

PROPOSED
ORDINANCE NO. 34-20

ORDINANCE NO. 25-20

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE CREATING SECTION 2-3-5 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, RELATED TO THE PRESERVATION OF SENSITIVE PROPERTIES; PROVIDING FOR ASSESSMENT OF HISTORICAL, ARCHAEOLOGICAL, ARCHITECTURAL, AND ENVIRONMENTAL CHARACTERISTICS OF REAL PROPERTY PRIOR TO DISPOSITION; PROVIDING FOR PUBLIC HEARING PRIOR TO DISPOSITION OF SENSITIVE PROPERTIES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Pensacola seeks to preserve public access to water view and waterfront property, and to preserve historical, archaeological, architectural and environmental resources, and therefore to restrict disposition of real property interests unless the City Council has determined a public purpose is served;

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

SECTION 1. Section 2-3-5 of the Code of the City of Pensacola, Florida, is hereby created to read as follows:

Sec. 2-3-5 – Disposition of Sensitive Properties.

- (a) Except as provided in this section, real property within the city limits, in which the city has ownership rights, including but not limited to improved lots, vacant lots, easements, alleys, or rights-of-way, shall not be sold, terminated, vacated, abandoned or otherwise disposed of in such a manner that the city no longer has a property right to enforce, if any of the following characteristics applies:
- (1) The property in question is adjacent to water or provides a water view; or
 - (2) The property in question has been designated by the city council as having historical, archaeological, or architectural significance either because of historic events in the vicinity or because of a structure on the property; or

- (3) The property in question has been designated by the city council as having significance as an environmental resource for preservation.

Properties possessing any of these characteristics are classified as sensitive properties.

- (b) Whenever the city receives a request to consider disposing of any interest in real property, the mayor shall assess whether the real property in question is a sensitive property by determining if the property

(1) abuts a navigable waterway, has water access or has water views;

(2) has any historical, archaeological, architectural, or environmental value; or

(3) should remain undeveloped except for the public's passive enjoyment, education, and research as long as the property remains within the city's ownership and control.

- (c) In assessing whether property has significant historical, archaeological, architectural or environmental value, the mayor shall consult and rely upon professional historic, archaeological, architectural, and environmental standards and resources and provide the city council with documentation of the resources used in the formulation of the mayor's report and recommendation, including but not limited to the following:

(1) Whether the property includes historic structures or buildings eligible or potentially eligible for listing in the National Register of Historic Places;

(2) Whether the property contains material remains of Native American archaeological sites that are eligible or potentially eligible for listing in the National Register of Historic Places;

(3) Whether the property contains material remains of or contemporaneous to the 1559 Spanish landing and settlement site of Tristán de Luna;

(4) Whether the property contains material remains of past settlements, fortifications, or occupations eligible or potentially eligible for listing in the National Register of Historic Places; and

(5) Whether the property should be preserved to promote sustainable development, water quality, air quality, erosion prevention, stormwater management, or for other environmental or public safety reasons.

- (d) Upon completion of the assessment, the mayor shall submit to the city council a report and recommendation concerning the real property or property interest that is the subject of the request to sell, terminate, vacate or abandon, or otherwise

dispose of in such a manner that the city no longer has a property interest to enforce.

- (e) The city council shall conduct a public hearing at which the public is invited to provide input on the mayor's report and recommendation prior to the city council voting to sell, terminate, vacate, abandon, or otherwise dispose of rights in the real property assessed in the mayor's report.
- (f) Following the public hearing, the city council may determine to take any action deemed appropriate as to the request to sell, terminate, vacate, abandon, or otherwise dispose of rights in the real property assessed in the mayor's report, including but not limited to accepting or rejecting in whole or in part the mayor's recommendation; provided, the city council shall make findings in support of the city council's determination as to the public purpose supporting its action in response to the request.

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: August 13, 2020

Approved: Jewel Ann de-Wy
President of City Council

Attest:

Archie L. Burnett
City Clerk

CITY CLERKS OFFICE - LEGAL ADS
222 W MAIN ST

PENSACOLA, FL 32502

Published Daily-Pensacola, Escambia County, FL

PROOF OF PUBLICATION

State of Florida
County of Escambia:

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

NOTICE OF PROPOSED ORDINANCE

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

08/03/20

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

Sworn to and Subscribed before me this 3th of August 2020, by legal clerk who is personally known to me

Affiant

Notary Public State of Wisconsin, County of Brown

My commission expires

of Affidavits 1

Publication Cost: \$367.78

Ad No: 0004306678

Customer No: PNJ-25615500

This is not an invoice

NOTICE OF PROPOSED ORDINANCES

Please be advised that Proposed Ordinances Nos. 31-20, 34-20, 35-20, and 37-20 were presented to the City Council of the City of Pensacola for first reading on Thursday, July 16, 2020 and will be presented for final reading and adoption on Thursday, August 13, 2020 at 5:30 p.m., in Council Chambers on the First Floor of City Hall, 222 West Main Street, Pensacola, Florida.

To limit the potential spread of COVID-19, some Council Members may attend by telephonic conferencing and no public may physically be in attendance. This change in format is consistent with Executive Order 20-49 issued by Gov. Ron DeSantis and has been adopted at the direction of Council President Jewel Cannada-Wynn in consultation with the City Attorney.

Note that the format of the meeting is subject to change due to continuing changes in meeting requirements due to the COVID-19 pandemic. The City's website will have the most current information regarding attendance at the meeting by the public.

Members of the public may attend and participate via live stream and/or phone as follows:

To watch the meeting live visit: [cityofpensacola.com/428Live-Meeting-Video](https://www.cityofpensacola.com/428Live-Meeting-Video). Or Mayor Grover Robinson's Facebook page at [facebook.com/PensacolaMayor](https://www.facebook.com/PensacolaMayor).

To provide input:

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

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

The title(s) of the proposed ordinance(s) are as follows:

P.O. #31-20:

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE ALLEYWAY LOCATED IN BLOCK 61, EAST PENSACOLA, IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE (Adjacent to 2900, 2904, and 2906 E. Lee Street; and 2903 and 2905 E. Blount Street; and 1098 Bayou Boulevard)

P.O. #34-20:

AN ORDINANCE CREATING SECTION 2-3-5 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, RELATED TO THE PRESERVATION OF SENSITIVE CITY-OWNED PROPERTIES; PROVIDING FOR ASSESSMENT OF HISTORICAL, ARCHAEOLOGICAL, ARCHITECTURAL, AND ENVIRONMENTAL CHARACTERISTICS OF REAL PROPERTY PRIOR TO DISPOSITION; PROVIDING FOR PUBLIC HEARING PRIOR TO DISPOSITION OF SENSITIVE PROPERTIES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

P.O. #35-20:

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.

P.O. #37-20:

AN ORDINANCE CLOSING, ABANDONING AND VACATING A UTILITY EASEMENT ALONG A VACATED PORTION OF BAY BOULEVARD IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE (Adjacent to 1010 Bay Boulevard)

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

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

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to city services, programs and activities. Please call 435-1606 (or TDD 435-1666) for further information. Requests must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.

CITY OF PENSACOLA, FLORIDA

By: Ericka L. Burnett, City Clerk

Visit: www.cityofpensacola.com to learn more about City activities. Council agendas posted on line before meetings.

Legal No: 4306678

Aug 3, 2020

NANCY HEYRMAN
Notary Public
State of Wisconsin