Total Qty: XX Timber mooring piles

Materials: Timber mooring piles shall be southern pine, pressure treated with chromated-copper-arsenate (CCA), water borne preservative, 2.5 pounds dry chemical retention per cubic foot in accordance with AWPA standards C3 and C18.

Permanent Slips

Total Qty: 47 Slips

Temporary Slips (Daytime mooring)

Total Qty: 24



543 Harbor Boulevard, Suite 204
Destin, Florida 32541
Certification of Authorization Number 9482
850.654.1555 (voice) • 850.654.0550 (fax)
www.mrd-associates.com

GENERAL NOTES
Seville Harbour Breakwaters and Docking Facilities

Marina Management Corporation
850 South Palafox Street, Suite 102, Pensacola, Florida 32502

Michael R. Dombrowski, P.E.

Florida P.E. Number 55255

Alabama P.E. Number 23098

Mississippi P.E. Number 14469

Date of Issue: 04/03/2017

Sheet Rev Date: April 03, 2017

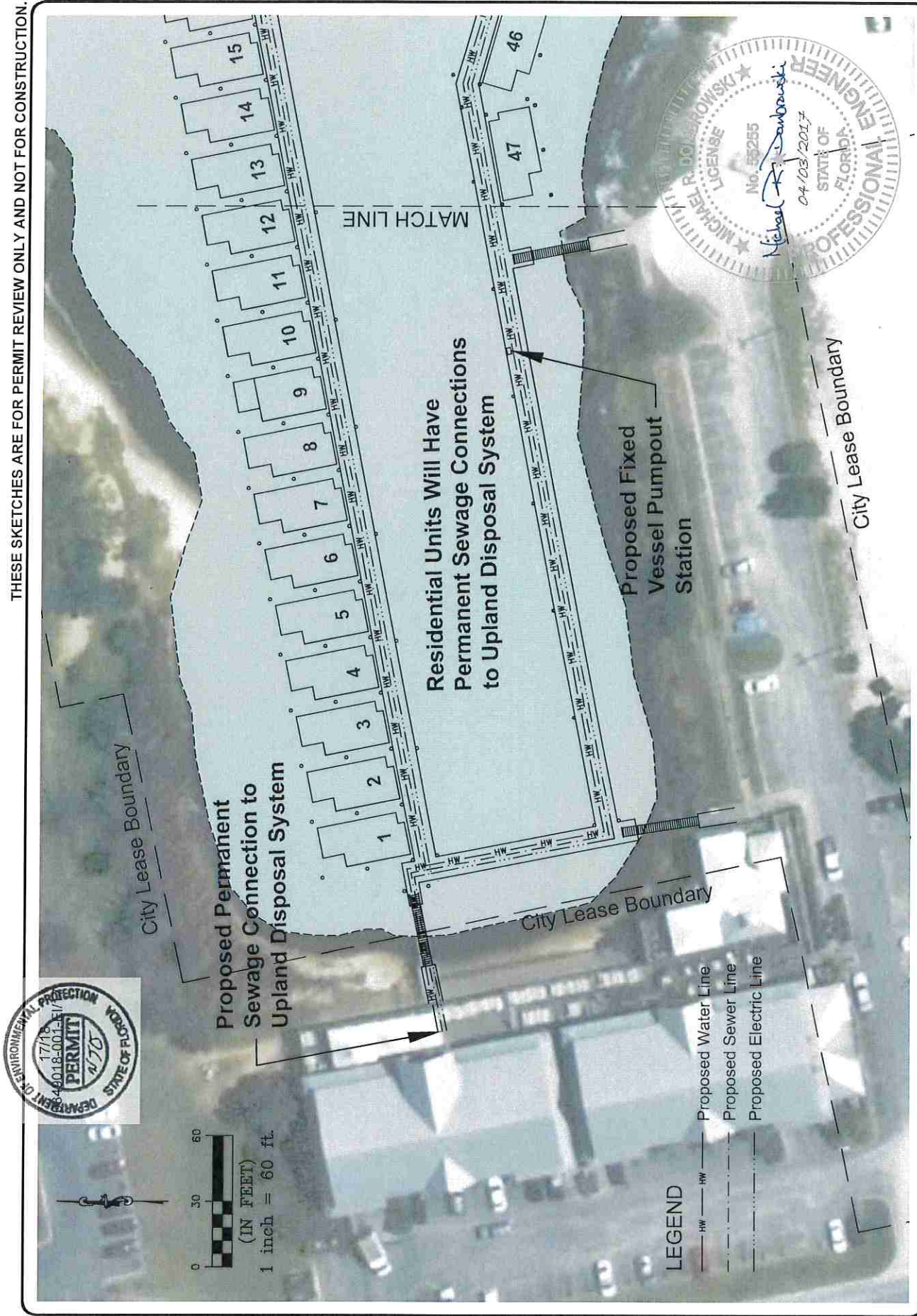
PROJECT NUMBER

16-346

SHEET NUMBER

17

THESE SKETCHES ARE FOR PERMIT REVIEW ONLY AND NOT FOR CONSTRUCTION.

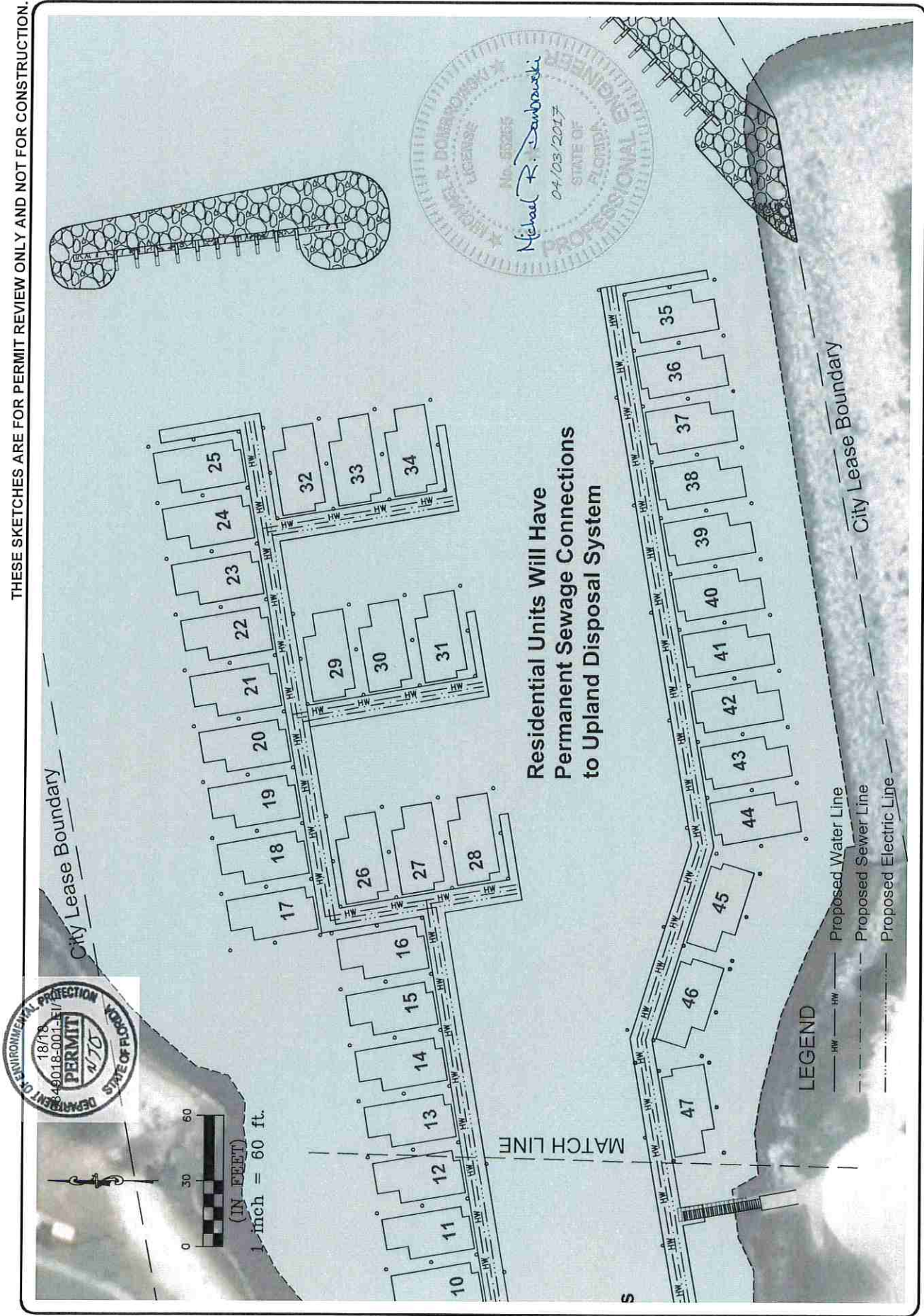


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Michael R. Dombrowski, P.E.
 Florida P.E. Number 55255
 Date: October 04, 2016
 Sheet Rev Date: April 03, 2017
 PROJECT NUMBER
16-346
 SHEET NUMBER
18

UTILITY PLAN (1 of 2)
Seville Harbour Breakwaters and Docking Facilities

Marina Management Corporation
 850 South Palatka Street, Suite 102, Pensacola, Florida 32502



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mrd associates, inc.
Consult, Marine & Water Resources Engineering

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UTILITY PLAN (2 of 2)
Seville Harbour Breakwaters and Docking Facilities
Marina Management Corporation
850 South Palafox Street, Suite 102, Pensacola, Florida 32502

Michael R. Dombrowski, P.E.
Florida P.E. Number 55255
Date: October 04, 2016
Sheet Rev Date: April 03, 2017
PROJECT NUMBER
16-346
SHEET NUMBER
19

Seville Harbour, Pensacola Florida
Facility Management Plan
November 2016



Prepared for:

MARINAMANAGEMENT

Ray Russenberger
850 South Palafox Street, Suite 102
Pensacola, Florida 32502



mrd associates, inc.

Coastal, Marina & Water Resources Engineering

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November 1, 2016

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Executive Summary

The Seville Harbour Facility Management Plan was generated in accordance with Form 62-330.060(1) Section D Part 1.A (6) and (7) *Supplemental Information for Works or Activities Within Surface Waters*; a requirement for marinas associated with live-aboard slips. The following sections address the required management protocol associated with preventive measures, spill response, containment, and cleanup:

1. Educational plan for employees;
2. Emergency contact numbers;
3. Spill Containment;
4. Management of sewer pump out;
5. Management of gray water;
6. Management of bilge water;
7. Solid waste management;
8. Liquid waste storage and management;
9. Hazardous waste storage and management;
10. Boat cleaning – in water;
11. Sensitive habitats;
12. Hurricane preparedness.

The management strategies outlined in this document adhere to guidance associated with the Clean Marina Management Program made available by the Florida Department of Environmental Protection (FDEP). The following paragraphs provide the necessary actions to be implemented in accordance with requirements established in Chapter 62-330 *Environmental Resource Permitting* (ERP) as well as the ERP Applicant Handbook Volume I Section 10.2.4.3 (g) and (h) *Additional Water Quality Considerations for Docking Facilities*.

1.0 Educational Plan for Employees

The following management plan identifies the actions that will be implemented at the marina to address potential environmental concerns associated with live-aboard vessels. All marina employees shall be trained on procedures contained within this document upon initial employment. Protocol established in this plan along with updates shall be reviewed by each employee on an annual basis. Employees will be responsible for ensuring residents are aware of marina protocol associated with best management practices associated with liquid and solid waste. Spill supplies will be available at the main office and made readily available to residents. It will be the responsibility of marina employees to ensure that spill supplies are stocked and in acceptable condition. Prior to hurricane season marina managers shall review emergency protocol with all employees.

2.0 Emergency Contacts

Emergency contacts are provided in Table 1; this list shall be made available to residents and employees by posting in a non-discrete location around the main office.

Table 1. Seville Marina Emergency Contacts

Contact	Contact Number
Marina Manager	850-432-9620
Fire Department	911
Police Department	911
DEP District Emergency Response Office	850-595-8300
Florida Department of Environmental Protection	850-595-8300
Florida Fish and Wildlife Commission	850-265-3676
US Coast Guard	850- 453-8282
USCG National Response Center	800-424-8802
24-Hour State Watch Office	800-320-0519

3.0 Spill Containment

In event that an unanticipated spill occurs the marina will be equipped with the proper supplies to avoid surface water contamination. Spill kits shall be available at the marina office. Signs will be posted to identify the closest kit. If a spill occurs immediately stop the release. Spills are to be blocked from discharge into water with sorbent pads and/or materials (kitty litter or saw dust). If the spill is large in magnitude, booms shall be deployed in such a manner as to contain the spill from spreading. Notification to the marina manager is required as soon as possible once the spill is contained. Sewage spills less than 1,000 gallons and fuel spill less than 25 gallons shall be reported to the FDEP District Office. If the spill exceeds 1,000 gallons of wastewater or 25 gallons for fuel or if there is a visible layer of scum or sheen within the water which endangers public health or the environment the marina manger shall notify the

24-Hour State Watch Office at 800-320-0519 within 24 hours of release. In the event of a spill, water quality will be analyzed using approved Florida Department of Environmental Protection analytical methods provided in Chapter 62-302.

The facility shall have on hand enough booms to potentially isolate the marina basin. Isolation of the basin during emergency events allows the marina to keep spills from exiting or entering. Prevention of spills entering the basin is equally vital as is preventing spills from leaving the basin. All sorbent materials used to contain spills shall be disposed of in appropriate containers.

4.0 Management of Sewage Pump Out

The marina will be equipped with sanitary hookups at all live-aboard slips which conform to Florida Statutes 327.53 *Marine Sanitation*, Title 33 Navigation and Navigable Waters Section 1322 *Marine Sanitation Devices*, as well as, The Emerald Coast Utilities Authority Design Codes Section 570 *Design Standards Gravity Sewer Collection* and Section 576 *Wastewater Force Main System*. Direct discharge of sanitary wastes (black water) into waters of the state shall be prohibited. The proposed sewer lines shall connect to the existing sewer system maintained by the Emerald Coast Utilities Authority and/or the City of Pensacola. All sanitation systems throughout the marina shall be kept clean and maintained in working order. Sanitary systems shall be inspected regularly. The date, time, and pertinent findings observed during the inspections will be recorded and stored at the management office.

5.0 Management of Gray Water

Discharge of gray water into waters of the state shall be prohibited at the marina. All gray water shall be managed in the same fashion as sewage. Residents will be encouraged to utilize biodegradable phosphate-free detergents along with low flow faucets.

6.0 Management of Bilge Water

Bilge water contaminated with oil or grease shall not be discharged into the waters of the state. Bilge lines and hoses shall be kept in good working order and inspected regularly by residents. The marina shall require residents to use in-line bilge filters, absorbent socks or pads, and/or properly labeled containers for collection of bilge water exhibiting signs of contamination. Emulsifying soaps (dish soaps) are not permitted, only non-emulsifying bilge cleaning products may be used.

7.0 Solid Waste Management

Residents are encouraged to place all waste in properly labeled trash receptors and recycle bins. Receptacles shall be placed in convenient locations throughout the marina. All receptacles shall be emptied regularly, as well as, covered to prevent trash from blowing into the water and to discourage disturbance by animals. Receptacle covers shall be wind and wildlife proof. Signs prohibiting the disposal

of hazardous or explosive waste shall be placed at each solid waste receptacle. The marina will educate residents regarding proper waste management, recycling, and storage procedures. Marina employees shall conduct a facility walk-through twice a day to collect debris that might have inadvertently been left on the pier or may blow into the water.

8.0 Liquid Waste Storage and Management

The marina does not anticipate collecting or generating any liquid wastes. Information will be available to resident regarding the proper disposal locations. It is mandatory that liquid waste such as grease, oil, antifreeze, and fuel waste be placed in properly labeled containers for disposal in accordance with applicable DEP regulations.

9.0 Hazardous Waste Storage and Management

Hazardous waste will not be collected, stored, or disposed of at the marina. Escambia County's collection location and times of service for hazardous materials will be available to residents in the marina office.

10.0 Boat Cleaning – In Water

Cleaning methods shall be employed that prevent the generation and release of pollutants from entering the waters of the state. Vessel cleaning shall be completed either by hand or by using low water pressure in areas above the water line. Residents will be encouraged to use non-toxic, bio-degradable, phosphate-free, and no-rinse cleaners. Cleaners containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates and lye, as well as, cleaners that create suds and require rinsing will be prohibited.

Underwater cleaning will be minimized if the process involved is abrasive and has the potential to remove paint from the vessel. Solid debris will be collected via tarps or vacuuming. Solid waste shall be disposed of in appropriate containers; in water disposal is prohibited. Painting and varnishing vessels will be limited to interior areas. Scraping, sanding, and sandblasting will not take place at the facility.

11.0 Sensitive Habitats

The marina is located on the perimeter of Gulf Sturgeon critical habitat, therefore, residents are encouraged to be aware of migration windows in order to avoid unintentional adverse impacts. The marina will provide educational material at the main office relative to gulf sturgeon, manatees, and other species known to inhabit the Pensacola Bay on a regular basis.

12.0 Hurricane Preparations

Prior to hurricane season marina managers and employees shall review protocol for mandatory marina preparations associated with imminent storm threats. Additional mooring lines shall be placed as seen fit

and dependent on the anticipated storm surge. Residents will be asked to take safe haven uplands out of harm's way. Additionally, all chemicals, fuel, portable containers, cleaners, trash, and loose articles shall be secured 72-hours prior to the anticipated storm event. Containers filled with liquid shall be secured inside in a permanent structure away from rain, wind, and wave impacts. Waste receptacles shall be emptied and secured to a permanent structure or placed inside.

13.0 References

City of Pensacola. Land development Codes Section 12-2-82 *Design Standards and Guidelines*.
https://www.municode.com/library/fl/pensacola/codes/code_of_ordinances?nodeId=TITXIIADECO_CH12-2.ZODI_ARTVIIIDEPLREDESTGU_S12-2-82DESTGU

Emerald Coast Utility Authority. September 2016. Design Standards Section 570 Gravity Sewer Collection Systems. [http://www.ecua.fl.gov/system/files/New%20Eng%20Manual/Section%20570%20-%20Gravity%20Sewer%20Collection%20Systems%20\(Dec.%2018,%202014\).pdf](http://www.ecua.fl.gov/system/files/New%20Eng%20Manual/Section%20570%20-%20Gravity%20Sewer%20Collection%20Systems%20(Dec.%2018,%202014).pdf)

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**MEMORANDUM OF CHANGES
BETWEEN EXISTING AND AMENDED
CITY OF PENSACOLA/SEVILLE HARBOUR LEASE**

“Whereas” provisions and Section I:

EXISTING: Identifies the parties, the property being leased (Exhibit “A”), and the purpose of the Lease (i.e. “constructing (at tenant expense) and operating a marina and docking facility, harbor master office, ships store and related parking”).

AMENDED: Identifies the parties (Seville, as Assignee, having replaced the original tenant, whose business venture ended in bankruptcy), and modifies the description of the land being leased (as described in the same Exhibit “A”) as “excluding, however, any portion of such real property that is part of the uplands portion of Bartram Park.”

ADVANTAGE TO THE CITY: The current lease, which has 27 years left to run, includes a portion of Bartram Park. The Amended Lease excludes any portion of Bartram Park from the Lease, and guarantees public access to the water for swimming, launching kayaks, canoes, etc. This provision, as all others, would go into effect immediately upon the entry of the Amended Lease.

Section II. Lease Terms

EXISTING LEASE: Term ends 2045 (30 yr renewable for 30 years, and renewal has occurred).

AMENDED LEASE: Term ends 2118 (73 yr extension) (See paragraph 5).

ADVANTAGES TO THE CITY: City’s goal since acquiring this property in or around 1979 has been to have a private developer build and operate a public Marina. It was leased in 1985, but the private developer was not able to make a go of it, and filed for bankruptcy.

Rebuilding the Marina, and protecting the Marina and City’s property from future storms, requires the construction of a breakwater. The City has sought funds to build this breakwater for more than a decade – to no avail. Extending the lease by 73 years is needed to justify the private expenditure of more than \$2 million (guaranteed in the Amended Lease). The property generates a \$5 million a year

payroll, provides waterfront access to its citizens, enhances the property tax roll, and generates hundreds of thousands of dollars in sales taxes. Prior to the private-public partnership on this property, it sat empty, collecting old tires and beer bottles, generating no money for the City.

Section III. Lease Payments.

EXISTING LEASE: Provides for a base lease of 10 cents per square foot equaling \$46,161 a year, or percentages of gross sales, whichever is higher. For the 34 years the lease been in effect, the base lease has *always* been the greater of those two figures. The City attempted to argue that “gross sales” included the sales of the Fish House and Atlas, businesses not operated by Seville. That claim was rejected by both the trial and appellate court.

AMENDED LEASE: Given the fact that the base lease rate has been the greater of the rates for the past 34 years, the Amended Lease carries that base rate forward for the remaining term (27 years), and then increases it by 108 percent (to \$96,016 per year beginning the first year of the extended period, and subjecting that \$96,016 to adjustments for inflation every five years thereafter based on an agreed-upon CPI. (See paragraph 6).

ADVANTAGE TO THE CITY: The City receives the same rent provided for in the existing lease through the term of the existing lease, and 108 percent “base year” increase thereafter with CPI index increases every five years thereafter.

NOTE: Escambia County recently extended the Beach Club lease to 99 years with no increase in rent, and no CPI-index adjustments.

Section IV. Authority to Lease Property: (Deals with fact that in 1985, a section of the leased premises did not belong to the City, but was leased to the City by the State for a nominal sum, and thus had to include a “flow-through” sublease from the City. This issue was made moot by subsequent conveyance of that parcel to the City.

Section V and VI. Use of Leased Premises, and Construction of Improvements and Construction Plans. These Sections are repeated (as to use) in paragraphs 3 & 4 of the Amended Lease to account for the fact that original improvements were completed decades ago, and the new improvement contemplated (i.e., the breakwater) is addressed in these new sections.

Section VII. Title to Improvements. Both the Existing Lease and Amended Lease vest title to the improvements to the City upon the termination of the lease. (See paragraph 10).

Section VIII. Access to Property. Gives the City the right to entry upon the property as is typical in a lease. This same provision is found in the Amended Lease. (See paragraph 4(f)).

Section IX. Covenants and Restrictions.

EXISTING LEASE: This section restricts uses to those provided for in the Site Development plan (they have been so restricted). It requires that all utilities be placed underground (they have been). And, the provision requires that the City retain ingress-egress easements over the property for access, maintenance, etc.

AMENDED LEASE: Restates and greatly expands the Section IX Covenants and Restrictions. (See sections 2-4 on pp 2-5 of Amended Lease).

ADVANTAGE TO THE CITY: The expanded and restated covenants and restrictions make the rights granted under the Lease subject to various state and federal grant restrictions, provides for a minimum additional investment by the tenant of a least \$2 million, provides that the leased premises shall be used as outdoor recreation areas for the use and benefit of the general public, and provides for unrestricted use by visitors to Bartram Park, including without limitation full access to the water adjacent to Bartram Park¹ “for swimming, fishing, launching kayaks and paddleboards, parking, and other public outdoor recreational uses” at the Park. These changes put the Lease into full compliance of the City’s obligations under the federal and state grants. The requirement for building of the breakwater, a project the City has been trying (unsuccessfully) to fund since Ivan, would provide protection to the City’s Park, and the City’s property being leased.

Section X. Indemnification and Hold Harmless Agreement.

EXISTING LEASE: Contains a two paragraph general release for liability for personal injury and property damages caused by the tenant or its guests.

¹ Note: the Existing Lease would allow exclusion of these uses, which has never been done.

AMENDED LEASE: The Amended Lease expands the indemnity provision to protect the City against any damages, loss or cost relating to “any claim, dispute, lawsuit, administrative proceeding or enforcement action arising out, by reason or with respect to any such permit, grant, and instruments; or violation of alleged violation of any such permit, grant, or instrument by Lessor or Lessee with respect to the Lease Premises.” This provision incorporates by reference three pages of grant provisions from Section 2, pp. 2-5. The provision also adds indemnity and hold harmless provisions relating to dredging (see, Section 20(a)) not included in the Existing Lease.

ADVANTAGE TO THE CITY: Substantial expansion of the City’s right to indemnification.

Section XI. Insurance Required.

EXISTING LEASE: Requires Workers Compensation, Comprehensive General Liability, Business Auto.

AMENDED LEASE. Requires these same coverages, but expands Marina Operators coverage, liquor liability coverage, and adds pollution/environmental, builders risk, and Property Insurance coverages. (see Section 26; pp 18-21).


ADVANTAGE TO THE CITY: Greatly expanded insurance coverage required to protect the City’s interests.

Section XII. Special Provisions. Both the Existing Lease and Amended Lease contain provisions regarding equal opportunity compliance, assignments requiring City approval, lessee’s obligation for ad valorem taxes, development at tenant’s sole expense, construction bonds, permitting, dredging, and utilities. However, the Amended Lease eliminates the lessee’s right of first refusal of adjacent property, a valuable right that would have existed for the next 27 years absent this Amended Lease.

Section XIII. Enforcement of Lease, Forfeiture Default, Remedies, Non-Waiver. These provisions have been carried over into, and made stronger, in Section 27 of the Amended Lease, pp 22-24.

Section XIV and XV. Fees & Costs; Notices. Virtually unchanged.

ADDITIONAL PROVISIONS in the Amended Lease:

1. *Improvements.* The Amended Lease addresses the construction of the breakwater and marina improvements; requires expenditure by tenant of no less than \$2 million. It also provides for dismissal of the pending lawsuit for attorney's fees and costs. The liability for fees and costs to date exceeds \$500,000. 

FAVORABLE TO CITY.

2. *Section 6(f).* Provides for a 15 percent charge on late payments.

FAVORABLE TO CITY.

3. *Section 8.* Provides for \$10,000 rental deposit; unusual provision for a long-term leased that is secured by millions in tenant improvements.

FAVORABLE TO CITY.

4. *Section 9(a).* Contains the typical ("landlord approval required") for assignments. It adds some qualification of assignee provisions not in the Existing Lease. It also adds approval of assignments by Ray Russenberger to other entities in which he the majority owner, and to immediate family members for estate planning purposes.

OVERALL NEUTRAL

5. *Section 9(b).* Provides for advance approval of subleases (excepting existing ones).

OVERALL NEUTRAL

6. *Section 11.* "As is, where is" provisions.

FAVORABLE TO CITY.

7. *Section 12.* Adds two pages of maintenance requirements (pp 12-14) which expand tenant obligations well beyond the Existing Lease.

FAVORABLE TO CITY.

8. Section 14. Damage and destruction. The Amended Lease requires replacement and repair of breakwater, replacement of damaged structures (excluding docks, marina), and naming of the City as additional insured on Property Insurance to assure that this occurs.

FAVORABLE TO CITY.

9. Section 19. Environmental Compliance. Adds full page of requirements beyond those in existing lease.

FAVORABLE TO CITY.

10. Section 26 (after subsection (b)), provides for limitation on City's liability. Not found in existing lease.

FAVORABLE TO CITY


11. Section 41, Mutual Waiver of Consequential Damages.

NEUTRAL ADDITION, as it benefits both parties.

FROM THE DESK OF MELANIE KRUSZONA STRATEGIC BUDGET PLANNER



To: Council President and Members of City Council

From: Melanie Kruszona, Strategic Budget Planner 

Date: September 23, 2019

Re: Amended and Restated Pitt Slip

Council President and Members of City Council:

The amended Pitt Slip lease will be on Thursday's agenda for your review and approval. In reviewing all the documents included with this item, several questions and concerns came up that I think you should consider when decided whether to approve, deny or make a motion to amend this item.

As you all are aware, the marina is being leased at 10 cents per square foot, substantially below market value. However, I do believe it is the city's intention to work with the lessee to have a viable marina that the lessee intends to develop and expand, which will benefit both parties. For this reason I think the base rate being maintained at the current rate for the remainder of the current lease period would be acceptable *if* the 5% of gross sales portion of the original lease were maintained in the new amended lease.

The "Memorandum of Changes" provided by Seville Harbour states, on page 2 Section III that the base rate has *always*, been the greater of the two, so only the base rate should be provided for in the new lease. This is not a valid justification for eliminating the percentage of sales that is outlined in the original lease, page 2 Section III Lease Payments. With the plans that Seville has in mind for the development of the marina, the city will lose out on hundreds of thousands of dollars of rental revenue by omitting this section from the amended lease. And if the base rent has always been greater, then the lessee should not have a problem putting the percentage of gross sales verbiage back into the lease.

STAFF CONTACT:

Melanie Kruszona, Strategic Budget Planner



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00431

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

CITY COUNCIL CONSENT TO THE MAYOR'S APPOINTMENT OF TED KIRCHHARR AS HUMAN RESOURCES DIRECTOR

RECOMMENDATION:

That City Council consent to the Mayor's appointment of Ted Kirchharr as Human Resources Director in accordance with City Charter Section 4.01(a) (7).

