



# City of Pensacola

## Agenda Conference

### Agenda

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Monday, July 17, 2023, 3:30 PM

Council Chambers, 1st Floor

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The meeting can be watched via live stream at [cityofpensacola.com/video](https://cityofpensacola.com/video).

#### ROLL CALL

#### PRESENTATION ITEMS

1. [23-00544](#) PRESENTATION - PUBLIC WORKS DIRECTOR AMY TOOTLE - PROVIDING AN UPDATE ON THE CITY HALL STRUCTURAL ANALYSIS RESULTS

**Recommendation:** That City Council receive a presentation from Public Works Director Amy Tootle, providing an update on the City Hall Structural Analysis results.

**Sponsors:** D.C. Reeves

#### REVIEW OF CONSENT AGENDA ITEMS

2. [23-00442](#) AWARD OF BID NO. 23-025 BAYVIEW PARK DRAINAGE IMPROVEMENTS AND REPAIRS PROJECT

**Recommendation:** That City Council approve Award of Bid No. 23-025 Bayview Park Drainage Improvements and Repairs project to C.W. Roberts, Inc., of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$107,535.00 plus a 10% contingency in the amount of \$10,753.50 for a total amount of \$118,288.50. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this contract and complete the work, consistent with the bid, contracting documents, and the Mayor's Executive Powers as granted in the City Charter.

**Sponsors:** D.C. Reeves

**Attachments:** [Bid Tabulation, Bid No. 23-025](#)  
[Final Vendor Reference List, Bid No. 23-025](#)  
[Project Location Map](#)

3.     [23-00475](#)     PENSACOLA ENERGY - AWARD OF BID NO. 23-017 NATURAL GAS PIPELINE REPLACEMENT AT REGULATOR STATION 2

**Recommendation:**     That City Council approve the contract for Bid No. 23-017 to Miller Pipeline, LLC, the lowest and best responsible bidder, for a base price of \$226,975 plus 10% contingency in the amount of \$22,698 for a total contract price of \$249,673. Further, that City Council authorize the Mayor to take all actions necessary to execute and administer this contract and complete this work, consistent with the bid, contracting documents, and the Mayor's Executive Powers as granted in the City Charter.

**Sponsors:**             D.C. Reeves

**Attachments:**         [ITB 23-017 - Tabulation of Bids](#)  
                              [Contract - ITB 23-017 - Miller Pipeline, LLC](#)

4.     [23-00496](#)     AWARD OF BID # 23-026: 2023 SIDEWALK PROJECT PHASE 3

**Recommendation:**     That City Council award this contract to Site and Utility, LLC of Pensacola, Florida, the lowest and best responsible bidder with a base bid of \$114,981.00, plus a 10% contingency in the amount of \$11,498.10 for the total amount of \$126,479.10. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this contract and complete the work, consistent with the bid, contracting documents, and the Mayor's Executive Powers as granted in the City Charter.

**Sponsors:**             D.C. Reeves

**Attachments:**         [Bid Tabulation, Bid # 23-026](#)  
                              [Project Limits Map](#)  
                              [Final Vendor Reference List, Bid # 23-026](#)



5.     [23-00497](#)     AWARD OF CONTRACT - RFQ NO. 23-019 LAND DEVELOPMENT CODE (LDC) ASSESSMENT AND RECOMMENDATIONS
- Recommendation:**     That City Council award a contract to Inspire Placemaking Collective, Inc. to complete an assessment and provide recommendations for a potential update or re-write of the Land Development Code (LDC). Further, that City Council authorize the Mayor to take actions necessary to negotiate, execute and administer this contract, including the renewal options for a Phase II rewrite of the LDC consistent with the Mayor's Executive Powers as granted in the City Charter.
- Sponsors:**             D.C. Reeves
- Attachments:**         [Tabulation of Qualifications](#)  
                                  [Selection Committee Scoring Matrix](#)  
                                  [Selection Committee Oral Presentations Ranking](#)  
                                  [Final Vendor Reference List](#)
6.     [23-00548](#)     AWARD OF ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR PASSENGER TERMINAL FACILITY EXPANSION AT PENSACOLA INTERNATIONAL AIRPORT
- Recommendation:**     That City Council award a contract to EXP U.S. Services, Inc. for professional engineering and architectural services related to passenger terminal facility expansion at the Pensacola International Airport requested through RFQ #23-016. Further, that Council authorizes the Mayor take the actions necessary to negotiate, execute, and administer the necessary contract as specified RFQ #23-016, consistent with the terms of the contract and the Mayor's Executive Powers as granted in the City Charter.
- Sponsors:**             D.C. Reeves
- Attachments:**         [Tabulation of Respondents to RFQ No. 23-016](#)  
                                  [Selection Committee Scoring Matrix](#)  
                                  [Vendor Reference List](#)

7. [23-00494](#) CITY OF PENSACOLA FY 2023-2024 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN
- Recommendation:** That City Council approve the FY 2023-2024 CDBG Annual Action Plan for the period October 1, 2023 through September 30, 2024 for submission to U. S. Department of Housing and Urban Development. Further, that City Council approve the City of Pensacola 2023-2024 CDBG program Proposed Budget and Activities Summary. Finally, that City Council authorize the Mayor to execute all documents relating to the plan's submission and program's administration.
- Sponsors:** D.C. Reeves
- Attachments:** [CDBG FY23-24 Annual Action Plan](#)  
[CDBG FY23-24 Proposed Budget and Activities](#)
8. [23-00471](#) DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL MEMBER ALLISON PATTON - DISTRICT 6
- Recommendation:** That City Council approve funding of \$350 to the Veterans Memorial Park Foundation, \$500 to the UWF Foundation, \$1,000 to Bluffline, Inc., \$500 for Gallery Night Pensacola, Inc and \$500 for Harmonic Learning Advantage Outreach from the City Council Discretionary Funds for District 6.
- Sponsors:** Allison Patton
9. [23-00477](#) DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL MEMBER JARED MOORE - DISTRICT 4
- Recommendation:** That City Council approve funding of \$2,500 for Valerie's House and \$1,000 for Harmonic Learning Advantage Outreach from the City Council Discretionary Funds for District 4.
- Sponsors:** Jared Moore
10. [23-00486](#) DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL PRESIDENT DELARIAN WIGGINS - DISTRICT 7
- Recommendation:** That City Council approve funding of \$600 for Transitioning Thru Trauma to Triumph, \$1,500 for My Brothers and Sisters,\$500 for Harmonic Learning Advantage Outreach and \$500 for The Pensacola Alumni Chapter of Kappa Alpha Psi from the City Council Discretionary Funds for District 7.
- Sponsors:** Delarian Wiggins

11. [23-00518](#) MAYORAL APPOINTMENT - DOWNTOWN IMPROVEMENT BOARD (DIB)
- Recommendation:** That City Council affirm the Mayor's appointment of William L. Merrill to the Downtown Improvement Board (DIB) for a term of three (3) years expiring June 30, 2026.
- Sponsors:** D.C. Reeves
- Attachments:** [Application of Interest - William Merrill](#)  
[Resume - William Merrill](#)
12. [23-00523](#) APPOINTMENT - ZONING BOARD OF ADJUSTMENT
- Recommendation:** That City Council appoint a resident or property owner of the City, to the Zoning Board of Adjustment for a term of three (3) years, expiring July 14, 2026.
- Sponsors:** Delarian Wiggins
- Attachments:** [Member List](#)  
[Nomination Form - Kirwan Price](#)  
[Application of Interest - Kirwan Price.pdf](#)  
[Ballot](#)

### REVIEW OF REGULAR AGENDA ITEMS (Sponsor)

13. [23-00500](#) PUBLIC HEARING: PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - ESTABLISHING FOOD TRUCK COURTS AS A PERMITTED LAND USE ALLOWED IN SPECIFIED ZONING DISTRICTS
- Recommendation:** That City Council conduct the second of two required public hearings on July 20, 2023 to consider proposed amendments to the Land Development Code pertaining to the creation of "Food Truck Courts" as a permitted land use, and allowing this new land use in specified zoning districts.
- Sponsors:** D.C. Reeves
- Attachments:** [Planning Board Minutes - May 9 2023](#)  
[Proposed Ordinance No. 12-23](#)  
[Proposed Ordinance No. 13-23](#)

14. [12-23](#) PROPOSED ORDINANCE NO. 12-23 - PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - ESTABLISHING FOOD TRUCK COURTS AS A PERMITTED LAND USE ALLOWED IN SPECIFIED ZONING DISTRICTS

**Recommendation:** That City Council adopt Proposed Ordinance No. 12-23 on first reading.

AN ORDINANCE CREATING SECTION 12-3-95 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ESTABLISHING FOOD TRUCK COURTS AS A PERMITTED LAND USE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**Sponsors:** D.C. Reeves

**Attachments:** [Proposed Ordinance No 12-23](#)  
[Planning Board Minutes - May 9 2023](#)

15. [13-23](#) PROPOSED ORDINANCE NO. 13-23 - PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - ESTABLISHING FOOD TRUCK COURTS AS A PERMITTED LAND USE ALLOWED IN SPECIFIED ZONING DISTRICTS

**Recommendation:** City Council approve Proposed Ordinance No. 13-23 on first reading.

AN ORDINANCE AMENDING SECTIONS 12-3-8, 12-3-10, AND 12-3-12 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ESTABLISHING FOOD TRUCK COURTS AS LAND USE CATEGORY; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - ESTABLISHING FOOD TRUCK COURTS AS A PERMITTED LAND USE ALLOWED IN SPECIFIED ZONING DISTRICTS.

**Sponsors:** D.C. Reeves

**Attachments:** [Proposed Ordinance No 13-23](#)  
[Planning Board Minutes - May 9 2023](#)

16. [23-00492](#) PUBLIC HEARING: REQUEST FOR ZONING MAP AMENDMENT - 3805 AND 3807 NORTH 10TH AVENUE
- Recommendation:** That City Council conduct a Public Hearing on July 20, 2023, to consider the request to amend the Zoning Map for 3805 and 3807 North 10th Avenue.
- Sponsors:** D.C. Reeves
- Attachments:** [Planning Board Rezoning Application](#)  
[Planning Board Minutes June 13th, 2023 - DRAFT](#)  
[Table 12-3.2. Regulations For The Medium Density Residential Zoning](#)  
[Current and Proposed Zoning Maps](#)  
[Proposed Ordinance No. 16-23](#)
17. [16-23](#) PROPOSED ORDINANCE NO. 16-23 - REQUEST FOR ZONING MAP AMENDMENT - 3805 AND 3807 NORTH 10TH AVENUE
- Recommendation:** That City Council approve Proposed Ordinance No. 16-23 on first reading.
- AN ORDINANCE AMENDING THE ZONING CLASSIFICATION FOR CERTAIN PROPERTY PURSUANT TO AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE ZONING MAP OF THE CITY OF PENSACOLA; REPEALING CLAUSE AND EFFECTIVE DATE.
- Sponsors:** D.C. Reeves
- Attachments:** [Proposed Ordinance No. 16-23](#)  
[Planning Board Rezoning Application](#)  
[Planning Board Minutes June 13th, 2023 - DRAFT](#)  
[Table 12-3.2 Regulations For The Medium Density Residential Zoning](#)  
[Current and Proposed Zoning Maps](#)
18. [23-00491](#) QUASI-JUDICIAL HEARING - REQUEST FOR A CONDITIONAL USE PERMIT - FORMER AUTO REPAIR BUSINESS - 23 WEST CERVANTES STREET
- Recommendation:** That City Council conduct a Quasi-Judicial Hearing on July 20, 2023 to consider the request for a Conditional Use Permit to convert the existing structure at 23 West Cervantes Street into a restaurant.
- Sponsors:** D.C. Reeves
- Attachments:** [23 West Cervantes Street - Conditional Use Application](#)  
[Planning Board Minutes June 13 2023 DRAFT](#)  
[Sec.12-3-107. Conditional Use Permit](#)

**19.     [23-00495](#)     TENTATIVE MILLAGE RATE - FISCAL YEAR 2024**

**Recommendation:**     That City Council set the tentative Fiscal Year 2024 millage rate for the City of Pensacola at 4.2895 mills and for the Downtown Improvement District at 2.0000 mills and authorize the Mayor to set final levies in compliance with all property tax reform regulations. Further, that the Mayor may administratively adjust the final adopted millage rate upon receipt of the final valuation if the City's final current year gross taxable value is reduced by more than 1%. Finally, that the first public hearing on the Fiscal Year 2024 millage rates be held on September 6, 2023, at 5:30 p.m. in Council Chambers.

**Sponsors:**             D.C. Reeves

**Attachments:**         [Fiscal Year 2024 Taxable Value Estimates](#)

**20.     [23-00537](#)     MEMORANDUM OF AGREEMENT RELATED TO THE CHAPPIE JAMES FLIGHT ACADEMY AND MUSEUM BUILDING EXPANSION PROJECT**

**Recommendation:**     That City Council approve the memorandum of agreement between and among the City of Pensacola, Chappie James Museum of Pensacola, Inc., and General Daniel "Chappie" James Flight Academy, Inc. to store classroom and office equipment purchased by the Flight Academy at a climate-controlled City facility during the construction period of the Flight Academy and Museum building expansion project. Additionally, the City agrees to make the Chappie James Flight Academy financially whole in the sum of \$125,158.44 in the event the expansion project fails to take place.

**Sponsors:**             D.C. Reeves

**Attachments:**         [MOA Flight Academy Storage](#)  
                              [Attachment B - Chappie James Flight Equipment](#)

**21.     [23-00435](#)     APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH CDAC, BEHAVIORAL HEALTHCARE, INC., FOR AN AFTER-SCHOOL ENRICHMENT PROGRAM**

**Recommendation:**     That the City council approve a Memorandum of Understanding between City of Pensacola and CDAC, Behavioral Healthcare, Inc. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this memorandum of understanding, consistent with the terms of the agreement and the Mayor's Executive Powers as granted in the City Charter.

**Sponsors:**             D.C. Reeves

**Attachments:**         [MOU - CDAC Behavioral Healthcare, Inc.](#)

22.     [2023-048](#)     SUPPLEMENTAL BUDGET RESOLUTION NO. 2023-048 - LAW ENFORCEMENT TRUST FUND (LETF) PURCHASE FOR THE PENSACOLA HIGH SCHOOL FOOTBALL BOOSTERS CLUB, INC.

*Recommendation:*     That the City Council adopt Supplemental Budget Resolution No. 2023-048.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023; PROVIDING FOR AN EFFECTIVE DATE.

*Sponsors:*             D.C. Reeves

*Attachments:*         [Supplemental Budget Resolution No. 2023-048](#)  
                              [Supplemental Budget Explanation No. 2023-048](#)  
                              [Letter of Certification](#)

23.     [15-23](#)         PROPOSED ORDINANCE NO. 15-23 AMENDING SECTION 9-6-2 ALLOWING CITY COUNCIL MEMBERS THE ABILITY TO PARTICIPATE IN THE CITY SPONSORED INSURANCE PROGRAMS

*Recommendation:*     That City Council approve Proposed Ordinance No. 15-23 on first reading:

AN ORDINANCE AMENDING SECTION 9-6-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ADDING CITY COUNCIL MEMBERS AS OPTIONAL PARTICIPANTS INSURED IN ANY PLAN OF GROUP HEALTH, DENTAL, LIFE OR OTHER INSURANCE; REMOVING CLAUSE REQUIRING CITY COUNCIL MEMBERS TO PAY 100 PERCENT OF THE HEALTH AND DENTAL INSURANCE PREMIUMS AND EXCLUDING MEMBERS FROM ANY OTHER CITY GROUP BENEFITS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

*Sponsors:*             D.C. Reeves

*Attachments:*         [Proposed Ordinance No. 15-23](#)

24.     [14-23](#)           PROPOSED ORDINANCE NO. 14-23, REPEALING ORDINANCE NO. 38-14, HEREBY ABOLISHING THE INTERNATIONAL RELATIONS ADVISORY BOARD

**Recommendation:**   That City Council adopt Proposed Ordinance No. 14-23 on second reading:

                  AN ORDINANCE REPEALING ORDINANCE NO. 38-14 OF THE CITY OF PENSACOLA, FLORIDA IN ITS ENTIRETY, ABOLISHING THE INTERNATIONAL RELATIONS ADVISORY BOARD; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**Sponsors:**           Delarian Wiggins

**Attachments:**         [Proposed Ordinance No. 14-23](#)

## CONSIDERATION OF ANY ADD-ON ITEMS

## FOR DISCUSSION

## READING OF ITEMS FOR COUNCIL AGENDA

## COMMUNICATIONS

### CITY ADMINISTRATOR'S COMMUNICATION

### CITY ATTORNEY'S COMMUNICATION

### CITY COUNCIL COMMUNICATION

## ADJOURNMENT

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

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





# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 23-00544

City Council

7/20/2023

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### **PRESENTATION ITEM**

**FROM:** D.C.Reeves, Mayor

**SUBJECT:**

PRESENTATION - PUBLIC WORKS DIRECTOR AMY TOOTLE - PROVIDING AN UPDATE ON THE CITY HALL STRUCTURAL ANALYSIS RESULTS

**REQUEST:**

That City Council receive a presentation from Public Works Director Amy Tootle, providing an update on the City Hall Structural Analysis results.

**SUMMARY:**

Recently a structural analysis was conducted on City Hall, this presentation allows City Council to be updated on the results.

**PRIOR ACTION:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

1) None

**PRESENTATION:** Yes



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

File #: 23-00442

City Council

7/20/2023

### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** D.C. Reeves, Mayor

**SUBJECT:**

AWARD OF BID NO. 23-025 BAYVIEW PARK DRAINAGE IMPROVEMENTS AND REPAIRS PROJECT

**RECOMMENDATION:**

That City Council approve Award of Bid No. 23-025 Bayview Park Drainage Improvements and Repairs project to C.W. Roberts, Inc., of Pensacola, Florida, the lowest and most responsible bidder with a base bid of \$107,535.00 plus a 10% contingency in the amount of \$10,753.50 for a total amount of \$118,288.50. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this contract and complete the work, consistent with the bid, contracting documents, and the Mayor's Executive Powers as granted in the City Charter.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

The purpose of this project is to provide stabilization to an area that is highly susceptible to erosion and sediment transport. There is evidence of existing erosion/washout issues onsite. This project involves the construction of 280 linear feet of 12-inch storm drainpipe with 4 inlets to collect stormwater runoff and convey it safely to an existing inlet. The three existing terraces will be improved by adding fill to provide a consistent height to the terraces. In addition, some depressions/washouts will be filled and stabilized. All areas disturbed by construction will be sodded with the addition of 6 inches of topsoil as well as additional existing bare areas at the site.

**PRIOR ACTION:**

None

**FUNDING:**

Budget:	\$500,000.00	Bayview Erosion Rehabilitation
Actual:	\$107,535.00	Construction Contract
	10,753.50	10% Contingency
	28,086.60	Engineering Management (Completed)

41,341.50	Engineering Design (Completed)
10,000.00	Engineering Management/Inspections (Estimate)
<u>5,000.00</u>	Testing/Misc. (Estimate)
\$202,716.60	TOTAL

**FINANCIAL IMPACT:**

Funding has been allocated in the Bayview Erosion Rehabilitation within the American Rescue Plan Fund in the Fiscal Year 2023 budget.

**LEGAL REVIEW ONLY BY CITY ATTORNEY:** Yes

7/5/2023

**STAFF CONTACT:**

Kerrith Fiddler, City Administrator  
Amy Miller, Deputy City Administrator  
Tonya Byrd, Interim Parks and Recreation Director

**ATTACHMENTS:**

- 1) Bid Tabulation, Bid No. 23-025
- 2) Final Vendor Reference List, Bid No. 23-025
- 3) Project Location Map

**PRESENTATION:** No

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TABULATION OF BIDS

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BID NO: 23-025

TITLE: BAYVIEW PARK DRAINAGE IMPROVEMENTS & REPAIRS

Submittals Due: 06/01/23, 2:30 P.M.	C.W. ROBERTS CONTRACTING, INC.	CHIVERS CONSTRUCTION, INC.	SITE & UTILITY, LLC	JAMES BROS. EXCAVATING, INC.
Department: Engineering	Pensacola, FL	Cantonment, FL	Pensacola, FL	Daphne, AL
Base Bid	\$107,535.00	\$191,140.00	\$195,410.00	\$340,690.00

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Submittal Due Date: 06/01/23

Bid No.: 23-025

**FINAL VENDOR REFERENCE LIST  
BAYVIEW PARK DRAINAGE IMPROVEMENTS AND REPAIRS  
ENGINEERING**

Vendor	Name	Address	City	St	Zip Code	SMWBE
004632	A E NEW JR INC	460 VAN PELT LANE	PENSACOLA	FL	32505	
067544	AFFORDABLE CONCRETE & CONSTRUCTION LLC	4089 E JOHNSON AVE	PENSACOLA	FL	32515	Y
077498	ALL PHASE CONSTRUCTION OF NWFL LLC	5340 BRIGHT MEADOW RD	MILTON	FL	32570	Y
068495	ANDALA ENTERPRISES INC	641 BAYOU BOULEVARD	PENSACOLA	FL	32503	
003350	ASPHALT SEALCOATING & STRIPE CO INC	3358 PURSELL LANE	PENSACOLA	FL	32526	
071765	ATLAS BUILDERS GROUP	4366 AVALON BLVD	MILTON	FL	32583	
068571	B&W UTILITIES INC	1610 SUCCESS DRIVE	CANTONMENT	FL	32533	
081043	BCK SPECUALTIES INC	1709 ANTIBES CIR	GULF BREEZE	FL	32563	
069786	BEAR GENERAL CONTRACTORS LLC	1216 N PALAFOX ST STE A	PENSACOLA	FL	32501	
036997	BELLVIEW SITE CONTRACTORS INC	3300 GODWIN LANE	PENSACOLA	FL	32526	Y
070400	BIG SKY UNDERGROUND LLC	2172 W NINE MILE ROAD	PENSACOLA	FL	32534	
038068	BIGGS GREEN CONSTRUCTION SERVICES INC	PO BOX 1552	PENSACOLA	FL	32591	Y
053457	BIRKSHIRE JOHNSTONE LLC	507 E FAIRFIELD DR	PENSACOLA	FL	32503	Y
065013	BKW INC	8132 PITTMAN AVE	PENSACOLA	FL	32534	Y
070527	BLOWERS, BENJAMIN DBA INNOVIS USA LLC	5540 LEESWAY BLVD	PENSACOLA	FL	32504	
067318	BLUE WATER CONSTRUCTION & LANDSCAPING INC	2314 S HWY 97	CANTONMENT	FL	32533	Y
023742	BROOKS, SEAN RONALD DBA PRO-LI SEAL AND STRIPE	4162 MADURA RD	GULF BREEZE	FL	32561	
022856	BROWN CONSTRUCTN OF NW FL INC	10200 COVE AVE	PENSACOLA	FL	32534	Y
041503	BROWN, AMOS P JR DBA P BROWN BUILDERS LLC	4231 CHERRY LAUREL DRIVE	PENSACOLA	FL	32504	Y
078639	C W ROBERTS CONTRACTING INC	4375 MCCOY DRIVE	PENSACOLA	FL	32503	
042045	CHAUVERS CONSTRUCTION INC	801 VIRECENT ROAD	CANTONMENT	FL	32533	
049653	CHRISTOPHER C BARGAINEER CONCRETE CONSTRUCTION INC	6550 BUD JOHNSON ROAD	PENSACOLA	FL	32505	Y
070475	CRUZ, SHAWN C DBA COASTAL PROPERTY PREPARATION LLC	5700 ALMAX COURT	PENSACOLA	FL	32506	
033554	D K E MARINE SERVICES	P O BOX 2395	PENSACOLA	FL	32513	Y
007055	DAVIS MARINE CONSTRUCTION INC	8160 ASHLAND AVENUE	PENSACOLA	FL	32534	Y
065871	ECSC LLC	8400 LITLE JOHN JUNCTION	NAVARRE	FL	32566	Y
049947	EMERALD COAST CONSTRUCTORS INC	9425 WANDA DR	PENSACOLA	FL	32514	
072705	EVAN CHASE CONSTRUCTION INC	2991 SOUTH HIGHWAY 29	CANTONMENT	FL	32533	Y
032038	EVANS CONTRACTING INC	400 NEAL ROAD	CANTONMENT	FL	32533	
055177	FLORIDA CONCRETE CONCEPTS INC	4432 ALANTHUS STREET	MILTON	FL	32583	
074355	GANNETT MHC MEDIA INC DBA PENSACOLA NEWS JOURNAL	2 NORTH PALAFOX ST	PENSACOLA	FL	32502	
032792	GATOR BORING & TRENCHING INC	1800 BLACKBIRD LANE	PENSACOLA	FL	32534	Y
050495	GB GREEN CONSTRUCTION MGMT & CONSULTING INC	303 MAN'O'WAR CIRCLE	CANTONMENT	FL	32533	Y
053862	GFD CONSTRUCTION INC	8771 ASHLAND AVE	PENSACOLA	FL	32514	

Submittal Due Date: 06/01/23

Bid No.: 23-025

**FINAL VENDOR REFERENCE LIST  
BAYVIEW PARK DRAINAGE IMPROVEMENTS AND REPAIRS  
ENGINEERING**

Vendor	Name	Address	City	St	Zip Code	SMWBE
058714	GREG ALLEN CONSTRUCTION INC	5006 PERSIMMON HOLLOW ROAD	MILTON	FL	32583	Y
063457	GSI CONSTRUCTION CORP INC	2993 WALLACE LAKE ROAD	PACE	FL	32571	Y
000591	GULF ATLANTIC CONSTRUCTORS INC	650 WEST OAKFIELD RD	PENSACOLA	FL	32503	Y
044100	GULF BEACH CONSTRUCTION	1308 UPLAND CREST COURT	GULF BREEZE	FL	32563	Y
074827	GULF COAST MINORITY CHAMBER OF COMMERCE INC	321 N DEVILLERS ST STE 104	PENSACOLA	FL	32501	
017352	GULF COAST TRAFFIC ENGINEERS	8203 KIPLING STREET	PENSACOLA	FL	32514	
036662	H H H CONSTRUCTION OF NWF INC	8190 BELLE PINES LANE	PENSACOLA	FL	32526	
070385	HANTO & CLARKE GENERAL CONTRACTORS LLC	1401 EAST BELMONT STREET	PENSACOLA	FL	32501	
080650	HARRIS INMAN CONSTRUCTN CO INC	3583 LAGUNA COURT	GULF BREEZE	FL	32563	
001597	HEATON BROTHERS CONSTR CO INC	5805 SAUFLEY FIELD ROAD	PENSACOLA	FL	32526	
044713	HENRY HAIRE BUILDING & DEVELOPMENT INC	6341 HIGHWAY 90 STE B	MILTON	FL	32570	
022978	INGRAM SIGNALIZATION INC	4522 N DAVIS HWY	PENSACOLA	FL	32503	Y
033412	JAMES BROTHERS EXCAVATING INC	PO BOX 1948	DAPHNE	AL	36526	
071564	JOSEPH BRIDGES DBA JOE'S LINE UP	222 EHRMANN ST	PENSACOLA	FL	32507	
043857	KBI CONSTRUCTION CO INC	9214 WARING RD	PENSACOLA	FL	32534	
055564	L & L BACKFLOW INC DBA L & L UTILITIES INC	115 MCLAUGHLIN ROAD	MILTON	FL	32570	
068161	LEA, DOUGLAS C DBA L&L CONSTRUCTION SERVICES LLC	9655 SOUTH TRACE ROAD	MILTON	FL	32583	Y
058332	LEIDNER BUILDERS INC	409 N PACE BLVD	PENSACOLA	FL	32505	Y
076493	LTS CONSTRUCTION LLC	4771 BAYOU BLVD #290	PENSACOLA	FL	32503	Y
081795	LYNN, STEVEN W MCCULLOUGH AND SON	1104 FRETZ STREET	PENSACOLA	FL	32534	
058801	M & H CONSTRUCTION SVCS INC	1161 W 9 1/2 MILE RD	PENSACOLA	FL	32534	Y
070661	MCDELT, LLC	4675 BALMORAL DRIVE	PENSACOLA	FL	32504	Y
052456	MEI LING DAVIS LLC	PO BOX 18155	PENSACOLA	FL	32523	
073522	MOORE BETTER CONTRACTORS, INC	1721 EAST CERVANTES STREET	PENSACOLA	FL	32501	Y
022368	MOTES, MIKE DBA MIKE MOTES CONSTRUCTION INC	4164 HUCKLEBERRY FINN ROAD	MILTON	FL	32583	
016210	NORD, STEVE DBA SEA HORSE GENERAL CONTRACTORS INC	4238 GULF BREEZE PKWY	GULF BREEZE	FL	32563	Y
002720	PANHANDLE GRADING & PAVING INC	P O BOX 3717	PENSACOLA	FL	32516	
058953	PARSCO LLC	700 N DEVILLIERS STREET	PENSACOLA	FL	32501	Y
030951	PAV'R CONSTRUCTION INC	P O BOX1293	GULF BREEZE	FL	32562	
060344	PENSACOLA BAY AREA CHAMBER OF COMMERCE DBA GREATER PENSACOLA CHAMBER	117 W GARDEN ST	PENSACOLA	FL	32502	
055028	PERDIDO GRADING & PAVING	PO BOX 3333	PENSACOLA	FL	32516	Y
073174	PERRITT, CHRIS LLC	5340 BRIGHT MEADOWS ROAD	MILTON	FL	32570	Y
050307	QCFS MANAGEMENT GROUP INC	3326 NORTH W STREET	PENSACOLA	FL	32505	
021834	R & L PRODUCTS INC	9492 PENSACOLA BLVD	PENSACOLA	FL	32534	

Submittal Due Date: 06/01/23

Bid No.: 23-025

**FINAL VENDOR REFERENCE LIST  
BAYVIEW PARK DRAINAGE IMPROVEMENTS AND REPAIRS  
ENGINEERING**

Vendor	Name	Address	City	St	Zip Code	SMWBE
018305	R D WARD CONSTRUCTION CO INC	15 EAST HERMAN STREET	PENSACOLA	FL	32505	
049671	RADFORD & NIX CONSTRUCTION LLC	7014 PINE FOREST ROAD	PENSACOLA	FL	32526	Y
001681	RANDALL, HENRY DBA RANDALL CONSTRUCTION	1045 S FAIRFIELD DRIVE	PENSACOLA	FL	32506	
071623	REYCO CONTRACTING SOLUTIONS LLC	2172 W NINE MILE RD STE 198	PENSACOLA	FL	32534	Y
031881	ROADS INC OF NWF	106 STONE BLVD	CANTONMENT	FL	32533	
017634	ROBERSON EXCAVATION INC	6013 SOUTHRIDGE ROAD	MILTON	FL	32570	Y
067564	ROBERSON UNDERGROUND UTILITY LLC	9790 ROBERSON WAY	MILTON	FL	32570	Y
065450	SITE AND UTILITY LLC	PO BOX 30136	PENSACOLA	FL	32503	
011457	SOUTHERN UTILITY CO INC	P O BOX 2055	PENSACOLA	FL	32513	Y
045247	TEAM POWER SOLUTIONS	4033 WILLIS WAY	MILTON	FL	32583	
028060	THE GREEN SIMMONS COMPANY INC	3407 NORTH W STREET	PENSACOLA	FL	32505	Y
062939	THREE TRADE CONSULTANTS	5690 JEFF ATEES RD	MILTON	FL	32583	Y
069066	UNDERGROUND SOLUTIONS LLC	3070 GODWIN LN	PENSACOLA	FL	32526	Y
002482	UTILITY SERVICE COMPANY INC	4326 GULF BREEZE PARKWAY	GULF BREEZE	FL	32563	
030317	W P R INC	4175 BRIARGLEN RD	MILTON	FL	32583	Y
032732	WALLER, DONALD DBA NORTHCOAST CONTAINER INC	2325 MID PINE CIRCLE	PENSACOLA	FL	32514	
030448	WARRINGTON UTILITY & EXCAVATING INC	8401 UNTREINER AVE	PENSACOLA	FL	32534	Y
021725	WHITESSELL-GREEN INC	P O BOX 2849	PENSACOLA	FL	32513	
069212	YERKES SOUTH INC	634 LAKEWOOD RD	PENSACOLA	FL	32507	Y

Vendors: 87

# 23-025 BAYVIEW PARK DRAINAGE IMPROVEMENTS & REPAIRS PROJECT







# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 23-00475

City Council

7/20/2023

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** D.C. Reeves, Mayor

**SUBJECT:**

PENSACOLA ENERGY - AWARD OF BID NO. 23-017 NATURAL GAS PIPELINE REPLACEMENT AT REGULATOR STATION 2

**RECOMMENDATION:**

That City Council approve the contract for Bid No. 23-017 to Miller Pipeline, LLC, the lowest and best responsible bidder, for a base price of \$226,975 plus 10% contingency in the amount of \$22,698 for a total contract price of \$249,673. Further, that City Council authorize the Mayor to take all actions necessary to execute and administer this contract and complete this work, consistent with the bid, contracting documents, and the Mayor's Executive Powers as granted in the City Charter.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

Sealed bids were received May 24, 2023 for a contract to replace aging natural gas pipelines (infrastructure replacement) at Pensacola Energy's Regulator Station 2. Two (2) vendors responded to the City's invitation to bid. Miller Pipeline, LLC was the lowest and most responsible bidder.

**PRIOR ACTION:**

None.

**FUNDING:**

Budget: \$300,000

Actual: \$249,673

**FINANCIAL IMPACT:**

Cost is funded through the infrastructure recovery mechanism approved by City Council on 9/28/2011.

**LEGAL REVIEW ONLY BY CITY ATTORNEY:** Yes

6/28/2023

**STAFF CONTACT:**

Kerrith Fiddler, City Administrator

Amy Miller, Deputy City Administrator, Administration & Enterprise

Darryl Singleton, Pensacola Energy Director

**ATTACHMENTS:**

- 1) ITB 23-017 - Tabulation of Bids
- 2) Contract - ITB 23-017 - Miller Pipeline LLC

**PRESENTATION:** No

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TABULATION OF BIDS

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BID NO: 23-017

TITLE: NATURAL GAS PIPELINE REPLACEMENT AT REGULATOR STATION 2

OPENING DATE & TIME: May 24, 2023, 2:30 P.M. DEPARTMENT: Pensacola Energy	MILLER PIPELINE, LLC  Indianapolis, IN	EQUIX ENERGY SERVICES, LLC  Midway, FL
Base bid	\$226,975.00	\$306,800.00
Attended Prebid	Yes	Yes

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**CONTRACT BETWEEN CITY OF PENSACOLA AND  
Miller Pipeline, LLC  
BASED UPON INVITATION TO BID #23-017**

**THIS CONTRACT (“Contract”)** is made this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the **City of Pensacola** (“City”), a Florida municipal corporation created and existing under the laws of the State of Florida, located at 222 W. Main Street, Pensacola, Florida 32502, and **Miller Pipeline, LLC**, (“Contractor”), a limited liability company authorized to do business in Florida, located at 8850 Crawfordsville Road, Indianapolis, IN 46234, (the City and Contractor collectively referred to hereinafter as the “Parties”).

**WITNESSETH:**

**WHEREAS**, the City solicited for Invitation to Bid #23-017, on May 24, 2023 (“Invitation to Bid”), as described in Project Manual/Specifications for **NATURAL GAS PIPELINE REPLACEMENT AT REGULATOR STATION 2**, Bid #23-017, as modified by any addendum to the Project Manual, all as attached hereto as Exhibit A and incorporated herein by this reference (collectively referred to hereinafter as the “Bid Documents”); and

**WHEREAS**, in response to the Bid Documents, the Contractor submitted to the City a proposal dated April 14, 2023, (“Proposal”) attached hereto as Exhibit B and incorporated herein by this reference; and

**WHEREAS**, the City has awarded the Contract to the Contractor; and

**WHEREAS**, the Parties desire the Contractor to perform the agreement as described in the Bid Documents and the Proposal and pursuant to the terms and conditions of this Contract; and

**WHEREAS**, the Parties desire to enter into this Contract;

**NOW, THEREFORE**, in consideration of the work to be performed and the payment for the performance of the work, of the mutual covenants and benefits contained herein, and for other good and valuable consideration, the Parties agree as follows:

**Section 1. Recitals.**

The recitals contained above are true and correct and are incorporated into this Contract.

**Section 2. Contractor’s Obligations.**

The Contractor shall perform all work and services described in, and in accordance with, the Contract. The Contractor warrants that all equipment, materials, and workmanship furnished, whether furnished by Contractor or its subcontractors or sub-suppliers, will comply with the Contract and any City specifications, drawings, and other descriptions

supplied or adopted. The Contractor further warrants that the supplies and workmanship will be new, fit, and sufficient for the purpose for which they are intended, of good materials, design, and workmanship, and free from defects or failure. The City or its duly authorized representative shall at all times have full opportunity to inspect the materials to be furnished and the work to be done under this Contract. The Contractor shall comply with all applicable federal, state, and local laws, ordinances, rules, and regulations pertaining to the performance of this Contract. The Contractor is responsible for and shall indemnify the City against all damage or loss caused by fire, theft, or otherwise to materials, tools, equipment, and consumables left on City property by the Contractor.

**Section 3. Term of Contract.**

Subject to the right of termination for cause or convenience, the term of this Contract shall be as specified in the attached Quote Documents and Proposal.

**Section 4. Payment.**

The Contractor agrees to perform all work and services in Section 2 and to furnish all necessary labor, materials, equipment, machinery, tools, apparatus, and means of transportation related to such work and services at Contractor's sole cost and expense, in consideration of the total amount of **TWO HUNDRED TWENTY-SIX THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS (\$226,975)** to be paid by the City in accordance with the Contract upon the complete performance by Contractor based on unit prices if applicable, or based on partial payments approved by the City, only after written acceptance by the City pursuant to the Contract, and such payment in accordance with the Florida Prompt Payment Act. In the event that the Contractor does not fully perform its obligations under the Contract, the City reserves the right to withhold payments for work not performed, to engage an alternative contractor to complete work not performed, and to withhold such amounts as may be required to hold the City harmless from any claims or damages, direct, indirect or consequential, that may be sustained on account of the Contractor's acts or omissions in the performance of this Contract.

**Section 5. Bond.**

Is a bond required?                      (☒) Yes (☐) No

If yes: Contractor shall provide all bond(s) as required in the Contract. Should the City in the City's sole discretion at any time deem any of the sureties upon such bond to be unsatisfactory or if for any reason such bond shall cease to be adequate security for the City, the Contractor shall within five (5) days of written notice from the City furnish a new or additional bond in full sum and satisfactory to the City. No payment shall be deemed to be due or to be made to the Contractor unless and until such new or additional bond shall be furnished and approved in writing by the City. The premium and all expenses associated with such new or additional bond shall be paid by, and the sole responsibility of, the Contractor.

**Section 6. Performance Schedule.**

The Contractor shall commence and complete all work and services pursuant to the Contract.

**Section 7. Necessary Approvals.**

Contractor shall procure all permits, licenses, and certificates and any approvals in performance and completion of this Contract as may be required by federal, state, and local laws, ordinances, rules, and regulations, and in accordance with the Contract.

**Section 8. No Waiver.**

No waiver, alterations, consent, or modification of any of the provisions of the Contract shall be binding unless in writing and signed by the Mayor or his/her designee.

**Section 9. Governing Law.**

This Contract is governed and construed in accordance with the laws of the State of Florida. The law of the State of Florida shall be the law applied in the resolution of any claim, actions, or proceedings arising out of this Contract.

**Section 10. Venue.**

Venue for any claim, actions, or proceedings arising out of this Contract shall be Escambia County, Florida.

**Section 11. No Discrimination.**

Contractor shall not discriminate on the basis of any class protected by federal, state, or local law in the performance of this Contract.

**Section 12. Assignment.**

The rights and privileges conferred by this Contract shall not be assigned or transferred without the written consent of the City, which consent shall not be unreasonably withheld.

**Section 13. No Other Agreements.**

The Parties agree the Contract contains all the terms and conditions agreed upon by the Parties. No other agreements, oral or otherwise, regarding the subject matter of this Contract shall be deemed to exist or to bind either Party.

**Section 14. Remedies for Failure to Perform or Breach of Contract.**

The City reserves the right to seek all remedies available under law in the event of a failure to perform or other breach of this Contract by the Contractor, and the failure of the City to employ a particular remedy shall not be regarded by the Parties as a waiver of that or any other available remedy.

**Section 15. Termination for Convenience.**

The City may terminate this Contract without cause upon thirty (30) days prior written notice.

**Section 16. Public Records Act.**

The parties acknowledge and agree to fulfill all obligations respecting required contract provisions in any contract entered into or amended after July 1, 2016, in full compliance pursuant to Section 119.0701, *Florida Statutes*, and obligations respecting termination of a contract for failure to provide public access to public records. The parties expressly agree specifically that the contracting parties hereto shall comply with the requirements within Attachment "A" attached hereto and incorporated by reference.

**Section 17. Mandatory Use of E-Verify System.**

In compliance with the provisions of F.S. 448.095, the parties to this contract and any subcontractors engaged in the performance of this contract hereby certify that they have registered with and shall use the E-Verify system of the United States Department of Homeland Security to verify the work authorization status of all newly hired employees, within the meaning of the statute.

**IN WITNESS WHEREOF**, the parties hereto have caused this Contract to be executed and sealed the day and year first above written.

**CONTRACTOR**

**CITY OF PENSACOLA, FLORIDA**

\_\_\_\_\_  
(Contractor's Name)

\_\_\_\_\_  
Mayor, D.C. Reeves

By:\_\_\_\_\_  
Member

Attest:\_\_\_\_\_  
City Clerk, Ericka L. Burnett

\_\_\_\_\_  
(Printed Member's Name)

Approved as to Substance:

By:\_\_\_\_\_  
Member

\_\_\_\_\_  
Department Director

\_\_\_\_\_  
(Printed Member's Name)

Legal in form and execution:

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

## **Attachment "A"**

**PUBLIC RECORDS:** Contractor shall comply with Chapter 119, Florida Statutes. Specifically, Contractor shall:

- A.** Keep and maintain public records required by the City to perform the service.
- B.** Upon request from the City's custodian of public records, provide the City with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
- C.** Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Contract term and following the completion of the Contract if Contractor does not transfer the records to the City.
- D.** Upon completion of the Contract, transfer, at no cost, to the City, all public records in possession of Contractor or keep and maintain public records required by the City to perform the service. If Contractor transfers all public records to the City upon completion of the Contract, Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If Contractor keeps and maintains public records upon completion of the Contract, Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the City, upon request of the City's custodian of public records, in a format that is compatible with the information technology systems of the City.

Failure by Contractor to comply with Chapter 119, Florida Statutes, shall be grounds for immediate unilateral cancellation of this Contract by the City.

**IF CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE PUBLIC RECORDS COORDINATOR AT:**

**THE OFFICE OF THE CITY CLERK, (850) 435-1715**

**[PUBLCRECORDS@CITYOFPENSACOLA.COM](mailto:PUBLCRECORDS@CITYOFPENSACOLA.COM)**

**222 WEST MAIN STREET, PENSACOLA, FL 32502**

Revised 1/12/2021



**EXHIBIT A**

**BID DOCUMENTS ON FILE IN PURCHASING DEPARTMENT**

## **EXHIBIT B**

### **PROPOSAL**

The pages following Exhibit B are the documents comprising the Proposal dated, April 14, 2023, which Contractor submitted in response to the Bid Documents, and are hereby incorporated by reference into this Contract. As part of the Proposal, Contractor submitted the Health, Safety, and Environmental Program which is on file with Pensacola Energy and hereby incorporated into this Contract by reference. The Proposal includes all attachments and addenda submitted by Contractor in response to the Bid Documents, which are also hereby incorporated into this Contract by reference.

**BID NO. 23-017**  
**NATURAL GAS PIPELINE REPLACEMENT AT REGULATOR STATION 2**  
**PROPOSAL**  
(page 1)

Project – Regulator Station 2 (IRC 9038)	
<b>TOTAL</b> Two Hundred Twenty-Six Thousand Nine Hundred Seventy-Five and 00/100	\$ 226,975.00

Enclosed herewith is a bid bond, cashier's check, or certified check made payable to the City of Pensacola in the amount of 5% of the bid).

Dunns#/UEID: 00-287-9294 (Federal Transparency Act Reporting Requirement)

Florida Department of Professional Regulation  
Contractor's Certification or Registration

No. CUC057049 Expiration Date 8/31/24

Legal name of bidder: Miller Pipeline, LLC

Signature:  Date: 4/14/2023

Printed Name: Jeff Sutcliffe Title: CFO

Address: 8850 Crawfordville Rd.,

City: Indianapolis State: IN Zip: 46234

Telephone: 317-293-0278 Fax: 317-293-8502  
C/O

E-mail: Mark.Mayfield@millerpipeline.com

Contract documents will be prepared by The City of Pensacola and sent to the successful bidder for execution. Proof of specified Insurance and Indemnification must accompany contract documents when they are executed and returned. Failure to comply with this requirement will nullify and void the Contract.

Upon final execution of the Contract, Pensacola Energy shall issue a written notice to proceed. Contractor shall commence the Work described in the Task Order within not less than five (5) days or more than ten (10) calendar days from the date set by Pensacola Energy in the written notice to proceed.

**THIS FORM MUST BE INCLUDED IN SUBMITTAL.**

**BID NO. 23-017  
NATURAL GAS PIPELINE REPLACEMENT AT REGULATOR STATION 2**

**PROPOSAL**  
(page 2 [REVISED 05/10/23])

**Company Name:** Miller Pipeline, LLC

This project will involve installation of a new U.S. made seamless 6" steel gas main with an operating pressure of 200psi to replace an existing steel main infrastructure at Regulator Station 2 located at 4001 Lillian Hwy. All existing underground piping will be abandoned in place as shown on the Facility Abandonment Map. The incoming 12" steel gas main will have a 12" spherical tee welded to it and the 6" main before the header will have a 6" spherical tee welded to it. Once both spherical tees are in place and the new 6" pipe is in place, the 12" existing line and the 6" existing line will be stoppered and end caps will be installed. At this point the new 6" pipe will be made live. Once this part of the project is complete, the abandonment of the existing steel infrastructure will be completed. All pipelines abandoned must be purged and the ends capped. All work areas will be free of any coating prior to the start of the project. Coating removal will be performed by Pensacola Energy. A load of clean backfill will be provided by Pensacola Energy for the initial backfill. The remaining backfill will be completed by using the existing soil that was removed during the project. Please reference the attached maps for information regarding the existing facilities, proposed facilities, and abandonment of facilities.

Bid Item	Units	Est. Qty	Unit Price	Total Cost
12" STEEL Stopper	EA	1	\$ N/A	\$ 0.00
12" STEEL Endcap	EA	2	\$ 6,000.00	\$ 12,000.00
12" Spherical Tee	EA	1	\$ 80,600.00	\$ 80,600.00
6" STEEL Valve (Full open Valve) ANSI 300 Rated or Higher	EA	1	\$ 15,500.00	\$ 15,500.00
6" STEEL Flange ANSI 300 Rated or Higher	EA	2	\$ 505.00	\$ 1,010.00
6" Coated STEEL Pipe	FT	75	\$ 265.00	\$ 19,875.00
6" 90 Elbow	EA	3	\$ 865.00	\$ 2,595.00
6" STEEL End Cap	EA	2	\$ 2,300.00	\$ 4,600.00
6" STEEL Stopper	EA	1	\$ N/A	\$ 0.00
6" Spherical Tee	EA	1	\$ 25,000.00	\$ 25,000.00
Mobilization	LS	1	N/A	\$ 19,245.00
Restoration	LS	1	N/A	\$ 23,450.00
Abandon in place of steel pipe	LS	1	N/A	\$ 23,100.00
<b>*LS = Lump Sum</b>	<b>Total Project Cost</b>			<b>\$226,975.00</b>

**THIS FORM MUST BE INCLUDED IN SUBMITTAL**

**BID NO. 23-017**  
**NATURAL GAS PIPELINE REPLACEMENT AT REGULATOR STATION 2**  
**PROPOSAL**  
(page 3)

**EXPERIENCE, QUALIFICATIONS AND CAPACITY**

COMPANY: Miller Pipeline, LLC

BUSINESS STRUCTURE (Corporation, Partnership, LLC, Joint Venture (Applicants submitting applications as joint ventures shall submit a copy of their joint venture agreement)): Limited Liability Corporation

HEADQUARTERS LOCATION: 8850 Crawfordsville Rd., Indianapolis, IN 46234

OWNER/ CEO: Artera, Inc.

TIME IN BUSINESS UNDER THE SAME NAME (List for separate firms of a joint venture): 69+ years

- Include copies of current State of Florida professional registrations, certifications, and licenses held under the name of the responding entity relevant to Work.
- List five (5) natural gas pipeline utility projects which the responding entity has completed in the last five (5) years or is in the process of completing. Work listed should be the projects most comparable in size, complexity and project construction value to Work set forth in this Bid. For each of the five (5) projects, provide the following information:
  - a. Project name and location
  - b. Completion/anticipated completion date
  - c. Project construction value
  - d. Work performed directly by in-house staff
  - e. Identify personnel likely to be assigned to this project
  - f. Owner's representative name, address, phone and email
- Describe your proposed organization structure for Work set forth in this Bid. Give brief resumes of key in-house staff to be assigned. Include, as a minimum:
  - a. Name and title
  - b. How many years total experience
  - c. How many years with the responding entity
  - d. Examples of similar project experience
  - e. Other relevant experience or education
  - f. Completed Operator Qualifications for field workers
- List company owned equipment to be used to complete Work set forth in this Bid. Include, as a minimum:
  - a. Boring machines
  - b. Trucks
  - c. Excavators

**THIS FORM MUST BE INCLUDED IN SUBMITTAL**

Company: Miller Pipeline, LLC

**BID NO. 23-017**  
**NATURAL GAS PIPELINE REPLACEMENT AT REGULATOR STATION 2**

**PROPOSAL**  
(page 4)

**EXPERIENCE**

1. Project name and location: Ruffner Regulator Station  
Completion/anticipated completion date: 2013  
Project construction value: 500K  
Work performed directly by in-house staff: Inlet piping, Outlet piping, Station install, testing, activation/purging, control(s) work was performed by Miller Pipeline crews.  
  
  
  
Owner's Representative name: Spire Alabama, Inc.  
Owner's Representative address: Mr. Lee Skurka  
Owner's Representative phone and email: Lee.skurka@spireenergy.com  
205-326-2792
2. Project name and location: Ziegler Blvd. Relocation Project  
Completion/anticipated completion date: 2020  
Project construction value: 1.3M  
Work performed directly by in-house staff: Miller Pipeline crews completed all required work.  
  
  
  
Owner's Representative name: Mr. Matt Hogan  
Owner's Representative address: 2828 Dauphin Blvd., Mobile, AL  
Owner's Representative phone and email: Matt.Hogan@spireenergy.com  
251-222-7796

**THIS FORM MUST BE INCLUDED IN SUBMITTAL.**

Company: Miller Pipeline, LLC

**BID NO. 23-017**  
**NATURAL GAS PIPELINE REPLACEMENT AT REGULATOR STATION 2**

**PROPOSAL**  
(page 5)

**EXPERIENCE (cont'd)**

3. Project name and location: Hwy. 49 Relocation Project  
Completion/anticipated completion date: 2019  
Project construction value: 3.0M  
Work performed directly by in-house staff: Miller Pipeline crews completed all  
required work.  
  
  
  
  
Owner's Representative name: Mr. Jamie McKenzie  
Owner's Representative address:   
Owner's Representative phone and email: Jamie. McKenzie@atmosenergy.com  
601-624-9408
4. Project name and location: Magnolia Street Relocation Project  
Completion/anticipated completion date: 2020  
Project construction value: 300K  
Work performed directly by in-house staff: Miller Pipeline crews completed all  
required work.  
  
  
  
  
Owner's Representative name: Mr. Ike Johnson  
Owner's Representative address:   
Owner's Representative phone and email: Ike.Johnson@spireenergy.com  
816-260-3503

**THIS FORM MUST BE INCLUDED IN SUBMITTAL.**

Company: Miller Pipeline, LLC

**BID NO. 23-017**  
**NATURAL GAS PIPELINE REPLACEMENT AT REGULATOR STATION 2**  
**PROPOSAL**  
(page 6)

**EXPERIENCE (cont'd)**

5. Project name and location: Interstate 20 Relocation
- Completion/anticipated completion date: 2018
- Project construction value: 600K
- Work performed directly by in-house staff: Miller Pipeline crews completed all  
required work.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- Owner's Representative name: Mr. Bryan Rotenberry
- Owner's Representative address: \_\_\_\_\_
- Owner's Representative phone and email: Bryan.Rotenberry@spireenergy.com  
205-581-1454

**THIS FORM MUST BE INCLUDED IN SUBMITTAL**



Company: Miller Pipeline, LLC

**BID NO. 23-017**  
**NATURAL GAS PIPELINE REPLACEMENT AT REGULATOR STATION 2**

**PROPOSAL**  
(page 7)

**QUALIFICATIONS**

Describe your proposed organization structure for completion of the Work set forth in this Bid.

1. Proposed organization structure: Miller Pipeline will have onsite a Foreman,  
Operator, (2) Laborers, (2) Welders, and (2) Helpers. Crew support will be a  
General Foreman and Superintendent

Give brief resumes of superintendents / branch managers that will be overseeing construction and on-site foremen to be assigned to the Work set forth in this Bid. (Attach additional pages if needed.)

1. Name of Project Superintendent: Byron McPherson  
Years of total related experience: 20+  
Years with the responding entity: 20+  
Examples of similar project experience: \_\_\_\_\_  
Other relevant experience or education: \_\_\_\_\_

2. Name of on-site Foreman: James Boles  
Years of total related experience: 30+  
Years with the responding entity: 6+  
Examples of similar project experience: Certified Welder (1104 and 1107)  
Other relevant experience or education: \_\_\_\_\_

List of Operator Qualifications completed (attach additional page if needed):

Miller Pipeline personnel have completed EWN OQ Qual's for Job Descriptions.

**THIS FORM MUST BE INCLUDED IN SUBMITTAL.**

Company: Miller Pipeline, LLC

**BID NO. 23-017**  
**NATURAL GAS PIPELINE REPLACEMENT AT REGULATOR STATION 2**  
**PROPOSAL**  
(page 8)

**QUALIFICATIONS (con'td)**

A List of all Miller Pipeline personnel's OQ qualifications are available upon request.

3. Name of on-site Foreman: \_\_\_\_\_  
Years of total related experience: \_\_\_\_\_  
Years with the responding entity: \_\_\_\_\_  
Examples of similar project experience: \_\_\_\_\_  
Other relevant experience or education: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List of Operator Qualifications completed (attach additional page if needed):  
\_\_\_\_\_  
\_\_\_\_\_

4. Name of on-site Foreman: \_\_\_\_\_  
Years of total related experience: \_\_\_\_\_  
Years with the responding entity: \_\_\_\_\_  
Examples of similar project experience: \_\_\_\_\_  
Other relevant experience or education: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List of Operator Qualifications completed (attach additional page if needed):  
\_\_\_\_\_  
\_\_\_\_\_

**THIS FORM MUST BE INCLUDED IN SUBMITTAL**

Company: Miller Pipeline, LLC

**BID NO. 23-017**  
**NATURAL GAS PIPELINE REPLACEMENT AT REGULATOR STATION 2**

**PROPOSAL**  
(page 9)

**QUALIFICATIONS (cont'd)**

5. Name of on-site Foreman: \_\_\_\_\_  
Years of total related experience: \_\_\_\_\_  
Years with the responding entity: \_\_\_\_\_  
Examples of similar project experience: \_\_\_\_\_  
Other relevant experience or education: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
List of Operator Qualifications completed (attach additional page if needed):  
\_\_\_\_\_

6. Name of on-site Foreman: \_\_\_\_\_  
Years of total related experience: \_\_\_\_\_  
Years with the responding entity: \_\_\_\_\_  
Examples of similar project experience: \_\_\_\_\_  
Other relevant experience or education: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
List of Operator Qualifications completed (attach additional page if needed):  
\_\_\_\_\_

**THIS FORM MUST BE INCLUDED IN SUBMITTAL.**

Company: Miller Pipeline, LLC

**BID NO. 23-017**  
**NATURAL GAS PIPELINE REPLACEMENT AT REGULATOR STATION 2**

**PROPOSAL**  
**(page 10)**

**CAPACITY**

List company owned equipment (make and model) to be used to perform the Work specified in this Bid in the manner and time set forth in the specifications (attach additional page if needed).

Direction Drill Machines: N/A - Drill Machines are not required for project

\_\_\_\_\_

\_\_\_\_\_

Mud Vacuum Truck/Trailers: 90+ Vacuum Trucks

\_\_\_\_\_

\_\_\_\_\_

Mini Excavators: 500+ Mini Excavators

\_\_\_\_\_

\_\_\_\_\_

Pipe Trailers (to accommodate 40'sticks): 100+ Pipe Trailers

\_\_\_\_\_

\_\_\_\_\_

Coil Pipe Trailers: 250+ Coil Pipe Trailers

\_\_\_\_\_

\_\_\_\_\_

Other large equipment planned to be used for this project: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**THIS FORM MUST BE INCLUDED IN SUBMITTAL.**

**52.209-5 FAR Certification Regarding Debarment, Suspension,  
Proposed Debarment, and Other Responsibility Matters**

The Offeror certifies, to the best of its knowledge and belief, that the Offeror and/or any of its Principals:


- A. Are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency.
  - B. Have not, within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and
  - C. Are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph 1-B of this provision.
2. The Offeror has not, within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.

- A. "Principals," for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

This Certification Concerns a Matter Within the Jurisdiction of an Agency of the United States and the Making of a False, Fictitious, or Fraudulent Certification May Render the Maker Subject to Prosecution Under Section 1001, Title 18, United States Code.

- B. The Offeror shall provide immediate written notice to the Contracting Officer if, at any time prior to contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- C. A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Offeror's responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by the Contracting Officer may render the Offeror nonresponsible.
- D. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- E. The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government, the Contracting Officer may terminate the contract resulting from this solicitation for default.

Company Name: Miller Pipeline, LLC Date: 5/22/23

Authorized Signature:  Printed Name: Jeff Sutcliffe

**THIS FORM MUST BE INCLUDED IN SUBMITTAL.**

Page 41 of 45

**52.209-6 FAR Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment**

1. The Government suspends or debar Contractors to protect the Government's interests. The Contractor shall not enter into any subcontract in excess of \$25,000 with a Contractor that is debarred, suspended, or proposed for debarment unless there is a compelling reason to do so.
2. The Contractor shall require each proposed first-tier subcontractor, whose subcontract will exceed \$25,000, to disclose to the Contractor, in writing, whether as of the time of award of the subcontract, the subcontractor, or its principals, is or is not debarred, suspended, or proposed for debarment by the Federal Government.
3. A corporate officer or a designee of the Contractor shall notify the Contracting Officer, in writing, before entering into a subcontract with a party that is debarred, suspended, or proposed for debarment (see FAR 9.404 for information on the Excluded Parties List System). The notice must include the following:
  - A. The name of the subcontractor.
  - B. The Contractor's knowledge of the reasons for the subcontractor being in the Excluded Parties List System.
  - C. The compelling reason(s) for doing business with the subcontractor notwithstanding its inclusion in the Excluded Parties List System.
  - D. The systems and procedures the Contractor has established to ensure that it is fully protecting the Government's interests when dealing with such subcontractor in view of the specific basis for the party's debarment, suspension, or proposed debarment.

Miller Pipeline, LLC  
Company Name

  
Authorized Signature

Jeff Sutcliffe  
Printed Name

5/22/23  
Date

**THIS FORM MUST BE INCLUDED IN SUBMITTAL.**

### **VETERAN BUSINESS ENTERPRISE PARTICIPATION FORM**

In order to foster economic development and business opportunities for service-disabled veterans and wartime veterans who have made extraordinary sacrifices on behalf of the nation, the City of Pensacola has adopted a Veteran Business Enterprise ("VBE") Preference. For further information regarding this program, please refer to Section 3-3-12 AND 3-3-13 of the Code of the City of Pensacola.

**In order for a respondent to receive credit for being VBE vendor, it must perform useful business functions on the contract, have its principal place of business in Escambia or Santa Rosa County and be certified as a veteran business enterprise by the State of Florida Department of Management Services ("DMS") as set forth in Section 295.187 of the Florida Statutes as of the date set for submittal of bids. For purposes of the City's VBE Program, the respondent's principal place of business must be within Escambia County, FL, or Santa Rosa County, FL.**

There shall be no third party beneficiaries of the Veteran Business Enterprise Preference provisions of this solicitation or resulting contract. The City of Pensacola shall have the exclusive means of enforcement of the Veteran Business Enterprise Preference Ordinance and any contract terms. The City of Pensacola is the sole judge of compliance. All solicitations and submittals awarded will be evaluated in accordance with the Code of the City of Pensacola.

If the Respondent is a qualifying VBE, please complete the boxes below.

**If not, mark "N/A."**

Respondent's Name:	Respondent's Principle Place of Business	Florida Certification Number as issued by State of Florida DMS:
N/A		

**THIS FORM MUST BE INCLUDED IN SUBMITTAL.**



City of Pensacola  
Florida

CERTIFICATION  
for  
EROSION AND SEDIMENTATION COMPLIANCE

All site excavation and site disturbance shall comply with the following federal, state and local regulations related to erosion and sedimentation:

- A. Federal Clean Water Act as amended in 1987
- B. State Florida Statutes, Chapter 373 and 403, and the rules promulgated thereunder
- C. Local Code of the City of Pensacola, Chapter 12-9

By signature of its undersigned authorized representative, the Bidder hereby assures the City of Pensacola that any soil-disturbing activities performed by the Bidder will comply with all applicable federal, state, and local regulations.

The cost of compliance with applicable erosion and sedimentation regulations is estimated by the Bidder to be \$ 1,815.00, which cost is included in the amount of the bid.

The specific methods of compliance with applicable federal, state, and local regulations and the associated costs are as follows:

The present plan will to utilize wattles to surround the project area to minimize  
the effects of any potential erosion events.

  
Authorized Official

**THIS FORM MUST BE INCLUDED WITH SUBMITTAL.**



### DRUG-FREE WORKPLACE CERTIFICATE

**IDENTICAL TIE BIDS** - Pursuant to Florida Statute §287.087, preference shall be given to business with Drug-Free Workplace Programs. Whenever two or more bids which are equal with respect to price, quality, and service are received for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a Drug-Free Workplace Program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a Drug-Free Workplace Program. In order to have a Drug-Free Workplace Program, a business shall:

- 1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- 2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- 3) Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
- 4) In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- 5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
- 6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

**AS THE PERSON AUTHORIZED TO SIGN THE STATEMENT, I CERTIFY THAT THIS FIRM COMPLIES FULLY WITH THE ABOVE REQUIREMENTS.**

Signature 

Jeff Sutcliffe

Printed Name

**THIS FORM MUST BE INCLUDED IN SUBMITTAL.**

Addendum Date: April 13, 2023

CITY OF PENSACOLA, FLORIDA  
ADDENDUM #1

**NATURAL GAS PIPELINE REPLACEMENT AT REGULATOR STATION 2**

Bid No. 23-017

The following items take precedence over the documents for the item named above. All other terms and conditions shall remain the same.

**A SIGNED COPY OF THIS ADDENDUM MUST BE RETURNED WITH YOUR SUBMITTAL AS ACKNOWLEDGEMENT.**

Company: Miller Pipeline, LLC Date: 5/22/23

Authorized  
Representative: Jeff Sutcliffe Title: CFO

Printed Name

Signature: 

1. This project has been placed on hold until further notice pending revision of specifications. A later addendum will set a new submittal due date and question deadline.

Addendum Date: May 10, 2023

CITY OF PENSACOLA, FLORIDA  
ADDENDUM #2

**NATURAL GAS PIPELINE REPLACEMENT AT REGULATOR STATION 2**

Bid No. 23-017

The following items take precedence over the documents for the item named above. All other terms and conditions shall remain the same.

**A SIGNED COPY OF THIS ADDENDUM MUST BE RETURNED WITH YOUR SUBMITTAL AS ACKNOWLEDGEMENT.**

Company: Miller Pipeline, LLC Date: 5/22/23

Authorized Representative: Jeff Sutcliffe Title: CFO

Printed Name

Signature: 

1. The submittal due date has been extended to **May 24**, 2023, at 2:30 P.M., local time.
2. The question deadline has been extended to May 17, 2023, at 10:00 A.M., local time.
3. The sentence below is to be omitted from Page 26, Special Conditions part 2.04:  
**"PE does not provide any restoration materials."**
4. Attached is an updated proposal page and drawings.

**Questions and Answers**

1. We'd like to understand how the inspection services for the line replacement will be contracted? Will there be a separate ITB for inspection or can TIR offer our inspection rates directly to the City of Pensacola?
  - A. Pensacola Energy will provide our own in-house inspector to complete all inspection services described in ITB Bid No. 23-017 related to Natural Gas Pipeline Replacement at Regulator Station 2.
2. What is the required test pressure for the newly installed piping? What is the required test pressure for the tie-in fittings?

# Document A310™ – 2010

Conforms with The American Institute of Architects AIA Document 310

## Bid Bond

### CONTRACTOR:

(Name, legal status and address)

Miller Pipeline, LLC  
8850 Crawfordsville Road  
Indianapolis, IN 46234

### SURETY:

(Name, legal status and principal place of business)

Atlantic Specialty Insurance Company  
605 Highway 169 North, Suite 800  
Plymouth, MN 55441

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

### OWNER:

(Name, legal status and address)

City of Pensacola, Florida  
222 West Main St.  
Pensacola, FL 32502

BOND AMOUNT: \$ 5%

Five Percent of Amount Bid

### PROJECT:

(Name, location or address, and Project number, if any)

RFP 23-017 Natural Gas Pipeline Replacement at Regulator Station 2

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof; or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

Signed and sealed this 24th day of May, 2023

  
(Witness)

Miller Pipeline, LLC

(Principal)

(Seal)

By:

(Title) CFO



Atlantic Specialty Insurance Company

(Surety)

(Seal)

By:

(Title) Julia Zalesky

Attorney-in-Fact

Surety Phone No. 952-852-2431



S-0054/AS 8/10





## Power of Attorney

Surety Bond No: Bid Bond

Principal: Miller Pipeline, LLC

Obligee: City of Pensacola, Florida

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: Julia Zalesky, each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof; provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: sixty million dollars (\$60,000,000) and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

IN WITNESS WHEREOF, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this fifth day of March, 2020.

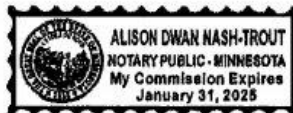
STATE OF MINNESOTA  
HENNEPIN COUNTY



By

Paul J. Brehm  
Paul J. Brehm, Senior Vice President

On this fifth day of March, 2020, before me personally came Paul J. Brehm, Senior Vice President of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and he acknowledged the execution of the same, and being by me duly sworn, that he is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.



Alison Nash-Trout  
Notary Public

I, the undersigned, Assistant Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed and sealed. Dated 24th day of May, 2023.



Christopher V. Jerry  
Christopher V. Jerry, Secretary



**Atlantic Specialty Insurance Company**  
Period Ended 12/31/2022

*Dollars displayed in thousands*

<b>Admitted Assets</b>		<b>Liabilities and Surplus</b>	
Investments:		<b>Liabilities</b>	
Bonds	\$ 2,216,201	Loss Reserves	\$ 1,003,968
Preferred Stocks	-	Loss Adjustment Expense Reserves	347,894
Common Stocks	752,567	<b>Total Loss &amp; LAE Reserves</b>	<u>1,441,852</u>
Mortgage Loans	-		
Real Estate	-	Unearned Premium Reserve	735,813
Contract Loans	-	Total Reinsurance Liabilities	42,786
Derivatives	-	Commissions, Other Expenses, and Taxes due	68,767
Cash, Cash Equivalents & Short Term Investments	300,498	Derivatives	-
Other Investments	20,805	Payable to Parent, Subs or Affiliates	-
<b>Total Cash &amp; Investments</b>	<u>3,286,071</u>	All Other Liabilities	<u>632,508</u>
		<b>Total Liabilities</b>	<u>2,921,726</u>
Premiums and Considerations Due	332,718		
Reinsurance Recoverable	39,231	<b>Capital and Surplus</b>	
Receivable from Parent, Subsidiary or Affiliates	2,250	Common Capital Stock	8,001
All Other Admitted Assets	<u>79,777</u>	Preferred Capital Stock	-
<b>Total Admitted Assets</b>	<u>3,750,047</u>	Surplus Notes	-
		Unassigned Surplus	174,588
		Other Including Gross Contributed	<u>644,753</u>
		<b>Capital &amp; Surplus</b>	<u>828,322</u>
		<b>Total Liabilities and CAS</b>	<u>3,750,047</u>

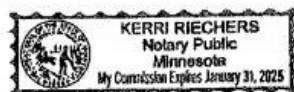
State of Minnesota  
County of Hennepin

I, Kara L.B. Barrow, Secretary of Atlantic Specialty Insurance Company do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company, on the 31<sup>st</sup> day of December, 2022, according to the best of my information, knowledge and belief.

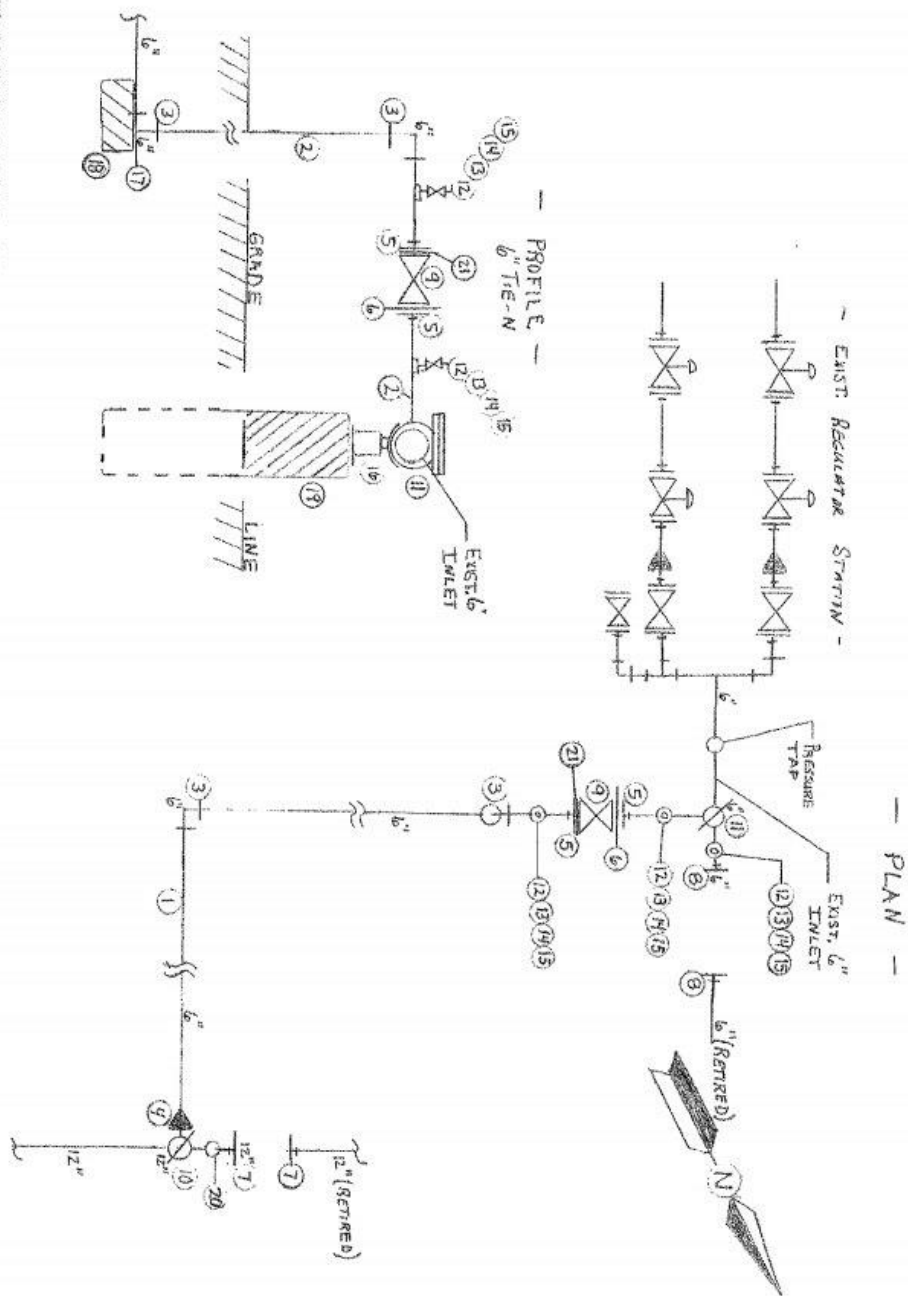
Secretary

Subscribed and sworn to, before me, a Notary Public of the State of Minnesota on this 16th day of March, 2023.

Notary Public



APPENDIX



## CITY OF PENSACOLA, FLORIDA

PENSACOLA ENERGY

MATERIAL LIST

RFP 23-017

Natural Gas Pipeline Replacement at Regulator Station 2

ITEM NO	NUMBER OF FITTINGS	DESCRIPTIONS
1	75	6.625" O.D. x 0.280" w.t. API-5L-X52 coated carbon steel pipe, ERW, DRL, FBE, Domestic Manufacture
2	11	6.625" O.D. x 0.280" w.t. API-5L-X52 bare carbon steel pipe, ERW, DRL, FBE, Domestic Manufacture
3	3	6" Ell, Weld, 90 Degree, LR (1.5R), Schedule STD, (6.625" O.D. x 0.280" w.t.), ASTM A234-Grade B, ASME B16.10, ASME B16.9
4	1	12"x6" Reducer, Weld, Concentric, Schedule 40, (12.750" O.D. x 0.375" w.t. X 6.625" x 0.280" w.t.), ASTM A234-Grade B, ASME B16.10, ASME B16.9
5	2	6" Flange, Weld Neck, 300# ANSI, RF, Schedule 40, (6.065" Bore), FS, ASTM A105-Grade B, ASME B16.5
6	1	6" Gasket Kit, Insulating, Ring Type, for 300# ANSI RF Flange
7	2	12" Cap, Weld, Schedule Std, (12.750" O.D. x 0.375"), ASTM A234-Grade B, ASME B16.9
8	2	6" Cap, Weld, Schedule 40, (6.625" O.D. x 0.280"), ASTM A234-Grade B, ASME B16.9
9	1	6" 300# ANSI Ball Valve, Full Port, FE x FE, RF, Wrench Operator, API-6D, "Cameron" or equivalent
10	1	12" ShortStopp 300D, 300# ANSI, "TDWilliamson" Spherical 3-Way Tee Stopper Fitting
11	1	6" 300# ANSI 300D "TDWilliamson" Spherical 3-Way Tee Stopper Fitting
12	3	Anvilet - Threaded (Thread-o-let), 6"NPS x 1"Outlet, Class 3000, CS, ASTM 234, Grade B
13	3	1" x 3" long, Seamless, Black Steel Pipe Nipple, Schedule 80 (Hvy), ASTM A106 Gr.B, ASTM A733, ASME B1.20.1
14	3	1" 2000psig Ball Valve, Carbon Steel, Female NPT, ASTM A216, ASME B1.20.1
15	3	1" Plug, FS, Class 2000, Square-head, ASTM A105, ASTM B16.11, ASME B1.20.1
16	1	6" Pipe Support, Cradle Type, "E-Z Line" or equivalent
17	1	2'x2'x1/4" Rubber Pad
18	1	2' x 2' x 12" Support Block, Concrete
19	1	16" x 4' Support, Concrete



20	1	2" Thread-o-Ring Equalization Fitting
21	1	6" Gasket, Ring, Non-asbestos Type, for 300# ANSI RF Flange
	12	¾" Dia x 4.75" long, Heavy Stud Bolt, B-7, w/(2) – 2H Heavy Hex Nut, Plain, ASTM A193, ASTM A194

## **Work Plan**

Pensacola Energy – Natural Gas Pipeline Replacement at Reg Station 2 (RFP No. 23-017)

### **Description of the Work:**

The Pensacola, FL Project – Consists of the furnishing of all labor, supervision, equipment, tools, materials, transportation, and services for the replacement of the existing inlet gas piping to Regulator Station 2. The original Scope of Work (SOW) included installation of a temporary 6" bypass and 4" bypass valve and then replacement of the existing 6" inlet piping with a new 12" steel gas main with a new 6" inlet valve. And finally, removal of all abandoned/retired inlet piping. The "REVISED" Scope of Work (SOW) included installation of a 12" and 6" TDWilliamson's spherical tees, installation of approximate 75' of 6" coated steel pipeline between the spherical tees, installation of an 6" steel valve prior to the 6" spherical tee and the retirement and abandonment of the existing inlet piping to Regulator Station. And then restoration of the work site.

Miller Pipeline, LLC is proposing to install two (2) TD Williamson 300#ANSI Spherical Tees; one (1) 12" and one (1) 6" on the existing inlet 12" steel gas main and on the existing 6" inlet piping (above grade) to the Regulator Station. Also, proposed is new 6" inlet piping to an 6" riser to a 6" horizontal run with the required 6" inlet valve. Attached to this "Plan", Miller Pipeline has attached a "proposed" construction drawing along with a material list for its proposal. Work will include the retirement and abandonment "in place" of all existing inlet gas piping.

Miller Pipeline's proposal is following Addendum 2 specifications for subject project.



Ron DeSantis, Governor

Melanie S. Griffin, Secretary



STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

CONSTRUCTION INDUSTRY LICENSING BOARD

THE UNDERGROUND UTILITY & EXCAVATION CO. HEREIN IS CERTIFIED UNDER THE  
PROVISIONS OF CHAPTER 489, FLORIDA STATUTES



LICENSE NUMBER: CUC1225569

EXPIRATION DATE: AUGUST 31, 2024

Always verify licenses online at [MyFloridaLicense.com](http://MyFloridaLicense.com)

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May 19, 2011

FLORIDA DEPARTMENT OF STATE  
Division of Corporations

MILLER PIPELINE, LLC  
8850 CRAWFORDSVILLE ROAD  
INDIANAPOLIS, IN 46234

Qualification documents for MILLER PIPELINE, LLC were filed on May 18, 2011, and assigned document number M11000002543. Please refer to this number whenever corresponding with this office.

Your limited liability company is authorized to transact business in Florida as of the file date.

This document was electronically received and filed under FAX audit number H11000134535.

To maintain "active" status with the Division of Corporations, an annual report must be filed yearly between January 1st and May 1st beginning in the year following the file date or effective date indicated above. If the annual report is not filed by May 1st, a \$400 late fee will be added.

A Federal Employer Identification Number (FEI/EIN) will be required when this report is filed. Contact the IRS at 1-800-829-4933 for an SS-4 form or go to [www.irs.gov](http://www.irs.gov).

Please notify this office if the limited liability company address changes.

Should you have any questions regarding this matter, please contact this office at the address given below.

Karen A Saly  
Regulatory Specialist II  
Regulatory/Qualification Section  
Division of Corporations

Letter Number: 111A00012410

P.O. BOX 6327 - Tallahassee, Florida 32314

STATE OF INDIANA  
OFFICE OF THE SECRETARY OF STATE  
CERTIFICATE OF EXISTENCE

To Whom These Presents Come, Greetings:

I, Charles P. White, Secretary of State of Indiana, do hereby certify that I am, by virtue of the laws of the State of Indiana, the custodian of the corporate records, and proper official to execute this certificate.

I further certify that records of this office disclose that

**MILLER PIPELINE, LLC**

duly filed the requisite documents to commence business activities under the laws of State of Indiana on July 19, 1995, and was in existence or authorized to transact business in the State of Indiana on May 10, 2011.

I further certify this Domestic Limited Liability Company (LLC) has filed its most recent report required by Indiana law with the Secretary of State, or is not yet required to file such report, and that no notice of withdrawal, dissolution or expiration has been filed or taken place.



In Witness Whereof, I have hereunto set my hand and affixed the seal of the State of Indiana, at the city of Indianapolis, this Tenth Day of May, 2011

*Charles P. White*

Charles P. White, Secretary of State

1995070787 / 2011051096983



Department of State / Division of Corporations / Search Records / Search by Entity Name /

### Detail by Entity Name

Foreign Limited Liability Company  
MILLER PIPELINE, LLC

#### Filing Information

<b>Document Number</b>	M11000002543
<b>FEI/EIN Number</b>	35-1959522
<b>Date Filed</b>	05/18/2011
<b>State</b>	IN
<b>Status</b>	ACTIVE
<b>Last Event</b>	LC AMENDMENT
<b>Event Date Filed</b>	07/08/2022
<b>Event Effective Date</b>	NONE

#### Principal Address

8850 Crawfordsville Road  
Indianapolis, IN 46234

Changed: 04/03/2018

#### Mailing Address

3100 INTERSTATE NORTH CIRCLE  
STE 300  
ATLANTA, GA 30339

Changed: 05/03/2021

#### Registered Agent Name & Address

CORPORATION SERVICE COMPANY  
1201 HAYS STREET  
TALLAHASSEE, FL 32301-2525

Name Changed: 05/11/2022

Address Changed: 05/11/2022

#### Authorized Person(s) Detail

##### **Name & Address**

Title Authorized Member

MMN Infrastructure Services, LLC  
8850 Crawfordsville Road  
Indianapolis, IN 46234

Title CEO

ANDERSON, DALE  
8850 Crawfordsville Road  
Indianapolis, IN 46234

Title CFO

Sutcliffe, Jeff  
8850 Crawfordsville Road  
Indianapolis, IN 46234

Title VP

DAVIS, CHAD  
8850 Crawfordsville Road  
Indianapolis, IN 46234

Title VP

SCHULER, CHRIS  
8850 Crawfordsville Road  
Indianapolis, IN 46234

Title VP

SHORT, DAN  
8850 Crawfordsville Road  
Indianapolis, IN 46234

#### Annual Reports

Report Year	Filed Date
2022	02/28/2022
2023	03/03/2023
2023	05/03/2023

#### Document Images

<a href="#">05/03/2023 -- AMENDED ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/03/2023 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">07/19/2022 -- AMENDED ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">07/08/2022 -- LC Amendment</a>	<a href="#">View image in PDF format</a>
<a href="#">05/11/2022 -- CORLCRACHG</a>	<a href="#">View image in PDF format</a>
<a href="#">02/28/2022 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">05/11/2021 -- AMENDED ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">05/03/2021 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>

<a href="#">06/08/2020 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">05/05/2020 -- CORLCRACHG</a>	<a href="#">View image in PDF format</a>
<a href="#">03/27/2019 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/03/2018 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/05/2017 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/04/2016 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">06/03/2015 -- AMENDED ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">03/03/2015 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/15/2014 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/23/2013 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">04/09/2012 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">05/18/2011 -- Foreign Limited</a>	<a href="#">View image in PDF format</a>

Florida Department of State, Division of Corporations



SECRETARY'S CERTIFICATE

OF

MILLER PIPELINE, LLC

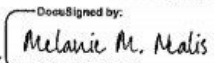
February 2, 2023

I, the undersigned, Chief Legal Officer and Secretary of Miller Pipeline, LLC, a limited liability company organized and existing under the laws of the State of Indiana (the "Company"), do hereby certify, solely in my capacity as an officer of the Company that I am authorized to execute and deliver this Certificate on behalf of the Company and not in my individual capacity. Under such authority, I do hereby certify that the following individuals are authorized by Company to make, execute, endorse and deliver in the name of and on behalf of the Company, but shall not be limited to, any and all written instruments, agreements, documents, execution of deeds, powers of attorney, transfers, assignments, contracts, obligations, certificates and other instruments of whatever nature to carry out all actions without limitations which may be deemed necessary to carry out the Company's business:

Dale Anderson  
Frank Bracht  
Chad Davis  
Butch McAreavy  
Josh Sargent  
Chris Schuler  
Dan Short  
Jeff Sutcliffe  
Dave Tucker  
Jim Wilson

IN WITNESS WHEREOF, I have hereunto set my hand as of the date first set forth above.

MILLER PIPELINE, LLC

By:   
Name: Melanie M. Nealis  
Title: Chief Legal Officer & Secretary



AN ARTERA COMPANY

## Miller Pipeline Summary

**Miller Pipeline** is one of the nation's premier contractors, providing a comprehensive range of pipeline contracting and rehabilitation services for sewer pipelines, water, wastewater, and gas, as well as specialty products and services for the industrial and telecommunications industries.

**Miller Pipeline** has exceeded \$793,428,691.00 in revenues.

We believe there are many reasons why **Miller Pipeline** is regarded as a premier and well-respected national contractor. Certainly our combination of innovative thinking, technical expertise, and customer service have played a big part. We continue to research and improve our products and processes in order to offer our customers cost-effective and value-added products and services.

We pride ourselves in our ability to provide our customers with a full range of rehabilitation methods to meet individual needs and specific application constraints. Miller was one of the first contractors to import trenchless technologies from Europe and the Far East. We acquire the latest high-tech equipment that is so vital to doing the job right and in a safe, efficient manner.

We realize that our employees are the backbone of our existence. They are never taken for granted. Many of **Miller Pipeline** employees have spent their entire career with Miller. This proves to us that **Miller Pipeline** provides the security and growth necessary to retain quality personnel. This is key to our success and it shows.

**Miller Pipeline** has been in the business for 70 years and has demonstrated resilience to economic downturns and will remain secure for the future. Our organization is solid, not only from an economic standpoint, but the issue at hand, demonstrating our knowledge to correct (ILI) problems and overflows.

**Miller Pipeline** prides itself by being recognized around the globe as an industry leader in trenchless technology rehabilitation as well as a solid foundation of gas construction services.

**Miller Pipeline** has been providing our customers with experience and an admirable list of core capabilities and customer centered solutions since 1953. **Miller Pipeline** is headquartered in Indianapolis, IN and has 32 additional offices nationwide. Currently, the Company maintains more than 700 construction crews made up of skilled, professional employees, many of whom have been with the Company their entire careers. We are an organization with over 3,300 employees and an equipment fleet nearing \$200,000,000.

As a recognized leader in the industry we attribute much of our success and longevity to the quality of work we provide to our customers and the professional and stable leadership at all levels within the company. The values and principals, on which the company was originally founded, remain today as the cornerstone of our commitment to quality and value-added service. It is in this way our Company stays on the leading edge and achieves maximum efficiencies to provide greater value.

At **Miller Pipeline** we are committed to outstanding performance, customer satisfaction, and the highest quality standards in the industry. Since 1970, Miller has been in the pipeline rehabilitation business and has specialized in all phases of pipeline installation, rehabilitation and related services. **Miller Pipeline's** current capabilities include the following:

8850 Crawfordsville Road | Indianapolis, IN 46234

(317) 293-0278

[www.millerpipeline.com](http://www.millerpipeline.com)



AN ARTERA COMPANY

## Miller Pipeline Summary

### Gas

- Distribution
- Main and Service Installations
- New, Replace, and Rehabilitation
- Directional Drilling
- Cathodic Protection
- Distribution Stations / Fabrication
- Vacuum Excavation
- External and Internal Joint Repair
- Internal Joint Repair Sales
- Transmission
- Extensions
- Replacement
- Rehabilitation
- Relocation

### Telecommunications

- Trenching
- Directional Drilling
- Manhole Installation
- Fiber Optic Installation
- Verification and Daylighting

### Wastewater

- Cured-In-Place Pipe
- Pipe Bursting
- High strength PVC Internal Lining Systems
- CCTV
- Point Repairs
- Manhole Rehabilitation Products

### Water

- Mainline and Service Installation
- New / Rehabilitation
- Directional Drilling
- HDPE Pipe Expertise
- WEKO Internal Joint Sealing

### Vacuum Excavation

- Gas Line Rehabilitation
- External Joint Sealing
- Utility Verification / Daylighting
- Cathodic Protection
- Anodes / Test Stations / Fault Finding

8850 Crawfordsville Road | Indianapolis, IN 46234

(317) 293-0278

[www.millerpipeline.com](http://www.millerpipeline.com)



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

File #: 23-00496

City Council

7/20/2023

### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** D.C. Reeves, Mayor

**SUBJECT:**

AWARD OF BID # 23-026: 2023 SIDEWALK PROJECT PHASE 3

**RECOMMENDATION:**

That City Council award this contract to Site and Utility, LLC of Pensacola, Florida, the lowest and best responsible bidder with a base bid of \$114,981.00, plus a 10% contingency in the amount of \$11,498.10 for the total amount of \$126,479.10. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this contract and complete the work, consistent with the bid, contracting documents, and the Mayor's Executive Powers as granted in the City Charter.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

The purpose of this project is to provide continued ADA-compliant sidewalk connectivity and improve walkability throughout the city. The City website contains the background information related to the methodical process implemented to identify new sidewalk needs throughout the City. Within this same webpage, a list of new sidewalk locations was prioritized, utilizing a standardized prioritization matrix. The locations with the greatest need for new sidewalks received the lowest scores.

Specifically, the project limits for this phase of new sidewalks are McClellan Road from Semur Rd to Hallmark Dr and Hallmark Drive from McClellan Road to Tronjo Road (approx. 1,561lf).

**PRIOR ACTION:**

None

**FUNDING:**

Budget:	\$196,000.00	Carry Forward Funds from FY22
Actual:	\$114,981.00	Construction Contract- Base Bid
	\$ 11,498.10	Required 10 % Contingency
	\$ 11,600.00	Engineering Management/Inspections (Estimate)
	\$ 1,100.00	<u>Construction Testing/Misc. (Estimate)</u>

\$139,179.10

Total Needed to Award Project

**FINANCIAL IMPACT:**

The total budget for this project is \$196,000.00. City Council previously approved Carry Forward funds from FY22, under the Public Works Repair and Maintenance line items, for McClellan Street sidewalks.

**LEGAL REVIEW ONLY BY CITY ATTORNEY:** No

[Click here to enter a date.](#)

**STAFF CONTACT:**

Kerrith Fiddler, City Administrator  
David Forte, Deputy City Administrator  
Amy Tootle, PE - Director of Public Works & Facilities  
Brad Hinote, PE - City Engineer

**ATTACHMENTS:**

- 1) Bid Tabulation, Bid # 23-026
- 2) Project Limits Map
- 3) Final Vendor Reference List, Bid # 23-026

**PRESENTATION:** No

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TABULATION OF BIDS

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BID NO: 23-026

TITLE: 2023 SIDEWALK PHASE 3

Submittals Due: 06/06/23, 2:30 P.M.	SITE & UTILITY, LLC	JRM CONSTRUCTION GROUP, INC.	GULF BEACH CONSTRUCTION	CHAVERS CONSTRUCTION, INC.	ROGAR MGMT & CONSULTING OF FL, LLC
Department: Engineering	Pensacola, FL	Pace, FL	Gulf Breeze, FL	Cantonment, FL	Miami, FL
Base Bid	\$114,981.00	\$126,116.72	\$130,289.00	\$158,042.00	\$173,211.88

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Submittal Due Date: 06/06/23

Bid No.: 23-026

FINAL VENDOR REFERENCE LIST  
2023 SIDEWALK PROJECT PHASE 3  
ENGINEERING

Vendor	Name	Address	City	St	Zip Code	SMWBE
00463	A E NEW JR INC	460 VAN PELT LANE	PENSACOLA	FL	32505	
06754	AFFORDABLE CONCRETE & CONSTRUCTION LLC	4089 E JOHNSON AVE	PENSACOLA	FL	32515	Y
07749	ALL PHASE CONSTRUCTION OF NW FL LLC	5340 BRIGHT MEADOW RD	MILTON	FL	32570	Y
07176	ATLAS BUILDERS GROUP	4366 AVALON BLVD	MILTON	FL	32583	
08104	BCK SPECUALTIES INC	1709 ANTIBES CIR	GULF BREEZE	FL	32563	
06978	BEAR GENERAL CONTRACTORS LLC	1216 N PALAFOX ST STE A	PENSACOLA	FL	32501	
03699	BELLVIEW SITE CONTRACTORS INC	3300 GODWIN LANE	PENSACOLA	FL	32526	Y
03806	BIGGS CONSTRUCTION CO INC	2510 NORTH PACE BOULEVARD	PENSACOLA	FL	32505	Y
05345	BIRKSHIRE JOHNSTONE LLC	PO BOX 30580	PENSACOLA	FL	32503	
06501	BKW INC	8132 PITTMAN AVE	PENSACOLA	FL	32534	Y
07052	BLOWERS, BENJAMIN DBA INNOVIS USA LLC	5540 LEESWAY BLVD	PENSACOLA	FL	32504	
02285	BROWN CONSTRUCTN OF NW FL INC	10200 COVE AVE	PENSACOLA	FL	32534	Y
07863	C W ROBERTS CONTRACTING INC	4375 MCCOY DRIVE	PENSACOLA	FL	32503	
04204	CHAVERS CONSTRUCTION INC	801 VIRECENT ROAD	CANTONMENT	FL	32533	
04965	CHRISTOPHER C BARGAINEER CONCRETE CONSTRUCTION INC	6810 FIELDS LANE	PENSACOLA	FL	32505	Y
07047	CRUZ, SHAWN C DBA COASTAL PROPERTY PREPARATION LLC	5700 ALMAX COURT	PENSACOLA	FL	32506	
03355	D K E MARINE SERVICES	P O BOX 2395	PENSACOLA	FL	32513	Y
07060	D+B BUILDERS	670 MOLINO ROAD	MOLINO	FL	32577	
00705	DAVIS MARINE CONSTRUCTION INC	8160 ASHLAND AVENUE	PENSACOLA	FL	32534	Y
06587	ECSC LLC	8400 LITTLE JOHN JUNCTION	NAVARRE	FL	32566	Y
04994	EMERALD COAST CONSTRUCTORS INC	9425 WANDA DR	PENSACOLA	FL	32514	
04852	EMPIRE BUILDERS GROUP INC	3217 TALLSHIP LANE	PENSACOLA	FL	32526	Y
07270	EVAN CHASE CONSTRUCTION INC	2991 SOUTH HIGHWAY 29	CANTONMENT	FL	32533	Y
03203	EVANS CONTRACTING INC	400 NEAL ROAD	CANTONMENT	FL	32533	
05517	FLORIDA CONCRETE CONCEPTS INC	4432 ALANTHUS STREET	MILTON	FL	32583	
07435	GANNETT MHC MEDIA INC DBA PENSACOLA NEWS JOURNAL	2 NORTH PALAFOX ST	PENSACOLA	FL	32502	
05049	GB GREEN CONSTRUCTION MGMT & CONSULTING INC	303 MAN'O'WAR CIRCLE	CANTONMENT	FL	32533	Y
00428	GREENHUT CONSTRUCTION COMPANY	23 SOUTH A STREET	PENSACOLA	FL	32501	
05871	GREG ALLEN CONSTRUCTION INC	5006 PERSIMMON HOLLOW ROAD	MILTON	FL	32583	Y
06345	GSI CONSTRUCTION CORP INC	2993 WALLACE LAKE ROAD	PACE	FL	32571	Y
00059	GULF ATLANTIC CONSTRUCTORS INC	650 WEST OAKFIELD RD	PENSACOLA	FL	32503	Y
04410	GULF BEACH CONSTRUCTION	1308 UPLAND CREST COURT	GULF BREEZE	FL	32563	Y
06956	GULF COAST INDUSTRIAL CONSTRUCTION LLC	12196 HWY 89	JAY	FL	32565	Y
07482	GULF COAST MINORITY CHAMBER OF COMMERCE INC	321 N DEVILLERS ST STE 104	PENSACOLA	FL	32501	
01735	GULF COAST TRAFFIC ENGINEERS	8203 KIPLING STREET	PENSACOLA	FL	32514	
03666	H H H CONSTRUCTION OF NWF INC	8190 BELLE PINES LANE	PENSACOLA	FL	32526	
07038	HANTO & CLARKE GENERAL CONTRACTORS LLC	1401 EAST BELMONT STREET	PENSACOLA	FL	32501	
08065	HARRIS INMAN CONSTRUCTN CO INC	3583 LAGUNA COURT	GULF BREEZE	FL	32563	
04471	HENRY HAIRE BUILDING & DEVELOPMENT INC	6341 HIGHWAY 90 STE B	MILTON	FL	32570	
02297	INGRAM SIGNALIZATION INC	4522 N DAVIS HWY	PENSACOLA	FL	32503	Y
06724	JAMES RICH BUILDERS INC	7049 WEATHERWOOD DRIVE	PENSACOLA	FL	32506	



Submittal Due Date: 06/06/23

Bid No.: 23-026

FINAL VENDOR REFERENCE LIST  
2023 SIDEWALK PROJECT PHASE 3  
ENGINEERING

Vendor	Name	Address	City	St	Zip Code	SMWBE
07156	JOSEPH BRIDGES DBA JOE'S LINE UP	222 EHRMANN ST	PENSACOLA	FL	32507	
08539	JRM CONSTRUCTION GROUP INC	4617 HEATHERWOOD WAY	PACE	FL	32571	
06816	LEA, DOUGLAS C DBA L&L CONSTRUCTION SERVICES LLC	9655 SOUTH TRACE ROAD	MILTON	FL	32583	Y
07649	LTS CONSTRUCTION LLC	4771 BAYOU BLVD #290	PENSACOLA	FL	32503	Y
08179	LYNN, STEVEN W DBA MCCULLOUGH AND SON	1104 FRETZ STREET	PENSACOLA	FL	32534	
02160	MANGUM, RON DBA RESIDENTIAL RENOVATION COMPANY INC	6299 WINDWOOD DRIVE	PENSACOLA	FL	32504	
07066	MCDALT, LLC	4675 BALMORAL DRIVE	PENSACOLA	FL	32504	Y
01621	NORD, STEVE DBA SEA HORSE GENERAL CONTRACTORS INC	4238 GULF BREEZE PKWY	GULF BREEZE	FL	32563	Y
00272	PANHANDLE GRADING & PAVING INC	P O BOX 3717	PENSACOLA	FL	32516	
06034	PENSACOLA BAY AREA CHAMBER OF COMMERCE DBA GREATER PENSACOLA CHAMBER	117 W GARDEN ST	PENSACOLA	FL	32502	
05502	PERDIDO GRADING & PAVING	PO BOX 3333	PENSACOLA	FL	32516	Y
07317	PERRITT, CHRIS LLC	5340 BRIGHT MEADOWS ROAD	MILTON	FL	32570	Y
01830	R D WARD CONSTRUCTION CO INC	15 EAST HERMAN STREET	PENSACOLA	FL	32505	
04967	RADFORD & NIX CONSTRUCTION LLC	7014 PINE FOREST ROAD	PENSACOLA	FL	32526	Y
00168	RANDALL, HENRY DBA RANDALL CONSTRUCTION	1045 S FAIRFIELD DRIVE	PENSACOLA	FL	32506	
03188	ROADS INC OF NWF	106 STONE BLVD	CANTONMENT	FL	32533	
08576	ROGAR MGMT & CONSULTING OF FL LLC	12011 SW 129TH CT UNIT 5	MIAMI	FL	33186	
06545	SITE AND UTILITY LLC	PO BOX 30136	PENSACOLA	FL	32503	
01145	SOUTHERN UTILITY CO INC	P O BOX 2055	PENSACOLA	FL	32513	Y
02806	THE GREEN SIMMONS COMPANY INC	3407 NORTH W STREET	PENSACOLA	FL	32505	
00248	UTILITY SERVICE COMPANY INC	4326 GULF BREEZE PARKWAY	GULF BREEZE	FL	32563	
08393	VICKERS, TAYLOR DBA TAYLOR'D CONSTRUCTION & CO LLC	1560 CADENCE LOOP	PENSACOLA	FL	32514	
03031	W P R INC	4175 BRIARGLEN RD	MILTON	FL	32583	Y
03044	WARRINGTON UTILITY & EXCAVATING INC	8401 UNTREINER AVE	PENSACOLA	FL	32534	Y
02172	WHITESELL-GREEN INC	P O BOX 2849	PENSACOLA	FL	32513	
06921	YERKES SOUTH INC	634 LAKEWOOD RD	PENSACOLA	FL	32507	Y

Vendors: 67



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 23-00497

City Council

7/20/2023

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** D.C. Reeves, Mayor

**SUBJECT:**

AWARD OF CONTRACT - RFQ NO. 23-019 LAND DEVELOPMENT CODE (LDC) ASSESSMENT AND RECOMMENDATIONS

**RECOMMENDATION:**

That City Council award a contract to Inspire Placemaking Collective, Inc. to complete an assessment and provide recommendations for a potential update or re-write of the Land Development Code (LDC). Further, that City Council authorize the Mayor to take actions necessary to negotiate, execute and administer this contract, including the renewal options for a Phase II rewrite of the LDC consistent with the Mayor's Executive Powers as granted in the City Charter.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

The primary goals of the assessment are to identify sections of the Land Development Code that can be improved by eliminating duplicative or conflicting issues and increasing the overall efficiency of the LDC.

The City's first Zoning Ordinance was adopted on February 25, 1947. There was a comprehensive review conducted by City staff that resulted in a repeal and replacement of the LDC in its entirety adopted on March 26, 1992, and there have been many amendments to sections of the LDC over the years, but not a comprehensive assessment of its entirety since then. The most recent (minor) amendment to the LDC was done in 2022. The LDC has had many authors over the years, which is a natural result of the cycle of elected officials and community leaders throughout history.

A review of the LDC is necessary currently to develop findings and recommendations to establish a more cohesive review process for general land development and redevelopment. \$100,000 has been budgeted to accomplish this task. Subsequent to staff review of the assessment, the City may then proceed with a formal update to or "re-write" of the LDC.

Following receipt of the primary work product which is the initial LDC assessment, the Consultant may be retained to provide continuing services for continued code updates and amendments. During the Continuing Services Period, this contract will allow the City to solicit proposals directly from the consultant for individual projects, tasks, and to procure needed services. However, the City reserves

the right to at any time solicit separate competitive proposals for any and all projects or tasks, regardless of fee or value. Selection as a consultant does not guarantee that the consultant will be called on a regular basis during the Continuing Service Period, nor does it guarantee a minimum level of compensation with respect to volume of work or fees.

**PRIOR ACTION:**

On January 19, 2023, City Council adopted Supplemental Budget Resolution No. 2023-004 carrying forward the funds allocated to this project.

**FUNDING:**

Budget: \$100,000

Actual:

**FINANCIAL IMPACT:**

\$100,000.00 was budgeted for Professional Services under the Planning and Zoning Division of the Development Services Department.

**LEGAL REVIEW ONLY BY CITY ATTORNEY:** Yes

6/23/2023

**STAFF CONTACT:**

Kerrith Fiddler, City Administrator  
David Forte, Deputy City Administrator  
Sherry Morris, AICP, Development Services Director  
Cynthia Cannon, AICP, Planning and Zoning Division Manager

**ATTACHMENTS:**

- 1) Tabulation of Qualifications, RFQ 23-019
- 2) Selection Committee Scoring Matrix
- 3) Selection Committee Oral Presentations Matrix
- 4) Final Vendor Reference List

**PRESENTATION:** No

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## TABULATION OF QUALIFICATIONS

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RFQ NO.: 23-019

TITLE: LAND DEVELOPMENT CODE ASSESSMENT AND RECOMMENDED AMENDMENTS  
FOR POTENTIAL REWRITE OR UPDATE OF THE LAND DEVELOPMENT CODE

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Submittal Due Date & Time:

03/27/23, 2:30 PM

Department:

Planning

---

Code Studio, Inc.  
Lee Einsweiler, President  
1800 East 4th Street, Unit 125  
Austin, TX 78702  
(512) 478-2200  
[lee@code-studio.com](mailto:lee@code-studio.com)

DPZ CoDesign, LLC  
Marina Khoury, Partner  
1023 SW 25th Avenue  
Miami, FL 33135  
(305) 644-1023  
Fax: (305) 644-1021  
[marina@dpz.com](mailto:marina@dpz.com)

Inspire Placemaking Collective, Inc.  
George Kramer, AICP, President  
4767 New Broad Street  
Orlando, FL 32814  
(407) 202-8367  
[gkramer@inspireplacemaking.com](mailto:gkramer@inspireplacemaking.com)

Kimley-Horn & Associates, Inc.  
Kelley Klepper, AICP, Vice Pres./Proj. Manager  
2619 Centennial Boulevard, Suite 200  
Tallahassee, FL 32308  
(941) 379-7673  
[kelley.klepper@kimley-horn.com](mailto:kelley.klepper@kimley-horn.com)

ZoneCo, LLC  
Jocelyn Gibson, Managing Principal  
455 Delta Avenue, Suite 203  
Cincinnati, OH 45226  
(513) 694-7500  
Cell: (513) 746-8838  
[jgibson@thezoneco.com](mailto:jgibson@thezoneco.com)

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**RFQ NO. 23-019**

**Land Development Code Assessment and Recommended Amendments for  
Potential Rewrite or Update of the Land Development Code**

Selection Committee Meeting (05/17/23)  
Written Submittals Evaluation

<b>FIRMS</b> <i>Raw Score</i>	<b>Cynthia Cannon</b>	<b>Victoria D'Angelo</b>	<b>David Forte</b>	<b>Gregg Harding</b>	<b>TOTAL SCORE</b>	<b>RANKING ORDER</b>
Inspire Placemaking Collective, Inc.	<b>91</b>	<b>97</b>	<b>100</b>	<b>64</b>	<b>352</b>	<b>1</b>
Kimley-Horn & Associates, Inc.	<b>86</b>	<b>94</b>	<b>99</b>	<b>70</b>	<b>349</b>	<b>2</b>
Code Studio, Inc.	<b>85</b>	<b>97</b>	<b>97</b>	<b>49</b>	<b>328</b>	<b>3</b>
DPZ CoDesign, LLC	<b>81</b>	<b>91</b>	<b>98</b>	<b>57</b>	<b>327</b>	<b>4</b>
ZoneCo, LLC	<b>76</b>	<b>95</b>	<b>100</b>	<b>52</b>	<b>323</b>	<b>5</b>

Motion: David Forte made a motion to receive presentations from the 5 firms.

Seconded: Cynthia Cannon

Vote: 4-0

**RFQ NO. 23-019**

**Land Development Code Assessment and Recommended Amendments for  
Potential Rewrite or Update of the Land Development Code**

Selection Committee Meeting (06/21/23)  
Oral Presentations Evaluation

<b>FIRMS</b>	<b>Cynthia Cannon</b>	<b>Victoria D'Angelo</b>	<b>David Forte</b>	<b>Gregg Harding</b>	<b>TOTAL SCORE</b>	<b>RANKING ORDER</b>
Inspire Placemaking Collective, Inc.	1	1	2	2	6	1*
Kimley-Horn & Associates, Inc.	2	2	1	1	6	2
DPZ Co Design, LLC	3	3	3	3	12	3

\*Note: In the event of a tie score for first place after oral presentations, the firm with the highest aggregate score from the written evaluation shall be declared the top-ranked firm.

Motion: David Forte moved to award the contract to Inspire Placemaking Collective, Inc.

Seconded: Gregg Harding

Vote: 4-0

Submittal Due Date: 03/27/23

Bid No.: 23-019

**FINAL VENDOR REFERENCE LIST  
LAND DEVELOPMENT CODE ASSESSMENT AND RECOMMENDED AMENDMENTS  
FOR POTENTIAL REWRITE OR UPDATE OF THE LAND DEVELOPMENT CODE  
PLANNING**

Vendor	Name	Address	City	St	Zip Code	SMWBE
053982	4D ENVIRONMENTAL CONS	8916 SCENIC HILLS DRIVE	PENSACOLA	FL	32514	Y
063067	ADAMS, ALEXANDER W DBA ALPHA PLAN LLC	36 PALERMO AVENUE	CORAL GABLES	FL	33134	
022518	AMERICAN PLANNING ASSOCIATION FLORIDA CHAPTER	2017 DELTA BOULEVARD STE 201	TALLAHASSEE	FL	32303	
049093	ARCHITECTURAL AFFAIRS INC	105 EAST DESOTO STREET	PENSACOLA	FL	32501	
086363	AXIS INFRASTRUCTURE	70 MANSELL COURT SUITE 200	ROSWELL	GA	30076	
006426	BENCHMARK SURVEYING & LAND PLANNING INC	7200 CHUMUCKLA HIGHWAY	PACE	FL	32571	Y
003039	CALDWELL ASSOCTES ARCHTCTS INC	116 NORTH TARRAGONA STREET	PENSACOLA	FL	32502	Y
086365	CODE STUDIO INC	1800 EAST 4TH STREET UNIT 125	AUSTIN	TX	78702	
044683	COMMUNITY ENTERPRISE INVESTMTS	302 NORTH BARCELONA STREET	PENSACOLA	FL	32502	
083531	CORNERSTONE STRATEGIC PARTNERS	18801 N DALE MABRY HWY STE 1010	LUTZ	FL	33546	
072190	DPZ PARTNERS LLC DBA	1023 SW 25TH AVENUE	MIAMI	FL	33135	
031027	DRMP INC	941 LAKE BALDWIN LANE	ORLANDO	FL	32814	
074355	GANNETT MHC MEDIA INC DBA PENSACOLA NEWS JOURNAL	2 NORTH PALAFOX ST	PENSACOLA	FL	32502	
074827	GULF COAST MINORITY CHAMBER OF COMMERCE INC	321 N DEVILLERS ST STE 104	PENSACOLA	FL	32501	
054189	HAYES CONSULTING SERVICES LLC	P O BOX 796	CHIPLEY	FL	32428	
027373	HERNANDEZ & SWIFT ASSOCIATES INC	1630 BALIHAI COURT	GULF BREEZE	FL	32563	
048588	ICON CONTRACTING LLC	468 SOUTH FLORIDA AVE	TARPON SPRINGS	FL	34689	
086362	INSPIRE PLACEMAKING COLLECTIVE INC	4767 NEW BROAD ST	ORLANDO	FL	32814	
028242	KIMLEY HORN & ASSOCIATES INC	1777 MAIN ST STE 200	SARASOTA	FL	32436	
086367	KIRK WICKERSHAM	1350 RIVER REACH DR UNIT 410	FT LAUDERDALE	FL	33315	
036848	MACTEC ENGR & CONSULTING INC DBA MACTEC	9211 N DAVIS HWY	PENSACOLA	FL	32514	
018208	MGT OF AMERICA INC	3800 ESPLANADE WAY STE 210	TALLAHASSEE	FL	32311	
060344	PENSACOLA BAY AREA CHAMBER OF COMMERCE DBA GREATER PENSACOLA CHAMBER	117 W GARDEN ST	PENSACOLA	FL	32502	
086368	PRITCHETT STEINBECK GROUP INC	2202 N WESTSHORE BLV STE 200	TAMPA	FL	33607	
051061	REBOL-BATTLE & ASSOCIATES LLC	2301 NORTH 9TH AVENUE SUITE 3	PENSACOLA	FL	32503	Y
072191	REDEVELOPMENT MANAGEMENT ASSOCIATES	2302 EAST ATLANTIC BOULEVARD	POMPAHO	FL	33062	
059180	SIGMA CONSULTING GROUP INC	3298 SUMMIT BOULEVARD SUITE 32	PENSACOLA	FL	32503	
026223	TBE GROUP INC DBA CARDNO TBE	380 PARK PLACE BLVD STE 300	CLEARWATER	FL	33759	
086366	THE PLANNING COLLABORATIVE	2311 LEE STREET	LYNN HAVEN	FL	32444	
027442	TODD, EDDIE S JR ARCHITECT	P O BOX 17623	PENSACOLA	FL	32522	
041982	WOOD+PARTNERS INC	P O BOX 3906	TALLAHASSEE	FL	32315	
086364	ZONECO LLC	455 DELTA AVENUE SUITE 203	CINCINNATI	OH	45226	

Vendors: 32



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

**File #:** 23-00548

City Council

7/20/2023

### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** D.C. Reeves, Mayor

**SUBJECT:**

AWARD OF ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR PASSENGER  
TERMINAL FACILITY EXPANSION AT PENSACOLA INTERNATIONAL AIRPORT

**RECOMMENDATION:**

That City Council award a contract to EXP U.S. Services, Inc. for professional engineering and architectural services related to passenger terminal facility expansion at the Pensacola International Airport requested through RFQ #23-016. Further, that Council authorizes the Mayor take the actions necessary to negotiate, execute, and administer the necessary contract as specified RFQ #23-016, consistent with the terms of the contract and the Mayor's Executive Powers as granted in the City Charter.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

Record breaking passenger growth at the Pensacola International Airport has necessitated expansion of the Airport passenger terminal building. The scale and complexity of the proposed project requires the Airport to seek services of professional architectural and engineering firms to provide general design, bid phase, construction administration, and inspection services for the terminal expansion and modernization program planned to occur during the next five years.

Because of the specialized nature of this work, Airport Staff propose to employ specialized architectural and engineering services for the development of architectural designs, construction plans and specifications, construction contract documents, cost estimates, resident project representative services, and construction administration. The final contract will come to the Mayor for approval after being negotiated by Airport Staff.

On March 17, 2023, City Purchasing Department issued Request for Qualifications No. 23-016 for the services. Nine (9) responses were received and opened on April 19, 2023. A review panel consisting of Mr. Matthew Coughlin, Airport Director; Mr. Roy Remington, Assistant Airport Director - Planning & Engineering; and Mr. David Penzone, Technical Expert, reviewed the qualification packages submitted and requested that the top five (5) ranked firms and their respective teams make oral presentations. After hearing oral presentations on June 20, 2023 and July 6, 2023 and evaluating the firms, the panel ranked the firms in the following order:



1. EXP U.S. Services, Inc.
2. Gresham Smith
3. Goodwyn Mills & Cawood, LLC
4. Mead & Hunt, Inc.
5. Fentress Architects, Ltd.

EXP is a nationally recognized architecture and engineering firm that specializes in airport/aviation specific projects. The committee recommends entering a contract with the top-ranked firm, EXP U.S. Services, Inc. for design of the terminal building expansion at the Pensacola International Airport.

#### **PRIOR ACTION:**

May 25, 2023 - City Council approved Resolution No. 2023-032 authorizing the Mayor to execute the Public Transportation Grant Agreement No. 452606-1-A801 with the Florida Department of Transportation for the design of the terminal expansion and renewal at the Airport.

May 25, 2023 - City Council approved the acceptance of the Public Transportation Grant Agreement No. 452606-1-A801 with the Florida Department of Transportation for the design of the terminal expansion and renewal at the Airport.

May 25, 2023 - City Council approved Supplemental Budget Resolution No. 2023-033 in the amount of \$2,000,000 for the Public Transportation Grant Agreement No. 452606-1-A801 with the Florida Department of Transportation for the design of the terminal expansion and renewal at the Airport.

#### **FUNDING:**

Budget:	\$ 2,000,000	FDOT Grant 452606-1-A801
	<u>2,000,000</u>	Airport Capital Funds
	<u>\$ 4,000,000</u>	

Actual:	<u>\$ 4,000,000</u>	Terminal Expansion and Renewal Design
	<u>\$ 4,000,000</u>	

#### **FINANCIAL IMPACT:**

Pensacola International Airport routinely requests grant funding from the FDOT as part of a five-year work program. In anticipation of this grant, local funds were allocated in the fiscal year 2024 budget and grant funds were appropriated on Supplemental Budget Resolution No. 2023-033. In fiscal year 2024, funding in the amount of \$2,000,000 has been appropriated in the Airport's grant account and funding in the amount \$2,000,000 has been appropriated in the Airport's capital improvement account.

Funds will be provided from FDOT on a reimbursable basis. While funds are eligible to be spent upon execution of the grant agreement, reimbursement will not be available until the State's 2026 fiscal year. The Airport has sufficient cash reserves to fund the project until such time funds are reimbursed.

**LEGAL REVIEW ONLY BY CITY ATTORNEY:** Yes

7/11/2023

**STAFF CONTACT:**

Kerrith Fiddler, City Administrator  
Amy Miller, Deputy City Administrator  
Matthew F. Coughlin, Airport Director

**ATTACHMENTS:**

- 1) Tabulation of Respondents to RFQ No. 23-016
- 2) Selection Committee Scoring Matrix
- 3) Vendor Reference List

**PRESENTATION:** No

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**TABULATION OF QUALIFICATIONS**

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**RFQ NO: 23-016****TITLE: ARCHITECTURAL/ENGINEERING (A&E) DESIGN SERVICES FOR PASSENGER TERMINAL FACILITY EXPANSION  
AT PENSACOLA INTERNATIONAL AIRPORT**

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Submittals Due:

**04/19/23, 2:30 P.M.**

Department:

**Airport**

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1919 Architects, P.C.  
Ronald G. Billy, Jr., President  
23150 Fashion Drive, Suite 232  
Estero, FL 33928  
866-929-8222  
[ron@1919architects.com](mailto:ron@1919architects.com)

Caldwell Associates Architects, Inc.  
H. Miller Caldwell, III, Principal-In-Charge  
116 North Tarragona Street  
Pensacola, FL 32502  
850-432-9500  
Fax: 850-438-6537  
[miller3@caldwell-assoc.com](mailto:miller3@caldwell-assoc.com)

EXP U.S. Services, Inc.  
Timothy Neumann, AIA, NCARB, Exec. V. Pres.  
2510 Miccosukee Road, Suite 200  
Tallahassee, FL 32308  
312-616-7475  
[timothy.neumann@exp.com](mailto:timothy.neumann@exp.com)

Fentress Architects, Ltd  
Curtis W. Fentress, FAIA, President  
421 Broadway  
Denver, CO 80203  
303-809-6393  
Fax: 303-7225080  
[fentress@fentressarchitects.com](mailto:fentress@fentressarchitects.com)

Goodwyn Mills & Cawood, LLC  
Steve Jernigan, FAIA, Reg. V. Pres., FL  
720 Bayfront Parkway, Suite 200  
Pensacola, FL 32502  
850-432-0706  
Fax: 850-433-0508  
[steve.jernigan@gmcnetwork.com](mailto:steve.jernigan@gmcnetwork.com)

Gresham Smith  
Altan Cekin, AIA, NCARB, Avtn Mrkt V.P. & Proj. Dir.  
3615 Bromley Grande Avenue, Suite 220  
Tampa, FL 33607  
813-769-8917  
Fax: 866-237-6594  
[altan.cekinn@greshamsmith.com](mailto:altan.cekinn@greshamsmith.com)

Mead & Hunt, Inc.  
Laurie Whitney, AIA, LEED AP, NCARB, V. P.  
2440 Demming Way  
Middleton, WI, 53562  
608-609-7884  
Fax: 608-237-2467  
[laurie.whitney@meadhunt.com](mailto:laurie.whitney@meadhunt.com)

Miebach Consulting, Inc.  
Bernard Tremblay, CEO USA & Canada  
151 North Delaware Street, Suite 800  
Indianapolis, IN 46204  
1-317-423-3126  
[tremblay@miebach.com](mailto:tremblay@miebach.com)

MLM-Martin Architects, Inc.  
Miguel A. Martin, AIA, V.P, Principal, COO  
668 North Orlando Avenue, Suite 107  
Maitland, FL 32751  
407-897-6764  
Fax: 407-894-1338  
[mamartin@mlm-martin.com](mailto:mamartin@mlm-martin.com)

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**RFQ NO. 23-016**

**Architectural and Engineering Services (A/E) Design Services for  
Passenger Terminal Facility Expansion at Pensacola International Airport**

Selection Committee Meeting (07/06/23)

Oral Presentation Evaluations

<b>FIRMS</b>	<b>Matthew Coughlin</b>	<b>David Penzone</b>	<b>Roy Remington</b>	<b>TOTAL SCORE</b>	<b>RANKING ORDER</b>
EXP U.S. Services, Inc.	1	1	3	5	1
Gresham Smith	2	2	2	6	2
Goodwyn Mills & Cawood, LLC	4	4	1	9	3
Mead & Hunt, Inc.	3	3	4	10	4
Fentress Architects, Ltd	5	5	5	15	5

Motion: Roy Remington moved to approve the rankings (as displayed in the matrix) and to recommend award of the contract to the top-ranked firm EXP U.S. Services, Inc.