HEARING REQUIRED: No Hearing Required

SUMMARY:

City Charter Section 4.01 (a) (7) - Powers and Duties of the Mayor states:

(7) To appoint the head of each department, with the consent of the City Council by an affirmative vote of a majority of City Council Members.

After an exhaustive search and due diligence conducted by City administrative staff, the Mayor presents for your consideration and consent, Mr. Ted Kirchharr as his appointee for the Human Resources Director.

Mr. Kirchharr most recently as a Senior Director for the Studer Group in Pensacola, Florida. Previously Mr. Kirchharr served as Vice President of Strategic Initiatives for Landrum Companies, a Human Resources and Staffing firm recognized as one of the 25 Best Small Businesses to Work for in America and having received the Governor's Sterling Award in 2007.

Mr. Kirchharr also served as the Assistant Superintendent and various other leadership positions with the Escambia County School District.

Mr. Kirchharr not only brings a wealth of knowledge in Human Resources but also Executive and Management Coaching Developing Leadership Skills, Total Quality Management and Process Improvement.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

Funding for this position is available in the Fiscal Year 2020 Budget.

CITY ATTORNEY REVIEW: Yes

9/13/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Keith Wilkins, Deputy City Administrator

ATTACHMENTS:

- 1) Kirchharr Resume
- 2) Kirchharr Application

PRESENTATION: No

Ted A. Kirchharr

2221 Dupont Dr • Pensacola, FL 32503 • tedkirchharr@cox.net • (850) 341-4674

Senior Executive

Skillful and dynamic professional with demonstrated capacity to provide comprehensive, executive-level management.

– Key Qualifications –

- Proven track record of developing and executing strategic plans, employee engagement, customer service, marketing, and business-development efforts within time and budget requirements.
 - Adept at developing and maintaining detailed administrative and procedural processes that reduce costs, improve accuracy and efficiency, and achieve organizational objectives.
 - Highly focused and results-oriented in supporting complex, deadline-driven operations, and identifying goals and priorities to resolve issues throughout each stage of projects.
-

Professional Experience

Studer Group – Pensacola, FL 2017 to May, 2019

Senior Director 2017-May, 2019

Selected Contributions

- Providing executive coaching to superintendents, county executives and executive directors for ten organizations in eight states.
- Planned and facilitated Leadership Development Institutes regarding strategic planning, customer service, employee engagement and leadership training.

Landrum Companies – Pensacola, FL 2003 to 2016

Recognized as one of the 25 Best Small Businesses to Work for in America for five years by the Society for Human Resource Management, Landrum reported a record sales year in 2015, and has received the 2007 Governor's Sterling Award (GSA) for Performance Excellence.

VICE PRESIDENT 2006-2016

DIRECTOR OF STRATEGIC INITIATIVES 2003 to 2006

Selected Contributions:

- Instrumental in efforts to improve quality, resulting in 74% decreased worker's compensation disability days per \$1M payroll.
- Displayed expertise in responsibly managing a \$350M payroll.
- Implemented Landrum's involvement in Florida's organizational improvement initiatives resulting in the achievement of the Governor's Sterling Award, Florida's highest quality award.
- Successfully designed and executed the strategic plan resulting in improved employee engagement scores, customer loyalty scores and record financial performance.

School District of Escambia County – Pensacola, FL 1985 to 2003

POSITIONS HELD: Assistant Superintendent, Operations | Director, Facilities Planning | Director, Maintenance Services | Assistant Director, Maintenance Services | Hazardous Waste | Environmental Control Manager | Assistant to the Director, Inventory and Procurement | District Management Officer

Continued...

Community Commitments

Vice-President Pensacola Employ the Handicapped Council
Board of Directors, Private Industry Council of Escambia County
Board of Directors, Pensacola Escambia Clean Community Commission
Chairman, Escambia County Chapter, Reading is Fundamental
President, Escambia Association of Administrators in Education
President, Pensacola Suburban West Rotary Club
President Combined Rotary of Pensacola
District Governor, Rotary International
Board of Directors, YMCA of Northwest Florida
Board of Directors, United Way of Escambia County
Chair, Florida Sterling Council
Chair, Better Business Bureau of Northwest Florida
President, Chain Reaction
President, Pensacola State Alumni Association
Advisory Board, University of West Florida College of Business
Advisory Council, Sacred Heart Hospital Pensacola
Senior Warden, Holy Trinity Episcopal Church

Professional Publications

Employee Development-Big Company Results on a Small Company Budget, Editor and Contributor, eBook available from all popular platforms. A Kindle HR bestseller.

The Busy Business Owners Updated Guide to Health Care Reform: What You Need to Know, author, available in paperback and the Kindle.

General Job Application

Please take your time to fill out all areas of the application. Be as complete and accurate as possible. If there is a question you are unsure of, leave it blank. If you are notified that a field is required, please complete it to the best of your knowledge before submitting.

Personal Information

Job Title

Human Resources Director

First Name

Ted

Middle Name

Allen

Last Name

Kirchharr

Former Last Name

Address

2221 DuPont Drive

City

Pensacola

State

Florida

Zip Code

32503

Primary Phone

8503414674

Alternate Phone

E-mail Address

tedkirchharr@cox.net

Are you a citizen of the United States?

Yes

If no, do you have a legal right to work in the U.S.?

Yes

Are you willing to relocate?

Yes

Desired Salary?

If a specific work schedule has been included in the recruitment posting, are you available to work during the days, times, and/or shifts as indicated?

Salary

Yes

Do you have a valid driver's License?

Yes

Do you have a Commerical Driver's License Endorsement?

No

Driver's License State

Florida

Education Information

School 1

School/University Name

University of West Florida

Major

Political Science

Degree

Bachelors

City

Pensacola

State

Florida

Date Start (mm/dd/yyyy)

1/1/1974

Date End (mm/dd/yyyy)

12/31/1975

Did you graduate?

Yes

School 2

School/University Name

Central Michigan University

Major

Administration

Degree

Masters

City

Mt. Pleasant

State

Michigan

Date Start (mm/dd/yyyy)

8/1/1986

Date End (mm/dd/yyyy)

12/31/1988

Did you graduate?

Yes

School 3

School/University Name

Major

Degree

City

State

Date Start (mm/dd/yyyy)

Date End (mm/dd/yyyy)

Did you graduate?

Please list any additional education below.

Employment Information

Date Start (mm/dd/yyyy)

1/3/2017

Date End (mm/dd/yyyy)

5/30/2019

Employer

Studer Group

Position Title

Senior Director

Address

350 W Cedar

City

Pensacola

State

Florida

Zip

32501

Primary Phone

8504395839

Supervisor

Dr. Janet Pilcher

Hours Per Week

65

Salary

135000

Number of Employees Supervised

0

Duties

Executive coaching, leadership development training, strategic planning, employee engagement, customer service

Reason for leaving?

Reduction in Force

May we contact for reference?

Yes

Ted Kirchharr | Candidate ID: 1291689 | tedkirchharr@cox.net | 8503414674

Date Start (mm/dd/yyyy)

10/1/2003

Date End (mm/dd/yyyy)

9/30/2016

Employer

Landrum Human Resources

Position Title

Vice President, Chief Operating Officer

Address

6723 Plantation Road

City

Pensacola

State

Florida

Zip

32504

Primary Phone

8504765100

Supervisor

H. Britt Landrum, JR

Hours Per Week

60

Salary

130000

Number of Employees Supervised

60

Duties

Responsible for sales, human resources, benefits, risk management for the company. We provided HR services to 11,000 employee in 45 states.

Reason for leaving?

Better opportunity

May we contact for reference?

Yes

Date Start (mm/dd/yyyy)

1/1/2048

Date End (mm/dd/yyyy)

9/30/2002

Employer

School District of Escambia County

Position Title

Assistant Superintendent, Operations

Address

75 N. Pace Blvd

City

Pensacola

State

Florida

Zip

32505

Primary Phone

8504326121

Supervisor

Jim Paul, Superintendent

Hours Per Week

60

Salary

90000

Number of Employees Supervised

2000+

Duties

Responsible for building maintenance, facilities planning and construction, transportation, school food service, IT, central warehouse

Reason for leaving?

Better opportunity

May we contact for reference?

Yes

Date Start (mm/dd/yyyy)

Date End (mm/dd/yyyy)

Employer

Position Title

Address

City

State

Zip

Primary Phone

Supervisor

Hours Per Week

Salary

Number of Employees Supervised

Duties

Reason for leaving?

May we contact for reference?

Yes

Skills & Certifications

Professional Certifications and Licenses

Office & Other Skills: Including supervision skills, other languages or information regarding the career/occupation you wish to bring to the employer's attention.

References

Reference 1

Reference Type

Professional

Reference Name

H. Britt Landrum, JR

Position

Founder

Address

6723 Plantation Road

City

Pensacola

State

Florida

Zip

32504

Email

blandrum@landrumhr.com

Telephone:

850) 572-3313

Reference 2

Reference Type

Prior Employer

Reference Name

Dr. Janet Pilcher

Position

Managing Director

Address

350 W. Cedar Street

City

Pensacola

State

Florida

Zip

32501

Email

janet.pilcher@studereducation.com

Telephone:

(850) 221-7811

Reference 3

Reference Type	Reference Name	Position
Personal	Richard Faessel	Director
Address	City	State
350 W. Cedar Street	Pensacola	Florida
Zip	Email	Telephone:
32501	richard.faessel@studereducation.com	(850) 723-6372

ACKNOWLEDGMENT STATEMENTS

If you understand and agree with the statement, please confirm by answering each statement below.

If you retired from a State of Florida administered retirement plan (FRS) within the past year, your retirement benefits may be severely impacted if reemployed by an FRS covered employer such as the City of Pensacola. Have you retired from such a plan in the past year?

Yes

Have you worked for the City of Pensacola before?

No

If you have worked for the City of Pensacola before, where and when?

Do you have relatives working for the City of Pensacola?

No

If so, provide the names of all relatives and their relationship to you (i.e., spouse, parent, child, grandparent, grandchild, sibling, in-law, niece, nephew, aunt, uncle, step parent, step child, etc.).

VETERAN PREFERENCE: A DD214 or approved documentation that provides discharge type and service dates is required for all preference claims. If claiming disability preference, a DD214 AND a less-than-one-year old letter from the Department of Veterans' Affairs that states the percentage of disability is required. By making a selection below, I understand it is my responsibility to provide documentation with this application. If I need assistance, I can call 850-435-1660. I am claiming veteran's preference

No

If you are claiming veteran preference, was your discharge from active duty in the United States military under honorable conditions?

Not Applicable

How did you learn about this job?

City of Pensacola website

APPLICANT STATEMENT: I certify that all statements made here and attached to, are correct, true, and complete to the best of my knowledge. I understand that I am responsible for the accuracy and completeness of information and that any omissions, falsifications, misstatements, or misrepresentation could disqualify me for employment and if hired, could be grounds for dismissal later. I consent to the release of information to authorized City employees for employment purposes, information about my ability, employment history, and fitness for employment by employers, schools, law enforcement agencies, and other individuals and organizations; this consent continues into my employment if hired. I understand that a background check may be required for this position and that I may be required to disclose information regarding my background and ability to perform the job for which I am applying. Based on the requirements of the position, certain criminal activity could exclude me from employment consideration. I consent to the release of background and/or criminal history for employment purposes. I understand the City of Pensacola is a Drug-Free Workplace (FL Statute 112.0455) and that I agree to be tested for controlled substances; refusing to submit or a positive test result will eliminate me from consideration under this announcement. After an offer of employment, I consent to be medically examined. I release the City, its officers, agents, and employees from liability arising from or in connection with a medical exam, the use of test results as part of the application process, the background investigation, and polygraph (if applicable). I understand the application submitted for City employment and information obtained about me may be public record unless exempted by law; if I am eligible for exemption under Chapter 119, Florida Statutes, I am responsible for notifying Human Resources. Effective 8/1/2014, the City of Pensacola is an E-Verify employer. E-Verify is a program that electronically confirms an employee's eligibility to work in the United States after completion of the Employment Eligibility Verification Form (Form I-9). I understand, that if hired, my employment eligibility will be verified through E-Verify.

I Agree

I understand the minimum qualifications and the starting salary, and if I have any questions about either, I will contact Human Resources at 8504351660.

I agree I have thoroughly read the information contained in the job bulletin for this posting.

It is my responsibility to document my work experience, education, etc. in the sections of the online application (not refer to a resume) to show that I meet the minimum qualifications. And, I must provide proof of required education, certifications, licenses, etc.

I understand that I must qualify for the position for which I am applying.

The City of Pensacola conducts background and driver license checks as required for each position.

I hereby authorize the collection of this information as part of the employment or promotional screening process.

Signature

Ted A. Kirchharr

Date Signed: 7/10/2019 1:13 PM

Date Submitted: 7/10/2019 1:15 PM

IP Address: 68.1.112.83

Human Resources Director

Responses to these questions are not enough to demonstrate you have the knowledge or requirements as they pertain to the topic(s). You must ALSO list your experience in your application.

What is the highest degree you have received from an accredited college or university in Human Resources, Business Administration, Public Administration or a closely related field?

Master's Degree (or higher)

Do you have a minimum of five (5) years human resources supervisory or managerial experience?

Yes

How many years do you have working with collective bargaining units and labor relations?

6+ years

Please check the valid and up-to-date Human Resources related certifications you currently have. (Check all that apply)

None of the above

How many years of human resources generalist experience do you have working in the public sector (Federal, State, or local government)?

Less than one year

Do you have experience managing a compensation function in HR and/or implementing compensation and classifications reviews?

Yes

Do you have experience designing, developing, and implementing human resources or administrative policies or practices?

Yes

Please list other currently valid Human Resources related certifications you have that were not listed in the previous question.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 2019-57

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Ann Hill

SUBJECT:

RESOLUTION NO. 2019-57 - HISTORIC STRUCTURE MASTER LIST

RECOMMENDATION:

That City Council adopt Resolution No. 2019-57.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, SUPPORTING THE CREATION OF A MASTER LIST OF HISTORIC, ARCHITECTURAL, CULTURAL OR URBAN DESIGN VALUE STRUCTURES WITHIN THE CITY; PROVIDING AN EFFECTIVE DATE

HEARING REQUIRED: No Hearing Required

SUMMARY:

In July of 2016, City Council referred to the Planning Board for review and recommendation a proposed ordinance for a Historic Building Demolition Review. Between August and November of 2016, the Planning Board discussed at regular meetings as well as workshops a proposed amendment to the Land Development Code (LDC), which would allow for Historic Building Demolition Review.

Currently the LDC only affords an application and review process for the issuance of demolition permits for those areas within a historic district or other similarly designated area requiring such review. The desire is to provide a review process citywide regarding the issuance of demolition permits for historic structures as defined within the LDC.

In October of 2018, City Council referred to the Planning Board a proposed Historic Preservation Commission. In response, at its February 12, 2019 Planning Board Meeting, the Board brought forth a proposed amendment to the LDC allowing for a Historic Building Demolition Review process.

With the assistance of Inspections, Planning Staff, Legal and Council staff, the proposed amendment to Section 12-12-5 of the LDC, Historic Building Demolition Review was brought forth for Council consideration. At its September 12, 2019 Council meeting, Council approved the amendment on first

reading.

During discussion of this item, a desire was expressed to create a Master List of Historic Sites that would assist inspections and planning during the review process. In order for this list to be created in a timely fashion, this Resolution of Council's desire that such a list be created is brought for Council consideration.

PRIOR ACTION:

September 12, 2019 - City Council approved Ordinance No. 24-19 on first reading

July 18, 2019 - City Council held a Public Hearing with no action being taken

February 12, 2019 - Planning Board considered Council referral regarding a Historic Preservation Commission

October 11, 2018 - City Council referred to the Planning Board a proposed Historic Preservation Commission

August through November, 2016 - Planning Board discussed at regular meetings as well as workshops to provide a proposed amendment to the LDC for a Historic Building Demolition Review

July 14, 2016 - City Council referred to Planning Board for their review and recommendation a Historic Building Demolition Review Ordinance.

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Resolution 2019-57 - Historic Structure Master List

PRESENTATION: No

RESOLUTION

NO. 2019-57

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PENSACOLA, FLORIDA, SUPPORTING THE CREATION
OF A MASTER LIST OF HISTORIC, ARCHITECTURAL,
CULTURAL OR URBAN DESIGN VALUE STRUCTURES
WITHIN THE CITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes the value of preserving historic, architectural, cultural or urban design structures within the City; and

WHEREAS, the City Council desires that a list be created identifying those structures that have historic, architectural, cultural or urban design value; and

WHEREAS, the City Council anticipates that the creation of a list of appropriate properties will be an evolving process requiring significant staff time and effort; and

WHEREAS, the City Council desires to cooperate and collaborate with the Mayor's Office, City staff and other identifiable resources available in developing this list;

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

SECTION 1. That the City Council of the City of Pensacola, Florida hereby desires that a list of historic, architectural, cultural or urban design value structures be created and that this task be accomplished within two (2) years from the date of passage of this Resolution.

SECTION 2. That the City Council requests assistance from the Mayor's Office and City staff in achieving the goal of creating this list in the time frame suggested.

SECTION 3. This Resolution 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.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00432

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED MICROMOBILITY FRANCHISE AREA

RECOMMENDATION:

That City Council approve the Proposed Micromobility Franchise Area Map

HEARING REQUIRED: No Hearing Required

SUMMARY:

On September 12, 2019, City Council adopted Proposed Ordinance No. 26-19 creating Section 7-12 of the Code of the City of Pensacola - Dockless Shared Micromobility Devices Pilot Program. At the September 12, 2019 meeting, City Council requested a map defining the Micromobility Franchise Area to include areas prohibiting all micromobility device usage. The Micromobility Franchise Area Map is attached and includes an illustration of the prohibited areas. Prohibited areas are also referenced within the City Code, Section 7-12-5.

PRIOR ACTION:

September 12, 2019 - City Council adopted Proposed Ordinance No. 26-19 Dockless Shared Micromobility Devices Pilot Program on second reading.

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: No

9/13/2019

STAFF CONTACT:



Christopher L. Holley, City Administrator
Keith Wilkins, Deputy City Administrator

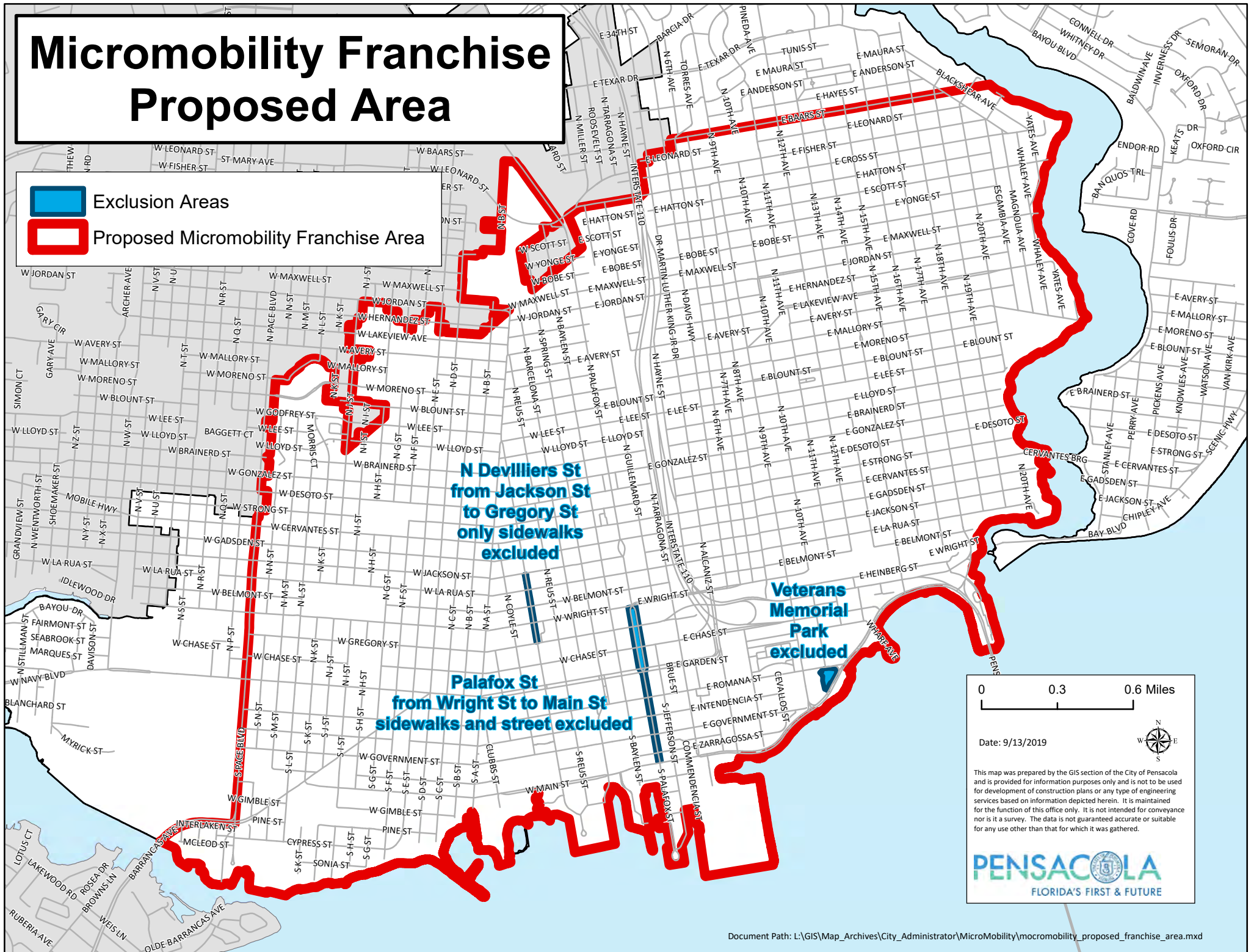
ATTACHMENTS:

- 1) Proposed Micromobility Franchise Area Map

PRESENTATION: No

Micromobility Franchise Proposed Area

-  Exclusion Areas
-  Proposed Micromobility Franchise Area





City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00433

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

CITY COUNCIL CONSIDERATION OF THE CITY OF PENSACOLA 2020 LEGISLATIVE INITIATIVES

RECOMMENDATION:

That City Council adopt the City of Pensacola 2020 Legislative Initiatives

HEARING REQUIRED: No Hearing Required

SUMMARY:

Mayor Robinson has developed the following list of initiatives important to the City of Pensacola to support during the 2020 Legislative Session:

- Support Funding a mechanism for assessment, remediation and liability exemption from third party claims and a Brownfield Tax Credit for sites at which Aqueous Film-Forming Foam Concentrates (AFFF) has been used in firefighting and fire training operations.
- Support full funding for the Housing Trust Fund and legislation to stop the funds sweep of Housing Trust Fund.
- Support rescension of 2019 SB 1000 - 5G Small Cell Towers, restoring balance of power to the City of Pensacola to determine installations in taxpayer owned right of way.
- Support revision of CS/HB 1159 - Private Property Rights.
- Support the Florida Department of Transportation (FDOT) District 3 Five Year Plan including a Box funds for a Scenic Highway multi-use trail.
- Support distribution of settlement funds to applicable local government entities.
- Appropriation Requests

- Pensacola International Airport MRO Expansion - \$4,875,000
- West Main Street Corridor Improvements - \$2,900,000
- Special Needs Universal Designed Playground Boundless-All-Inclusive Park at Tippen Park - \$850,000.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

Should the appropriation requests be approved the City could receive funding of \$8,625,000 for capital improvements.

CITY ATTORNEY REVIEW: No

9/13/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Keith Wilkins, Deputy City Administrator

ATTACHMENTS:

- 1) City of Pensacola 2020 Legislative Initiatives

PRESENTATION: No

City of Pensacola 2020 Legislative Initiatives

LEGISLATIVE REQUESTS

1. PFAS/PFOS/AFFF CONTAMINATION AT FIRE AND AIRPORT FACILITIES

SUPPORT: FUNDING MECHANISM FOR ASSESSMENT, REMEDIATION
SUPPORT: LIABILITY EXEMPTION FROM THIRD PARTY CLAIMS.
SUPPORT: BROWNFIELD TAX CREDIT ELIGIBILITY FOR SITES AT WHICH
PFAS/PFOS/AFFF HAS BEEN USED IN FIRE-FIGHTING AND FIRE
TRAINING OPERATIONS

SUMMARY: The City of Pensacola operates an airport and as such has the obligation under federal law to maintain aqueous film-forming foam (AFFF) to extinguish flammable and combustible substances. Further, AFFF may be used in scenarios off airport property that involve the same type of combustible substances. AFFF contains hydrocarbon-based surfactants that can contaminate groundwater. Normal wastewater treatment processes do not remove the compounds. FDEP has started testing for possible groundwater contamination here and elsewhere throughout the State as the EPA is doing throughout the Country. It is anticipated that the State may place responsibility for cleaning up any contamination on the City, and such clean up would be extremely expensive. Moreover, there is a probability of private lawsuits against local governmental entities due to groundwater contamination by compounds in AFFF, which the airports and firefighting departments were required and are still required by federal law to use. In addition, a party who has “caused or contributed” to contamination after 1997, can’t sign a Brownfield Site Rehabilitation Agreement and therefore, can’t get liability protections or tax credits. This further inhibits local government ability to fund assessment and cleanup.

We propose: 1) state and federal legislation exempt local governments from financial responsible for the cleanup of any contamination; 2) exempt local governments from third party liability claims; 3) a fund be established to assess the contamination, remediation, provide water to citizens where necessary; and, 4) an amendment to the Brownfield Act to allow eligibility for sites at which PFAS has been used in fire-fighting and fire training operations. This initiative may collaborate with the Florida Airports Council and the Florida Association of Counties.

2. HOUSING TRUST FUND:

SUPPORT: FULL FUNDING FOR THE HOUSING TRUST FUND IN FY 2020/2021
SUPPORT: LEGISLATION THAT WILL STOP THE SWEEP OF FUNDS FROM THE HOUSING TRUST FUND

SUMMARY: The Documentary Stamp Tax passed in 1992, with the adoption of the Sadowski Affordable Housing Act. The Act was for the express purpose of funding the state and local housing trust funds. In recent years, the State Legislature has used funds generated from the Documentary Stamp Tax to address other needs within the state not pertaining to housing. Last year Governor DeSantis supported full funding of the trust fund; however, the Legislature swept the trust fund dollars to the general fund to meet other needs while the lack of affordable housing continues to be a significant issue for the state. These actions have resulted in long waitlist for housing assistance for very low and moderate income residents.

In Pensacola, almost half of the renters and one in four homeowners are cost burdened, which means the families are spending more than 30 percent of their income for housing. Locally the allocation supports the development and rehabilitation of housing for persons with special needs; housing repair programs; a homebuyer assistance program; the development of rental units for low and moderate income residents; and disaster mitigation assistance for residents after a declared disaster.

Last year the Legislature swept funds from the Housing Trust Fund, which reduced the area's allocation to fiscal year 2014 levels at just over \$500,000. Full funding would have resulted in an additional \$3.3 million for Pensacola/Escambia, to support affordable housing initiatives. During previous legislative sessions, representatives have brought bills forward that will stop the sweep of funds from the Housing Trust Fund. The City of Pensacola is asking the Legislature to support any such bills brought forward during the upcoming session.

The City of Pensacola is asking the Legislature to **support** full funding for the Housing Trust Fund, which supports local affordable housing activities through the State Housing Initiatives Partnership (SHIP) program. Since there is no specific bill allocating funding for housing, the funds must be allocated through the appropriations process.

Current Funding FY 2019/2020:	\$536,782
Estimated Allocation at Full Funding FY 2019/2020:	\$3,836,325

3. 5G SMALL CELL TOWERS

REQUEST: RESCIND 2019 SB 1000

**SUPPORT: RESTORE BALANCE OF POWER TO CITY OF PENSACOLA
AUTHORITIES AND RESIDENTS TO DETERMINE WHAT CAN AND CANNOT BE
INSTALLED IN TAXPAYER-OWNED RIGHT OF WAY**

SUMMARY: When the Florida Legislature adopted SB 1000, the City of Pensacola was denied its ability to uphold the aesthetic integrity of our historically significant City and ESSENTIALLY stripped the City of its authority to regulate the use of public rights of way. This legislation is a direct violation of the constitutional separation of powers. Since 2017, multiple telecommunication vendors have saturated the City of Pensacola with requests to install over 140 poles with attached 5G appurtenances. These poles are between 35 and 40 feet tall and most are clustered together amongst archeological and historically significant locations. The burden placed on the City of Pensacola to review requests for permits, comply with this recent legislation, and ensure 140 poles will not create visual pollution to our beloved City is a near impossible task. Ms. Amber Hughes, a senior legislative advocate with the Florida Leagues of Cities said it best when she questioned, "Why should a private entity get carte blanche over taxpayer-owned right of ways without any real concern over aesthetics or public safety?"