Second: David Penzone seconded the motion

Vote: 3-0

**FINAL VENDOR REFERENCE LIST**  
**ARCHITECTURAL/ENGINEERING (A&E) DESIGN SERVICES FOR PASSENGER TERMINAL FACILITY EXPANSION**  
**AT PENSACOLA INTERNATIONAL AIRPORT**  
**DEPT**

Vendor	Name	Address	City	St	Zip Code	SMWBE
086353	1919 ARCHITECTS PC	23150 FASHION DRIVE STE 232	ESTERO	FL	33928	
051996	AECOM USA	2202 N WEST SHORE BLVD STE 455	TAMPA	FL	33607	
082529	AERO SYSTEMS ENGINEERING	2700 DELK RD	MARIETTA	GA	30067	
086348	ALLIANCE	400 CLIFTON AVENUE	MINNEAPOLIS	MN	55403	
042087	ARCHER WESTERN CONTRACTORS	4343 ANCHOR PLAZA PKWY. 155	TAMPA	FL	33634	
049093	ARCHITECTURAL AFFAIRS INC	105 EAST DESOTO STREET	PENSACOLA	FL	32501	
082532	ARORA ENGINEERS	400 CARILLON PKWY SUITE 100	ST PETERSBURG	FL	33716	
070194	ASSOCIATED SPACE DESIGN DBA ASD/SKY	4810 WEST NINE MILE ROAD	PENSACOLA	FL	32526	
047874	ATC GROUP SERVICES INC DBA ATC ASSOCIATES INC	130 S GERONIMO ST STE 6	MIRAMAR BEACH	FL	32550	
026973	ATKINS NORTH AMERICA INC	2065 AIRPORT BLVD STE 400	PENSACOLA	FL	32504	
022428	AVCON INC	3298 SUMMIT BLVD	PENSACOLA	FL	32503	
079924	B & A ARCHITECTURAL GROUP, INC	4030 ARBUTUS DRIVE	PENSACOLA	FL	32504	Y
045448	B L HARBERT INTERNATIONAL	820 SHADES CREEK PKWY	BIRMINGHAM	AL	35209	
000377	BASKERVILLE DONOVAN	449 WEST MAIN ST	PENSACOLA	FL	32502	
085496	BOWMAN	119 GREGORY SQUARE	PENSACOLA	FL	32502	
055510	BRASFIELD & GORRIE	P O BOX 11407	BIRMINGHAM	AL	35246	
065821	BRPH ARCHITECTS-ENGINEERS INC	5700 N HARBOR CITY BLVD STE 400	MELBOURNE	FL	32940	
000058	BULLOCK-TICE ASSOCIATES	909 EAST CERVANTES ST STE B	PENSACOLA	FL	32501	
034635	BURNS & MCDONNELL ENGINEERING COMPANY INC	9400 WARD PARKWAY	KANSAS CITY	MO	64114	
084558	C&S ENGINEERS	605 E ROBINSON ST SUITE 210	ORLANDO	FL	32801	
003039	CALDWELL ASSOCTES ARCHTCTS INC	116 NORTH TARRAGONA STREET	PENSACOLA	FL	32502	
086351	CERM	958 DAUPHIN ST	MOBILE	AL	36604	
084559	CLAY CORP	2675 PACES FERRY ROAD STE 450	ATLANTA	GA	30339	
082533	CMTS CONSTRUCTION MGMT SVCS DBA CMTS LLC	8837 GOODBY'S EXECUTV DR STE 2	JACKSONVILLE	FL	32217	
084574	CREATIVE CONCEPTS CONST CO DBA C4 HANGARS & INDUSTRIAL DOORS	22833 BOTHELL EVERETT HWY	BOTHELL	WA	98021	
026000	DAG ARCHITECTS INC	40 S PALAFOX PLACE STE 201	PENSACOLA	FL	32502	
057131	DALRYMPLE SALLIS ARCHITECTURE LLC	213 S BAYLEN STREET	PENSACOLA	FL	32502	
084561	EXP US SERVICES INC	2510 MICCOSUKEE ROAD STE 200	TALLAHASSEE	FL	32308	
082528	FENTRESS ARCHITECTS	421 BROADWAY	DENVER	CO	80203	
086316	FITZGERALD COLLABORATIVE GROUP LLC	1213 MICCOSUKEE	TALLAHASSEE	FL	32308	
040956	FITZPATRICK, DAVID W PE, PA	10250 N PALAFOX STREET	PENSACOLA	FL	32534	
074355	GANNETT MHC MEDIA INC DBA PENSACOLA NEWS JOURNAL	2 NORTH PALAFOX ST	PENSACOLA	FL	32502	
057238	GARVER	4701 NORTHSHORE DRIVE	N LITTLE ROCK	AR	72118	
063463	GEOSYNTEC	1120 NORTH 12TH AVENUE	PENSACOLA	FL	32501	
065822	GHAFARI ASSOCIATES LLC	122 S MICHIGAN AVE STE 1500	CHICAGO	IL	60603	
083818	GOODWYN MILLS CAWOOD LLC	720 BAYFRONT PARKWAY STE 200	PENSACOLA	FL	32502	
004285	GREENHUT CONSTRUCTION COMPANY	23 SOUTH A STREET	PENSACOLA	FL	32501	
046524	GREENMAN-PEDERSEN INC	2929 LANGLEY AVENUE SUITE 203	PENSACOLA	FL	32504	
024318	GRESHAM SMITH	3615 BROMLEY GRANDE AVE STE 220	TAMPA	FL	33607	
060768	GULF CIVIL ENGINEERING LLC	3298 SUMMIT BLVD STE 44	PENSACOLA	FL	32503	Y
028628	GULF COAST ENVIRONMENTAL & ENGINEERING INC	P O BOX 12623	PENSACOLA	FL	32574	
074827	GULF COAST MINORITY CHAMBER OF COMMERCE INC	321 N DEVILLERS ST STE 104	PENSACOLA	FL	32501	
085388	HALFF ASSOCIATES INC	130 N RICHARD JACKSON BLVD STE 1033	PANAMA CITY BCH	FL	32407	

**FINAL VENDOR REFERENCE LIST**  
**ARCHITECTURAL/ENGINEERING (A&E) DESIGN SERVICES FOR PASSENGER TERMINAL FACILITY EXPANSION**  
**AT PENSACOLA INTERNATIONAL AIRPORT**  
**DEPT**

Vendor	Name	Address	City	St	Zip Code	SMWBE
049076	HAMMOND ENGINEERING, INC	3802 NORTH "S" ST.	PENSACOLA	FL	32505	
026222	HDR	25 WEST CEDAR STREET, SUITE 200	PENSACOLA	FL	32502	
019764	HEFFERNAN HOLLAND MORGAN ARCHITECT PA	312 S ALCANIZ ST	PENSACOLA	FL	32501	
084562	HENSEL PHELPS	420 SIXTH AVENUE80631	GREELEY	CO	80631	
027373	HERNANDEZ & SWIFT ASSOCIATES INC	1630 BALIHAI COURT	GULF BREEZE	FL	32563	
045631	HERNANDEZ CALHOUN DESIGN INTL	420 NORTH PALAFOX STREET	PENSACOLA	FL	32501	
036707	HOK	201 N FRANKLIN ST STE 1800	TAMPA	FL	33602	
082535	HPM LEADERSHIP	2203 PERIMETER ROAD SUITE 200	MOBILE	AL	36602	
074292	INFRASTRUCTURE SPECIALTY BULDING C SUITE D	2251 NORTH E STREET	PENSACOLA	FL	32501	
084618	ISS AMERICA SOUTH INC	2251 NORTH E STREET	PENSACOLA	FL	32501	
084563	J A WATTS INC	940 W ADAMS SUITE 400	CHICAGO	IL	60607	
054641	JERRY PATE DESIGN INC	301 SCHUBERT DRIVE	PENSACOLA	FL	32504	
067283	JOE DEREUIL ASSOCIATES LLC	301 WEST CERVANTES STREET	PENSACOLA	FL	32501	
032824	KENNETH HORNE & ASSOCIATES	7201 NORTH 9TH AVENUE SUITE 6	PENSACOLA	FL	32504	
043865	KUNZE JR, CHARLES EDWARD	25 W CEDAR STE 214	PENSACOLA	FL	32502	
047317	LEO A DALY CO	800 NW 62ND AVE SUITE 100	MIAMI	FL	33126	
084564	LUIS VIDAL + ARCHITECTS	1200 BRICKELL AVE SUITE 210	MIAMI	FL	33131	
084565	MANHATTAN CONSTRUCTION COMPANY	3705-1 WESTVIEW DRIVE	NAPLES	FL	34104	
086349	MARC TAYLOR INC	3298 SUMMIT BLVD STE 225	PENSACOLA	FL	32504	
084566	MCFARLAND JOHNSON	1900 S HARBOR CITY BLVD SUITE 304	MELBOURNE	FL	32901	
084567	MEAD & HUNT INC	2440 DEMMING WAY	MIDDLETON	WI	53562	
086354	MIEBACH CONSULTING INC	151 NORTH DELAWARE ST STE 800	INDIANAPOLIS	IN	46204	
086350	MLM-MARTIN ARCHITECTS INC	668 N ORLANDO AVE STE 107	MAITLAND	FL	32751	
001371	MOFFATT & NICHOL	100 NORTH SPRING STREET STE 2	PENSACOLA	FL	32502	
036709	MOTT MACDONALD FLORIDA LLC	220 W GARDEN ST STE 700	PENSACOLA	FL	32502	
081060	MULLINS LLC	41 N JEFFERSON ST	PENSACOLA	FL	32502	
060344	PENSACOLA BAY AREA CHAMBER OF COMMERCE DBA GREATER PENSACOLA CHAMBER	117 W GARDEN ST	PENSACOLA	FL	32502	
084568	PERSONS SERVICES CORP	4474 HALLS MILL RD	MOBILE	AL	36693	
023075	PETERSON ENGINEERING INC	75 SOUTH 'F' STREET	PENSACOLA	FL	32501	
055283	PLANENG INC	501 FITZGERALD ST	PENSACOLA	FL	32505	
082538	POND CO	9 DAUPHIN STREET SUITE 200	MOBILE	AL	36602	
065824	PRIME AE GROUP	1700 W MAIN ST STE 200	PENSACOLA	FL	32502	
086352	PRIME ENGINEERING	3715 NORTHSIDE PKWY NW	ATLANTA	GA	30327	
017263	QUINA GRUNDHOEFER ARCHITECTS	400 WEST ROMANA STREET	PENSACOLA	FL	32502	
086347	RAMSKI & CO	500 DELANEY AVE SUITE 301	ORLANDO	FL	32801	
051061	REBOL-BATTLE & ASSOCIATES LLC	2301 NORTH 9TH AVENUE SUITE 3	PENSACOLA	FL	32503	
069116	RJH & ASSOCIATES INC	215 GRAND BLVD STE 102	MIRAMAR BCH	FL	32550	Y
033161	ROY ANDERSON CORP	PO BOX 2	GULFPORT	MS	39502	
018207	RS&H INC	10748 DEERWOOD PK BLVD S	JACKSONVILLE	FL	32256	
084569	RUDOLPH & SLETTEN	2 CIRCLE STAR WAY 4TH FLOOR	SAN CARLOS	CA	94070	
024578	SAM MARSHALL ARCHITECTS	325 SOUTH PALAFOX ST	PENSACOLA	FL	32502	
042209	SCHMIDT DELL ASSOCIATES INC	40 S PALAFOX PLACE STE 300	PENSACOLA	FL	32502	
086315	SGM ENGINEERING	935 LAKE BALDWIN LANE	ORLANDO	FL	32814	

**FINAL VENDOR REFERENCE LIST**  
**ARCHITECTURAL/ENGINEERING (A&E) DESIGN SERVICES FOR PASSENGER TERMINAL FACILITY EXPANSION**  
**AT PENSACOLA INTERNATIONAL AIRPORT**  
**DEPT**

Vendor	Name	Address	City	St	Zip Code	SMWBE
059180	SIGMA CONSULTING GROUP INC	3298 SUMMIT BOULEVARD SUITE 32	PENSACOLA	FL	32503	
037798	STOA INT'L/FLORIDA INC DBA STOA ARCHITECTS	121 EAST GOVERNMENT ST	PENSACOLA	FL	32502	
020070	STROBEL & HUNTER INC	715 EAST GADSDEN ST	PENSACOLA	FL	32501	
076135	THE HASKELL COMPANY	111 RIVERSIDE AVENUE	JACKSONVILLE	FL	32202	
045430	THE WALSH GROUP	929 W ADAMS	CHICAGO	IL	60607	
042009	THOMPSON ENGINEERING	6706-C PLANTATION BLVD	PENSACOLA	FL	32504	
067875	TIERRA	1300 WEST MAIN STREET	PENSACOLA	FL	32501	
081839	TLC ENGINEERING SOLUTIONS INC	1255 CORPORATE DRV STE 100	IRVING	TX	75088	
027442	TODD, EDDIE S JR ARCHITECT	P O BOX 17623	PENSACOLA	FL	32522	
046225	TOWNES + ARCHITECT PA	2421 NORTH 12TH AVENUE	PENSACOLA	FL	32503	
082540	TUTOR PERINI	15901 OLDEN STREET	SYLMAR	CA	91342	
066549	WELLS, JAMES E III &SAMANTHA M DBA W3 ENGINEERING INC	557 NORTHCREEK CIRCLE	PENSACOLA	FL	32514	
026280	WETLAND SCIENCES INC	3308 GULF BEACH HWY	PENSACOLA	FL	32507	
074824	WHARTON-SMITH INC	1087 EAST PASS ROAD	GULFPORT	MS	39507	
085497	WISS JANNEY ELSTNER ASSOCIATES INC	9511 N LAKE CREEK PKWY	AUSTIN	TX	78717	
079903	WSP USA INC	ONE PENN PLAZA	NEW YORK	NY	10119	
044643	ZYSCOVICH	100 BISCAYNE BLVD	MIAMI	FL	33132	

Vendors: 103



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 23-00494

City Council

7/20/2023

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** D.C. Reeves, Mayor

**SUBJECT:**

CITY OF PENSACOLA FY 2023-2024 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN

**RECOMMENDATION:**

That City Council approve the FY 2023-2024 CDBG Annual Action Plan for the period October 1, 2023 through September 30, 2024 for submission to U. S. Department of Housing and Urban Development. Further, that City Council approve the City of Pensacola 2023-2024 CDBG program Proposed Budget and Activities Summary. Finally, that City Council authorize the Mayor to execute all documents relating to the plan's submission and program's administration.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

As part of the U.S. Department of Housing and Urban Development's (HUD) Consolidated Plan process, the City of Pensacola Housing Department, in conjunction with other members of the Escambia Consortium, must prepare an Annual Action Plan each program year to submit to HUD for approval. The FY 2023-2024 Annual Action Plan covers the period October 1, 2023 through September 30, 2024. The Annual Action Plan identifies housing and community development activities and presents the proposed budget for the FY 2023-2024 CDBG funding request. The approved plan is due to HUD on or before August 15, 2023.

The proposed City of Pensacola Annual Action Plan summary was published in the Pensacola News Journal on May 1, 2023, allowing for the minimum 30-day comment period. A public hearing was held May 9, 2023 at City of Pensacola City Hall in the Vince Whibbs Conference Room to receive input regarding the proposed activities and budget. Comments reflected the need for assistance in the community and were supportive of the proposed activities and budget.

**PRIOR ACTION:**

July 21, 2022 - City Council approved the CDBG FY 2022-2023 Annual Action Plan

**FUNDING:**



Budget: \$ 935,670

Actual: \$ 935,670

**FINANCIAL IMPACT:**

No city general funds are required. Grant funding is received from HUD. Funding from prior CDBG grant years will be reallocated to the current grant year through the budget process.

**LEGAL REVIEW ONLY BY CITY ATTORNEY:** Yes

6/30/2023

**STAFF CONTACT:**

Kerrith Fiddler, City Administrator  
David Forte, Deputy City Administrator  
Marcie Whitaker, Housing Director

**ATTACHMENTS:**

- 1) CDBG FY23-24 Annual Action Plan
- 2) CDBG FY23-24 Proposed Budget and Activities

**PRESENTATION:** No

**COMMUNITY DEVELOPMENT BLOCK GRANT**  
**2023 - 2024 ANNUAL ACTION PLAN**  
(October 1, 2023 - September 30, 2024)

CITY OF PENSACOLA  
Marcie Whitaker, Director  
Housing Department  
City of Pensacola  
420 W. Chase Street  
Pensacola, Florida 32502  
Phone: (850) 858-0350  
Fax: (850) 595-0113

Date: August 2023

## Executive Summary

### AP-05 Executive Summary - 91.200(c), 91.220(b)

#### 1. Introduction

*The Annual Action Plan contains a description of resources to be allocated for programmatic activities to address affordable housing and community development needs for low/moderate income families within the jurisdiction for the period October 1, 2023 to September 30, 2024. As indicated throughout the plan, the limited resources of local non-profits and the private and public sector greatly impact the ability to address the unmet needs in the jurisdiction.*

As a member of the Escambia Pensacola HOME Consortium, the City works cooperatively with Escambia County to assist residents in attaining decent affordable housing, a suitable living environment, and expanded economic opportunities. The Plan identifies key community partners that contribute their expertise and assistance to the local jurisdiction to address the needs identified herein.

#### 2. Summarize the objectives and outcomes identified in the Plan

*This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.*

The major plan activities address the following needs: affordable housing opportunities for income eligible homeowners; needs to provide assistance for underserved populations; and opportunities and programs to support self-sufficiency. As evidenced throughout the plan, the need for affordable housing for extremely low, very low, and low/moderate income residents is a pressing issue for the jurisdiction. Housing needs are discussed in depth in Sections AP-20, AP-35, and AP-38.

Community development needs to support reinvestment in the City's redevelopment areas are discussed in Sections AP-20, AP-35, and AP-50. Concentrations of poverty are identified on the western jurisdictional boundary between the City and Escambia County. Coordinated efforts will be pursued to provide enhancements to these areas through housing rehabilitation and public service activities with the goal of assisting these residents with attaining self-sufficiency.

#### 3. Evaluation of past performance

*This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.*

Goals were assessed based upon an in depth review of the community's needs as presented in this plan. Specific activity selection was based upon an evaluation of the activity in meeting the needs of the community to address affordable housing and community development shortfalls. Support for the housing rehabilitation program was based upon a review and evaluation of the decades of experience the City has in managing and implementing this program with over 1,000 homeowners having successfully completed participation. Public service activities supported in the plan continue to provide much needed assistance to underserved populations within the city including elderly and/or special needs and low/moderate income residents.

The activities presented in the plan will be reviewed annually to determine the viability and success in addressing the needs of low/moderate income residents within the jurisdiction. These activities will be revised to address the changing needs of the community, within funding limitations.

#### **4. Summary of Citizen Participation Process and consultation process**

*Summary from citizen participation section of plan.*

Citizen participation was achieved through various methods. Local participation has been greatly expanded with the use of local government websites where access to all types of planning documents, budgets, compliance reports, and program implementation summaries are readily available for public. Public participation was requested through multiple public advertisements and press releases as well direct contact of housing agencies and neighborhood groups for participation in the public meetings. Upon receipt of the jurisdiction's allocation notice in mid-March, the proposed plan summary was prepared and advertised for a 30 day comment period. Through the process, citizen comments were incorporated where appropriate. No comments were rejected.

An initial public hearing was held on March 1, 2023 and a public hearing was held on May 9, 2023 where input from community organizations, nonprofits, and citizens was solicited for preparation of the City's Annual Action Plan.

#### **5. Summary of public comments**

*This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.*

Public comments were accepted during the public hearings and comment periods. During the public meetings, service providers discussed the unmet needs in the community and the need for continued financial support. Proposed activities for the 2023-24 Annual Action Plan were presented at a public hearing held in May. During the public hearing, general group discussion occurred regarding the proposed activities. Attendees expressed support for the proposed activities. A summary of public comments received during the public participation periods is available in Section AP-12: Participation.

## **6. Summary of comments or views not accepted and the reasons for not accepting them**

Comments received through the public participation process were considered in the preparation of the Plan. No comments were rejected.

## **7. Summary**

Outreach efforts and citizen input details are provided in the "Citizen Participation Comments" attachment.

## **PR-05 Lead & Responsible Agencies - 91.200(b)**

### **1. Agency/entity responsible for preparing/administering the Consolidated Plan**

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

<b>Agency Role</b>	<b>Name</b>	<b>Department/Agency</b>
CDBG Administrator	PENSACOLA	Housing Department

**Table 1 – Responsible Agencies**

### **Narrative**

The City of Pensacola Housing Department serves as the administrator for the City's Community Development Block Grant (CDBG) allocation.

### **Consolidated Plan Public Contact Information**

City of Pensacola Housing Department  
420 W. Chase Street  
P.O. Box 12910  
Pensacola, FL 32521-0031  
850-858-0350

## **AP-10 Consultation - 91.100, 91.200(b), 91.215(l)**

### **1. Introduction**

Formal outreach and consultation for the Annual Plan began in March 2023 and was achieved through a variety of strategies, including public meetings, outreach to other City Departments, as well as one-on-one meetings. Efforts were made to contact appropriate parties for input. Local service providers, nonprofits, and citizens attended the public meetings. Several public meetings were held in relation to the development of the 2023-24 Annual Action Plan.

A public hearing was held March 1, 2023 and a public hearing was held May 9, 2023, where input from community organizations, nonprofits, and citizens was solicited for preparation of the 2023-24 Annual Action Plan. Citizen participation was achieved through various methods. The plan was advertised for 30 days in its final draft version for public review and comment. Through the process, citizen comments were incorporated where appropriate. No comments were rejected.

### **Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).**

The City endeavored to enhance coordination between public and assisted housing providers and private government service agencies. The Housing Department has developed long-standing relationships with the other local public housing agency, Area Housing Commission, as well as other departments within the city and governmental agencies, nonprofit organizations, and community organizations, and community interest groups. Continuum of Care (COC) membership includes public and assisted housing providers, mental health providers, private and public health providers, and other service agencies. The housing and infrastructure needs of the City outstrip the local government resources, which necessitates a cooperative process to leverage limited funds to maximize the benefits for the entire area. The City coordinates outreach efforts to housing providers and service agencies with the Consortium lead, Escambia County, to address needs within the jurisdiction.

A comprehensive list of agencies, organizations, and groups consulted during the preparation of the 2023-24 Annual Action Plan is presented in section AP-10: Consultation, Table 2.

### **Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.**

Opening Doors Northwest Florida, Inc. (Opening Doors), the Continuum of Care lead, was consulted throughout the planning process. The City Housing office has a current partnership and contract with Opening Doors to receive referrals for its Emergency Housing Voucher allocation as received through

the American Rescue Plan Act targeted to households that are homeless, at risk of homelessness, fleeing or attempting to flee violence, or have high risk of housing instability. Program check-in has occurred weekly in administration of this program since execution of contract in late 2021 and most clients have now reached their one year anniversary date and are renewing leases under the program. The Housing Department requested and received a letter of support from the COC in October 2022 to submit a request to HUD for Stability Vouchers for homeless.

In 2021 as the need for assistance grew through-out the pandemic, the Continuum of Care initiated the Homeless Reduction Task Force of Northwest Florida with specific goals of reducing homelessness in a two-county area. The City Housing Director and Assistant Housing Director co-chair the Housing Subcommittee on the Task Force, which meets on a monthly basis and is actively exploring gaps in homeless housing and housing programs. The City also committed \$3 million of its Coronavirus State and Local Fiscal Recovery Funds (SLFRF) specifically for homeless agency support. City staff participated in the Point-In-Time count planning this year, with two City Housing staff members volunteering during the count. CDBG-CV funding was allocated and awarded by Council to support a homeless project. The City and County hosted a joint special workshop on May 9, 2023 where Dr. Joe Savage from the U.S. Interagency Council on Homelessness presented "All In: The Federal Strategic Plan to End Homelessness."

**Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS**

Neither the City nor Escambia County are a direct recipient of ESG funds. ESG funding in the community is received by Opening Doors through application with the State of Florida. The Opening Doors Board provides input on performance standards and evaluates outcomes of ESG program expenditures and contributes to the development of policies and procedures for the administration of HMIS.

The City has required homeless agencies that receive SLFRF funding to participate in HMIS in order to assist in tracking and evaluation of these projects.

**2. Agencies, groups, organizations and others who participated in the process and consultations**



**Table 2 – Agencies, groups, organizations who participated**

1	<b>Agency/Group/Organization</b>	FL-511 Opening Doors of NW FL
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-Victims of Domestic Violence Services-homeless Regional organization
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Market Analysis Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Direct outreach was made to the Executive Director and Opening Doors staff regarding the Annual Plan process. Housing staff routinely discuss the unmet needs of the homeless in the area with the Executive Director and staff. Homeless needs are not solely focused within the City limits, so regional coordination is needed with Escambia and Santa Rosa Counties.
2	<b>Agency/Group/Organization</b>	Area Housing Commission
	<b>Agency/Group/Organization Type</b>	Housing PHA Services - Housing
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy

	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	AHC and City Housing staff met 2/1/23 to discuss various housing needs, including the need for additional rental units for low and very low income households. The City Housing Director routinely consults with the AHC Executive Director regarding housing needs in the community. AHC Assistant Executive Director served as Attainable Housing co-chair of the Mayor's Transition Team, which provided recommendations to the new Mayor concerning attainable housing.
3	<b>Agency/Group/Organization</b>	COUNCIL ON AGING OF WEST FLORIDA, INC.
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing Services-Elderly Persons Services-Persons with Disabilities Services-Health
	<b>What section of the Plan was addressed by Consultation?</b>	Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Representatives from this agency attended the March public meeting. The City has a long standing partnership with this not for profit which provides food, case management, and other services to underserved populations in the jurisdiction. Agency also provided feedback regarding housing needs for seniors at risk of homelessness due to rising rent costs; COA recently purchased 2 tiny homes under an AARP grant to highlight the needs of this population.
4	<b>Agency/Group/Organization</b>	Legal Services of North Florida
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-Elderly Persons Services-Persons with Disabilities Services-Victims of Domestic Violence Services-homeless Service-Fair Housing Services - Victims Regional organization

	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Representatives from this agency attended the March public meeting. The City participates in ongoing coordination with this agency to address the unmet needs of residents and currently is funding public service activities under CDBG and CDBG-CV.
5	<b>Agency/Group/Organization</b>	Pensacola Habitat for Humanity
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homelessness Strategy Market Analysis Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Representatives from this agency attended the March public meeting. City and agency staff discussed the need for increased homebuyer support, particularly to support homebuyers within the City limits due to higher property costs. Habitat's executive director served as the Attainable Housing co-chair on the Mayor's Transition Team Committee, which provided the new Mayor with recommendations related to attainable housing.
6	<b>Agency/Group/Organization</b>	Community Enterprise Investments, Inc.
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing Services-Education
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homelessness Strategy Market Analysis Anti-poverty Strategy

	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	City staff meet with agency in March 2023 concerning housing and homebuyer education needs. The agency emphasized the challenge with finding suitable affordable properties within the City limits to utilize for new homebuyer and rental projects. The City participates in ongoing coordination with this housing provider to address the unmet needs of residents.
7	<b>Agency/Group/Organization</b>	AMR AT PENSACOLA, INC
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homelessness Strategy Market Analysis Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City participates in ongoing coordination with this housing provider to address the unmet needs of residents. Agency provided public comment on the Annual Plan and attended May public hearing
8	<b>Agency/Group/Organization</b>	CIRCLE, INC
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homelessness Strategy Market Analysis Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City participates in ongoing coordination with this housing provider to address the unmet needs of residents. Agency representatives have stressed the need for rental development support, particularly in relation to tax credit applications.
9	<b>Agency/Group/Organization</b>	Community Action Program Committee
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing Services-Children Services-Education

	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Market Analysis Economic Development Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City participates in ongoing coordination with this provider to address the unmet needs to residents. An agency representative attended the March and May public hearings.
10	<b>Agency/Group/Organization</b>	United Way of West Florida
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-homeless Services-Health Regional organization Business and Civic Leaders
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City participates in ongoing coordination with this agency to address the unmet needs of residents. United Way staff participate in the Homeless Task Force. Monthly data provided from United Way from 211 calls in useful in tracking citizen requests/needs.
11	<b>Agency/Group/Organization</b>	JUST Pensacola
	<b>Agency/Group/Organization Type</b>	Business and Civic Leaders Faith Based Organization

	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homelessness Strategy Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Housing and Assistant Housing Director have participated in various interview/research sessions related to affordable rental housing development advocacy since 2022. Agency representatives attended the March public hearing.
12	<b>Agency/Group/Organization</b>	Escambia Human Relations Commission
	<b>Agency/Group/Organization Type</b>	Services-Employment Service-Fair Housing
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City participates in ongoing coordination with this agency to address fair housing and equal employment opportunity needs of area residents. City Council appoints members to serve on this commission and provides funding support from general tax dollars.
13	<b>Agency/Group/Organization</b>	Center for Independent Living of Northwest Florida
	<b>Agency/Group/Organization Type</b>	Services-Persons with Disabilities
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Non-Homeless Special Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	City participates in ongoing coordination with this provider to address unmet needs of residents. The agency's executive director served as the "Livability" co-chair for the Mayor's Transition Team, which provided the new Mayor with recommendations on making the City more livable for all residents-one of the recommendations from the report included barrier free accessibility to parks and facilities. An agency representative attended the March public meeting.

14	<b>Agency/Group/Organization</b>	Baptist Health Care
	<b>Agency/Group/Organization Type</b>	Services-Health Health Agency Business and Civic Leaders Major Employer
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Market Analysis Economic Development
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	As Baptist Health Care has moved forward with the relocation of its main campus from Moreno Street near downtown to a site off I-110, Hospital staff have met regularly with City staff regarding the future use of the old campus and its impact on the surrounding neighborhood. City continues discussions with Baptist to facilitate creation of affordable housing units on a portion of this property.
15	<b>Agency/Group/Organization</b>	Community Health Northwest Florida
	<b>Agency/Group/Organization Type</b>	Services-homeless Services-Health Health Agency
	<b>What section of the Plan was addressed by Consultation?</b>	Homelessness Strategy Non-Homeless Special Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City participates in ongoing coordination with this provider to address unmet needs of residents. Agency staff attended the March public meeting.
16	<b>Agency/Group/Organization</b>	Family Promise of Escambia County
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing Services-Children Services-homeless Services-Employment

	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Families with children Homelessness Strategy Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City participates in ongoing coordination with this agency to address the unmet needs of residents, particularly homeless families. An agency representative attended the March public meeting.
17	<b>Agency/Group/Organization</b>	Re-Entry Alliance Pensacola Inc
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing Services-homeless Services-Employment
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The City participates in ongoing coordination with this agency to address the unmet needs of residents, particularly homeless households. An agency representative attended the March public hearing.
18	<b>Agency/Group/Organization</b>	ESCAMBIA COUNTY
	<b>Agency/Group/Organization Type</b>	Agency - Emergency Management Other government - County



	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs HOPWA Strategy Market Analysis Economic Development Anti-poverty Strategy Lead-based Paint Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Consultation was held with the County as a HOME Consortium member and an adjacent unit of local government. The County also serves as the lead Emergency Management agency, and multiple City staff participated in ongoing training through the year and staff the EOC. The City and County jointly participate in the State SHIP program, which provides housing funding for the community. The County reached out to City staff in consultation specific to homelessness and HOME-ARP funding in September 2022 and February 2023. County staff attended the March 1, 2023 public meeting held by the City.
19	<b>Agency/Group/Organization</b>	Escambia County Housing Finance Authority
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing Regional organization
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homelessness Strategy Non-Homeless Special Needs Market Analysis Economic Development

	<p><b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b></p>	<p>The City participates in ongoing coordination with this agency to address the unmet affordable housing needs of residents, particularly in relation to multi-family development and financing as well as homeownership strategies. Staff from this agency and City staff have met regularly to discuss these strategies and jointly implement an ongoing process to provide local support for SAIL/4% HTC applications to FHFC. Staff from this organization participates on the Homeless Task Force Housing Subcommittee.</p>
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### **Identify any Agency Types not consulted and provide rationale for not consulting**

Outreach was made to all neighborhood groups in the City of Pensacola via email, which includes neighborhoods in CDBG eligible low/mod areas. The Housing Director and Assistant Housing Director attended a March CNAPP meeting, which includes City neighborhood leads to provide an overview of CDBG funds and invite public input. Several neighborhood representatives attended the March 1, 2023 meeting, but some neighborhood groups did not provide a formal response. The City made outreach efforts to housing providers and service agencies to receive feedback regarding needs within the jurisdiction. Members of these organizations were invited to all public meetings and hearings.

Public meetings/hearings were advertised in the Pensacola News Journal, but additional outreach was made through the use of direct emails to service providers, publication on the City's website and meeting calendars, as well as City press releases and social media in efforts to provide the broadest opportunities for consultation.

### **Other local/regional/state/federal planning efforts considered when preparing the Plan**

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Opening Doors Northwest Florida, Inc.	The Plan strives to match HUD and CoC strategic planning efforts as it relates to collaboration and implementation of strategies to address housing for area homeless.
Eastside Neighborhood Plan	City Community Redevelopment Agency (CRA) Board and staff	Priority issues identified and addressed in this local plan as well as the Strategic Plan, including Housing, Public Services, Public Improvements and Infrastructure, and Public Facilities.

<b>Name of Plan</b>	<b>Lead Organization</b>	<b>How do the goals of your Strategic Plan overlap with the goals of each plan?</b>
Westside Community Redevelopment Plan	City CRA Board and staff	Priority issues identified and addressed in this local plan as well as the Strategic Plan, including Housing, Public Services, Public Improvements and Infrastructure, and Public Facilities.
Urban Core Community Redevelopment Plan	City CRA Board and staff	Priority issues identified and addressed in this local plan as well as the Strategic Plan, including Housing, Public Services, Public Improvements and Infrastructure, and Public Facilities.
Urban Infill and Redevelopment Area Plan	City CRA Board and staff	Priority issues identified and addressed in this local plan as well as the Strategic Plan, including Housing, Public Services, Public Improvements and Infrastructure, and Public Facilities.
SHIP Local Housing Assistance Plan	Escambia County	Provision of safe, decent, and affordable homeownership and rental housing opportunities

**Table 3 - Other local / regional / federal planning efforts**

## **Narrative**

With the election of a new mayor in 2022, the Mayor appointed various community leaders to his Mayoral Transition Team, which included a focus on Attainable Housing. The outcome was a Mayoral Transition Team Committee report, which was released in January 2023 to provide recommendations to the Mayor concerning city goals and priorities. The Attainable Housing focus group held public workshops on October 25, 2022 and November 2, 2022, which was attended by Housing staff. Housing staff also participated in one on one focus meetings with the Attainable Housing transition team co-chairs to answer questions regarding City housing resources and needs. While this committee was not considered a part of the formal CDBG Annual Plan process, the workshops and suggested recommendations informed this plan's preparation and largely mirrored public input received throughout preparation of the CDBG Annual Plan.

## AP-12 Participation - 91.401, 91.105, 91.200(c)

### 1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

Citizen participation was achieved through various methods. Several public hearings were held in relation to the development of the 2023/24 Annual Action Plan. The plan was advertised for 40 days in its final draft version for public review. Through the process, citizens comments were incorporated where received and appropriate. No comments were rejected.

To launch the public participation process and gather public input, a public hearing was held March 1, 2023 where input from various community organizations, non-profits, and citizens were solicited for preparation of the Annual Action Plan. A public hearing was held on May 9, 2023 where the 2023/24 Annual Action Plan was presented and public comment was also solicited at that time.

Local participation has been greatly expanded with the use of local government websites where access to various planning documents, budgets, compliance reports, and program implementation summaries are all readily available for public review.

### Citizen Participation Outreach

	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL
1	Newspaper Ad	Minorities Persons with disabilities Non-targeted/broad community	February 8, 2023 publication in Pensacola News Journal noticing public planning process and advising of first public hearing.	No comments received.	None	

	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL
2	Internet Outreach	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	February 8, 2023 email outreach to housing and community development partners regarding Annual Plan public planning process and advising of first public meeting	No comments received	None	
3	Internet Outreach	Non-targeted/broad community	February 23, 2023 City press release regarding Annual Plan public planning process and advising of first public hearing	No comments received	None	
4	Internet Outreach	Minorities Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	February 23, 2023 general email reminder to community partners regarding March 1 public hearing	None received	None	

	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL
5	Public Hearing	<p>Minorities</p> <p>Persons with disabilities</p> <p>Non-targeted/broad community</p> <p>Residents of Public and Assisted Housing</p>	<p>March 1, 2023 public hearing was attended by members of homeless agencies, not for profit housing and public service providers, local neighborhood representatives, and other agencies serving low income households. Public comments and questions during the meeting included HOME funding, Section 108 funding, use of CDBG funds for slum/blight activities, the need for ramps and other accessible housing features, and legal services.</p>	Minutes attached.	All comments accepted	
6	Newspaper Ad	<p>Minorities</p> <p>Persons with disabilities</p> <p>Non-targeted/broad community</p>	<p>May 1, 2023 publication in Pensacola News Journal regarding summary of proposed CDBG activities and budget and noticing May 9 public hearing</p>	No comments received	None	

	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL
7	Internet Outreach	<p>Minorities</p> <p>Persons with disabilities</p> <p>Non-targeted/broad community</p> <p>Residents of Public and Assisted Housing</p>	<p>May 1, 2023 publication on City Housing website of draft CDBG Annual Action plan, advising of public comment period, and noticing May 9 public hearing</p>	No comments received	None	
8	Internet Outreach	<p>Non-targeted/broad community</p>	<p>May 4, 2023 City press release regarding availability of draft CDBG Annual Action plan, noticing May 9 public hearing, and advising of public comment period</p>	No comments received	None	
9	Internet Outreach	<p>Minorities</p> <p>Persons with disabilities</p> <p>Non-targeted/broad community</p> <p>Residents of Public and Assisted Housing</p>	<p>May 4, 2023 Email to local housing and community development providers advising of draft Annual Action Plan availability and advising of May 9 public meeting and public comment period</p>	No comments received	None	

	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL
10	Public Hearing	Non-targeted/broad community	May 9, 2023 public hearing to present proposed 23/24 activities and budgets. Public comments and questions included the need for sewer line repair assistance, fair housing, title assistance, how not for profits may access funding, the process for amending annual plans, preferences for local residents under homebuyer assistance programs, gap funding assistance for affordable builders, and foreclosure prevention assistance.	Minutes attached	All comments accepted.	

**Table 4 – Citizen Participation Outreach**



## Expected Resources

### AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

#### Introduction

Community Development Block Grant (CDBG) resources will be utilized to accomplish long range local affordable housing and community development activities for the period October 1, 2023 - September 30, 2024. For the planning period, funding will be used to support housing, community development, and public service activities within the City to include the following: Housing Rehabilitation for owner-occupied single-family structures; Homebuyer Assistance; Public Service activities including nutritional meal programs and Homebuyer and Foreclosure Prevention education classes; and grant administration and program management. CDBG program income as noted below is estimated at this time.

Long term funding allocations under HOME and SHIP will continue to be coordinated with Escambia County, the Consortium lead, to assure the maximum benefit within the community as a result of the limited resources made available to support eligible activities from all public, private

#### Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	766,208	78,000	91,462	935,670	767,956	Funds will be used to support community development and housing objectives.

**Table 5 - Expected Resources – Priority Table**

#### Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

While no match is required under the CDBG program, when appropriate, CDBG funds will be used as leverage in conjunction with City general fund allocations, local option sales tax funds, private financing,

and other grant resources to complete community development activities, address housing needs, and provide services to meet the needs of City residents. Local SLFRF (ARPA) funds may be utilized in conjunction with housing repairs and homebuyer activities within the City limits.

State funds received as an allocation from Florida Housing Finance Corporation's State Housing Initiatives Partnership (SHIP) program are used by the Consortium as match for the HOME Investment Partnership Program allocation as administered by Escambia County.

**If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

Through an Interlocal Agreement in support of an urban infill program administered by the Escambia County Housing Finance Authority, the jurisdiction has conveyed city owned vacant residential parcels for redevelopment and ultimately sale to an income eligible buyer. The Housing Department and the City Community Redevelopment Agency are currently partnering together on City owned properties for development of affordable housing units under the Attainable Housing Program. Outreach has been made to Escambia County regarding donation of vacant County owned properties within the City limits for affordable housing development. The City will also review surplus property within its jurisdiction suitable for affordable housing, including CRA owned properties, in accordance with updated state requirements as outlined in the Live Local Act.

The City continues to explore opportunities for public-private partnerships and partnerships with area affordable housing providers to address the needs for community development and affordable housing in the jurisdiction.

**Discussion**

The City, as a member of the Consortium, supports the Consortium's major plan priorities to include the following: rehabilitation of homeowner occupied substandard housing for families with incomes between 0-80% of the local median; promote new construction, homebuyer assistance, and acquisition/rehabilitation activities to support affordable homeownership for families with incomes primarily between 50-80% of median; expand below market rate and subsidized rental assistance for families with incomes between 0-50% of median through acquisition, rehabilitation and/or new construction of units; enhance the availability of rental assistance for very low income families; support development of housing for underserved populations in the community; support reinvestment in distressed neighborhoods; and undertake a variety of targeted public infrastructure, public service, and community development activities primarily for the benefit of lower income residents.

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

#### Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Housing Rehabilitation	2020	2024	Affordable Housing	Income eligible Citywide	Affordable Housing	CDBG: \$250,000	Homeowner Housing Rehabilitated: 4 Household Housing Unit
2	Housing Rehabilitation Temporary Relocation	2020	2024	Affordable Housing	Income eligible Citywide	Affordable Housing	CDBG: \$25,498	Homeowner Housing Rehabilitated: 1 Household Housing Unit
3	Homebuyer Assistance	2020	2024	Affordable Housing	Income eligible Citywide	Affordable Housing	CDBG: \$200,000	Direct Financial Assistance to Homebuyers: 4 Households Assisted
4	Public Facilities and Improvements	2020	2024	Non-Housing Community Development	Westside Redevelopment Plan Eastside Redevelopment Plan Urban Core Redevelopment Area Community Redevelopment Plan 2010 Income eligible Citywide	Public Facilities and Improvements Economic Development	CDBG: \$192,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 100 Persons Assisted

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
5	Nutritional Meal Programs	2020	2024	Non-Homeless Special Needs	Income eligible Citywide	Public Service	CDBG: \$70,000	Public service activities other than Low/Moderate Income Housing Benefit: 100 Persons Assisted
6	Homebuyer and Foreclosure Prevention Classes	2020	2024	Non-Housing Community Development	Income eligible Citywide	Affordable Housing Public Service	CDBG: \$44,931	Public service activities for Low/Moderate Income Housing Benefit: 25 Households Assisted
7	Grant Administration and Management	2020	2024	Affordable Housing Homeless Non-Homeless Special Needs Non-Housing Community Development	Income eligible Citywide	Affordable Housing Public Service Public Facilities and Improvements Economic Development	CDBG: \$153,241	Other: 1 Other

**Table 6 – Goals Summary**

## Goal Descriptions

1	<b>Goal Name</b>	Housing Rehabilitation
	<b>Goal Description</b>	<p>Development of sustainable urban communities by providing decent housing and a suitable living environment for families at 80% or less of area median income to include rehabilitation of owner-occupied structures providing structural modifications and the removal of architectural barriers to accommodate the needs of persons with disabilities; provide for the evaluation and control of lead based paint hazards for houses constructed prior to 1978; provide for private sewer lateral upgrades; and provide for administrative costs of these programs and other related housing rehabilitation/repair activities.</p> <p>Funding includes \$78,000 in estimated program income.</p>
2	<b>Goal Name</b>	Housing Rehabilitation Temporary Relocation
	<b>Goal Description</b>	Provide funds for temporary relocation for families whose dwellings are being rehabilitated through the jurisdiction's residential rehabilitation program.
3	<b>Goal Name</b>	Homebuyer Assistance
	<b>Goal Description</b>	Funds will provide for down payment/closing cost/principal mortgage reduction assistance through deferred payment loans, low interest loans, or a combination thereof, to enable low/moderate income homebuyers to purchase an affordable home. Loans may be offered in conjunction with not for profit developers such as CEII and Pensacola Habitat for Humanity.
4	<b>Goal Name</b>	Public Facilities and Improvements
	<b>Goal Description</b>	<p>Funds to support accessibility planning, design, and improvements to City owned public buildings and facilities to remove architectural barriers. Funds, if any, remaining after completion of accessibility project may be expended on neighborhood improvement projects to provide new or updated public facilities or infrastructure within CDBG eligible neighborhoods or in direct support of affordable housing development. Projects may include activities that address the removal of slum and blighted conditions associated with vacant or abandoned properties; street rehabilitation/reconstruction including the installation of accessible curb cuts and related improvements; sidewalk construction; sanitary sewer and/or stormwater drainage improvements; park improvements; community centers; and street lighting.</p> <p>Funds include 2018 prior year resources of \$91,462</p>

5	<b>Goal Name</b>	Nutritional Meal Programs
	<b>Goal Description</b>	Direct services to provide nutritional meal programs to low- and moderate-income elderly and/or special needs residents through the Council on Aging of West Florida's Meals on Wheels and Senior Dining sites within the corporate limits of the City of Pensacola.
6	<b>Goal Name</b>	Homebuyer and Foreclosure Prevention Classes
	<b>Goal Description</b>	Provide pre-purchase and foreclosure prevention education classes for lower income residents to prepare residents for homeownership and provide guidance to avoid foreclosure and retain ownership of their homes.
7	<b>Goal Name</b>	Grant Administration and Management
	<b>Goal Description</b>	Provide grant oversight to ensure compliance with the program guidelines, including personnel services and operating expenses. Activities encompass developing and submitting plans and program budgets, project management and compliance tracking, financial management of grant funds, compiling data to comply with annual reporting and grant monitoring requirements.

## AP-35 Projects - 91.420, 91.220(d)

### Introduction

Community Development Block Grant (CDBG) resources will be utilized to accomplish long range local affordable housing and community development activities for the period October 1, 2023, to September 30, 2024. The funding will be used to support community development and public service activities within the City to include the following: Housing Rehabilitation for owner-occupied single-family structures; Temporary Relocation to support housing rehabilitation programs; Public Service activities including funding to support nutritional service programs; Homebuyer and Foreclosure Prevention Education Program; Homebuyer Assistance; and grant administration and program management.

Long term funding allocations will continue to be coordinated with Escambia County, the Consortium lead, to assure the maximum benefit within the community because of the limited resources made available to support eligible activities from all public, private, and non-profit resources.

#	Project Name
1	Housing Rehabilitation
2	Housing Rehabilitation Temporary Relocation
3	Homebuyer Assistance Program
4	Neighborhood Improvement Projects
5	Nutritional Meal Program
6	Homebuyer & Foreclosure Prevention Education Program
7	Grant Administration & Management

**Table 7 – Project Information**

### Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The majority of assistance available under this plan will be targeted toward low-income households across the jurisdiction. The need for housing rehabilitation is identified as a strategy in various City community redevelopment plans. While there has been a resurgence of housing construction in the urban core of the City, there continues to be a need for housing rehabilitation as evidenced by ongoing requests for repair assistance. Due to the age of the existing housing stock within the downtown area and in the adjoining neighborhoods, households with multiple housing problems are scattered throughout these areas. While there may not be a concentration of units in any one area of the City, units requiring some form of repair or rehabilitation can be identified in most neighborhoods throughout the City. Construction costs have continued to escalate since the pandemic and have made routine improvements out of reach for low and moderate income households. Public Services are planned to assist income eligible residents with homeownership and foreclosure prevention education, and nutritional meal services for elderly and special needs residents throughout the jurisdiction. The

pandemic has increased the need for these services for at risk populations. In light of the pandemic and continued needs of underserved populations in the jurisdiction, the need out paces the available funding.



## AP-38 Project Summary

### Project Summary Information

1	<b>Project Name</b>	Housing Rehabilitation
	<b>Target Area</b>	Income eligible Citywide
	<b>Goals Supported</b>	Housing Rehabilitation
	<b>Needs Addressed</b>	Affordable Housing
	<b>Funding</b>	CDBG: \$250,000
	<b>Description</b>	Funding for the CDBG owner occupied residential rehabilitation program and related activities.
	<b>Target Date</b>	9/30/2030
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Approximately 4 owner occupied households with incomes at or below 80% of area median income located throughout the jurisdiction.
	<b>Location Description</b>	Jurisdiction wide
2	<b>Planned Activities</b>	Funds to rehabilitate owner-occupied houses; to provide for structural modifications or the removal of architectural barriers to accommodate the needs of persons with disabilities; to provide for the federally mandated evaluation and control of lead-based paint hazards for projects with a house constructed prior to 1978; and to provide for administrative costs of these programs and other housing related rehabilitation/repair activities. Assistance provided through deferred payment grants/deferred payment loans/low interest loans, or a combination thereof.
	<b>Project Name</b>	Housing Rehabilitation Temporary Relocation
	<b>Target Area</b>	Income eligible Citywide
	<b>Goals Supported</b>	Housing Rehabilitation Housing Rehabilitation Temporary Relocation
	<b>Needs Addressed</b>	Affordable Housing
	<b>Funding</b>	CDBG: \$25,498
	<b>Description</b>	Provides temporary relocation assistance for households whose dwellings are being rehabilitated through the jurisdiction's rehabilitation programs.
	<b>Target Date</b>	9/30/2030

	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Approximately 3-4 owner occupied households with income at or below 80% of area median income located throughout the jurisdiction. Outcomes will be reported with the completed Housing Rehabilitation activity.
	<b>Location Description</b>	Jurisdiction wide.
	<b>Planned Activities</b>	Funds support temporary relocation for families whose dwelling units are being rehabilitated through the City's CDBG Housing Rehabilitation Program and HOME Reconstruction Program.
<b>3</b>	<b>Project Name</b>	Homebuyer Assistance Program
	<b>Target Area</b>	Income eligible Citywide
	<b>Goals Supported</b>	Homebuyer Assistance
	<b>Needs Addressed</b>	Affordable Housing
	<b>Funding</b>	CDBG: \$200,000
	<b>Description</b>	Funds will provide for down payment/closing cost/principal mortgage reduction assistance through deferred payment loans, low interest loans, or a combination thereof, to enable low/moderate income homebuyers to purchase an affordable home.
	<b>Target Date</b>	9/30/2029
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Approximately 4-5 homebuyer households at or below 80% area median income
	<b>Location Description</b>	Jurisdiction wide
	<b>Planned Activities</b>	Funds will provide for down payment/closing cost/principal mortgage reduction (gap financing) assistance through deferred payment loans, low interest loans, or a combination thereof, to enable low/moderate income homebuyers to purchase an affordable home within the City of Pensacola limits. In accordance with CDBG regulations, CDBG may only provide up to 50% of the lender required down payment. Loans may be offered in conjunction with not for profit developers such as CEII and Pensacola Habitat for Humanity.
	<b>Project Name</b>	Neighborhood Improvement Projects

4	<b>Target Area</b>	Westside Redevelopment Plan Eastside Redevelopment Plan Urban Core Redevelopment Area Community Redevelopment Plan 2010 Income eligible Citywide
	<b>Goals Supported</b>	Public Facilities and Improvements
	<b>Needs Addressed</b>	Public Facilities and Improvements
	<b>Funding</b>	CDBG: \$192,000
	<b>Description</b>	Funds to support accessibility planning, design, and improvements to City owned public facilities to remove architectural barriers. May also support neighborhood improvement projects within CDBG eligible neighborhoods or in direct support of affordable housing development
	<b>Target Date</b>	9/30/2030
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	100 low/mod persons
	<b>Location Description</b>	City owned public facilities, including parks. Neighborhoods within CDBG eligible low/mod census tracts. Projects located in CRAs or projects in direct support of affordable housing may be given priority.
5	<b>Planned Activities</b>	Funds to support accessibility planning, design, and improvements to City owned public buildings and facilities to remove architectural barriers. Funds, if any, remaining after completion of accessibility project may be expended on neighborhood improvement projects to provide new or updated public facilities or infrastructure within CDBG eligible neighborhoods or in direct support of affordable housing development. Projects may include activities that address the removal of slum and blighted conditions associated with vacant or abandoned properties; street rehabilitation/reconstruction including the installation of accessible curb cuts and related improvements; sidewalk construction; sanitary sewer and/or stormwater drainage improvements; park improvements; community centers; and street lighting.
	<b>Project Name</b>	Nutritional Meal Program
	<b>Target Area</b>	Income eligible Citywide
	<b>Goals Supported</b>	Nutritional Meal Programs

	<b>Needs Addressed</b>	Public Service
	<b>Funding</b>	CDBG: \$70,000
	<b>Description</b>	Direct services to provide meals to low- and moderate-income elderly and/or special needs residents.
	<b>Target Date</b>	9/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	100 elderly or disabled low/moderate income residents in the community.
	<b>Location Description</b>	Jurisdiction wide
	<b>Planned Activities</b>	Funds will provide nutritional services to elderly and/or disabled residents in the jurisdiction through the Meals on Wheels and Senior Dining Site programs offered by the Council on Aging.
6	<b>Project Name</b>	Homebuyer & Foreclosure Prevention Education Program
	<b>Target Area</b>	Income eligible Citywide
	<b>Goals Supported</b>	Homebuyer and Foreclosure Prevention Classes
	<b>Needs Addressed</b>	Affordable Housing Public Service
	<b>Funding</b>	CDBG: \$44,931
	<b>Description</b>	Provide pre-purchase and foreclosure prevention education classes to prepare residents for homeownership and provide guidance to avoid foreclosure and retain ownership of their homes.
	<b>Target Date</b>	9/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	25 low/moderate income households assisted
	<b>Location Description</b>	Jurisdiction wide
	<b>Planned Activities</b>	Pre-purchase homeownership education, guidance, and support classes. Assist City residents with a goal of owning their own home and provide foreclosure prevention education and assistance to assist residents avoid foreclosure and retain homeownership.

7	<b>Project Name</b>	Grant Administration & Management
	<b>Target Area</b>	Income eligible Citywide
	<b>Goals Supported</b>	Grant Administration and Management
	<b>Needs Addressed</b>	Affordable Housing Public Service Public Facilities and Improvements Economic Development
	<b>Funding</b>	CDBG: \$153,241
	<b>Description</b>	Provide funding to ensure proper fiscal and programmatic management of the various activities undertaken with grant funds. Includes personnel services and operational expenses.
	<b>Target Date</b>	9/30/2025
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	N/A. Funding provided for staff support for CDBG grant administration.
	<b>Location Description</b>	Jurisdiction wide
	<b>Planned Activities</b>	Funds to administer the CDBG program to include personnel services and operating expenses.

## **AP-50 Geographic Distribution - 91.420, 91.220(f)**

### **Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed**

Assistance under this Annual Plan will be directed toward income eligible households jurisdiction wide regardless of geography.

Concentrations of minority households and areas of poverty are found along the western boundary of the jurisdiction. Many of these census tracts have poverty rates exceeding 20%.

### **Geographic Distribution**

<b>Target Area</b>	<b>Percentage of Funds</b>
Westside Redevelopment Plan	
Eastside Redevelopment Plan	
Urban Core Redevelopment Area	
Community Redevelopment Plan 2010	
Income eligible Citywide	100

**Table 8 - Geographic Distribution**

### **Rationale for the priorities for allocating investments geographically**

The majority of assistance available under this plan will be targeted toward low-income households across the jurisdiction. The need for housing rehabilitation is identified as a strategy in the various community redevelopment plans. Most of the community redevelopment areas have been determined to be affected by slum/blight. While there has been a resurgence of housing construction in the urban core of the City, there continues to be a need for housing rehabilitation. Due to the age of the existing housing stock within the downtown area and in the adjoining neighborhoods, households with multiple housing problems are scattered throughout these areas. While there may not be a concentration of units in any one area of the City, units requiring some form of repair or rehabilitation can be identified in most neighborhoods throughout the City. Housing rehabilitation supports the goal of community redevelopment jurisdiction wide. Public Services are planned to assist income eligible residents with homeownership and foreclosure prevention education and nutritional services for elderly and special needs residents provided by Council on Aging of West Florida, Inc. throughout the jurisdiction. Homebuyer assistance will be available City-wide, where home purchase costs average higher than unincorporated Escambia County.

### **Discussion**

While a specific geographic area is not prioritized within this plan, the City has identified several neighborhoods in need of revitalization to include the Urban Core, Eastside, and Westside

neighborhoods. To support, enhance, and leverage ongoing revitalization efforts in those areas, the City's Annual Action Plan allocates resources to these designated areas. Additionally, resources will be used to support public service activities for income eligible residents of the City.

As a member of the Escambia Consortium and to leverage funding community wide, it is anticipated that activities may be completed in cooperation with Escambia County. It should be noted that needs in the identified areas far outpace the available and projected funding resources.

## **AP-75 Barriers to affordable housing -91.420, 91.220(j)**

### **Introduction**

During 2020, the city convened an Affordable Housing Task Force consisting of 13 subject matter experts. In September 2020, City Council adopted the Affordable Housing Task Force Report which presented six recommendations and action steps to be implemented to address the need for affordable housing in the community. The task force identified the following three pillars: equity, accessibility, and affordability, as the foundation for the task force's goals. The city is in the process of implementing the recommendations and action steps.

As joint recipients of State of Florida State Housing Initiatives Partnership (SHIP) Program funding, the City and County jointly appoint members to a housing advisory committee, the Affordable Housing Advisory Committee (AHAC). One task of the committee is to review public policies, procedures, ordinances, regulations, plans, and other activities for barriers to affordable housing on an annual basis. The City has implemented several strategies over the years, such as expedited permitting for affordable housing, ongoing review of the impact of public policy on affordable housing, allowance of accessory dwelling units in residential districts, and inventory of public lands available for affordable housing.

### **Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment**

During 2022, the AHAC reviewed each jurisdiction's public policy and presented a report to both jurisdictions of recommended revisions. The report was last presented to both jurisdictions in December 2022. Recommendations from the 2022 AHAC Review to the City suggested that the City add the expedited permitting application to the City Inspections webpage to increase visibility. This information was added to multiple areas of the City website in March 2023, including Inspections, Housing, Development Services, Planning & Zoning, and the One Stop Development pages. A CRA TIF rebate incentive was made available in 2022 for projects that set aside a minimum of 10% of its units for affordable housing; rebate amounts are based on the amount of units set aside for affordable housing.

The State of Florida passed SB 102, or the "Live Local Act," in March 2023, which contains various provisions related to affordable housing. Public policy impacts included in the bill include state mandated affordable housing tax exemptions such as a "multi-family property exemption" for developments with 70 or more units with agreements with Florida Housing Finance Corporation (FHFC) and the "Affordable Housing Property Exemption" for non-profit owned properties serving households up to 120% area median income (AMI). The new bill permits an optional local property exemption for properties with 50 or more units serving households at or below 60% AMI; at this time, the City is reviewing whether to offer these additional property tax exemptions. The new law also requires local governments to allow multi-family and mixed-use residential in areas zoned for commercial or mixed



use without obtaining zoning or land use changes or other plan exceptions if at least 40% of the units are affordable to income eligible households for 30 years. The law also updates the State's surplus land statutes and requires local governments to prepare a new list by October 1, 2023, to include special districts within the local government.

As part of its annual review, the Affordable Housing Advisory Committee will review public policy barriers and make recommendations to the City Council by December 2023. The City intends to update its surplus land inventory by the October deadline.

## **Discussion**

City Council adopted the most recent Affordable Housing Incentive Plan Review Report December 2022. The AHAC will be reviewing public policies during 2023.

## **AP-85 Other Actions - 91.420, 91.220(k)**

### **Introduction**

The City proposes to undertake activities identified in this plan to address the needs of low/moderate income residents within the jurisdiction. This will be accomplished through continued cooperation with the Consortium lead agency to leverage the limited resources necessary to provide affordable housing, support suitable living environments, and provide economic opportunities throughout the jurisdiction.

To support reinvestment in the City and its many varied neighborhoods including the urban core and adjoining neighborhoods and other income qualifying areas, revitalization of distressed neighborhoods will be a priority through a host of projects that have been proposed within the associated redevelopment plans for these neighborhoods and will be supported through this plan where eligible.

### **Actions planned to address obstacles to meeting underserved needs**

The primary obstacle in meeting underserved needs is the lack of sufficient private and public funding. The City will continue to partner with other local jurisdictions, its own internal departments, and various local agencies to address the jurisdiction's needs and leverage resources. The City is continuing to research additional funding to provide for underserved needs.

The City is utilizing one-third of its allocation of American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds (SLFRF) for housing programs and services, with \$3 million allocated to homeless projects and \$2 million allocated to general housing programs. The funding is intended to support housing stability for homeless and income eligible populations. One challenge with this federal funding has been the lack of capacity of agencies to provide increased services and/or meet required compliance reporting. City staff have provided technical assistance to agencies as well as partner with more experienced agencies to provide mentoring and training to smaller, less experienced organizations.

Meal programs (Meals on Wheels and Senior Dining sites) as provided by the Council on Aging of West Florida with CDBG funds will continue to provide nutritional food for elderly and disabled residents who may otherwise lack resources to obtain food, including transportation barriers to obtain those meals.

### **Actions planned to foster and maintain affordable housing**

As described in the Consolidated Plan, the level of housing need and associated housing problems is inverse to family income. Rising housing costs in the area are making affordable housing difficult to obtain both for renters and homebuyers. For renters, the shortage of available affordable units is a clear obstacle.

HOMEBUYERS: The City has implemented a homebuyer program utilizing ARPA in addition to existing

grant resources to support homeownership opportunities for low- and moderate-income families in the community which will address the larger financing gap needed by affordable buyers. The intent of leveraging the limited available funds is to meet the needs of the community, especially given the rapidly increasing construction and home purchase costs. The Housing Department has been working with the City CRA to create an Attainable Infill Housing Program, which is anticipated to assist income eligible homebuyers using City owned parcels over the next year. Homebuyer assistance will also be offered under CDBG in order to provide sorely needed gap financing for buyers to be able to afford a modest home within the City limits.

**OWNER OCCUPANTS:** Housing rehabilitation will continue to be of primary importance to sustain homeownership, preserve existing affordable housing inventory, and assure families are living in suitable conditions. ARPA funding will be utilized in addition to regular HUD funding to address the City's rehabilitation waiting list. CDBG-CV funding will continue to be provided by the City to assist COVID impacted homeowners with mortgage and utility assistance arrears to keep families in their homes. The City has applied for CDBG-DR funding recently made available from the State of Florida to assist owner occupants with unaddressed repairs from Hurricane Sally which struck the area in September 2020.

**RENTALS:** As a Public Housing Authority administering the Housing Choice Voucher (HCV) program, the City Housing office modified its HCV Administrative Plan in February 2022 to permit leases in special housing types such as shared housing, single room occupancy units, group homes, and congregate housing to provide for additional housing options for voucher holders given the short supply of available rental units in the area. We will continue to monitor the leasing activity of these special housing types. Additional updates to the administrative plan are underway to include updates to the special vouchers sections to include opportunities related to foster youth initiatives as well as exploration of the use of project-based vouchers. The City plans to expand use of CDBG-CV funds to provide rent and utility assistance for COVID impacted renters. The City also anticipates completion of an acquisition/rehab homeless rental project utilizing CDBG-CV funds by the end of the calendar year.

The City will continue to support the preservation and development of affordable housing, particularly rental units, with Escambia County, the Consortium lead, and other area partners such as the Escambia County Housing Finance Authority. A 2022 Rental Market Study as prepared by the Shimberg Center for Florida Housing Finance Corporation demonstrates that the Pensacola-Ferry Pass-Brent MSA (which includes all of Escambia and Santa Rosa counties) has a deficit of 7851 affordable rental units for households at or below 50% AMI or 771 units for renter households at or below 80% AMI. The City plans to offer local government support for tax credits once again under the State's Annual Housing Tax Credit funding cycle, with support for a 4%/SAIL application at a minimum.

### **Actions planned to reduce lead-based paint hazards**

All HUD funded housing rehabilitation and acquisition projects where the home was constructed before 1978 follow HUD's Lead Safe Housing Rule guidance. Lead-based paint (LBP) hazards, if present, are

addressed through the rehabilitation process through repair or interim controls or abatement depending on the amount of funding assistance targeted for the unit. The EPA Fact Sheet and EPA publication, “Protect Your Family from Lead in Your Home,” are provided to occupants to educate about LBP hazards.

Section 8 Housing Choice Voucher holders are also provided the Protect Your Family from Lead pamphlet and encouraged to look for units in good repair which diminishes the potential for exposure to lead based paint hazards. Additional protections are in place when units are occupied or will be occupied by children under 6 years of age.

### **Actions planned to reduce the number of poverty-level families**

The plan supports public service programs which provide residents with tools to help themselves improve their financial stability and should assist in reducing poverty level families. Credit and financial literacy classes and homeowner education for prospective homebuyers are programs that are currently in place. The educational classes coupled with Homebuyer subsidies will offer families an opportunity to begin building financial security and offer residents a “step up” out of poverty as well as build wealth and skills so that residents can remove themselves from the debt cycle that plagues many low-income families. Workshops are planned to provide targeted community outreach and education to buyers that traditionally may not have access to homebuying opportunities in relation to its Attainable Infill Housing program.

Legal Services Support under CDBG-CV and regular CDBG will provide landlord-tenant counseling, foreclosure representation, and other legal aid that will remove barriers so families may obtain/maintain ownership of their properties, prevent evictions and potential homelessness, and access their property as an asset to obtain home improvements loans.

The City received 35 vouchers under the Emergency Housing Voucher (EHV) Program, which is being administered with Opening Doors Northwest Florida. Opening Doors provides case management for the applicant and the program provides assistance with acquiring essential household items, supportive services, and deposits as needed. Both agencies will continue to provide support for homeless applicants under the program; many households have remained successfully housed for a year and are renewing leases under the program. The City ARPA SLFRF for homelessness is providing supportive services as well as providing housing support.

### **Actions planned to develop institutional structure**

The organizations identified in the plan reflect a strong community commitment to addressing the unmet needs of low/moderate income families and the underserved population in the area. Both the volunteer and paid staff provide a valuable resource for the community. The limited financial resources available do not come close to meeting the multitude of housing and community development needs

identified in the plan. City staff will continue to serve on the Homeless Reduction Task Force to help advance agency coordination and cooperation for homeless services. The City will continue to coordinate efforts through area partners, the Consortium, and the Continuum of Care (COC) to identify opportunities to leverage funding from both the public and private sectors to expand the capacity of available resources and service delivery models.

### **Actions planned to enhance coordination between public and private housing and social service agencies**

The City will continue to engage in community discussions which are leading to the development of outcome based goals promoting long term solutions. Activities in this plan are successful due to collaboration with public and private housing and social service agencies. The local agencies tasked with providing social services continue to be underfunded and struggle to meet the growing demand for services and assistance. The City will continue to coordinate efforts through the Consortium and the CoC to identify opportunities to leverage funding from both the public and private sectors to expand the capacity of available resources and service delivery models. The City as a PHA and Opening Doors have committed to participation in a HUD sponsored Advancing Equity Community of Practice to review data/processes in place that establish housing inequality and produce an action plan at the end of the period to improve those systems for the betterment of clients.

The City, as a member of the Consortium, supports the continued delivery of training and technical assistance for local not for profits and other interested agencies to assist with developing capacity. City staff are actively engaged in the Homeless Reduction Task Force of Northwest Florida, which has representation from various public and private housing and social service agencies and seeks to improve coordination among these various entities specific to homeless service providers.

### **Discussion**

The intent is to leverage the limited available funds to meet the needs of the community. Planned activities are based on the funding available to meet priorities as identified in the Consolidated Plan. Needs assessments are ongoing based on new funding opportunities and changing community priorities. The city plans to continue working through the established Consolidated Plan priorities through the new planning period. Continued coordination and any newly identified opportunities to address needs will be incorporated within future annual plans, when eligible and affordable.

## Program Specific Requirements

### AP-90 Program Specific Requirements - 91.420, 91.220(I)(1,2,4)

#### Introduction

*This section provides specific requirements of the HUD CDBG funding provided under this plan.*

The City of Pensacola participates with Escambia County in a Consortium under the HOME program. Allocation of HOME funds to Consortium members is based on the HOME consortia report as provided by HUD and is evidenced by an annual Interlocal Agreement. HOME Program specific requirements are outlined in Escambia County's Annual Action Plan.

#### Community Development Block Grant Program (CDBG)

##### Reference 24 CFR 91.220(I)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	78,000
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
<b>Total Program Income:</b>	<b>78,000</b>

#### Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income.	

Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	70.00%
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Annual Action Plan 2023	44
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## Discussion

The City estimates \$78,000 to be received this program year in program income from the CDBG Housing Rehabilitation activity. These funds are receipted into IDIS and allocated to support additional housing rehabilitation or other CDBG eligible projects. Currently the jurisdiction does not make use of Section 108 loan funding, urban renewal settlement funding, funds returned to the line of credit, and/or income from float funded activities. The jurisdiction plans to continue using program income to enhance current funding levels under the Housing Rehabilitation activity to address unmet needs of low/moderate income families for affordable housing by sustaining and upgrading the existing housing stock within the community.

**City of Pensacola  
Community Development Block Grant  
2023-24 Annual Action Plan**

**Citizen Participation Comments**

Meeting Advertisements  
Meeting Minutes  
Citizen Comments



Housing Division  
Attn: Housing Division  
PO BOX 12910  
PENSACOLA, FL 32521

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

PUBLIC NOTICE The City of

as published in said newspaper in the issue(s) dated or by publication on the newspaper's website, if authorized, on :

02/08/23

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 8th of February 2023, by legal clerk who is personally known to me

Affiant

Notary Public State of Wisconsin, County of Brown

My commission expires  
# of Affidavits 2

Publication Cost: \$229.00  
Ad No: 0005586246  
Customer No: PNJ-20423050

VICKY FELTY  
Notary Public  
State of Wisconsin

This is not an invoice

### PUBLIC NOTICE

The City of Pensacola, Florida, announces initiation of the public participation process that will facilitate the preparation of the 2023/24 Annual Action Plan for Housing and Community Development for the period October 1, 2023-September 30, 2024. This process serves as a collaborative tool for the community by identifying or updating existing conditions with respect to housing and community development needs, goals and objectives.