4. FDOT DISTRICT 3 FIVE YEAR PLAN

**SUPPORT: FDOT DISTRICT 3 FIVE YEAR PLAN INCLUDING SCENIC HWY MULTI-
USE TRAIL BOX FUNDING**

SUMMARY: The City of Pensacola seeks the support and funding for the FDOT District 3 Five-Year Plan and those transportation projects which are vital to the continued growth within our region and community. The projects within the FDOT District 3 Five-Year Plan are based upon FDOT maintenance requirements, the TPO Long Range Transportation Plan (LRTP), Transportation Systems Management (TSM) studies, Transportation Alternatives Project (TAP) Priorities, and Aviation, Part, and Transit Master Plans. The FDOT District 3 Five-Year Plan is consistent with the Florida-Alabama TPO's adopted priorities to the extent feasible.

5. CS/HB 1159: PRIVATE PROPERTY RIGHTS

SUPPORT: REVISE CS/HB 1159 PRIVATE PROPERTY RIGHTS

SUMMARY: The legislature should review CS/HB 1159 for the constitutional concerns raised and modify the statute so it can be applied consistently in a manner that protects property owners based on clearly defined and objective standards that balance the importance of trees to ecological protection, storm water management systems, historical resources and aesthetics while providing an expedient process for property owners to remove trees that are objectively dangerous to persons or property.

The City of Pensacola has a comprehensive land use and planning regulatory system that manages growth consistent with community values and public safety. As part of that regulatory system, certain trees are protected in certain areas of the City, not only for their scenic beauty, but also to enhance water filtration for storm water management, which enhances property values by lowering erosion impacts and protecting existing infrastructure. The statute enacted as Section 163.045 lacks standards and definitions, which invites unscrupulous “experts” to provide whatever opinion a property owner wishes without a meaningful examination of the actual risks posed by the tree. Experts agree that every tree is dangerous depending on the circumstances; thus, the assessment of risk standards used by ISA certified arborists would provide an objective approach to assessing the value of a tree in the context of what risk that tree poses to nearby structures and residents. The statute further creates uncertainty and risk around preserving the beauty in neighborhoods and along canopy roads, where long-standing community values are such that the removal of trees causes negative impacts not analyzed by the legislature. Without notice to the public or an opportunity to question an expert’s opinion on a tree that is believed in good faith to be healthy and not dangerous, neighbors become divided as opposed to living in harmony with shared values. The statute does not present clearly defined rules on when a property owner may cut down a tree because of the lack of definitions for when a tree is a “danger,” what is “residential,” and what kind of “documentation” with what content would suffice to provide a safe harbor from other regulations designed to prevent erosion caused by sheet flow.

6. OPIOID SETTLEMENT

SUPPORT: DISTRIBUTION OF SETTLEMENT FUNDS TO APPLICABLE LOCAL GOVERNMENT ENTITIES

SUMMARY: *To be provided*

FINANCIAL REQUESTS

7. PENSACOLA INTERNATIONAL AIRPORT MRO EXPANSION

REQUEST: STATE APPROPRIATION \$4,875,000

SUMMARY: The City of Pensacola has sought and gained \$205M towards funding of full buildout of the MRO Aviation Expansion and creation of an additional 1,325 jobs. The prior phase of development raised \$46M for completion of Hangar 1 and created 400 new aerospace/aviation industry jobs. This expansion will add 3 additional hangars a warehouse and office facilities.

Estimated Cost of Construction: \$ 210,125,000

(Less) Local Match, Grants and Private	\$ 205,250,000
Remaining Grant/Funding sought	<u>4,875,000</u>
Funds Needed to Complete Project	\$ 4,875,000

8. WEST MAIN STREET CORRIDOR IMPROVEMENTS

REQUEST: STATE APPROPRIATION: \$2,900,000

SUMMARY: Main Street is a vital east-west corridor located within the City of Pensacola. Early in the 20th century, the corridor was primarily occupied by industrial uses adjacent to the Alabama and Gulf Coast railroad line. While retaining some of its industrial uses, in the past few decades the corridor has increased its density of new single-family residential as well as enhanced commercial uses. As part of the construction of the Community Maritime Park (Blue Wahoos Baseball Stadium), five blocks of Main Street (Baylen to Clubbs Street) were totally reconstructed to serve the new Park facility to create greatly enhanced walkability, beautiful aesthetics and much needed traffic calming. The objective of this request is to implement the recent Corridor Management Plan (CMP) funded by the state to reconstruct the final eleven remaining blocks of Main Street (Clubbs to Barrancas) and complete the plan.

The objective of the Main Street CMP was to identify operational and access management improvements and priorities needed to support all modes of transportation including roadway capacity, public transit and bicycle and pedestrian movements along the corridor. The Main Street CMP study area spans from Barrancas Avenue on the west to Clubbs Street on the east- a distance of approximately 0.77 miles (11 blocks). Currently, this remaining unimproved portion of Main Street is functionally classified as a minor arterial and is an urbanized 2-lane undivided roadway.

Completion of the Main Street corridor improvements offers a major opportunity to create a special place within the City of Pensacola and will greatly impact/enhance ongoing revitalization efforts in downtown by creating a unique and intrinsic Western Gateway District to the downtown Pensacola Core.

APPROPRIATION REQUEST:

The CMP is complete and the process of implementation is now pending. As with most infrastructure projects, proper funding is the key and this project promises to be a tremendous success for the City, in service to the public. A cost estimate for the desired concept in the CMP, through direct public input, is indicated below:

Estimated Cost of Construction:	\$3,400,000.00
(Less) Local Match:	<u>500,000.00</u>
Funds Needed to Complete Project:	<u>\$2,900,000.00</u>

9. SPECIAL NEEDS UNIVERSAL DESIGNED PLAYGROUND BOUNDLESS-ALL-INCLUSIVE PARK-TIPPIN PARK

REQUEST: STATE APPROPRIATION \$850,000

SUMMARY: Childhood presents many challenges for special needs children, especially on the playground. In today's society, children need to adapt to circumstances that may pose potential problems for them. Children learn about feelings of belonging, acceptance, and rejection at an early age. Therefore, it has become imperative for educational and recreational institutions to incorporate an inclusive child care program. Educators and instructors who accommodate special-needs children gain peace of mind in knowing that no child is left alone with a feeling of inadequacy. Inclusive play enables special-needs children to build the necessary social skills to handle any circumstance. This increases positive attitudes and interaction between all children regardless of abilities.

A Special Needs Universal Designed Playground and Boundless All Inclusive Playground at Tippin Park would include a boundless playground, a multipurpose athletic court to accommodate wheelchair sports/activities, several amenities for the visually impaired, a gazebo and an amphitheater for small performances, restrooms, a walking path, music stimulation instruments, exercise equipment, swings and spinners, a picnic area, and a splash pad/water feature. Additionally, new parking would be needed to accommodate additional ADA parking. The project cost is estimated to be approximately \$1,000,000. City funding will be available at \$150,000. Corporate partnerships will also be pursued.

APPROPRIATION REQUEST:

Estimated Cost of Construction	\$850,000
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10. CONTINUED SUPPORT FOR CRA'S

Key Facts:

- Redevelopment efforts are key to revitalizing housing and commercial areas.
- Redevelopment supports vital community assets identified by the local community.
- CRAs are a recurring funding source for infrastructure, crime prevention and business growth.

11. FUNDING FOR BRUCE BEACH (DOWNTOWN REDEVELOPMENT)

Key Facts:

- Redevelopment efforts are key to revitalizing housing and commercial areas.
- Redevelopment supports vital community assets identified by the local community.

- CRAs are a recurring funding source for infrastructure, crime prevention and business growth.

12. Continued Support for home rule for cities in regulating cell towers, other utilities, and land lords



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 2019-41

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-41 - LAW ENFORCEMENT TRUST FUND (LETF) PURCHASES FOR THE PENSACOLA POLICE DEPARTMENT

RECOMMENDATION:

That the City Council adopt Supplemental Budget Resolution No. 2019-41.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The Law Enforcement Trust Fund was established by City of Pensacola to allow the Police Department the use of money and goods confiscated as a result of criminal activity. Florida State Statute 932.7055 as amended on July 1, 2016 details the circumstances confiscated goods may be used. The Federal Controlled Substance Act, Section 881 (e) (3) of Title 21, United States Code, in accordance with the United States Department of Justice Guide to Equitable Sharing designates the uses of Federal Law Enforcement Trust Funds.

The Pensacola Police Department is requesting \$10,000 from the Law Enforcement Trust Fund (LETF) established by the City of Pensacola as a non-major special revenue fund and as such, combining both state and federal confiscated funds into one accounting fund. The request is for the purchase of school supplies, toys, cups and other related items that contain contact information for the Pensacola Police Department (PPD). These PPD branded items will be used as giveaways and prizes at schools, community events and other situations that cultivate positive interaction and relationships between law enforcement and community members. Positive relationships between community members and law enforcement promote safe neighborhoods; and improve crime reporting to, and cooperation with, law enforcement.

The Pensacola Police Department is requesting \$1,500 be appropriated from the Law Enforcement

Trust Fund (LETf) for the purpose of donating to Southern Youth Sports Association (SYSA). The SYSA is a non-profit organization which uses football to reach disadvantaged youth in the area and provide an opportunity for positive interaction which prevents mischief and criminal activity. They also promote accountability and responsibility which can lead to safer neighborhoods and an increase in trust with law enforcement. Southern Youth Sports Association will use these funds to provide equipment, mentoring and tutoring for these at risk youths to assist in reaching these goals.

I certify that this request complies with the statutory requirements of Florida Statute 932.7055 and that the funds appropriated will be used for the qualifying purpose(s) of crime prevention and safe neighborhood.

PRIOR ACTION:

None

FUNDING:

Budget: \$11,500

Actual: \$10,000 Community Policing & Crime Prevention
\$ 1,500 SYSA Non-Profit Grant
\$11,500

FINANCIAL IMPACT:

The funds would be from the Law Enforcement Trust Fund and would have no impact on the City's General Fund. The attached Supplemental Budget Resolution will appropriate funds for these purposes.

CITY ATTORNEY REVIEW: Yes

9/17/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Tommi S. Lyter, Chief of Police

ATTACHMENTS:

- 1) Supplemental Budget Resolution No. 2019-41
- 2) Supplemental Budget Explanation No. 2019-41
- 3) Letter of Certification
- 4) Correspondence from Southern Youth Sports Association

PRESENTATION: No

**RESOLUTION
NO. 2019-41**

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR
THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA

SECTION 1. The following appropriations from funds on hand in the fund accounts stated below, not heretofore appropriated, and transfer from funds on hand in the various accounts and funds stated below, heretofore appropriated, be, and the same are hereby made, directed and approved to-wit:

A. LAW ENFORCEMENT TRUST FUND

To:	Fund Balance	11,500
As Reads:	Operating Expenses	118,431
Amended		
To Read:	Operating Expenses	129,931

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

SECTION 3. This resolution 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.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk

THE CITY OF PENSACOLA**SEPTEMBER 2019 - SUPPLEMENTAL BUDGET RESOLUTION - LETF FUNDS - NO. 2019-41**

<u>FUND</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
LAW ENFORCEMENT TRUST FUND		
Fund Balance	<u>11,500</u>	Increase appropriated fund balance
Appropriations		
Operating Expenses	<u>11,500</u>	Increase appropriation for Operating Expenses
Total Appropriations	<u>11,500</u>	

CITY OF PENSACOLA POLICE DEPARTMENT
Local Law Enforcement Trust Funds
Letter of Certification

I hereby certify that the requests contained herein comply in full with the provisions of Florida State Statute 932.7055 as amended on July 1, 2016, in reference to the use of contraband forfeiture from a State Law Enforcement Trust Fund and/or under the Federal Controlled Substance Act, Section 881 (e)(3) of Title 21, United States Code, in accordance with the US Department of Justice Guide to Equitable Sharing from a designated Federal

Item	Description of Requested Items	Amount
1	Community Policing and Crime Prevention	\$10,000
2	Southern Youth Sports Assc. Non-profit Grant	\$1,500
Total Requested		\$11,500


Charles Mallett, Acting Chief of Police

9/16/19
Date



Southern Youth Sports Association (SYSA)

www.sysatigers.org

1320 West Gregory St.

Pensacola, FL 32502

850-438-6233

Fax: 850-497-6705

August 27, 2019

Chief Tommi Lyter
City of Pensacola Police
711 N. Hayne St.
Pensacola, FL 32501

Dear Chief Lyter:

In partnership with Quint Studer and the Pensacola Wahoos, the annual Soul Bowl will be held October 12, 2019 at the Pensacola Wahoos stadium. This will be the 29th year of the annual Soul Bowl. This event brings thousands of local parents, children and community supporters together for a fun filled day of football, entertainment and great food. This event allows many disadvantaged youths the opportunity to play football in a professional stadium. 2018 Soul Bowl was such a great experience for the youth in our community. In preparation of our 2019 Soul Bowl we are reaching out to you asking for your support and sponsorship.

The Southern Youth Sports Association provides coaching, mentoring and tutoring to inner city and at-risk youth. Proceeds from this fundraiser will help pay for operations, equipment, tutors and transportation.

The programs have been a huge success on the field and off, helping children stay focused on school, discipline, and staying out of trouble.

The Soul Bowl, with the support of this community, has grown to be one of the largest little league games and we hope that you will continue to be a part of this community event.

Thank you for your time and consideration of support of the Soul Bowl.

Sincerely,

Shirley Cronley

Shirley Cronley
Soul Bowl Committee

Lumon May

Lumon May
Soul Bowl Committee



Soul Bowl Premier Support ~ \$2,500.00

- Listing as Premier Support of the Soul Bowl on the Blue Wahoo Video Board showing throughout the event.
- Mentioned (Name Listed) in ALL press releases, media notices and printed materials subsequent to sponsorship agreement.
- Two (2) complimentary Soul Bowl tickets

Friends of Soul Bowl \$1,000.00

- Listing as Premier Support of the Soul Bowl on the Blue Wahoo Video Board showing throughout the event.
- Mentioned (Name Listed) in ALL press releases, media notices and printed materials subsequent to sponsorship agreement.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 29-19

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 29-19 REPEALING AND REPLACING ORDINANCE NO. 10-19 AUTHORIZING A SPECIAL ASSESSMENT UPON HOSPITAL PROPERTY TO GENERATE FUNDS FOR INDIGENT HEALTH CARE

RECOMMENDATION:

That City Council adopt Proposed Ordinance No. 29-19 on second reading.

AN ORDINANCE RELATING TO FUNDING FOR THE PROVISION OF INDIGENT CARE SERVICES BY HOSPITALS LOCATED WITHIN THE CITY OF PENSACOLA; PROVIDING A SPECIAL NON-AD VALOREM ASSESSMENT AGAINST THE PROPERTY OF SUCH HOSPITALS FOR THE PURPOSE OF INCREASING FUNDING AVAILABLE FOR THE PROVISION OF SUCH SERVICES; PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR THE IMPLEMENTATION AND COLLECTION OF SPECIAL ASSESSMENTS CONFORMING TO THE REQUIREMENTS OF LAW; PROVIDING FOR SEVERABILITY; REPEALING AND REPLACING ORDINANCE NO. 10-19; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Representatives from Baptist Hospital, Sacred Heart Hospital, and Select Specialty Hospital have requested that the City consider the imposition of a special assessment on their real property located in the City to increase funding available to reimburse the hospitals for uncompensated charitable health care. In April 2019, the City adopted Ordinance No. 10-19 to levy a special assessment based on outpatient revenues against properties owned by the hospitals within the city limits. Because the special assessment was based on outpatient revenues, only properties owned by Baptist Hospital and Sacred Heart Hospital were assessed. For FY2020, the hospitals have requested that the special assessment be based on inpatient revenues, which will affect properties owned by Baptist Hospital, Sacred Heart Hospital, and Select Specialty Hospital. In order to levy the requested special assessment for FY2020, the City must repeal and replace Ordinance No. 10-19 to provide for

broader language that allows a special assessment to be based on inpatient revenues. Accordingly, the proposed ordinance repeals and replaces Ordinance No. 10-19, providing a mechanism for levying the special assessment based on inpatient revenue on the properties owned by the three hospitals pursuant to their request.

There currently is a significant gap in the funds the three hospitals receive from the State of Florida and the federal government for indigent health care versus what they actually expend. The hospitals have advised that this gap can be decreased through a special assessment on properties within the city limits owned by Baptist Hospital, Sacred Heart Hospital, and Select Specialty Hospital. The assessment would be imposed as a set percentage of net inpatient service revenues for each hospital property subject to the special assessment. The hospitals will transmit the assessment in one lump sum to the City, which in turn will forward that same amount to the Agency for Health Care Administration, an agency of the State of Florida. The State would then use those funds to draw down a federal match of grant dollars equal to approximately 150% of the assessment dollars collected. The total funds - the assessment amount and the federal grant dollars - then will be remitted to the hospitals by the State.

We anticipate that representatives from each hospital will be in attendance at the Agenda Conference to answer questions regarding the request to the City.

PRIOR ACTION:

September 12, 2019 - City Council voted to approve Ordinance No. 29-19 on first reading.

April 25, 2019 - City Council adopted Ordinance No. 10-19 and Resolution No. 2019-24, which imposed a special assessment on outpatient revenue on properties owned by Baptist Health Care and Sacred Heart Hospital.

FUNDING:

N/A

FINANCIAL IMPACT:

There is no direct financial impact to the City. The special assessment will generate additional funds, estimated at several million dollars, from the federal government to pay for uncompensated care to indigent citizens.

CITY ATTORNEY REVIEW: Yes

8/27/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Richard Barker, Jr., Chief Financial Officer

ATTACHMENTS:

1) Proposed Ordinance No. 29-19

PRESENTATION: No

PROPOSED
ORDINANCE NO. 29-19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE RELATING TO FUNDING FOR THE PROVISION OF INDIGENT CARE SERVICES BY HOSPITALS LOCATED WITHIN THE CITY OF PENSACOLA; PROVIDING A SPECIAL NON-AD VALOREM ASSESSMENT AGAINST THE PROPERTY OF SUCH HOSPITALS FOR THE PURPOSE OF INCREASING FUNDING AVAILABLE FOR THE PROVISION OF SUCH SERVICES; PROVIDING DEFINITIONS; PROVIDING PROCEDURES FOR THE IMPLEMENTATION AND COLLECTION OF SPECIAL ASSESSMENTS CONFORMING TO THE REQUIREMENTS OF LAW; PROVIDING FOR SEVERABILITY; REPEALING AND REPLACING ORDINANCE NO. 10-19; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

WHEREAS, the City of Pensacola has an interest in the access to healthcare for its indigent and uninsured citizens; and

WHEREAS, the City previously adopted Ordinance No. 10-19, providing a mechanism for the special assessment against certain properties within the city limits to increase funding available for indigent care services; and

WHEREAS, the City finds it necessary to revise the special assessment process to provide greater flexibility in the determination from year to year of the basis for the special assessment; and

WHEREAS, upon adoption, this new Ordinance will repeal and replace Ordinance No. 10-19.

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

Section. 1.01 – Findings and Intent.

In adopting this Ordinance, the City Council makes the following findings and declares the following legislative intent:

(1) Each year, Hospitals in Pensacola provide substantial uncompensated charity health care to indigent citizens of the City.

(2) The State of Florida (the "State") created a Low-Income Pool program (the "LIP Program") through its federal Medicaid waiver to help defray the uncompensated costs of providing charity care to uninsured and low-income patients.

(3) The State has not provided the full allowable LIP Program support to certain eligible hospitals.

(4) The Hospitals have requested that the City of Pensacola, Florida (the "City") impose an assessment upon certain real property within the City limits owned by the Hospitals to help finance that non-federal share of the State's LIP Program.

(5) The funding from the City assessment will be transferred to the State to enable the State to draw down a federal match equal to approximately 150% of the assessed funds, thereby allowing the State to pay the Hospitals a higher percentage of their uncompensated charity care costs to maintain and expand their charity care programs.

(6) The City has an interest in promoting access to healthcare to its uninsured and indigent citizens.

(7) Imposing an assessment to help fund the provision of charity health care by the Hospitals to indigent and uninsured citizens of the City is a valid public purpose that benefits the health, safety and welfare of the citizens of Pensacola.

(8) The City Council of the City of Pensacola, Florida (the "City Council") hereby intends to adopt an ordinance, authorizing and enabling the City to levy non-ad valorem assessments on properties of the Hospitals within the jurisdictional limits of the City in accordance with state law and procedures.

Section. 1.02 – Definitions.

When used in this Ordinance, the following terms shall have the following meanings, unless the context clearly requires otherwise:

Assessment Resolution means the resolution approving an Assessment Roll of Hospital property(ies) for a specific Fiscal Year.

Assessment means the assessment on real property of providers of outpatient or inpatient hospital services, as determined by resolution, within Pensacola City limits as defined herein.

Assessment Roll means the special assessment roll of Hospital property(ies) approved by an Assessment Resolution or an Annual Assessment Resolution pursuant to this Ordinance.

Assessment Unit means the apportionment unit utilized to determine the Assessment for each parcel of property, as set forth in the Assessment Resolution. "Assessment Units" may include, by way of example and not limitation, one or a combination of the following: front footage, land area, improvement area, or permitted land use.

City means the City of Pensacola, Florida.

Council means the City Council of the City of Pensacola, Florida.

Fiscal Year means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the City.

Hospital means any hospital owning property in the Pensacola city limits that meets the Assessment criteria as more particularly described in the Assessment Resolution. The Hospitals may include any or all of the following: Baptist Hospital, Sacred Heart Hospital, and Select Specialty Hospital.

Local Service means the provision of charity health care by the Hospitals to indigent and uninsured citizens of Pensacola.

Ordinance means this Special Assessment Ordinance enabling the City to levy non-ad valorem assessments on Hospital properties within the jurisdictional limits of the City.

Property Appraiser means the Escambia County Property Appraiser.

Resolution of Intent means the resolution expressing the Council's intent to collect Assessments on the ad valorem tax bill required by the Uniform Assessment Collection Act, Ch. 197, Florida Statutes.

Tax Collector means the Escambia County Tax Collector.

Tax Roll means the real property ad valorem tax assessment roll pertaining to Hospital property maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

Uniform Assessment Collection Act means Florida Statutes §§ 197.3632 and 197.3635, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

Section. 1.03 - Authority.

The Council is hereby authorized to impose, levy, and collect Assessments against Hospital property located within an Assessment Area upon which are located providers of outpatient or inpatient hospital services in order to fund the non-federal share of LIP payments to certain eligible Hospitals for uncompensated costs of charity care. The Assessment shall be computed in a manner that fairly and reasonably apportions the operating cost proportionate to the benefit among the parcels of property within the Assessment Area, based upon objectively determinable Assessment Units related to the value, use, or physical characteristics of the property. When imposed by the City Council, the Assessment shall constitute a lien upon the assessed Hospitals equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem

assessments, and failure to pay may cause foreclosure proceedings to be instituted that could result in loss of title.

Section. 1.04 - Assessment Resolution.

The Assessment Resolution shall (A) describe with particularity the proposed method of fairly and reasonably apportioning the operating cost proportionate to the benefit among the parcels of property located within the Assessment Area, such that the owner of any parcel of property can objectively determine the amount of the Assessment, based upon its value, use or physical characteristics; and (B) describe how and when the Assessments are to be paid.

Section. 1.05 - Assessment Roll.

(A) An Assessment Roll shall be prepared that contains the following information:

- (1) a summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the Assessment;
- (2) the name of the owner of record of each parcel, as shown on the Tax Roll;
- (3) the Assessment attributable to each parcel;
- (4) the estimated maximum annual Assessment to become due in any Fiscal Year; and
- (5) the estimated maximum annual Assessment to become due in any Fiscal Year for each parcel.

Section. 1.06 Adoption Procedures.

The procedures utilized by the City Council in adopting an Assessment Resolution, an Assessment Roll, and notice of same to affected Hospital property owners shall be those procedures required by the Uniform Assessment Collection Act, Chapter 197, Florida Statutes, as those procedures currently exist or may be altered or amended from time to time.

Section 1.07 - Collection.

Assessments to be collected under the alternative method of collection shall attach to the property included on the Assessment Roll as of the date of Council approval of such Assessment Roll.

Section 1.08 - Method of Collection.

Assessments shall be collected pursuant to the Uniform Assessment Collection Act, and the City shall comply with all applicable provisions thereof.

Section 1.09 - Hold Harmless and Indemnification.

The Hospitals that are the subject of this Ordinance have requested adoption of this Ordinance and have given assurances to the City of Pensacola that the objectives and procedures addressed in this Ordinance are proper and lawful. Accordingly, the Hospitals that are the subject of this Ordinance shall hold the City of Pensacola and its officers, employees, and agents harmless from any claim arising from the adoption and implementation of this Ordinance, and that they shall indemnify the City of Pensacola and its officers, employees and agents from any and all claims, including the costs and fees associated with the defense of such claims, that may arise in the event that the objectives and procedures of this Ordinance are challenged by any person, entity, or government agency.

Section 1.10 - Reimbursement of Costs.

The Hospitals that are the subject of this Ordinance shall be assessed the costs incurred by the City of Pensacola in the administration and implementation of this Ordinance, such assessment to be in proportion to the assessments imposed hereunder.

Section 1.11. 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 that 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 1.12. Ordinance No. 10-19 is hereby repealed.

Section 1.13. 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 the City Council

Attest:

City Clerk



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 2019-52

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

RESOLUTION NO. 2019-52 - INDIGENT HEALTH CARE SPECIAL ASSESSMENT

RECOMMENDATION:

That City Council adopt Resolution No. 2019-52.

AN ASSESSMENT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, AUTHORIZING, LEVYING, AND IMPOSING A NON-AD VALOREM ASSESSMENT WITHIN THE AREAS OF THE CITY LIMITS DESCRIBED HEREIN FOR THE PURPOSE OF SUPPORTING THE PROVISION OF CHARITY HEALTH CARE BY THE CITY'S HOSPITALS TO INDIGENT MEMBERS OF THE NORTHWEST FLORIDA COMMUNITY; FINDING AND DETERMINING THAT CERTAIN REAL PROPERTY IS SPECIALLY BENEFITED BY THE INCREASED SUPPORT FOR CHARITY CARE; MAKING CERTAIN OTHER FINDINGS IN RELATION THERETO; ESTABLISHING THE METHOD OF ASSESSING AND COLLECTING THE ASSESSMENT AGAINST THE REAL PROPERTY; SPECIFYING THE MAXIMUM ANNUAL ASSESSMENT AMOUNT AND THE MAXIMUM ASSESSMENT LIEN TO BE LEVIED AGAINST THE SPECIALLY BENEFITED REAL PROPERTY; CONFIRMING THE ASSESSMENT RESOLUTION; PROVIDING FOR CERTAIN OTHER AUTHORIZATIONS AND DELEGATIONS OF AUTHORITY IN RELATION THERETO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Representatives from Baptist Hospital, Sacred Heart Hospital, and Select Specialty Hospital have requested that the City consider the imposition of a special assessment on their real property located in the City to increase funding available to reimburse the hospitals for uncompensated charitable health care. In April 2019, the City adopted Ordinance No. 10-19 to levy a special assessment based on outpatient revenues against properties owned by the hospitals within the city limits. Because the special assessment was based on outpatient revenues, only properties owned by Baptist Hospital

and Sacred Heart Hospital were assessed. For FY2020, the hospitals have requested that the special assessment be based on inpatient revenues, which will affect properties owned by Baptist Hospital, Sacred Heart Hospital, and Select Specialty Hospital. In order to levy the requested special assessment for FY2020, the City must repeal and replace Ordinance No. 10-19 to provide for broader language that allows a special assessment to be based on inpatient revenues. Accordingly, the proposed ordinance repeals and replaces Ordinance No. 10-19, providing a mechanism for levying the special assessment based on inpatient revenue on the properties owned by the three hospitals pursuant to their request.

There currently is a significant gap in the funds the three hospitals receive from the State of Florida and the federal government for indigent health care versus what they actually expend. The hospitals have advised that this gap can be decreased through a special assessment on properties within the city limits owned by Baptist Hospital, Sacred Heart Hospital, and Select Specialty Hospital. The assessment would be imposed as a set percentage of net inpatient service revenues for each hospital property subject to the special assessment. The hospitals will transmit the assessment in one lump sum to the City, which in turn will forward that same amount to the Agency for Health Care Administration, an agency of the State of Florida. The State would then use those funds to draw down a federal match of grant dollars equal to approximately 150% of the assessment dollars collected. The total funds - the assessment amount and the federal grant dollars - then will be remitted to the hospitals by the State.

We anticipate that representatives from each hospital will be in attendance at the Agenda Conference to answer questions regarding the request to the City.