The City's 2023/24 Annual Action Plan for Housing and Community Development will identify the community's housing and community development priorities and target strategies to address priorities established in the 2020-24 Consolidated Plan which will be implemented during the next Federal Fiscal Year. The 2023/24 Annual Plan, when complete, will denote the city's action plan for the utilization of resources provided through the Fiscal Year 2023 Community Development Block Grant, or other HUD programs designed to address housing and community development needs.

A PUBLIC HEARING is being sponsored by the City of Pensacola to afford citizens the opportunity to provide input and recommendations regarding assisted housing, housing and community development related needs/priorities, supportive housing needs, and non-housing community development needs within the city. The public hearing concerning the development of the Annual Plan will be held at 4:30 P.M. on Wednesday, March 1, 2023, Pensacola City Hall, Hagler Mason Conference Room on the 2nd floor, at 222 W. Main Street, Pensacola, Florida. The meeting will be live streamed and can be viewed at the following link: [cityofpensacola.com/video](http://cityofpensacola.com/video)

In addition to direct input provided during the public hearing, written comments or input regarding local housing and community development needs or priorities will be accepted through March 8, 2023, and may be submitted to: City of Pensacola Housing Department, P.O. Box 12910, Pensacola, FL 32521-0031, or via email to [mwhitaker@cityofpensacola.com](mailto:mwhitaker@cityofpensacola.com). For further information, contact Marcie Whitaker at 850-858-0323.

In accordance with the Americans with Disabilities Act, any person needing accommodations to attend or participate in the hearing should contact 850-858-0350 at least 72 hours in advance of the event in order to allow time to provide the requested services.  
Legal No. 5586246 Feb 8, 2023

## Meredith Reeves

---

**From:** Meredith Reeves  
**Sent:** Wednesday, February 8, 2023 5:28 PM  
**To:** Meredith Reeves  
**Cc:** Marcie Whitaker  
**Subject:** City of Pensacola CDBG Annual Plan Initial Public Hearing: March 1  
**Attachments:** Ad CDBG Annual Plan Initial 2023.pdf

Good afternoon, Housing and Community Development Partners:

Our office wanted to advise that we are starting the annual planning process for the Community Development Block Grant (CDBG) funding to be received by the City from HUD. We will hold a meeting Wednesday, March 1 at 4:30 pm at City Hall in the Hagler Mason Conference Room to discuss the funding, types of eligible projects, and to solicit community feedback on housing and community development needs. The meeting will be live streamed.

You may also submit written comments to Marcie Whitaker at [mwhitaker@cityofpensacola.com](mailto:mwhitaker@cityofpensacola.com) through March 8. We would appreciate your participation and sharing this information with your partners as you see fit. We'll send another reminder closer to the meeting date.

Please don't hesitate to contact Marcie or myself if you have any questions.

Thank you!  
Meredith

## Meredith Reeves

*Assistant Housing Director, Housing Department*

Visit us at <https://www.cityofpensacola.com>

420 W. Chase St.

Pensacola, FL 32502

Office: 850.858.0311

Fax: 850.595.0113

[mreeves@cityofpensacola.com](mailto:mreeves@cityofpensacola.com)

**PENSACOLA**

## Meredith Reeves

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**From:** City of Pensacola Public Information <listserv@civicplus.com>  
**Sent:** Thursday, February 23, 2023 8:42 AM  
**To:** Meredith Reeves  
**Subject:** [EXTERNAL] Public Hearing on City of Pensacola HUD Annual Plan March 1

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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[WWW.CITYOFPENSACOLA.COM](http://WWW.CITYOFPENSACOLA.COM)

PUBLIC INFORMATION OFFICE

Press Release

### **PUBLIC INFORMATION:**

Feb. 23, 2023

### **MEDIA CONTACT:**

Kaycee Lagarde  
850-435-1623  
[klagarde@cityofpensacola.com](mailto:klagarde@cityofpensacola.com)

## **Public Hearing on City of Pensacola HUD Annual Plan March 1**

The City of Pensacola will host a public hearing on Wednesday, March 1 at 4:30 p.m. concerning the development of its 2023-24 annual action plan for the Community Development Block Grant program. The public hearing will take place in the Hagler- Mason Conference Room, located on the second floor of City Hall, 222 W. Main Street.

The public hearing will be recorded and live streamed at [cityofpensacola.com/video](http://cityofpensacola.com/video).

The meeting is being sponsored by the city to afford citizens the opportunity to provide input and recommendations regarding housing and community development needs, goals, and objectives to support priorities identified in the 2020-24 Consolidated Plan. Public input will assist with planning in the utilization of the city's Community Development Block Grant program funds. The city's 2020-24 Consolidated Plan may be found [here](#).

In addition to direct input provided during the public hearing, individual written comments or input regarding local housing and community development needs or priorities will be accepted through March 8, 2023 and may be submitted via mail to the City of Pensacola

Housing Department, P.O. Box 12910, Pensacola, Florida, 32521-0031 or via email to [mwhitaker@cityofpensacola.com](mailto:mwhitaker@cityofpensacola.com).


For more information, contact City of Pensacola Housing Director Marcie Whitaker at 850-858-0323.


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For more information or general questions, email [pio@cityofpensacola.com](mailto:pio@cityofpensacola.com). To stay informed about what's happening with City of Pensacola government, sign up for email or text notifications through [Notify Me](#) or follow @CityofPensacola on social media.

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## Meredith Reeves

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**From:** Meredith Reeves  
**Sent:** Thursday, February 23, 2023 10:54 AM  
**To:** Marcie Whitaker  
**Cc:** Richard Russo; Chris Johnston  
**Subject:** Public Hearing on City of Pensacola HUD Annual Plan March 1

Good afternoon, Housing and Community Development Partners:

Our office wanted to remind you about the public meeting Wednesday, March 1 at 4:30 pm at City Hall in the Hagler Mason Conference Room to discuss the formation of the City's Community Development Block Grant (CDBG) Annual Plan for next fiscal year. The meeting will discuss funding, types of eligible projects, and solicit community feedback on housing and community development needs. The meeting will be live streamed.

You may also submit written comments to Marcie Whitaker at [mwhitaker@cityofpensacola.com](mailto:mwhitaker@cityofpensacola.com) through Wednesday, March 8. We would appreciate your participation and sharing this information with your partners as you see fit. Please don't hesitate to contact Marcie or myself if you have any questions.

Thanks,  
Meredith

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**From:** City of Pensacola Public Information <listserv@civicplus.com>  
**Sent:** Thursday, February 23, 2023 8:42 AM  
**To:** Meredith Reeves <MReeves@cityofpensacola.com>  
**Subject:** [EXTERNAL] Public Hearing on City of Pensacola HUD Annual Plan March 1

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[WWW.CITYOFPENSACOLA.COM](http://WWW.CITYOFPENSACOLA.COM)

PUBLIC INFORMATION OFFICE

Press Release

**PUBLIC INFORMATION:**

Feb. 23, 2023

**MEDIA CONTACT:**

Kaycee Lagarde

850-435-1623

[klagarde@cityofpensacola.com](mailto:klagarde@cityofpensacola.com)

## Public Hearing on City of Pensacola HUD Annual Plan March 1

The City of Pensacola will host a public hearing on Wednesday, March 1 at 4:30 p.m. concerning the development of its 2023-24 annual action plan for the Community Development Block Grant program. The public hearing will take place in the Hagler- Mason Conference Room, located on the second floor of City Hall, 222 W. Main Street.

The public hearing will be recorded and live streamed at [cityofpensacola.com/video](https://cityofpensacola.com/video).

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In addition to direct input provided during the public hearing, individual written comments or input regarding local housing and community development needs or priorities will be accepted through March 8, 2023 and may be submitted via mail to the City of Pensacola Housing Department, P.O. Box 12910, Pensacola, Florida, 32521-0031 or via email to [mwhitaker@cityofpensacola.com](mailto:mwhitaker@cityofpensacola.com).


For more information, contact City of Pensacola Housing Director Marcie Whitaker at 850-858-0323.


In accordance with the Americans with Disabilities Act, any person needing accommodations to attend or participate, pursuant to the Americans with Disabilities Act, should contact 850-858-0350 at least 72 hours in advance of the event in order to allow time to provide the requested services.

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For more information or general questions, email [pio@cityofpensacola.com](mailto:pio@cityofpensacola.com). To stay informed about what's happening with City of Pensacola government, sign up for email or text notifications through [Notify Me](#) or follow @CityofPensacola on social media.

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## **PUBLIC HEARING**

**March 1 – 4:30 PM  
City of Pensacola  
Hagler Mason Conference Room 2<sup>nd</sup> Floor City Hall  
222 W. Main Street  
Pensacola, FL**

### **Annual Action Plans**

**(For Plan Period October 1, 2023 - September 30, 2024)**

### **AGENDA**

- I. Welcome and Introduction
- II. Overview of Annual Action Plan Process
- III. Discussion of handouts
- IV. Review of Public Participation Schedule and Plan(s) Process
- V. Public Comments and Questions

# **CITY OF PENSACOLA COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM OVERVIEW**

Escambia County and The City of Pensacola are eligible to receive funding under Title I of the Housing & Community Development Act of 1974, as amended.

## **Compliance with Primary Objectives**

The Act establishes as its primary objective the development of viable urban communities, including decent housing and a suitable living environment, and expanding economic opportunity, principally for persons of low and moderate income. For grant recipients under the Entitlement Program, this overall objective is achieved through a program where the projected use of funds has been developed so as to give maximum feasible priority to activities which will carry out one of the broad national objectives of benefit to low and moderate income families or aid in the prevention or elimination of slums or blight; the projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs.

A majority of the funds must be spent on activities directly benefiting low and moderate income residents (70% or greater). Last year the City spent 100% on activities that benefit low and moderate income persons.

## **Benefit to Low/Moderate Income Persons**

For an activity to benefit low/moderate income residents, it must be a direct benefit or area benefit. An example of a direct benefit would be to rehabilitate a low income homeowner's dwelling unit whose household income is below 80% of the mean income for the City of Pensacola.

An example of an area benefit would be to pave a street in a low income neighborhood.

The first case directly benefits a low/moderate income person and the latter case benefits an area of low/moderate income residents.

The City uses Census statistics provided by the U.S. Department of Housing and Urban Development (HUD) in establishing eligibility income guidelines and uses block group data indicating the areas where greater than 51% of the population is low and moderate income. (However, mere location of an activity in a low or moderate income area, while generally a primary consideration, does not conclusively demonstrate that the activity benefits low/moderate income persons.) The City, by examining the net benefit to low/moderate income residents, ensures that activities designed to meet this standard do so.

## **Prevention or Elimination of Slums or Blight**

For an activity to qualify in the prevention or elimination of slums or blight, it must meet a definition of a slum, blighted, deteriorated, or deteriorating area under State or local law and where there is a substantial number of deteriorating or dilapidated buildings, including other needed physical improvements throughout the area. The activity must address one of the conditions which qualified the area as a slum or blighted area.

The State designated areas within the City: The Urban Core, East Side TIF District, and Westside Garden District Redevelopment Area.

## **Meet an Urgent Need**

For an activity designed to meet community development needs having a particular urgency, it must alleviate existing condition which pose a serious and immediate threat to the health or welfare of the community, which are of recent origin, that the City is unable to finance on its own and other sources are not available.



## **HOME INVESTMENT PARTNERSHIPS ACT (HOME)**

### **Program Overview**

#### **Summary:**

HOME provides formula grants to States and localities, that communities use often in partnership with local nonprofit groups, to fund a wide range of activities. These activities include those that build, buy, and/or rehabilitate affordable housing for rental or homeownership, or provide direct rental assistance to low-income people.

#### **Purpose:**

HOME is the largest Federal block grant to State and local governments designed exclusively to create affordable housing for low-income households. Recent years have seen funding to this program cut in half. The program was designed to reinforce several important values and principles of community development:

- \* HOME's flexibility empowers people and communities to design and implement strategies tailored to their own needs and priorities.
- \* HOME's emphasis on consolidated planning expands and strengthens partnerships among all levels of government and the private sector in the development of affordable housing.
- \* HOME's technical assistance activities and set-aside for qualified community-based nonprofit housing groups builds the capacity of these partners.
- \* HOME's requirement that participating jurisdictions (PJs) match 25 cents of every dollar in program funds mobilizes community resources in support of affordable housing.

#### **Type of Assistance:**

HOME funds are awarded annually as formula grants to participating jurisdictions. HUD establishes Home Investment Trust Funds for each grantee, providing a line of credit that the jurisdiction may draw upon as needed. The program's flexibility allows States and local governments to use HOME funds for grants, direct loans, loan guarantees or other forms of credit enhancement, or rental assistance or security deposits.

#### **Eligible Grantees:**

States are automatically eligible for HOME funds and receive either their formula allocation or \$3 million, whichever is greater. Local jurisdictions eligible for at least \$500,000 under the formula (\$335,000 in years when Congress appropriates less than \$1.5 billion for HOME) also can receive an allocation. Communities that do not qualify for an individual allocation under the formula can join with one or more neighboring localities in a legally binding consortium whose members' combined allocation would meet the threshold for direct funding. Other localities may participate in HOME by applying for program funds made available by their State. Congress sets aside a pool of funding, equivalent to the greater of \$750,000 or 0.2 percent of appropriated funds, which HUD distributes among insular areas.

#### **Eligible Beneficiaries:**

The eligibility of households for HOME assistance varies with the nature of the funded activity. For rental housing and rental assistance, at least ninety percent (90%) of benefiting families must have incomes that are no more than sixty percent (60%) of the HUD-adjusted median family income for the area. In rental projects with five or more assisted units, at least 20% of the units must be occupied by families with incomes that do not exceed 50% of the HUD-adjusted median. The incomes of households receiving HUD assistance must not exceed eighty percent (80%) of the area median. HOME income limits are published each year by HUD.

**Eligible Activities:**

Participating jurisdictions may choose among a broad range of eligible activities, using HOME funds to provide home purchase or rehabilitation financing assistance to eligible homeowners and new homebuyers; build or rehabilitate housing for rent or ownership; or for "other reasonable and necessary expenses related to the development of non-luxury housing," including site acquisition or improvement, demolition of dilapidated housing to make way for HOME-assisted development, and payment of relocation expenses. PJs may use HOME funds to provide tenant-based rental assistance contracts of up to 2 years if such activity is consistent with their Consolidated Plan and justified under local market conditions. This assistance may be renewed. Up to ten percent (10%) of the PJ's annual allocation may be used for program planning and administration.

HOME-assisted rental housing must comply with certain rent limitations. HOME rent limits are published each year by HUD. The program also establishes maximum per unit subsidy limits and maximum purchase-price limits.

Some special conditions apply to the use of HOME funds. PJs must match every dollar of HOME funds used (except for administrative costs) with 25 cents from nonfederal sources, which may include donated materials or labor, the value of donated property, proceeds from bond financing, and other resources. The match requirement may be reduced if the PJ is distressed or has suffered a Presidential declared disaster. In addition, PJs must reserve at least fifteen percent (15%) of their allocations to fund housing to be owned, developed, or sponsored by experienced, community-driven nonprofit groups designated as Community Housing Development Organizations (CHDOs). PJs must ensure that HOME-funded housing units remain affordable in the long term (20 years for new construction of rental housing; 5-15 years for construction of homeownership housing and housing rehabilitation, depending on the amount of HOME subsidy). PJs have two years to commit funds (including reserving funds for CHDOs) and five years to spend funds.

**Application:**

Program funds are allocated to units of general local government on the basis of a formula that considers the relative inadequacy of each jurisdiction's housing supply, its incidence of poverty, its fiscal distress, and other factors. Shortly after HOME funds become available each year, HUD informs eligible jurisdictions of the amounts earmarked for them. Participating jurisdictions must have a current and approved Consolidated Plan, which will include an action plan that describes how the jurisdiction will use its HOME funds. A newly eligible jurisdiction also must formally notify HUD of its intent to participate in the program.

**CITY OF PENSACOLA  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM  
ANNUAL FUNDING LEVELS  
DATE: 2/2023**

<b>HUD PROGRAM YEAR</b>	<b>TOTAL ALLOCATION</b>	<b>PARTICIPATING JURISDICTION</b>
1992	\$947,000	City of Pensacola
1993	\$1,027,000	City of Pensacola
1994	\$1,125,000	City of Pensacola
1995	\$1,127,000	City of Pensacola
1996	\$1,080,000	City of Pensacola
1997	\$1,085,000	City of Pensacola
1998	\$1,078,000	City of Pensacola
1999	\$1,084,000	City of Pensacola
2000	\$1,112,000	City of Pensacola
2001	\$1,179,000	City of Pensacola
2002	\$1,221,000	City of Pensacola
2003	\$1,122,000	City of Pensacola
2004	\$1,133,000	City of Pensacola
2005	\$1,077,534	City of Pensacola
2006	\$973,745	City of Pensacola
2007	\$984,064	City of Pensacola
2008	\$959,179	City of Pensacola
2009	\$961,221	City of Pensacola
2010	\$1,051,861	City of Pensacola
2011	\$883,109	City of Pensacola
2012	\$688,838	City of Pensacola
2013	\$728,047	City of Pensacola
2014	\$704,589	City of Pensacola
2015	\$688,838	City of Pensacola
2016	\$676,602	City of Pensacola
2017	\$667,881	City of Pensacola
2018	\$711,416	City of Pensacola
2019	\$750,799	City of Pensacola
2020	\$768,513	City of Pensacola
2021	\$772,277	City of Pensacola
2022	\$764,826	City of Pensacola
2023	\$766,208	City of Pensacola

**CITY OF PENSACOLA  
HOME INVESTMENT PARTNERSHIP ACT  
ANNUAL FUNDING LEVELS  
DATE: 3/2022**

<b>HUD PROGRAM YEAR</b>	<b>TOTAL ALLOCATION</b>	<b>PARTICIPATING JURISDICTION</b>
2009	\$367,918	City of Pensacola
2010	\$358,445	City of Pensacola
2011	\$316,852	City of Pensacola
2012	\$229,611	City of Pensacola
2013	\$216,113	City of Pensacola
2014	\$219,354	City of Pensacola
2015	\$133,697	City of Pensacola
2016	\$139,436	City of Pensacola
2017	\$126,627	City of Pensacola
2018	\$166,719	City of Pensacola
2019	\$152,140	City of Pensacola
2020	\$138,455	City of Pensacola
2021	\$145,493	City of Pensacola
2022	\$169,428	City of Pensacola

# SIGN-IN SHEET

**Project:** Public Hearing: City of Pensacola HUD Annual Plan

**Meeting Date:** March 1, 2023

Name (please print)	Organization Representing
MEREDITH REEVES	COP HOUSING
CHRISTINE CRESPO	COP HOUSING
MARCIE WHITAKER	COP HOUSING
DONNA RZUEIT	FAMILY PROMISE
Vinnie Whibbs	REAP
Leslie Yandle	Just
Gerry Yandle	Just
Tim Evans	ESC Cnty NED
Carolyn Grawi	CIL of Northwest Florida
Blaise Moebl	Pensacola Habitat
Andrea Roberts	Legal Services of N. FL.
John Ellis	Voyage Real Estate
Walter Arington	Community Health
Doug Brown	Community Action
Betsy McDonald	Pensacola Habitat
Kim Wilson	Pensacola Habitat
Tosh Newby	Council on Aging

**Minutes of Public Hearing  
City of Pensacola  
Escambia Consortium FY2023-2024 Annual Plan  
Minutes of Public Hearing**

A public hearing was held March 1, 2023, at 4:30 pm, at the City of Pensacola, Hagler Mason Room, 222 W Main Street, Pensacola, FL 32502

*Staff members present: Marcie Whitaker, Housing Director, PHD; Meredith Reeves, Assistant Housing Director, PHD; and Christine Crespo, Affordable Housing Program Manager, PHD.*

*Citizens present: Donna Pruett, Family Promise; Vinnie Whibbs, REAP; Leslie Yandle, JUST Pensacola; Gerry Yandle, JUST Pensacola; Carolyn Grawi, Center for Independent Living Northwest Florida; Blaise Moehl, Pensacola Habitat for Humanity; Andrea Roberts, Legal Services of North Florida; John Ellis, Voyage Real Estate; Walter Arrington, Community Health; Doug Brown, Community Action Program; Betsy McDonald, Pensacola Habitat for Humanity; Kim Wilson, Pensacola Habitat for Humanity; Tim Evans, Escambia County Neighborhood Enterprise Division; and Josh Newby, Council on Aging.*

**1. WELCOME AND INTRODUCTION:** Marcie Whitaker introduces herself, Meredith Reeves, and Christine Crespo. Marcie Whitaker explained the purpose of the public hearing and described the CDBG program and the criteria to receive funding.

**2. OVERVIEW OF ANNUAL PLAN PROCESS:** Marcie Whitaker and Meredith Reeves explained the CDBG Annual Action Plan contains detailed projections concerning programmatic activities for the next fiscal year. Marcie Whitaker stated that funding allocation for this fiscal year is \$766,208.

**3. CDBG PROGRAM OVERVIEW AND PUBLIC PARTICIPATION:** Marcie Whitaker goes over the handouts related to the CDBG program and eligible activities. She also described the CDBG's National Objectives:

- *Low-Mod income families*
- *Prevention of slum and blight*
- *Meeting an urgent need*

Marcie Whitaker provides examples of activities that can be implemented with CDBG funds:

- Community development
- Housing related activities
- Public Services (cannot spend more than 15% of all funds), such as elderly or legal services. The City has historically supported Council on Aging Meals on Wheels throughout the years.

The CDBG funds also require that administrative funds be capped at 20%. In addition, any of the activities require a HUD NEPA environmental review before any funds can be spent. Some activities will also require Davis Bacon and Section 3 regulations.

The City also receives HUD HOME funds through Escambia County, the Consortium lead and fiscal agent. The County presents activities on how the funds will be used in their HUD planning documents. We receive a small allocation, and for years we have used it for substantial rehab. This past year we put together a new activity to support homebuyers.

Meredith Reeves commented that the HOME program has many regulations and must be used for housing. Unlike CDBG, which can be used for housing or community development, HOME has a much narrower scope of types of activities. HUD allocates funding to the HOME Consortium based on a percentage formula; that amount is divided between Escambia County, Santa Rosa County, Milton, and the City of Pensacola. Our overall percentage has decreased; it was about 17% last year. Marcie Whitaker added that the allocation has significantly decreased because of the decrease at the Federal level.

*Vinnie Whibbs asked what was the amount of the HOME dollars received last year?*

Marcie Whitaker responded \$169,428, and to give you a benchmark, in 2010, we received \$358K.

#### **4. PUBLIC COMMENTS AND QUESTIONS:**

Gerry Yandle asked if the new funding from the Governor was included in this?

Marcie Whitaker responded that the new money the Governor is releasing is responding specifically for Hurricane Sally. We are currently working right now on the application; they have a section earmarked for housing, infrastructure, hometown revitalization, and rental housing. Meredith Reeves added that there would be another public hearing related to those funds for Hurricane Sally.

John Ellis asked, under elimination and prevention of slum and blight, why is the Inner Urban Core City not mentioned here?

Marcie Whitaker responded it is probably not mentioned here because it doesn't have a formal plan, and they haven't assessed housing conditions or a TIF associated with it. Marcie stated that the question would be better directed to Victoria at CRA.

John Ellis recommended conducting an assessment of the Inner Urban City using the CDBG funds. He also asked if this would be an eligible activity under CDBG.



Marcie Whitaker responded – that CDBG dollars can be used for planning purposes. Meredith Reeves added that HUD requires you to meet national objectives and spend at least 70% of the funds directly assisting low-mod households or areas. Even though we can do activities in those areas, we will always try to first qualify it as a low-mod activity vs. the slum and blight because we must hit that 70% set aside required by HUD.

John Ellis asked if there was a map we can reference too?

Marcie Whitaker responded yes, go to CityView for display, but stated she was hesitant to use that one because it relates to the 2010 census data, and the new census data is going to be released soon.

John Ellis asked if there was a timeline that they are looking to release it [new census data]?

Marcie Whitaker responded next year is what we are hearing. It usually takes 2-3 years for them to develop their documents after the census data is released.

Christine explained where to find CityView on the City of Pensacola's website.

[Initiatives | City of Pensacola, Florida Official Website](#)

Carolyn Grawi's first public comment to HUD is that there is not enough money. She states that the Center for Independent Living is receiving numerous calls from families with disabilities about their housing struggles. While families with disability received a bit of an increase in their checks because of the cost of living, people's rents and leases are going up, and landlords are putting people out, which means people don't have housing. Our community is facing an unprecedented number of people still losing their housing. In the most recent call she received, the person stated that the unit amount is greater than the family's total income. Grawi also stated that the nonprofit world doesn't necessarily have the funds to support families. We need more landlords to support the voucher programs that do exist. As we look at HUD dollars, we still cannot get the resources to the people who need them. The City and the transition team under D.C. Reeves are looking at the City's 500 homes goal, and she doesn't know where those 500 homes are coming from, where the dollars are coming from, or the people who can afford those homes. Having accessible, affordable, attainable homes is a high priority, and the CDBG dollars help keep families in their homes. Grawi also stated that Federal dollars were previously used for ramps and would like to know how the City could partner to contribute to more ramps being created. Lastly, Grawi shared a story regarding the difficulty of accessibility issues that families face in our community.

Marcie Whitaker responded that one of the grants coming from the state CDBG-DR is targeted for repairs from Hurricane Sally. Marcie suggested that when you work with your clients, have them call us so we can put them on the waiting list to be in the queue. We modified the SHIP plan to help with accessibility; in the future, refer them to our office to see if we can assist them.



Josh Newby asked for clarification regarding if the CDBG-DR can be allocated to grant bills.

Marcie Whitaker responded that there are two plans. The SHIP plan has been allowed to address ramps, and the CDBG-DR plan does require a tie-back to Sally. Meredith Reeves added that if a family was to need a ramp and did not have one prior but were affected by Sally (for example, roof damage), the family would qualify for accessibility accommodations.

Carolyn Grawi asked if the City will post the guidelines for the funds and how families can be eligible.

Marcie Whitaker, responded yes, we will post.

Marcie Whitaker also communicated that free legal counseling is available for people with housing issues. In addition, Legal Services offer "Lawyers at the Library," a walk-up clinic where people can receive legal counseling.

Marcie Whitaker reviewed the citizen participation handout and noted that initial public comments will be accepted through March 8, 2023. Once the comment period ends, we will draft a plan and have another public hearing to review those activities and allocated funding. That public hearing will be held in April, and we will announce the exact date later.

Meredith Reeves asked if there were any additional questions or comments.

Leslie Yandle commented that she did CDBG research and found Section 108 funding. She wanted to know if Section 108 had been used in Pensacola and if any of those funds came from the \$700k.

Marcie Whitaker responded that the way Section 108 works is by pledging future CDBG allocations, HUD gives you an upfront loan, and you repay it with your future allocations. Unfortunately, we have been hesitant to pledge our funds because funds have been dwindling.

Leslie Yandle asked if Section 108 were separate dollars.

Marcie Whitaker responded that these are not separate dollars; they come from the same funds.

John Ellis asked how much collaboration has occurred with Escambia County in the past, and how much do we anticipate being in the process this year?

Marcie Whitaker responded that as a Consortium, the County is the lead, and we put our plans together and go into a portal together. HUD views us as one big entity. We collaborate and work together to see what will benefit the community as a whole.

John Ellis stated looking at the amount of funding here, we can accomplish some good things but not a tremendous amount of things. So, by working together, greater things can be accomplished. I came to advocate incentivizing private developers, but there isn't enough funding to incentivize private developers. I need to research how CDBG funds have been used historically.

Marcie Whitaker responded one of the bigger collaborations we did with the County was the redevelopment of the Blount school property, and the County contributed significantly to the demolition and cleanup. In the past, the County has been generous regarding infrastructure improvements. Meredith Reeves added that historically there has been a significant collaboration, particularly with the HOME CHDO portion, specifically for developing rental units within the City limits. Those HOME funds are separate from the small allocation listed here.

John Ellis stated that based on 2022, the minimum CHDO allocation would be \$25K.

Meredith Reeves responded that the CHDO funding is separate from the City's HOME allocation; that the overall HOME allocation to the Consortium is over one million dollars.

Carolyn Grawi commented that the CDBG is used to rehab homes which helps keep homeowners in their homes.

Meredith Reeves contributed that the majority of the CDBG funds historically have gone to fund homeowner occupied rehabilitation, followed closely by infrastructure and then public services.

Christine Crespo stated that we are still taking CDBG-CV applications to assist families with their mortgage and utilities affected by COVID.

Meeting adjourned at 5:15 pm.

DEPT OF HOUSING/LEGAL ADS  
420 W CHASE ST

PENSACOLA, FL 32502

Published Daily-Pensacola, Escambia County, FL

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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

### PUBLIC NOTICE CITY OF PEN

as published in said newspaper in the issue(s) dated or by publication on the newspaper's website, if authorized, on :

05/01/23

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 1th of May 2023, by legal clerk who is personally known to me

*Nicole Jacobs*  
\_\_\_\_\_  
Affiant

*Nancy Heyrman*  
\_\_\_\_\_  
Notary Public State of Wisconsin, County of Brown

5.15.27

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# of Affidavits 1

Publication Cost: \$509.70  
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**NANCY HEYRMAN**  
Notary Public  
State of Wisconsin

### PUBLIC NOTICE CITY OF PENSACOLA

#### HUD ANNUAL ACTION PLAN SUMMARY

The City of Pensacola has drafted the 2023/2024 Annual Action Plan for Housing and Community Development for the period October 1, 2023 - September 30, 2024. The draft Annual Plan denotes key agencies and individuals participating in the planning process and identifies the City's 2023/2024 Annual Action Plan for the utilization of Community Development Block Grant (CDBG) funding to address housing and community development needs. The major priorities include: rehabilitation of homeowner occupied substandard housing units for families with incomes between 0-80% of the area median income; homebuyer assistance; public service activities addressing needs of elderly and/or low income households; and targeted community development public improvement priorities. Activities are generally available to assist eligible lower income persons in varying capacities and financial levels to the extent that such availability is not limited by Federal or State Regulations and/or financial resources. The draft 2023/2024 Annual Action Plan is available for public review at the City of Pensacola Housing Office, 420 W. Chase Street, Pensacola, Florida between 8 a.m. and 4 p.m. Monday through Thursday or may be viewed online at <https://www.cityofpensacola.com/190/Community-Development-Block-Grant-CDBG-P>

This section of the Plan incorporates the city's application to the U.S. Department of Housing and Urban Development (HUD) for Program Year 2023 Community Development Block Grant (CDBG) funding which is detailed as follows.

### CITY OF PENSACOLA

#### 2023-2024 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROPOSED BUDGET AND ACTIVITIES

**HOUSING:**

**Housing Rehabilitation Loan/Grant Programs** \$250,000\*  
Funds to rehabilitate owner-occupied houses to provide for structural modifications and the removal of architectural barriers to accommodate the needs of persons with disabilities; to provide for the federally mandated evaluation and control of lead-based paint hazards for projects with a house constructed prior to 1978; and to provide for administrative costs of this program and other related housing rehabilitation/repair activities. Funding will provide for the rehabilitation/repair of approximately 4 owner occupied housing units. The program is available to low- and moderate-income persons occupying their home-stead residence within the corporate limits of the City of Pensacola.  
\*All program income from housing rehabilitation loans will be used to repair homeowner occupied units for low- and moderate-income families located within the corporate limits of the City of Pensacola (estimated program income is \$78,000 and is included in the totals above).

**Temporary Relocation** \$25,498  
Funds will provide temporary relocation for families whose dwelling units are being rehabilitated via the City's Housing Rehabilitation Programs, including the HOME Reconstruction Program. This is a requirement under the Uniform Relocation Act.

**Homebuyer Assistance Program** \$200,000  
Funds will provide for down payment/closing cost/principal mortgage reduction assistance through deferred payment loans, low interest loans, or a combination thereof, to enable low/moderate income homebuyers to purchase an affordable home. Loans may be offered in conjunction with not for profit developers such as CCL and Pensacola Habitat for Humanity.

**PUBLIC FACILITIES AND IMPROVEMENTS:**

**Neighborhood/Facility Improvement Projects** \$162,000  
Funds to support accessibility planning, design, and improvements to City owned public buildings and facilities to remove architectural barriers. Funds, if any, remaining after completion of accessibility project may be expended on neighborhood improvement projects to provide new or updated public facilities or infrastructure within CDBG eligible neighborhoods or in direct support of affordable housing development.

**PUBLIC SERVICES:**

**Nutritional Meal Programs** \$70,000  
Funds will provide support for two nutritional meal programs, Meals on Wheels and Senior Dining Sites, in partnership with the Council on Aging of West Florida, which are made available to low- and moderate-income elderly and special needs residents residing within the corporate limits of the City of Pensacola. These funds provide direct services.

**Homebuyer and Foreclosure Prevention Education Program** \$44,931  
Provide pre-purchase homeownership and foreclosure prevention education classes for lower income (80% or below of area median income) residents to prepare residents for homeownership and provide guidance to avoid foreclosure and retain ownership of their homes.

**PROGRAM PLANNING AND ADMINISTRATION:**

**Grant Administration & Management** \$153,241  
Funds to administer the City's CDBG Program which includes personnel services and operating expenses.

2023 CDBG Grant Allocation	\$ 766,208
Prior Year Resources (2016)	\$ 91,462
Estimated Program Income	\$ 78,000

**TOTAL 2023 CDBG PROPOSED BUDGET** **\$ 935,670**

A PUBLIC HEARING is being sponsored to afford citizens the opportunity to review, comment and/or provide input regarding the content of this Notice and/or the draft 2023 Annual Plan. The hearing will be held at 4:30 P.M. (EST) on May 9, 2023, at Pensacola City Hall, Vice Wharfs Conference Room on the 1st floor, at 222 W. Main Street, Pensacola, Florida. All interested citizens are urged to attend and participate.

Written comments or input regarding the Plan, local housing needs or priorities will be accepted through June 9, 2023, and may be submitted to: City of Pensacola Housing Department, P.O. Box 12910, Pensacola, FL 32521-0031, or via email to [mwhitaker@cityofpensacola.com](mailto:mwhitaker@cityofpensacola.com). For further information, contact Marcee Whitaker at 850-658-0323.

In accordance with the Americans with Disabilities Act, any person needing accommodations to attend or participate, pursuant to the Americans with Disabilities Act, should contact the City of Pensacola at 850-658-0323.

## Meredith Reeves

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**From:** City of Pensacola Public Information <listserv@civicplus.com>  
**Sent:** Thursday, May 4, 2023 4:18 PM  
**To:** Meredith Reeves  
**Subject:** [EXTERNAL] City of Pensacola to Host Public Hearing on CDBG Annual Plan May 9

**THIS EMAIL IS FROM AN EXTERNAL EMAIL ACCOUNT**



[WWW.CITYOFPENSACOLA.COM](http://WWW.CITYOFPENSACOLA.COM)

PUBLIC INFORMATION OFFICE

Press Release

### **PUBLIC INFORMATION:**

May 4, 2023

### **MEDIA CONTACT:**

Kaycee Lagarde

850-435-1623

[klagarde@cityofpensacola.com](mailto:klagarde@cityofpensacola.com)

## **City of Pensacola to Host Public Hearing on CDBG Annual Plan May 9**

The City of Pensacola will host a public hearing on Tuesday, May 9 at 4:30 p.m. concerning the proposed HUD Community Development Block Grant Annual Action Plan for Housing and Community Development for the period Oct.1, 2023 – Sept. 30, 2024. The hearing will take place in the Whibbs Conference Room, located on the first floor of City Hall, 222 W. Main St.

The meeting will provide an opportunity for the public to provide comment on the proposed 2023-2024 Community Development Block Grant budget and activities prior to submission of the Annual Action Plan to City Council and to the U.S. Department of Housing and Urban Development for final approval.

The Annual Action Plan is the planning document which describes the amount of CDBG funds expected to be available and the proposed use of those funds. The City anticipates receiving \$766,208 in CDBG funds for fiscal year 2023-2024. A copy of the draft Annual Plan is available for review online at [cityofpensacola.com/CDBG](http://cityofpensacola.com/CDBG) and at the


City of Pensacola Housing Department at 420 W. Chase St. between 8 a.m. and 4 p.m. Monday through Thursday.


Written comments or input regarding the plan, local housing needs or priorities will be accepted through **June 9, 2023** and should be submitted to City of Pensacola Housing Department, P.O. Box 12910, Pensacola, FL 32521-0031, or via email to [mwhitaker@cityofpensacola.com](mailto:mwhitaker@cityofpensacola.com).

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## Meredith Reeves

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**From:** Meredith Reeves  
**Sent:** Thursday, May 4, 2023 4:38 PM  
**To:** Meredith Reeves  
**Cc:** Marcie Whitaker  
**Subject:** FW: [EXTERNAL] City of Pensacola to Host Public Hearing on CDBG Annual Plan May 9

Good afternoon, Housing and Community Development partners,  
Please see below for link to the City's draft 2023-24 CDBG Annual Plan and public meeting on May 9 to cover the plan proposed and solicit feedback. Public comments may be addressed to Marcie Whitaker through June 9.

Thank you,  
Meredith

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**From:** City of Pensacola Public Information <listserv@civicplus.com>  
**Sent:** Thursday, May 4, 2023 4:18 PM  
**To:** Meredith Reeves <MReeves@cityofpensacola.com>  
**Subject:** [EXTERNAL] City of Pensacola to Host Public Hearing on CDBG Annual Plan May 9

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[WWW.CITYOFPENSACOLA.COM](http://WWW.CITYOFPENSACOLA.COM)

PUBLIC INFORMATION OFFICE

Press Release

**PUBLIC INFORMATION:**

May 4, 2023

**MEDIA CONTACT:**

Kaycee Lagarde

850-435-1623

[klagarde@cityofpensacola.com](mailto:klagarde@cityofpensacola.com)

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## **PUBLIC HEARING**

**May 9 – 4:30 PM  
City of Pensacola  
Vince Whibbs Conference Room 2<sup>nd</sup> Floor City Hall  
222 W. Main Street  
Pensacola, FL**

### **Annual Action Plans**

**(For Plan Period October 1, 2023 - September 30, 2024)**

### **AGENDA**

- I. Welcome and Introduction
- II. Overview of Annual Action Plan
- III. Discussion of Proposed Projects & Funding
- IV. Review of Public Participation Schedule and Plan(s) Process
- V. Public Comments and Questions



**CITY OF PENSACOLA**  
**2023-2024 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**  
**PROPOSED BUDGET AND ACTIVITIES**

**HOUSING:**

**Housing Rehabilitation Loan/Grant Programs**

**\$250,000\***

Funds to rehabilitate owner-occupied houses; to provide for structural modifications and the removal of architectural barriers to accommodate the needs of persons with disabilities; to provide for the federally mandated evaluation and control of lead-based paint hazards for projects with a house constructed prior to 1978; and to provide for administrative costs of this program and other related housing rehabilitation/repair activities. Funding will provide for the rehabilitation/repair of approximately 4 owner occupied housing units. The program is available to low- and moderate-income persons occupying their homestead residence within the corporate limits of the City of Pensacola.

\*All program income from housing rehabilitation loans will be used to repair homeowner occupied units for low- and moderate-income families located within the corporate limits of the City of Pensacola (estimated program income is \$78,000 and is included in the totals above).

**Temporary Relocation**

**\$25,498**

Funds will provide temporary relocation for families whose dwelling units are being rehabilitated via the City's Housing Rehabilitation Programs, including the HOME Reconstruction Program. This is a requirement under the Uniform Relocation Act.

**Homebuyer Assistance Program**

**\$200,000**

Funds will provide for down payment/closing cost/principal mortgage reduction assistance through deferred payment loans, low interest loans, or a combination thereof, to enable low/moderate income homebuyers to purchase an affordable home. Loans may be offered in conjunction with not for profit developers such as CEII and Pensacola Habitat for Humanity.

**PUBLIC FACILITIES AND IMPROVEMENTS:**

**Neighborhood/Facility Improvement Projects**

**\$192,000**

Funds to support accessibility planning, design, and improvements to City owned public buildings and facilities to remove architectural barriers. Funds, if any, remaining after completion of accessibility project may be expended on neighborhood improvement projects to provide new or updated public facilities or infrastructure within CDBG eligible neighborhoods or in direct support of affordable housing development.

**PUBLIC SERVICES:**

**Nutritional Meal Programs**

**\$70,000**

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**Homebuyer and Foreclosure Prevention Education Program**

**\$44,931**

Provide pre-purchase homeownership and foreclosure prevention education classes for lower income (80% or below of area median income) residents to prepare residents for homeownership and provide guidance to avoid foreclosure and retain ownership of their homes.

**PROGRAM PLANNING AND ADMINISTRATION:**

**Grant Administration & Management**

**\$153,241**

Funds to administer the City's CDBG Program which includes personnel services and operating expenses.

**2023 CDBG Grant Allocation**  
**Prior Year Resources (2018)**  
**Estimated Program Income**

**\$ 766,208**  
**\$ 91,462**  
**\$ 78,000**

**TOTAL 2023 CDBG PROPOSED BUDGET**

**\$ 935,670**

# SIGN-IN SHEET

Project: Public Hearing: City of Pensacola HUD Annual Plan

Meeting Date: May 9, 2023

Name (please print)	Organization Representing
James L. Gullett	Westside CRA
MEREDITH REEVES	COP HOUSING
Doug Brown	CAPC -
Christine Crespo	COP Housing
Yvonne Baboi	AMR at Pensacola, Inc.
Anna S. Miller	Florida Housing Enterprises
Thomas Leemon	Real Estate / PAR
Jim Riehl	AMR@PNS INC
MARCE WHITAKER	COP HOUSING

**Minutes of Public Hearing  
City of Pensacola  
Escambia Consortium FY2023-2024 Annual Plan  
Minutes of Public Hearing**

A public hearing was held May 09, 2023, at 4:30 p.m., at the City of Pensacola, Whibbs Conference Room, 222 W Main Street, Pensacola, FL 32502

*Staff members present: Marcie Whitaker, Housing Director, PHD; Meredith Reeves, Assistant Housing Director, PHD; and Christine Crespo, Affordable Housing Program Manager, PHD.*

*Citizens present: James Gulley, West CRA; Doug Brown, CAPC; Yvonne Baboi, AMR at Pensacola, Inc.; Patrice Whitten, Florida Housing Enterprises, Inc.; Thomas Leemon, Reel Estate/PAR; and Jim Reeves, AMR at Pensacola, Inc.*

**1. Welcome and Introduction:** Marcie Whitaker introduces herself and staff. Attendees introduce themselves. Marcie Whitaker explained the purpose of the public hearing and described the CDBG program and the criteria to receive funding.

**2. OVERVIEW OF ANNUAL PLAN:** Marcie Whitaker and Meredith Reeves explained the Annual Action Plan contains detailed projections concerning programmatic activities for the next fiscal year. Marcie Whitaker stated that funding for this fiscal year was \$766,208. The proposed Annual Plan is going to the City Council on July 20th, 2023, for approval and will be submitted to HUD by the August deadline.

**3. DISCUSS PROPOSED PROJECTS AND FUNDING:** Marcie Whitaker presented an overview of the proposed activities and funding levels for FY 2023-2024.

The Housing Rehab project allocated \$250,000 to include lead based testing.

Temporary Relocation for families who will have their homes rehabbed funding set aside is \$25,498.

The homebuyer assistance program earmarked funds for \$200,000, serving low and moderate households to work in conjunction with not for profit developers.

Neighborhood Improvement Projects is \$192,000 for capital improvement projects: stormwater, parks, drainage, etc.

Public Service Activities for nutritional meal programs will be funded at \$70,000 and will assist residents directly.

Homebuyer and Foreclosure Prevention program assists families with a broad overview of before and after care when purchasing a home.

Grant Administration & Management is funded at \$44,931, and the grant only allows for 20% Admin costs.

#### **4. REVIEW OF PUBLIC PARTICIPATION SCHEDULE AND PLAN(S) PROCESS:**

Marcie Whitaker reviewed the Public Participation and Annual Plan Schedule for the remainder of the planning process, noting that comments would be accepted until June 9th, 2023.

#### **5. PUBLIC COMMENTS AND QUESTIONS:**

James Gulley asked about sewer line assistance. Marcie Whitaker responded that we made outreach to all the families who had received an ECUA letter regarding the sewer lateral repairs. The program is funded through ARPA and is currently open to taking applications.

Doug Brown asked if Fair Housing is currently funded through federal dollars.

Meredith Reeves responded that the Human Relations Commission is currently being funded through general funds.

Brown also stated that more homeowners struggle with funding sources to assist with issues like clouded titles. Reeves explained that Legal Services of North Florida (LSNF) has funding for title or heir issues, landlord disputes, bankruptcy, etc., and that it is funded through the County using CDBG funds. The City has also provided CDBG-CV funding to LSNF, but it must be tied back to the corona virus.

Yvonne Baboi asked what the steps were for nonprofits to get funding. Marcie Whitaker responded that a Request for Proposal (RFP) would be put out, and a selection committee would determine what agencies would be eligible for CDBG funding.

James Gulley stated that we are currently in a budget crisis, and there could be a lot of consequences.

Jim Reeves asked if funding sources could be moved around. Meredith Reeves stated that if their request was to fund one activity with more funds, they could make suggestions and be taken into account. Jim Reeves also asked if funds could be disbursed upfront and then refunded. Meredith Reeves indicated that was not an option per the grant's requirements. Marcie Whitaker also stated that they only select projects once funds are disbursed because HUD previously has made changes at the last minute, and the allotted fund amounts received were less than those granted initially.

Doug Brown asked if there was a preference for Pensacola natives to receive down payment assistance since they are the ones currently contributing to the economy. Marcie Whitaker stated that there is currently no preference, and it has been looked at but has yet to be determined. Christine Crespo also noted that the City currently has enough funding in the homebuyer programs to assist families in the City limits.

Doug Brown commented that there should be a gap benefit for builders to be able to construct affordable housing. Marcie Whitaker responded that CDBG does not allow for new construction, but for other activities to assist in the construction, for example, infrastructure or title cleanup.

Jim Reeves asked what funding you currently have available for new construction. Marcie Whitaker responded that the only current funding source is ARPA, and the mayor may be looking to reallocate the funds. The other source of fund available is HOME, but the County manages that.

Meredith Reeves commented that the City currently put in various grant applications for CDBG-DR Sally, which included three projects for the hometown revitalization category: the Baptist Hospital area, Cervantes/Pace corridor, and the Palafox corridor. The activities involve acquiring property, demolishing, or rehabilitating commercial properties. The City also applied for the infrastructure category that included the Hollice T. Williams stormwater and the Fricker Center. In addition, the housing department will apply for the rehabilitation grant proportion to assist homeowners affected by Hurricane Sally.

Doug Brown stated they run the DOE weatherization program, and maybe there might be a way to leverage funding since many of the homes they approach are in poor conditions, which require them to walk away. Marcie Whitaker stated that our office would recommend clients to his program once they complete our rehab program.

A member of the audience asked what the difference was between the homebuyer foreclosure program that we offer versus other ones. Marcie Whitaker stated that our program is an overview and not a HUD certified class like Habitat or CEII provides; the class is offered quarterly and is available to all owner occupants, not just homebuyer participants.

The meeting adjourned at 5:35 pm.



AMR at Pensacola, Inc.  
730 Bayfront Pkwy  
Suite 4B  
Pensacola, FL 32502

January 31, 2023

Dear Ms. Meredith Reeves,

Please allow this intention letter to be part of consideration from AMR at Pensacola, Inc. for the Community Development Block Grant under the Public Facilities and Improvements for Infrastructure Activities. AMR is a 501 (c)(3), non-profit organization and state certified Community Housing Development Organization (CHDO). As one of Escambia County's largest non-profit attainable housing organizations, AMR has been involved in the development, preservation, and management of attainable housing throughout the County since 1989. AMR's story began in the mid 1980's, when the founder, a local real estate attorney and developer, witnessed a growing number of families in need of attainable housing and facing evictions from their homes. He witnessed children living in unsafe conditions and observed that many families had minimal help accessing attainable housing. It was then that he vowed, "We can do better." Since then, AMR has engaged in a close working relationship with Escambia County and The City of Pensacola Housing Department to provide attainable housing and home ownership opportunities for citizens of Pensacola and Escambia County in the state of Florida.

AMR's mission states: "AMR at Pensacola, INC. (AMR) assists in the creation and maintenance of a sound industrial base for Escambia County, revitalization of economic health to established commercial areas, and the preservation and rehabilitation of existing residential neighborhoods. Therefore, AMR provides, conserves, and expands the supply of adequate housing for the low to moderate income residents of Escambia County. In addition, AMR supports economic and commercial development activities which provide job opportunities for low to moderate income persons. Subsequently, AMR supports essential public services for low- and moderate-income families. Also, AMR aids in the prevention and elimination of poor housing conditions. In conclusion, AMR undertakes community development needs that have a particular urgency because existing conditions pose a serious and immediate threat to the health and welfare of the community."

Since 2010, AMR at Pensacola, Inc. has served more than 3,700 Escambia County families. Currently, AMR operates 136 attainable housing units on dispersed sites throughout

## CONTACT

PHONE:

850.438.4400

WEBSITE:

<https://amrpensacola.com>

EMAIL:

[jjr@jjrfirm.com](mailto:jjr@jjrfirm.com)

Escambia County. The Phoenix Project was created to assist with sustainable housing solution for individuals who are financially, socially, or institutionally disadvantaged through diversification of attainable housing options throughout Escambia County on scattered-site properties. The idea is to develop more than a neighborhood by creating a community that includes strategic designs with a shared community center and on-site healthcare, social, and workforce development services. The concept is to provide the residents with access to a community that will set them up for success for self-sufficiency.

Also, AMR will be partnering with Families First Network of Lakeview Center to provide much needed housing for young people of all ethnic and cultural backgrounds aging out of foster care from 18-22 years of age. In addition, Kevin Hagen, President of H+H Building Group, who also serves as the President of AMR Pensacola Board of Directors will be a key component in the project. Kevin will continue providing his services and expertise to furthering the legacy of AMR with this innovative approach to housing. A quality example of excellent staff and tradesman can be seen at the present in-progress community of the “Fresh Start Village” on 2051 W. Blount Street in Pensacola.

Thank you for the opportunity to present this program to you for funding consideration in the Community Development Block Grant under the Public Facilities and Improvements for Infrastructure Activities.

Regards,

Yvonne M. Baboi

Director of Grants

yvonne@jjrfirm.com

## Meredith Reeves

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**From:** Rick Dye <dyefive1@bellsouth.net>  
**Sent:** Thursday, February 23, 2023 5:17 PM  
**To:** Marcie Whitaker  
**Cc:** Meredith Reeves; Connie Bookman; John Johnson; Elizabeth Kissel  
**Subject:** [EXTERNAL] Input for CDBG Plan

**Follow Up Flag:** FollowUp  
**Flag Status:** Flagged

**THIS EMAIL IS FROM AN EXTERNAL EMAIL ACCOUNT**

I recommend the inclusion of language that will allow CDBG funds to be part of the financing mix of any new construction housing projects (land acquisition, infrastructure and any other authorized uses) which would result in the creation of new rental spaces/units/homes for households at or below 40% AMI that would rent for a maximum of 30% of the total monthly household income for a minimum of 10 years.

Rick Dye, Chief Volunteer  
FaithWorks InterFaith Ministries Network, Inc.  
Pensacola, FL/Louisville, KY  
850-832-3014



## Meredith Reeves

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**From:** Meredith Reeves  
**Sent:** Wednesday, March 1, 2023 1:44 PM  
**To:** yvonne@jjrfirm.com  
**Cc:** Marcie Whitaker  
**Subject:** FW: [EXTERNAL] Intention Letter from AMR for CDBG  
**Attachments:** AMR at Pensacola Cover Letter to M. Reeves.doc

Yvonne,

Thank you for the interest letter from AMR at Pensacola, Inc. I believe you were copied on our public notice about the CDBG Annual Plan, and we will have our first overview meeting today at 4:30 pm in the Hagler Mason Conference Room or via livestream, where we will go over general eligibility requirements for CDBG and program overview.

I was not sure if AMR wanted to edit its public comments to clarify the need for public facility or infrastructure funding. It was not clear whether CDBG funds were being requested as a public facility project relative to the community center at the Phoenix Project, where the center must be available to the general public, or if there are infrastructure needs related to the affordable housing developments that AMR is undertaking. Please be sure that any revisions or public comments are directed to the Housing Director, Ms. Whitaker, who is copied on this email.

Thank you,  
Meredith

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**From:** yvonne@jjrfirm.com <yvonne@jjrfirm.com>  
**Sent:** Monday, January 30, 2023 12:01 PM  
**To:** Meredith Reeves <MReeves@cityofpensacola.com>  
**Cc:** jennifer.r.handler@gmail.com; pm@northtowneprop.com  
**Subject:** [EXTERNAL] Intention Letter from AMR for CDBG

**THIS EMAIL IS FROM AN EXTERNAL EMAIL ACCOUNT**

Morning Meredith,

Hope all is well with you on this sunny Monday.  
I'm attaching an intention letter for AMR per a conversation with Mr. Reeves that took place a few weeks ago.

I have been researching the CDBG to prepare our paperwork necessary to file for this grant.

Thanks,  
Yvonne M. Baboi  
Director of Grants  
AMR of Pensacola, Inc.

## Meredith Reeves

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**From:** Jasmine Flaws <flawsjasmine0@gmail.com>  
**Sent:** Thursday, March 2, 2023 1:36 PM  
**To:** Marcie Whitaker  
**Subject:** [EXTERNAL] CDBG Allocation

**THIS EMAIL IS FROM AN EXTERNAL EMAIL ACCOUNT**

Hi, Ms. Whitaker, my name is Dionne Robinson I was a housing recipient in 2017, that was my last time having a voucher because I could not find handicapped affordable housing, my voucher was not renewed. Since then I have been jailed, raped, and lost custody of my child. I really would like to see the CDBG Allocation assist me in getting me another voucher and assist in information for people with physical disabilities on getting some apartments for Women trying to go back to College. Last year I started at PSC and had to withdraw because tent city was closed down and I was living there.

Thank-You  
Ms. Dionne Robinson  
3/2/23

PROJECT PROPOSAL FORM		
City of Pensacola		
Community Development Block Grant		
COMPANY	DATE	AMOUNT
AMR at Pensacola, Inc.	March 3, 2023	\$264,000.00
REQUESTED FUNDING		
<p>This proposal form request is in lieu of the Letter of Intent sent on March 1, 2023 for CDBG funding. Any amount of grant money awarded will assist with construction and the mechanical infrastructure under Pace Blvd. to comply with the continuation of construction for public water and sewer services of the (7) Micro-Homes and Community Center of “Fresh Start Village.” The site will be the residence for young adults aging out of foster care. Progress of this site is located on the corner of 2051 W. Blount Street and Pace Blvd in Pensacola.</p>		





**06 March, 2023 - In Person at Gull Point Community Center,  
6pm**

- **Greetings, Introductions**
- **Adoption of the Agenda**
- **Approval of the Minutes**
- **Presentation:** Marcie Whitaker, Housing Director for the City of Pensacola, followed by questions and discussion.
- **Treasurer's Report**
- **CiviCon Update**
- **Old Business/Action Item:** Bylaws Review Discussion and Vote
- **Good News, Upcoming Events, & Open Forum**
- **Next Meeting Date: 03 April, 2023**
- **Adjournment**

## Meredith Reeves

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**From:** Westside Garden <westsidegardendistrict@gmail.com>  
**Sent:** Tuesday, March 7, 2023 2:32 PM  
**To:** Marcie Whitaker  
**Subject:** [EXTERNAL] Community Development Block Grant

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**THIS EMAIL IS FROM AN EXTERNAL EMAIL ACCOUNT**

Hi Mrs. Whitaker,

I have a few quick proposals for the Westside Garden District Neighborhood Association.

1. Stencil house numbers on the street curb to help emergency services identify houses easier
2. There are many people in the neighborhood that have one or more family homes in the neighborhood. Most of them are vacant. I thought there might be a way to incentivise the home owner to fix up for affordable housing rentals. Maybe the owners just don't know where to start or don't have the money to fix up.
3. My neighborhood is a food desert and I am trying to find ways to fix it.

The United States Department of Agriculture (USDA) defines a food desert as an area that has either a poverty rate greater than or equal to 20% or a median family income not exceeding 80% of the median family income in urban areas, or 80% of the statewide median family income in nonurban areas.

In order to qualify as a food desert in urban areas, at least 500 people or 33% of the population must live more than 1 mile from the nearest large grocery store.

There are a lot of low income, African American seniors that live in the area. The closest options for groceries in the neighborhood within a mile (without needing transportation) is:

- a corner market called Save a Penny (Cervantes and F Street),
- Dollar General
- Family Dollar

and **NONE** of these places offers fruits and vegetables.

I am writing to ask if there are any programs to incentivize all or one of these stores to start selling fresh fruits and vegetables?

**OR** would the city consider following the lead of Baldwin County to open a government run grocery as depicted in this news report: <https://video.foxbusiness.com/v/6114982626001#sp=show-clips>

I found an example of a Mobile Food truck idea in California that we could replicate... Maybe we could offer places like Barnes or The Farm incentives do do something like this once or twice a month? <https://www.freshapproach.org/mobilemarket/#schedule>

4. There are MANY sidewalks in the area that are either missing sections or don't have sidewalks at all. I have seen people on crutches and in wheelchairs traveling down the middle of the road because there are no sidewalks. We would like to fix this issue in our neighborhood.

Please let me know if you need more details or information. This was just a quick and dirty to meet the deadline.

V/r,  
Michelle

--

Michelle Press, President  
**Westside Garden District Neighborhood Association**  
813-298-7111

City of Pensacola  
Housing Department  
P. O. Box 12910  
Pensacola, FL 32521-0031  
[mwhitaker@cityofpensacola.com](mailto:mwhitaker@cityofpensacola.com)

**Public Comment Re: CDBG Allocations for Fiscal Year 2023-2024**

From: JUST (Justice United Seeking Transformation) Pensacola  
A 501 (C) (3) Organization  
Kaeli Williams, Executive Director  
6 Wright Street  
Pensacola, FL 32501  
850 208-4136  
[Kaeli@justpensacola.org](mailto:Kaeli@justpensacola.org)

Date of submission: Wednesday, March 8th, 2023

JUST Pensacola is an interfaith organization, comprised of 17 faith congregations, that actively seeks to uncover injustice and mobilize the community through the power of organized people to create and win just, fair, and effective solutions.

Just Pensacola recommends that the City of Pensacola give priority consideration to CDBG funding requests that support the development of Affordable Rental Housing in Pensacola. This recommendation recognizes that funding requests for Affordable Rental Housing are designed to provide specific benefits to low and moderate-income families, aid in the prevention or elimination of slums and blighted conditions, and meet an urgent need. We also recognize allocations must comply with regulatory requirements and restrictions.

**Pensacola is in the midst of an affordable housing crisis.**

- The City is short at least 1,000 available and affordable rental units for households earning 80% or less than the Area Median Income of \$79,500.
- Of renters households in the City earning at or below 80% AMI, 77% are cost-burdened.
- In 2018, out of the 10 most common jobs in the Pensacola area, only one – a registered nurse- earned enough to afford a two-bedroom apartment at market rate. The situation has worsened.
- In 2021, the two-bedroom housing wage was \$18.98. That year *none* of the ten most common occupations in the two-county area could afford a two-bedroom unit. And seven of the ten- waiters, fast food workers, cashiers, janitors, salespersons, nursing assistants, and restaurant cooks- were among those earning less than the one-bedroom housing wage of \$16.15.
- Today, in Escambia and Santa Rosa Counties, the hourly housing wage for a two-bedroom unit is \$19.46: higher than the median wage in our area.

Over the last year, JUST Pensacola has heard many alarming stories regarding the personal impact of being cost-burdened due to the lack of availability of affordable rental housing. These stories include: people who have can't find an affordable rental and now are living in a tent or a car -sometimes with children, children having to frequently switch schools as parents chase affordable housing, city employees seeking other employment in search of a wage that will allow them to find affordable housing. While there are no quantifiable metrics to reflect the depth and breadth, there can be no denying that the lack of affordable rental housing supply is having a significant negative impact on the residents and employers of Pensacola.

**Addressing the need for a greater supply of Affordable Rental Housing will require intentional and dedicated efforts from non-profits, businesses, the City, and our elected leaders.**

## Meredith Reeves

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**From:** Kristin Brown <krande66@gmail.com>  
**Sent:** Friday, May 5, 2023 11:45 AM  
**To:** Marcie Whitaker  
**Subject:** [EXTERNAL] CDBG Public Comment

### THIS EMAIL IS FROM AN EXTERNAL EMAIL ACCOUNT

Hi Ms. Whitaker:

I reached out to you earlier this year about my neighbor, Mrs. [REDACTED] at [REDACTED]. You directed me to Mr. Seamus Hunt who I had spoken with before and again, more recently. Mrs. [REDACTED] suffered roof damage from Hurricane Sally which resulted in damage to her drywall and flooring. She was able to secure a roof replacement but I have been working with her for over a year on the inside repairs. First with Pensacola Habitat for Humanity (PHH) and now with the Pensacola Home Reconstruction Program (PHRP)

Mrs. [REDACTED] has lived in her home for over 50 years. She is a widow and her children live out of the area. After months of back and forth with PHH, they are unable to help due to the cost of the repairs - PHH indicated they have a cap of \$10,000.00. In speaking with Mr. Hunt, Mrs. [REDACTED] had an inspection in April of 2021 and is on the list but as of April of this year, she still has approximately 20 people ahead of her.

The additional money is desperately needed if for no other reason than to hire staff to process these projects. I worry that her house, especially with the flooring issues, will become unsafe for a woman in her 80s. I was able to secure a Mold Inspection and have the report so that we are not delayed, as we were with PHH, over mold concerns.

I met Mrs. [REDACTED] when I secured a \$4,000.00 grant for our Neighborhood through CommunityWorks and PHH as President of the Westside Garden District Neighborhood Association. We used those funds for a project called Neighbors Helping Neighbors and focused on helping our elderly and disabled "age in place". We worked with three (3) neighbors in our neighborhood doing external work - yard work, porch repair, railings and lighting. I have become very close to Mrs. [REDACTED] and work weekly trying to find resources/updates to assist in her home repairs.

Thank you for your time and consideration - and if there is anything I can do to help secure this funding, please let me know. I was unable to attend the meeting in person due to business travel but if there are additional meetings, I will do my best to attend. Have a good weekend - Kristin Brown

*Kristin L. Brown*

708 W. Gregory Street  
Pensacola, FL 32502  
Cell: 770) 826-4351  
[krande66@gmail.com](mailto:krande66@gmail.com)



**CITY OF PENSACOLA**  
**2023-2024 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)**  
**PROPOSED BUDGET AND ACTIVITIES**

**HOUSING:**

**Housing Rehabilitation Loan/Grant Programs**

**\$250,000\***

Funds to rehabilitate owner-occupied houses; to provide for structural modifications and the removal of architectural barriers to accommodate the needs of persons with disabilities; to provide for the federally mandated evaluation and control of lead-based paint hazards for projects with a house constructed prior to 1978; and to provide for administrative costs of this program and other related housing rehabilitation/repair activities. Funding will provide for the rehabilitation/repair of approximately 4 owner occupied housing units. The program is available to low- and moderate-income persons occupying their homestead residence within the corporate limits of the City of Pensacola.

\*All program income from housing rehabilitation loans will be used to repair homeowner occupied units for low- and moderate-income families located within the corporate limits of the City of Pensacola (estimated program income is \$78,000 and is included in the totals above).

**Temporary Relocation**

**\$25,498**

Funds will provide temporary relocation for families whose dwelling units are being rehabilitated via the City's Housing Rehabilitation Programs, including the HOME Reconstruction Program. This is a requirement under the Uniform Relocation Act.

**Homebuyer Assistance Program**

**\$200,000**

Funds will provide for down payment/closing cost/principal mortgage reduction assistance through deferred payment loans, low interest loans, or a combination thereof, to enable low/moderate income homebuyers to purchase an affordable home. Loans may be offered in conjunction with not for profit developers such as CEII and Pensacola Habitat for Humanity.

**PUBLIC FACILITIES AND IMPROVEMENTS:**

**Neighborhood/Facility Improvement Projects**

**\$192,000**

Funds to support accessibility planning, design, and improvements to City owned public buildings and facilities to remove architectural barriers. Funds, if any, remaining after completion of accessibility project may be expended on neighborhood improvement projects to provide new or updated public facilities or infrastructure within CDBG eligible neighborhoods or in direct support of affordable housing development.

**PUBLIC SERVICES:**

**Nutritional Meal Programs**

**\$70,000**

Funds will provide support for two nutritional meal programs, Meals on Wheels and Senior Dining Sites, in partnership with the Council on Aging of West Florida, which are made available to low- and moderate-income elderly and special needs residents residing within the corporate limits of the City of Pensacola. These funds provide direct services.

**Homebuyer and Foreclosure Prevention Education Program**

**\$44,931**

Provide pre-purchase homeownership and foreclosure prevention education classes for lower income (80% or below of area median income) residents to prepare residents for homeownership and provide guidance to avoid foreclosure and retain ownership of their homes.

**PROGRAM PLANNING AND ADMINISTRATION:**

**Grant Administration & Management**

**\$153,241**

Funds to administer the City's CDBG Program which includes personnel services and operating expenses.

**2023 CDBG Grant Allocation**  
**Prior Year Resources (2018)**  
**Estimated Program Income**

**\$ 766,208**  
**\$ 91,462**  
**\$ 78,000**

**TOTAL 2023 CDBG PROPOSED BUDGET**

**\$ 935,670**



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

**File #:** 23-00471

City Council

7/20/2023

### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council Member Allison Patton

**SUBJECT:**

DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL MEMBER ALLISON PATTON - DISTRICT 6

**RECOMMENDATION:**

That City Council approve funding of \$350 to the Veterans Memorial Park Foundation, \$500 to the UWF Foundation, \$1,000 to Bluffline, Inc., \$500 for Gallery Night Pensacola, Inc and \$500 for Harmonic Learning Advantage Outreach from the City Council Discretionary Funds for District 6.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

In accordance with Section 3.28-3.33 of the Policies of the City Council, prior to any distribution of grant or sponsorship funds from the City Council Discretionary Funds, approval by City Council is required.

The Veterans Memorial Park is owned and controlled by the City of Pensacola. The Veterans Memorial Park Foundation of Pensacola, Inc. provides stewardship of the Park. As stewards, they see to the care and maintenance of the park utilizing funding gathered exclusively through grants and donations. The Veterans Memorial Park of Pensacola continues to depend on the donations of those who love, support and revere the memory of those who are honored there. For over thirty years, families, and patriots from all around the country have been visiting the Veterans Memorial Park of Pensacola to pay tribute to the names on The Wall. Often the family and friends of those listed on The Wall wish to take a pencil or charcoal rubbing of their loved one's name. Such expressions of love and remembrance are part of what makes the Park so important to our community. Because this practice is so important, the Veterans Memorial Park Foundation of Pensacola now provides special paper and assistance to patrons in capturing the names that are difficult to reach. Additionally, they are now offering beautifully framed rubbings for those families and friends. Funding will go towards sponsoring framed rubbings to be provided to families of loved ones represented on The Wall.

WUWF Public Radio is a department of the University of West Florida. Donations are accepted by the University of West Florida Foundation, Inc., a not-for-profit corporation. RadioLive is a monthly musical showcase featuring live performances from some of the nation's best performing

songwriters. RadioLive is held the first Thursday of each month at the Museum of Commerce in downtown Historic Pensacola. Funding will go towards costs associated with the RadioLive program.

The Bluffline is a grassroots effort to reconnect Pensacola Residents with their environment and each other by building a public greenway from Scenic Bluffs to Jackson Lakes in West Pensacola. The Bluffline route would begin at the Chimney Park and travel southwest along the Scenic Bay Bluffs Corridor and then merge downtown with the Pensacola Waterfront Framework Plan before continuing west through Brownsville and, finally, terminating at the Jackson Lakes bluff system, a 55 acre parcel of county-owned land that includes three large, freshwater lakes and an impressive bluff system. Funding will be used towards projects.

Gallery Night Pensacola is a nonprofit organization with a dedicated goal of inspiring culture, engagement and the practice of arts of all types in an entertaining event for all ages and walks of life. Their monthly events focus on specific themes, highlight featured artists and recruit the best creators our area has to offer. On August 18, 2023 Gallery Night will host "Wonder Years", placing an emphasis on Youth Entrepreneurship and local youth art programs. Funding will cover the entry fee for youth participants, youth event supply costs (tables and chairs) as needed, and other potential associated event costs.

Harmonic Learning Advantage Outreach, Inc. came into existence in response to the unprecedented impact of the Covid-19 pandemic on students and families in Escambia County and its surrounding areas. The need for discounted and free quality tutoring services to help students cope with pandemic-related learning loss was strongly felt by the community, which was already familiar with Harmonic Learning Education and Training, LLC, a committed education provider in the City. Harmonic Learning Advantage Outreach was established to address the increasing demand and provide additional services to families in need, who require more support beyond what the school currently offers. Its aim is to ensure that no more families are turned away when seeking assistance. Funding will be used to sponsor income qualified students' tuition for summer learning opportunities.

#### **PRIOR ACTION:**

July 21, 2022 - City Council adopted Resolution No. 2022-065 establishing the City Council Discretionary Fund Policy

#### **FUNDING:**

Budget:	\$16,572	District 6 Discretionary Funds
Actual:	\$ 350	Veteran's Memorial Park Foundation
	500	UWF Foundation
	1,000	Bluffline, Inc.
	500	Gallery Night Pensacola, Inc.
	500	Harmonic Learning Advantage Outreach
	<u>\$ 2,850</u>	

#### **FINANCIAL IMPACT:**

A balance of \$16,572 remains within the District 6 Discretionary Fund Account. Upon approval by City Council, a balance of \$13,722 will remain in the District 6 Discretionary Fund Account.

**STAFF CONTACT:**

Don Kraher, Council Executive

Yvette McLellan, Special Assistant to the Council Executive

**ATTACHMENTS:**

None

**PRESENTATION:** No



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 23-00477

City Council

7/20/2023

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council Member Jared Moore

**SUBJECT:**

DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL MEMBER JARED MOORE - DISTRICT 4

**RECOMMENDATION:**

That City Council approve funding of \$2,500 for Valerie's House and \$1,000 for Harmonic Learning Advantage Outreach from the City Council Discretionary Funds for District 4.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

In accordance with Sections 3.28-3.33 of the Policies of the City Council, prior to any distribution of grant or sponsorship funds from the City Council Discretionary Funds, approval by City council is required.

The mission of Valerie's House is to help children and families work through the loss of a loved one together and go on to live fulfilling lives. Their vision is that no child will grieve alone. With locations in Fort Myers, Naples, Charlotte County and Pensacola, Valerie's House is a special place where children connect with one another and learn the tools to heal after they have experienced the death of someone they love. At Valerie's House, children know others their age, and they learn that loss doesn't have to limit their dreams. In addition to their dedicated staff, many of their volunteers have lived this journey and are available to help find hope. All of our resources go directly to providing children and their families a safe place to share, grieve and grow. Funding will be used to further their mission.

Harmonic Learning Advantage Outreach, Inc. came into existence in response to the unprecedented impact of the Covid-19 pandemic on students and families in Escambia County and its surrounding areas. The need for discounted and free quality tutoring services to help students cope with pandemic-related learning loss was strongly felt by the community, which was already familiar with Harmonic Learning Education and Training, LLC, a committed education provider in the City. Harmonic Learning Advantage Outreach was established to address the increasing demand and provide additional services to families in need, who require more support beyond what the school currently offers. Its aim is to ensure that no more families are turned away when seeking assistance. Funding will be used to sponsor income qualified students' tuition for summer learning opportunities.

**PRIOR ACTION:**

July 21, 2022 - City Council adopted Resolution No. 2022-065 establishing the City Council Discretionary Fund Policy.

**FUNDING:**

Budget:	\$15,554	Current Balance - District 4 Discretionary Funds
Actual:	\$ 2,500	Valerie's House
	<u>1,000</u>	Harmonic Learning Advantage Outreach
	<u>\$ 3,500</u>	

**FINANCIAL IMPACT:**

A balance of \$15,554 is currently within the District 4 Discretionary Fund Account. Upon approval by City Council, a balance of \$12,054 will remain in the District 4 Discretionary Fund Account.

**STAFF CONTACT:**

Don Kraher, Council Executive  
Yvette McLellan, Special Assistant to the Council Executive

**ATTACHMENTS:**

None

**PRESENTATION:** No



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

**File #:** 23-00486

City Council

7/20/2023

### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council President Delarian Wiggins

**SUBJECT:**

DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL PRESIDENT DELARIAN WIGGINS - DISTRICT 7

### **RECOMMENDATION:**

That City Council approve funding of \$600 for Transitioning Thru Trauma to Triumph, \$1,500 for My Brothers and Sisters, \$500 for Harmonic Learning Advantage Outreach and \$500 for The Pensacola Alumni Chapter of Kappa Alpha Psi from the City Council Discretionary Funds for District 7.

**HEARING REQUIRED:** No Hearing Required

### **SUMMARY:**

In accordance with the Section 3.28-3.33 of the Policies of the City Council, prior to any distribution of grant or sponsorship funds from the City Council Discretionary Funds, approval by City Council is required.

Transitioning Thru Trauma to Triumph is a nonprofit organization committed to offering assistance for families looking to successfully re-enter the world as a single family home after leaving/surviving a domestic violence relationship. In an effort to promote healthy living, prevent and end homelessness to such families, they offer resources such as education, counseling, advocacy and financial support. Funds will be used towards their annual School Supplies/Clothes Drive for school age residents of Moreno Court on August 8, 2023 from 2-6 pm.

My Brothers and Sisters strives to effectively strengthen family relationships and empower each individual family member, especially the youth, by utilizing mentoring and educational programs, various social events and the arts to promote strong family bonds. Funds will be used towards their annual Mother and Son Night Out on July 22, 2023.

Harmonic Learning Advantage Outreach, Inc. came into existence in response to the unprecedented impact of the Covid-19 pandemic on students and families in Escambia County and its surrounding areas. The need for discounted and free quality tutoring services to help students cope with pandemic-related learning loss was strongly felt by the community, which was already familiar with Harmonic Learning Education and Training, LLC, a committed education provider in the City. Harmonic Learning Advantage Outreach was established to address the increasing demand and

provide additional services to families in need, who require more support beyond what the school currently offers. Its aim is to ensure that no more families are turned away when seeking assistance. Funding will be used to sponsor income qualified students' tuition for summer learning opportunities.

The Pensacola Alumni Chapter of Kappa Alpha Psi is the local chapter of the Fraternity Kappa Alpha Psi Incorporated. The fraternity was founded in 1911 on Indiana University's campus when ten visionaries created an organization based on character and a specific ethos: achievement in every field of human endeavor. One endeavor the Chapter has undertaken is to improve the lives of youths in the area. As part of their program, a youth-oriented endeavor designed to promote mentoring, tutoring and college preparatory programs among local students that are traditionally underserved. Funding will be used to offset costs associated with their Spring Educational Trip to New Orleans to look at the various educational opportunities in the area and economic advances made by people of color in the post forced-labor eras.

**PRIOR ACTION:**

July 21, 2022 - City Council adopted Resolution No. 2022-065 establishing the City Council Discretionary Fund Policy

**FUNDING:**

Budget:	\$ 6,273	District 7 Discretionary Funds
Actual:	\$ 600	Transitioning Thru Trauma to Triumph
	1,500	My Brothers and Sisters
	500	Harmonic Learning Advantage Outreach
	500	The Pensacola Chapter of Kappa Alpha Psi
	<u>\$ 3,100</u>	

**FINANCIAL IMPACT:**

A balance of \$6,273 is currently within the District 7 Discretionary Fund Account. Upon approval by City Council, a balance of \$3,173 will remain in the District 7 Discretionary Fund Account.

**STAFF CONTACT:**

Don Kraher, Council Executive  
Yvette McLellan, Special Assistant to the Council Executive

**ATTACHMENTS:**

None

**PRESENTATION:** No





# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 23-00518

City Council

7/20/2023

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** D.C. Reeves, Mayor

**SUBJECT:**

MAYORAL APPOINTMENT - DOWNTOWN IMPROVEMENT BOARD (DIB)

**RECOMMENDATION:**

That City Council affirm the Mayor's appointment of William L. Merrill to the Downtown Improvement Board (DIB) for a term of three (3) years expiring June 30, 2026.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

The Downtown Improvement Board (DIB) is a quasi-governmental, not-for-profit agency created in 1972 for the purpose of physically, economically, and socially revitalizing downtown Pensacola. The DIB coordinates the marketing and promotion of the 44-block central business core of downtown Pensacola.

The DIB was created by a Special Act of the Florida Legislature Section 72.662 and is to be composed of five (5) members appointed by the Mayor and confirmed by the City Council. Members must be owners of realty within the downtown area, subject to ad valorem taxation, or a lessee thereof required by lease to pay taxes. No voting member may be a City or County Officer or employee.

Article II, Section I (1) - Board Composition, Term and Appointments, states in part, "...The Board shall be composed of five (5) members appointed by the Mayor of Pensacola with the concurrence of the Pensacola City Council for three (3) year staggered terms."

**PRIOR ACTION:**

The Mayor makes appointments to the Downtown Improvement Board annually.

**FUNDING:**

NA

**FINANCIAL IMPACT:**

None

**LEGAL REVIEW ONLY BY CITY ATTORNEY:** Choose an item.

[Click here to enter a date.](#)

**STAFF CONTACT:**

Kerrith Fiddler, City Administrator

David Forte, Deputy City Administrator

**ATTACHMENTS:**

- 1) Application of Interest - William L. Merrill
- 2) Resume - William L. Merril

**PRESENTATION:** No

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**Sent:** Tuesday, May 2, 2023 3:16 PM  
**To:** [Ericka Burnett](#); [Robyn Tice](#)  
**Subject:** [EXTERNAL] Online Form Submittal: Application for Boards, Authorities, and Commissions - Mayoral Appointment

---

**THIS EMAIL IS FROM AN EXTERNAL EMAIL ACCOUNT**

## Application for Boards, Authorities, and Commissions - Mayoral Appointment

*This application will be utilized in considering you for appointment by the Mayor to various boards and advisory committees. 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.*

*If you have any questions, contact the City Clerk's Office.*

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(Section Break)

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### Personal Information

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Name	William L. Merrill
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Home Address	1164 Finch Drive Gulf Breeze, Florida 32563
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Business Address	Merrill Land Company 226 S. Palafox Place: Pensacola 32502 P.O. Box 710: Pensacola 32561
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To which address do you prefer we send correspondence regarding this application?	Business
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Preferred Contact Phone Number(s)	850-438-0955
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Email Address	<a href="mailto:william@merrillland.com">william@merrillland.com</a>
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Upload Resume (optional)	<a href="#">WilliamMerrillResume.pdf</a>
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(Section Break)

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## Details

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Are you a City resident? No

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If yes, which district? *Field not completed.*

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If yes, how long have you been a City resident? *Field not completed.*

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Do you own property within the City limits? No

---

Are you a registered voter in the city? No

---

Board(s) of interest: Downtown Improvement Board

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Please list the reasons for your interest in this position: I am the Chief Operating Officer of Merrill Land Company that owns multiple properties in and around downtown Pensacola.

---

Do you currently serve on a board? Yes

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If yes, which board(s)? Escambia County Inspection Fund Advisory Board: Gulf Breeze Middle School Student Advisory Committee

---

Do you currently hold a public office? No

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

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Would you be willing to resign your current office for the appointment you now seek? Yes

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(Section Break)

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## Diversity

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

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Gender Male

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Race Caucasian

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Physically Disabled No

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(Section Break)

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Acknowledgement of Terms    I accept these terms.

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

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## William L. Merrill, P.E.

Florida P.E. License Number 55876

226 S. Palafox Place: Pensacola, FL 32502

P.O. Box 710: Pensacola, FL 32591

[william@merrillland.com](mailto:william@merrillland.com)

850.438.0955

### Professional Civil Engineer/COO Merrill Land Company

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#### Experience

##### **Merrill Land Company** **Chief Operating Officer**

October 2018

Present

Merrill Land Company manages multiple properties throughout northwest Florida and Alabama. The majority of the property is in the Pensacola downtown area including commercial properties and restaurants such as The Fish House/Atlas, Jacksons, Angelenas, and Five Sisters. Merrill Land Company also owns a general construction company, Merrill Land Construction that I manage and primarily performs commercial and residential renovations in Pensacola.

##### **Merrill Engineering, Inc. – Gulf Breeze, Florida** **Owner**

November 2012

Present

In addition to working for Rebuild Northwest Florida, Inc, I performed consulting civil and structural engineering.

#### **Project Summary**

Commercial Site Development  
Rezoning and Land Use Amendments

Residential Subdivisions  
Contract Management

Environmental Inspections  
Residential Structural Wind Loads

##### **Rebuild Northwest Florida, Inc. – Pensacola, Florida** **Vice President of Engineering**

November 2010

October 2018

I perform engineering evaluation, design, inspection, and construction management for structural retrofits of single-family homes. REBUILD is a non-profit organization that utilizes grant money from FEMA and the Florida Department of Emergency Management to oversee a regional home retrofit project. I developed prescriptive and site-specific retrofit techniques for hardening homes including gable-end-bracing, opening protection, roof-to-wall connection, roof deck attachments, and other structural components necessary to improve hurricane resistance to thousands of homes. I specialized in devising methods for overcoming the practical and complex “real-world” aspects of retrofitting structures of greatly varying age and construction type. Additionally, my responsibilities include managing a staff of inspectors and administrative personal.

##### **Merrill Parker Shaw, Inc. – Pensacola, Florida** **Owner**

March 2002

December 2012

As half owner and the principal engineer of this engineering land-surveying firm, my duties included managing a staff of engineers and engineering technicians. Additionally, I performed engineering design, master planning, coordination, review, inspection, permitting, rezoning requests, future-land-use amendments, and project management. Some of my duties included administration tasks such as staff

hiring, raises, terminations, and reviews of employees under my direction. Though we performed a wide variety of services, over half of our income was from private development of large subdivisions (some over 600 lots.)

#### ***Project Summary***

Large Commercial Site Development  
Environmental Design and Permitting  
Residential Structural Wind Loads

Roadway Design  
Expert Witness  
Bridge Design

Contract Management  
Land Use Amendments  
Planned Unit Development

***Northwest Florida Engineering and Surveying, Inc. - Pensacola, Florida***  
***Partner/Engineering Manager***

*March 1998*

*March 2002*

I started with Northwest Florida Engineering and Surveying, Inc. as a Design Engineer. In July of 2000, I became the Engineering Manager for the firm. My responsibilities included managing a staff of project engineers, planners, design engineers, technicians, draftsmen, and clerical personnel. Other responsibilities included design, permitting, and inspections, as well as administrative and management responsibilities.

#### ***Project Summary***

Storm Water Management  
Land Use Amendments  
Submerged Land Leases  
Sanitary Sewer and Potable Water Systems

Roadway Design  
Wetland Permitting  
Expert Witness

Subdivision Development  
Onsite Sewage Disposal Designs/Permitting  
Phase I Environmental Site Assessments

***JWM Engineering Inc. - Luverne, Alabama***  
***Design Engineer and Office Manager***

*April 1997*

*April 1998*

I worked with JWM Engineering, Inc. (a small engineering and surveying consulting firm) as a design engineer with duties that included engineering design of municipal projects such as street resurfacing, bridge replacement and storm water management. I also worked as a design engineer for several residential subdivisions and commercial site development projects. My experience at JWM Engineering also included design and construction management of a pre-cast concrete bridge.

***Crenshaw County Commission- Luverne, Alabama***  
***Assistant County Engineer***

*January 1995*

*April 1997*

I performed design, inspection, and project management for county roadway projects. My duties included permitting, drafting, engineering design, surveying, public meetings, and contract administration. I also performed annual inspections of county bridges, erosion control projects, and oversight of private contractors working on projects for the county. My experience also included design and construction management of three pre-cast concrete bridges, various drainage upgrade projects, and oversight of multiple roadway paving -projects.

## Education

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**Auburn University - Auburn, Alabama**

**B.S. Civil Engineering - 1994**

### *Elective Course Work*

Storm Water Drainage Design  
Soil Stabilization

Geometric Design  
Structural Engineering Design Project

## Additional Information

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- Five years of part time experience with a construction company and one-year part-time experience with a survey crew
- Past West Florida Home Builders Association Board Member
- Current Member of the Escambia County Building Inspection Advisory Committee
- Current Member of Gulf Breeze Middle School's Student Advisory Committee
- Past City of Gulf Breeze Development Review Board Member
- Past Santa Rosa County Zoning Board Member





# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 23-00523

City Council

7/20/2023

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council President Delarian Wiggins

**SUBJECT:**

APPOINTMENT - ZONING BOARD OF ADJUSTMENT

### **RECOMMENDATION:**

That City Council appoint a resident or property owner of the City, to the Zoning Board of Adjustment for a term of three (3) years, expiring July 14, 2026.

**HEARING REQUIRED:** No Hearing Required

### **SUMMARY:**

The Zoning Board of Adjustment reviews and grants or denies applications for variances, waivers, and special exceptions to the Land Development Code. The board also hears and decides appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the Land Development Code.

The following has been nominated:

**Nominee:**  
Kirwan Price

**Nominated by:**  
Moore

### **PRIOR ACTION:**

City Council appoints members 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) Nomination Form - Kirwan Price
- 3) Application of Interest - Kirwan Price
- 4) Ballot

**PRESENTATION:** No

## Zoning Board of Adjustment

Name	Profession	Appointed By	No. of Terms	Year	Exp Date	First Appointed	Term Length	Comments
Dittmar, John "Drew" A.	Educator Const Trades	Council	0	2023	7/14/2025	8/18/2022	3	replaced David DelGallo
Jacquay, Jarah	Registered Nurse	Council	0	2023	7/14/2026	3/10/2022	3	filled unexp trm of Chris Lonergan
Sebold, Steven	Real Estate	Council	1	2023	7/14/2024	7/19/2018	3	replaced Patrick Boudreaux
Shelley, Steven M.	Business owner	Council	3	2023	7/14/2025	11/17/2016	3	Vacated by Dean Dalrymple
Stepherson, Troy	Office & Mkting Mgr	Council	1	2023	7/14/2024	7/13/2017	3	Vacated by Jared Moore
VACANT, VACANT		Council	0	2023	7/14/2026	3/25/2010	3	Replaced Boyce T. White
Weeks, William	Retired Bldg Official	Council	0	2023	7/14/2024	6/14/2021	3	replaced Jonathon Wiggins
White, Boyce T.	Business	Council	3	2023	7/14/2026	7/17/2014	3	Replaced Melanie Nichols
Williams, Robby	Project Manager/Constr	Council	4	2023	7/14/2025	7/17/2014	3	filled unexp trm of Michael Burnett

Term Length: THREE YEAR TERMS

NINE (9) MEMBERS APPOINTED BY THE CITY COUNCIL. NO MEMBER SHALL BE AN ELECTED OFFICIAL OR EMPLOYEE OF THE CITY. MEMBERS MUST BE RESIDENTS OR PROPERTY OWNERS OF THE CITY OF PENSACOLA.

**CITY OF PENSACOLA, FLORIDA**

**NOMINATION FORM**

I, Jared Moore, do nominate Kirwan Price  
(Nominee)

3187 Hyde Park Place 32503 (850) 207-2231  
(Home Address) (Phone)

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

Kirwanprice@bellsouth.net City Resident: ☒ YES NO  
(Email Address) Property Owner within the City: ☒ YES NO

for appointment by the City Council for the position of:

***MEMBER  
ZONING BOARD OF ADJUSTMENT  
(Three-year term expiring 7/14/2026)***

Provide a brief description of nominee's qualifications:

Kirwan would be a great addition. I've observed him have difficult conversations with thoughtful  
tact and diplomacy while still clearly articulating his perspective and the merits. He's a great  
listener and critical thinker.

  
\_\_\_\_\_  
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

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)  
**Sent:** Wednesday, July 5, 2023 2:45 PM  
**To:** [Ericka Burnett](#); [Robyn Tice](#)  
**Subject:** [EXTERNAL] Online Form Submittal: Application for Boards, Authorities, and Commissions - City Council Appointment

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**THIS EMAIL IS FROM AN EXTERNAL EMAIL ACCOUNT**

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

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

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

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

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(Section Break)

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### Personal Information

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Name	Kirwan B Price
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Home Address	3187 Hyde Park Place Pensacola, FL 32503
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Business Address	<i>Field not completed.</i>
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To which address do you prefer we send correspondence regarding this application?	Home
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Preferred Contact Phone Number(s)	850 207 2231
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Email Address	<a href="mailto:kirwanprice@bellsouth.net">kirwanprice@bellsouth.net</a>
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Upload Resume (optional)	<i>Field not completed.</i>
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(Section Break)

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Details

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Are you a City resident?	Yes
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If yes, which district?	3
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If yes, how long have you been a City resident?	30 years
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Do you own property within the City limits?	Yes
---	-----

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Are you a registered voter in the city?	Yes
---	-----

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Board(s) of interest:	Zoning Board
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Please list the reasons for your interest in this position:	I can afford the time, and I would like to give back to my community.
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Do you currently serve on a board?	No
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If yes, which board(s)?	<i>Field not completed.</i>
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Do you currently hold a public office?	No
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If so, what office?	<i>Field not completed.</i>
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Would you be willing to resign your current office for the appointment you now seek?	N/A
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(Section Break)

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Diversity

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

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Gender	Male
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Race	Caucasian
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Physically Disabled	No
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(Section Break)

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Acknowledgement of Terms    I accept these terms.

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

Ballot – **Zoning Board of Adjustment**  
July 20, 2023  
*Three-year term expiring July 14, 2026*

***Member***

\_\_\_\_\_ Kirwan Price

\_\_\_\_\_

**Vote for One**

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





# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

**File #:** 23-00500

City Council

7/20/2023

### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** D.C. Reeves, Mayor

**SUBJECT:**

**PUBLIC HEARING:** PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - ESTABLISHING FOOD TRUCK COURTS AS A PERMITTED LAND USE ALLOWED IN SPECIFIED ZONING DISTRICTS

**RECOMMENDATION:**

That City Council conduct the second of two required public hearings on July 20, 2023 to consider proposed amendments to the Land Development Code pertaining to the creation of "Food Truck Courts" as a permitted land use, and allowing this new land use in specified zoning districts.

**HEARING REQUIRED:** Public

**SUMMARY:**

Over the past decade or so, food truck courts (aka food truck parks) have become more and more prevalent across the country. These establishments, which normally require a certain level of seating, restrooms, and other site plan requirements, offer several benefits to the communities that they are allowed, such as neighborhood revitalization, providing entrepreneurial and business opportunities including, in many cases, areas of the communities where food / dining options are not as available, land redevelopment, economic vibrancy, etc.

In researching the food truck courts trend that has taken hold throughout the country, including neighboring jurisdictions, City Staff drafted proposed amendments to the Land Development Code that would allow food truck courts as a permitted commercial land use, which were presented to the City's Planning Board at their March and April 2023 meetings for discussion and feedback. On May 9, 2023 the Planning Board recommended approval of the proposed amendments in a 6-0 vote.

The two attached proposed ordinances would allow food truck courts as a primary by-right land use in the C-1, C-2, C-2A, and C-3 Commercial Districts; the M-1 and M-2 Industrial Districts; the GRD, and WRD Redevelopment Districts, and as a conditional use in PC-1 North Hill Preservation Commercial District. The proposed ordinances also outline general site development requirements for the new land use, including brick-and-mortar bathrooms, seating requirements, and landscaping and buffers.

Because the proposed amendments include changes to the list of permitted uses in a city zoning

district, both the Land Development Code and state statute require that two public hearings be held before City Council. The first public hearing was held on June 15, 2023.

**PRIOR ACTION:**

City Council conducted the first of two required public hearings on June 15, 2023.

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**LEGAL REVIEW ONLY BY CITY ATTORNEY:** Yes

5/9/2023

**STAFF CONTACT:**

Kerrith Fiddler, City Administrator

David Forte, Deputy City Administrator

Sherry Morris, AICP, Development Services Department Director

Leslie Statler, Development Services Coordinator

**ATTACHMENTS:**

- 1) Planning Board Minutes - May 9, 2023
- 2) Proposed Ordinance No. 12-23
- 3) Proposed Ordinance No. 13-23

**PRESENTATION:** No



## **MINUTES OF THE PLANNING BOARD**

**May 9, 2023**

**MEMBERS PRESENT:** Chairperson Paul Ritz, Vice Chairperson Larson Board Member Grundhoefer, Board Member Villegas, Board Member Van Hoose, Board Member Powell

**MEMBERS ABSENT:** Board Member Sampson

**STAFF PRESENT:** Planning & Zoning Manager Cannon, Assistant Planning & Zoning Manager Harding, Help Desk Technician Russo, Development Services Director Morris, Development Services Coordinator Statler

**STAFF VIRTUAL:** Assistant City Attorney Lindsay

**OTHERS PRESENT:** Amir Fooladi, Tommy White

### **AGENDA:**

- Quorum/Call to Order
- Approval of Meeting Minutes from April 11, 2023
- **New Business:**
  - Proposed Amendment to the Land Development Code – Food Truck Courts
  - Open Forum
  - Discussion:
  - Adjournment

### **Call to Order / Quorum Present**

Chairperson Paul Ritz called the meeting to order at 2:05 pm with a quorum present and explained the procedures of the meeting including requirements for audience participation.

**Approval of Meeting Minutes** – Board Member Larson made a motion to approve the April 11, 2023, minutes, seconded by Board Member Powell, and it carried unanimously.

### **New Business** –

#### **Proposed Amendment to the Land Development Code – Food Truck Courts**

Assistant Planning & Zoning Manager Harding introduced the agenda item and

Chairperson Ritz provided an additional background. Assistant Planning & Zoning Manager Harding also introduced the added gray-water system provision which was included due to staff's discussions with food truck owners. Chairperson Ritz acknowledged that several developers and food truck business owners had been contacted and that additional notice of the proposed amendment had been provided. Development Services Coordinator Statler gave a brief highlight of changes that were made to the ordinance - an inclusion for setbacks from a residential zoning district as outlined in Table 12-3.7 was added, utilities shall be screened per Sec. 12-3-121, one parking space per pad, an option of gray-water system with off-site disposal, modified the language for table seating, with a minimum of four seats per table, and if a gray-water system is used, a contract for off-site disposal must be made available upon request. The board members began to ask questions regarding the changes that were made. Board Member Grundhoefer requested the wording be clarified as far as the table seating goes. Board Member Van Hoose stated she felt it's an unnecessary imposition of food trucks to require table and chairs and feels it's a liability. A majority of the Board Members are in favor of the table and chairs. Board Member Van Hoose inquired where else in the Land Development Code are table and chairs required, staff replied they are unaware of that requirement anywhere else in the Land Development Code. Development Services Coordinator Statler stated that with License to Use there are no specific requirements for outdoor dining for the chairs, but liability insurance is required since it's on City right of way versus private property. Chairperson Ritz stated whenever legislation is created from scratch, there's a lot of to discuss. Development Services Coordinator Statler mentioned that under our current conditional use for mobile restaurant facilities we do require that they have permanent restroom facilities and mobile restaurant development sites shall provide one customer seat per linear foot of mobile unit on site, so we do require seating in another section of the LDC for this particular use like The Garden on Palafox. Board Member Villegas stated this is a food truck court with permanent restroom facilities with infrastructure that allows it to be more than a pull up pull off situation. It will create a certain ambiance; she stands firm with the ordinance. Planning & Zoning Manager Cannon mentioned that there are three districts, GRD, WRD, and PC1, that will trigger them to have to come before the Planning Board. This would give the Planning Board a chance to weigh in on these aesthetically, but it does not change anything on the commercial ones. Mr. Fooladi spoke and thanked everyone for all the work put into the ordinance. He wanted to know in **Sec. 12-3-95(c)(1)d.** where it states "Outdoor refuse & utilities, and storage areas shall not be allowed within the 25 feet of the front property line and shall be screened per Sec. 12-3-121.", what is meant by utilities. Development Services Coordinator Statler stated that it was added because of the option for the gray-water tank, if they are using a gray-water tank that's not actually within the truck, but on the exterior, it needs to be screened. Staff clarified that dumpsters would need to be screened in, not trash receptacles or trash cans. A discussion was had regarding the calculations used to determine the number of parking spaces required, and the definition of fencing materials and materials that can be used for screening. They concluded that vegetation is an allowable screening material. A discussion was had regarding the difference between WRD and WRD-1 and why food trucks would not be allowed in WRD-1, staff replied that it was an oversight and that the board could choose to allow food truck courts in WRD-1 and suggested that the board add it to the motion of the item if they thought it appropriate. Mr. White asked if this ordinance would be City wide and staff replied that it would be. Mr. White then asked if there would be a limitation as to how many food trucks would be allowed in the court, staff replied the

maximum number of 6 mobile food truck pads would be allowed. A discussion was then had regarding the use of the City GIS mapping application to determine if a particular location is zoned to allow a food truck court. Board Member Grundhoefer asked for more information regarding the gray-water system and how the material is picked up and where it is dumped. Staff replied that the service provider would be responsible for disposing of it appropriately and that there are different service providers that provide this service. Board Member Powell stated that the state of Florida has standards for how the gray-water is disposed of based on the Florida health code. Staff stated that the gray-water system is a less expensive option other than a grease trap, both ways handle it in a responsible manner.

**Board Member Larson made a motion to approve. Board Member Villegas proposed an amendment that the allowance of “food truck courts, subject to regulations in Sec. 12-3-95” be added to zoning district WRD-1 (Sec. 12-3-12(4) b.) and it was accepted. Chairperson Ritz proposed the amendment that the two mentioned typos be corrected (“on” to “one” in proposed Sec. 12-3-95(c)(4) and “form” to “from” in proposed Sec. 12-3-95(c)(9) and it was accepted. Board Member Grundhoefer proposed the amendment to change proposed Sec. 12-3-95(c)(7) to “Seating. At least one table, with a minimum of four seats per table, shall be required for every mobile food truck pad.”, and it was accepted. Board Member Powell seconded the motion and it carried 6-0.**

#### **Open Forum – None.**

**Discussion** – Chairperson Ritz announced that he will be absent for the July meeting. Board Member Larson (Vice Chair) will fill in as Chairperson. Assistant Planning and Zoning Division Manager Harding advised the board that City Administration has asked Development Services staff to research off-street parking and building height requirements as they relate to the city’s Land Development Code and comparable ordinances from other local governments, and that the board may see agenda discussion items on such topics in the future.

**Adjournment** – With no further business, the Board adjourned at 3:07 p.m.

Respectfully Submitted,

Gregg Harding, RPA  
Assistant Planning & Zoning Manager  
Secretary of the Board

PROPOSED  
ORDINANCE NO. 12-23

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

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE CREATING SECTION 12-3-95 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ESTABLISHING FOOD TRUCK COURTS AS A PERMITTED LAND USE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-3-95 of the Code of the City of Pensacola, Florida, is hereby created to read as follows:

(a) Purpose. The purpose of allowing food truck courts which provides parking pads for one or more mobile food trucks and may also include other site development features, such as parking and seating, is to allow for innovative development options within the commercial zoning district.

(b) Permitted locations.

a. Food truck courts shall be allowed as a permitted use in the C-1, C-2, C-2A, C-3, M-1, M-2, GRD, WRD, and WRD-1 zoning districts, exclusive of the area defined by Section 11-2-24 of the Code of the City of Pensacola.

b. Food truck courts shall be allowed as a conditional use within PC-1 and the area defined within Section 11-2-24 and must comply with the conditional use requirements established within section 12-3-120(a)(3).

(c) General requirements.

(1) Site development requirements. The development of the site shall comply with the requirements of the zoning district and any applicable overlay district, with the exception of the following:

a. Food truck stalls and additional structures shall observe a minimum setback of ten (10) feet from any side or rear property line, notwithstanding any applicable landscape buffers or setbacks from a residential zoning district as outlined in Table 12-3.7.

b. Food truck stalls and additional structures shall be located at least ten (10) feet from any other space or structure.

c. Drive-thru services are prohibited.

d. Outdoor refuse & utilities, and storage areas shall not be allowed within the 25 feet of the front property line and shall be screened per Sec. 12-3-121.

- (2) Number of food truck parking pads. A minimum of one stationary food truck pad shall be developed with each food truck court. The maximum number of mobile food truck pads shall be six (6).
- (3) Lot coverage, landscaping, and buffers.
- a. The maximum lot coverage for the mobile food truck pads, all structures, and defined outdoor dining areas shall be 50%.
  - b. Landscaping and buffer requirements shall be subject to the minimum provisions set forth in chapter 12-6. When off-street parking is located at a street frontage, a year-round landscape hedge or low fence or wall along the street edge of the parking lot must be used as a means of buffering and subject to visibility triangle requirements in section 12-3-58.
- (4) Off-street parking. One off-street parking space shall be provided for the food truck court for each food truck pad plus one per 100 square feet of gross floor area, or fraction thereof, of all buildings on the site with the exception of those located within the Dense Business Area or the Urban Core CRA.
- (5) Mobile food truck pad requirements. Each food truck space shall provide the following:
- a. A connection to a water source.
  - b. A connection to a sewer system and a grease trap or a gray-water system with off-site disposal.
  - c. A solid surface pad measuring at least 10 feet in width and 20 feet in length.
- (6) Restrooms. Permanent restrooms are required as part of the food truck court. This facility must be within the same parcel as the mobile food truck pad(s). The minimum requirement shall be 2 stalls each for male and female.
- (7) Seating. At least one table, with a minimum of four seats per table, shall be required for every mobile food truck pad.
- (8) Exterior modifications.
- a. Architectural design and building elements. All buildings, structures, fences, walls, etc. shall follow design standards and guidelines in section 12-3-121(d) and shall strive to achieve visual harmony with the surrounding area. If located in a district subject to Architectural Review Board or Planning Board review, or located in the CRA Urban Design Overlay, the project shall be subject to the standards applicable to the relevant district.
  - b. Fencing and screening. Approved materials include wood, brick, stucco finished masonry, stone, or wrought iron, and combinations of these materials. Black powder-coated chain-link fences will be permitted if screened in their entirety by appropriate vegetation. Exposed concrete block and barbed wire are prohibited. All service areas (i.e. trash collection containers, compactors, etc.) shall be screened from street and adjacent buildings by a fence, wall, and/or vegetation.
  - c. Site lighting. Exterior lighting shall follow standards set forth in section 12-3-121(c)(9).

(9) Food truck requirements.

- a. Each food truck must meet the requirements of the Florida Fire Prevention Code, NFPA 1, section 50.7 Mobile and Temporary Cooking Operations. Section 50.7.1.5 Separation. Mobile or temporary cooking operations shall be separated from buildings or structures, combustible materials, vehicles, and other cooking operations by a minimum of 10 ft. Section 50.7.1.7 Fire Department Access. Mobile or temporary cooking operations shall not block fire department access roads, fire lanes, fire hydrants, or other fire protection devices and equipment.
- b. A copy of the Commissary Agreement should be maintained on the food truck or mobile food vending establishment.
- c. The food truck owner should obtain a license from DBPR, then an inspection from the fire department before obtaining a City BTR.
- d. Each food truck operating on the site is required to have a City BTR, business tax receipt, but is not required to obtain any other City permits or licenses.
- e. A copy of the appropriate license(s) from the Florida department of Business and Professional Regulation (Division of Hotels and Restaurants) shall be maintained on the food truck or mobile food vending establishments at all times along with a copy of a valid City business tax receipt when the vehicle is in operation in the City, and shall be made available for inspection upon request by the City's law or code enforcement officers.
- f. If a gray-water system is to be used, a contract for off-site disposal must be made available upon request.

(10) Alcohol. If alcohol is to be sold on-site, the provisions within Chapter 7 shall apply.

(11) Signs. Signage shall comply with the standards for the respective zoning district.

(d) Review and approval process. All applications for food truck courts shall comply with development standards and guidelines established in section 12-3-121.

Secs. 12-3-96—12-3-104. Reserved.

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

PROPOSED  
ORDINANCE NO. 13-23

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

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTIONS 12-3-8, 12-3-10, AND 12-3-12  
OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA;  
ESTABLISHING FOOD TRUCK COURTS AS A PERMITTED USE IN  
SPECIFIED ZONING DISTRICTS; PROVIDING FOR SEVERABILITY;  
REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Sections 12-3-8 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-3-8. - Commercial land use district.

The regulations in this section shall be applicable to the retail and downtown commercial and wholesale and light industry zoning districts: C-1, C-2A, C-2, and C-3.

(1) *Purpose of district.*

- a. 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. 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. New development and redevelopment projects are strongly encouraged to follow the city's design standards and guidelines contained in section 12-3-121.
- b. The C-1 zoning district's regulations are intended to provide for conveniently supplying the immediate needs of the community where the types of services rendered and the commodities sold are those that are needed frequently. The C-1 zoning district is intended to provide a transitional buffer between mixed-use neighborhood commercial areas and more intense commercial zoning. The downtown and retail commercial (C-2A and C-2) zoning districts' regulations are intended to provide for major commercial areas intended primarily for retail sales and service establishments oriented to a general community and/or regional market. The C-3 wholesale and light industry zoning district's regulations are intended to provide for general commercial services, wholesale distribution, storage and light fabrication.

- c. The downtown retail commercial (C-2A) zoning district's regulations are intended to provide a mix of restaurants, retail sales, entertainment, and service establishments with an emphasis on pedestrian-oriented ground floor shops and market spaces.
- d. The commercial retail (C-2) zoning district's regulations are intended to provide for major commercial areas intended primarily for retail sales and service establishments oriented to a general community and/or regional market.
- e. The C-3 wholesale and light industry zoning district's regulations are intended to provide for general commercial services, wholesale distribution, storage and light fabrication.

(2) *Uses permitted.*

- a. C-1, retail commercial zoning district. Any use permitted in the R-NC district and the following uses, with no outside storage or repair work permitted:
  - 1. Retail sales and services.
  - 2. Motels/hotels.
  - 3. Vending machine when as accessory to a business establishment and located on the same parcel of land as the business.
  - 4. Car washes.
  - 5. Movie theaters, except drive-in theaters.
  - 6. Open air sales of trees, plants and shrubs. The business shall include a permanent sales or office building (including restrooms) on the site.
  - 7. Pet shops with all uses inside the principal building.
  - 8. Parking lots and parking garages.
  - 9. Pest extermination services.
  - 10. Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas.
  - 11. Business schools.
  - 12. Trade schools.
  - 13. Medical marijuana dispensary.
  - 14. Recreation or amusement places operated for profit.
  - 15. Accessory buildings and uses customarily incidental to the above uses.
  - 16. Food truck courts, subject to regulations in Sec. 12-3-95.

- a. *C-2A, downtown retail commercial district.* Any use permitted in the C-1 district with the exception of manufactured home parks, and conditional uses. The following uses with no outside storage or repair work permitted:
  - 1. Bars.
  - 2. Pool halls.
  - 3. Newspaper offices and printing firms.
  - 4. Marinas.
  - 5. Major public utility buildings and structures including radio and television broadcasting station.
  - 6. Accessory buildings and uses customarily incidental to the above uses.
- b. *C-2, commercial district (retail).* Any use permitted in the C-2A district and the following uses with no outside storage or repair work permitted:
  - 1. Cabinet shops and upholstery shops.
  - 2. Electric motor repair and rebuilding.
  - 3. Garages for the repair and overhauling of automobiles.
  - 4. Sign shop.
  - 5. Accessory buildings and uses customarily incidental to the above uses.
- c. *C-3, commercial zoning district (wholesale and limited industry).*
  - 1. Any use permitted in the C-2 district. Outside storage and work shall be permitted for those uses and the following uses, but shall be screened by an opaque fence or wall at least eight feet high at installation. Vegetation shall also be used as a screen and shall provide 75 percent opacity. The vegetative screen shall be located on the exterior of the required fence.
  - 2. Outside kennels, runs or exercise areas for animals subject to regulations in section 12-3-83.
  - 3. Growing and wholesale of retail sales of trees, shrubs and plants.
  - 4. Bakeries, wholesale.
  - 5. Ice cream factories and dairies.
  - 6. Quick-freeze plants and frozen food lockers.
  - 7. Boat sales and repair.
  - 8. Outdoor theaters.
  - 9. Industrial research laboratories and pharmaceutical companies.
  - 10. Truck sales and repair.

11. Light metal fabrication and assembly.
12. Contractors shops.
13. Adult entertainment establishments subject to the requirements of chapter 7-3.
14. Industrial laundries and dry cleaners using combustible or flammable liquids or solvents with a flash point of 190 degrees Fahrenheit or less which provide industrial type cleaning, including linen supply, rug and carpet cleaning, and diaper service.
15. Retail lumber and building materials.
16. Warehouses.
17. Plumbing and electrical shops.
18. New car and used car lots, including trucks which do not exceed 5,000 pounds.
19. Car rental agencies and storage, including trucks which do not exceed 5,000 pounds.
20. Pawnshops and secondhand stores.
21. Mini-storage warehouses.
22. Advanced manufacturing and/or processing operations provided that such use does not constitute a nuisance due to emission of dust, odor, gas, smoke, fumes, or noise.
23. Accessory buildings and uses customarily incidental to the above uses.

- (3) *Regulations.* All developments are required to comply with design standards and are strongly encouraged to follow design guidelines as established in section 12-3-121. Table 12-3.7 describes height, area and yard requirements for the C-1, C-2, C-2A and C-3 commercial zoning districts:

TABLE 12-3.7. REGULATIONS FOR THE COMMERCIAL ZONING DISTRICTS

Standards	C-1	C-2A	C-2 and C-3
Minimum Yard Requirements (Minimum Building Setbacks)	There shall be no yard requirements, except that where any nonresidential use is contiguous to a residential zoning district there shall be a 20-foot yard unless the two districts are separated by a public street, body of water, or similar manmade or natural buffer of equal width. Inside the C-2A District and Dense Business Area: There shall be a maximum allowed front yard setback of 10 feet.		
Maximum Building Height	No building shall exceed 45 feet in height at the	No building shall exceed 100 feet in height at the property or setback lines. (See Note 1)	

	property or setback lines. (See Note 1)		
Lot Coverage Requirements (The maximum combined area occupied by all principal and accessory buildings)	Shall not exceed 75 percent of the total site area for buildings up to 100 feet in height. For buildings over 100 feet in height, lot coverage shall not exceed 65 percent.	Shall not exceed 100 percent of the total site area for buildings up to 100 feet in height. For buildings over 100 feet in height, lot coverage shall not exceed 90 percent.	Inside the dense business area: shall not exceed 100 percent of the total site area for buildings up to 100 feet in height. For buildings over 100 feet in height, lot coverage shall not exceed 90 percent (with the exception of the C-2A zoning district). Outside the dense business area: shall not exceed 75 percent of the total site area for buildings up to 100 feet in height. For buildings over 100 feet in height, lot coverage shall not exceed 65 percent.
Maximum Density Multiple-Family Dwellings	35 dwelling units per acre.	135 dwelling units per acre.	Inside the dense business area: 135 dwelling units per acre. Outside the dense business area: 35 dwelling units per acre.
Note 1: Three feet may be added to the height of the building for each foot the building elevation is stair-stepped or recessed back from the property or setback lines beginning at the height permitted up to a maximum height of 150 feet.			

- (4) *Additional regulations.* In addition to the regulations established above in subsection (3) of this section, all developments within the commercial zoning districts will be subject to, and must comply with, the following regulations:
- Supplementary district regulations subject to regulations in sections 12-3-55 through 12-3-69.
  - Off-street parking subject to regulations in chapter 12-4.

- c. Signs subject to regulations in chapter 12-5.
- d. Tree/landscape regulations subject to regulations in chapter 12-6.
- e. Stormwater management and control of erosion, sedimentation and runoff subject to regulations in chapter 12-8.
- f. Alcoholic beverages regulations subject to chapter 7-4.

Sec. 12-3-9. Industrial land use district.

The regulations in this section shall apply to the light industrial (wholesale and light industry) and heavy industrial zoning districts: M-1 and M-2.

- (1) Purpose of district. The industrial land use district is established for the purpose of providing areas for industrial development for a community and regionally oriented service area. The industrial zoning district's regulations are intended to facilitate the manufacturing, warehousing, distribution, wholesaling and other industrial functions of the city and the region. New residential uses are prohibited in the M-2 zoning district. The industrial district regulations are designed to:
  - a. Encourage the formation and continuance of a compatible environment for industries, especially those which require large tracts of land and/or employ large numbers of workers;
  - b. Protect and reserve undeveloped areas that are suitable for industries;
  - c. Discourage development of new residential or other uses capable of adversely affecting or being affected by the industrial character of this district; and
  - d. Provide an opportunity for review by the planning board and approval by the city council for specific uses that may be an environmental nuisance to the community.
- (2) Uses permitted.
  - a. M-1, light industrial district.
    - 1. Any use permitted in the C-3 district.
    - 2. Outdoor storage and work, but shall be screened by an opaque fence or wall at least eight feet high at installation. Vegetation shall also be used as a screen and shall provide 75 percent opacity. The vegetative screen shall be located on the exterior of the required fence, and shall be subject to the regulations contained in chapter 12-6.
    - 3. Wholesale business.
    - 4. Lumber, building material yards.
    - 5. Furniture manufacture/repair.
    - 6. Assembly of electrical appliances, instruments, etc.

7. Welding and metal fabrication, except the fabrication of iron and steel or other metal for structural purposes, such as bridges, buildings, radio and television towers, oil derricks, and sections for ships, boats and barges.
  8. Processing/packaging/distribution.
  9. Canning plants.
  10. Ice plant/storage buildings.
  11. Bottling plants.
  12. Stone yard or monument works.
  13. Manufacturing uses of a scale and intensity likely to be capable of producing sound, vibration, odor, etc., that is incompatible with the general commercial districts.
  14. Conditional uses permitted:
    - i. Residential and nonresidential community correction centers, probation offices, and parole offices provided that no such site shall be located any closer than one-quarter mile, 1,320 feet, from a school for children in grade 12 or lower, licensed day care center facility, park, playground, nursing home, convalescent center, hospital, association for disabled population, mental health center, youth center, group home for disabled population or youth, or other place where children or a population especially vulnerable to crime due to age or physical or mental disability regularly congregates.
    - b. M-2, heavy industrial district.
      1. Any use permitted in the M-1 district.
      2. Any use or the expansion of any use or building not permitted in the preceding district may be permitted upon development plan review by the planning board and city council approval subject to regulations in section 12-3-120.
- (3) Regulations. All developments are required to comply with design standards and are encouraged to follow the design guidelines as established in section 12-3-121. Table 12-3-8 describes requirements for the industrial zoning districts:

TABLE 12-3.8. REGULATIONS FOR THE  
INDUSTRIAL ZONING DISTRICTS

Standards	M-1	M-2
Minimum Yard Requirements (Minimum Building Setbacks)	There shall be no yard requirements, except that where any nonresidential use is contiguous to a residential zoning district there shall be a 20-foot yard, or for industrial uses a 40-foot yard, unless the two districts	



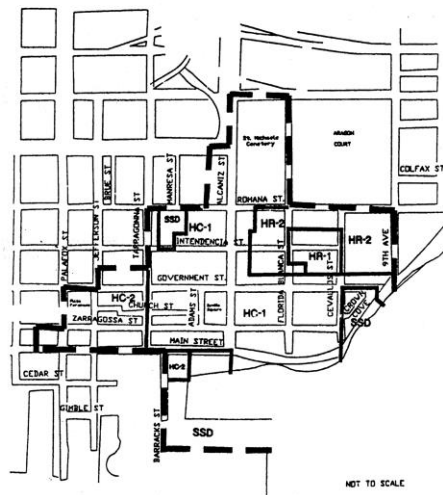
	are separated by a public street, body of water, or similar manmade or natural buffer of equal width.
Maximum Building Height	No building shall exceed 45 feet in height at the property or building setback lines if contiguous to a residential district. Above the height permitted three feet may be added to the height of the building for each foot the building is set back from the property lines up to a maximum height of 100 feet. If not contiguous to a residential zoning district no building shall exceed 100 feet in height at the property lines.
Lot Coverage Requirements	The maximum combined area occupied by all principal and accessory buildings shall not exceed 75 percent of the total site area.

- (4) Additional regulations. In addition to the regulations established above in subsection (3) of this section, all developments within the industrial zoning districts will be subject to, and must comply with, the following regulations:
- Supplementary district regulations subject to regulations in sections 12-3-55 through 12-3-69.
  - Off-street parking subject to regulations in chapter 12-4.
  - Signs subject to regulations in chapter 12-5.
  - Tree/landscape regulations in chapter 12-6.
  - Stormwater management and control of erosion, sedimentation and runoff subject to regulations in chapter 12-8.
  - Alcoholic beverages regulations subject to chapter 7-4.

SECTION 2. Section 12-3-10 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-3-10. – Historic and preservation land use district.

The regulations in this section shall be applicable to the Pensacola historic district, the North Hill preservation district and the Old East Hill preservation district: HR-1, HR-2, HC-1, HC-2, PR-1AAA, PR-2, PC-1, OEHR-2, OEHC-1, OEHC-2 and OEHC-3.



(1) *Historic zoning districts: HR-1, HR-2, HC-1 and HC-2.*

- a. *Purpose.* The historic zoning districts are established to preserve the development pattern and distinctive architectural character of the district through the restoration of existing buildings and construction of compatible new buildings. The official listing of the Pensacola historic district (which includes all areas designated as historic zoning districts) on the National Register of Historic Places and the authority of the architectural review board reinforce this special character. 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 districts.
- b. *Character of the district.* The historic district is characterized by lots with narrow street frontage (based on the original British city plan, c. 1765), and the concentration of Frame Vernacular, Folk Victorian and Creole homes which date from the early 19th Century and form a consistent architectural edge along the street grid. These buildings and historic sites and their period architecture make the district unique and worthy of continuing preservation efforts. 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.
- c. *Uses permitted.*
  1. *HR-1, one- and two-family.*
    - i. Single-family and two-family (duplex) dwellings.
    - ii. Libraries, community centers and buildings used exclusively by the federal, state, county or city government for public purposes.
    - iii. Churches, Sunday school buildings and parish houses.
    - iv. Home occupations allowing: not more than 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 (1)c.2.vi of this section; two nonfamily members shall be

allowed as employees in the home occupation; and a sign for the business not to exceed three square feet shall be allowed.

- v. Publicly owned or operated parks and playgrounds.
- vi. Community residential homes licensed by the state department of health and rehabilitative services with six or fewer residents providing that it is not to be located within 1,000 feet of another such home. If it is proposed to be within 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 500-foot radius.
- vii. Bed and breakfast subject to regulations in section 12-3-84.
- viii. Conditional uses permitted:
  - (a) Single-family attached dwellings (townhouses).
  - (b) Multiple-family dwellings.
- ix. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, when located on the same lot and not involving the conduct of business.
- x. Family day care homes licensed by the state department of children and family Services as defined in state statutes.

2. *HR-2, multiple-family and office.*

- i. Any use permitted in the HR-1 district, including conditional uses.
- ii. Boarding and lodging houses.
- iii. Offices under 5,000 square feet.
- iv. Community residential homes licensed by the state department of health and rehabilitative services with seven to 14 residents providing that it is not to be located within 1,200 feet of another such home in a multifamily district, and that the home is not within 500 feet of a single-family zoning district. If it is proposed to be within 1,200 feet of another such home in a multifamily district, measured from property line to property line, and/or within 500 feet of a single-family zoning district, measured from property line to district line, it shall be permitted with city council approval after public notification of property owners in a 500-foot radius.
- v. Child care facilities subject to regulations in section 12-3-87.
- vi. Conditional use permitted:

The following uses limited to a maximum area of 3,000 square feet:

- (a) Antique shops.
- (b) Bakeries whose products are sold at retail and only on the premises.
- (c) Grocery stores.
- (d) Barbershops and beauty parlors.

- (e) Laundromats, including dry-cleaning pick-up stations.
  - (f) Clothing and fabric shops.
  - (g) Studios.
  - (h) Vending machines when an accessory to a business establishment and located in the same building as the business.
  - (i) Small appliance repair shops.
  - (j) Floral gardens and shops.
  - (k) Hand craft shops for custom work or making custom items not involving noise, odor, or chemical waste.
  - (l) Secondhand stores.
  - (m) Specialty shops.
- vii. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, when located on the same lot.
- 3. *HC-1, historical commercial district.*
  - i. Any use permitted in the HR-2 district, including the conditional uses, with no size limitations.
  - ii. Small appliance repair shops.
  - iii. Marinas.
  - iv. Restaurants (except drive-ins).
  - v. Motels.
  - vi. Commercial parking lots.
  - vii. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, when located on the same lot.
- 4. *HC-2, historical commercial district.*
  - i. Any use permitted in the HC-1 district.
  - ii. Private clubs and lodges except those operated as commercial enterprises.
  - iii. Health clubs, spas and exercise centers.
  - iv. Tavern, lounges, nightclubs, cocktail bars.
  - v. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, when located on the same lot.
  - vi. Adult entertainment establishments subject to the requirements of chapter 7-3 when located within the dense business area as defined in chapter 12-13, Definitions.
- d. *Procedure for review.*
  - 1. Review and approval by the architectural review board. All activities regulated by this subsection shall be subject to review and approval by the architectural review board as established in section 12-12-3. The board shall adopt written rules and procedures for abbreviated review for paint

colors, minor repairs and minor deviations in projects already approved by the board. This process may authorize the board to designate one of its members to undertake such abbreviated review without the necessity for review by the entire board; provided, however, such abbreviated review process shall require review by the staff of West Florida Historic Preservation, Inc. If agreement cannot be reached as it pertains to such request for abbreviated review by the board designee and West Florida Historic Preservation, Inc. staff, then the matter will be referred to the entire board for a decision.

2. Decisions.

- i. General consideration. The board shall consider plans for existing buildings based on their classification as contributing, non-contributing or modern infill as depicted on the map entitled "Pensacola Historic District" adopted herein, and shall review these plans based on regulations described herein for each of these building classifications. In their review of plans for both existing buildings and 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 immediate surroundings and to the district in which it is located or to be 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. The board shall consider requests for design materials, alterations or additions, construction methods, paint colors or any other elements regulated herein, which do not meet the regulations as established in this subsection, when documentary proof in the form of photographs, property surveys, indication of structural foundations, drawings, descriptive essays and similar evidence can be provided. The board shall not consider interior design or plan. The board shall not exercise any control over land use or construction standards such as are controlled by this chapter.
- ii. 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 alteration or addition to an existing building, that such alteration or addition will not impair the architectural or historic value of the building.
  - (b) 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 on adjacent sites or 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.

- iii. No provision of this section shall be interpreted to prevent the restoration or reconstruction of any historic building or feature (as listed by the Historic Pensacola Preservation Board) in its original style, dimensions or position on its original structural foundation.
3. Plan submission. Every activity that 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 historic zoning districts 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" = 30'0"; 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.
- i. *Site plan.*
    - (a) Indicate overall property dimensions and building size and location on the property.
    - (b) Indicate relationship of adjacent buildings, if any.
    - (c) Indicate layout of all driveways and parking on the site.
    - (d) Indicate all fences, and signs with dimensions as required to show exact locations.
    - (e) Indicate existing trees and existing and new landscaping.
  - ii. *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.
  - iii. *Exterior elevations.*
    - (a) Indicate all four 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, 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 built 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.

iv. *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.

4. Submission of photographs.

i. *Renovations/additions to existing buildings.*

- (a) Provide at least four overall photographs per building so that all sides are clearly shown. In addition, photographs depicting the "streetscape" — that is, the immediate vicinity and all adjacent buildings — should be supplied.
- (b) If doors and/or windows are to be modified, provide a photograph of each door to be changed and at least one representative photograph of the type of window to be altered and replaced.
- (c) Provide any additional photographs as required to show specific details of any site or building conditions that will be altered or modified in any way by the proposed construction.

ii. *New construction.*

- (a) 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.
  - (b) Provide photographs of the adjoining "streetscape," including adjacent buildings to indicate the relationship of the new construction to these adjacent properties.
- 5. Submission of descriptive product literature/brochures.
  - i. 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.
  - ii. 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.
  - iii. Provide samples or descriptive literature on roofing material and trip to augment the information on the drawings. The information must indicate dimensions, details, material, color and style.
  - iv. 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.
- 6. Conceptual approval is permitted by the board only when the applicant specifies on their application that is the approval they are seeking. Conceptual approval applications shall be complete with the exception of final details such as material and color selections. Conceptual approval by the board does not permit the issuance of a building permit.
- e. *Regulations and guidelines for any development within the historic zoning districts.* These regulations and guidelines are intended to address the design and construction of elements common to any development within the historic district that requires review and approval by the architectural review board. Regulations and guidelines which relate specifically to new construction and/or structural rehabilitation and repair to existing buildings, applicable to building heights, setbacks, architectural elements and construction types, are established in subsections (1)f through h of this section. Illustrations, photographs and descriptive examples of many of the design elements described in this subsection can be found in the document prepared by the Florida Northwest Chapter of the American Institute of Architects entitled "Seville Historic District Guideline Study."
- 1. *Building height limit.* No building shall exceed the following height limit established by zone: HR-1 (one- and two-family), HR-2 (multiple-family), HC-1 (historic commercial), HC-2 (historic commercial)— 35 feet.



- i. Bayfront Parkway setback/height requirement. The following height/setback requirement shall be observed along Bayfront Parkway between Tarragona Street and 9th Avenue (setback distance measured from northern right-of-way line) to create a scenic open space image along the parkway.

Building Height	Building Setback
20 feet	20 feet
25 feet	25 feet
30 feet	30 feet
35 feet (maximum height)	35 feet

2. *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 historic zoning districts and to ensure the preservation of such trees as described below:

- i. Any of the following "specimen tree" species having a minimum trunk diameter of eight inches (25.1 inches in circumference) at a height of one foot above grade: Live Oak, Water Oak, Pecan, and Magnolia having a minimum trunk diameter of six inches (18.8 inches in circumference) at a height of one foot above grade; and
- ii. Any of the following flowering trees with a minimum trunk diameter of four inches (12.55 inches in circumference) at a height of one 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 district, without first having obtained a permit from the city to do so. Refer to section 12-6-7 for tree removal permit application procedures and guidelines.

3. *Fences.* The majority of original fences in the historic district were constructed of wood with a paint finish in many varying ornamental designs. To a lesser extent, fences 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.