PRIOR ACTION:

April 25, 2019 - City Council adopted Ordinance No. 10-19 and Resolution No. 2019-24, which imposed a special assessment on outpatient revenue on properties owned by Baptist Health Care and Sacred Heart Hospital.

FUNDING:

N/A

FINANCIAL IMPACT:

There is no direct financial impact to the City. The special assessment will generate additional funds, estimated at several million dollars, from the federal government to pay for uncompensated care to indigent citizens.

CITY ATTORNEY REVIEW: Yes

8/27/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator

Richard Barker Jr., Chief Financial Officer

ATTACHMENTS:

- 1) Resolution No. 2019-52

PRESENTATION: No

**RESOLUTION
NO. 2019-52**

**A RESOLUTION
TO BE ENTITLED:**

AN ASSESSMENT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA, AUTHORIZING, LEVYING, AND IMPOSING A NON-AD VALOREM ASSESSMENT WITHIN THE AREAS OF THE CITY LIMITS DESCRIBED HEREIN FOR THE PURPOSE OF SUPPORTING THE PROVISION OF CHARITY HEALTH CARE BY THE CITY'S HOSPITALS TO INDIGENT MEMBERS OF THE NORTHWEST FLORIDA COMMUNITY; FINDING AND DETERMINING THAT CERTAIN REAL PROPERTY IS SPECIALLY BENEFITED BY THE INCREASED SUPPORT FOR CHARITY CARE; MAKING CERTAIN OTHER FINDINGS IN RELATION THERETO; ESTABLISHING THE METHOD OF ASSESSING AND COLLECTING THE ASSESSMENT AGAINST THE REAL PROPERTY; SPECIFYING THE MAXIMUM ANNUAL ASSESSMENT AMOUNT AND THE MAXIMUM ASSESSMENT LIEN TO BE LEVIED AGAINST THE SPECIALLY BENEFITED REAL PROPERTY; CONFIRMING THE ASSESSMENT RESOLUTION; PROVIDING FOR CERTAIN OTHER AUTHORIZATIONS AND DELEGATIONS OF AUTHORITY IN RELATION THERETO; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, each year, hospitals in Pensacola provide millions of dollars of uncompensated charity health care to indigent members of the Northwest Florida community; and

WHEREAS, the State of Florida (the "State") created a Low-Income Pool program (the "LIP Program") through its federal Medicaid waiver to help support the uncompensated costs of providing charity care to uninsured and low-income patients; and

WHEREAS, the State has not provided the full allowable LIP Program support to certain eligible hospitals; and

WHEREAS, the impacted hospitals (the "Hospitals") have requested that the City of Pensacola, Florida (the "City") impose an assessment upon certain real property owned by the Hospitals to help finance that non-federal share of the State's LIP Program; and

WHEREAS, the funding from the City assessment will be transferred to the State to enable the State to draw down a federal match equal to approximately 150% of the assessed funds, thereby allowing the State to pay the Hospitals a much higher percentage of their uncompensated charity care costs to maintain and even expand their charity care programs; and

WHEREAS, among the uncompensated charity care costs that the LIP payments will cover and that the Hospitals incur are the costs of operating and maintaining the assessed real property, as documented in hospital cost reports submitted to the Agency for Health Care Administration (“AHCA”) and the federal Centers for Medicare and Medicaid Services (“CMS”); and

WHEREAS, as with many local governments, it is within the City’s public purposes to promote access to healthcare to its uninsured and low-income residents as well as the broader community through support of charity care provided by local hospitals; and

WHEREAS leveraging federal support for certain eligible hospitals to continue to provide that care benefits all providers in the City who would otherwise take on a greater share of that burden; and

WHEREAS, imposing an assessment to help fund the provision of charity health care by the Hospitals to indigent and uninsured members of the Northwest Florida community is a valid public purpose that benefits the health, safety, and welfare of the citizens of Pensacola; and

WHEREAS, on September 26, 2019, the City Council of the City of Pensacola, Florida (the "City Council") adopted Ordinance No. _____ (the “Ordinance”), enabling the City to levy non-ad valorem assessments on properties within the jurisdictional limits of the City owned by the Hospitals that are specially benefited by this special assessment for supporting charity health care.

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

Section 1. Definitions. As used in this Resolution, the following capitalized terms, not otherwise defined herein or in the Ordinance, shall have the following meanings unless the context hereof otherwise requires:

“Assessment Area” means the Hospital facilities within City limits that provide inpatient hospital services, namely real property located at:

Sacred Heart Hospital
5151 North 9th Avenue
Pensacola, FL 32504

Baptist Hospital
1000 W Moreno Street
Pensacola, FL 32501

Select Specialty Hospital
7000 Cobble Creek Road
Pensacola, FL 32504

“Delinquent” means not paid within thirty (30) days of the due date.

“Designated City Official” means the Chief Financial Officer, or such other official as shall be designated by the Mayor to act as such hereunder, or such person’s designee.

“Ordinance” means Ordinance No. ____ adopted by City Council on September 26, 2019, enabling the City to levy non-ad valorem assessments on properties within the jurisdictional limits of the City that are specially benefited by certain local improvements or local services.

“Owner,” “Owner(s),” or “Owners” means any one or more of the owners of the real property within the Assessment Area determined by the City Council to be subject to the Assessment based on the selected methodology defined herein.

Section 2. Interpretation. Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms “hereof,” “hereby,” “herein,” “hereto,” “hereunder” and similar terms refer to this Resolution; and the term “hereafter” means after, and the term “heretofore” means before, the effective date of this Resolution. Words of any gender include the correlative words of the other gender, unless the sense indicates otherwise.

Section 3. Authority. This Resolution is adopted pursuant to Section 2(b), Article VIII of the Constitution of the State of Florida, Parts I and III of Chapter 166, Florida Statutes, and the Ordinance (collectively the "Act").

Section 4. Findings. It is hereby ascertained, found, determined and declared by the City Council that:

(A) Article VIII of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, grant to a city all powers of local self-government to perform city functions and to render services for city purposes in a manner not inconsistent with general law or with special law approved by vote of the electors, and such power may be exercised by enactment of ordinances and resolutions.

(B) The Ordinance was enacted to provide for the creation of a special assessment imposed on certain real property owned by the Hospitals.

(C) The City’s support of access to health care services provided through hospital charity care programs, by leveraging local funding and Medicaid federal matching funds to provide such access, constitutes Local Services as defined in the Ordinance.

(D) The City’s decision to leverage available funding to support the provision of hospital charity care programs through LIP funding serves a valid public purpose by supporting the provision of health care to indigent members of the Northwest Florida community, supporting the other providers who would otherwise take on such charity care, and supporting the viability of certain LIP eligible hospitals as important institutions to the City economy, and, therefore, the Assessment is in the best interest of the health, safety, and welfare of the citizens of Pensacola.

(E) City Council desires to create the Assessment Area to fund the Local Service as set forth herein.

(F) The Local Service will provide a special benefit to the property located within the Assessment Area by generating additional funding to cover the cost of charity health care, including costs of operating and maintaining the real property and improvements thereon in which the charity care is provided, such costs to be documented in cost reports submitted to AHCA and CMS.

(G) The Assessment to be imposed in accordance with this Resolution provides an equitable method of funding increased charity care.

(H) A reasonable methodology has been applied in determining the basis and rate of the Assessment and which hospitals are subject to the Assessment within the jurisdictional limits of the City (the Assessed Hospitals).

Section 5. Special Assessment. There is hereby authorized and imposed a non-ad valorem assessment, the amount of which shall be computed in accordance with Section 7 herein. The Assessment shall be imposed, levied, collected, and enforced against the specially benefited real property located in the Assessment Area to fund the non-federal share of LIP payments to certain eligible hospitals for uncompensated costs of charity care. When imposed by this Resolution, the Assessment shall constitute a lien upon the real property in the Assessment Area equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments, and failure to pay may cause foreclosure proceedings to be instituted that could result in loss of title. The Assessment will be billed and collected as provided in Section 9 hereof and in the Ordinance.

Section 6. Assessment Scope, Basis, and Use.

(A) The Assessment pursuant to this Resolution shall be imposed on all providers of inpatient hospital services within the City limits, which is limited to Sacred Heart Hospital, Baptist Hospital, and Select Specialty Hospital. The City will assess net inpatient service revenues of each Hospital subject to the Assessment.

(B) The amounts collected from the Assessment may only be used for the following purposes:

(1) to transfer funds to the Agency for Health Care Administration (“AHCA”) for the purposes of providing local funding for the non-federal share of LIP payments to eligible hospitals that are Regional Perinatal Intensive Care Centers; or

(2) to refund to the assessed Hospitals any overpayment or amounts otherwise collected in error with respect to the Assessment.

(C) In the event that all or a portion of the LIP payments are recouped by the federal government and the associated non-federal share funded by the Assessment is returned to the City, the City will refund such amounts to the Assessed Hospitals.

Section 7. Computation of Assessment.

(A) The annual installment of the Assessment shall equal 4.6 percent of net inpatient service revenues for each Hospital subject to the Assessment.

(B) Net inpatient hospital services revenue data for each assessed Hospital will be derived from the 2017 Florida Hospital Uniform Reporting System, as available from AHCA.

(C) The full amount of the annual assessment is payable by October 31, 2019.

(D) The maximum lien obligation of the Assessment is \$13,326,567 (the “Maximum Lien Obligation”).

Section 8. Non-Ad Valorem Assessment Roll; Certification. The Non-Ad Valorem Assessment Roll, a copy of which is attached hereto as Exhibit A, is hereby approved in accordance with Section 1.05 of the Ordinance.

Section 9. Timing and Method of Collection.

(A) The amount of the assessment is to be collected from the Hospitals as described herein.

(B) The City shall provide Assessment bills by first class mail to the owner of each affected Hospital. The bill or accompanying explanatory material shall include (1) a reference to this Resolution, (2) the total amount of the hospital's Assessment for the appropriate period, (3) the location at which payment will be accepted, (4) the date on which the Assessment is due, and (5) a statement that the Assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

(C) The Hospitals shall pay to the City the full assessment promptly upon the passing of this Resolution, but in no event later than the date set forth in Section 7(C) above.

Section 10. Public Hearing. A public hearing will be conducted by the City Council on September 26, 2019, at 5:30 p.m. or at such other time as noticed in Council Chambers at City Hall, 222 West Main Street, Pensacola, to consider adoption of this Assessment Resolution for the imposition and collection of the Assessment.

Section 11. Assessment.

(A) The methodology for computing the Assessment described herein is hereby approved. The Assessment is hereby imposed on the Assessment Area.

(B) The Assessment shall constitute a lien against the Assessment Area equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens and claims until paid. The lien shall be perfected upon adoption of this Assessment Resolution.

Section 12. Direction to Mail Copies. The City Council does hereby authorize the Mayor to send a copy of this Resolution by United States Mail to the Escambia County Property Appraiser, the Escambia County Tax Collector, and to the State of Florida Department of Revenue.

Section 13. Assessment Lien Notice. If the Assessment is not paid in full within thirty (30) days of the due date set forth in Section 7(C) hereof, City Council does hereby authorize the appropriate City official to record a general notice of the lien resulting from the imposition of the Assessment in the Official Records of Escambia County, Florida.

Section 14. Indemnification. The owners of the affected hospitals shall indemnify the City against any and all net losses incurred by the City if any clause, section or provision of this Resolution is declared unconstitutional or invalid for any reason or cause, after accounting for any funds returned by AHCA. If, notwithstanding the restricted use of the proceeds of the assessment set forth in Section 6, a creditor of the City is adjudged entitled to claim any portion of the proceeds of the assessment, the affected hospitals shall indemnify the City if it is required to pay to such creditor and AHCA an amount in excess of the assessment proceeds received. Each hospital's share of the total indemnification amount shall be equal to their share of the total assessment amount.

The Hospitals also agree to indemnify and hold the City, its subsidiaries or affiliates, elected and appointed officials, employees, volunteers, representatives, and agents harmless from any and all claims, suits, actions, damages, liability and expenses, directly or indirectly caused by, resulting from, arising out of, or occurring in connection with the adoption, implementation, or performance of the activities associated with this Resolution and Assessment and the Ordinance.

Section 15. Other Authorizations. The Mayor and his designees are hereby authorized to (a) do all things necessary to carry out the terms and conditions of this Resolution, consistent with the intent of the City Council, including, if necessary, contracting with the Escambia County Property Appraiser and the Escambia County Tax Collector to administer the levy and collection of the Assessment and executing a Low Income Pool Letter of Agreement with the Agency for Health Care Administration (AHCA); and (b) record a copy of this Resolution and any other necessary notice in the Public Records of Escambia County, Florida, to preserve the status of the lien created hereby on all properties in the Assessment Area against all the world, including any subsequent purchasers of the affected properties.

Section 16. Severability. If any clause, section or provision of this Resolution shall be declared unconstitutional or invalid for any reason or cause, the remaining portion hereof shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

Section 17. Effective Date. This resolution shall become effective on the fifth (5th) business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
Council President

Attest:

City Clerk

(SEAL)

EXHIBIT A
Non-Ad Valorem Assessment Roll

Sacred Heart Hospital:

- 5151 North 9th Avenue, Pensacola, FL 32504

Baptist Hospital:

- 1000 W Moreno Street, Pensacola, FL 32501

Select Specialty Hospital:

- 7000 Cobble Creek Road, Pensacola, FL 32504



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 2019-53

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

SUPPLEMENTAL BUDGET RESOLUTION NO. 2019-53 - INDIGENT HEALTH CARE SPECIAL ASSESSMENT

RECOMMENDATION:

That City Council adopt Supplemental Budget Resolution No. 2019-53.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Representatives from Baptist Hospital, Sacred Heart Hospital, and Select Specialty Hospital have requested that the City consider the imposition of a special assessment on their real property located in the City to increase funding available to reimburse the hospitals for uncompensated charitable health care. In April 2019, the City adopted Ordinance No. 10-19 to levy a special assessment based on outpatient revenues against properties owned by the hospitals within the city limits. Because the special assessment was based on outpatient revenues, only properties owned by Baptist Hospital and Sacred Heart Hospital were assessed. For FY2020, the hospitals have requested that the special assessment be based on inpatient revenues, which will affect properties owned by Baptist Hospital, Sacred Heart Hospital, and Select Specialty Hospital. In order to levy the requested special assessment for FY2020, the City must repeal and replace Ordinance No. 10-19 to provide for broader language that allows a special assessment to be based on inpatient revenues. Accordingly, the proposed ordinance repeals and replaces Ordinance No. 10-19, providing a mechanism for levying the special assessment based on inpatient revenue on the properties owned by the three hospitals pursuant to their request.

There currently is a significant gap in the funds the three hospitals receive from the State of Florida and the federal government for indigent health care versus what they actually expend. The hospitals have advised that this gap can be decreased through a special assessment on properties within the

city limits owned by Baptist Hospital, Sacred Heart Hospital, and Select Specialty Hospital. The assessment would be imposed as a set percentage of net inpatient service revenues for each hospital property subject to the special assessment. The hospitals will transmit the assessment in one lump sum to the City, which in turn will forward that same amount to the Agency for Health Care Administration, an agency of the State of Florida. The State would then use those funds to draw down a federal match of grant dollars equal to approximately 150% of the assessment dollars collected. The total funds - the assessment amount and the federal grant dollars - then will be remitted to the hospitals by the State.

We anticipate that representatives from each hospital will be in attendance at the Agenda Conference to answer questions regarding the request to the City.

PRIOR ACTION:

April 25, 2019 - City Council adopted Ordinance No. 10-19 and Resolution No. 2019-24, which imposed a special assessment on outpatient revenue on properties owned by Baptist Health Care and Sacred Heart Hospital.

FUNDING:

N/A

FINANCIAL IMPACT:

Based on estimations from the three hospitals, combined assessments will total approximately \$12.7 million. Adoption of the supplemental budget resolution will appropriate the assessment funds.

CITY ATTORNEY REVIEW: Yes

8/27/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Richard Barker, Jr., Chief Financial Officer

ATTACHMENTS:

- 1) Supplemental Budget Resolution No. 2019-53
- 2) Supplemental Budget Explanation No. 2019-53

PRESENTATION: No

**RESOLUTION
NO. 2019-53**

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE
FISCAL YEAR ENDING SEPTEMBER 30, 2019; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA

SECTION 1. The following appropriations from funds on hand in the fund accounts stated below, not heretofore appropriated, and transfer from funds on hand in the various accounts and funds stated below, heretofore appropriated, be, and the same are hereby made, directed and approved to-wit:

A. HOSPITAL SPECIAL ASSESSMENT FUND

To:	Special Assessment - Select Specialty Hospital	364,132
As Reads:	Special Assessment - Baptist Hospital	6,603,144
Amended		
To Read:	Special Assessment - Baptist Hospital	9,809,906
As Reads:	Special Assessment - Sacred Heart Hospital	7,859,187
Amended		
To Read:	Special Assessment - Sacred Heart Hospital	16,950,712
As Reads:	Grants & Aids	14,462,331
Amended		
To Read:	Grants & Aids	27,124,750

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

SECTION 3. This resolution 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.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk

THE CITY OF PENSACOLA**SEPTEMBER 2019 - SUPPLEMENTAL BUDGET RESOLUTION - INDIGENT HEALTH CARE SPECIAL ASSESSMENT - RES NO. 2019-53**

FUND	AMOUNT	DESCRIPTION
HOSPITAL SPECIAL ASSESSMENT FUND		
Estimated Revenues		
Special Assessment - Baptist Hospital	3,206,762	Increase estimated revenue from Special Assessment - Baptist Hospital
Special Assessment - Sacred Heart Hospital	9,091,525	Increase estimated revenue from Special Assessment - Sacred Heart Hospital
Special Assessment - Select Specialty Hospital	364,132	Appropriate estimated revenue from Special Assessment - Select Specialty Hospital
Total Revenues	<u>12,662,419</u>	
Appropriations		
Grants & Aids	<u>12,662,419</u>	Increase appropriation for Grants & Aids
Total Appropriations	<u>12,662,419</u>	



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 24-19

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Ann Hill

SUBJECT:

PROPOSED ORDINANCE NO. 24-19 - AMENDING THE CODE OF THE CITY OF PENSACOLA, LAND DEVELOPMENT CODE, SECTION 12-12-5 - BUILDING PERMITS; PROVIDING FOR HISTORIC DEMOLITION REVIEW

RECOMMENDATION:

That City Council adopt Proposed Ordinance No. 24-19 on second reading:

AN ORDINANCE AMENDING SECTION 12-12-5 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CREATING SUBSECTION 12-12-5(E) ESTABLISHING A PROCESS FOR THE REVIEW OF REQUESTS TO DEMOLISH BUILDINGS OF HISTORICAL, ARCHITECTURAL, CULTURAL OR URBAN DESIGN VALUE TO THE CITY; PROVIDING DEFINITIONS; PROVIDING ARCHITECTURAL REVIEW BOARD CRITERIA AND PROCEDURES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

In July of 2016, City Council referred to the Planning Board for review and recommendation a proposed ordinance for a Historic Building Demolition Review. Between August and November of 2016, the Planning Board discussed at regular meetings as well as workshops a proposed amendment to the Land Development Code (LDC), which would allow for Historic Building Demolition Review.

Currently the LDC only affords an application and review process for the issuance of demolition permits for those areas within a historic district or other similarly designated area requiring such review. The desire of this amendment was to provide a review process citywide regarding the issuance of demolition permits for historic structures as defined within the LDC.

In October of 2018, City Council referred to the Planning Board a proposed Historic Preservation Commission. In response, at its February 12, 2019 Planning Board Meeting, the Board brought forth a proposed amendment to the LDC allowing for a Historic Building Demolition Review process.

With the assistance of Inspections, Planning Staff, Legal and Council Staff, the proposed amendment to Section 12-12-5 of the LDC, Historic Building Demolition Review is brought forward for Council consideration.

Since no action was taken at the initial public hearing on July 18, 2019, another hearing is scheduled for September 12, 2019.

PRIOR ACTION:

September 12, 2019 - City Council voted to approve Ordinance No. 24-19 on first reading.

July 18, 2019 - City Council held Public Hearing-no action taken

February 12, 2019 - Planning Board considered Council referral regarding a Historic Preservation Commission

October 11, 2018 - City Council referred to the Planning Board a proposed Historic Preservation Commission

August through November, 2016 - Planning Board discussed at regular meetings as well as workshops to provide a proposed amendment to the Land Development Code for a Historic Building Demolition Review

July 14, 2016 - City Council referred to Planning Board for their review and recommendation a Historic Building Demolition Review Ordinance

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Ordinance No. 24-19

PRESENTATION: No

PROPOSED
ORDINANCE NO. 24-19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 12-12-5 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; CREATING SUBSECTION 12-12-5(E) ESTABLISHING A PROCESS FOR THE REVIEW OF REQUESTS TO DEMOLISH BUILDINGS OF HISTORICAL, ARCHITECTURAL, CULTURAL OR URBAN DESIGN VALUE TO THE CITY; PROVIDING DEFINITIONS; PROVIDING ARCHITECTURAL REVIEW BOARD CRITERIA AND PROCEDURES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-12-5 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

SECTION 12-12-5. - Building permits.

This section is established to provide for building permits for review of compliance with the provisions of this land development code. A "building permit" means any building or construction permit required by Chapter 14-1.

(A) *Application.* Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the Standard Building Code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work. All applications for building permit shall be accompanied by the following information and materials:

(a) Two (2) complete sets of building construction plans shall be required. In addition, a plot plan drawn to scale depicting the following information shall be required for residential and commercial building permits:

1. Lot dimensions, boundary lines, area of the lot, and its legal description.
2. The locations and dimensions of buildings, structures or additions, including all overhangs, eaves and porches.
3. The yard requirements indicating distance from all property lines to the proposed buildings, structures or additions in feet.
4. The existing and proposed uses of each building, structure or addition.
5. Access and parking layout, including driveway location. Where applicable, required loading and unloading spaces should be indicated.
6. Elevations showing architectural features of each side of the existing and proposed construction.
7. Where application is made to build upon a lot nonconforming in size or dimensions (lot of record), the application shall be accompanied by a recorded deed giving description of the property as of July 23, 1965.
8. For all plans except single-family or duplex dwellings a landscape plan is required pursuant to section 12-6-4.

(b) Proof of sewer tap from Escambia County Utilities Authority.

(c) Completed current Florida Model Energy Efficiency Code Building Construction.

One (1) copy of the plans shall be returned to the applicant by the building official after he has marked such copy either as approved or disapproved and attested same by his signature on such copy. The original, similarly marked, shall be retained by the building official.

(B) *Issuance of building permits.* No application for a building permit shall be approved by the building official for any building, structure, or addition on any lot in violation of this chapter or not in compliance with any provisions of this chapter, unless authorized under subsection 12-12-2(A)(2), Variances.

(C) *Construction and occupancy to be as provided in applications.* Building permits issued on the basis of plans and applications approved by the building official authorize only the occupancy, arrangement, and

construction set forth in such approval plans and applications, and no other occupancy, arrangement, or construction. Occupancy, arrangement, or construction in variance with that authorized shall be deemed a violation of this chapter, unless such change is reviewed and approved by the building official.

(D) *Expiration of building permits.* Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced; provided that, for cause, one or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed, and such extensions shall be in writing by the building official.

(E) This section shall be known and cited as the City of Pensacola's Historic Building Demolition Review Ordinance. The purpose of this section is to establish a predictable process for reviewing requests to demolish certain historic buildings not located within historic and preservation land use districts in order to establish an appropriate waiting period during which the City and the Applicant can propose and consider alternatives to the demolition of a building of historical, architectural, cultural or urban design value to the City.

(1) Definitions.

For the purposes of this section only, the following words and phrases, whether or not capitalized, shall have the following meanings:

Applicant means the person or persons filing an application for review under this Section.

Application means a Demolition Permit application for review under this Section, filed with the City's Inspection Services Division.

Application filing date means the date on which the application was filed with the City's Inspection Services Division.

Architectural Review Board means the City's Architectural Review Board as advisors to the City Council.

Contributing Structure means any building adding to the historic significance of a property or district.

Day means any day, including Saturdays, Sundays, and holidays.

Demolition means any act of pulling down, destroying, razing, or removing a building.

Demolition permit means a permit issued by the Inspection Services Division authorizing the demolition of a building pursuant to an application.

Florida Master Site File means the State of Florida's official inventory of historical, cultural resources including archaeological sites, historical structures, historical cemeteries, historical bridges and historic districts, landscapes and linear resources.

Historic Building means a building or structure that is:

- (a) At least 50 years in age or more; or
- (b) Individually listed in the National Register of Historic Places; or
- (c) A contributing property in a National Register of Historic Places listed district; or
- (d) Designated as historic property under an official municipal, county, special district or state designation, law, ordinance or resolution either individually or as a contributing property in a district; or
- (e) Determined potentially eligible as meeting the requirements for listing in the National Register of Historic Places, either individually or as a contributing property in a district, by the Secretary of the Interior.

Historic Site means a place, or associated structures, having historic significance.

Historic Structure means a building, bridge, lighthouse, monument, pier, vessel or other construction that is 50 years in age or more and is designated or that is deemed eligible for such designation by a local, regional or national

jurisdiction as having historical, architectural or cultural significance.

Neighborhoods means all the areas of the City.

Significant building means a building with respect to which the Architectural Review Board has made a determination, that further examination, ~~including the public hearing required by this Section,~~ is warranted to determine whether a delay in demolition should be required.

National Register of Historic Places means the official Federal lists of districts, sites, buildings, structures and objects determined significant in American history, architecture, archaeology, engineering and culture.

(2) Buildings Subject to Review.

The following buildings are subject to review by the Architectural Review Board for the purpose of determining whether such buildings are historically significant:

Any building located in the Neighborhoods of the city of Pensacola if:

- (a) Such building, or the portion thereof to which the application relates, is 50 years old or older; or
- (b) Such building is listed on the City of Pensacola's "Local Registry of Historic or Significant Buildings" and/or the Florida Division of Historical Resource's Florida Master Site File, or
- (c) Such building or the portion thereof is determined to be a historically significant building pursuant to subsection (4)3 (5)c, herein.
- (d) ~~Such building is located in one of the City of Pensacola's historic preservation districts AND is confirmed as a contributing structure to that district.~~

(3) Exemptions.

Demolition of historic buildings, whether contributing or noncontributing, located in the following districts shall be exempt from this section.

- (a) Pensacola Historic District, refer to section 12-2-10(A)(9) to (11);
- (b) North Hill Preservation District, refer to section 12-2-10(B)(9);
- (c) Old East Hill Preservation District, refer to section 12-2-10(C)(10);
- (d) Palafox Historic Business District, refer to section 12-2-21(F)(2)(d); and
- (e) Governmental Center District.

(4) Enforcement.

- (a) Issuance of Demolition Permit. With exception to the districts listed in subsection 3, herein, the requirements set forth in this Section are in addition to, and not in lieu of, the requirements of any other codes, ordinances, statutes, or regulations applicable to the demolition of buildings. The Building Official shall not issue any demolition permit relating to a building that is subject to review, unless:
 - 1. The Building Official has determined that the building is unsafe in accordance with City Code Section 14-1-139.
 - 2. The Building Official: (i) has received a notice issued by the Architectural Review Board, that the building is not subject to review under this section, or is not a historically significant building, or (ii) has not received such notice within the time period set forth in subsection ~~(4)~~(5)(a); or
 - 3. The Building Official: (i) has received a notice issued by the Architectural Review Board that no demolition delay is required; or (ii) has not received such notice within the time period set forth in subsection ~~(4)~~(5)(a); or
 - 4. The Building Official has received a notice issued by the Architectural Review Board that there is no feasible alternative to demolition; or
 - 5. The demolition delay period set forth in subsection ~~(4)~~(5)(a) has expired.

(b) Required Demolition or Repair.

1. Demolition. Nothing in this section shall restrict the authority of the Building Official to order the building owner, or the City, to demolish a building at any time if the Building Official determines that the condition of a building or part thereof presents an imminent and substantial danger to the public health or safety.

(5) Procedure.

- (a) Application. An application for review under this section shall be made in the manner provided below. The process, from start (application) to finish (determination and/or permit issuance) shall not exceed ~~120~~¹⁵⁰ 120 days. If the Applicant is not the owner of record of the building, the owner or owners of record shall co-sign the application.

1. Time for Filing Application. The Applicant (or building owner) is encouraged to apply for review under this section as early as possible, so that any necessary review, and any delay period required by this Section, may be completed prior to, or during, any other review to which the building or its site may be subject.

2. Application for Early Review. At any time prior to filing an application for a demolition permit, the Applicant may apply for review under this Section by submitting a request in writing to the Architectural Review Board.

3. Informational evidence: The Applicant must submit for review sufficient information to enable the Architectural Review Board to make their determination, including an accurate site plan showing the footprint, photos of all sides of the subject building and the site to indicate all existing site features, such as trees, fences, sidewalks, driveways and topography, and photos of the adjoining streetscape, including adjacent buildings to indicate the relationship of the existing structure to the surrounding properties.

- (b) Determination: Applicability of Review and Significance of Building. After its receipt of an application from Planning Staff, the Architectural Review Board shall determine: (1) whether the building is subject to review under this Section, and (2) whether the building is a historically significant building. The Architectural Review Board may seek the assistance of City staff or the University of West Florida's Historic Trust or the University of West Florida Archaeological Institute.

The initial review process shall be handled as an abbreviated review involving staff, and the Chairman or his/her designee of the Architectural Review Board, and a staff member of West Florida Historic Preservation, Inc. If it is determined by the abbreviated review panel to be potentially architecturally historically significant, the application would then go to the full Architectural Review Board for review.

However, if the building is determined by the abbreviated review panel to not be historically significant by not meeting the criteria set forth in subsection (5)c, the Historic Building Demolition Review will end.

The Architectural Review Board shall issue a notice of its determination within ~~forty five (45)~~ sixty (60) days of an application being received. If the Architectural Review Board determines that the building is historically significant, such notice shall:

1. indicate that the Architectural Review Board will hold a public hearing within the time period required by this Section; and
2. invite the Applicant to submit any information that the Applicant believes will assist the Architectural Review Board in: (i) determining whether the building is subject to demolition delay according to the criteria set forth herein, and (ii) evaluating alternatives to demolition.

- (c) Set forth the Criteria for Requiring Demolition Delay. The Architectural Review Board shall make its determination concerning the requirement of demolition delay according to the following criteria: ~~set forth herein.~~ To determine that a historically significant building is subject to the demolition delay, the Architectural Review Board must find that, in the public interest, it is preferable that the building be preserved or rehabilitated rather than demolished. In making such finding, the Architectural Review Board shall consider the criteria for determining historical significance.

The Applicant is encouraged to present any information the Applicant believes will assist the Architectural Review Board in making its determination.

Provide Information regarding the Early Determination of No Feasible Alternative. At the ~~hearing~~ determination meeting or within the demolition delay period, the Applicant may present any information the Applicant believes will assist the Architectural Review Board in evaluating alternatives to demolition. If, at such hearing, the Architectural Review Board finds that demolition delay is required, and also finds that the information presented at such hearing is sufficient for the Board to issue a determination that there is no feasible alternative to demolition, the Board shall issue such determination within the time period set forth in this subsection for the issuance of the Architectural Review Board's hearing determination.

- (d) Criteria for Determining Significance. The Architectural Review Board shall determine that the building to which the application relates is a historically significant building if:

1. The building is associated with events **that** ~~had~~ have made a significant contribution to the broad patterns of our national, regional or **local** history; or
2. The building is associated with the lives of persons significant in our national, regional or local past; or
3. The building embodies the distinctive characteristics of a type, period or method of construction , or that represents the work of a master, or that possess high artistic values, or that represents a significant and distinguishable entity whose components may lack **individual distinction**; or
4. The building has yielded, or may be likely to yield, information important in **nationals**, regional or local history.

~~(c) Architectural Review Board Hearing to Determine Whether **Historically** Significant Building is Subject to Demolition Delay.~~

1. ~~Hearing Requirement; Time for Issuance of Determination. If the Architectural Review Board has determined that a building is **historically** significant, the Architectural Review Board shall hold a public hearing to determine whether the building is subject to the demolition delay required herein. At such hearing, the Architectural Review Board also may consider alternatives to demolition. The Architectural Review Board shall issue its determination pursuant to such hearing within forty five days (45) of the Public Hearing. Additionally, the Architectural Review Board may consult with the Florida Division of Historical Resources and State Historical Preservation Office or **other consulting parties** for comment within **prior to** thirty (30) days of the Public Hearing.~~
2. ~~Criteria for Requiring Demolition Delay. The Architectural Review Board shall make its determination concerning the requirement of demolition delay according to the criteria set forth herein. The Applicant is encouraged to present any information the Applicant believes will assist the Architectural Review Board in making its determination.~~

3. ~~Early Determination of No Feasible Alternative.~~
~~At the hearing, the Applicant may present any information the Applicant believes will assist the Architectural Review Board in evaluating alternatives to demolition. If, at such hearing, the Architectural Review Board finds that demolition delay is required, and also finds that the information presented at such hearing is sufficient for the Board to issue a determination that there is no feasible alternative to demolition, the Board shall issue such determination within the time period set forth in this subsection for the issuance of the Architectural Review Board's hearing determination.~~
4. ~~Hearing Notice and Procedure.~~ Except where otherwise specified in this Section, the conduct of any public hearing held, including public notices, hearing procedures, votes, records, and the like, shall be governed by the rules and procedures established by the Architectural Review Board through its duly adopted regulations and by laws.

(e) Criteria for Determination that Building is Subject to Demolition Delay. To determine that a **historically** significant building is subject to the demolition delay, the Architectural Review Board must find that, in the public interest, it is preferable that the building be preserved or rehabilitated rather than demolished. In making such finding, the Architectural Review Board shall consider the criteria for determining **historical** significance.

(f) Demolition Delay.

1. **Delay Period.** If the Architectural Review Board has issued a determination that a **historically** significant building is subject to demolition delay, the Building Official shall not issue a demolition permit until one hundred and twenty ~~(120)~~ **sixty (60)** days have elapsed following the close of the public hearing **sixty (60) days have elapsed from the date of determination but in no case exceeding the aggregate of 120 days from the date of application. has expired.**

Upon expiration of the delay period, the Architectural Review Board shall issue a notice in writing stating that such delay period has expired, and the date of such expiration, unless the Architectural Review Board has issued a determination that there is no feasible alternative to demolition.

2. Invitation to Consider Alternatives. If the Architectural Review Board has determined that a historically significant building is subject to demolition delay, and has not determined, at the hearing that there is no feasible alternative to demolition, the Architectural Review Board shall invite the Applicant (or the owner of record, if different from the Applicant) to participate in an investigation of alternatives to demolition. The Architectural Review Board also may invite the participation, on an advisory basis, of City Staff, as well as any individual or representative of any group whose participation the Applicant (or owner) requests, to assist in considering alternatives.

- (g) Evaluation of Alternatives to Demolition. In evaluating alternatives to demolition, the Architectural Review Board may consider such possibilities as: the incorporation of the building into the future development of the site; the adaptive re-use of the building; the use of financial or tax incentives for the rehabilitation of the building; the removal of the building to another site; and, with the owner's consent, the search for a new owner willing to purchase the building and preserve, restore, or rehabilitate it.

In evaluating alternatives to demolition, the Architectural Review Board shall consider, and shall invite the Applicant to present, the following information:

1. The cost of stabilizing, repairing, rehabilitating, or re-using the building;
2. A schematic, conceptual design drawing;

3. Any conditions the Applicant proposes to accept for the redevelopment of the site that would mitigate the loss of the building; and
 4. The availability of other sites for the Applicant's intended purpose or use.
- (h) Determination of No Feasible Alternative. If, based on its evaluation of alternatives to demolition, the Architectural Review Board is satisfied that there is no feasible alternative to demolition, the Architectural Review Board may issue a determination prior to the expiration of the delay period, authorizing the building official to issue a demolition permit.
- (i) Notice. Any determination or notice issued by the Architectural Review Board or its staff shall be transmitted in writing to the Applicant, with copies to the building official and, where applicable, to any individual or group that the Architectural Review Board has invited to participate in an exploration of alternatives to demolition.

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



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 25-19

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Andy Terhaar

SUBJECT:

PROPOSED ORDINANCE NO. 25-19, REPEALING SECTION 12-13-4 OF THE LAND DEVELOPMENT CODE; ABOLISHING THE GATEWAY REVIEW BOARD; AMENDING SECTION 12-13-2, TRANSFERRING FUNCTIONS TO THE PLANNING BOARD AND CONFORMING REFERENCES WITHIN THE CODE.

RECOMMENDATION:

That City Council adopt Proposed Ordinance No. 25-19 on second reading:

AN ORDINANCE REPEALING SECTION 12-13-4, OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ABOLISHING THE GATEWAY REVIEW BOARD; AMENDING SECTION 12-13-2, TRANSFERRING FUNCTIONS OF THE GATEWAY REVIEW BOARD TO THE PLANNING BOARD; CONFORMING REFERENCES WITHIN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

In September of 1998, Ordinance No. 33-98 was adopted and codified within City Code Section 12-2-12, creating the Gateway Redevelopment District and Section 12-13-4 providing for the Gateway Review Board.

The Land Development Code (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 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.

This item was referred to the Planning Board by City Council in May of 2019; in July of 2019 the Planning Board considered the item, making the recommendation to repeal Section 12-13-4 (Gateway Review Board) of the Land Development Code as well as making any other relevant and necessary changes within the Code.

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

PRIOR ACTION:

September 12, 2019 - City Council voted to approve Ordinance No. 25-19 on first reading.

August 8, 2019 - City Council held a Public Hearing

July 9, 2019 - Item considered by the Planning Board

May 30, 2019 - City Council referred to Planning Board for review and recommendation

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

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Proposed Ordinance No. 25-19

PRESENTATION: No

PROPOSED
ORDINANCE NO. 25-19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE REPEALING SECTION 12-13-4, OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ABOLISHING THE GATEWAY REVIEW BOARD; AMENDING SECTION 12-13-2, TRANSFERRING FUNCTIONS OF THE GATEWAY REVIEW BOARD TO THE PLANNING BOARD; CONFORMING REFERENCES WITHIN THE CODE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1

Section 12-13-4 of the Code of the City of Pensacola, Florida, is hereby repealed:

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

~~(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 Planning Board must be submitted to the community development 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 it 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 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 Board. The Gateway Review 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 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 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 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 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 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 Board. Any person or persons, jointly or severally, aggrieved by any quasi judicial decision of the Gateway Review 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 Board. Review in the circuit court shall be by petition for writ of certiorari or such other procedure as may be authorized by law.~~

SECTION 2. Section 12-13-2 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

SECTION 12-13-2. - Planning Board.

Sec. 12-13-2. - Planning Board.

The Planning Board is hereby established.

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

- (D) Rules of procedure, meetings and records. The board shall adopt rules of procedure for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations. The board shall hold regular meetings once a month, and special meetings at such times as the board may determine or at the call of the chairman thereof, or the city planner for the consideration of business before the board. All regular and special meetings of the board shall be open to the public. A written record of the proceedings of the board shall be kept showing its actions on each question considered, and filed in the office of the secretary of the board. Any matter referred to the board shall be acted upon by the board within forty-five (45) days of the date of reference, unless a longer or shorter period is specified.
- (E) Vote required. Four (4) members of the board shall constitute a quorum, and the affirmative vote of majority of the quorum shall be necessary for any action thereof.
- (F) Authority and duties of the ~~Gateway Review Board~~. The Planning Board shall have the following authority and duties:
- (a) To advise the city council concerning the preparation, adoption and amendment of the Comprehensive Plan;
 - (b) To review and recommend to the city council ordinances designed to promote orderly development as set forth in the Comprehensive Plan;
 - (c) To hear applications and submit recommendations to the city council on the following land use matters:
 - 1. Proposed zoning change of any specifically designated property;
 - 2. Proposed amendments to the overall zoning ordinance;
 - 3. Proposed subdivision plats;
 - 4. Proposed street/alley vacation.
 - (d) To initiate studies on the location, condition and adequacy of specific facilities of the area. These may include, but are not limited to, studies on housing, commercial and industrial facilities, parks, schools, public buildings, public and private utilities, traffic, transportation and parking;
 - (e) To schedule and conduct public meetings and hearings pertaining to land development as required in other sections of the code.
 - (f) To grant zoning variances from the land development regulations of the Waterfront Redevelopment District and the

Gateway Redevelopment District, under the conditions and safeguards provided in subsection 12-12-2(A)(2).

- (1) *Conditions for granting a zoning variance.* In order to authorize any zoning variance from the terms of this title, the board must find in addition to the conditions specified in subsection 12-12-2(A)(2):
 - (a) That the variance granted will not detract from the architectural integrity of the development and of its surroundings;
 - (b) That the grant of the variance will be in harmony with general intent and purpose of this title and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
 - (c) That the decision of the Planning Board is quasi-judicial in nature and is final subject to judicial review in accordance with subsection 12-13-2(F)(f)(4). Hearings on variance applications under section 12-13-2(F)(f) shall be conducted as a quasi-judicial hearing in accordance with the requirements of law.
- (2) *Hearing of variance applications.*
 - (1) *Application procedure.*
 - (a) An application for a variance must be submitted to planning services at least twenty-one (21) days prior to the regularly scheduled meeting of the Planning Board.
 - (b) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.
 - (c) Any party may appear in person, by agent, or by attorney.
 - (d) Any application may be withdrawn prior to action of the Planning Board at the discretion of the applicant initiating the request upon written notice to the board secretary.
 - (2) *Application submission requirements.* No application shall be considered complete until all of the following have been submitted:
 - (a) The application shall be submitted on a form provided by the board secretary.

- (b) The application shall be accompanied by an accurate site plan drawn to scale and such other information as may be reasonably requested to support the application.
 - (c) The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable.
- (3) *Public notice for variance.*
- (a) A sign shall be prominently posted on the property to which the application pertains at least ten (10) days prior to the scheduled board meeting.
 - (b) Notice of the request(s) for variances shall be published by public notice advertised in a newspaper of general daily circulation published in the county at least ten (10) days prior to the scheduled board meeting.
 - (c) Planning services shall notify addresses within a three hundred-foot radius, as identified by the current Escambia County tax roll maps, of the property proposed for a variance with a public notice by post card, and appropriate homeowners association, at least ten (10) days prior to the board meeting. The public notice shall state the date, time and place of the board meeting.

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

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

(G) 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 Planning Board must be submitted to the Planning Services Division at least twenty-one (21) 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 Planning Board at the discretion of the applicant initiating the request upon written notice to the board secretary.

(H) 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.

(I) 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.

(J) Reconsideration. The 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.

- (K) 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.
- (L) Procedure for City Council 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

SECTION 3. Section 12-2-12 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

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 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.
- (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 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.
- (d) Final development plan. If the Gateway Review Board Planning 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 Planning 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 Planning Board shall conclude its consideration at its next regularly scheduled meeting.

- (4) *Regulations.* Except where specific approval is granted by the Gateway Review Board Planning 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 Planning Board.
 - b. The Gateway Review Board Planning 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 Planning Board to the city council within thirty (30) days of the decision of the Gateway Review Board Planning 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~~ Planning 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 Planning 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 Planning 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~~ Planning Board as established in subsection ~~12-13-4(A)~~ 12-13-2. 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)~~ 12-13-2(K). 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~~ Planning 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~~ Planning 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 ~~Gateway Review Board~~ 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~~ Planning 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~~ Planning 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, dentrils, 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" of 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~~ Planning 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.

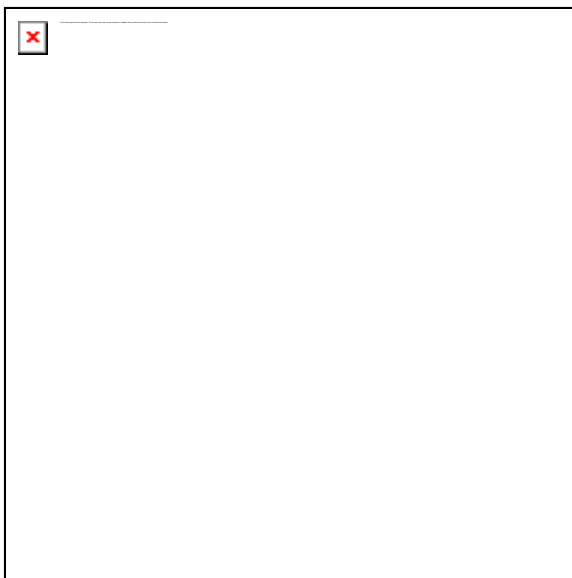
- a. Outbuildings shall be detailed in a manner similar to the house. Detached garages are strongly encouraged.
- b. Accessory dwelling units are permitted and encouraged, and shall be detailed in a manner similar to the house.

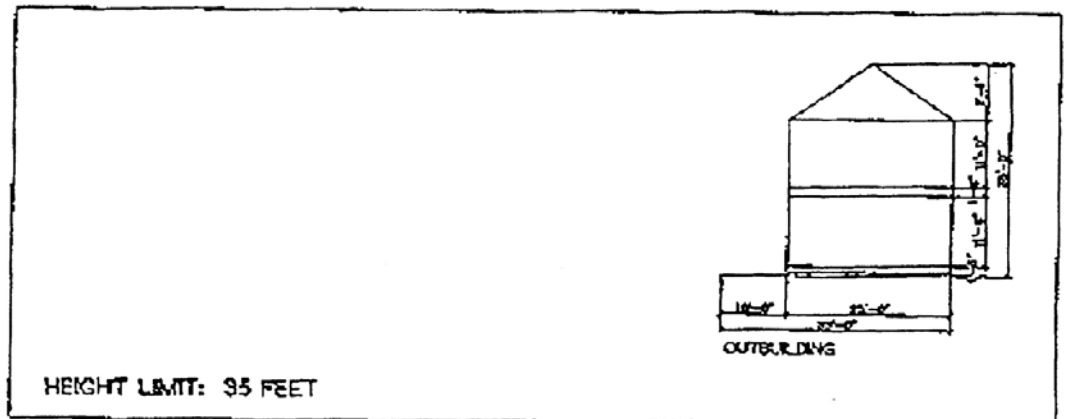
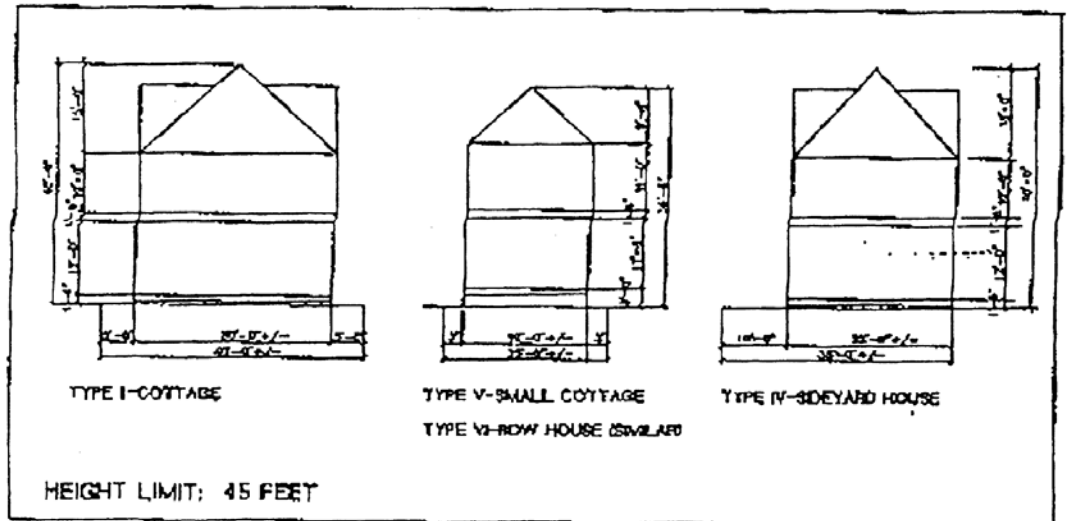
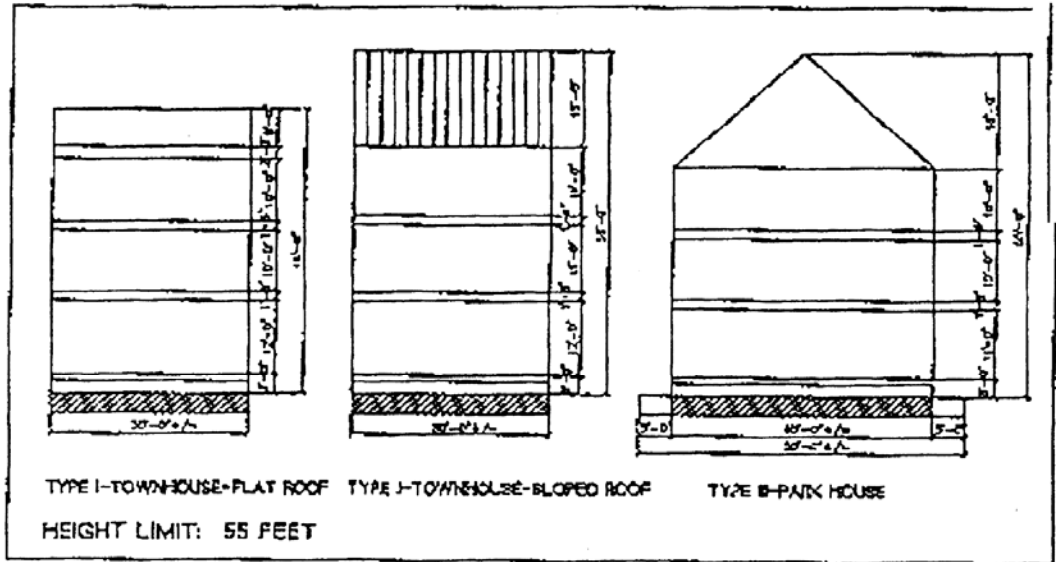
- (k) Additional regulations. In addition to the regulations established above in section 12-2-10(B)(5)(a) through (j), any permitted use within the GRD-1 zoning district where alcoholic beverages are ordinarily sold is

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.

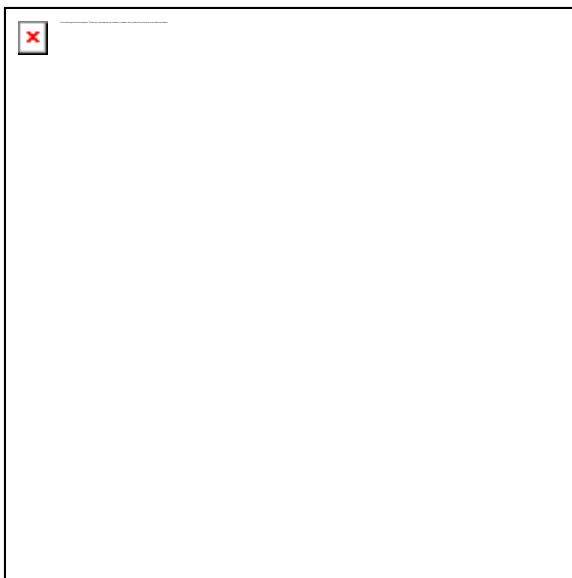
a. Abbreviated review. Sign requests, paint colors, fencing, and emergency repairs which are consistent with the regulations and standards set forth in subsection 12-2-12(B) may be approved by letter to the building official from the board secretary and the chairman of the Gateway Review Board Planning 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.



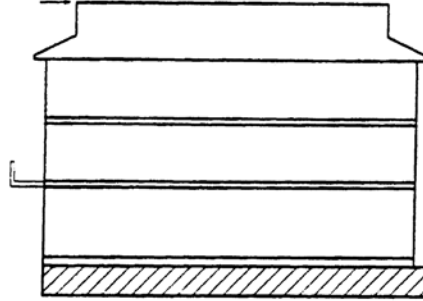


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ARAGON MAXIMUM HEIGHTS



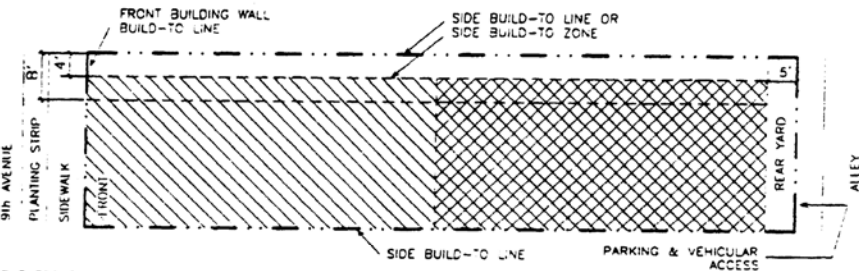
MAX HEIGHT S
55' & 3-1/2 STORIES



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 S 26 FEET. OUTBUILDINGS SHALL BE NO HIGHER THAN 35 FEET.

HEIGHT

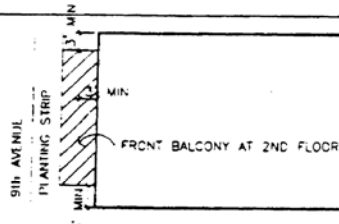


THE FRONT BUILDING WALL SHALL BE LOCATED AT THE FRONT PROPERTY LINE. SIDE BUILD-TO LINE ON ONE SIDE IS THE PROPERTY LINE. OTHER SIDE MUST BUILD TO EITHER THE PROPERTY LINE OR BUILD TO BETWEEN 4 AND 8 FEET FROM THE PROPERTY LINE. OWNER MAY SELECT WHICH SIDE TO USE FOR BUILD-TO LINE. THE REAR SETBACK IS 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

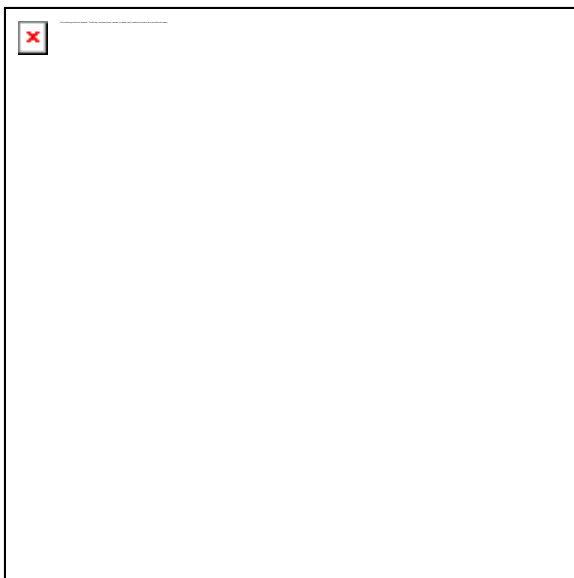
OUTBUILDING ZONE

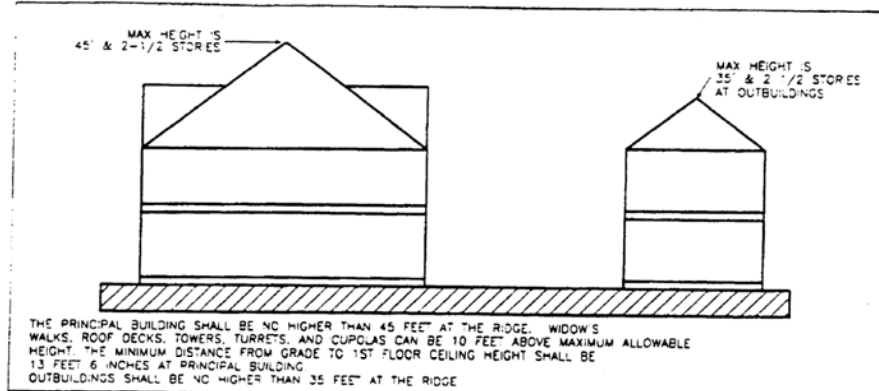


BALCONIES ARE REQUIRED ALONG THE FRONT OF THE BUILDING AND SHALL BE CONSTRUCTED WITH THE FOLLOWING DIMENSIONS: BALCONIES CONSTRUCTED WITH A CANTILEVERED DESIGN (NO VERTICAL SUPPORTS TO THE GROUND) SHALL BE A MINIMUM OF 3 FEET DEEP AND SHALL NOT EXTEND BEYOND THE OUTSIDE EDGE OF THE PUBLIC SIDEWALK. BALCONIES 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.

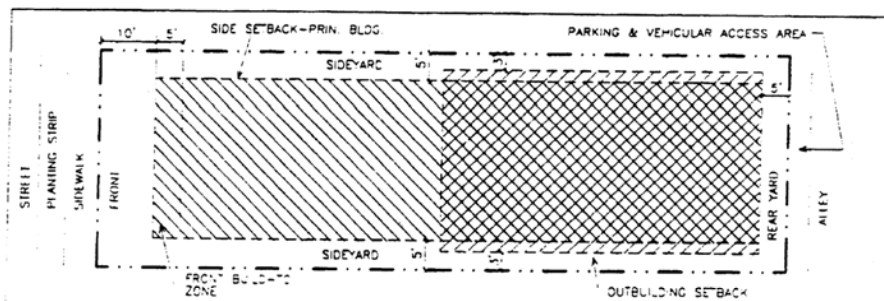
ELEMENTS

ARAGON TOWNHOUSE—TYPE I





HEIGHT

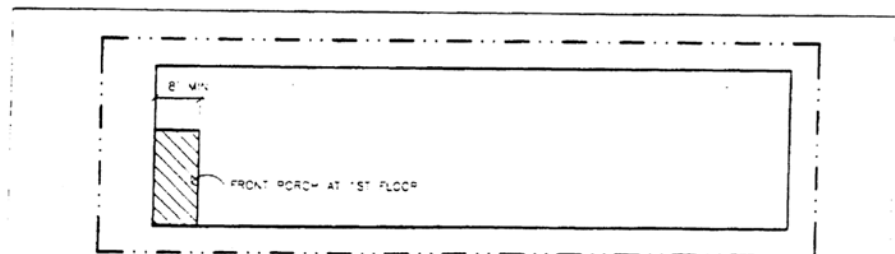


THE FRONT OF THE BUILDING SHALL BE BETWEEN 10 AND 15 FEET FROM THE PROPERTY LINE. THE BUILDING SHALL BE BUILT TO AT LEAST 50% OF THE LOT WIDTH AT THE FRONT BUILD-TO ZONE. SIDE SETBACK FOR PRINCIPAL BUILDING IS 5 FEET AND FOR OUTBUILDINGS IS 3 FEET. THE REAR SETBACK IS 5 FEET; CANTILEVERED BALCONIES CAN 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.