All developments in the historic zoning districts shall comply with fence regulations as established in section 12-3-63(a) through (d), applicable to maximum heights permitted. In addition, the following provisions apply:

- i. Chain-link, concrete block and barbed wire are prohibited fence materials in the historic district. Approved materials will include, but not necessarily be limited to, wood, brick, stone and wrought iron.

- ii. 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 "picket" designs, especially a design that 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 that use masonry materials in their construction.
4. *Signs.* Those few signs that may have originally been used in the historic district, including those which were used in the commercial areas, were typically smaller in scale than many signs in current use. Ordinarily, their style was complementary to the style of the building on the property. The support structure and trim work on a sign was typically ornamental, as well as functional.

Refer to sections 12-5-2 and 12-5-3 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 12-5-7 are prohibited within the historic district. The design, color scheme and materials of all signs shall be subject to approval by the architectural review board. All official signs within the district will be authorized, created, erected and maintained by the city or the Historic Pensacola Preservation Board using as their guide the document entitled "A Uniform System for Official Signs in the Seville Square Historical District." This document also includes recommendations for and descriptive drawings of commercial signs appropriate to the district.

i. *Permitted signs.*

(a) *Temporary accessory signs.*

- (1) One non-illuminated sign advertising the sale, lease, or rental of the lot or building, said sign not exceeding six square feet in area.
- (2) One non-illuminated sign not more than 50 square feet in area in connection with new construction work and displayed only during such time as the actual construction work is in progress.

(b) *Permanent accessory signs.*

- (1) One sign per lot per street frontage for churches, schools, apartment buildings, boarding or lodging houses, libraries, community centers, commercial buildings (including retail and office buildings) or historic sites serving as identification and/or bulletin boards not to exceed 12 square feet in area and having a maximum height of eight feet; provided, however, that signs projecting from a building or extending over public property shall maintain a clear height of nine feet six inches above the public

property and shall not exceed a height of 12 feet six inches. The sign may be mounted to the face of a wall of the building, hung from a bracket that is mounted to a wall of a building, hung from other ornamental elements on the building, or may be freestanding. Attached or wall signs may be placed on the front or one 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.

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

ii. *Prohibited signs.*

- (a) Any sign using plastic materials for lettering or background.
- (b) Internally illuminated signs.
- (c) Portable signs.
- (d) Nonaccessory signs.

5. *Screening.* The following uses must be screened from adjoining property and from public view with fencing and/or landscaping or a combination of the two approved by the board:

- i. Parking lots.
- ii. Dumpsters or trash handling areas.
- iii. Service entrances or utility facilities.
- iv. Loading docks or spaces.

6. *Landscaping.* Within the original historic district development, the majority of each site not covered by a building was typically planted in trees, shrubbery or ground cover. No formal landscape style has been found to predominate in the district. The following regulations apply for landscaping:

- i. Within the front yard setback the use of grass, ground cover or shrubs is required and trees are encouraged in all areas not covered by a drive or walkway.

- ii. The use of brick or concrete pavers set on sand may be allowed in the front yard in addition to drives or walkways, with board approval based on the need and suitability of such pavement.
7. *Driveways, sidewalks and off-street parking.* Original driveways in the historic district were probably unimproved or sidewalks were typically constructed of brick, cobblestones or small concrete pavers using two different colors laid at diagonals in an alternating fashion. Parking lots were not a common facility in the historic district. The following regulations and guidelines apply to driveways, sidewalks and parking lots in the historic district:
- i. *Driveways.* Unless otherwise approved by the board, each building site shall be allowed one driveway, standard concrete ribbons, or access drive to a parking lot. No new driveways or access drives to parking lots may be permitted directly from Bayfront Parkway to any development where alternative access from the inland street grid is available.
    - (a) Where asphalt or concrete is used as a driveway material, the use of an appropriate coloring agent is required.
    - (b) From the street pavement edge to the building setback the only materials allowed shall be shell, brick, concrete pavers, colored asphalt and approved stamped concrete or #57 granite or marble chips.
  - ii. *Sidewalks.* Construction, repair and maintenance of sidewalks are all required on public rights-of-way within the district. Sidewalks shall be constructed of the following materials or combination of materials and approved by the board:
    - (a) Brick pavers;
    - (b) Concrete pavers;
    - (c) Poured concrete stamped with an ornamental pattern and colored with a coloring agent;
    - (d) A combination of concrete with brick or concrete paver bands along the edges of the sidewalk. This combination may also include transverse brick or concrete paver bands spaced at regular intervals.

Walkways shall be provided from the street side sidewalk to the front entrance as approved by the board.
  - iii. *Off-street parking.* Off-street parking is not required in the HC-1 and HC-2 zoning districts. Because parking lots have not been a common land use in the district, their location is encouraged behind the structures which they serve.

- (a) Parking lots shall be screened from view of adjacent property and the street by fencing, landscaping or a combination of the two approved by the board.
  - (b) Materials for parking lots shall be concrete, concrete or brick pavers, asphalt, oyster shells, clam shells or #57 granite or marble chips. Where asphalt or concrete are used, the use of a coloring agent is required. The use of acceptable stamped patterns on poured concrete is also encouraged.
- 8. *Paint colors.* The architectural review board has adopted palettes of historic colors from several paint manufacturers that represent acceptable historic colors for use in the historic district. Samples of these palettes can be reviewed at the Historic Pensacola Preservation Board and at the office of the building inspector.
- 9. *Residential accessory structures.* Residential accessory structures shall comply with regulations set forth in section 12-3-55 except that the following shall apply: Accessory structures shall not exceed one story in height for a maximum in height of 25 feet in order for the accessory structure to match the style, roof pitch, or other design features of the main residential structure.
- 10. *Additional regulations.* In addition to the regulations established above in subsections (1)e.1 through 9 of this section, any permitted use within the historic district where alcoholic beverages are ordinarily sold is subject to the requirements of chapter 7-4.
- f. *Restoration, rehabilitation, alterations or additions to existing contributing structures in the historic district.* The Secretary of the Interior's standards for rehabilitation, codified at 37 CFR 67, and the related guidelines for rehabilitating historic buildings shall form the basis for rehabilitation of existing contributing structures. The following regulations and guidelines for specific building elements are intended to further refine some of the general recommendations found in the Department of the Interior's document to reflect local conditions in the rehabilitation of structures. In the case of a conflict between the Department of the Interior's publication and the regulations set forth herein, the more restrictive shall apply. The "Seville Historic District Guideline Study" describes the building styles that are typical in the historic district. This definition of styles should be consulted to ensure that the proper elements are used in combination in lieu of combining elements that, although they may be typical to the district, are not appropriate for use together on the same building.

For all of the following elements, the documented building materials, types, styles and construction methods shall be duplicated when making repairs, alterations and/or additions to contributing structures. Any variance from the original materials, styles, etc., shall be approved only if circumstances unique to each project are found to warrant such variances. The following regulations and guidelines shall apply to renovations, repairs

and alterations to contributing structures which may or may not have documentary proof of the original elements and to alterations or additions to a contributing structure which seek to reflect the original elements.

1. *Exterior lighting.* Exterior lighting in the district in its original development typically consisted of post-mounted street lights and building-mounted lights adjacent to entryways. Occasionally, post lights were used adjacent to the entry sidewalks to buildings. Lamps were typically ornamental in design with glass lenses and were mounted on ornamental cast iron or wooden posts.
  - i. Exterior lighting fixtures shall be in a design typical to the district in a pre-1925 Era. They shall be constructed of brass, copper, or painted steel and have clear lenses.
  - ii. If exterior lighting is detached from the building, the fixtures shall be post-mounted and used adjacent to sidewalk or driveway entrances or around parking lots. If post-mounted lights are used, they shall not exceed 12 feet in height.
  - iii. The light element itself shall be a true gas lamp or shall be electrically operated using incandescent or high pressure sodium lamps. Fluorescent and mercury vapor lamps are prohibited.
  - iv. The use of pole mounted high pressure sodium utility/security lights is discouraged. If absolutely necessary, they will be considered, but only in the rear portions of the property.
2. *Exterior walls.* The two building materials basic to the historic district are clapboard style wood siding and brick masonry, the former being most prevalent. In general, the wood siding is associated with the residential-type buildings and the brick masonry is associated with more commercially-oriented buildings. Brick is used in predominantly wooden structures only for foundation piers and for fireplaces and chimneys.
  - i. Vinyl or metal siding is prohibited.
  - ii. Wood siding and trim shall be finished with paint, utilizing colors approved by the board. If documentary evidence is submitted showing that the original structure was unpainted, the board may not require a paint finish unless the condition of the wood warrants its use.
  - iii. Foundation piers shall be exposed brick masonry or sand textured plaster over masonry. If infill between piers was original then it must be duplicated. It is encouraged that infill of wood lattice panels is utilized.
3. *Roofs.* The gable roof is the most typical in the historic district. On shotgun house types or buildings placed on narrow deep lots the gable-end is usually oriented toward the street. On the creole type houses or buildings having larger street frontages the gable-end is typically oriented towards the side yard. Some hip roofs are found in newer, typically larger than average buildings. Dormers are found typically in association with the creole type houses. The roof slope is at least six on 12, but can be found

to slope as much as 12 on 12. Roofing materials typically consisted of wood shingles, tin and corrugated metal panels.

- i. The combination of varying roof styles or shapes on a single building is prohibited. The only exception to this is when a three-sided hip roof is used over a porch on the front of a gable roofed building.
  - ii. In order to protect the architectural integrity of the district and structure, roof materials original to each structure should be used. Alternatives to the materials may be considered on a case-by-case basis, but shall match the scale, texture, and coloration of the historic roofing material. Unless original to the structure, the following materials shall be prohibited: less than 30-year fiberglass or asphalt dimensional shingles, rolled roofing, and metal shingles. Thirty-year or 40-year dimensional shingles may be permitted. Provided, however, existing flat-roofed commercial structures may retain the same style roof and continue to use built-up or single-ply roofing.
  - iii. Eave metal and flashing shall be naturally weathered copper or galvanized steel, or may be painted.
  - iv. Gutters and downspouts are discouraged within the district except on brick commercial buildings.
4. *Porches.* The porch, consisting of raised floor platform, sheltering roof, supporting columns, handrails and balustrade, and connecting steps is typical to wood structures in the district.
- i. Porches are required in any renovation or alteration of a contributing structure that originally had a porch, and are encouraged as additions when the style of the building will allow it.
  - ii. The original materials, method of construction and style of building elements shall be duplicated when making repairs, alterations or additions to existing porches.
  - iii. The size and design of all porch elements, i.e., the flooring, the columns, the handrails, the pickets, the roof beam, the floor support piers, and any other ornamentation shall be consistent with any one single style that is typical to the district. The elements shall maintain proper historical scale, dimensions and detailing.
5. *Doors.* Entrance doors made up of a solid wood frame, with an infill of raised wood panels below and glazed panels above, are historically correct for the district. Single doorways with a glazed transom above allowed for both light and ventilation to enter the entrance way or entrance foyer of the building. Double doors were usually associated with a larger home or building layout.

The placement of the doorway was not necessarily in the center of the front wall; in fact, it was usually off to one side in most cases, specifically in the shotgun house types. The larger creole cottage, and French creole house type, normally had the front door centered, leading to a center hallway or stair hall.

- i. Doors are to be fabricated of solid wood, with three horizontal rails and two vertical stiles. The lower infill panels shall be constructed of wood and shall be located below the locking device with glazed panels located above the locking device. The top of the upper glazed panels can be semi-circular/half rounded. Beveled glass is encouraged.
  - ii. Panel infill may vary slightly from that noted in subsection (1)f.5.i of this section, but usually shall not exceed six panels. Variations must be approved by the architectural review board.
  - iii. Trim or casing shall be used on all doors and sidelights and shall typically range in width between five inches and eight inches.
6. *Windows.* Traditionally the windows employed in the Seville Historic District were constructed of wood and were the double hung or triple hung type. The windows opening toward the front porch of the building usually were triple hung with the sill close to or almost flush with the adjacent floors. This allowed for optimum flow of air, and for passage to and from the exterior space. The other windows of the building had the normal placement of the window sill at approximately 30 inches above finished floor. Typical windows ranged in width from 32 to 36 inches and ranged in height from six to seven feet exclusive of trim dimensions. The taller windows, when double hung, frequently had the lower section greater in vertical dimension than the upper section, giving freer movement through to the adjacent porch or veranda.
- i. Windows are to be fabricated of wood and must, in the judgement of the architectural review board, closely approximate the scale and configuration of the original window designs.
  - ii. The window proportions/dimensions will be decidedly vertical, following the historic appearance and character of those encountered throughout the district.
  - iii. Window sections shall typically be divided into two to six panes, and in the usual double hung window, the layout of window panes will be six over six. All windows shall have true divided lites. Any variation to this division of the window opening shall be approved by the architectural review board.
  - iv. The window frame will be given a paint finish appropriate to the color scheme of the exterior of the building.
  - v. Window trim or casing is to be a nominal five-inch member at the two sides and the head.
  - vi. Other than the full height windows at the front porch and smaller windows at kitchens and bathrooms, all remaining windows shall be proportioned with the height between two and 2½ times the width. The sill height for standard windows shall be approximately 30 inches above finished floor.
  - vii. Glass for use in windows shall typically be clear, but a light tinted glass will be given consideration by the architectural review board.



7. *Shutters.* Shutters are an exterior ornamental and functional architectural feature that have traditionally been used on windows, and occasionally, on doors within the historic district. On renovation projects to existing contributing structures, it is recommended that shutters not be installed unless they were original to the structure.
  - i. 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.
  - ii. The shutters must be installed in a manner that will appear identical to an original operable installation. Shutters installed currently are not required to be operational, but rather can be fixed in place; however, they must be installed with some space between the back of the shutter and the exterior wall surface material and must overlap the door or window trim in a fashion identical to an original operable installation.
  - iii. The style of the shutters must be louvered, flat vertical boards or panelled boards, with final determination being based on compatibility with the overall building design.
8. *Chimneys.* Chimneys constructed of brick masonry, exposed or cement plastered, are typical to original construction in the district.

The chimney in the historic district is that necessary element usually serving back-to-back fireplaces, and as such, would not be located on the exterior wall of the building. Consequently, the appropriate location for chimneys would be projecting through some portion of the roof of the building, in lieu of being placed on an exterior wall.

- i. The chimney or chimneys are to be located within the slope of the roof, rather than being placed on an exterior wall, and shall extend above the roof ridge line.
  - ii. 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.
  - iii. The finished exposed surface of chimneys are to be left natural without any paint finish.
  - iv. Flashing shall consist of galvanized steel, copper sheet metal or painted aluminum.
  - v. The extent of simplicity or ornamentation shall be commensurate with the overall style and size of the building on which the chimney is constructed.
  - vi. The use in contributing structures of prefabricated fireplaces with steel chimneys is prohibited.
9. *Trim and miscellaneous ornament.* Most trim, except for window and door casings/trim, was used more for decorative than functional purposes. Trim and ornament was almost always constructed of wood, and was painted to match other elements (doors, windows, porches, etc.) of the building.

Ornament on masonry buildings was typically limited to corbelling or other decorative use of brick at window openings, door openings, columns, parapet walls and on major facades above the windows and doors.

- i. In renovation work, only that decorative trim or ornament historically significant to the specific building will be permitted.
- ii. The scale and profile/shape of existing ornament used within the district will dictate approval for all new proposals.
- iii. Trim and ornament, where used, is to be fabricated of wood.
- iv. 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.*

- i. Air conditioning condensing units shall not be mounted on any roof where they are visible from any street.
- ii. Air conditioning condensing units that are mounted on the ground shall be in either side yards or rear yards. No equipment shall be installed in a front yard.
- iii. 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.
- v. 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.*

- i. Whenever possible, accessibility ramps and outdoor stairways shall be located to the side or the rear of the property.
- ii. The design of accessibility ramps and outdoor stairs shall be consistent with the architectural style of the building.
- iii. Building elements, materials and construction methods shall be consistent with the existing structure.

- g. *Renovation, alterations and additions to noncontributing and modern infill structures within the historic district.* Many of the existing structures within the district do not meet the criteria established for contributing structures, even though they may be similar in style to the historic structures, and some structures are modern in style with no relation to the historic structures. All of these buildings shall be recognized as products of their own time. The regulations and guidelines established in subsection (1)e of this section, relating to streetscape elements, and paint colors described in subsection (1)f.3 of this section shall apply to noncontributing and modern infill structures. In review of these structures the board may make

recommendations as to the use of particular building elements that will improve both the appearance of the individual structure, its relationship with surrounding structures and the overall district character.

- h. *New construction in the historic district.* This subsection does not intend to mandate construction of new buildings of historical design. New construction shall complement original historic buildings or shall be built in a manner that is complementary to the overall character of the district in scale, building materials, and colors.

For purposes of describing the scale and character required in new construction within the historic district, the district is herein subdivided into two general building style districts as shown on Map 12-3.1: the "residential" wood cottages district and the "commercial" brick structures district. Within the wood cottages district all new construction shall conform to the building types I and II (described herein) in scale, building materials and colors. Within the brick structures district all new construction shall conform to the building types I, II, or III (described herein) in scale, building materials and colors. The regulations for the two building style districts will establish building heights and setbacks and will illustrate relationships between the streetscape, the building and exterior architectural elements of the building. The streetscape element regulations established in subsection (1)e of this section are applicable to all new construction in the historic district, no matter what style building. If new construction is intended to match historical designs, then the building elements described in subsection (1)f.1 through 12 of this section should be utilized as guidelines. If it is to be a replica of a historic building, the building must be of a historic style characteristic of the Pensacola historic district.

1. Figure 12-3.1 illustrates the scale and characteristics of building types I and II for the wood cottages district.
2. Figure 12-3.2 illustrates the scale and characteristics of building type III for the brick structures district.
3. Aragon subdivision Block "L" & "N" and lots within Privateer's Alley shall conform to section 12-3-12(2)e.10, GRD-1 Architectural Review Standards, with the exception of section 12-3-12(2)e.10.v, Doors. Exterior doors shall comply with subsection (1)f.5 of this section.

#### MAP 12-3-1-HISTORIC BUILDING STYLE DISTRICTS



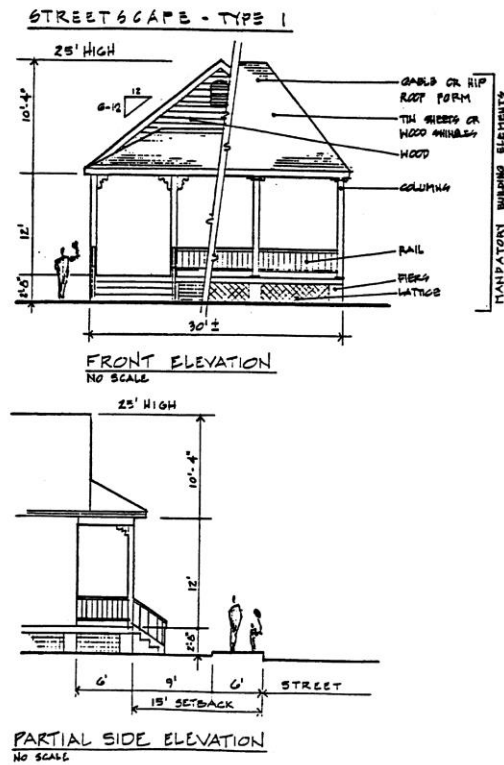


FIGURE 12-3.1. WOOD COTTAGES DISTRICT-STREETSCAPE, TYPE  
2

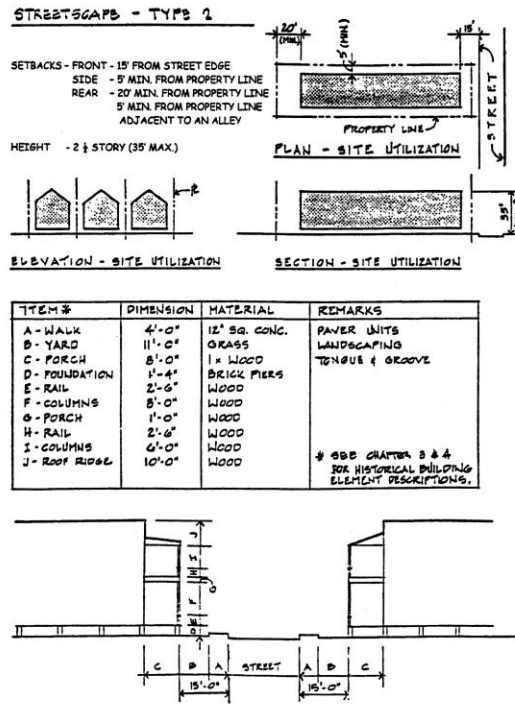


FIGURE 12-3.1. WOOD COTTAGES DISTRICT-STREETSCAPE, TYPE 2

# STREETSCAPE - TYPE 2

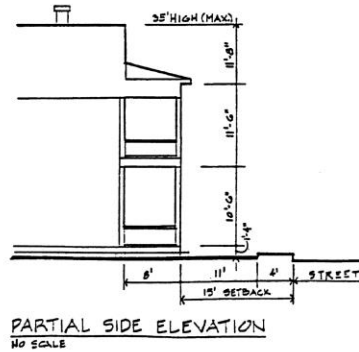
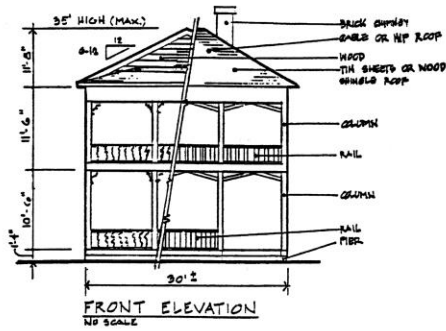
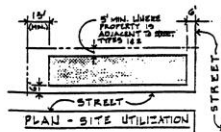


FIGURE 12-3.2. BRICK STRUCTURES DISTRICT-STREETSCAPE, TYPE 3

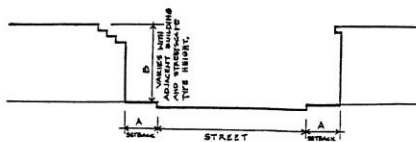
# STREETSCAPE - TYPE 3

- SETBACKS - FRONT - 5' FROM STREET EDGE
- SIDE - 5' MIN. FROM PROPERTY LINE  
0' MIN. FROM PROPERTY LINE  
FOR LOTS WITHIN ARAGON  
S/D PRIVATEER'S ALLEY
- REAR - 15' MIN. FROM PROPERTY LINE  
5' MIN. FROM PROPERTY LINE  
ADJACENT TO AN ALLEY OR  
WITHIN ARAGON S/D PRIVATEER'S  
ALLEY

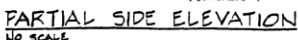
\*HEIGHT - BUILDING HEIGHT SHALL BE LIMITED TO  
THE ADJACENT LOT'S STREETSCAPE TYPE.



ITEM	DIMENSION	MATERIAL	REMARKS
A - WALK	6'-0"	12" SQ. CONC. BRICK	PAVER UNITS
B - ROOF RIDGE OR PARAPET			SEE HEIGHT LIMIT, ABOVE
			ARAGON S/D BLK. "L" & "N" AND LOTS WITHIN PRIVATEER'S ALLEY SHALL CONFORM TO SECTION 12-2-12(B)(5)(J), ORD-1 ARCHITECTURAL REVIEW STANDARDS WITH THE EXCEPTION OF SEC 12-2-12(B)(5)(J). DOORS, EXTERIOR DOORS SHALL COMPLY WITH 12-2-10(A)(5)(e) OF THIS SECTION.



STREETSCAPE - TYPE 3



- The board shall be guided in its decision by balancing the historic, architectural, cultural and/or archaeological value of the particular structure against the special merit of the proposed replacement project.

- 31



i. *For all property:*

- (a) The assessed value of the land and improvements thereon according to the two most recent assessments;
- (b) Real estate taxes for the previous two years;
- (c) The date of purchase of the property or other means of acquisition of title, such as by gift or inheritance, and the party from whom purchased or otherwise acquired;
- (d) Annual debt service, if any, for the previous two years;
- (e) All appraisals obtained within the previous two years by the owner or applicant in connection with his or her purchase, financing or ownership of the property;
- (f) Any listing of the property for sale or rent, price asked and offers received, if any;
- (g) Any consideration by the owner as to profitable adaptive uses for the property;
- (h) Replacement construction plans for the contributing structure in question;
- (i) Financial proof of the ability to complete the replacement project which may include, but not be limited to, a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution; and
- (j) The current fair market value of the property, as determined by at least two independent appraisals made by appraisers with competent credentials.

ii. *For income-producing property:*

- (a) Annual gross income from the property for the previous two years;
- (b) Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed;
- (c) Annual cash flow, if any, for the previous two years; and
- (d) Proof that efforts have been made by the owner to obtain a reasonable return on his or her investment based on previous service.

The applicant shall submit all necessary materials to the board at least 15 days prior to the board hearing in order that staff may review and comment and/or consult on the case. Staff and/or professional comments shall be forwarded to the board for consideration and review and made available to the applicant for consideration prior to the hearing.

The board may require that an applicant furnish such additional information that is relevant to its determination of unreasonable economic hardship and may require that such additional information be furnished under seal. The board or its agent may also furnish additional information as the board believes is relevant. The board shall also state which form of financial proof it deems relevant and necessary to a particular case.

In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his or her affidavit a statement of the information that cannot be obtained and shall describe the reasons why such information cannot be obtained.

2. *Unusual and compelling circumstances and demolition of a contributing structure.* When an applicant fails to prove economic hardship in the case of a contributing structure, the applicant may provide to the board additional information that may show unusual and compelling circumstances in order to receive board recommendation for demolition of the contributing structure. The board, using criteria set forth in this subsection, shall determine whether unusual and compelling circumstances exist and shall be guided in its recommendation in such instances by the following additional considerations:
  - i. The historic or architectural significance of the structure;
  - ii. The importance of the structure to the integrity of the historic district;
  - iii. The difficulty or the impossibility of reproducing such a structure because of its design, texture, material, detail, or unique location;
  - iv. Whether the structure is one of the last remaining examples of its kind in the historic district;
  - v. Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding area, as well as the economic impact of the new development; and
  - vi. Whether reasonable measures can be taken to save the structure from further deterioration, collapse, arson, vandalism or neglect.
3. *Recommendation of demolition.*
  - i. Should the applicant for demolition of a contributing structure satisfy the board that he or she will suffer an economic hardship if a demolition permit is not recommended, or, if in failing to demonstrate economic hardship, the applicant demonstrates unusual and compelling circumstances that dictate demolition of the contributing structure, either a recommendation for demolition or a recommendation for a six-month moratorium on the demolition shall be made.
  - ii. In the event that the board recommends a six-month moratorium on the demolition, within the moratorium period, the board shall consult

with the Historic Pensacola Preservation Board, the city and any other applicable public or private agencies to ascertain whether any of these agencies or corporations can preserve or cause to be preserved such architectural or historically valuable buildings. If no agencies or organizations are prepared to preserve the buildings or cause their preservation, then the board shall recommend approval of the demolition.

- iii. Following recommendation for approval of demolition, the applicant must seek approval of replacement plans prior to receiving a demolition permit and other building permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations and site plans, and adequate working drawings for at least the foundation plan that will enable the applicant to receive a permit for foundation construction. The board may waive the requirements for replacement plans under extreme, unusual and compelling circumstances or public safety purposes.
- iv. Applicants that have received a recommendation for demolition shall be permitted to receive such demolition permit without additional board action on demolition, following the board's recommendation of a permit for new construction.

4. *Prevention of demolition by neglect.*

- i. All contributing structures within the historic district shall be preserved against decay and deterioration and kept free from certain structural defects by the owner thereof or such other person who may have legal custody and control thereof. The owner or other person having such legal custody and control shall repair such building, object, site, or structure if it is found to have any of the following defects:
  - (a) Deteriorated or inadequate foundation. Defective or deteriorated flooring or floor supports or flooring or floor supports of insufficient size to carry imposed loads with safety;
  - (b) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;
  - (c) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that sag, split, or buckle due to defective materials or deterioration. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;
  - (d) Fireplaces or chimneys that list, bulge or settle due to defective materials or deterioration. Fireplaces or

chimneys that are of insufficient size or strength to carry imposed loads with safety;

- (e) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors. Defective protection or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering. Any fault or defect in the building that renders same structurally unsafe or not properly watertight.

In addition, the owner or other person having legal custody and control of a historic landmark or a building, object, site, or structure located in a historic district shall keep all property, including vacant property, clear of all weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse.

- ii. The board, on its own initiative, may file a petition with the building official requesting that he or she proceed to require correction of defects or repairs to any structure covered by subsection (1)i.4.i of this section so that such structure shall be preserved and protected in accordance with the purposes of this section and the public safety and housing ordinance.

j. *Other demolition permits.*

1. All applications for permits to demolish structures other than contributing structures shall be referred to the board for the purpose of determining whether or not the structure may have historical, cultural, architectural, or archaeological significance. Such determination shall be made in accordance with the criteria found in subsections (1)i.2.i through vi of this section.
2. The board shall make such determination within 30 days after receipt of the completed application and shall notify the building official in writing. If the structure is determined to have no cultural, historical, architectural, or archaeological significance, a demolition permit may be issued immediately, provided such application otherwise complies with the provisions of all city code requirements.
3. If said structure is determined by the board to have historical significance, the board shall make such information available to the preservation board for review and recommendation as to significance. If the board concurs in the significance, using criteria set forth in subsections (1)i.2.i through vi of this section, the board shall recommend to the city council that the structure be designated a contributing structure.
4. Upon such a recommendation by the board, issuance of any permit shall be governed by subsection (1)i.3 of this section.

- k. *Treatment of site following demolition.* Following the demolition or removal of any buildings, objects or structures located in the historic district, the owner or other person having legal custody and control thereof shall:
  - 1. Remove all traces of previous construction, including foundation;
  - 2. Grade, level, sod and/or seed the lot to prevent erosion and improve drainage; and
  - 3. Repair at his or her own expense any damage to public rights-of-way, including sidewalks, curb and streets, that may have occurred in the course of removing the building, object, or structure and its appurtenances.

(2) *North Hill preservation zoning districts: PR-1AAA, PR-2, PC-1.*

- a. *Purpose.* The North Hill preservation zoning districts are established to preserve the unique architecture and landscape character of the North Hill area, and to promote orderly redevelopment that complements and enhances the architecture of this area of the city.
- b. *Character of the district.* The North Hill preservation district is characterized by mostly residential structures built between 1870 and the 1930s. Queen Anne, Neoclassical, Tudor Revival, Craftsman Bungalow, Art Moderne and Mediterranean Revival are among the architectural styles found in North Hill. North Hill is listed on the National Register of Historic Places.
- c. *Uses permitted.*
  - 1. *PR-1AAA, single-family district.*
    - i. Single-family dwellings at a maximum density of 4.8 units per acre.
    - ii. Home occupations, as regulated in section 12-3-57.
    - iii. Community residential homes licensed by the state department of health and rehabilitative services with six or fewer residents providing that it is not to be located within 1,000 feet of another such home. If it is proposed to be within 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 500-foot radius.
    - iv. Municipally owned or operated parks or playgrounds.
    - v. Public schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges.
    - vi. Libraries, community centers and buildings used exclusively by the federal, state, regional, county and city government for public purposes.
    - vii. Churches, Sunday school buildings and parish houses.
    - viii. Conditional uses permitted: two-family dwellings (duplex) at a maximum density of 9.6 units per acre.
    - ix. Accessory buildings and uses customarily incidental to the above uses not involving the conduct of a business.
    - x. Family day care homes licensed by the state department of children and family services as defined in state statutes.

2. *PR-2, multiple-family district.*

- i. Any use permitted in the PR-1AAA district.
- ii. Single-family, two-family and multifamily residential attached or detached units with a maximum density of 35 dwelling units per acre.
- iii. Community residential homes licensed by the state department of health and rehabilitative services with seven to 14 residents providing that it is not to be located within 1,200 feet of another such home in a multifamily district, and that the home is not within 500 feet of a single-family zoning district. If it is proposed to be within 1,200 feet of another such home in a multifamily district and/or within 500 feet of a single-family zoning district it shall be permitted with city council approval after public notification of property owners in a 500-foot radius.
- iv. Bed and breakfast subject to regulations in section 12-3-84.
- v. Conditional uses permitted:
  - (a) Private clubs and lodges except those operated primarily as commercial enterprises.
  - (b) Office buildings (under 5,000 square feet).
  - (c) Antique shops—No outside displays.
  - (d) Art galleries—No outside displays.
  - (e) Social services homes/centers.
  - (f) Boarding and lodging houses.
  - (g) Child care facilities subject to regulations in section 12-3-87.
- vi. Accessory buildings. Buildings and uses customarily incidental to any of the above uses, including storage garages when located on the same lot not involving the conduct of a business.

3. *PC-1, preservation commercial district.*

- i. Any use permitted in the PR-2 district, including conditional uses.
- ii. Hand craft shops for custom work or making custom items not involving unreasonable noise, odor or chemical waste.
- iii. Office buildings (under 7,000 square feet).
- iv. Barbershops and beauty parlors.
- v. Florists.
- vi. Studios.
- vii. Vending machines when an accessory to a business establishment and located inside the same building as the business.
- viii. Conditional uses permitted:
  - (a) Gas stations.
  - (b) Other retail shops.
  - (c) Office buildings (over 7,000 square feet).

(d) Restaurants, with the exception of drive-in restaurants.

(e) Food truck courts, subject to regulations in Sec. 12-3-95.

ix. Accessory buildings and uses customarily incidental to the above uses.

d. *Procedure for review.*

1. *Review and approval.* All activities regulated by this subsection shall be subject to review and approval by the architectural review board as established in section 12-12-3. The board shall adopt written rules and procedures for abbreviated review for paint colors, minor repairs and minor deviations in projects already approved by the board. This process may authorize the board to designate one of its members to undertake such abbreviated review without the necessity for review by the entire board; provided, however, such abbreviated review process shall require review by the staff of the Historic Pensacola Preservation Board. If agreement cannot be reached as it pertains to such request for abbreviated review by the board designee and Historic Pensacola Preservation Board staff, then the matter will be referred to the entire board for a decision.

2. *Decisions.*

i. General consideration. The board shall consider plans for existing buildings based on its classification as contributing, non-contributing or modern infill as depicted on the map entitled "North Hill Preservation District" adopted herein, and shall review these plans based on regulations described herein for each of these building classifications. In its review of plans for both existing buildings and 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 immediate surroundings and to the district in which it is located or to be located. The term "exterior" shall be deemed to include all of the outer surfaces of the building and exterior site work, and is not restricted to those exteriors visible from a public street or place. The board shall consider requests for design materials, alterations or additions, construction methods, paint colors or any other elements regulated herein, which do not meet the regulations as established in this subsection, when documentary proof in the form of photographs, property surveys, indication of structural foundations, drawings, descriptive essays and similar evidence can be provided. The board shall not consider interior design or plan. The board shall not exercise any control over land use or construction standards such as are controlled by this chapter.

- ii. 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 alteration or addition to an existing building, that such alteration or addition will not impair the architectural or historic value of the building.
  - (b) 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 on adjacent sites or 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.
- iii. No provision of this section shall be interpreted to prevent the restoration or reconstruction of any historic building or feature (as listed by the Historic Pensacola Preservation Board) in its original style, dimensions or position on its original structural foundation.
- 3. *Plan submission.* Every application for a building permit to erect, construct, demolish, renovate or alter an exterior of a building, sign or exterior site work (i.e., paving and landscaping), located or to be located in the North Hill preservation district, shall be accompanied with plans for the proposed work pursuant to subsections (1)d.3 through 5 of this section, applicable to the historic district.
- e. *Regulations and guidelines for any development within the preservation district.* These regulations and guidelines are intended to address the design and construction of elements common to any development within the North Hill preservation district which requires review and approval by the architectural review board. Regulations and guidelines that relate specifically to new construction and/or structural rehabilitation and repair to existing buildings, applicable to building heights, setbacks, architectural elements and construction types, are established in subsections (2)f through h of this section.
  - 1. *Off-street parking.* All development within the North Hill preservation district shall comply with the regulations established in chapter 12-4. Parking lots shall comply with the requirements of chapter 12-6. Design of and paving materials for parking lots, spaces and driveways shall be subject to approval of the architectural review board. For all parking lots, a solid wall, fence or compact hedge not less than four feet high shall be erected along the lot lines when autos or lots are visible from the street or from an adjacent residential lot.
  - 2. *Signs.* Refer to sections 12-5-2 and 12-5-3 for general sign standards and criteria and for a description of sign area calculations. The location, design



and materials of all accessory signs, historical markers and other signs of general public interest shall be subject to the review and approval of the architectural review board. Only the following signs shall be permitted in the North Hill preservation district:

i. *Temporary accessory signs.*

- (a) One non-illuminated sign advertising the sale, lease or rental of the lot or building, said sign not exceeding six square feet of area.
- (b) One non-illuminated sign not more than 50 square feet in area in connection with new construction work, and displayed only during such time as the actual construction work is in progress.

ii. *Permanent accessory signs.*

- (a) One sign per street frontage for churches, schools, boarding and lodging houses, libraries, and community centers, multiple-family dwellings and historic sites serving as identification and/or bulletin boards not to exceed 12 square feet in area. The signs shall be placed flat against the wall of the building, perpendicular or may be freestanding. Such signs may be illuminated provided that the source of light shall not be visible beyond the property line of the lot on which the sign is located.
- (b) Commercial establishments may have one attached or one freestanding sign per street frontage not to exceed 12 square feet provided that the freestanding sign be no closer to any property line than five feet. The attached or wall signs may be placed on the front or one side of the building. As used herein, "commercial establishments" shall mean an establishment wherein products are available for purchase. Such signs may be illuminated provided the source of light shall not be visible beyond the property line of the lot on which the sign is located. Office complexes may have one freestanding sign per street frontage not to exceed 12 square feet.
- (c) One non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger than 100 square inches and may be attached to the dwelling. This section shall be applicable to occupants and home occupations.
- (d) Municipal or state installed directional signs, historical markers and other signs of a general public interest when approved by the mayor and board.

- (e) The maximum height for freestanding signs shall be eight feet. No attached sign shall extend above the eave line of a building to which it is attached.
- 3. *Protection of trees.* The purpose of this subsection is to establish protective regulations for specified trees within the North Hill preservation zoning districts. It is the intent of this subsection to recognize the contribution of shade trees and certain flowering trees to the overall character of the preservation district and to ensure the preservation of such trees as described below.
  - i. Any of the following species having a minimum trunk diameter of eight inches (25.1 inches in circumference) at a height of one foot above grade: Live Oak and Water Oak; Magnolia having a minimum trunk diameter of six inches (18.8 inches in circumference) at a height of one foot above grade; and any of the following flowering trees with a minimum trunk diameter of four inches (12.55 inches in circumference) at a height of one foot above grade: Redbud, Dogwood, and Crape Myrtle.
  - ii. Tree removal. No person, organization, society, association or corporation, or any agent or representative thereof, directly or indirectly, shall cut down, destroy, remove, or effectively destroy through damaging, any specimen tree, whether it be on private property or right-of-way within the defined limits of the preservation district of the city, without first having obtained a permit from the city to do so. Refer to section 12-6-7 for application procedures and guidelines for a tree removal permit.
  - iii. In addition to the specific tree preservation provisions outlined in this subsection, the provisions of chapter 12-6 shall be applicable in this district.
- 4. *Fences.* All developments in the North Hill preservation zoning districts shall comply with fence regulations as established in section 12-3-63. Fences are subject to approval by the architectural review board. Approved materials will include but not necessarily be limited to wood, brick, stone or wrought iron. No concrete block or barbed wire will be permitted. Chain-link fences shall be permitted in side and rear yard only with board approval.
- 5. *Paint colors.* The architectural review board has adopted palettes of historic colors from several paint manufacturers that represent acceptable historic colors for use in the Preservation District. Samples of these palettes can be reviewed at the Historic Pensacola Preservation Board and at the office of the building inspector.
- 6. *Residential accessory structures.* Residential accessory structures shall comply with regulations set forth in section 12-3-55 except that the following shall apply: Accessory structures shall not exceed one story in height for a maximum in height of 25 feet in order for the accessory

structure to match the style, roof pitch, or other design features of the main residential structure.

7. *Additional regulations.* In addition to the regulations established above in subsections (2)e.1 through 6 of this section, any permitted use within the North Hill preservation district where alcoholic beverages are ordinarily sold is subject to the requirements of chapter 7-4.
- f. *Restoration, rehabilitation, alterations or additions to existing contributing structures in the North Hill preservation district.*
  1. The document entitled "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," published by the United States Department of the Interior in 1983, shall form the basis for rehabilitation of existing contributing buildings. The proper building elements should be used in combinations that are appropriate for use together on the same building.
  2. Documented building materials, types, styles and construction methods shall be duplicated when making repairs, alterations and/or additions to contributing structures. Any variance from the original materials, styles, etc., shall be approved only if circumstances unique to each project are found to warrant such variances.
  3. Regulations established in Table 12-3.9 shall apply to alterations and additions to contributing structures. The regulations and guidelines established in subsection (2)e of this section, relating to streetscape elements, shall apply to contributing structures.
- g. *Renovation, alterations and additions to noncontributing and modern infill structures within the North Hill preservation district.*
  1. Many of the existing structures within the district do not meet the criteria established for "contributing" structures, even though they may be similar in style to the historic structures, and some structures are modern in style with no relation to the historic structures. All of these buildings shall be recognized as products of their own time. The regulations and guidelines established in subsection (2)e of this section, relating to streetscape elements, shall apply to noncontributing and modern infill structures. Regulations established in Table 12-3.9 below, shall apply to alterations and additions to existing noncontributing structures. The architectural review board has adopted palettes of historic colors from several paint manufacturers that represent acceptable historic colors for use in the district. Only paint colors approved by the board shall be permitted.
  2. In review of these structures the board may make recommendations as to the use of particular building elements that will improve both the appearance of the individual structure, its relationship with surrounding structures and the overall district character.
- h. *Regulations for new construction and additions to existing structures in the North Hill preservation district.* New construction is encouraged to be built in a manner that is complementary to the overall character of the district in scale,

building materials and colors. The regulations established in subsection (2)e of this section, relating to streetscape elements, shall apply to new construction. Table 12-3.9 describes height, area and yard requirements for new construction and, where applicable, for additions to existing structures in the North Hill preservation district.

TABLE 12-3.9. REGULATIONS FOR THE  
NORTH HILL PRESERVATION  
ZONING DISTRICTS

Standards	PR-1AAA	PR-2	PC-1
Minimum Yard Requirement (Minimum Building Setbacks) Front Yard Side Yard Rear Yard>	*30 feet 9 feet 25 feet	*15 feet 7.5 feet 25 feet	None 5 feet (for dwellings or wood frame structures only) 15 feet
Minimum Lot Area for Residential Uses	9,000 s.f.	5,000 s.f. for single-family and 10,000 s.f. for multifamily	None
Minimum Lot Width at Street Row Line	50 feet	50 feet	None
Minimum Lot Width at Building Setback Line	75 feet	50 feet	None
Maximum Building Height (Except as Provided in Section 12-3-62)	35 feet	35 feet	45 feet
Minimum Floor Area	N/A	600 s.f. per dwelling unit for multifamily	None
*Front yard depths in the North Hill Preservation zoning district shall not be less than the average depths of the front yards located on the block, up to the minimum yard requirement; in case there are no other dwellings, the front yard depths shall be no less than the footages noted.			

- i. *Demolition of structures within the North Hill preservation district.* The demolition provisions established in subsections (1)i through k of this section, applicable to contributing and noncontributing structures within the historic district, shall apply in the preservation district.
- (3) *Old East Hill preservation zoning districts: OEHR-2, OEHC-1, OEHC-2 and OEHC-3.*

- a. *Purpose.* The Old East Hill preservation zoning districts are established to preserve the existing residential and commercial development pattern and distinctive architectural character of the structures within the district. The regulations are intended to preserve, through the restoration of existing buildings and construction of compatible new buildings, the scale of the existing structures and the diversity of original architectural styles.
- b. *Character of the district.* The Old East Hill neighborhood was developed over a 50-year period, from 1870 to the 1920's. The architecture of the district is primarily vernacular, but there are also a few properties that display influences of the major architectural styles of the time, such as Craftsman, Mission and Queen Anne styles.
- c. *Boundaries and zoning classifications.* The boundaries of the Old East Hill preservation district shall be identified as per a map and legal description, and the zoning classifications of properties within the district shall be identified as per a map, filed in the office of the city clerk.
- d. *Uses permitted.*
  1. *OEHR-2, residential/office district.*
    - i. Single-family detached dwellings.
    - ii. Single-family attached (townhouse or quadraplex type construction) and detached zero-lot-line dwellings. Development must comply with the minimum standards established for the R-ZL zoning district in section 12-3-5(1).
    - iii. Two-family attached dwellings (duplex).
    - iv. Multiple-family attached dwellings (three or more dwelling units).
    - v. Community residential homes licensed by the state department of health and rehabilitative services with seven to 14 residents providing that it is not to be located within 1,200 feet of another such home in a multifamily district, and that the home is not within 500 feet of a single-family zoning district. If it is proposed to be within 1,200 feet of another such home in a multifamily district and/or within 500 feet of a single-family zoning district it shall be permitted with city council approval after public notification of property owners in a 500-foot radius
    - vi. Home occupations subject to regulations in subsection (1)c.1.iv of this section.
    - vii. Bed and breakfast subject to regulations in section 12-3-84.
    - viii. Boarding and lodging houses.
    - ix. Office buildings.
    - x. Studios.
    - xi. Municipally owned or operated parks or playgrounds.
    - xii. Public schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges subject to regulations in section 12-3-94.
    - xiii. Libraries, community centers and buildings used exclusively by the federal, state, regional, county and city government for public purposes subject to regulations in section 12-3-90.

- xiv. Churches, Sunday school buildings and parish houses subject to regulations in section 12-3-86.
  - xv. Minor structures for the following utilities: unoccupied gas, water and sewer substations or pumpstations, electrical substations and telephone substations subject to regulations in section 12-3-88.
  - xvi. Accessory structures, buildings and uses customarily incidental to the above uses subject to regulations in section 12-3-55, except that the following shall apply:
    - (a) Accessory structures shall not exceed one-story in height for a maximum height of 25 feet in order for the accessory structure to match the style, roof pitch, or other design features of the main residential structure.
    - (b) The wall of an accessory structure shall not be located any closer than six feet to the wall of the main residential structure.
  - xvii. Family day care homes licensed by the state department of children and family services as defined in state statutes.
2. *OEHC-1, neighborhood commercial district.*
- i. Any use permitted in the OEHR-2 district.
  - ii. Child care facilities subject to regulations in section 12-3-87.
  - iii. Nursing homes, rest homes, convalescent homes.
  - iv. Parking lots.
  - v. The following uses, retail only, with no outside storage or work permitted, except as provided herein:
    - (a) Food and drugstore.
    - (b) Personal service shops.
    - (c) Clothing and fabric stores.
    - (d) Home furnishing, hardware and appliance stores.
    - (e) Craft and specialty shops.
    - (f) Banks.
    - (g) Bakeries.
    - (h) Secondhand stores.
    - (i) Floral shops.
    - (j) Martial arts studios.
    - (k) Outdoor sales of trees, shrubs, plants and related landscaping materials as an accessory to indoor retail sales uses permitted by this section, provided that the area is enclosed within a fence attached to the rear or side of the main building, and provided that the outdoor

area does not exceed 20 percent of the total area of the main building.

- (l) Restaurants.
- (m) Mortuary and funeral parlors.
- (n) Pet shops with all uses inside the principal building.
- (o) Printing firms.
- (p) Business schools.
- (q) Upholstery shops.

vi. Conditional uses permitted: animal hospitals, veterinary clinics and pet resorts with fully enclosed kennels and no outside runs. Outside exercise areas permitted only if supervised and limited to five or fewer animals.

3. *OEHC-2, retail commercial district.*

- i. Any use permitted in the OEHC-1 district.
- ii. Open air sales of trees, plants and shrubs. The business shall include a permanent sales or office building (including restrooms) on the site.
- iii. Hospitals, clinics.
- iv. Private clubs and lodges, except those operated as commercial enterprises.
- v. Electric motor repair and rebuilding.
- vi. Appliance repair shop.
- vii. Garages for the repair and overhauling of automobiles.
- viii. Sign shop.
- ix. Photo shop.
- x. Plumbing and electrical shop.
- xi. Pest extermination services.

4. *OEHC-3, commercial district.*

- i. Any use permitted in the OEHC-2 district.
- ii. Dive shop.
- iii. Fitness center.
- iv. Theater, except for drive-in.
- v. Taverns, lounges, nightclubs, cocktail bars.

e. *Procedure for review of plans.*

- 1. *Plan submission.* Every application for a building permit to erect, construct, demolish, renovate or alter an exterior of a building or sign, located or to be located in the Old East Hill preservation district, shall be accompanied with plans as necessary to describe the scope of the proposed work pursuant to subsections (1)d.3 through 5 of this section.
- 2. *Review and approval.* All such plans shall be subject to review and approval by the architectural review board established in section 12-12-3. The board shall adopt written rules and procedures for abbreviated review

for minor repairs and minor deviations in projects already approved by the board. This process may authorize the board to designate one of its members to undertake such abbreviated review by the entire board; provided, however, such abbreviated review process shall require review by the staff of West Florida Historic Preservation, Inc. If agreement cannot be reached as it pertains to such request for abbreviated review by the board designee and West Florida Historic Preservation, Inc. staff, then the matter will be referred to the entire board for a decision.

3. *Decisions.*

- i. General consideration. The board shall consider plans for existing buildings based on its classification as contributing, non-contributing or modern infill as depicted on the map entitled "Old East Hill Preservation District" adopted herein, and shall review these plans based on regulations described herein for each of these building classifications. In its review of plans for both existing buildings and new construction, the board shall consider exterior design and appearance of the building, including the front, sides, rear and roof; materials and textures; 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 immediate surroundings and to the district in which it is located or to be located. The term "exterior" shall be deemed to include all of the outer surfaces of the building and exterior site work, and is not restricted to those exteriors visible from a public street or place. The board shall consider requests for design materials, alterations or additions, construction methods or any other elements regulated herein, which do not meet the regulations as established in this subsection, when documentary proof in the form of photographs, property surveys, indication of structural foundations, drawings, descriptive essays and similar evidence can be provided. The board shall not consider interior design or plan. The board shall not exercise any control over land use or construction standards such as are controlled by this chapter.
- ii. 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 alteration or addition to an existing building, that such alteration or addition will not impair the architectural or historic value of the building.
  - (b) 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 on adjacent sites or 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 and materials.

- iii. No provision of this section shall be interpreted to prevent the restoration or reconstruction of any historic building or feature (as listed by West Florida Historic Preservation, Inc.) in its original style, dimensions or position on its original structural foundation.
  - iv. No provision of this section shall be interpreted to require a property owner to make modifications, repairs or improvements to property when the owner does not otherwise intend to make any modifications, repairs or improvements to the property, unless required elsewhere in this Code.
- f. *Regulations and guidelines for any development within the Old East Hill preservation district.* These regulations and guidelines are intended to address the design and construction of elements common to any development within the Old East Hill preservation district which requires review and approval by the architectural review board. Regulations and guidelines that relate specifically to new construction and/or structural rehabilitation and repair to existing buildings, applicable to building heights, setbacks, architectural elements and construction types, are established in subsections (3)f through h of this section.
- 1. *Off-street parking.* Design of, and paving materials for, parking lots, spaces and driveways shall be subject to approval of the architectural review board. For all parking lots, a solid wall, fence or compact hedge not less than three feet high shall be erected along the lot lines when automobiles or parking lots are visible from the street or from an adjacent residential lot.
    - i. OEHR-2 district. All nonresidential development shall comply with off-street parking requirements established in chapter 12-4.
    - ii. OEHC-1, OEHC-2 and OEHC-3 districts. All nonresidential development shall comply with off-street parking requirements established in chapter 12-4. The required parking may be provided off-site by the owner/developer as specified in section 12-4-1(4).
  - 2. *Landscaping.* Landscape area requirements and landscape requirements for parking lots within the OEHR-2, OEHC-1 and OEHC-2 districts shall comply with regulations established in section 12-6-3 for the R-2, C-1 and C-2 zoning districts.
  - 3. *Signs.* Refer to sections 12-5-2 and 12-5-3 for general sign standards and criteria and for a description of sign area calculations. The location, design and materials of all accessory signs, historical markers and other signs of general public interest shall be subject to the review and approval of the architectural review board. Only the following signs shall be permitted in the Old East Hill preservation district:
    - i. *Temporary accessory signs.*

- (a) One non-illuminated sign advertising the sale, lease or rental of the lot or building, said sign not exceeding six square feet of area.
- (b) One non-illuminated sign not more than 50 square feet in area in connection with new construction work, and displayed only during such time as the actual construction work is in progress.

ii. *Permanent accessory signs.*

- (a) North 9th Avenue, Wright Street, Alcaniz Street and Davis Street. For churches, schools, apartment buildings, boarding or lodging houses, libraries, community centers, commercial buildings (including office and retail buildings) or historic sites serving as identification and/or bulletin boards, one freestanding or projecting sign and one attached wall sign or combination of wall signs placed on the front or one side of the building not to exceed 50 square feet in area. The signs may be painted on the building, mounted to the face of the wall of the building, hung from a bracket that is mounted to a wall of a building, hung from other ornamental elements on the building, or may be freestanding. Signs projecting from a building or extending over public property shall maintain a clear height of nine feet, six inches above the public property and shall not exceed a height of 12 feet. Freestanding signs shall not exceed a height of 12 feet.
- (b) All other streets in the district. One sign per lot per street frontage for churches, schools, apartment buildings, boarding or lodging houses, libraries, community centers, commercial buildings (including office and retail buildings) or historic sites serving as identification and/or bulletin boards not to exceed 12 square feet in area and eight feet in height; provided, however, that signs projecting from a building or extending over public property shall maintain a clear height of nine feet six inches above the public property and shall not exceed a height of 12 feet six inches. The sign may be mounted to the face of the wall of the building, hung from a bracket that is mounted to a wall of a building, hung from other ornamental elements on the building, or may be freestanding. The sign may be illuminated provided that the source of light is not visible beyond the property line of the lot on which the sign is located.

- (c) One non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger than three square feet and shall be attached to the dwelling. This section shall be applicable to occupants and home occupations.
  - (d) Municipal or state installed directional signs, historical markers and other signs of a general public interest when approved by the board.
- 4. *Fences.* All developments in the Old East Hill preservation zoning districts shall comply with fence regulations as established in section 12-3-63. Fences are subject to approval by the architectural review board. Approved materials will include but not necessarily be limited to wood, brick, stone or wrought iron. No concrete block or barbed wire fences will be permitted. Chain-link fences shall be permitted in side and rear yard only.
- 5. *Additional regulations.* In addition to the regulations established above in subsections (1)f.1 through 4 of this section, any permitted use within the Old East Hill preservation district where alcoholic beverages are ordinarily sold is subject to the requirements of chapter 7-4.
- g. *Restoration, rehabilitation, alterations or additions to existing contributing structures in the Old East Hill preservation district.*
  - 1. The Secretary of the Interior's standards for rehabilitation, codified at 37 CFR 67, and the related guidelines for rehabilitating historic buildings shall form the basis for rehabilitation of existing contributing buildings. The proper building elements should be used in combinations that are appropriate for use together on the same building. Documented building materials, types, styles and construction methods shall be duplicated when making repairs, alterations and/or additions to contributing structures. Any variance from the original materials, styles, etc., shall be approved only if circumstances unique to each project are found to warrant such variances.
  - 2. The regulations established in subsection (3)f of this section, relating to streetscape elements, shall apply to contributing structures. Regulations established in Table 12-3.10 shall apply to alterations and additions to contributing structures.
- h. *Renovation, alterations and additions to non-contributing and modern infill structures within the Old East Hill preservation district.*
  - 1. Many of the existing structures within the district do not meet the criteria established for contributing structures, even though they may be similar in style to the historic structures, and some structures are modern in style with no relation to the historic structures. All of these buildings shall be recognized as products of their own time. The regulations established in subsection (3)f of this section, relating to streetscape elements, shall apply to non-contributing and modern infill structures. Regulations established in

Table 12-3.10 shall apply to alterations and additions to existing non-contributing structures.

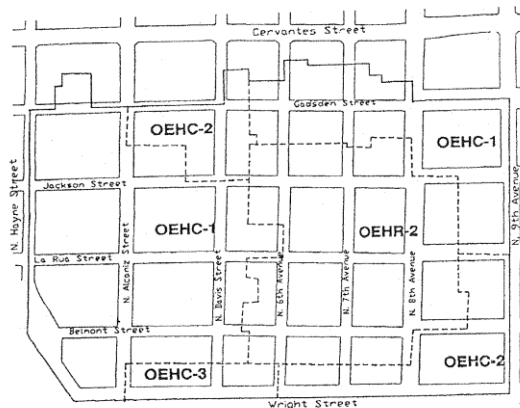
2. In review of these structures the board may make recommendations as to the use of particular building elements that will improve both the appearance of the individual structure, its relationship with surrounding structures and the overall district character.
  - i. *Regulations for new construction in the Old East Hill preservation district.* New construction shall be built in a manner that is complementary to the overall character of the district in height, proportion, shape, scale, style and building materials. The regulations established in subsection (3)f of this section, relating to streetscape elements, shall apply to new construction. Table 12-3.10 describes height, area and yard requirements for new construction in the Old East Hill preservation district.
  - j. *Demolition of structures within the Old East Hill preservation district.* The demolition provisions established in subsections (1)i through k of this section, applicable to contributing and non-contributing structures within the historic district, shall apply in the preservation district.

TABLE 12-3.10. REGULATIONS FOR OLD EAST  
HILL PRESERVATION  
ZONING DISTRICTS

Standards	OEHR-2	OEHC-1	OEHC-2	OEHC-3
Minimum Yard Requirement (Minimum Building Setbacks) Front Yard Side Yard Rear Side	*15 feet 5 feet 15 feet	There shall be a 5-foot side yard setback, but no front or rear yard setbacks, unless this chapter requires a larger yard or buffer yard.		None
Minimum Lot Area For Residential Uses				
Single-family Detached Residential Duplex Residential Multifamily Residential	3,500 s.f. 5,000 s.f. 9,000 s.f.	None		
Minimum Lot Width at Street Row Line	30 feet	None		

Minimum Lot Width at Building Setback Line	30 feet	None	
Maximum Lot Coverage	N/A	The maximum combined area of all principal and accessory buildings shall not exceed 50% of the square footage of the lot.	None
Maximum Building Height (except as provided in section 12-3-62)	Residential buildings shall not exceed two stories in height, with a usable attic. No building shall exceed 35 feet in height, except that three feet may be added to the height of the building for each foot the building is set back from the building setback or property lines to a maximum height of 45' with approval of the architectural review board.		
Minimum Floor Area For Multifamily Developments	600 square feet per dwelling unit		
*Front yard depths in the Old East Hill preservation zoning district shall not be less than the average depths of all of the front yards facing the street on the block, up to the minimum yard requirement; in case there are no other dwellings, the front yard depth shall be no less than the footage noted.			

### OLD EAST HILL PRESERVATION DISTRICT



### Sec. 12-3-11. Airport land use district.

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

- (1) Purpose of district. The airport land use district is established for the purpose of regulating land, owned by the Pensacola International Airport or immediately adjacent to the airport, which is considered sensitive due to its relationship to the runways and its location within noise zones "A" and "B" as

defined in chapter 12-10. Land zoned ARZ is owned by the city and allows only open space, recreational or commercial and industrial uses customarily related to airport operations. The areas designated as airport transitional zones are permitted a range of uses.

(2) Uses permitted.

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

1. The following three sections of the airport restricted zone are limited to specific uses as defined below:
  - i. ARZ-1. The parcel of land located north of Summit Boulevard between two airport transition zones (includes the Scott Tennis Center and airport drainage system). Uses within this zone will be limited to those uses described below in subsections (2)a.2 and 3 of this section.
  - ii. ARZ east of runway 8/26. The parcel of land on the eastern end of runway 8/26, located between Avenida Marina and Gaberonne Subdivision and between Spanish Trail and Scenic Highway. All land within this zone outside of the 15 acres required for clear zone at the eastern end of runway 8/26 will be retained as open space.
  - iii. ARZ south of runway 17/35. The parcel of land at the southern end of runway 17/35, located north of Heyward Drive and east of Firestone Boulevard. All land within this zone outside of the 28.5 acres required for clear zone at the southern end of runway 17/35 will be retained as open space.
2. Airport, airport terminal, air cargo facilities, and uses customarily related to airport operations and expansions.
3. Golf course, tennis court, driving range, par three course, outdoor recreational facilities, provided that no such uses shall include seating or structures to accommodate more than 100 spectators or occupants.
4. Service establishments such as auto rental and travel agencies, commercial parking lots and garages, automobile service station and similar service facilities.
5. Warehousing and storage facilities.
6. Industrial uses compatible with airport operations.
7. Commercial uses to include hotels, motels, extended stay facilities, pharmacy, restaurant and drive through facilities, banks, office, post secondary education facilities, meeting facilities, dry cleaner, health club, exercise center, martial arts facility, bakery, floral shop, day care/child care facility, medical clinic, doctor and dentist offices, and retail services to include specialty shops and studios; or other similar or compatible uses.
8. Other uses that the city council may deem compatible with airport operations and surrounding land uses pursuant to the city's

comprehensive plan and the airport master plan and as such uses that meet the FAA's requirements for airport activities.

b. ATZ-1, airport transitional zone.

1. Single-family residential, attached or detached, 0—5 units per acre.
2. Home occupations, subject to regulations in section 12-3-57.
3. Offices.
4. Family day care homes licensed by the state department of children and family services as defined in state statutes.
5. Recreational facilities - Not for profit.
6. Conditional uses permitted:
  - i. Communications towers in accordance with section 12-3-67.
  - ii. Rooftop-mounted antennas in accordance with section 12-3-68.

c. ATZ-2, airport transitional zone.

1. Any use allowed in the ATZ-1;
2. Retail and service commercial;
3. Aviation related facilities; and
4. Conditional uses permitted:
  - i. Communications towers in accordance with section 12-3-67.
  - ii. Rooftop-mounted antennas in accordance with section 12-3-68.

(3) Review and approval process. All private, nonaviation related development in the ARZ zone and all developments other than single-family residential within approved subdivisions within the ATZ-1 and ATZ-2 zones must comply with the development plan review and approval process as established in section 12-3-120.

(4) Regulations. All development shall comply with applicable height and noise regulations as set forth in chapter 12-10. All development must comply with design standards and is encouraged to follow design guidelines as established in section 12-3-121. All private, nonaviation related development within the ARZ zone and all development within ATZ-1 and ATZ-2 zones must comply with the following regulations:

- a. Airport land use restrictions. Notwithstanding any provision to the contrary in this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:
1. All lights or illumination used in conjunction with street, parking, signs or use of land structures shall be arranged and operated in such a manner

that is not misleading or dangerous to aircraft operating from a public airport or in the vicinity thereof.