SITING

PRINCIPAL BUILDING ZONE

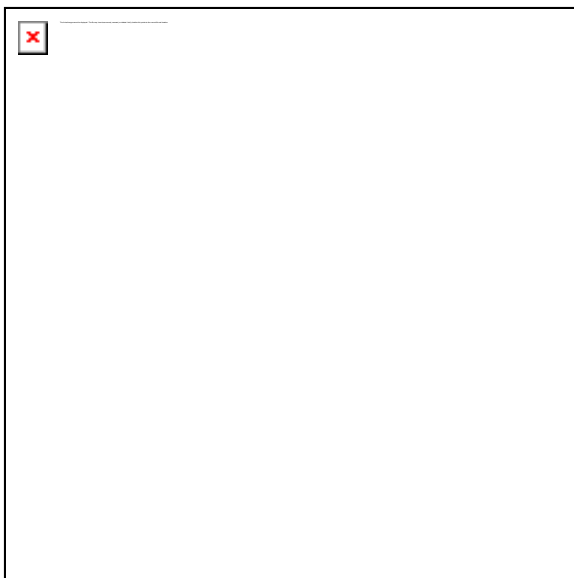
OUTBUILDING ZONE

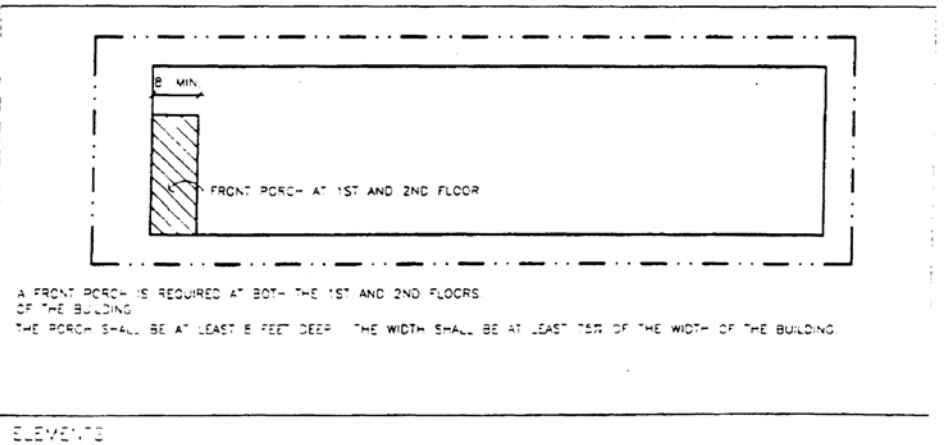
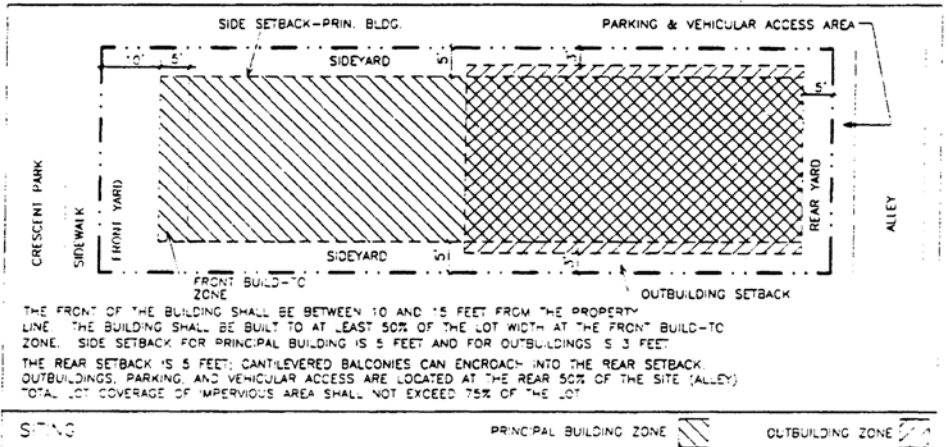
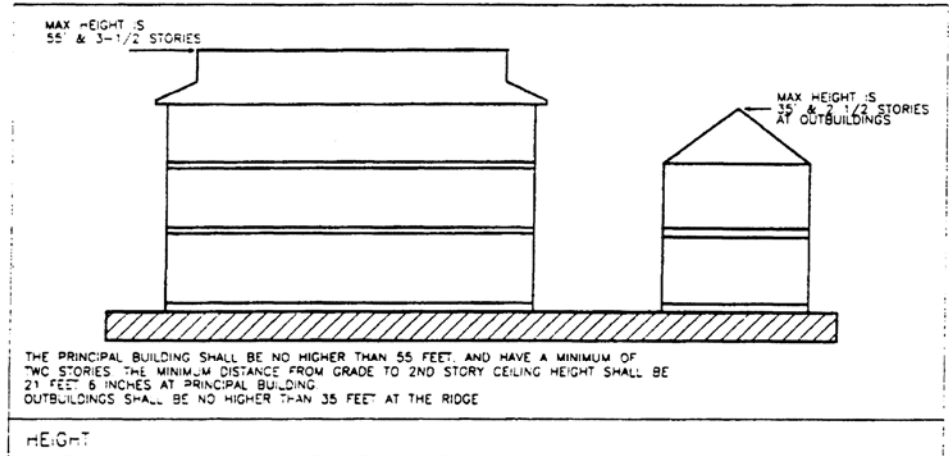


A FRONT PORCH IS REQUIRED ON THE 1ST FLOOR. THE PORCH SHALL BE AT LEAST 8 FEET DEEP. THE WIDTH SHALL BE AT LEAST 50% OF THE WIDTH OF THE BUILDING.

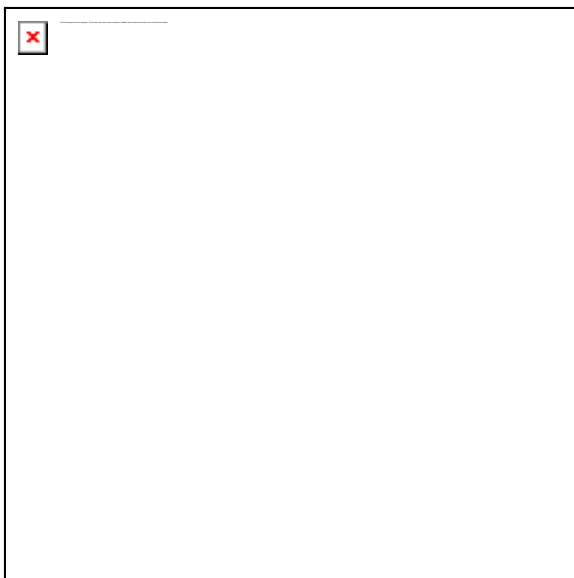
ELEVATION

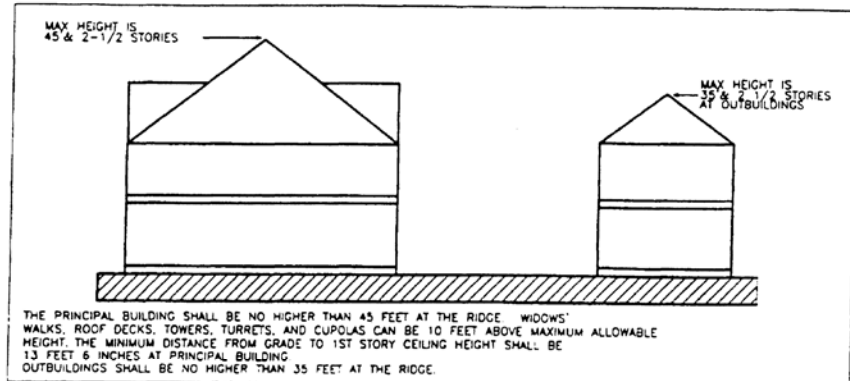
ARAGON COTTAGE—TYPE II



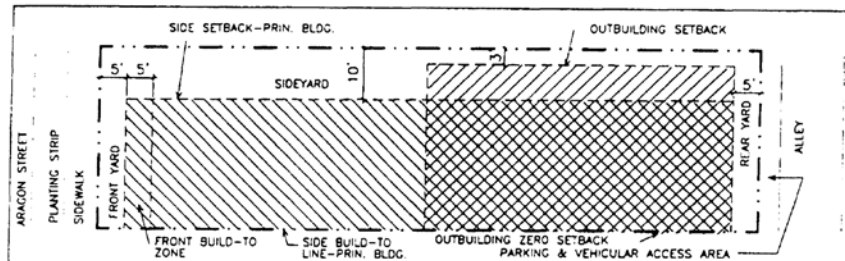


ARAGON PARK HOUSE—TYPE III





HEIGHT



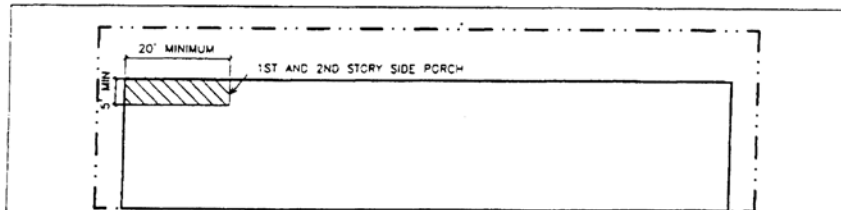
THE FRONT OF THE BUILDING SHALL BE BETWEEN 5 AND 10 FEET FROM THE PROPERTY LINE. THE BUILDING SHALL BE BUILT TO AT LEAST 60% OF THE LOT WIDTH AT THE FRONT BUILD-TO ZONE. FOR PRINCIPAL BUILDING, THE SIDE BUILD-TO LINE IS THE PROPERTY LINE ON ONE SIDE. THE SIDE SETBACK ON THE OTHER SIDE IS 10 FEET. FOR 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 ENCRDACH 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

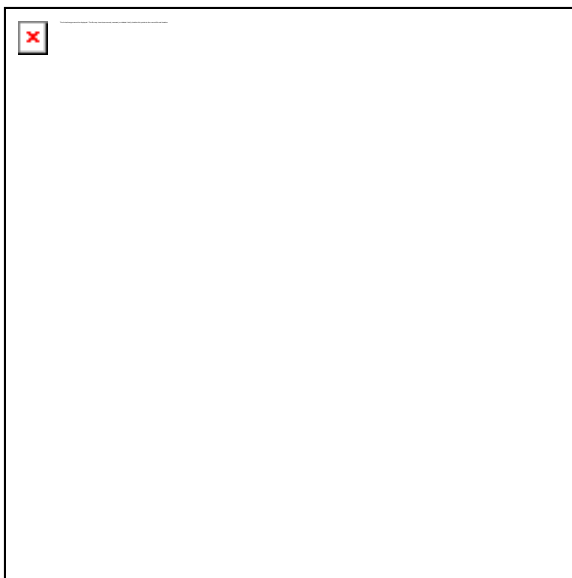
OUTBUILDING ZONE

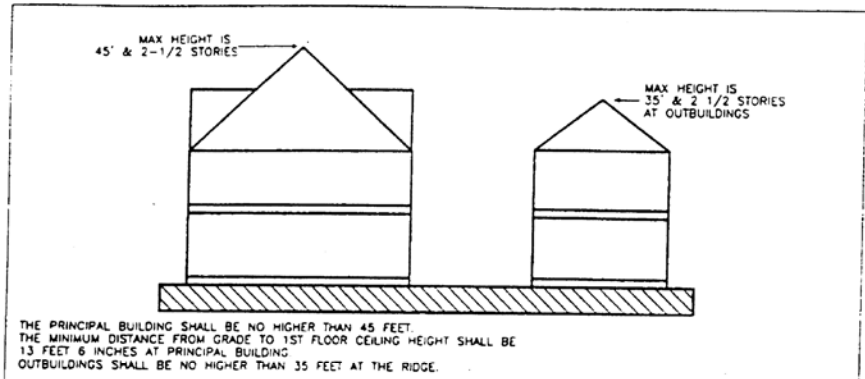


A SIDEYARD PORCH IS REQUIRED ALONG THE SIDE OF THE BUILDING AT BOTH THE 1ST FLOOR AND 2ND FLOOR FOR 2 STORY BUILDINGS AND ON THE FIRST FLOOR AT 1 STORY BUILDINGS. THE PORCH SHALL BE AT LEAST 5 FEET WIDE AND SHALL EXTEND FROM THE FRONT FACADE AT LEAST 20 FEET DEEP, ALONG THE SIDE OF THE BUILDING.

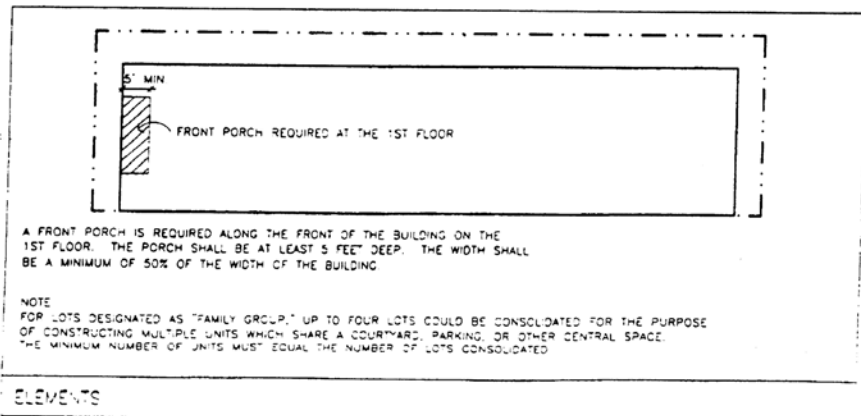
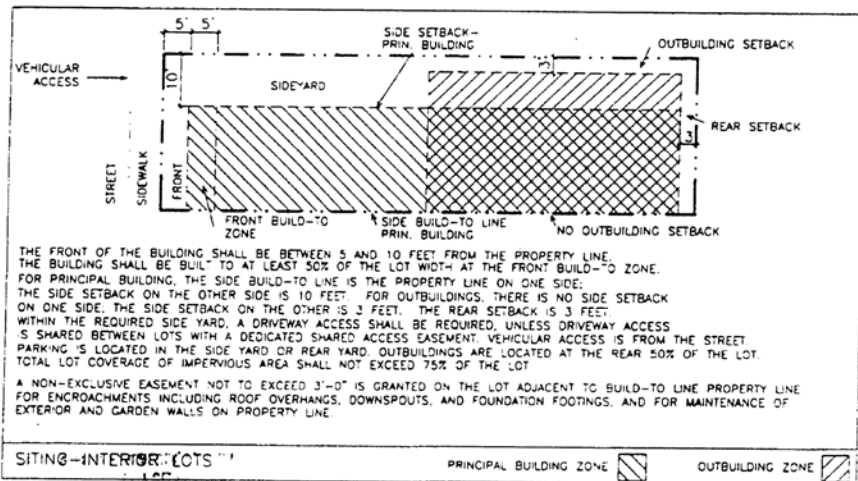
ELEMENTS

ARAGON SIDEYARD HOUSE WITH ALLEY ACCESS—TYPE IVA



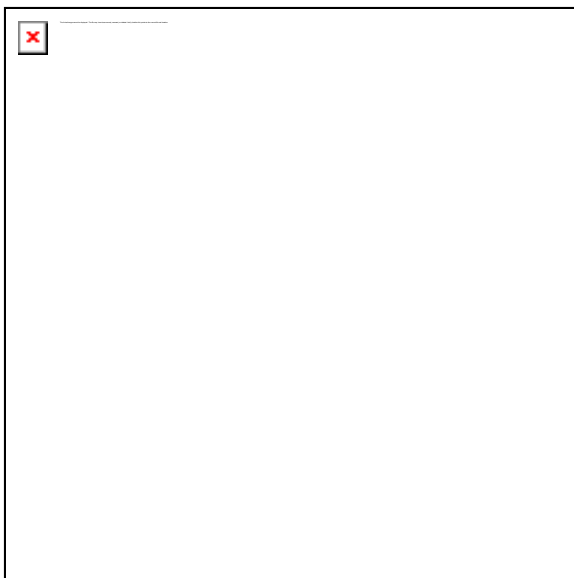


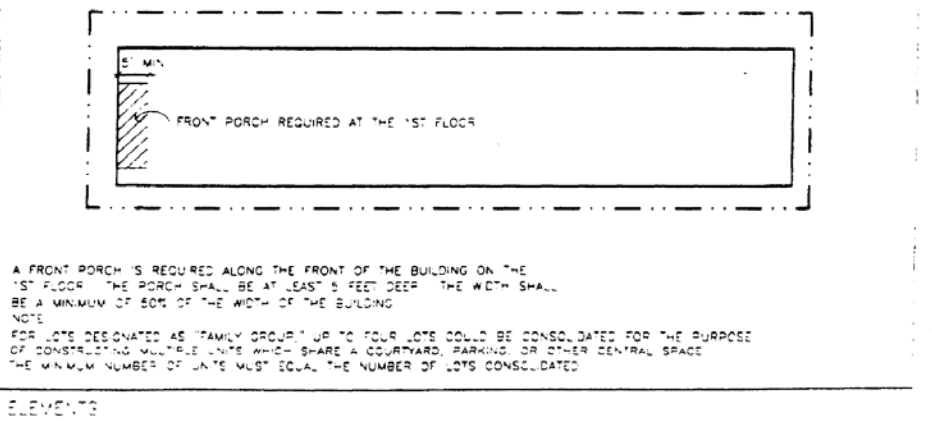
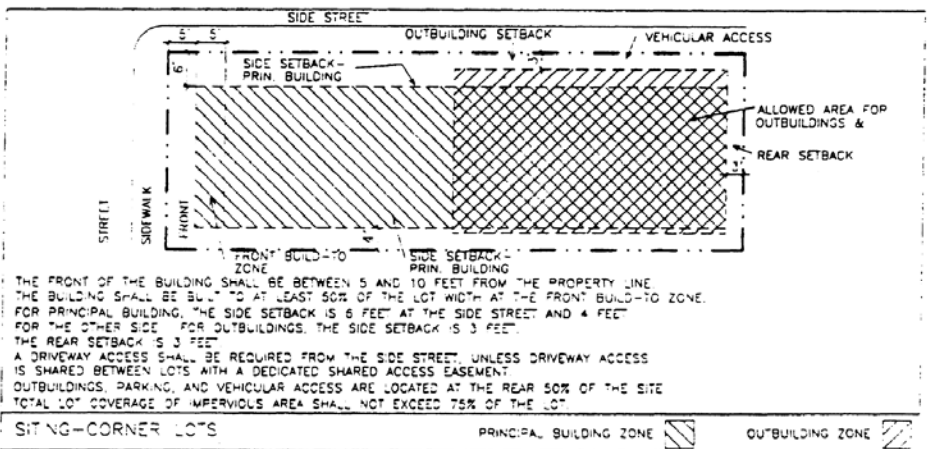
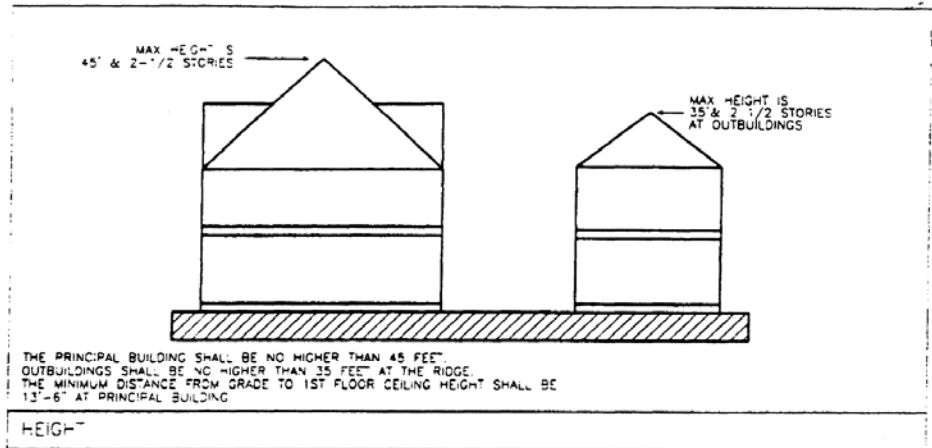
HEIGHT



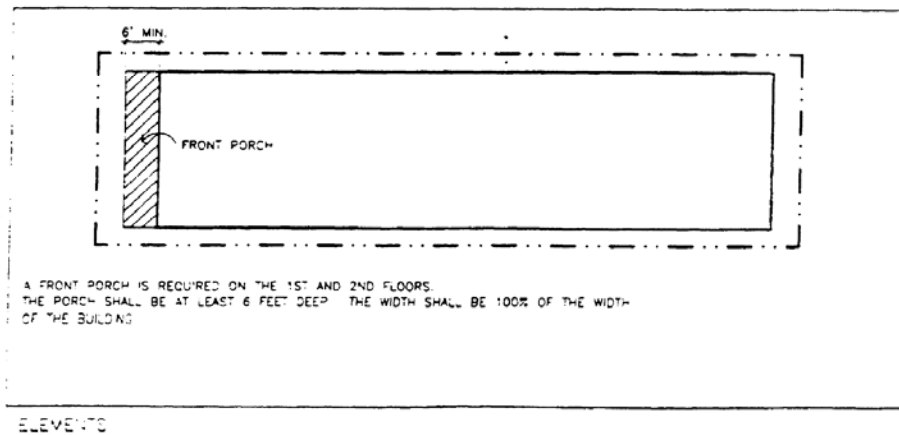
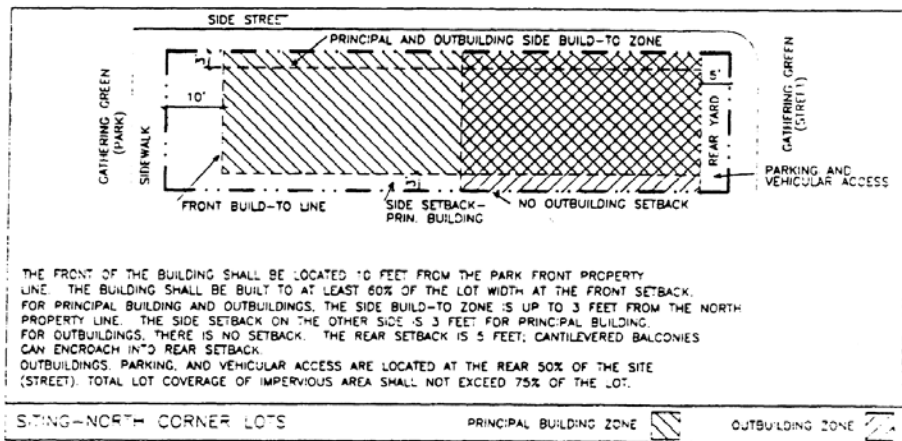
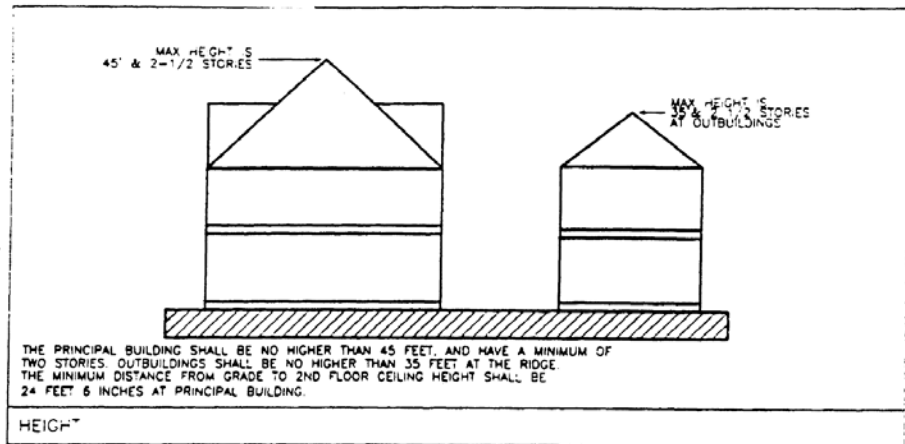
ELEMENTS

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

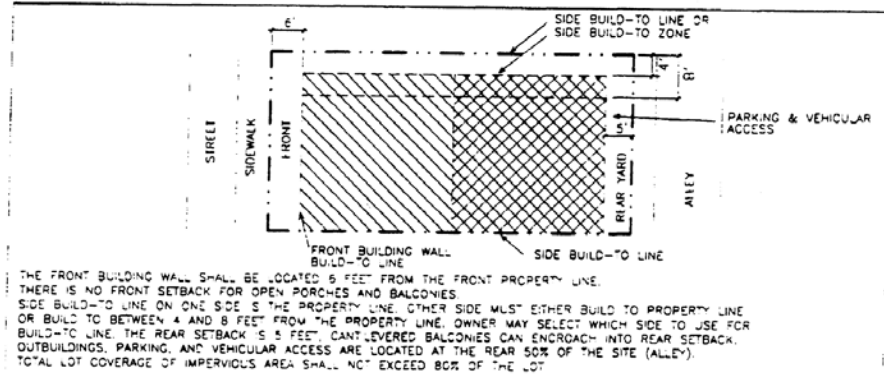
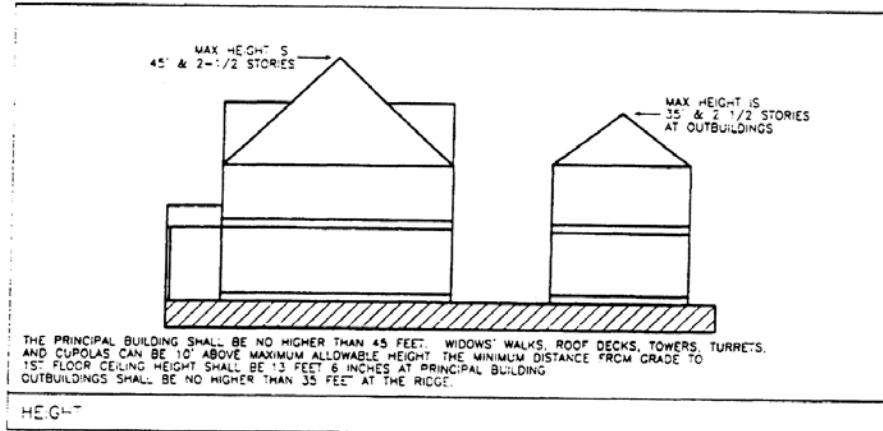




ARAGON SIDEYARD HOUSE WITH STREET ACCESS—TYPE IVB-CORNER LOTS

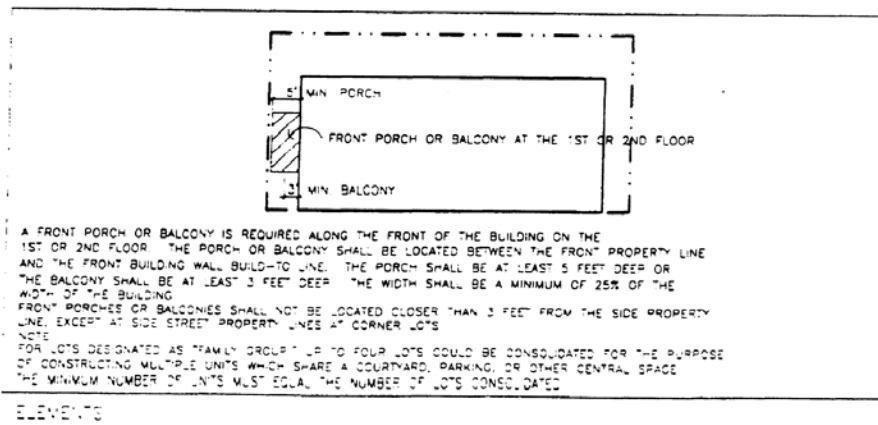


ARAGON SMALL COTTAGE—TYPE V-NORTH CORNER LOTS

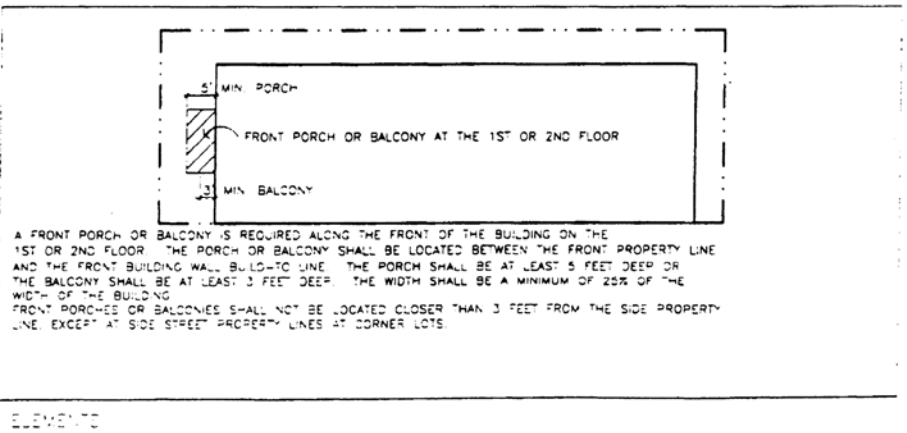
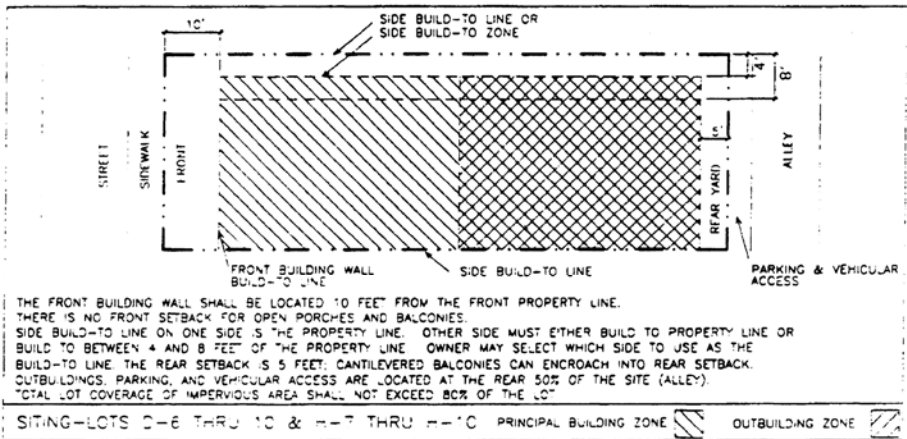
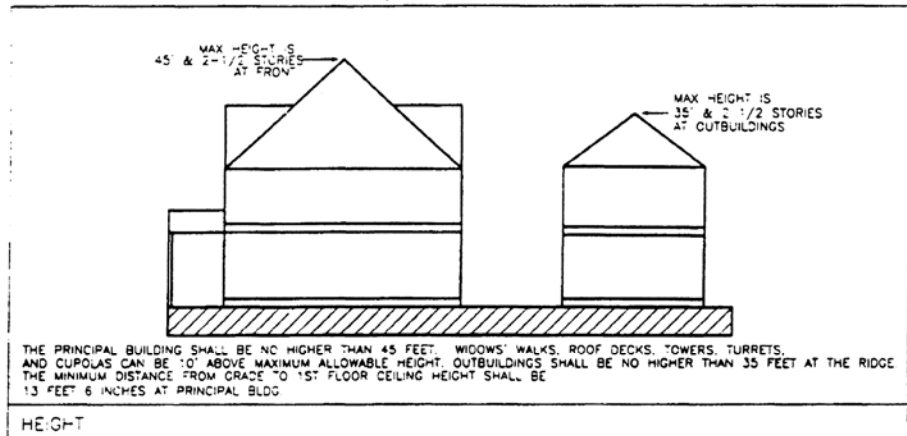


SITING—LOTS D-1 THRU D-5

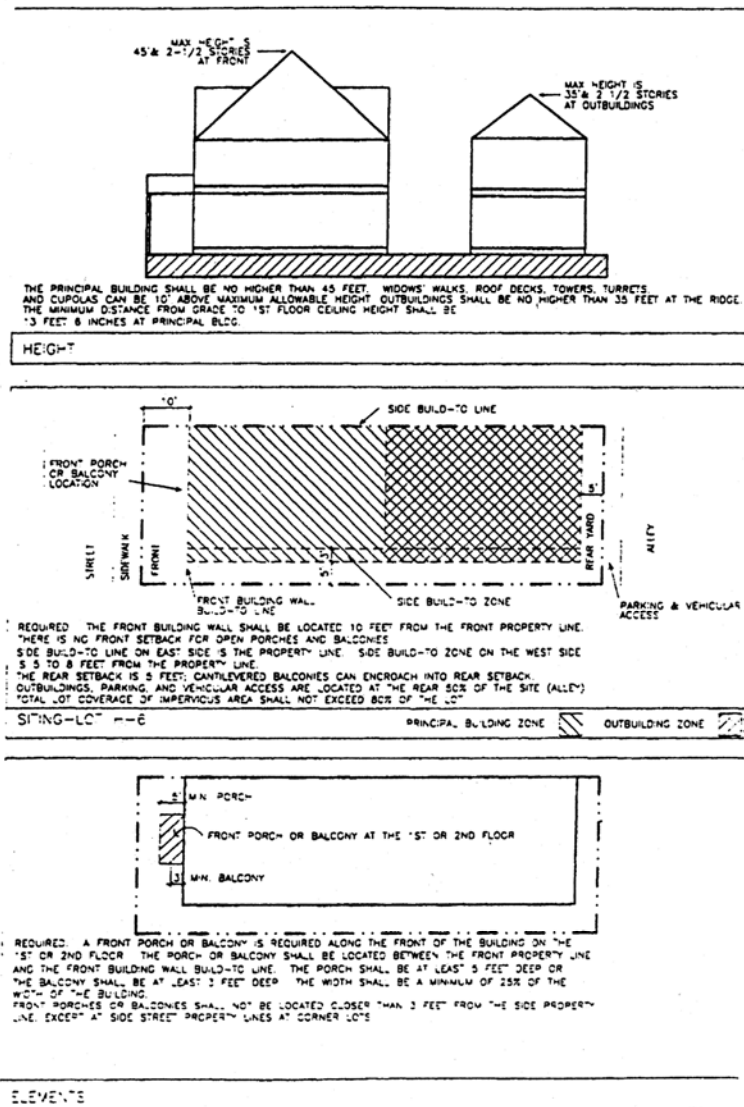
PRINCIPAL BUILDING ZONE OUTBUILDING ZONE



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



ARAGON ROW HOUSE—TYPE VI-LOT H-6

SECTION 4. Section 12-2-45 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-2-45. - Siting of rooftop mounted antennas.

(A) *Commercial communications antennas.*

- (1) Rooftop mounted commercial communications antennas may be installed, erected or constructed in the Governmental Center

District, the Palafox Historic Business District and the Gateway Redevelopment District, subject to the review and approval of the appropriate review board based on the following standards:

- (a) Rooftop mounted commercial communications antennas shall not exceed the height of twenty (20) feet above the existing roofline of the building;
 - (b) Antenna support structures shall be set back from the outer edge of the roof a distance equal to or greater than ten (10) percent of the rooftop length and width;
 - (c) Such structures shall be the same color as the predominant color of the exterior of the top floor of the building, and/or the penthouse structure;
 - (d) Where technically possible, microwave antennas shall be constructed of open mesh design rather than solid material;
 - (e) Where possible, the design elements of the building (i.e., parapet wall, screen enclosures, other mechanical equipment) shall be used to screen the commercial communications antenna. Such rooftop mounted commercial communications antennas, which comply with the above standards and are approved by the appropriate review board, are exempt from the review and approval process set forth in subsection 12-2-45(A)(3), below.
- (2) Rooftop mounted commercial communications antennas located in commercial and industrial zones outside the special districts identified in subsection 12-2-45(A)(1), will be permitted if such structures are determined to be in compliance with the standards set forth in subsection 12-2-45(A)(1)(a) through (e) by the building inspection department. Rooftop mounted commercial communications antennas which do not comply with said standards shall be subject to the review and approval process outlined in subsection 12-2-45(A)(3), below.
- (3) City staff approval of plans. The city planning department and building inspection department shall approve the plans if they find:
- (a) That the height and mass of the antenna shall not exceed that which is essential for its intended use and public safety; and
 - (b) That the proposed antenna support structure meets the applicable co-location requirements as specified in subsection 12-2-44(D); and

- (c) That the proposed antenna support structure has been approved by the FAA, if required; and
 - (d) That there exists no other communications tower or antenna support structure that can reasonably serve the needs of the owner of the proposed rooftop mounted antenna; and
 - (e) That the proposed antenna or antenna support structure is not designed in such a manner as to result in needless height, mass and guy-wire supports, and
 - (f) That the color of the proposed antenna shall be of such light tone as to minimize its visual impact, and blend into the surrounding environment; and
 - (g) That the proposed antenna shall fully comply with all applicable building codes, safety codes, and local ordinances.
- (4) Consultant expense. Costs incurred by the city for the use of outside consultants, both legal and technical, in the review of applications and plans for the installation of antennas and support structures shall be reimbursed to the city by the applicant.
- (B) *Personal wireless antennas.*
- (1) Permitted locations. Rooftop mounted personal wireless antennas may be installed in zoning districts R-1AAAAA, R-1AAAA, R-1AAA, R-1AA, R-1A, R-ZL, R-2A, R-2, R-NC, C-1, C-2A, C-2, R-C, C-3, M-1, and M-2 and in the Pensacola Historic District, the North Hill Preservation District, the Old East Hill Preservation District, the Governmental Center District, the Palafox Historic Business District, the South Palafox Business District, the Waterfront Redevelopment District, the Gateway Redevelopment District and the Airport Land Use District, provided that they are mounted on structures over forty (40) feet in height and have been approved by any applicable review board.
 - (2) Structures. Personal wireless antennas not mounted on communications towers may be installed as an ancillary use to any commercial, industrial, office, institutional, multi-family or public utility structure, or permanent nonaccessory sign.
 - (3) Conditional use. Rooftop mounted personal wireless antennas may be permitted by conditional use approval, as provided in section 12-2-79, on structures less than forty (40) feet in height or on any lot whose primary use is as a single-family dwelling. In addition, personal wireless

antennas shall not be installed, erected or constructed on any lot within three hundred (300) feet of Bayou Texar, Escambia Bay, Pensacola Bay or the Pensacola Historic District except in accordance with a conditional use permit.

- (4) Inventory of existing sites. Each applicant for permission to install a personal wireless antenna shall provide to the city an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the city or within one (1) mile of the border thereof, including specific information about the location, height and design of each tower. The planning department may share such information with other applicants applying for administrative approvals or conditional use permits under this section and with other organizations seeking to locate antennas within the city, provided, however that the planning department shall not, by sharing such information, be deemed to be in any way representing or warranting that such sites are available or suitable.

- (5) Plans approved.

- (a) Review. Installation of personal wireless antennas and associated equipment cabinets must be reviewed and approved by the city planning department and building inspection department pursuant to the standards set forth in this section. Installations of personal wireless antennas and associated equipment cabinets in the Pensacola Historic District, the North Hill Preservation District, the Old East Hill Preservation District, the Governmental Center District and the Palafox Historic Business District must be approved by the Architectural Review Board in accordance with the standards applicable to the relevant district, in addition to the requirements of subsection (6) below. Installation of personal wireless antennas and accessory equipment within the Gateway Redevelopment District must be approved by the ~~Planning Board~~ Planning Board. Installations of personal wireless antennas and associated equipment cabinets in the Airport Land Use District must be approved by the city council after consultation with the Pensacola Regional Airport. Installation of personal wireless antennas on personal wireless towers shall be governed by section 12-2-44.

- (b) Contents of plans. Each applicant for a permit to install a personal wireless antenna shall submit a design plan showing how the applicant proposes to comply with the requirements of this section. Applicants shall make

appropriate use of stealth technology and shall describe their plans for doing so.

- (6) Site design standards. All installations of personal wireless antennas and associated equipment cabinets shall comply with the following requirements:
- (a) No personal wireless antennas or associated equipment cabinets shall be installed on any lot whose primary use is as a single-family dwelling.
 - (b) No personal wireless antenna shall be installed on any structure that is less than forty (40) feet in height.
 - (c) No personal wireless antenna shall be mounted so as to extend more than twenty (20) feet above the highest point of the structure on which it is mounted.
 - (d) Equipment cabinets shall be completely screened from view by compatible solid wall or fence, except when a ground-mounted cabinet, or combination of all ground-mounted cabinets on a site, is smaller than one hundred eighty (180) cubic feet. Equipment cabinets smaller than one hundred eighty (180) cubic feet may not be required to be screened from view if the cabinets have been designed with a structure, material, colors or detailing that are compatible with the character of the area.
 - (e) All equipment cabinets with air conditioning units shall be enclosed by walls, if located within three hundred (300) feet of existing single-family detached homes.
 - (f) Any exterior lighting within a wall shall be mounted on poles or on the building wall below the height of the screening fence or wall.
 - (g) Rooftop-mounted equipment cabinets shall be screened from off-site views to the extent possible by solid screen walls or the building parapet.
 - (h) Building-mounted personal wireless antennas shall be mounted a minimum of two (2) feet below the top of the parapet, shall be extended no more than twelve (12) inches from the face of the building, and shall be either covered or painted to match the color and texture of the building, as approved by the planning department. Where a building has a penthouse, a rooftop structure containing or screening existing equipment, or other structure set back from the outer perimeter of the building, building-mounted antennas shall be mounted on such structure rather than the outer parapet, if feasible.

- (i) Building-mounted equipment, which is part of a new structural addition on top of a roof, shall not exceed heights allowed by this chapter and shall be either covered or painted to match the color and texture of the building, as approved by the planning department.
 - (j) The support structure for antenna arrays shall be minimized as much as possible, while maintaining structural integrity.
 - (k) All installations of personal wireless facilities shall comply with all applicable building codes and all applicable FCC and FAA regulations.
- (7) Stealth technology. In addition to the site design standards required by subsection 12-2-45(B)(6), the planning department and any applicable review board may impose additional requirements for stealth technology, depending on the nature and location of the planned installation and the character of the surrounding area.
- (8) Removal of unused antennas. If a personal wireless antenna is no longer being used for its original intended purpose, the owner of the antenna shall notify the city in writing within thirty (30) days after the use of the antenna ceases. An antenna shall be considered abandoned if it has not been used for its original intended purpose for more than one hundred eighty (180) days. The city may require the owner of any abandoned antenna to remove the antenna and any associated equipment cabinets at the owner's expense within thirty (30) days after written notice from the city. The owner shall restore the site to a condition as good as or better than its condition prior to installation of the antenna and the equipment cabinet. If the owner of an abandoned antenna fails to remove the antenna and any associated equipment within thirty (30) days, the city may remove the antenna and the equipment and place a lien on the property for the amount required to reimburse the costs of removal.
- (9) Siting on city property. Personal wireless antennas to be located on city property shall be exempt from the provisions of this section, provided that the owner of the antenna enters into a lease with the city providing for the payment of compensation and compliance with such conditions, including, without limitation, requirements for co-location and stealth technology, that the city deems reasonable in light of the character of the site and the surrounding area.

(Ord. No. 33-95, § 6, 8-10-95; Ord. No. 12-98, § 1, 3-26-98;
Ord. No. 27-98, § 3, 7-23-98; Ord. No. 09-02, § 1, 3-14-02)

SECTION 5. Section 12-2-81 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-2-81. - Development plan requirements.

- (A) *Development requiring development plans.* All development described herein shall submit development plans which comply with requirements established in paragraphs (C) and (D) of this section. These development plans must comply with design standards and are encouraged to follow design guidelines as established in section 12-2-82.
- (1) *Non-residential parking in R-1AAA, R-1AA, R-1A, R-ZL, R-2A, R-2, PR-1AAA, and PR-2 zoning districts.* A development plan shall be submitted and the following process shall be used for the foregoing uses:
- (a) A pre-application conference will be held at which time a decision will be made as to which elements of the final development plan are applicable to the review of a specific use.
 - (b) Applicant files an application with the Department of Planning and Neighborhood Development and submits eleven (11) copies of the final plan.
 - (c) Within five (5) working days of filed application, Department of Planning and Neighborhood Development prepares and furnishes to applicant mailing labels for all property owners within three hundred (300) feet of development. Applicant must mail a letter describing the development and, if necessary, a map or other graphic information to all property owners within three hundred (300) feet of the development, at least fifteen (15) days prior to the Planning Board public hearing.
 - (d) Submit final development plan thirty (30) days prior to the planning board public hearing.
 - (e) Planning board conducts a public hearing and makes the final decision about the plan.
 - (f) Any person aggrieved by a decision of the planning board may, within fifteen (15) days thereafter apply to the city council for review of the board's decision.

- (2) New development within the: conservation, airport (except single-family in an approved subdivision), waterfront redevelopment, business, interstate corridor and the governmental center (except for single-family or duplex residential) districts; multi-family developments over thirty-five (35) feet in height within the R-2A district; buildings over forty-five (45) feet in height in the R-2, R-NC and C-1 districts. A development plan shall be submitted and the following process shall be used for the review of these developments:
- (a) A pre-application conference is held, at which time a decision will be made as to whether a separate preliminary and final development plan shall be submitted, or if a combined preliminary and final plan shall be submitted.
 - (b) Applicant submits eleven (11) copies of the preliminary plan or combined preliminary/final development plan to the Department of Planning and Neighborhood Development thirty (30) working days prior to the planning board meeting.
 - (c) ~~Gateway Review Board~~ Planning Board meeting is held. ~~If the project is located in the gateway redevelopment district, the Planning Board forwards the plan to the Planning Board Planning Board. Otherwise, the plan is forwarded to the appropriate city council committee.~~
 - (d) ~~The appropriate city council committee meets and The~~ Planning Board will send a recommendation for the plan ~~is forwarded to city council.~~
 - (e) City council holds a public meeting. If a combined preliminary/final development plan was submitted, the final decision will be made at this meeting.
 - (f) Applicant submits final plan to the Planning Board.
 - (g) A Planning Board meeting is held with a recommendation being forwarded to the City Council. ~~and the final plan is forwarded to the appropriate city council committee.~~
 - (h) ~~The appropriate city council committee meets and a recommendation for the final plan is forwarded to city council.~~
 - (i) City council holds a public meeting and makes the final decision about the plan.
- (3) Conditional uses, special planned developments, major revisions to SSD's and exceptions to the four thousand (4,000) square foot maximum area for a commercial use in an R-NC district shall require a development plan and the

following process shall be used for the review of these developments:

Preliminary plan or combined preliminary/final plan:

- (a) A pre-application conference is held, at which time a decision will be made as to whether a separate preliminary and final development plan shall be submitted, or if a combined preliminary and final development plan shall be submitted.
- (b) Applicant submits eleven (11) copies of the preliminary plan or combined preliminary/final development plan to the Department of Planning and Neighborhood Development thirty (30) days prior to the planning board meeting.
- (c) The community development department shall notify property owners within a five hundred-foot radius, as identified by the current Escambia County tax roll, of the property proposed for development with a public notice (post card prepared by Department of Planning and Neighborhood Development), at least five (5) days prior to the board meeting. The public notice shall state the date, time and place of the board meeting. Notice shall be at the expense of the applicant.
- (d) Planning Board meeting is held. ~~If the project is located in the gateway redevelopment district, the Planning Board forwards the plan to the Gateway Review Board. Otherwise,~~ The preliminary or combined preliminary/final plan is forwarded to city council for review and action.
- (e) The city clerk shall set a date for a public hearing to be conducted during a regularly scheduled city council meeting.
- (f) The community development department shall mail a letter describing the development and, if necessary, a map or other graphic information to all property owners within five hundred (500) feet of the development, at least thirty (30) days prior to the city council public hearing.
- (g) A public notice shall be published in a local newspaper of general distribution stating the time, place and purpose of the hearing at least ten (10) days prior to the public hearing.
- (h) City council holds a public hearing. If a combined preliminary/final development plan was submitted, the final decision will be made at this meeting.

Final plan:

- (i) Applicant submits eleven (11) copies of the final plan to the Department of Planning and Neighborhood Development thirty (30) days prior to the ~~Gateway Review Board~~ Planning Board meeting.
- (j) Public notification of the planning board meeting shall be the same as for the preliminary plan.
- (k) A planning board meeting is held and the final plan is forwarded to city council for review and action.
- (l) The city clerk shall set a date for a public hearing to be conducted during a regularly scheduled city council meeting.
- (m) Public notification of the city council public hearing shall be the same as for the preliminary plan.
- (n) City council conducts a public hearing and makes the final decision.

(B) *General conditions, procedures and standards.*

- (1) *Preapplication conference.* Prior to submitting a formal application for approval of a proposed new development plan or plan for an addition to an existing development, the owners(s) shall request a preapplication conference with the staff of the Department of Planning and Neighborhood Development, engineering department, the Inspection Services Department, the department of leisure services, the traffic engineer, the fire department, the architectural review board, the Escambia County Utilities Authority, and/or other appropriate staff to review:
 - (a) The relationship between the proposed development plan and the surrounding land usage and the Comprehensive Plan of the city.
 - (b) The adequacy of the existing and proposed vehicular and pedestrian right-of-way, utilities and other public facilities and services, which will serve the proposed development.
 - (c) The character, design and applicability of the following factors:
 - 1. Traffic control;
 - 2. Noise reduction;
 - 3. Sign and light control;
 - 4. Preservation of open space and visual corridors;

5. Police and fire protection;
6. Storm drainage;
7. Landscaping;
8. Fencing and screening; and
9. Other matters specifically relevant to the proposed development site necessary to foster desirable living and working conditions and compatibility with the existing environment.

At the time of the preapplication conference, the developer shall provide a sketch plan indicating the location of the proposed development and its relationship to surrounding properties. The advisory meeting should provide insight to both the developer and the city staff regarding potential development problems which might otherwise result in costly plan revisions or unnecessary delay in development. At this time a decision will be made as to whether the review process will require a separate preliminary and final plan or if they can be combined.

- (2) *Preliminary development plan.* Subsequent to the preapplication conference, the owner shall submit a formal application for development plan approval along with nine (9) copies of a preliminary plan of development to the community development department at least thirty (30) days prior to the meeting at which it is to be considered by the planning board. This preliminary development plan must cover the entire property under consideration. The community development department shall deliver copies of the preliminary development plan to appropriate city departments and utility companies. Prior to the planning board meeting scheduled to consider the preliminary development plan, said departments shall submit written recommendations of approval or disapproval, or suggested revisions as may be deemed appropriate, and reasons therefore, to the community development department.

The city staff shall review the preliminary plan of development with respect to its design and compatibility with surrounding uses, major thoroughfare plan, comprehensive land use plan and existing and future community services. Efforts to resolve differences between the developer's proposal and staff positions shall be made prior to submittal of the plan to the planning board.

If the planning board approves the preliminary plan of development, a favorable recommendation shall be forwarded

to the city council. The city council shall then hold a public meeting for the purpose of determining whether the preliminary plan should be approved. If the planning board does not approve the preliminary plan of development, it shall give the owner a reasonable period of time to make appropriate amendments to the plan. The owner shall have the right to appeal an adverse decision of the planning board to the city council within thirty (30) days of the decision of the planning board.

- (3) *Development of regional impact.* If, at the time of submission of a preliminary plan, the planning board or planning staff determines that a proposed project could constitute a development of regional impact (DRI) pursuant to F.S. § 380.06, the developer will be notified that compliance with the DRI procedure will be necessary prior to final local approval of the development. At that time, the developer will contact the West Florida Regional Planning Council to apply for a binding letter of interpretation to determine the DRI status of the proposal or to initiate the DRI review process. This process shall not prohibit the concurrent review of the development plan while the determination for DRI is being made. Provided, however no final plan approval shall be granted until a determination has been made whether or not the development has to undergo DRI review.

After the planning board has reviewed the proposal which has been determined to be a DRI and makes a recommendation for approval of the preliminary plan, the developer or his authorized representative will be required to complete an application for DRI approval. Copies of the completed application will be filed with city, the West Florida Regional Planning Council, and the Bureau of Resource Planning and Management, Florida Department of Community Affairs.

Within thirty (30) days of receipt of the application, the West Florida Regional Planning Council will determine the sufficiency of the information presented in the application. If the application is considered insufficient to complete a review, the developer will be requested to furnish the additional information requested by the planning council. When the application is considered sufficient, the regional planning council will give notice to the city to schedule a public hearing. Public notice of the hearing will then be published at least sixty (60) days in advance of the public hearing. Development may

begin forty-five (45) days after the issuance of the development order by the city council.

- (4) *Public notification.* If public notification is required the city clerk will set a date for a public hearing to be conducted during a regularly scheduled city council meeting.
- (5) *Final development plan.* If the city council approves the preliminary plan of development, 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 mayor may, in his 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, in which event he shall give notice of the extension to the city council. The final development plan shall be in basic conformity with the preliminary plan of development and comply with the other provisions of this chapter 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 city council shall immediately conclude its consideration.

The owner shall submit to the department of community development department an original and nine (9) copies of the final development plan at least thirty (30) days prior to the meeting at which it is to be considered by the planning board. The community development department shall distribute copies thereof to appropriate city departments. The community development department shall attempt to resolve any differences between another city department and the developer prior to submittal of the final development plan to the planning board. If such differences are not resolved within thirty (30) days of submission by the owner of a final development plan, the plan shall be submitted to the planning board at its next meeting whether or not such differences are resolved. If the planning board approves the final development plan a favorable recommendation shall be forwarded to the architectural review board (ARB), if required, as outlined in subsection (4) of this section. Upon the review and approval of the ARB, the city council shall then hold a meeting for the purpose of determining whether the final plan should be approved. If the planning board does not approve the final plan of development, it shall give the owner written reasons for such action giving the owner a reasonable period of time to make appropriate amendments

to these plan. The owner shall have the right to appeal an adverse decision of the planning board to the city council within thirty (30) days of the decision of the planning board.

If the city council approves the plan of development, the original shall be filed with the city clerk, one (1) copy shall be filed with the community development department and one (1) copy shall be filed with the city building official and such other places as required by law.

Any plan approved and filed hereunder shall be binding upon the owner(s), his/her successors and assigns, and the subject property, and shall limit and control the issuance and validity of all building permits and shall restrict and limit the construction, location, use and operation of all land and structures included within the plan to all conditions and limitations set forth in the plan.

Application for a building permit shall be initiated within six (6) months from the date of approval of the final development plan. If such application has not been filed within such period, the applicant shall be required to resubmit the development plan in accordance with this subsection, prior to obtaining a building permit.

Minor changes to the final development plan may be approved by the city engineer, planning director, and building official when, in their opinion, the changes do not violate the provisions of this title, do not make major changes in the arrangement of the buildings or other major features of the final development plan, and do not substantially conflict with action taken by the city council. Major changes such as, but not limited to, changes in land use or an increase or decrease in the area covered by the final development plan may be made only by following the procedures outlined in filing a new preliminary development plan. The city council shall approve such modification only if the revised plan meets the requirements of this title.

A building permit may be revoked in any case where the conditions of the final development plan have not been or are not being complied with, in which case the building official shall follow permit revocation procedure.

- (6) *Review of preliminary plan by ~~Gateway Review Board~~ Planning Board.* All final development plans within the Gateway Redevelopment District shall be subject to review and

approval by the ~~Gateway Review Board~~ Planning Board as established in Chapter 12-13.

- (7) *Concurrent submission of preliminary and final development plans.* For review of specific uses and upon approval of the city planner and the mayor for applicable new development and conditional uses, development plans may be reviewed and approved through an abbreviated procedure which provides for the submittal of both preliminary and final plan concurrently. All plan requirements set forth in this section shall be complied with when exercising this abbreviated procedure. When this concurrent submission option is exercised, the ~~Gateway Review Board~~ Planning Board review of development plans will take place prior to city council review/approval.

(C) *Contents of the preliminary development plan.*

- (1) *General information.* The following information shall be provided in graphic or written form as necessary to satisfy the requirements:

(a) Legend, including:

1. Name of the development;
2. Total area of the property in square feet and acres;
3. Scale (at a minimum of 1" = 100');
4. North arrow;
5. Existing zoning on the property, including any overlay districts, and;
6. Date of preparation.

- (b) Vicinity map, at a scale not less than 1" = 2,000', showing the relationship of the proposed development to surrounding streets and public facilities within a one-mile radius.