2. No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.
3. No continuous commercial or industrial operations of any type shall produce smoke, glare or other visual hazards, within three statute miles of any usable runway of a public airport, which would limit the use of the airport.
4. Sanitary landfills will be considered as an incompatible use if located within areas established for the airport through the application of the following criteria:
  - i. Landfills located within 10,000 feet of any runway used or planned to be used by turbine aircraft.
  - ii. Landfills located within 5,000 feet of any runway used only by nonturbine aircraft.
  - iii. Landfills outside the above perimeters but within conical surfaces described by FAR Part 77 and applied to an airport will be reviewed on a case-by-case basis.
  - iv. Any landfill located and constructed in a manner that attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns of aircraft. The landfill operator must incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft.
5. Obstruction lighting. Notwithstanding any provisions of section 12-10-2, the owner of any structure over 150 feet above ground level shall install lighting on such structure in accordance with Federal Aviation Administration Advisory Circular 70/7460-1 and amendments thereto. Additionally, the high-intensity white obstruction lights shall be installed on a high structure that exceeds 749 feet above mean sea level. The high-intensity white obstruction lights must be in accordance with Federal Aviation Administration Advisory Circular 70/7460-1 and amendments thereto.
6. Noise zones. The noise zones based on the Pensacola International Airport FAR Part 150 Study adopted in 1990 and contained in section 12-10-3 shall establish standards for construction materials for sound level reduction with respect to exterior noise resulting from the legal and normal operations at the Pensacola International Airport. It also establishes permitted land uses and construction materials in these noise zones.
7. Variances. Any person desiring to erect or increase the height of any structures, or use his or her property not in accordance with the



regulations prescribed in this chapter, may apply to the zoning board of adjustment for a variance from such regulations. No application for variance to the requirements of this part may be considered by the zoning board of adjustment unless a copy of the application has been furnished to the building official and the airport manager.

8. Hazard marking and lighting. Any permit or variance granted shall require the owner to mark and light the structure in accordance with FAA Advisory Circular 70/7460-1 or subsequent revisions. The permit may be conditioned to permit the county or the city at its own expense, to install, operate and maintain such markers and lights as may be necessary to indicate to pilots the presence of an airspace hazard if special conditions so warrant.
9. Nonconforming uses.
  - i. The regulations prescribed by this subsection shall not be construed to require the removal, lowering or other changes or alteration of any existing structure not conforming to the regulations as of the effective date of this chapter. Nothing herein contained shall require any change in the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted and completed within two years thereof.
  - ii. Before any nonconforming structure may be replaced, substantially altered, repaired or rebuilt, a permit must be secured from the building official or his or her duly appointed designee. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure to become a greater hazard to air navigation than it was as of the effective date of this chapter. Whenever the building official determines that a nonconforming use or nonconforming structure has been abandoned or that the cost of repair, reconstruction, or restoration exceeds the value of the structure, no permit shall be granted that would allow said structure to be repaired, reconstructed, or restored except by a conforming structure.
10. Administration and enforcement. It shall be the duty of the building official, or his or her duly appointed designee, to administer and enforce the regulations prescribed herein within the territorial limits over which the city has jurisdiction. Prior to the issuance or denial of a tall structure permit by the building official, the Federal Aviation Administration must review the proposed structure plans and issue a determination of hazard/no hazard. In the event that the building official finds any violation of the regulations contained herein, he or she shall give written notice to the person responsible for such violation. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation.
- b. Minimum lot size and yard requirements/lot coverage. There are no minimum requirements for lot size or yards, except that the development plan shall take

into consideration the general development character of adjacent land uses. The maximum combined area occupied by all principal and accessory buildings shall be 50 percent.

- c. Maximum height of structures. For the ATZ-1 and ATZ-2 zoning districts the maximum height for residential structures is 35 feet and for office, commercial or aviation-related facilities, is 45 feet. Communications towers and rooftop-mounted antennas may be permitted within the ATZ-1 and ATZ-2 districts upon conditional use permit approval in accordance with section 12-3-108. Provided, however, that no structure shall exceed height limitations established in section 12-10-2(a).
- d. Additional regulations. In addition to the regulations established above all development must comply with the following regulations:
  - 1. Supplementary district regulations. (Refer to sections 12-3-55 through 12-3-69.)
  - 2. Signs. (Refer to chapter 12-5.)
  - 3. Tree/landscape. (Refer to chapter 12-6.)
  - 4. Subdivision. (Refer to chapter 12-7.)
  - 5. Stormwater management, and control of erosion, sedimentation and runoff. (Refer to chapter 12-8.)

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

Sec. 12-3-12. - Redevelopment land use district.

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

(1) *GRD, Gateway Redevelopment District.*

- a. *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.
- b. *Uses permitted.*
  - 1. Single-family residential (attached or detached) at a maximum density of 17.4 units per acre. Multifamily residential at a maximum density of 100 dwelling units per acre.
  - 2. Home occupations, subject to regulations in section 12-3-13.
  - 3. Offices.

4. Adult entertainment establishments subject to the requirements of chapter 7-3 when located within the dense business area as defined in chapter 12-13, Definitions.
  5. All commercial uses permitted in the C-2A zone, with no outside storage or repair work allowed, with the exception:
    - i. Mortuaries and funeral parlors.
    - ii. Appliance and repair shops.
    - iii. Public parking lots and parking garages.
    - iv. New car lots or used car lots.
    - v. Public utility plants, transmission and generating stations, including radio and television broadcasting stations.
    - vi. Car or truck rental agencies or storage facilities.
  6. Family day care homes licensed by the state department of children and family services as defined in state statutes.
- c. *Procedure for review of plans.*
1. *Plan submission.* All development plans must comply with development plan requirements set forth in section 12-3-120(c) and (d), and design standards and guidelines established in section 12-3-121. 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.
  2. *Review and approval.* All plans shall be subject to the review and approval of the planning board established in chapter 12-12. 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.
  3. *Abbreviated review.* Sign requests, paint colors, fencing, and emergency repairs that are consistent with the regulations and guidelines set forth in this section, may be approved by letter to the building official from the planning board secretary and the chairperson 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 chairperson, then the matter will be referred to the board for a decision.
  4. *Final development plan.* If the 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 months of the date of approval of the preliminary plan of development. For good cause shown, the 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 months. The final development plan shall be in basic conformity with the preliminary plan of development and comply with the other provisions of section 12-3-120 pertaining to the final development plan. If the applicant submits a final development plan that conforms to all the conditions and provisions of this chapter, then the planning board shall conclude its consideration at its next regularly scheduled meeting.

d. *Regulations.* Except where specific approval is granted by the 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:

1. Signs. Refer to sections 12-5-2 and 12-5-3 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:

i. *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.

ii. *Signs extending over public property.* Signs extending over public property shall maintain a clear height of nine feet above the sidewalk and no part of such signs shall be closer than 18 inches to the vertical plane of the curb line or edge of pavement.

iii. *Permitted signs.*

(a) Gregory, Chase and Alcaniz Streets, 9th Avenue.

(1) *Attached signs.*

a. *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 75 degrees or more from horizontal shall be regarded as wall space.

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

(2) *Freestanding signs.*

a. Maximum sign height—20 feet.

- b. Maximum area for sign face—50 square feet.
- (b) Bayfront Parkway.

(1) *Attached signs.*

- a. *Height.* No sign shall extend above the roof line of a building to which it is attached.
- b. *Size.* Ten percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed 50 square feet.

(2) *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:

(1) *Attached signs.*

- a. *Height.* No sign shall extend above the main roof line of a building to which it is attached.
- b. *Size.* Ten percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed 25 square feet.

(2) *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

iv. *Other permitted signs.*

- (a) Signs shall not exceed three square feet in size.
- (b) Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.

- v. *Submission and review of sign plans.* It shall be the responsibility of the contractor or owner requesting a sign permit to furnish two plans of sign drawn to scale, including sign face area calculations, wind load calculations and construction materials to be used.

- vi. *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 planning services department shall review the sign based on the requirements set forth in this section and the guidelines set forth in subsection (1)e.2.vii of this section and forward a recommendation to the planning board.
  - (b) The 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 planning board to the city council within 30 days of the decision of the planning board.
- vii. *Prohibited signs.* Refer to section 12-5-7 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 12-5-6(5).
  - (b) Signs that are abandoned or create a safety hazard are not permitted. Abandoned signs are those advertising a business that becomes vacant and is unoccupied for a period of 90 days or more.
  - (c) Signs that are not securely fixed on a permanent foundation are prohibited.
  - (d) Signs that are not consistent with the standards of this section are not permitted.
- viii. *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:
    - (1) Such signs may be erected no sooner than two weeks before the event.
    - (2) Such signs must be removed no later than three days after the event.
    - (3) 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 12 square feet in size, and shall be removed immediately after occupancy.
- (c) One non-illuminated sign not more than 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 12-5-6(8).

ix. *Nonconforming signs.*

- (a) *Compliance period.* All existing signs that 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 official 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 30 days to comply with the order to remove the nonconforming sign, or bring it into compliance. Upon expiration of the 30-day period, if no action has been taken by the owner, he or she shall be deemed to be in violation of this section and the building official may take lawful enforcement action.

2. Off-street parking. The following off-street parking requirements shall apply to all lots, parcels or tracts in the gateway redevelopment district:

- i. Off-street parking requirements in the district shall be based on the requirements set forth in chapter 12-4. The required parking may be provided off-site by the owner/developer as specified in section 12-4-1(4).
- ii. Off-street parking and service areas are prohibited within the Bayfront Parkway setback described in subsection (1)d.3 of this section, unless these requirements cannot be met anywhere else on the site due to its size or configuration.
- iii. 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 feet that is compatible in design and materials with on-site architecture and nearby development; or an

earth berm approximately three feet in height that is landscaped to provide screening effective within three years; or a combination of walls or fences and landscape screening; or landscape screening designed to provide positive screening within three years.

3. Street setback. The following building setbacks shall apply to the district:
  - i. Bayfront Parkway setback/height requirements. All buildings located adjacent to the Bayfront Parkway shall be set back a minimum of 50 feet from the northern parkway right-of-way line. At this minimum setback, building height may not exceed 50 feet. Above 50 feet in height, an additional one-foot setback shall be required for each additional two feet in building height. This setback is intended as a landscaped buffer zone that preserves the open space character of the parkway.
  - ii. Gregory, Alcaniz and Chase Streets, 9th Avenue. Ten feet from the right-of-way line.
  - iii. All other streets. Five feet from the right-of-way line.
4. 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 50 feet. Any lot of record on the effective date of this title which is less than 50 feet may be used as a site for only one establishment listed as a permitted use in subsection (1)b of this section.
5. Building height. No building shall exceed a maximum height of 100 feet.
6. Vehicular access. Access to the following streets shall be limited as follows:
  - i. Bayfront Parkway. No access shall be permitted from the parkway unless no other means exist for ingress and egress from the site.
  - ii. 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 per street footage if driveway spacing standards can be met pursuant to section 12-3-121(c)(2).
7. 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:
  - i. Fence or wall, six feet high;
  - ii. Vegetation, six feet high (within three years);
  - iii. A combination of the above.
8. 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.
9. 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 75 percent.
  10. Sidewalks. Developers of new construction or redevelopment projects shall repair, reconstruct, or construct new sidewalks on all sides of property fronting on a street.
  11. Consideration of floodprone areas. Portions of the district are within the 100-year floodplain. Site planning shall consider the special needs of floodprone areas.
  12. 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.
  13. All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls, or vegetation.
  14. 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 12-3-4(5), with the exception of the height requirements.
- e. *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 section 12-3-121(d). In addition, the following site planning guidelines shall be used by the planning board in the review and approval of all development plans:
1. *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.
    - i. *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.

- ii. *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.
- iii. *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.

## 2. *Architectural design and building elements.*

- i. Buildings or structures that 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.
- ii. 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.
- iii. Materials such as metal and plastic shall be discouraged on exterior surfaces of buildings.
- iv. Severe or angular roof lines that exceed a pitch of 12-12 (45-degree angle) are discouraged. Exceptions to this guideline (i.e., churches) shall be considered on a case-by-case basis.
- v. Bright colors and intensely contrasting color schemes are discouraged within the district.
- vi. 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.
- vii. 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) Landscaping. The landscaping and positioning of the sign should compliment the overall site plan and landscaping of the development.
- f. *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 that do not conform to the maintenance standards described in subsections (1)f.1 through 7 of this section shall be made to comply as required by the city inspections office based on regular inspections or complaints.
  - 1. *Building fronts, rears, and sides abutting streets and public areas.* Rotten or weakened portions shall be removed, repaired or replaced.
  - 2. *Windows.* All windows must be tight-fitting. All broken and missing windows shall be replaced with new glass.
  - 3. *Show windows and storefronts.* All damaged, sagging or otherwise deteriorated storefronts, show windows or entrances shall be repaired or replaced.
  - 4. *Exterior walls.*
    - i. Existing miscellaneous elements on the building walls, such as empty electrical conduit, unused signs and/or sign brackets, etc., shall be removed.
    - ii. Sheet metal gutters, downspouts and copings shall be repaired or replaced as necessary and shall be neatly located and securely installed.
    - iii. All exterior finishes and appurtenances such as paint, awnings, etc., shall be kept in a state of repair.
  - 5. *Roofs.*
    - i. All auxiliary structures on the roofs shall be kept clean, repaired or replaced.
    - ii. Roofs shall be cleaned and kept free of trash, debris or any other elements that are not a permanent part of the building.
  - 6. *Front, rear, and side yards, parking areas and vacant parcels.*
    - i. 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.
    - ii. Any landscaping that was installed to comply with regulations of this subsection must be maintained.

7. *Walls, fences, signs.* Walls, fences, signs and other accessory structures shall be repaired and maintained.

(2) *GRD-1, Gateway redevelopment district, Aragon redevelopment area.*

- a. *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.
- b. *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.
- c. *Uses permitted.*
  1. *GRD-1, residential uses.*
    - i. Single-family and multifamily residential (attached or detached) at a maximum overall density of 17.4 units per acre.
    - ii. Bed and breakfast (subject to section 12-3-84).
    - iii. Home occupations allowing: not more than 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 (2)c.3.i of this section; two nonfamily members as employees in the home occupation; and a sign for the business not to exceed three square feet shall be allowed.
    - iv. Community residential homes licensed by the state department of children and family services with six or fewer residents providing that it is not to be located within 1,000 feet of another such home. If it is proposed to be within 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 500-foot radius.
    - v. Limited office space allowed only with residential use occupying a minimum of 50 percent of total building square footage of principal and outbuildings.
    - vi. Family day care homes licensed by the state department of children and family services as defined in state statutes.

2. *GRD-1, public uses.*

- i. Meeting hall, U.S. Post Office pavilion, buildings used for community purposes, not to exceed 5,000 square feet.
- ii. Publicly owned or operated parks and playgrounds.
- iii. Churches, Sunday school buildings and parish houses.

3. *GRD-1, commercial uses.*

- i. The following uses limited to a maximum area of 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) Child care facilities (subject to section 12-3-87).
  - (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.

4. *GRD-1, miscellaneous uses.*

- i. Outbuildings and uses can include:
  - (a) Garage apartments.
  - (b) Carriage houses.
  - (c) Studios.
  - (d) Granny flats.
  - (e) Storage buildings.
  - (f) Garages.
  - (g) Swimming pools.
  - (h) Hot tubs.
  - (i) Offices.

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

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

d. *Procedure for review.*

1. *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 planning board as established in section 12-12-2. Abbreviated review for paint colors, minor repairs and minor deviations in projects already approved by the board shall be in accordance with section 12-12-2(11). If agreement cannot be reached as it pertains to such request for abbreviated review by the board secretary and chairperson then the matter will be referred to the planning board for a decision.
2. *Decisions.*
  - i. *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.
  - ii. *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.
3. *Plan submission.* Every activity that 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.

i. *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.

ii. *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.

iii. *Exterior elevations.*

- (a) Indicate all four 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.

iv. *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.

4. *Submission of photographs.*

- i. 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.
- ii. Provide photographs of the adjoining "street scape," including adjacent buildings to indicate the relationship of the new construction to these adjacent properties.

5. *Submission of descriptive product literature/brochures.*

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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.



- e. *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 planning board. Regulations and standards that 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. 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 ensure that the proper elements are used in combination in lieu of combining elements that are not appropriate for use together on the same building. Amendments to the Aragon Design Code may be made by the city council following a recommendation of the planning board and a public hearing before the city council, without necessity for amending this chapter.
1. *Building height limit.* No building shall exceed the following height limits: Type I Townhouses and Type III Park Houses shall not exceed 55 feet or 3½ stories. Type II Cottages, Type IV Sideyard House, Type V Small Cottage, and Type VI Row House shall not exceed 45 feet or 2½ stories. No outbuilding shall exceed 35 feet or 2½ stories. Refer to Aragon Design Code.
  2. *Landscaping.*
    - i. Landscaping requirements in the GRD-1 district shall be based on Aragon Design Code.
    - ii. 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 of the following:
      - (a) Fence or wall, six feet high;
      - (b) Vegetation, six feet high (within three years);
      - (c) A combination of the above.
  3. *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:
    - i. Any of the following species having a minimum trunk diameter of eight inches (25.1 inches in circumference) at a height of one foot above grade: Live Oak and Water Oak; Magnolia having a minimum trunk diameter of six inches (18.8 inches in circumference) at a height of one foot above grade; and
    - ii. Any of the following flowering trees with a minimum trunk diameter of four inches (12.55 inches in circumference) at a height of one 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 city to do so. Refer to section 12-6-7 for tree removal permit application procedures and guidelines.

4. *Fences.*

- i. 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.
- ii. 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 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 feet, and newly planted material with immature crown development allowing visibility, or a post, column, or similar structure that is no greater than one foot in cross-section diameter. Lateral vision shall be maintained between a height of three feet and eight feet above grade. All other streets and intersections within the GRD-1 district shall be exempt from the requirements of section 12-3-58, Required Visibility Triangle. In addition the following provisions apply:
  - (a) 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.
  - (b) 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 that 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 that 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.

- (c) Fences in the required front yard will be no higher than four feet and six inches in the side and rear yards. On corner lots, fences constructed within the required street side yard shall not exceed four 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 feet, six inches.

5. *Signage.*

- i. Informational signs. All informational signs, even if erected on private property, are subject to regulations contained in this section.
- ii. 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.
- iii. 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 12-5-2 and 12-5-3 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 12-5-7 are prohibited within the GRD-1 district. The design, color scheme and materials of all signs shall be subject to approval by the planning board. Only the following signs shall be permitted in the GRD-1 district:

(a) Permitted signs.

(1) Temporary accessory signs.

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

(2) Permanent accessory signs.

- a. Each mixed-use or commercial property shall be limited to one 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 sign per street and one 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 feet six 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 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.

b. Advertising display area.

1. GRD-1, Type II through Type VI residential home occupation and mixed-use lots are not to exceed ten square feet.
2. GRD-1, Type I commercial lots are not to exceed 35 square feet per street front.
3. A combination of two attached wall signs may be used, but shall not exceed a total of 35 square feet.
4. If fronting an alley the size shall not exceed 12 square feet.

c. One non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger than three square feet and shall be attached flat against the wall of the building.

d. Municipal or state installed directional signs, historical markers and other signs of a general public interest when approved by the mayor and board.

(b) Prohibited signs.

- (1) Any sign using plastic materials for lettering or background.
- (2) Internally illuminated signs.
- (3) Portable signs.
- (4) Nonaccessory signs.

- (5) Back lit canvas awnings.
  - (6) Flashing, strobe, or neon signs.
  - (7) Neon signs placed inside a window.
6. *Driveways and sidewalks.* The following regulations and standards apply to driveways and sidewalks in the GRD-1 district:
- i. 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.
  - ii. 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.
7. *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.
- i. Residential uses.
    - (a) Single-family and accessory unit—One space/unit.
    - (b) Townhouse and multifamily—One space/unit.
    - (c) Bed and breakfast—One space per owner plus one space/sleeping room.
    - (d) Home occupation—One space/nonfamily employee.
    - (e) Community residential home—One space/two beds.
  - ii. Public uses.

- (a) Meeting hall, U.S. Post Office pavilion, buildings used exclusively for federal, state, county or city governments for public purposes—One space/500 square feet.
- (b) Publicly owned or operated parks and playgrounds—None required.
- (c) Churches, Sunday school buildings and parish houses—One space/four fixed seats.

iii. Commercial uses.

- (a) Antique shops—One space/500 square feet.
- (b) Art galleries—One space/500 square feet.
- (c) Bakeries (retail only)—One space/500 square feet.
- (d) Barbershops and beauty shops—One space/station and one space/employee.
- (e) Day care centers—One space/employee plus one space/classroom.
- (f) Health clubs, spas and exercise centers—One space/300 square feet.
- (g) Jewelers—One space/500 square feet.
- (h) Laundry and dry-cleaning pick-up stations—One space/employee.
- (i) Office buildings—One space/500 square feet.
- (j) Restaurants (except drive-ins)—One space/500 square feet.
- (k) Retail sales and services—One space/500 square feet.
- (l) Retail food and drugstore—One space/500 square feet.
- (m) Specialty shops—One space/500 square feet.
- (n) Studios—One space/50 square feet unless owner occupied.

- iv. For Type I Townhouse the uses identified in subsections (2)e.7.i through iii of this section, on-street parking on Romana Street and 9th Avenue within 500 feet of the building may be used towards this requirement for nonemployee parking only. One off-street parking space shall be required for each employee in the building.
- v. 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.
- vi. 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.

- viii. For Type I Townhouse as an option to providing the required off-street parking as specified in subsections (2)e.7.i through iii of this section, the required parking may be provided off-site by the owner/developer as specified in section 12-4-1(4).
- 8. *Paint colors.* The 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.
- 9. *Outbuildings.* Outbuildings shall not exceed a maximum height of 35 feet. The accessory structure shall match the style, roof pitch, and other design features of the main residential structure.
- 10. *Architectural review standards.*
  - i. *Exterior lighting.* Exterior lighting in the district will be post-mounted street lights and building-mounted lights adjacent to entryways or landscaping lights that 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 that 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 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.
  - ii. *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 18 to 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.
- iii. *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 eight on 12 on one- and two-story buildings and six on 12 on buildings with three stories, unless architectural style dictates other slope, for example Craftsman. Eaves shall be appropriate for the architectural style. Shed roofs shall be allowed only against a principal building or perimeter wall. Flat roofs shall not be permitted without parapets, cornices, eaves overhangs boxed with modillions, dentils, or other moldings. The maximum size of the roof deck, window's walks, towers, turrets, etc., is 200 square feet, with the maximum height of ten feet above the maximum allowable building height.
  - (a) Eaves and soffits may be: wood, painted or stained; smooth finish or sand textured stucco soffits, if detailed appropriately; or fiber-cement, if detailed appropriately ("Hardisoffit" or Hardipanel" vertical siding panels). Eaves shall be appropriate for architectural style and type.
  - (b) Flashing may be anodized or pre-finished aluminum, galvanized steel or naturally weathered copper.
  - (c) Gutters and downspouts may be anodized or pre-finished aluminum, galvanized steel or naturally weathered copper.
- iv. *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 feet. See the below figures for balcony and porch dimensions.

- v. *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.
- vi. *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-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 planning board.
  - (g) Highly reflected glazing is prohibited. Insulated glass units are encouraged.
- vii. *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) Shutters to be fabricated of wood or vinyl.
- (e) Shutters are to be appropriate for building style and type. Refer to Aragon Design Code, Architectural Styles.

viii. *Chimneys.* Chimneys constructed of brick masonry, exposed or cement plastered, are architecturally compatible.

- (a) The 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.

ix. *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.

x. *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.

xi. *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.

xii. *Outbuildings.*

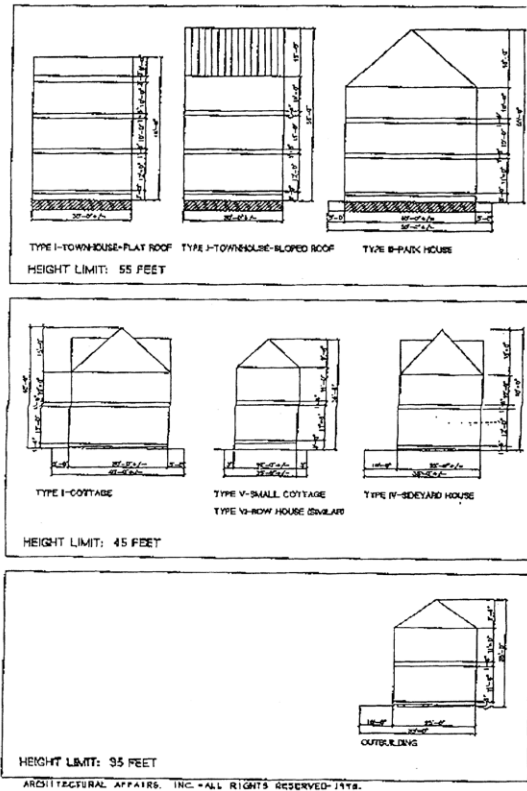
- (a) Outbuildings shall be detailed in a manner similar to the house. Detached garages are strongly encouraged.
- (b) Accessory dwelling units are permitted and encouraged, and shall be detailed in a manner similar to the house.

11. *Additional regulations.* In addition to the regulations established above in subsections (2)e.1 through 10 of this section, 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.

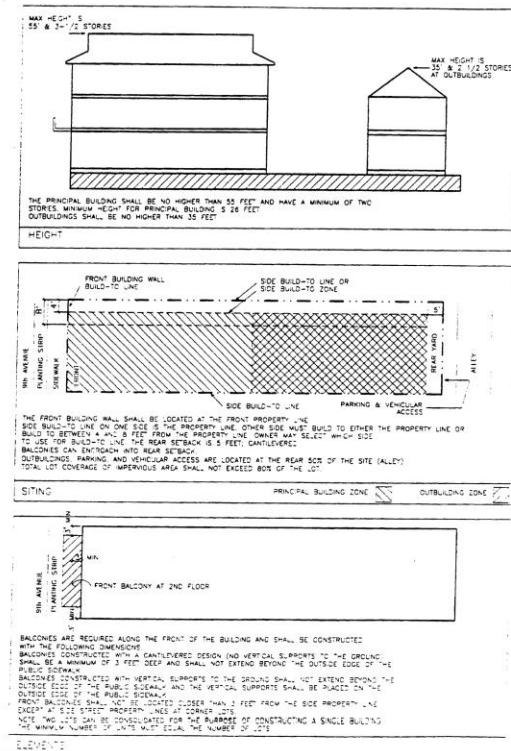
f. *Procedures for review of renovation, alterations, and additions to structures within the GRD-1 district.* The regulations and standards established in subsections (2)a through e of this section, shall apply to all plans for the renovation, alteration and addition to structures within the GRD-1 district.

- 1. *Abbreviated review.* Sign requests, paint colors, fencing, and emergency repairs that are consistent with the regulations and standards set forth in subsection (2) of this section may be approved by letter to the building official from the board secretary and the chairperson of the planning board. If agreement cannot be reached as it pertains to such request for abbreviated review by the board secretary and chairperson, then the matter will be referred to the entire board for a decision.

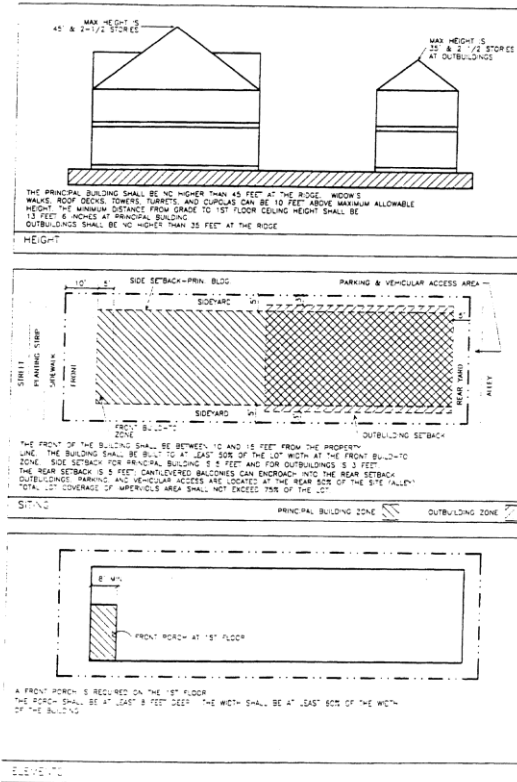
## ARAGON MAXIMUM HEIGHTS



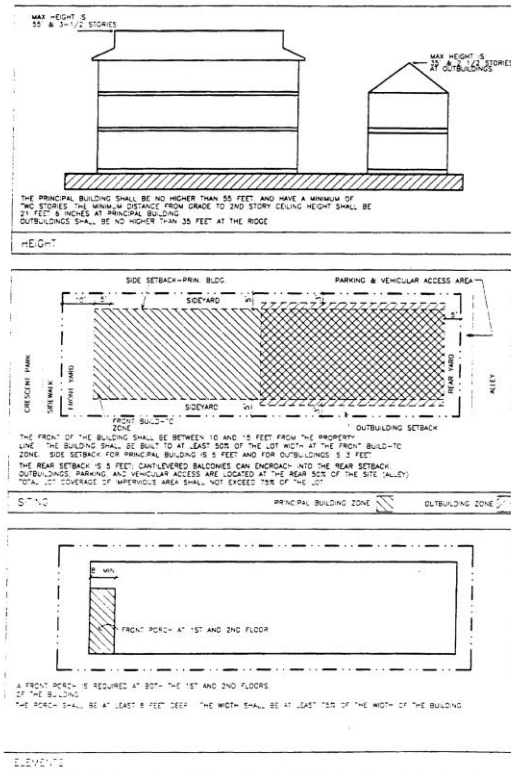
## ARAGON TOWNHOUSE-TYPE I



## ARAGON COTTAGE-TYPE II

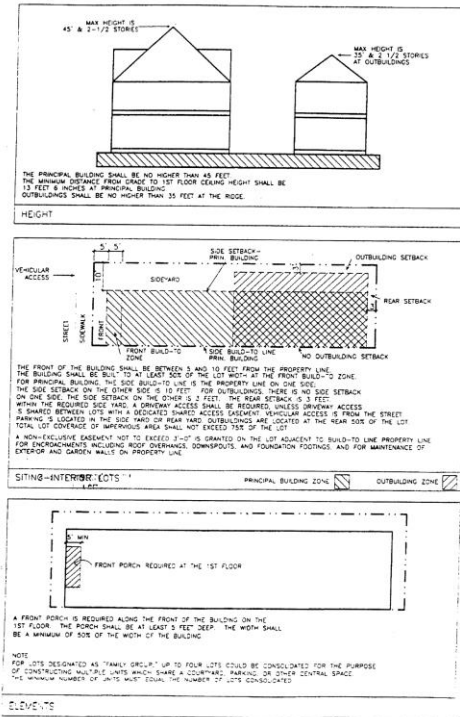


## ARAGON PARK HOUSE-TYPE III

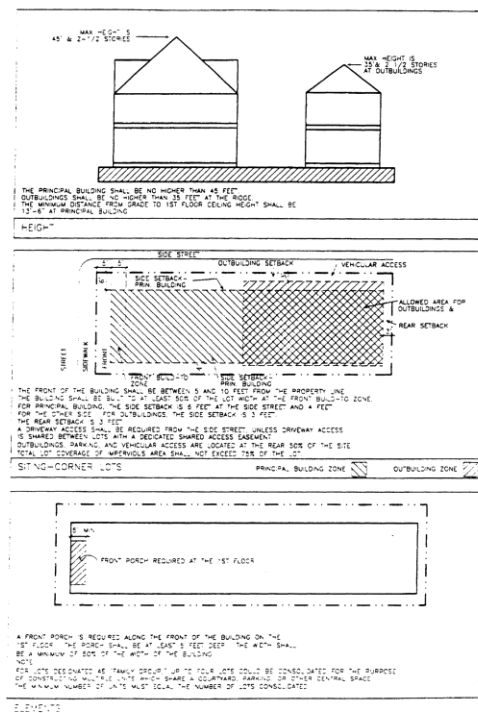


## ARAGON SIDEYARD HOUSE WITH ALLEY ACCESS-TYPE IVA



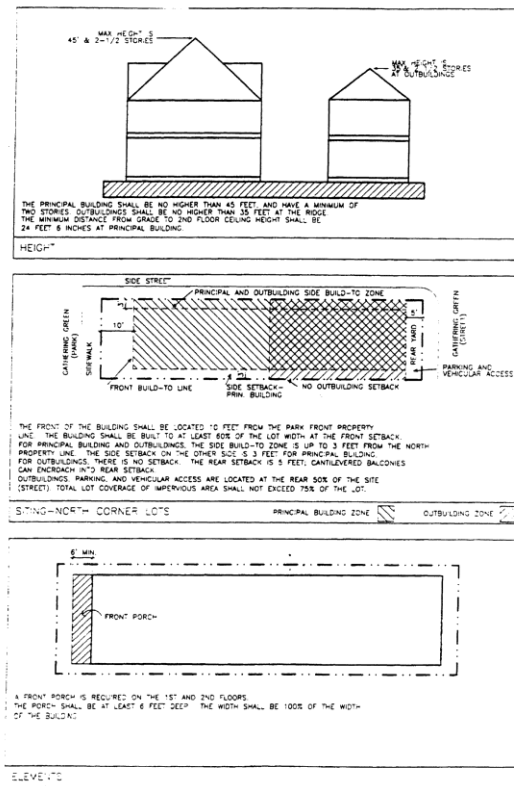


## ARAGON SIDEYARD HOUSE WITH STREET ACCESS-TYPE IVB-CORNER LOTS

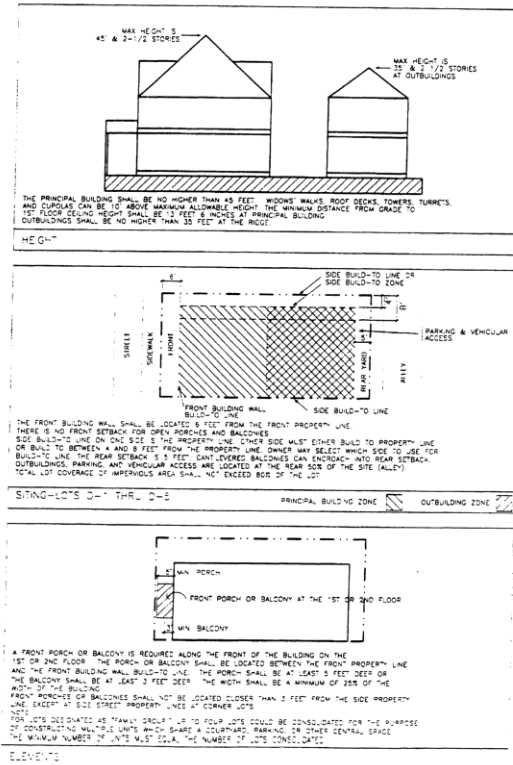




## ARAGON SMALL COTTAGE-TYPE V-NORTH CORNER LOTS



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



## ARAGON ROW HOUSE-TYPE VI-LOTS D-6 THRU 10 AND H-7 THRU H-10



(3) *WRD, waterfront redevelopment district.*

- a. *Purpose of district.* The waterfront redevelopment district is established to promote redevelopment of the city's downtown waterfront with a compatible mixture of water-dependent and water-related uses that preserve the unique shoreline vista and scenic opportunities, provide public access, create a cultural meeting place for the public, preserve the working waterfront activities historically located in the waterfront area, and encourage a high quality of site planning and architectural design. Site specific analysis of each development proposal within the district is intended to ensure that the scenic vistas and marine-oriented image of the district are maintained, that the development character of the waterfront is upgraded and that the boundaries of the adjacent special districts are positively reinforced.
- b. *Uses permitted.*
  1. Single-family residential (attached or detached) at a maximum density of 17.4 units per acre. Multifamily residential at a maximum density of 60 dwelling units per acre.
  2. Home occupations, subject to regulations in section 12-3-57.
  3. Offices.
  4. Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes.
  5. Hotels/motels.
  6. Marinas.
  7. Parking garages.
  8. The following retail sales and services:
    - i. Retail food and drug stores (including medical marijuana dispensaries and package liquor store).
    - ii. Personal service shops.
    - iii. Clothing stores.
    - iv. Specialty shops.
    - v. Banks.
    - vi. Bakeries whose products are sold at retail on the premises.
    - vii. Antique shops.
    - viii. Floral shops.
    - ix. Health clubs, spa and exercise centers.
    - x. Laundromats.
    - xi. Laundry and dry-cleaning pick-up stations.
    - xii. Restaurants.
    - xiii. Studios.
    - xiv. Art galleries.
    - xv. Sale or rental of sporting goods or equipment including instructions in skiing, sailing, or scuba diving.
    - xvi. Boat rentals waterside only with limited upland storage.
    - xvii. Bars.
    - xviii. Commercial fishing.

- xix. Ferry and passenger terminals.
- xx. Cruise ship operations.
- xxi. Food truck courts, subject to regulations in Sec. 12-3-95.

- 9. Family day care homes licensed by the state department of children and family services as defined in state statutes.

c. *Procedure for review of plans.*

- 1. *Plan submission.* Every application to construct a new structure in the waterfront redevelopment district shall be subject to the development plan review and approval procedure established in section 12-3-120. Every application for a new certificate of occupancy or a building permit to erect, construct, demolish, renovate or alter a building or sign, or exterior site work (i.e., paving and landscaping of off-street parking areas), located or to be located in the waterfront redevelopment district shall be accompanied with drawings or sketches with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the building, sign, or exterior work (both before and after the proposed work is done in cases of altering, renovating, demolishing or razing a building or structure) including proposed materials, textures and colors, and the plot plan or site layout including all site improvements or features such as walls, fences, walks, terraces, plantings, accessory buildings, paved areas, signs, lights, awnings, canopies and other appurtenances. All developments within the waterfront redevelopment district must comply with design standards as established in section 12-3-121.
- 2. *Review and approval.* All plans shall be subject to the review and approval of the planning board established in chapter 12-12. At the time of review the board may require that any aspect of the overall site plan that does not meet the standards established in this section be incorporated and brought into compliance within a time limit approved by the board. Review by the planning board of applications for zoning variances shall be as provided for under section 12-12-2(6)f.
- 3. *Abbreviated review.* Sign requests, paint colors, fencing, and emergency repairs that are consistent with the regulations and guidelines set forth in this section, may be approved by letter to the building official from the planning board secretary and the chairperson 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 chairperson, then the matter will be referred to the board for a decision.

d. *Regulations.*

- 1. *Signs.* The following provisions shall be applicable to signs in the district:
  - i. *Number of signs.* Each parcel shall be limited to one sign per street frontage; provided, however, if there exists more than one establishment on the parcel, there may be one attached sign per establishment.

- ii. *Signs extending over public property.* Signs extending over public property shall maintain a clear height of nine feet above the sidewalk and no part of such signs shall be closer than 18 inches to the vertical plane of the curb line or edge of the pavement.
- iii. *Sign size and height limitations.*
  - (a) *Attached signs.*
    - (1) *Size.* Ten percent of the building elevation square footage (wall area) that fronts on a public street, not to exceed 50 square feet. Buildings exceeding five stories in height; one attached wall sign or combination of wall signs not to exceed 200 square feet and mounted on the fifth floor or above.
    - (2) *Height.* No sign may extend above the roof line of the building to which it is attached. For the purposes of this section roof surfaces constructed at an angle of 65 degrees or more from horizontal shall be regarded as walls.
  - (b) *Freestanding signs.*
    - (1) *Size.* Fifty square feet.
    - (2) *Height.* Ten feet (top of sign).
- iv. *Other permitted signs.*
  - (a) Signs shall not exceed two square feet in size.
  - (b) Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.
- v. *Prohibited signs.* Refer to section 12-5-7 for a description of prohibited signs. In addition the following signs are prohibited within the district:
  - (a) Portable signs.
  - (b) Signs that are abandoned or create a safety hazard. Abandoned signs are those advertising a business that becomes vacant and is unoccupied for a period of 90 days or more.
  - (c) Signs that are not securely fixed on a permanent foundation.
  - (d) Strings of light bulbs, other than holiday decorations, streamers and pennants.
  - (e) Signs that present an optical illusion, incorporate projected images, or emit sound.

- (f) Secondary advertising signs (i.e., signs that advertise a brand name product in addition to the name of the business).
- vi. Temporary signs. The following temporary signs shall be permitted in the district:
  - (a) Temporary banners indicating that a noncommercial special event such as a fair, carnival, festival or similar happening is to take place, are permitted with the following conditions: Such banners may be erected no sooner than two weeks before the event and banners extending over street rights-of-way require approval from the mayor.
  - (b) One non-illuminated sign per street frontage advertising the sale, lease or rental of the lot or building upon which the sign is located. Such sign shall not exceed 12 square feet in size, and shall be removed immediately after occupancy.
  - (c) One non-illuminated sign not more than 50 square feet in area in connection with new construction work and displayed only during such time as the actual construction work is in progress.
- 2. *Off-street parking.* The following off-street parking requirement shall apply to all lots, parcels, or tracts in the district: Off-street parking requirements in the waterfront redevelopment district shall be based on the requirements set forth in chapter 12-4. The required parking may be provided off-site by the owner/developer as specified in section 12-4-1(4). Screening shall be provided along the edges of all parking areas visible from the street rights-of-way. This screening may take the form of:
  - i. A solid wall or fence (chain-link fences are prohibited) with a minimum height of four feet that is compatible in design and materials with on-site architecture and nearby development;
  - ii. An earth berm approximately three feet in height that is landscaped to provide positive screening effective within three years; or
  - iii. A combination of walls or fences and landscape screening, or landscape screening designed to provide positive screening within three years.
- 3. *Vehicular access.* For each lot, tract or parcel under single ownership, the maximum number of access points shall not exceed two per street frontage.
- 4. *Landscaping.* Landscaping requirements in the district shall conform to the requirements of chapter 12-6. All service areas (i.e., trash collection containers, compactors, loading docks) shall be screened with at least 75

percent opacity from the street and adjacent buildings by one of the following techniques:

- i. Fence or wall and gate, six feet high;
  - ii. Vegetation, six feet high (within three years); or
  - iii. A combination of the above.
5. *Underground utility services.* All new building construction or additions of floor area to existing structures shall be required to install underground utilities on the site.
6. *Lot coverage.* The total coverage of the site including all structures, parking areas, driveways and all other impervious surfaces shall not exceed 75 percent.
7. *Setback/height requirements.* No building shall exceed a maximum height of 60 feet in the waterfront redevelopment district.
  - i. *Shoreline setback/height requirements.* All buildings shall be set back a minimum of 30 feet from the shoreline or the bulkhead line. At this minimum setback line, the building height may not exceed 35 feet. Above 35 feet in height, an additional one foot in building height may be permitted for each additional one foot in setback with a maximum building height of 60 feet. The minimum setback from the shoreline may be decreased by the planning board and the council during the review process to permit reuse of existing buildings, structures or foundations with a lesser setback.
  - ii. *Main Street setback/height requirements.* All buildings shall be set back a minimum of 60 feet from the centerline of Main Street. At this minimum setback line, the building height may not exceed 60 feet.
8. *Additional regulations.* In addition to the regulations established above in subsections (3)d.1 through 7 of this section, any permitted use within the WRD zoning district where alcoholic beverages are ordinarily sold is subject to the requirements of chapter 7-4.
- e. *Regulations.* All developments within the waterfront redevelopment district are encouraged to follow the design guidelines established in section 12-3-121(d). In addition, the following site planning guidelines should be taken into consideration in the required development plans.
  1. *Site planning.* The integration of site features such as building arrangement, landscaping, parking lot layout, public access points, building orientation, and scenic vantage points is critical in producing a pleasant and functional living or working environment. In reviewing development proposals, the following guidelines shall be taken into consideration:
    - i. *Maximum preservation of waterfront views.* Considering the waterfront location of the district, the placement of buildings, signs, service areas, parking and landscaping shall be planned to maximize the preservation of views of the bay and to protect the waterfront scenic open space



character. To prevent the effect of a "wall" of development along the edge of the waterfront and adjacent streets, open space should be encouraged between buildings and under elevated buildings. Pedestrian circulation systems should be designed to form a convenient, interconnected network through buildings, landscaped open spaces and public walkways. The longer side of each building should be sited perpendicular to the water's edge in order to preserve water views from the street.

- ii. *Building orientation.* Buildings should be oriented to maximize the waterfront view potential within the district while maintaining quality facade treatment and design on the streetside. Structures should be positioned to provide viewing opportunities of the water and the shoreline edge between buildings. The location of solid waste receptacles, service entrances, loading docks, storage buildings and mechanical and air conditioning equipment and other items typically situated at the backside of buildings should be discouraged within the area between the building and the water's edge.
  - iii. *Off-street parking and service.* Off-street parking shall be discouraged within the shoreline setback area. Where possible, service areas (i.e., trash collection, loading docks) shall be located to be screened by the building itself; otherwise, walls, fences, landscaping and earth berms shall be used to achieve effective screening.
2. *Aesthetic considerations.* Development projects within the district are not subject to special architectural review and approval. In lieu of a special separate review procedure, the following general architectural and aesthetic design criteria will be considered to enhance the character of the district:
- i. Buildings or structures that 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.
  - ii. Natural materials such as brick, wood and stucco should be encouraged. Materials such as metal and plastic shall be discouraged on exterior surfaces of buildings.
  - iii. All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls or vegetation.
  - iv. Proposed developments within the waterfront redevelopment district that are located adjacent to a historic district should give special consideration to visual compatibility in scale and architectural design in order to positively reinforce the character of the historic area and provide a buffer and transition.
  - v. Projects should be encouraged that enhance the setting or provide for adaptive reuse of historic buildings and sites.

3. *Landscaping guidelines.* Landscaping should be used to enhance waterfront views and vistas and to screen undesirable features. Low lying plant material should be used in open areas to retain views of the water. Trees should be selectively utilized and carefully located along the waterfront in both public and private developments in order to maintain existing views as much as possible. Plantings should be coordinated near buildings to provide view corridors.
  4. *Sign guidelines.*
    - i. *Design/materials.* The architectural character of the building to which the sign relates should be reflected in the lettering of the sign, and the materials used for the supporting structure and the sign face.
    - ii. *Lighting.* Indirect and internal lighting is encouraged. Neon and exposed fluorescent lighting is not encouraged.
    - iii. *Landscaping.* The landscaping and positioning of the sign should complement the overall site plan and landscaping of the development.
- (4) *WRD-1, Waterfront Redevelopment District-1.*
- a. *Purpose of district.* The waterfront redevelopment district is established to promote redevelopment of the city's downtown waterfront with a compatible mixture of uses that further the goals of downtown Pensacola's comprehensive plan, encourage a walkable mixed-use urban environment, preserve the unique shoreline scenic opportunities, provide continuous public waterfront access, create cultural meeting places for the public, and encourage a high quality of site planning and architectural design. Site specific analysis of each development proposal within the district is intended to ensure that the scenic vistas of the district are maintained, that the development character of the waterfront is upgraded and that the boundaries of the adjacent special districts are positively reinforced.
  - b. *Uses permitted.*
    1. Single-family residential (attached or detached) at a maximum density of 17.4 units per acre. Multifamily residential at a maximum density of 60 dwelling units per acre.
    2. Home occupations, subject to regulations in section 12-3-57.
    3. Offices.
    4. Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes.
    5. Hotels/motels.
    6. Marinas.
    7. Parking garages.
    8. The following retail sales and services:
      - i. Retail food and drug stores (including medical marijuana dispensaries and package liquor store).
      - ii. Personal service shops.
      - iii. Clothing stores.

- iv. Specialty shops.
- v. Banks.
- vi. Bakeries whose products are sold at retail on the premises.
- vii. Antique shops.
- viii. Floral shops.
- ix. Health clubs, spa and exercise centers.
- x. Laundromats.
- xi. Laundry and dry-cleaning pick-up stations.
- xii. Restaurants.
- xiii. Studios.
- xiv. Art galleries.
- xv. Sale or rental of sporting goods or equipment including instructions in skiing, sailing, or scuba diving.
- xvi. Boat rentals waterside only with limited upland storage.
- xvii. Bars.
- xviii. Commercial fishing.
- xix. Ferry and passenger terminals.
- xx. Cruise ship operations.
- xxi. Food truck courts, subject to regulations in Sec. 12-3-95.

- 9. Family day care homes licensed by the state department of children and family services as defined in state statutes.

c. *Procedure for review of plans.*

- 1. *Plan submission.* Every application to construct a new structure in the waterfront redevelopment district-1 shall be subject to the development plan review and approval procedure established in section 12-3-120. Every application for a new certificate of occupancy or a building permit to erect, construct, demolish, renovate or alter a building or sign, or exterior site work (i.e., paving and landscaping of off-street parking areas), located or to be located in the waterfront redevelopment district-1 shall be accompanied with drawings or sketches with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the building, sign, or exterior work (both before and after the proposed work is done in cases of altering, renovating, demolishing or razing a building or structure) including proposed materials, textures and colors, and the plot plan or site layout including all site improvements or features such as walls, fences, walks, terraces, plantings, accessory buildings, paved areas, signs, lights, awnings, canopies and other appurtenances. All developments within the waterfront redevelopment district must comply with design standards as established in section 12-3-121.
- 2. *Review and approval.* All plans shall be subject to the review and approval of the planning board established in chapter 12-12. At the time of review the board may require that any aspect of the overall site plan that does not meet the standards established in this section be incorporated and brought into compliance within a time limit approved by the board. Review

by the planning board of applications for zoning variances shall be as provided for under section 12-12-2(6)f.

3. *Abbreviated review.* Sign requests, paint colors, fencing, and emergency repairs that are consistent with the regulations and guidelines set forth in this section, may be approved by letter to the building official from the planning board secretary and the chairperson 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 chairperson, then the matter will be referred to the board for a decision.

d. *Regulations.*

1. *Signs.* The following provisions shall be applicable to signs in the district:

- i. *Number of signs.* Each parcel shall be limited to one sign per street frontage; provided, however, if there exists more than one establishment on the parcel, there may be one attached sign per establishment. Additionally, retail sales and services may have an A-frame sign in addition to the one sign per frontage.
- ii. *Signs extending over public property.* Signs extending over public property shall maintain a clear height of nine feet above the sidewalk and no part of such signs shall be closer than 18 inches to the vertical plane of the curb line or edge of the pavement.
- iii. *Sign size and height limitations.*

(a) *Attached signs.*

- (1) *Size.* Ten percent of the building elevation square footage (wall area) that fronts on a public street, not to exceed 50 square feet. Buildings exceeding five stories in height; one attached wall sign or combination of wall signs not to exceed 200 square feet and mounted on the fifth floor or above.
- (2) *Height.* No sign may extend above the roof line of the building to which it is attached. For the purposes of this section roof surfaces constructed at an angle of 65 degrees or more from horizontal shall be regarded as walls.

(b) *Freestanding signs.*

- (1) *Size.* Fifty square feet.
- (2) *Height.* Ten feet (top of sign).

(c) *A-frame sign.*

- (1) *Size.* Ten square feet.
- (2) *Height.* Forty-two inches (top of sign).

iv. *Other permitted signs.*

- (a) Signs shall not exceed two square feet in size.
  - (b) Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.
- v. *Prohibited signs.* Refer to section 12-5-7 for a description of prohibited signs. In addition the following signs are prohibited within the district:
  - (a) Signs that are abandoned or create a safety hazard. Abandoned signs are those advertising a business that becomes vacant and is unoccupied for a period of 90 days or more.
  - (b) Signs that present an optical illusion, incorporate projected images, or emit sound.
  - (c) Secondary advertising signs (i.e., signs that advertise a brand name product in addition to the name of the business).
- vi. *Temporary signs.* The following temporary signs shall be permitted in the district:
  - (a) Temporary banners indicating that a noncommercial special event such as a fair, carnival, festival or similar happening is to take place, are permitted with the following conditions: Such banners may be erected no sooner than two weeks before the event and banners extending over street rights-of-way require approval from the mayor.
  - (b) One non-illuminated sign per street frontage advertising the sale, lease or rental of the lot or building upon which the sign is located. Such sign shall not exceed 12 square feet in size, and shall be removed immediately after occupancy.
  - (c) One non-illuminated sign not more than 50 square feet in area in connection with new construction work and displayed only during such time as the actual construction work is in progress.
- 2. *Off-street parking.* The following off-street parking requirement shall apply to all lots, parcels, or tracts in the district: Off-street parking requirements in the waterfront redevelopment district-1 shall be based on the requirements set forth in section 12-4-1(4). The required parking may be provided off-site by the owner/developer as specified in section 12-4-1(4). Screening shall be provided along the edges of all parking areas visible from the street rights-of-way. This screening may take the form of:

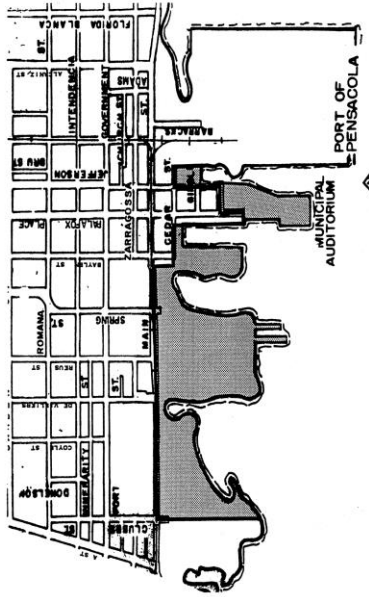
- i. A solid wall or fence (chain-link fences are prohibited) with a minimum height of four feet that is compatible in design and materials with on-site architecture and nearby development;
  - ii. Landscaping approximately three feet in height that is landscaped to provide positive screening effective within three years; or
  - iii. A combination of walls or fences and landscape screening, or landscape screening designed to provide positive screening within three years.
- 3. *Vehicular access.* For each lot, tract or parcel under single ownership, the maximum number of access points shall not exceed two per street frontage.
- 4. *Landscaping.* Landscaping requirements in the district shall conform to the requirements of chapter 12-6. All service areas (i.e., trash collection containers, compactors, loading docks) shall be screened with at least 75 percent opacity from the street and adjacent buildings by one of the following techniques:
  - i. Fence or wall and gate, six feet high;
  - ii. Vegetation, six feet high (within three years); or
  - iii. A combination of the above.
- 5. *Underground utility services.* All new building construction or additions of floor area to existing structures shall be required to install underground utilities on the site.
- 6. *Lot coverage.* The total coverage of the site including all structures, parking areas, driveways and all other impervious surfaces shall not exceed 95 percent.
- 7. *Setback/height requirements.* No building shall exceed a maximum height of six stories in the waterfront redevelopment district-1, as defined in section 12-3-31, community redevelopment area (CRA) urban design overlay district.
  - i. *Shoreline setback/height requirements.* All buildings shall be set back a minimum of 30 feet from the shoreline or the bulkhead line. The minimum setback from the shoreline may be decreased by the planning board and the council during the review process to permit reuse of existing buildings, structures or foundations with a lesser setback.
  - ii. *Main Street setback/height requirements.* All buildings shall be set back a minimum of 60 feet from the centerline of Main Street. At this minimum setback line, the building height may not exceed six stories.
  - iii. All other setbacks shall be as specified on the regulating plan.
- 8. *Additional regulations.* In addition to the regulations established above in subsections (3)d.1 through 7 of this section, any permitted use within the WRD-1 zoning district where alcoholic beverages are ordinarily sold is subject to the requirements of chapter 7-4.

- e. *Regulations.* All developments within the waterfront redevelopment district-1 are encouraged to follow the design guidelines established in section 12-3-121(d). In addition, the following site planning guidelines should be taken into consideration in the required development plans:
1. *Site planning.* The integration of site features such as building arrangement, landscaping, parking lot layout, public access points, building orientation, and scenic vantage points is critical in producing a pleasant and functional living or working environment. In reviewing development proposals, the following guidelines shall be taken into consideration:
    - i. *Maximum preservation of waterfront views.* Considering the waterfront location of the district, the placement of buildings, signs, service areas, parking and landscaping shall be planned to maximize the preservation of views of the bay and to protect the waterfront scenic open space character. To prevent the effect of a "wall" of development along the edge of the waterfront and adjacent streets, open space should be encouraged between buildings and under elevated buildings. Pedestrian circulation systems should be designed to form a convenient, interconnected network through buildings, landscaped open spaces and public walkways. The longer side of each building should be sited perpendicular to the water's edge in order to preserve water views from the street.
    - ii. *Building orientation.* Buildings should be oriented to maximize the waterfront view potential within the district while maintaining quality facade treatment and design on the streetside. Structures should be positioned to provide viewing opportunities of the water and the shoreline edge between buildings. The location of solid waste receptacles, service entrances, loading docks, storage buildings and mechanical and air conditioning equipment and other items typically situated at the backside of buildings should be discouraged within the area between the building and the water's edge.
    - iii. *Off-street parking and service.* Off-street parking shall be discouraged within the shoreline setback area. Where possible, service areas (i.e., trash collection, loading docks) shall be located to be screened by the building itself; otherwise, walls, fences, landscaping and earth berms shall be used to achieve effective screening.
  2. *Aesthetic considerations.* Development projects within the district are not subject to special architectural review and approval, however compliance with the CRA Overlay Standards and Guidelines as defined in section 12-3-31, community redevelopment area (CRA) urban design overlay district, is encouraged. In lieu of a special separate review procedure, the following general architectural and aesthetic design criteria will be considered to enhance the character of the district:

- i. Buildings or structures should 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.
  - ii. Natural materials such as brick, wood and stucco should be encouraged. Materials such as metal and plastic shall be discouraged on exterior surfaces of buildings.
  - iii. All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls or vegetation.
  - iv. Proposed developments within the waterfront redevelopment district-1 which are located adjacent to a historic district should give special consideration to visual compatibility in scale and architectural design in order to positively reinforce the character of the historic area and provide a buffer and transition.
  - v. Projects should be encouraged that enhance the setting or provide for adaptive reuse of historic buildings and sites.
3. *Landscaping guidelines.* Landscaping should be used to enhance waterfront views and vistas and to screen undesirable features. Low lying plant material should be used in open areas to retain views of the water. Trees should be selectively utilized and carefully located along the waterfront in both public and private developments in order to maintain existing views as much as possible. Plantings should be coordinated near buildings to provide view corridors.
4. *Sign guidelines.*
- i. *Design/materials.* The architectural character of the building to which the sign relates should be reflected in the lettering of the sign, and the materials used for the supporting structure and the sign face.
  - ii. *Lighting.* Indirect and internal lighting is encouraged. Neon and exposed fluorescent lighting is not permitted.
  - iii. *Landscaping.* The landscaping and positioning of the sign should complement the overall site plan and landscaping of the development.

#### WATERFRONT DEVELOPMENT DISTRICT





SECTION 4. 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 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. 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

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**File #:** 12-23

City Council

7/20/2023

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** D.C. Reeves, Mayor

**SUBJECT:**

PROPOSED ORDINANCE NO. 12-23 - PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - ESTABLISHING FOOD TRUCK COURTS AS A PERMITTED LAND USE ALLOWED IN SPECIFIED ZONING DISTRICTS

**RECOMMENDATION:**

That City Council adopt Proposed Ordinance No. 12-23 on first reading.

AN ORDINANCE CREATING SECTION 12-3-95 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ESTABLISHING FOOD TRUCK COURTS AS A PERMITTED LAND USE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**HEARING REQUIRED:** Public

**SUMMARY:**

Over the past decade or so, food truck courts (aka food truck parks) have become more and more prevalent across the country. These establishments, which normally require a certain level of seating, restrooms, and other site plan requirements, offer several benefits to the communities that they are allowed, such as neighborhood revitalization, providing entrepreneurial and business opportunities including, in many cases, areas of the communities where food / dining options are not as available, land redevelopment, economic vibrancy, etc.

In researching the food truck courts trend that has taken hold throughout the country, including neighboring jurisdictions, City Staff drafted proposed amendments to the Land Development Code that would allow food truck courts as a permitted commercial land use, which were presented to the City's Planning Board at their March and April 2023 meetings for discussion and feedback.

The two proposed ordinances would allow food truck courts as a primary by-right land use in the C-1, C-2, C-2A, and C-3 Commercial Districts; the M-1 and M-2 Industrial Districts; the GRD, and WRD Redevelopment Districts, and as a conditional use in PC-1 North Hill Preservation Commercial District. The proposed ordinances also outline general site development requirements for the new land use, including brick-and-mortar bathrooms, seating requirements, and landscaping and buffers.

Because the proposed amendments include changes to the list of permitted uses in a city zoning

district, both the Land Development Code and state statute require that two public hearings be held before City Council. The first public hearing was held on June 15, 2023.

Planning Board recommended approval in a 6-0 vote.

**PRIOR ACTION:**

City Council conducted the first of two required public hearings on June 15, 2023

**FUNDING:**

Budget: \$

Actual: \$

**FINANCIAL IMPACT:**

N/A

**LEGAL REVIEW ONLY BY CITY ATTORNEY:** Yes

5/9/2023

**STAFF CONTACT:**

Kerrith Fiddler, City Administrator  
David Forte, Deputy City Administrator  
Sherry Morris, AICP, Development Services Director

**ATTACHMENTS:**

- 1) Proposed Ordinance No. 12-23
- 2) Planning Board Minutes May 9, 2023

**PRESENTATION:** No

PROPOSED  
ORDINANCE NO. 12-23

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

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE CREATING SECTION 12-3-95 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ESTABLISHING FOOD TRUCK COURTS AS A PERMITTED LAND USE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-3-95 of the Code of the City of Pensacola, Florida, is hereby created to read as follows:

(a) Purpose. The purpose of allowing food truck courts which provides parking pads for one or more mobile food trucks and may also include other site development features, such as parking and seating, is to allow for innovative development options within the commercial zoning district.

(b) Permitted locations.

a. Food truck courts shall be allowed as a permitted use in the C-1, C-2, C-2A, C-3, M-1, M-2, GRD, WRD, and WRD-1 zoning districts, exclusive of the area defined by Section 11-2-24 of the Code of the City of Pensacola.

b. Food truck courts shall be allowed as a conditional use within PC-1 and the area defined within Section 11-2-24 and must comply with the conditional use requirements established within section 12-3-120(a)(3).

(c) General requirements.

(1) Site development requirements. The development of the site shall comply with the requirements of the zoning district and any applicable overlay district, with the exception of the following:

a. Food truck stalls and additional structures shall observe a minimum setback of ten (10) feet from any side or rear property line, notwithstanding any applicable landscape buffers or setbacks from a residential zoning district as outlined in Table 12-3.7.

b. Food truck stalls and additional structures shall be located at least ten (10) feet from any other space or structure.

c. Drive-thru services are prohibited.

d. Outdoor refuse & utilities, and storage areas shall not be allowed within the 25 feet of the front property line and shall be screened per Sec. 12-3-121.