(2) *Existing conditions, including:*

- (a) Existing streets, both on and within three hundred (300) feet of the proposed development;
- (b) Zoning districts, major shopping areas, residential areas, public buildings, rights-of-way, public utilities and other major facilities surrounding the proposed development for a radius of three hundred (300) feet;
- (c) Existing lot lines and major easements on the property indicating the purpose of each easement;

- (d) Existing land uses and location of buildings and structures on the property;
 - (e) One hundred-year flood elevation and limits of the one hundred-year floodplain;
 - (f) The approximate normal high water elevations or boundaries of existing surface waterbodies, wetlands, streams and canals; and
 - (g) Generalized tree cover and existing vegetation cover limits.
- (3) *Proposed development.* Preliminary layout showing as applicable:
- (a) Location of proposed lots, land uses and building sites, including, among other things, total area in square feet and acres, number of dwelling units, dwelling unit density by land use, floor area minimum standards, lot size, height of structures, yard and spacing requirements and amount and location of recreation and common open space areas;
 - (b) General location of all existing and proposed off-street parking and loading areas and roadways, by type, including width of right-of-way and paved streets;
 - (c) If applicable, a statement proposing how the developer plans to limit adverse effects on threatened or endangered native flora or fauna;
 - (d) Location of all rights-of-way, easements, utilities and drainage facilities that are proposed for the development and;
 - (e) A general statement of the proposed development schedule.
- (D) *Contents of final development plan.* The final development plan may be on several sheets. However, in that event, an index shall be provided. For a large project, the final development plan may be submitted for approval progressively in contiguous sections satisfactory to the planning board.
- (1) *General information.* The same information as required in paragraph (B)(1) shall be provided in graphic or written form as necessary to satisfy the requirements.
 - (2) *Existing conditions.* The same information as required in paragraph (B)(2) shall be provided with the addition of the following detailed information:

- (a) Existing streets, both on and within three hundred (300) feet of the proposed development, shall be described including:
 - 1. Street names;
 - 2. Right-of-way width of each street;
 - 3. Driveway approaches and curb cut locations, and;
 - 4. Medians and median cuts locations.
 - (b) Conceptual drainage report showing direction of flow and proposed methods of stormwater retention.
 - (c) The location of any geodetic information system monuments.
- (3) *Proposed development.* The same information as required in paragraph (B)(3) shall be provided with the addition of the following detailed information:
- (a) A detailed statement of agreement, provisions, and covenants which govern the ownership, development, use maintenance, and protection of the development, in any common or open areas;
 - (b) Location of existing and proposed land uses and exact locations of all existing and proposed improvements including:
 - 1. Buildings and structures;
 - 2. Curb cuts;
 - 3. Driveways and interior drives;
 - 4. Off-street parking and loading;
 - 5. Storage facilities;
 - 6. Proposed roadways, by type, including width of right-of-way and paved streets; and
 - 7. Traffic control features and signage.
 - (c) Exact location of lots and building sites, including, among other things, total acreage of the proposed project; total acreage in residential use, commercial use, common open space, recreational area, parking lots; number of dwelling units broken down by type (garden apartments, single-family, etc.) and overall dwelling unit density, floor area minimum standards, lot size, height of structures, yard and spacing requirements and amount and location of recreation and common open space areas;

- (d) The exact location and use of existing and proposed public, semipublic or community facilities including areas proposed to be dedicated or reserved for community or public use;
- (e) If applicable, drawings depicting general architectural features and appearance of representative building types, locations of entrances, and types of surfacing such as paving, gravel and grass, and signing and lighting devices;
- (f) Location of outdoor waste disposal facilities, if applicable;
- (g) Provisions for access by emergency vehicles, if applicable; and
- (h) A specific statement of the development schedule including, if applicable, a phasing plan.

SECTION 6. 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 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. 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



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 27-19

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 27-19, AMENDMENT TO SECTION 10-4-19 - SCHEDULE OF GAS RATES AND CHARGES

RECOMMENDATION:

That City Council adopt Proposed Ordinance No. 27-19 on second reading.

AN ORDINANCE AMENDING SECTION 10-4-19 OF THE CODE OF THE CITY OF PENSACOLA ENTITLED: "SCHEDULE OF RATES AND CHARGES"; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE

HEARING REQUIRED: No Hearing Required

SUMMARY:

In 2007, City Council adopted a rate study that allowed for an annual inflation adjustment component to provide for funding to maintain the City's natural gas system. The last Consumer Price Index (CPI) adjustment was in 2019 where rates were increased for CPI of 2.40%. The Fiscal Year 2020 Budget has been prepared with an increase based on the CPI of 1.9%.

PRIOR ACTION:

September 12, 2019 - City Council voted to approve Ordinance No. 27-19 on first reading.
September 13, 2018 - City Council adopted Proposed Ordinance No. 13-18 adjusting rates based upon changes in the CPI.

FUNDING:

N/A

FINANCIAL IMPACT:

The rate change has been incorporated in the Fiscal Year 2020 Budget.

CITY ATTORNEY REVIEW: Yes

8/16/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Richard Barker, Jr., Chief Financial Officer
Don J. Suarez, Pensacola Energy Director

ATTACHMENTS:

- 1) Proposed Ordinance No. 27-19

PRESENTATION: No

PROPOSED ORDINANCE NO. 27-19

ORDINANCE NO. _____

AN ORDINANCE TO BE
ENTITLED:

AN ORDINANCE AMENDING SECTION 10-4-19 OF THE CODE OF
THE CITY OF PENSACOLA, FLORIDA ADJUSTING RATES AND
CHARGES FOR THE SALE OF NATURAL GAS; PROVIDING FOR
SEVERABILITY REPEALING CLAUSE; PROVIDING AN EFFECTIVE
DATE.

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

SECTION 1. Section 10-4-19 of the Code of the City of Pensacola, Florida, is hereby amended to read:

Sec. 10-4-19. Schedule of rates and charges.

A. Subject to the provisions of subsection 1-1-1 (c), the charges and assessments set forth below shall be levied and assessed by the department of Pensacola Energy through the Mayor or the Chief Financial Officer for natural gas services provided by the city to consumers.

The charges for gas are segregated according to the following service classifications: residential gas inside and outside the city limits (GR-1, GR-2), commercial gas inside and outside the city limits (GC-1, GC-2), interruptible industrial contract (GI-1, GI-2, GI-3, GI-4), City of Pensacola, almost firm service (GAF), flexible gas transportation (GTS, GPT, GIT, GVT), compressed natural gas service (CNG), and street or outdoor lighting.

B. Purchased gas adjustment (PGA)--Service classifications having a distribution charge stated in Mcfs shall have the price per Mcf adjusted by the amount of any increase or decrease in the cost of gas purchased for resale. Changes to the PGA will be effective at the beginning of a monthly billing cycle.

C. For the purpose of calculating the municipal public service tax, the city's cost of gas prior to October 1, 1973, was forty-five cents (\$0.45) per Mcf.

D. Weather normalization adjustment (WNA)--To adjust for fluctuations in consumption due to colder or warmer than normal weather during the months of October through March of the previous or current fiscal year, a WNA will be assessed on service classifications GR-1, GR-2, GC-1, GC-2, and GIT according to the following formula:

WNA	$\frac{R \times (HSF \times (NDD - ADD))}{(BL + (HSF \times ADD))}$
Where:	
WNA	= Weather normalization adjustment factor for each rate schedule classification expressed in cents per Mcf.
R	= Weighted average base rate of temperature sensitive sales for each included rate schedule.
HSF	= Heat sensitive factor for the appropriate rate schedule.
NDD	= Normal billing cycle heating degree.
ADD	= Actual billing cycle heating degree day.
BL	= Average base load sales for each billing cycle.

Normal degree days (NDD) shall be based on the most current National Oceanic and Atmospheric Administration (NOAA) thirty-year normal data. Actual degree days (ADD) shall be based on NOAA data.

E. The Distribution Pipeline Infrastructure Cost Adjustment (DPICA) shall be adjusted annually, effective each October 1 by a percentage equal to the amount of Eligible Distribution Pipeline Infrastructure Costs divided by the total test year margin revenues associated with the Residential Gas inside and outside City limits (GR-1 and GR-2), Commercial Gas inside and outside City limits (GC-1, GC-2, and GIT), and Municipal operated building and facilities as shown for the 2012 Test Year shown in the most recent Cost of Service and Rate Design Study. Eligible Distribution Pipeline Infrastructure Costs include costs that meet all of the following conditions:

- (i) The principal purpose of the project is not to increase revenues by directly connecting the infrastructure replacement to new customers;
- (ii) The project, or discrete portions thereof, are in service and used and useful;
- (iii) The costs of the project are not included in the city's existing base rates;
- (iv) The principal purpose of the project is to replace or extend the useful life of existing infrastructure, or otherwise enhance the infrastructure of city's physical plant; and
- (v) City undertakes the project to comply with a valid statute, rule, regulation, order or ordinance, or other lawful requirement of a federal, state, or local governing or regulatory body having jurisdiction over pipeline integrity.

The percentage shall not exceed 10 percent of the non-gas operating expenses in the current fiscal year budget and will be applied to the rates used for each bill over the following 12 months.

- F. Distribution and customer charge rates shall be adjusted annually if approved by the city council during budget sessions, effective each October based upon the percentage difference in the cost of living as computed under the most recent Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics, U.S. Department of Labor for the period beginning April 1 of the preceding year and ending March 31 of the current year. The applicable rates are residential gas inside and outside the city limits (GR-1, GR-2), commercial gas inside and outside city limits (GC-1, GC-2), contract delivery, and municipal operated buildings and facilities.
- G. Tariff changes to pipeline transportation fees shall be assessed to each rate class upon implementation by the interstate or intrastate pipeline.
- H. Service charges shall include a customer charge and a distribution charge. The customer charge is a fixed monthly charge for having gas available and the distribution charge is a variable monthly charge based on consumption of gas.

Service charges are as follows:

- (1) *Service classification: GR-1, residential gas service. (Within city limits of the City of Pensacola).*
- (1a) *Availability.* Available to any consumer using the city's natural gas service for any purpose in a residence only.
- (1b) *Customer charge.* Nine dollars and ~~seventy-five~~ ninety-four cents (~~\$9.75~~) (\$9.94) fixed monthly charge, plus
- (1c) *Distribution charge.* Eight dollars and ~~eighteen~~ thirty-four cents (~~\$8.18~~) (\$8.34) per Mcf.
- (2) *Service classification: GR-2, residential gas service. (Outside city limits of the City of Pensacola).*
- (2a) *Availability.* Available to any consumer using the city's natural gas service for any purpose in a residence only.
- (2b) *Customer charge.* ~~Ten~~ Eleven dollars and ~~eighty-eight~~ nine cents (~~\$10.88~~) (\$11.09) fixed monthly charge, plus
- (2c) *Distribution charge.* Ten dollars and ~~twelve~~ thirty-one cents (~~\$10.12~~) (\$10.31) per Mcf.
- (3) *Service classification: GC-1, commercial service. (Within the city limits of the City of Pensacola).*
- (3a) *Availability.* Available to any commercial consumer for cooking, water heating, space heating, air conditioning, and like uses.
- (3b) *Customer charge.* Seventeen dollars and ~~twenty-five~~ fifty-eight cents (~~\$17.25~~) (\$17.58) fixed monthly charge, plus

- (3c) *Distribution charge.* Eight dollars and ~~eighteen~~ thirty-four cents (~~\$8.18~~) (\$8.34) per Mcf.
- (4) *Service classification: GC-2 commercial service. (Outside the city limits of the City of Pensacola).*
- (4a) *Availability.* Available to any commercial consumer for cooking, water heating, space heating, air conditioning, and like uses.
- (4b) *Customer charge.* Nineteen dollars and ~~sixty~~ ninety-seven cents (~~\$19.60~~) (\$19.97) fixed monthly charge, plus
- (4c) *Distribution charge.* Ten dollars and ~~twelve~~ thirty-one cents (~~\$10.12~~) (\$10.31) per Mcf.
- (5) *Service classification: GI-1, interruptible industrial contract service, small volume.*
- (5a) *Availability.* Available to any consumer using the city's natural gas service provided the consumer has adequate standby facilities approved by the city that will permit the city to curtail consumption as the city may determine necessary. Service under this rate classification shall be governed by individual contracts with consumer which includes a customer charge, a distribution charge, and a charge for fuel. Such contracts may be executed by the Mayor, based on recommendations by the Director of Pensacola Energy. Contracts for this class or rate must be for not less than one (1) year. All consumers under this rate are subject to the terms of the contract.
- (5b) *Contract volume.* Not less than twenty-five (25) Mcf per day.
- (5c) *Customer charge.* Two hundred dollars (\$200.00) fixed monthly charge, plus
- (5d) *Distribution charge.* Two dollars and five cents (\$2.05) per Mcf.
- (6) *Service classification: GI-2, interruptible industrial contract service, large volume.*
- (6a) *Availability.* Available to any consumer using the city's natural gas service provided the consumer has adequate standby facilities approved by the city that will permit the city to curtail consumption as the city may determine necessary. Service under this rate classification shall be governed by individual contracts with consumer which includes a customer charge, a distribution charge, and a charge for fuel. Such contracts may be executed by the Mayor, based on recommendations by the Director of Pensacola Energy. Contracts for this class or rate must be for not less than one (1) year. All consumers under this rate are subject to the terms of the contract.
- (6b) *Contract volume.* Not less than two hundred fifty (250) Mcf per day.
- (6c) *Customer charge.* Two hundred dollars (\$200.00) fixed monthly charge, plus
- (6d) *Distribution charge.* One dollar and five cents (\$1.05) per Mcf.
- (7) *Service classification: GI-3, interruptible industrial flexible contract service, large volume.*
- (7a) *Availability.* Available to any consumer using the city's natural gas service provided the consumer has adequate standby facilities approved by the city that will permit the city to curtail consumption as the city may determine necessary. Service under this rate classification

shall be governed by individual contracts with consumer which includes a customer charge, a distribution charge, and a charge for fuel. Such contracts may be executed by the Mayor, based on recommendations by the Director of Pensacola Energy. Contracts for this class or rate must be for not less than one (1) year. All consumers under this rate are subject to the terms of the contract.

(7b) *Contract volume.* Not less than five hundred (500) Mcf per day.

(7c) *Customer charge.* Two hundred dollars (\$200.00) fixed monthly charge, plus,

(7d) *Distribution charge.* Rates to be negotiated.

(8) *Service classification: GI-4, interruptible transportation flexible contract service.*

(8a) *Availability.* Available to any consumer using the city's natural gas service provided the consumer has adequate standby facilities approved by the city that will permit the city to curtail consumption as the city may determine necessary. Service under this rate classification shall be governed by individual contracts with consumer which includes a customer charge, a distribution charge, and a charge for fuel. Such contracts may be executed by the Mayor, based on recommendations by the Director of Pensacola Energy. Contracts for this class or rate must be for not less than one (1) year. All consumers under this rate are subject to the terms of the contract.

(8b) *Contract volume.* Not less than one hundred (100) Mcf nor more than five hundred (500) Mcf per day.

(8c) *Customer charge.* Two hundred dollars (\$200.00) fixed monthly charge, plus

(8d) *Distribution charge.* The GI-4 distribution charge shall consist of the following components:

1. The contracted cost of gas as it may vary from time to time, plus
2. The existing transportation rate on Pensacola Energy's distribution system as established under the annual pipeline transportation fees of One dollar and seventy-four cents (\$1.74) plus ninety-two cents (\$0.92) local transportation charge net per one (1) MMBTU/day transported for gas transportation service, plus
3. A seven cent (\$0.07) margin on the contracted cost of natural gas.

These three (3) components shall determine the monthly cost of any consumer in this class or rate times the number of MMBTUs used by the consumer.

(9) *Service classification: City of Pensacola.*

(9a) *Availability.* Available to all current municipally operated buildings and facilities, and current and former municipally operated utilities, and other uses as authorized by the Mayor. Measurement shall be by standard meter as normally used within Pensacola Energy.

(9b) *Customer charge.* Twenty-one two dollars and ~~seventy-seven~~ eighteen cents (~~\$21.77~~) (\$22.18) fixed monthly charge, plus

(9c) *Distribution charge.* Three dollars and ~~eighteen~~ twenty-four cents (~~\$3.18~~) (\$3.24) per Mcf.

(10) *Service classification: GTS, gas transportation service. (For large volume commercial/industrial consumers).*

(10a) *Availability.* Available to a consumer with sufficient resources for purchasing its own natural gas supplies and transporting it on the city's natural gas system to the consumer's facilities. Pensacola Energy will determine which gate station on Pensacola Energy's interstate pipeline transporter system has adequate capacity to receive the transportation request. There shall be a separate contract with each consumer for each service location which includes a customer charge, a distribution charge, and a charge for fuel. Such contracts may be executed by the Mayor, based on recommendations by the Director of Pensacola Energy. Contracts for this service must be for not less than one (1) year.

Consumers using this service must have adequate standby facilities approved by the city that will permit the city to curtail consumption as the city may determine necessary.

(10b) *Contract volume.* Transportation volumes not less than two hundred (200) MMBTU per day. Volume requirements shall be reviewed in determining if a consumer shall qualify for this rate.

(10c) *Customer charge.* Two hundred dollars (\$200.00) fixed monthly charge, plus

(10d) *Distribution charge.* Rates to be negotiated.

An additional \$0.0475/MMBTU shall be added to cover administrative, maintenance, and monitoring costs for the transportation distribution on a daily basis. The consumer must notify Pensacola Energy a minimum of five (5) working days prior to the beginning of each month and identify the volume of the third party gas to be transported on the Pensacola Energy system during that month.

(11) *Service classification: GPT, gas purchased transportation service. (For large volume commercial/industrial consumers).*

(11a) *Availability.* Available to a consumer using the city's natural gas service. There shall be a separate contract with each consumer which includes a customer charge, a distribution charge, and a charge for fuel. Such contracts may be executed by the Mayor, based on recommendations by the Director of Pensacola Energy. Contracts for this service must be for not less than one (1) year. All consumers under this rate are subject to the terms of the contract.

(11b) *Contract volume.* Transportation volumes not less than two hundred (200) MMBTU per day. Volume requirements shall be reviewed in determining if a consumer shall qualify for this rate.

(11c) *Customer charge.* Two hundred dollars (\$200.00) fixed monthly charge, plus

(11d) *Distribution charge.* Rates to be negotiated.

A seven cent (\$0.07) margin on the contracted cost of natural gas.

(12) *Service classification: GAF, almost firm service.*

(12a) *Availability.* Available to any consumer using the city's natural gas service. Service under this rate classification shall be governed by individual contracts with consumer which

includes a customer charge, a distribution charge, and a charge for fuel. Such contract will be executed by the Mayor, based on recommendations by the Director of Pensacola Energy. Contracts for this class or rate must be for not less than one (1) year. All consumers under this rate are subject to the terms of the contract.

(12b) *Contract volume.* Not less than seventy-five (75) Mcf per day.

(12c) *Customer charge.* Two hundred dollars (\$200.00) fixed monthly charge, plus

(12d) *Distribution charge.* One dollar and seventy-four cents (\$1.74) for annual pipeline transportation fees plus ninety-two cents (\$0.92) local transportation charge net per one (1) MMBTU/day transported for gas transportation service, plus

A seven cent (\$0.07) margin on the contracted cost of natural gas.

(13) *Service classification: GIT, flexible gas transportation service.*

(13a) *Availability.* Available to any consumer using the city's natural gas service provided the consumer has adequate standby facilities approved by the city that will permit the city to curtail consumption as the city may determine necessary. Service under this rate classification shall be governed by individual contracts with consumer which includes a customer charge, a distribution charge, and a charge for fuel. Such contract will be executed by the Mayor, based on recommendations by the Director of Pensacola Energy. Contracts for this service must be for not less than one (1) year. All consumers under this rate are subject to the terms of the contract.

(13b) *Customer charge.* Nineteen dollars and ~~sixty~~ ninety-seven cents (~~\$19.60~~) (\$19.97) fixed monthly charge, plus

(13c) *Distribution charge.* Rates to be negotiated.

(14) *Service Classification: CNG, Compressed Natural Gas Service.*

(14a) *Availability.* Available to any commercial or industrial customer utilizing natural gas for compressed natural gas refueling facilities. Service under this rate classification shall be governed by individual contracts with consumer. Such contract will be executed by the Mayor, based on the recommendations of the Director of Pensacola Energy. Contracts for this service must be for not less than one year. All consumers under this rate are subject to the terms of the contract.

(14b) *Distribution charge.* Rates to be negotiated.

(15) *Service classification: GVT, flexible governmental industrial transportation service.*

(15a) *Availability.* Available to all governmental industrial transportation customers utilizing the city's gas services. Service under this rate classification shall be governed by individual contracts with consumer which includes a customer charge, a distribution charge, and a charge for fuel. Such contract will be executed by the Mayor, based on recommendations by the Director of Pensacola Energy. Contracts for this service must be for not less than one (1) year. All consumers under this rate are subject to the terms of the contract.

(15b) *Contract volume.* Transportation volumes not less than two hundred fifty (250) MMBTU per day. Volume requirements shall be reviewed in determining if a consumer shall qualify for this rate.

(15c) *Customer charge.* Two hundred dollars (\$200.00) fixed monthly charge, plus

(15d) *distribution charge.* Seventy cents (\$0.70) per MMBTU.

(16) *Service classification: Street or Outdoor Lighting.*

(16a) *Availability.* Available to firm residential or commercial customers for continuous street, outdoor lighting, or communications power supply.

(16b) *Monthly Rate.*

Communications power supply flat rate	\$10.85
Gas lights small, up to 2.36 cu. ft. per hour	\$10.85
Gas lights medium, up to 3.48 cu. ft. per hour	\$15.95
Gas lights large, up to 4.86 cu. ft. per hour	\$22.33

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

SECTION 3. 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 4. This ordinance shall become effective at the beginning of the monthly October ~~2018~~ 2019 billing cycle 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

File #: 28-19

City Council

9/26/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 28-19 - AMENDMENT TO CITY CODE SECTION 4-3-97 -
SANITATION COLLECTION FEE AND EQUIPMENT SURCHARGE.

RECOMMENDATION:

That City Council adopt Proposed Ordinance No. 28-19 on second reading.

AN ORDINANCE AMENDING SECTION 4-3-97 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR INCREASE IN SANITATION COLLECTION FEES AND THE SANITATION EQUIPMENT SURCHARGE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Section 4-3-97 of the City Code provides for an automatic adjustment to the monthly sanitation rate each October 1st in accordance with the Consumer Price Index (CPI) for the twelve month period ending March 31st of the current year. The CPI for that period was +1.9% which amounts to an increase of forty-seven cents and would set the new rate at \$25.11 per month. This increase would allow for full funding of the Sanitation Services operation as budgeted in the FY 2020 Proposed Budget.

In accordance with the rate study completed in 2016, City Council approved the implementation of a sanitation equipment surcharge to fund capital equipment replacement. The surcharge was initially set at \$1.00 effective June 1, 2017 with an increase to \$2.00 scheduled for October 1, 2018. Beginning October 1, 2019 and each October 1 thereafter, this surcharge will be adjusted based on changes in the CPI. The CPI was +1.9% which allows for a 4 cent increase bringing the new rate to \$2.04.

PRIOR ACTION:

September 12, 2019 - City Council voted to approve Ordinance No. 28-19 on first reading.

September 13, 2018 - City Council adopted Ordinance No.16-18 adjusting the monthly sanitation rate to \$24.64 and increasing the sanitation equipment surcharge to \$2.00.

FUNDING:

N/A

FINANCIAL IMPACT:

Approval of the proposed ordinance would set the sanitation rate at \$25.11 per month, a \$.47 per month increase and would set the sanitation equipment surcharge at \$2.04 per month, a \$.04 per month increase; both rate increases are based on the 1.9% CPI, effective October 1, 2019 upon adoption on second reading. The increase in the sanitation rate is projected to generate an additional \$225,700 annually in additional Residential Refuse Container Charges and the sanitation equipment surcharge is projected to generate an additional \$15,500 annually for capital equipment expenditures both of which have been incorporated in the FY 2020 Proposed Budget.

CITY ATTORNEY REVIEW: Yes

9/3/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Richard Barker, Jr., Chief Financial Officer
John Pittman, Director Sanitation

ATTACHMENTS:

- 1) Proposed Ordinance No. 28-19

PRESENTATION: No

PROPOSED
ORDINANCE NO. 28-
19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 4-3-97 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING FOR INCREASE IN SANITATION COLLECTION FEES AND THE SANITATION EQUIPMENT SURCHARGE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 4-3-97 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 4-3-97. Fees and surcharges.

The following fees are hereby established for recycling, solid waste or refuse collection services by the city as may be amended from time to time by resolution of the city council:

(1) *New accounts, transferred accounts, and resumption of terminated service:* Twenty dollars (\$20.00).

(2) *Garbage, recycling and trash collection fee, per month:*
Twenty-five dollars and eleven cents (\$25.11). This fee shall be automatically adjusted upon approval of council each October 1 hereafter based on the percentage difference in the cost of living as computed under the most recent Consumer Price Index for all urban consumers or similar index published by the Bureau of Labor Statistics, U.S. Department of Labor for the period beginning April 1st of the preceding year and ending March 31st of the current year.

~~(2) *Garbage, recycling and trash collection fee, per month:*~~
~~Twenty-four dollars and sixty-four cents (\$24.64).~~
~~This fee shall be initially set on October 1, 2018 and shall be automatically adjusted October 1, 2019, and each October 1 thereafter based on the percentage difference~~

~~in the cost of living as computed under the most recent Consumer Price Index for all urban consumers or similar index published by the Bureau of Labor Statistics, U.S. Department of Labor for the period beginning April 1st of the preceding year and ending March 31st of the current year.~~

- (3) Provided, however, the monthly fee for garbage, recycling and trash collection for the dwelling of an eligible household, occupied by a person sixty-five (65) years of age or older, under the low-income home energy assistance program pursuant to F.S. § 409.508, 1993, as administered by the Escambia County Council on Aging or for the dwelling of a family heretofore determined by the housing and community development office of the city to be eligible for assistance under the Section 8 existing housing assistance payments program pursuant to 42 U.S.C., section 1437(f), shall be reduced by one dollar (\$1.00) per month commencing October 1, 1989, and by an additional one dollar (\$1.00) per month commencing October 1, 1990, provided that sufficient monies are appropriated from the general fund to replace decreased solid waste revenues caused by such fee reductions. If insufficient monies are appropriated from the general fund to replace all of such decreased solid waste revenues, then the mayor may change the amount of the fee reduction to an amount less than the amount set forth in the preceding.

- (4) Sanitation equipment surcharge: Two dollars and four cents (\$2.04) per month. A sanitation equipment surcharge shall be added as a separate line item to all city solid waste and/or refuse collection services fees. This surcharge shall be automatically adjusted upon approval of council each October 1 hereafter based on the percentage difference in the cost of living as computed under the most recent consumer Price Index for all urban consumers or similar index published by the Bureau of Labor Statistics, U.S. Department of Labor for the period beginning April 1st of the preceding year and ending March 31st of the current year.

~~(4) Sanitation equipment surcharge: Two Dollars (\$2.00) per month. A sanitation equipment surcharge shall be added as a separate line item to all city solid waste and/or refuse collection service fees. Said surcharge, shall be initially set on June 1, 2017 and shall be automatically increased to Two Dollars (\$2.00) per month on October 1, 2018. This surcharge shall be automatically adjusted October 1, 2018, and each October 1 thereafter based on~~

~~the percentage difference in the cost of living as computed under the most recent Consumer Price Index for all urban consumers or similar index published by the Bureau of Labor Statistics, U.S. Department of Labor for the period beginning April 1st of the preceding year and ending March 31st of the current year.~~

- (5) *Vehicle fuel and lubricant pass-through surcharge:* One dollar and thirty cents (\$1.30) per month. A sanitation services division vehicle fuel and lubricant surcharge shall be added as a separate line item to all city solid waste and/or refuse collection service fees. Said surcharge, which shall be initially set on the fiscal year 2007 sanitation services fuel and lubricant budget, shall be revised by the director of finance no less frequently than annually based upon the budgeted fuel and lubricant costs adjusted for their actual costs for the previous or current fiscal years.
- (6) *Tire removal:* A surcharge of three dollars (\$3.00) per tire shall be added to the scheduled or nonscheduled bulk waste collection fee established herein whenever tire(s) more than twelve (12) inches in size are collected.
- (7) *Scheduled bulk waste collection:* The fee for scheduled bulk item collection shall be fifteen dollars (\$15.00) for the first three (3) minutes and five dollars (\$5.00) for each additional three (3) minutes up to twenty-one (21) minutes after which time a disposal fee will be added.
- (8) *Non-scheduled bulk waste collection:* The fee for nonscheduled bulk item collection shall be thirty-five dollars (\$35.00) for the first three (3) minutes and ten dollars (\$10.00) for each additional three (3) minutes up to twenty-one (21) minutes after which time a disposal fee will be added.
- (9) Deposits in an amount up to a total of the highest two (2) months bills for service within the previous twelve (12) months may be required of customers who, after the passage of this section, have their service cut for nonpayment or have a late payment history. The department of finance will be responsible for the judicious administration of deposits.
- (10) A late charge equal to one and one-half (1½) percent per month of the unpaid previous balance.

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

SECTION 3. 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 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