- (2) Number of food truck parking pads. A minimum of one stationary food truck pad shall be developed with each food truck court. The maximum number of mobile food truck pads shall be six (6).
- (3) Lot coverage, landscaping, and buffers.
- a. The maximum lot coverage for the mobile food truck pads, all structures, and defined outdoor dining areas shall be 50%.
  - b. Landscaping and buffer requirements shall be subject to the minimum provisions set forth in chapter 12-6. When off-street parking is located at a street frontage, a year-round landscape hedge or low fence or wall along the street edge of the parking lot must be used as a means of buffering and subject to visibility triangle requirements in section 12-3-58.
- (4) Off-street parking. One off-street parking space shall be provided for the food truck court for each food truck pad plus one per 100 square feet of gross floor area, or fraction thereof, of all buildings on the site with the exception of those located within the Dense Business Area or the Urban Core CRA.
- (5) Mobile food truck pad requirements. Each food truck space shall provide the following:
- a. A connection to a water source.
  - b. A connection to a sewer system and a grease trap or a gray-water system with off-site disposal.
  - c. A solid surface pad measuring at least 10 feet in width and 20 feet in length.
- (6) Restrooms. Permanent restrooms are required as part of the food truck court. This facility must be within the same parcel as the mobile food truck pad(s). The minimum requirement shall be 2 stalls each for male and female.
- (7) Seating. At least one table, with a minimum of four seats per table, shall be required for every mobile food truck pad.
- (8) Exterior modifications.
- a. Architectural design and building elements. All buildings, structures, fences, walls, etc. shall follow design standards and guidelines in section 12-3-121(d) and shall strive to achieve visual harmony with the surrounding area. If located in a district subject to Architectural Review Board or Planning Board review, or located in the CRA Urban Design Overlay, the project shall be subject to the standards applicable to the relevant district.
  - b. Fencing and screening. Approved materials include wood, brick, stucco finished masonry, stone, or wrought iron, and combinations of these materials. Black powder-coated chain-link fences will be permitted if screened in their entirety by appropriate vegetation. Exposed concrete block and barbed wire are prohibited. All service areas (i.e. trash collection containers, compactors, etc.) shall be screened from street and adjacent buildings by a fence, wall, and/or vegetation.
  - c. Site lighting. Exterior lighting shall follow standards set forth in section 12-3-121(c)(9).

(9) Food truck requirements.

- a. Each food truck must meet the requirements of the Florida Fire Prevention Code, NFPA 1, section 50.7 Mobile and Temporary Cooking Operations. Section 50.7.1.5 Separation. Mobile or temporary cooking operations shall be separated from buildings or structures, combustible materials, vehicles, and other cooking operations by a minimum of 10 ft. Section 50.7.1.7 Fire Department Access. Mobile or temporary cooking operations shall not block fire department access roads, fire lanes, fire hydrants, or other fire protection devices and equipment.
- b. A copy of the Commissary Agreement should be maintained on the food truck or mobile food vending establishment.
- c. The food truck owner should obtain a license from DBPR, then an inspection from the fire department before obtaining a City BTR.
- d. Each food truck operating on the site is required to have a City BTR, business tax receipt, but is not required to obtain any other City permits or licenses.
- e. A copy of the appropriate license(s) from the Florida department of Business and Professional Regulation (Division of Hotels and Restaurants) shall be maintained on the food truck or mobile food vending establishments at all times along with a copy of a valid City business tax receipt when the vehicle is in operation in the City, and shall be made available for inspection upon request by the City's law or code enforcement officers.
- f. If a gray-water system is to be used, a contract for off-site disposal must be made available upon request.

(10) Alcohol. If alcohol is to be sold on-site, the provisions within Chapter 7 shall apply.

(11) Signs. Signage shall comply with the standards for the respective zoning district.

(d) Review and approval process. All applications for food truck courts shall comply with development standards and guidelines established in section 12-3-121.

Secs. 12-3-96—12-3-104. Reserved.

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



## **MINUTES OF THE PLANNING BOARD**

**May 9, 2023**

**MEMBERS PRESENT:** Chairperson Paul Ritz, Vice Chairperson Larson Board Member Grundhoefer, Board Member Villegas, Board Member Van Hoose, Board Member Powell

**MEMBERS ABSENT:** Board Member Sampson

**STAFF PRESENT:** Planning & Zoning Manager Cannon, Assistant Planning & Zoning Manager Harding, Help Desk Technician Russo, Development Services Director Morris, Development Services Coordinator Statler

**STAFF VIRTUAL:** Assistant City Attorney Lindsay

**OTHERS PRESENT:** Amir Fooladi, Tommy White

### **AGENDA:**

- Quorum/Call to Order
- Approval of Meeting Minutes from April 11, 2023
- **New Business:**
  - Proposed Amendment to the Land Development Code – Food Truck Courts
  - Open Forum
  - Discussion:
  - Adjournment

### **Call to Order / Quorum Present**

Chairperson Paul Ritz called the meeting to order at 2:05 pm with a quorum present and explained the procedures of the meeting including requirements for audience participation.

**Approval of Meeting Minutes** – Board Member Larson made a motion to approve the April 11, 2023, minutes, seconded by Board Member Powell, and it carried unanimously.

### **New Business** –

#### **Proposed Amendment to the Land Development Code – Food Truck Courts**

Assistant Planning & Zoning Manager Harding introduced the agenda item and



Chairperson Ritz provided an additional background. Assistant Planning & Zoning Manager Harding also introduced the added gray-water system provision which was included due to staff's discussions with food truck owners. Chairperson Ritz acknowledged that several developers and food truck business owners had been contacted and that additional notice of the proposed amendment had been provided. Development Services Coordinator Statler gave a brief highlight of changes that were made to the ordinance - an inclusion for setbacks from a residential zoning district as outlined in Table 12-3.7 was added, utilities shall be screened per Sec. 12-3-121, one parking space per pad, an option of gray-water system with off-site disposal, modified the language for table seating, with a minimum of four seats per table, and if a gray-water system is used, a contract for off-site disposal must be made available upon request. The board members began to ask questions regarding the changes that were made. Board Member Grundhoefer requested the wording be clarified as far as the table seating goes. Board Member Van Hoose stated she felt it's an unnecessary imposition of food trucks to require table and chairs and feels it's a liability. A majority of the Board Members are in favor of the table and chairs. Board Member Van Hoose inquired where else in the Land Development Code are table and chairs required, staff replied they are unaware of that requirement anywhere else in the Land Development Code. Development Services Coordinator Statler stated that with License to Use there are no specific requirements for outdoor dining for the chairs, but liability insurance is required since it's on City right of way versus private property. Chairperson Ritz stated whenever legislation is created from scratch, there's a lot of to discuss. Development Services Coordinator Statler mentioned that under our current conditional use for mobile restaurant facilities we do require that they have permanent restroom facilities and mobile restaurant development sites shall provide one customer seat per linear foot of mobile unit on site, so we do require seating in another section of the LDC for this particular use like The Garden on Palafox. Board Member Villegas stated this is a food truck court with permanent restroom facilities with infrastructure that allows it to be more than a pull up pull off situation. It will create a certain ambiance; she stands firm with the ordinance. Planning & Zoning Manager Cannon mentioned that there are three districts, GRD, WRD, and PC1, that will trigger them to have to come before the Planning Board. This would give the Planning Board a chance to weigh in on these aesthetically, but it does not change anything on the commercial ones. Mr. Fooladi spoke and thanked everyone for all the work put into the ordinance. He wanted to know in **Sec. 12-3-95(c)(1)d.** where it states "Outdoor refuse & utilities, and storage areas shall not be allowed within the 25 feet of the front property line and shall be screened per Sec. 12-3-121.", what is meant by utilities. Development Services Coordinator Statler stated that it was added because of the option for the gray-water tank, if they are using a gray-water tank that's not actually within the truck, but on the exterior, it needs to be screened. Staff clarified that dumpsters would need to be screened in, not trash receptacles or trash cans. A discussion was had regarding the calculations used to determine the number of parking spaces required, and the definition of fencing materials and materials that can be used for screening. They concluded that vegetation is an allowable screening material. A discussion was had regarding the difference between WRD and WRD-1 and why food trucks would not be allowed in WRD-1, staff replied that it was an oversight and that the board could choose to allow food truck courts in WRD-1 and suggested that the board add it to the motion of the item if they thought it appropriate. Mr. White asked if this ordinance would be City wide and staff replied that it would be. Mr. White then asked if there would be a limitation as to how many food trucks would be allowed in the court, staff replied the

maximum number of 6 mobile food truck pads would be allowed. A discussion was then had regarding the use of the City GIS mapping application to determine if a particular location is zoned to allow a food truck court. Board Member Grundhoefer asked for more information regarding the gray-water system and how the material is picked up and where it is dumped. Staff replied that the service provider would be responsible for disposing of it appropriately and that there are different service providers that provide this service. Board Member Powell stated that the state of Florida has standards for how the gray-water is disposed of based on the Florida health code. Staff stated that the gray-water system is a less expensive option other than a grease trap, both ways handle it in a responsible manner.

**Board Member Larson made a motion to approve. Board Member Villegas proposed an amendment that the allowance of “food truck courts, subject to regulations in Sec. 12-3-95” be added to zoning district WRD-1 (Sec. 12-3-12(4) b.) and it was accepted. Chairperson Ritz proposed the amendment that the two mentioned typos be corrected (“on” to “one” in proposed Sec. 12-3-95(c)(4) and “form” to “from” in proposed Sec. 12-3-95(c)(9) and it was accepted. Board Member Grundhoefer proposed the amendment to change proposed Sec. 12-3-95(c)(7) to “Seating. At least one table, with a minimum of four seats per table, shall be required for every mobile food truck pad.”, and it was accepted. Board Member Powell seconded the motion and it carried 6-0.**

#### **Open Forum – None.**

**Discussion** – Chairperson Ritz announced that he will be absent for the July meeting. Board Member Larson (Vice Chair) will fill in as Chairperson. Assistant Planning and Zoning Division Manager Harding advised the board that City Administration has asked Development Services staff to research off-street parking and building height requirements as they relate to the city’s Land Development Code and comparable ordinances from other local governments, and that the board may see agenda discussion items on such topics in the future.

**Adjournment** – With no further business, the Board adjourned at 3:07 p.m.

Respectfully Submitted,

Gregg Harding, RPA  
Assistant Planning & Zoning Manager  
Secretary of the Board



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

**File #:** 13-23

City Council

7/20/2023

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** D.C. Reeves, Mayor

**SUBJECT:**

PROPOSED ORDINANCE NO. 13-23 - PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - ESTABLISHING FOOD TRUCK COURTS AS A PERMITTED LAND USE ALLOWED IN SPECIFIED ZONING DISTRICTS

**RECOMMENDATION:**

City Council approve Proposed Ordinance No. 13-23 on first reading.

AN ORDINANCE AMENDING SECTIONS 12-3-8, 12-3-10, AND 12-3-12 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ESTABLISHING FOOD TRUCK COURTS AS LAND USE CATEGORY; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - ESTABLISHING FOOD TRUCK COURTS AS A PERMITTED LAND USE ALLOWED IN SPECIFIED ZONING DISTRICTS.

**HEARING REQUIRED:** Public

**SUMMARY:**

Over the past decade or so, food truck courts (aka food truck parks) have become more and more prevalent across the country. These establishments, which normally require a certain level of seating, restrooms, and other site plan requirements, offer several benefits to the communities that they are allowed, such as neighborhood revitalization, providing entrepreneurial and business opportunities including, in many cases, areas of the communities where food / dining options are not as available, land redevelopment, economic vibrancy, etc.

In researching the food truck courts trend that has taken hold throughout the country, including neighboring jurisdictions, City Staff drafted proposed amendments to the Land Development Code that would allow food truck courts as a permitted commercial land use, which were presented to the City's Planning Board at their March and April 2023 meetings for discussion and feedback.

The two proposed ordinances would allow food truck courts as a primary by-right land use in the C-1, C-2, C-2A, and C-3 Commercial Districts; the M-1 and M-2 Industrial Districts; the GRD, and WRD Redevelopment Districts, and as a conditional use in PC-1 North Hill Preservation Commercial District. The proposed ordinances also outline general site development requirements for the new

land use, including brick-and-mortar bathrooms, seating requirements, and landscaping and buffers.

Because the proposed amendments include changes to the list of permitted uses in a city zoning district, both the Land Development Code and state statute require that two public hearings be held before City Council. The first public hearing was held on June 15, 2023.

Planning Board recommended approval in a 6-0 vote.

**PRIOR ACTION:**

City Council conducted the first of two required public hearings on June 15, 2023

**FUNDING:**

Budget: \$

Actual: \$

**FINANCIAL IMPACT:**

N/A

**LEGAL REVIEW ONLY BY CITY ATTORNEY:** Yes

5/9/2023

**STAFF CONTACT:**

Kerrith Fiddler, City Administrator  
David Forte, Deputy City Administrator  
Sherry Morris, AICP, Development Services Director

**ATTACHMENTS:**

- 1) Proposed Ordinance No. 13-23
- 2) Planning Board Minutes May 9, 2023

**PRESENTATION:** No

PROPOSED  
ORDINANCE NO. 13-23

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

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTIONS 12-3-8, 12-3-10, AND 12-3-12  
OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA;  
ESTABLISHING FOOD TRUCK COURTS AS A PERMITTED USE IN  
SPECIFIED ZONING DISTRICTS; PROVIDING FOR SEVERABILITY;  
REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Sections 12-3-8 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-3-8. - Commercial land use district.

The regulations in this section shall be applicable to the retail and downtown commercial and wholesale and light industry zoning districts: C-1, C-2A, C-2, and C-3.

(1) *Purpose of district.*

- a. 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. 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. New development and redevelopment projects are strongly encouraged to follow the city's design standards and guidelines contained in section 12-3-121.
- b. The C-1 zoning district's regulations are intended to provide for conveniently supplying the immediate needs of the community where the types of services rendered and the commodities sold are those that are needed frequently. The C-1 zoning district is intended to provide a transitional buffer between mixed-use neighborhood commercial areas and more intense commercial zoning. The downtown and retail commercial (C-2A and C-2) zoning districts' regulations are intended to provide for major commercial areas intended primarily for retail sales and service establishments oriented to a general community and/or regional market. The C-3 wholesale and light industry zoning district's regulations are intended to provide for general commercial services, wholesale distribution, storage and light fabrication.

- c. The downtown retail commercial (C-2A) zoning district's regulations are intended to provide a mix of restaurants, retail sales, entertainment, and service establishments with an emphasis on pedestrian-oriented ground floor shops and market spaces.
- d. The commercial retail (C-2) zoning district's regulations are intended to provide for major commercial areas intended primarily for retail sales and service establishments oriented to a general community and/or regional market.
- e. The C-3 wholesale and light industry zoning district's regulations are intended to provide for general commercial services, wholesale distribution, storage and light fabrication.

(2) *Uses permitted.*

- a. C-1, retail commercial zoning district. Any use permitted in the R-NC district and the following uses, with no outside storage or repair work permitted:
  - 1. Retail sales and services.
  - 2. Motels/hotels.
  - 3. Vending machine when as accessory to a business establishment and located on the same parcel of land as the business.
  - 4. Car washes.
  - 5. Movie theaters, except drive-in theaters.
  - 6. Open air sales of trees, plants and shrubs. The business shall include a permanent sales or office building (including restrooms) on the site.
  - 7. Pet shops with all uses inside the principal building.
  - 8. Parking lots and parking garages.
  - 9. Pest extermination services.
  - 10. Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas.
  - 11. Business schools.
  - 12. Trade schools.
  - 13. Medical marijuana dispensary.
  - 14. Recreation or amusement places operated for profit.
  - 15. Accessory buildings and uses customarily incidental to the above uses.
  - 16. Food truck courts, subject to regulations in Sec. 12-3-95.

- a. *C-2A, downtown retail commercial district.* Any use permitted in the C-1 district with the exception of manufactured home parks, and conditional uses. The following uses with no outside storage or repair work permitted:
  - 1. Bars.
  - 2. Pool halls.
  - 3. Newspaper offices and printing firms.
  - 4. Marinas.
  - 5. Major public utility buildings and structures including radio and television broadcasting station.
  - 6. Accessory buildings and uses customarily incidental to the above uses.
- b. *C-2, commercial district (retail).* Any use permitted in the C-2A district and the following uses with no outside storage or repair work permitted:
  - 1. Cabinet shops and upholstery shops.
  - 2. Electric motor repair and rebuilding.
  - 3. Garages for the repair and overhauling of automobiles.
  - 4. Sign shop.
  - 5. Accessory buildings and uses customarily incidental to the above uses.
- c. *C-3, commercial zoning district (wholesale and limited industry).*
  - 1. Any use permitted in the C-2 district. Outside storage and work shall be permitted for those uses and the following uses, but shall be screened by an opaque fence or wall at least eight feet high at installation. Vegetation shall also be used as a screen and shall provide 75 percent opacity. The vegetative screen shall be located on the exterior of the required fence.
  - 2. Outside kennels, runs or exercise areas for animals subject to regulations in section 12-3-83.
  - 3. Growing and wholesale of retail sales of trees, shrubs and plants.
  - 4. Bakeries, wholesale.
  - 5. Ice cream factories and dairies.
  - 6. Quick-freeze plants and frozen food lockers.
  - 7. Boat sales and repair.
  - 8. Outdoor theaters.
  - 9. Industrial research laboratories and pharmaceutical companies.
  - 10. Truck sales and repair.

11. Light metal fabrication and assembly.
12. Contractors shops.
13. Adult entertainment establishments subject to the requirements of chapter 7-3.
14. Industrial laundries and dry cleaners using combustible or flammable liquids or solvents with a flash point of 190 degrees Fahrenheit or less which provide industrial type cleaning, including linen supply, rug and carpet cleaning, and diaper service.
15. Retail lumber and building materials.
16. Warehouses.
17. Plumbing and electrical shops.
18. New car and used car lots, including trucks which do not exceed 5,000 pounds.
19. Car rental agencies and storage, including trucks which do not exceed 5,000 pounds.
20. Pawnshops and secondhand stores.
21. Mini-storage warehouses.
22. Advanced manufacturing and/or processing operations provided that such use does not constitute a nuisance due to emission of dust, odor, gas, smoke, fumes, or noise.
23. Accessory buildings and uses customarily incidental to the above uses.

- (3) *Regulations.* All developments are required to comply with design standards and are strongly encouraged to follow design guidelines as established in section 12-3-121. Table 12-3.7 describes height, area and yard requirements for the C-1, C-2, C-2A and C-3 commercial zoning districts:

TABLE 12-3.7. REGULATIONS FOR THE COMMERCIAL ZONING DISTRICTS

Standards	C-1	C-2A	C-2 and C-3
Minimum Yard Requirements (Minimum Building Setbacks)	There shall be no yard requirements, except that where any nonresidential use is contiguous to a residential zoning district there shall be a 20-foot yard unless the two districts are separated by a public street, body of water, or similar manmade or natural buffer of equal width. Inside the C-2A District and Dense Business Area: There shall be a maximum allowed front yard setback of 10 feet.		
Maximum Building Height	No building shall exceed 45 feet in height at the	No building shall exceed 100 feet in height at the property or setback lines. (See Note 1)	



	property or setback lines. (See Note 1)		
Lot Coverage Requirements (The maximum combined area occupied by all principal and accessory buildings)	Shall not exceed 75 percent of the total site area for buildings up to 100 feet in height. For buildings over 100 feet in height, lot coverage shall not exceed 65 percent.	Shall not exceed 100 percent of the total site area for buildings up to 100 feet in height. For buildings over 100 feet in height, lot coverage shall not exceed 90 percent.	Inside the dense business area: shall not exceed 100 percent of the total site area for buildings up to 100 feet in height. For buildings over 100 feet in height, lot coverage shall not exceed 90 percent (with the exception of the C-2A zoning district). Outside the dense business area: shall not exceed 75 percent of the total site area for buildings up to 100 feet in height. For buildings over 100 feet in height, lot coverage shall not exceed 65 percent.
Maximum Density Multiple-Family Dwellings	35 dwelling units per acre.	135 dwelling units per acre.	Inside the dense business area: 135 dwelling units per acre. Outside the dense business area: 35 dwelling units per acre.
Note 1: Three feet may be added to the height of the building for each foot the building elevation is stair-stepped or recessed back from the property or setback lines beginning at the height permitted up to a maximum height of 150 feet.			

- (4) *Additional regulations.* In addition to the regulations established above in subsection (3) of this section, all developments within the commercial zoning districts will be subject to, and must comply with, the following regulations:
- Supplementary district regulations subject to regulations in sections 12-3-55 through 12-3-69.
  - Off-street parking subject to regulations in chapter 12-4.

- c. Signs subject to regulations in chapter 12-5.
- d. Tree/landscape regulations subject to regulations in chapter 12-6.
- e. Stormwater management and control of erosion, sedimentation and runoff subject to regulations in chapter 12-8.
- f. Alcoholic beverages regulations subject to chapter 7-4.

Sec. 12-3-9. Industrial land use district.

The regulations in this section shall apply to the light industrial (wholesale and light industry) and heavy industrial zoning districts: M-1 and M-2.

- (1) Purpose of district. The industrial land use district is established for the purpose of providing areas for industrial development for a community and regionally oriented service area. The industrial zoning district's regulations are intended to facilitate the manufacturing, warehousing, distribution, wholesaling and other industrial functions of the city and the region. New residential uses are prohibited in the M-2 zoning district. The industrial district regulations are designed to:
  - a. Encourage the formation and continuance of a compatible environment for industries, especially those which require large tracts of land and/or employ large numbers of workers;
  - b. Protect and reserve undeveloped areas that are suitable for industries;
  - c. Discourage development of new residential or other uses capable of adversely affecting or being affected by the industrial character of this district; and
  - d. Provide an opportunity for review by the planning board and approval by the city council for specific uses that may be an environmental nuisance to the community.
- (2) Uses permitted.
  - a. M-1, light industrial district.
    - 1. Any use permitted in the C-3 district.
    - 2. Outdoor storage and work, but shall be screened by an opaque fence or wall at least eight feet high at installation. Vegetation shall also be used as a screen and shall provide 75 percent opacity. The vegetative screen shall be located on the exterior of the required fence, and shall be subject to the regulations contained in chapter 12-6.
    - 3. Wholesale business.
    - 4. Lumber, building material yards.
    - 5. Furniture manufacture/repair.
    - 6. Assembly of electrical appliances, instruments, etc.

7. Welding and metal fabrication, except the fabrication of iron and steel or other metal for structural purposes, such as bridges, buildings, radio and television towers, oil derricks, and sections for ships, boats and barges.
  8. Processing/packaging/distribution.
  9. Canning plants.
  10. Ice plant/storage buildings.
  11. Bottling plants.
  12. Stone yard or monument works.
  13. Manufacturing uses of a scale and intensity likely to be capable of producing sound, vibration, odor, etc., that is incompatible with the general commercial districts.
  14. Conditional uses permitted:
    - i. Residential and nonresidential community correction centers, probation offices, and parole offices provided that no such site shall be located any closer than one-quarter mile, 1,320 feet, from a school for children in grade 12 or lower, licensed day care center facility, park, playground, nursing home, convalescent center, hospital, association for disabled population, mental health center, youth center, group home for disabled population or youth, or other place where children or a population especially vulnerable to crime due to age or physical or mental disability regularly congregates.
    - b. M-2, heavy industrial district.
      1. Any use permitted in the M-1 district.
      2. Any use or the expansion of any use or building not permitted in the preceding district may be permitted upon development plan review by the planning board and city council approval subject to regulations in section 12-3-120.
- (3) Regulations. All developments are required to comply with design standards and are encouraged to follow the design guidelines as established in section 12-3-121. Table 12-3-8 describes requirements for the industrial zoning districts:

TABLE 12-3.8. REGULATIONS FOR THE  
INDUSTRIAL ZONING DISTRICTS

Standards	M-1	M-2
Minimum Yard Requirements (Minimum Building Setbacks)	There shall be no yard requirements, except that where any nonresidential use is contiguous to a residential zoning district there shall be a 20-foot yard, or for industrial uses a 40-foot yard, unless the two districts	

	are separated by a public street, body of water, or similar manmade or natural buffer of equal width.
Maximum Building Height	No building shall exceed 45 feet in height at the property or building setback lines if contiguous to a residential district. Above the height permitted three feet may be added to the height of the building for each foot the building is set back from the property lines up to a maximum height of 100 feet. If not contiguous to a residential zoning district no building shall exceed 100 feet in height at the property lines.
Lot Coverage Requirements	The maximum combined area occupied by all principal and accessory buildings shall not exceed 75 percent of the total site area.

- (4) Additional regulations. In addition to the regulations established above in subsection (3) of this section, all developments within the industrial zoning districts will be subject to, and must comply with, the following regulations:
- a. Supplementary district regulations subject to regulations in sections 12-3-55 through 12-3-69.
  - b. Off-street parking subject to regulations in chapter 12-4.
  - c. Signs subject to regulations in chapter 12-5.
  - d. Tree/landscape regulations in chapter 12-6.
  - e. Stormwater management and control of erosion, sedimentation and runoff subject to regulations in chapter 12-8.
  - f. Alcoholic beverages regulations subject to chapter 7-4.

SECTION 2. Section 12-3-10 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-3-10. – Historic and preservation land use district.

The regulations in this section shall be applicable to the Pensacola historic district, the North Hill preservation district and the Old East Hill preservation district: HR-1, HR-2, HC-1, HC-2, PR-1AAA, PR-2, PC-1, OEHR-2, OEHC-1, OEHC-2 and OEHC-3.



(1) *Historic zoning districts: HR-1, HR-2, HC-1 and HC-2.*

- a. *Purpose.* The historic zoning districts are established to preserve the development pattern and distinctive architectural character of the district through the restoration of existing buildings and construction of compatible new buildings. The official listing of the Pensacola historic district (which includes all areas designated as historic zoning districts) on the National Register of Historic Places and the authority of the architectural review board reinforce this special character. 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 districts.
- b. *Character of the district.* The historic district is characterized by lots with narrow street frontage (based on the original British city plan, c. 1765), and the concentration of Frame Vernacular, Folk Victorian and Creole homes which date from the early 19th Century and form a consistent architectural edge along the street grid. These buildings and historic sites and their period architecture make the district unique and worthy of continuing preservation efforts. 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.
- c. *Uses permitted.*
  1. *HR-1, one- and two-family.*
    - i. Single-family and two-family (duplex) dwellings.
    - ii. Libraries, community centers and buildings used exclusively by the federal, state, county or city government for public purposes.
    - iii. Churches, Sunday school buildings and parish houses.
    - iv. Home occupations allowing: not more than 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 (1)c.2.vi of this section; two nonfamily members shall be

allowed as employees in the home occupation; and a sign for the business not to exceed three square feet shall be allowed.

- v. Publicly owned or operated parks and playgrounds.
- vi. Community residential homes licensed by the state department of health and rehabilitative services with six or fewer residents providing that it is not to be located within 1,000 feet of another such home. If it is proposed to be within 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 500-foot radius.
- vii. Bed and breakfast subject to regulations in section 12-3-84.
- viii. Conditional uses permitted:
  - (a) Single-family attached dwellings (townhouses).
  - (b) Multiple-family dwellings.
- ix. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, when located on the same lot and not involving the conduct of business.
- x. Family day care homes licensed by the state department of children and family Services as defined in state statutes.

2. *HR-2, multiple-family and office.*

- i. Any use permitted in the HR-1 district, including conditional uses.
- ii. Boarding and lodging houses.
- iii. Offices under 5,000 square feet.
- iv. Community residential homes licensed by the state department of health and rehabilitative services with seven to 14 residents providing that it is not to be located within 1,200 feet of another such home in a multifamily district, and that the home is not within 500 feet of a single-family zoning district. If it is proposed to be within 1,200 feet of another such home in a multifamily district, measured from property line to property line, and/or within 500 feet of a single-family zoning district, measured from property line to district line, it shall be permitted with city council approval after public notification of property owners in a 500-foot radius.
- v. Child care facilities subject to regulations in section 12-3-87.
- vi. Conditional use permitted:

The following uses limited to a maximum area of 3,000 square feet:

- (a) Antique shops.
- (b) Bakeries whose products are sold at retail and only on the premises.
- (c) Grocery stores.
- (d) Barbershops and beauty parlors.

- (e) Laundromats, including dry-cleaning pick-up stations.
  - (f) Clothing and fabric shops.
  - (g) Studios.
  - (h) Vending machines when an accessory to a business establishment and located in the same building as the business.
  - (i) Small appliance repair shops.
  - (j) Floral gardens and shops.
  - (k) Hand craft shops for custom work or making custom items not involving noise, odor, or chemical waste.
  - (l) Secondhand stores.
  - (m) Specialty shops.
- vii. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, when located on the same lot.
- 3. *HC-1, historical commercial district.*
    - i. Any use permitted in the HR-2 district, including the conditional uses, with no size limitations.
    - ii. Small appliance repair shops.
    - iii. Marinas.
    - iv. Restaurants (except drive-ins).
    - v. Motels.
    - vi. Commercial parking lots.
    - vii. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, when located on the same lot.
  - 4. *HC-2, historical commercial district.*
    - i. Any use permitted in the HC-1 district.
    - ii. Private clubs and lodges except those operated as commercial enterprises.
    - iii. Health clubs, spas and exercise centers.
    - iv. Tavern, lounges, nightclubs, cocktail bars.
    - v. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, when located on the same lot.
    - vi. Adult entertainment establishments subject to the requirements of chapter 7-3 when located within the dense business area as defined in chapter 12-13, Definitions.
- d. *Procedure for review.*
    - 1. Review and approval by the architectural review board. All activities regulated by this subsection shall be subject to review and approval by the architectural review board as established in section 12-12-3. The board shall adopt written rules and procedures for abbreviated review for paint

colors, minor repairs and minor deviations in projects already approved by the board. This process may authorize the board to designate one of its members to undertake such abbreviated review without the necessity for review by the entire board; provided, however, such abbreviated review process shall require review by the staff of West Florida Historic Preservation, Inc. If agreement cannot be reached as it pertains to such request for abbreviated review by the board designee and West Florida Historic Preservation, Inc. staff, then the matter will be referred to the entire board for a decision.

2. Decisions.

- i. General consideration. The board shall consider plans for existing buildings based on their classification as contributing, non-contributing or modern infill as depicted on the map entitled "Pensacola Historic District" adopted herein, and shall review these plans based on regulations described herein for each of these building classifications. In their review of plans for both existing buildings and 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 immediate surroundings and to the district in which it is located or to be 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. The board shall consider requests for design materials, alterations or additions, construction methods, paint colors or any other elements regulated herein, which do not meet the regulations as established in this subsection, when documentary proof in the form of photographs, property surveys, indication of structural foundations, drawings, descriptive essays and similar evidence can be provided. The board shall not consider interior design or plan. The board shall not exercise any control over land use or construction standards such as are controlled by this chapter.
- ii. 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 alteration or addition to an existing building, that such alteration or addition will not impair the architectural or historic value of the building.
  - (b) 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 on adjacent sites or 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.

- iii. No provision of this section shall be interpreted to prevent the restoration or reconstruction of any historic building or feature (as listed by the Historic Pensacola Preservation Board) in its original style, dimensions or position on its original structural foundation.
3. Plan submission. Every activity that 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 historic zoning districts 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" = 30'0"; 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.
- i. *Site plan.*
    - (a) Indicate overall property dimensions and building size and location on the property.
    - (b) Indicate relationship of adjacent buildings, if any.
    - (c) Indicate layout of all driveways and parking on the site.
    - (d) Indicate all fences, and signs with dimensions as required to show exact locations.
    - (e) Indicate existing trees and existing and new landscaping.
  - ii. *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.
  - iii. *Exterior elevations.*
    - (a) Indicate all four 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, 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 built 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.

iv. *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.

4. Submission of photographs.

i. *Renovations/additions to existing buildings.*

- (a) Provide at least four overall photographs per building so that all sides are clearly shown. In addition, photographs depicting the "streetscape" — that is, the immediate vicinity and all adjacent buildings — should be supplied.
- (b) If doors and/or windows are to be modified, provide a photograph of each door to be changed and at least one representative photograph of the type of window to be altered and replaced.
- (c) Provide any additional photographs as required to show specific details of any site or building conditions that will be altered or modified in any way by the proposed construction.

ii. *New construction.*

- (a) 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.
  - (b) Provide photographs of the adjoining "streetscape," including adjacent buildings to indicate the relationship of the new construction to these adjacent properties.
- 5. Submission of descriptive product literature/brochures.
  - i. 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.
  - ii. 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.
  - iii. Provide samples or descriptive literature on roofing material and trip to augment the information on the drawings. The information must indicate dimensions, details, material, color and style.
  - iv. 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.
- 6. Conceptual approval is permitted by the board only when the applicant specifies on their application that is the approval they are seeking. Conceptual approval applications shall be complete with the exception of final details such as material and color selections. Conceptual approval by the board does not permit the issuance of a building permit.
- e. *Regulations and guidelines for any development within the historic zoning districts.* These regulations and guidelines are intended to address the design and construction of elements common to any development within the historic district that requires review and approval by the architectural review board. Regulations and guidelines which relate specifically to new construction and/or structural rehabilitation and repair to existing buildings, applicable to building heights, setbacks, architectural elements and construction types, are established in subsections (1)f through h of this section. Illustrations, photographs and descriptive examples of many of the design elements described in this subsection can be found in the document prepared by the Florida Northwest Chapter of the American Institute of Architects entitled "Seville Historic District Guideline Study."
- 1. *Building height limit.* No building shall exceed the following height limit established by zone: HR-1 (one- and two-family), HR-2 (multiple-family), HC-1 (historic commercial), HC-2 (historic commercial)— 35 feet.

- i. Bayfront Parkway setback/height requirement. The following height/setback requirement shall be observed along Bayfront Parkway between Tarragona Street and 9th Avenue (setback distance measured from northern right-of-way line) to create a scenic open space image along the parkway.

Building Height	Building Setback
20 feet	20 feet
25 feet	25 feet
30 feet	30 feet
35 feet (maximum height)	35 feet

2. *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 historic zoning districts and to ensure the preservation of such trees as described below:

- i. Any of the following "specimen tree" species having a minimum trunk diameter of eight inches (25.1 inches in circumference) at a height of one foot above grade: Live Oak, Water Oak, Pecan, and Magnolia having a minimum trunk diameter of six inches (18.8 inches in circumference) at a height of one foot above grade; and
- ii. Any of the following flowering trees with a minimum trunk diameter of four inches (12.55 inches in circumference) at a height of one 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 district, without first having obtained a permit from the city to do so. Refer to section 12-6-7 for tree removal permit application procedures and guidelines.

3. *Fences.* The majority of original fences in the historic district were constructed of wood with a paint finish in many varying ornamental designs. To a lesser extent, fences 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.

All developments in the historic zoning districts shall comply with fence regulations as established in section 12-3-63(a) through (d), applicable to maximum heights permitted. In addition, the following provisions apply:

- i. Chain-link, concrete block and barbed wire are prohibited fence materials in the historic district. Approved materials will include, but not necessarily be limited to, wood, brick, stone and wrought iron.

- ii. 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 "picket" designs, especially a design that 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 that use masonry materials in their construction.
- 4. *Signs.* Those few signs that may have originally been used in the historic district, including those which were used in the commercial areas, were typically smaller in scale than many signs in current use. Ordinarily, their style was complementary to the style of the building on the property. The support structure and trim work on a sign was typically ornamental, as well as functional.

Refer to sections 12-5-2 and 12-5-3 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 12-5-7 are prohibited within the historic district. The design, color scheme and materials of all signs shall be subject to approval by the architectural review board. All official signs within the district will be authorized, created, erected and maintained by the city or the Historic Pensacola Preservation Board using as their guide the document entitled "A Uniform System for Official Signs in the Seville Square Historical District." This document also includes recommendations for and descriptive drawings of commercial signs appropriate to the district.

- i. *Permitted signs.*

- (a) *Temporary accessory signs.*

- (1) One non-illuminated sign advertising the sale, lease, or rental of the lot or building, said sign not exceeding six square feet in area.
    - (2) One non-illuminated sign not more than 50 square feet in area in connection with new construction work and displayed only during such time as the actual construction work is in progress.

- (b) *Permanent accessory signs.*

- (1) One sign per lot per street frontage for churches, schools, apartment buildings, boarding or lodging houses, libraries, community centers, commercial buildings (including retail and office buildings) or historic sites serving as identification and/or bulletin boards not to exceed 12 square feet in area and having a maximum height of eight feet; provided, however, that signs projecting from a building or extending over public property shall maintain a clear height of nine feet six inches above the public

property and shall not exceed a height of 12 feet six inches. The sign may be mounted to the face of a wall of the building, hung from a bracket that is mounted to a wall of a building, hung from other ornamental elements on the building, or may be freestanding. Attached or wall signs may be placed on the front or one 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.

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

ii. *Prohibited signs.*

- (a) Any sign using plastic materials for lettering or background.
- (b) Internally illuminated signs.
- (c) Portable signs.
- (d) Nonaccessory signs.

5. *Screening.* The following uses must be screened from adjoining property and from public view with fencing and/or landscaping or a combination of the two approved by the board:

- i. Parking lots.
- ii. Dumpsters or trash handling areas.
- iii. Service entrances or utility facilities.
- iv. Loading docks or spaces.

6. *Landscaping.* Within the original historic district development, the majority of each site not covered by a building was typically planted in trees, shrubbery or ground cover. No formal landscape style has been found to predominate in the district. The following regulations apply for landscaping:

- i. Within the front yard setback the use of grass, ground cover or shrubs is required and trees are encouraged in all areas not covered by a drive or walkway.

- ii. The use of brick or concrete pavers set on sand may be allowed in the front yard in addition to drives or walkways, with board approval based on the need and suitability of such pavement.
7. *Driveways, sidewalks and off-street parking.* Original driveways in the historic district were probably unimproved or sidewalks were typically constructed of brick, cobblestones or small concrete pavers using two different colors laid at diagonals in an alternating fashion. Parking lots were not a common facility in the historic district. The following regulations and guidelines apply to driveways, sidewalks and parking lots in the historic district:
- i. *Driveways.* Unless otherwise approved by the board, each building site shall be allowed one driveway, standard concrete ribbons, or access drive to a parking lot. No new driveways or access drives to parking lots may be permitted directly from Bayfront Parkway to any development where alternative access from the inland street grid is available.
    - (a) Where asphalt or concrete is used as a driveway material, the use of an appropriate coloring agent is required.
    - (b) From the street pavement edge to the building setback the only materials allowed shall be shell, brick, concrete pavers, colored asphalt and approved stamped concrete or #57 granite or marble chips.
  - ii. *Sidewalks.* Construction, repair and maintenance of sidewalks are all required on public rights-of-way within the district. Sidewalks shall be constructed of the following materials or combination of materials and approved by the board:
    - (a) Brick pavers;
    - (b) Concrete pavers;
    - (c) Poured concrete stamped with an ornamental pattern and colored with a coloring agent;
    - (d) A combination of concrete with brick or concrete paver bands along the edges of the sidewalk. This combination may also include transverse brick or concrete paver bands spaced at regular intervals.

Walkways shall be provided from the street side sidewalk to the front entrance as approved by the board.
  - iii. *Off-street parking.* Off-street parking is not required in the HC-1 and HC-2 zoning districts. Because parking lots have not been a common land use in the district, their location is encouraged behind the structures which they serve.

- (a) Parking lots shall be screened from view of adjacent property and the street by fencing, landscaping or a combination of the two approved by the board.
  - (b) Materials for parking lots shall be concrete, concrete or brick pavers, asphalt, oyster shells, clam shells or #57 granite or marble chips. Where asphalt or concrete are used, the use of a coloring agent is required. The use of acceptable stamped patterns on poured concrete is also encouraged.
- 8. *Paint colors.* The architectural review board has adopted palettes of historic colors from several paint manufacturers that represent acceptable historic colors for use in the historic district. Samples of these palettes can be reviewed at the Historic Pensacola Preservation Board and at the office of the building inspector.
- 9. *Residential accessory structures.* Residential accessory structures shall comply with regulations set forth in section 12-3-55 except that the following shall apply: Accessory structures shall not exceed one story in height for a maximum in height of 25 feet in order for the accessory structure to match the style, roof pitch, or other design features of the main residential structure.
- 10. *Additional regulations.* In addition to the regulations established above in subsections (1)e.1 through 9 of this section, any permitted use within the historic district where alcoholic beverages are ordinarily sold is subject to the requirements of chapter 7-4.
- f. *Restoration, rehabilitation, alterations or additions to existing contributing structures in the historic district.* The Secretary of the Interior's standards for rehabilitation, codified at 37 CFR 67, and the related guidelines for rehabilitating historic buildings shall form the basis for rehabilitation of existing contributing structures. The following regulations and guidelines for specific building elements are intended to further refine some of the general recommendations found in the Department of the Interior's document to reflect local conditions in the rehabilitation of structures. In the case of a conflict between the Department of the Interior's publication and the regulations set forth herein, the more restrictive shall apply. The "Seville Historic District Guideline Study" describes the building styles that are typical in the historic district. This definition of styles should be consulted to ensure that the proper elements are used in combination in lieu of combining elements that, although they may be typical to the district, are not appropriate for use together on the same building.

For all of the following elements, the documented building materials, types, styles and construction methods shall be duplicated when making repairs, alterations and/or additions to contributing structures. Any variance from the original materials, styles, etc., shall be approved only if circumstances unique to each project are found to warrant such variances. The following regulations and guidelines shall apply to renovations, repairs



and alterations to contributing structures which may or may not have documentary proof of the original elements and to alterations or additions to a contributing structure which seek to reflect the original elements.

1. *Exterior lighting.* Exterior lighting in the district in its original development typically consisted of post-mounted street lights and building-mounted lights adjacent to entryways. Occasionally, post lights were used adjacent to the entry sidewalks to buildings. Lamps were typically ornamental in design with glass lenses and were mounted on ornamental cast iron or wooden posts.
  - i. Exterior lighting fixtures shall be in a design typical to the district in a pre-1925 Era. They shall be constructed of brass, copper, or painted steel and have clear lenses.
  - ii. If exterior lighting is detached from the building, the fixtures shall be post-mounted and used adjacent to sidewalk or driveway entrances or around parking lots. If post-mounted lights are used, they shall not exceed 12 feet in height.
  - iii. The light element itself shall be a true gas lamp or shall be electrically operated using incandescent or high pressure sodium lamps. Fluorescent and mercury vapor lamps are prohibited.
  - iv. The use of pole mounted high pressure sodium utility/security lights is discouraged. If absolutely necessary, they will be considered, but only in the rear portions of the property.
2. *Exterior walls.* The two building materials basic to the historic district are clapboard style wood siding and brick masonry, the former being most prevalent. In general, the wood siding is associated with the residential-type buildings and the brick masonry is associated with more commercially-oriented buildings. Brick is used in predominantly wooden structures only for foundation piers and for fireplaces and chimneys.
  - i. Vinyl or metal siding is prohibited.
  - ii. Wood siding and trim shall be finished with paint, utilizing colors approved by the board. If documentary evidence is submitted showing that the original structure was unpainted, the board may not require a paint finish unless the condition of the wood warrants its use.
  - iii. Foundation piers shall be exposed brick masonry or sand textured plaster over masonry. If infill between piers was original then it must be duplicated. It is encouraged that infill of wood lattice panels is utilized.
3. *Roofs.* The gable roof is the most typical in the historic district. On shotgun house types or buildings placed on narrow deep lots the gable-end is usually oriented toward the street. On the creole type houses or buildings having larger street frontages the gable-end is typically oriented towards the side yard. Some hip roofs are found in newer, typically larger than average buildings. Dormers are found typically in association with the creole type houses. The roof slope is at least six on 12, but can be found

to slope as much as 12 on 12. Roofing materials typically consisted of wood shingles, tin and corrugated metal panels.

- i. The combination of varying roof styles or shapes on a single building is prohibited. The only exception to this is when a three-sided hip roof is used over a porch on the front of a gable roofed building.
  - ii. In order to protect the architectural integrity of the district and structure, roof materials original to each structure should be used. Alternatives to the materials may be considered on a case-by-case basis, but shall match the scale, texture, and coloration of the historic roofing material. Unless original to the structure, the following materials shall be prohibited: less than 30-year fiberglass or asphalt dimensional shingles, rolled roofing, and metal shingles. Thirty-year or 40-year dimensional shingles may be permitted. Provided, however, existing flat-roofed commercial structures may retain the same style roof and continue to use built-up or single-ply roofing.
  - iii. Eave metal and flashing shall be naturally weathered copper or galvanized steel, or may be painted.
  - iv. Gutters and downspouts are discouraged within the district except on brick commercial buildings.
4. *Porches.* The porch, consisting of raised floor platform, sheltering roof, supporting columns, handrails and balustrade, and connecting steps is typical to wood structures in the district.
- i. Porches are required in any renovation or alteration of a contributing structure that originally had a porch, and are encouraged as additions when the style of the building will allow it.
  - ii. The original materials, method of construction and style of building elements shall be duplicated when making repairs, alterations or additions to existing porches.
  - iii. The size and design of all porch elements, i.e., the flooring, the columns, the handrails, the pickets, the roof beam, the floor support piers, and any other ornamentation shall be consistent with any one single style that is typical to the district. The elements shall maintain proper historical scale, dimensions and detailing.
5. *Doors.* Entrance doors made up of a solid wood frame, with an infill of raised wood panels below and glazed panels above, are historically correct for the district. Single doorways with a glazed transom above allowed for both light and ventilation to enter the entrance way or entrance foyer of the building. Double doors were usually associated with a larger home or building layout.

The placement of the doorway was not necessarily in the center of the front wall; in fact, it was usually off to one side in most cases, specifically in the shotgun house types. The larger creole cottage, and French creole house type, normally had the front door centered, leading to a center hallway or stair hall.

- i. Doors are to be fabricated of solid wood, with three horizontal rails and two vertical stiles. The lower infill panels shall be constructed of wood and shall be located below the locking device with glazed panels located above the locking device. The top of the upper glazed panels can be semi-circular/half rounded. Beveled glass is encouraged.
  - ii. Panel infill may vary slightly from that noted in subsection (1)f.5.i of this section, but usually shall not exceed six panels. Variations must be approved by the architectural review board.
  - iii. Trim or casing shall be used on all doors and sidelights and shall typically range in width between five inches and eight inches.
6. *Windows.* Traditionally the windows employed in the Seville Historic District were constructed of wood and were the double hung or triple hung type. The windows opening toward the front porch of the building usually were triple hung with the sill close to or almost flush with the adjacent floors. This allowed for optimum flow of air, and for passage to and from the exterior space. The other windows of the building had the normal placement of the window sill at approximately 30 inches above finished floor. Typical windows ranged in width from 32 to 36 inches and ranged in height from six to seven feet exclusive of trim dimensions. The taller windows, when double hung, frequently had the lower section greater in vertical dimension than the upper section, giving freer movement through to the adjacent porch or veranda.
- i. Windows are to be fabricated of wood and must, in the judgement of the architectural review board, closely approximate the scale and configuration of the original window designs.
  - ii. The window proportions/dimensions will be decidedly vertical, following the historic appearance and character of those encountered throughout the district.
  - iii. Window sections shall typically be divided into two to six panes, and in the usual double hung window, the layout of window panes will be six over six. All windows shall have true divided lites. Any variation to this division of the window opening shall be approved by the architectural review board.
  - iv. The window frame will be given a paint finish appropriate to the color scheme of the exterior of the building.
  - v. Window trim or casing is to be a nominal five-inch member at the two sides and the head.
  - vi. Other than the full height windows at the front porch and smaller windows at kitchens and bathrooms, all remaining windows shall be proportioned with the height between two and 2½ times the width. The sill height for standard windows shall be approximately 30 inches above finished floor.
  - vii. Glass for use in windows shall typically be clear, but a light tinted glass will be given consideration by the architectural review board.

7. *Shutters.* Shutters are an exterior ornamental and functional architectural feature that have traditionally been used on windows, and occasionally, on doors within the historic district. On renovation projects to existing contributing structures, it is recommended that shutters not be installed unless they were original to the structure.
  - i. 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.
  - ii. The shutters must be installed in a manner that will appear identical to an original operable installation. Shutters installed currently are not required to be operational, but rather can be fixed in place; however, they must be installed with some space between the back of the shutter and the exterior wall surface material and must overlap the door or window trim in a fashion identical to an original operable installation.
  - iii. The style of the shutters must be louvered, flat vertical boards or panelled boards, with final determination being based on compatibility with the overall building design.
8. *Chimneys.* Chimneys constructed of brick masonry, exposed or cement plastered, are typical to original construction in the district.

The chimney in the historic district is that necessary element usually serving back-to-back fireplaces, and as such, would not be located on the exterior wall of the building. Consequently, the appropriate location for chimneys would be projecting through some portion of the roof of the building, in lieu of being placed on an exterior wall.

- i. The chimney or chimneys are to be located within the slope of the roof, rather than being placed on an exterior wall, and shall extend above the roof ridge line.
  - ii. 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.
  - iii. The finished exposed surface of chimneys are to be left natural without any paint finish.
  - iv. Flashing shall consist of galvanized steel, copper sheet metal or painted aluminum.
  - v. The extent of simplicity or ornamentation shall be commensurate with the overall style and size of the building on which the chimney is constructed.
  - vi. The use in contributing structures of prefabricated fireplaces with steel chimneys is prohibited.
9. *Trim and miscellaneous ornament.* Most trim, except for window and door casings/trim, was used more for decorative than functional purposes. Trim and ornament was almost always constructed of wood, and was painted to match other elements (doors, windows, porches, etc.) of the building.

Ornament on masonry buildings was typically limited to corbelling or other decorative use of brick at window openings, door openings, columns, parapet walls and on major facades above the windows and doors.

- i. In renovation work, only that decorative trim or ornament historically significant to the specific building will be permitted.
- ii. The scale and profile/shape of existing ornament used within the district will dictate approval for all new proposals.
- iii. Trim and ornament, where used, is to be fabricated of wood.
- iv. 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.*

- i. Air conditioning condensing units shall not be mounted on any roof where they are visible from any street.
- ii. Air conditioning condensing units that are mounted on the ground shall be in either side yards or rear yards. No equipment shall be installed in a front yard.
- iii. 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.
- v. 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.*

- i. Whenever possible, accessibility ramps and outdoor stairways shall be located to the side or the rear of the property.
- ii. The design of accessibility ramps and outdoor stairs shall be consistent with the architectural style of the building.
- iii. Building elements, materials and construction methods shall be consistent with the existing structure.

- g. *Renovation, alterations and additions to noncontributing and modern infill structures within the historic district.* Many of the existing structures within the district do not meet the criteria established for contributing structures, even though they may be similar in style to the historic structures, and some structures are modern in style with no relation to the historic structures. All of these buildings shall be recognized as products of their own time. The regulations and guidelines established in subsection (1)e of this section, relating to streetscape elements, and paint colors described in subsection (1)f.3 of this section shall apply to noncontributing and modern infill structures. In review of these structures the board may make

recommendations as to the use of particular building elements that will improve both the appearance of the individual structure, its relationship with surrounding structures and the overall district character.

- h. *New construction in the historic district.* This subsection does not intend to mandate construction of new buildings of historical design. New construction shall complement original historic buildings or shall be built in a manner that is complementary to the overall character of the district in scale, building materials, and colors.

For purposes of describing the scale and character required in new construction within the historic district, the district is herein subdivided into two general building style districts as shown on Map 12-3.1: the "residential" wood cottages district and the "commercial" brick structures district. Within the wood cottages district all new construction shall conform to the building types I and II (described herein) in scale, building materials and colors. Within the brick structures district all new construction shall conform to the building types I, II, or III (described herein) in scale, building materials and colors. The regulations for the two building style districts will establish building heights and setbacks and will illustrate relationships between the streetscape, the building and exterior architectural elements of the building. The streetscape element regulations established in subsection (1)e of this section are applicable to all new construction in the historic district, no matter what style building. If new construction is intended to match historical designs, then the building elements described in subsection (1)f.1 through 12 of this section should be utilized as guidelines. If it is to be a replica of a historic building, the building must be of a historic style characteristic of the Pensacola historic district.

1. Figure 12-3.1 illustrates the scale and characteristics of building types I and II for the wood cottages district.
2. Figure 12-3.2 illustrates the scale and characteristics of building type III for the brick structures district.
3. Aragon subdivision Block "L" & "N" and lots within Privateer's Alley shall conform to section 12-3-12(2)e.10, GRD-1 Architectural Review Standards, with the exception of section 12-3-12(2)e.10.v, Doors. Exterior doors shall comply with subsection (1)f.5 of this section.

#### MAP 12-3-1-HISTORIC BUILDING STYLE DISTRICTS



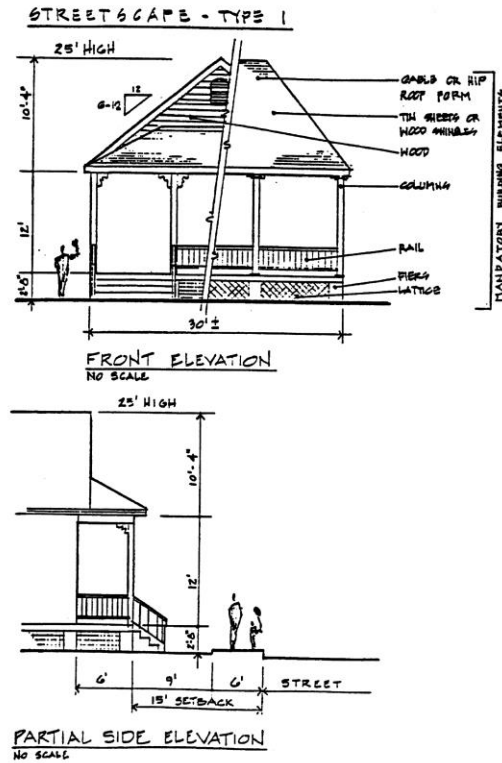


FIGURE 12-3.1. WOOD COTTAGES DISTRICT-STREETSCAPE, TYPE  
2



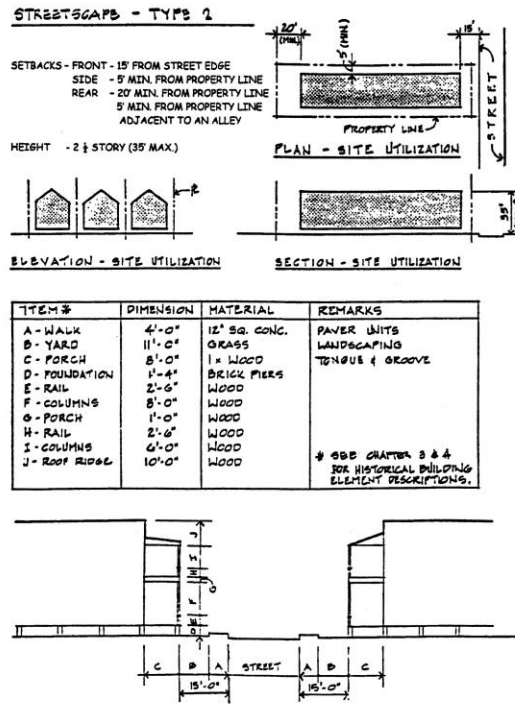


FIGURE 12-3.1. WOOD COTTAGES DISTRICT-STREETSCAPE, TYPE 2

# STREETSCAPE - TYPE 2

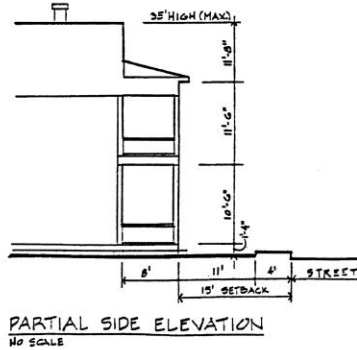
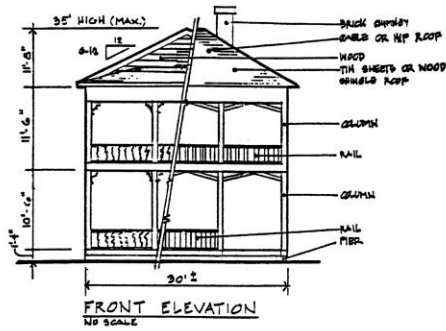
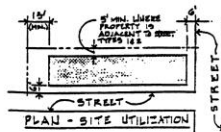


FIGURE 12-3.2. BRICK STRUCTURES DISTRICT-STREETSCAPE, TYPE 3

# STREETSCAPE - TYPE 3

- SETBACKS - FRONT - 5' FROM STREET EDGE  
 SIDE - 5' MIN. FROM PROPERTY LINE  
 0' MIN. FROM PROPERTY LINE  
 FOR LOTS WITHIN ARAGON  
 S/D PRIVATEER'S ALLEY  
 REAR - 15' MIN. FROM PROPERTY LINE  
 5' MIN. FROM PROPERTY LINE  
 ADJACENT TO AN ALLEY OR  
 WITHIN ARAGON S/D PRIVATEER'S  
 ALLEY

\*HEIGHT - BUILDING HEIGHT SHALL BE LIMITED TO  
 THE ADJACENT LOT'S STREETSCAPE TYPE.



ITEM	DIMENSION	MATERIAL	REMARKS
A - WALK	6'-0"	12" SQ. CONC. BRICK	PAVER UNITS
B - ROOF RIDGE OR PARAPET			SEE HEIGHT LIMIT, ABOVE
			ARAGON S/D BLK. "L" & "N" AND LOTS WITHIN PRIVATEER'S ALLEY SHALL CONFORM TO SECTION 12-2-12(B)(5)(J), ORD-1 ARCHITECTURAL REVIEW STANDARDS WITH THE EXCEPTION OF SEC 12-2-12(B)(5)(J). DOORS, EXTERIOR DOORS SHALL COMPLY WITH 12-2-10(A)(5)(e) OF THIS SECTION.

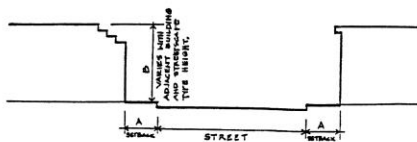
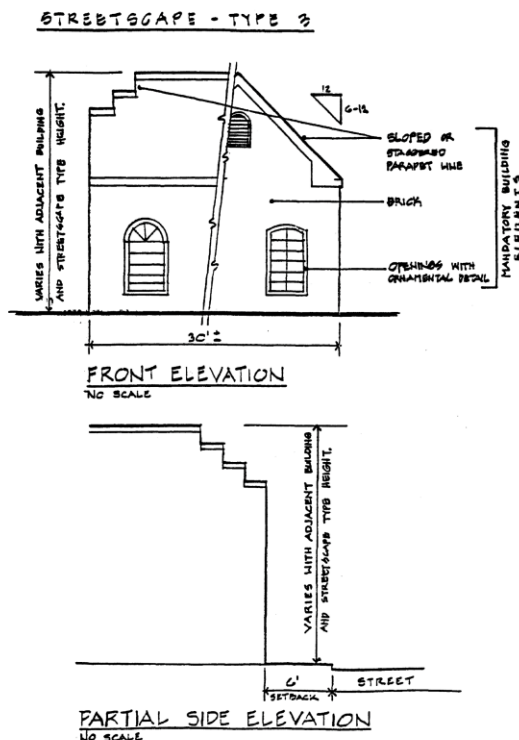


FIGURE 12-3.2. BRICK STRUCTURES DISTRICT-STREETSCAPE, TYPE 3



- i. *Demolition of contributing structures.* Demolition of a contributing structure constitutes an irreplaceable loss to the quality and character of the historic district and is strongly discouraged. Therefore, no permit shall be issued for demolition of a contributing structure unless the owner demonstrates to the board clear and convincing evidence of unreasonable hardship. Provided, however, nothing herein shall prohibit the demolition of a contributing structure if the building official determines that there is no reasonable alternative to demolition in order to bring the structure in compliance with the unsafe building code. When the owner fails to prove unreasonable economic hardship the applicant may provide to the board additional information that may show unusual and compelling circumstances in order to receive board recommendation for demolition of the contributing structure.

The board shall be guided in its decision by balancing the historic, architectural, cultural and/or archaeological value of the particular structure against the special merit of the proposed replacement project.

1. *Unreasonable economic hardship.* When a claim of unreasonable economic hardship is made, the public benefits obtained from retaining the historic resource must be analyzed and duly considered by the board. The owner shall submit to the board for its recommendation the following information:

i. *For all property:*

- (a) The assessed value of the land and improvements thereon according to the two most recent assessments;
- (b) Real estate taxes for the previous two years;
- (c) The date of purchase of the property or other means of acquisition of title, such as by gift or inheritance, and the party from whom purchased or otherwise acquired;
- (d) Annual debt service, if any, for the previous two years;
- (e) All appraisals obtained within the previous two years by the owner or applicant in connection with his or her purchase, financing or ownership of the property;
- (f) Any listing of the property for sale or rent, price asked and offers received, if any;
- (g) Any consideration by the owner as to profitable adaptive uses for the property;
- (h) Replacement construction plans for the contributing structure in question;
- (i) Financial proof of the ability to complete the replacement project which may include, but not be limited to, a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution; and
- (j) The current fair market value of the property, as determined by at least two independent appraisals made by appraisers with competent credentials.

ii. *For income-producing property:*

- (a) Annual gross income from the property for the previous two years;
- (b) Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed;
- (c) Annual cash flow, if any, for the previous two years; and
- (d) Proof that efforts have been made by the owner to obtain a reasonable return on his or her investment based on previous service.

The applicant shall submit all necessary materials to the board at least 15 days prior to the board hearing in order that staff may review and comment and/or consult on the case. Staff and/or professional comments shall be forwarded to the board for consideration and review and made available to the applicant for consideration prior to the hearing.

The board may require that an applicant furnish such additional information that is relevant to its determination of unreasonable economic hardship and may require that such additional information be furnished under seal. The board or its agent may also furnish additional information as the board believes is relevant. The board shall also state which form of financial proof it deems relevant and necessary to a particular case.

In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his or her affidavit a statement of the information that cannot be obtained and shall describe the reasons why such information cannot be obtained.

2. *Unusual and compelling circumstances and demolition of a contributing structure.* When an applicant fails to prove economic hardship in the case of a contributing structure, the applicant may provide to the board additional information that may show unusual and compelling circumstances in order to receive board recommendation for demolition of the contributing structure. The board, using criteria set forth in this subsection, shall determine whether unusual and compelling circumstances exist and shall be guided in its recommendation in such instances by the following additional considerations:
  - i. The historic or architectural significance of the structure;
  - ii. The importance of the structure to the integrity of the historic district;
  - iii. The difficulty or the impossibility of reproducing such a structure because of its design, texture, material, detail, or unique location;
  - iv. Whether the structure is one of the last remaining examples of its kind in the historic district;
  - v. Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding area, as well as the economic impact of the new development; and
  - vi. Whether reasonable measures can be taken to save the structure from further deterioration, collapse, arson, vandalism or neglect.
3. *Recommendation of demolition.*
  - i. Should the applicant for demolition of a contributing structure satisfy the board that he or she will suffer an economic hardship if a demolition permit is not recommended, or, if in failing to demonstrate economic hardship, the applicant demonstrates unusual and compelling circumstances that dictate demolition of the contributing structure, either a recommendation for demolition or a recommendation for a six-month moratorium on the demolition shall be made.
  - ii. In the event that the board recommends a six-month moratorium on the demolition, within the moratorium period, the board shall consult

with the Historic Pensacola Preservation Board, the city and any other applicable public or private agencies to ascertain whether any of these agencies or corporations can preserve or cause to be preserved such architectural or historically valuable buildings. If no agencies or organizations are prepared to preserve the buildings or cause their preservation, then the board shall recommend approval of the demolition.

- iii. Following recommendation for approval of demolition, the applicant must seek approval of replacement plans prior to receiving a demolition permit and other building permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations and site plans, and adequate working drawings for at least the foundation plan that will enable the applicant to receive a permit for foundation construction. The board may waive the requirements for replacement plans under extreme, unusual and compelling circumstances or public safety purposes.
- iv. Applicants that have received a recommendation for demolition shall be permitted to receive such demolition permit without additional board action on demolition, following the board's recommendation of a permit for new construction.

4. *Prevention of demolition by neglect.*

- i. All contributing structures within the historic district shall be preserved against decay and deterioration and kept free from certain structural defects by the owner thereof or such other person who may have legal custody and control thereof. The owner or other person having such legal custody and control shall repair such building, object, site, or structure if it is found to have any of the following defects:
  - (a) Deteriorated or inadequate foundation. Defective or deteriorated flooring or floor supports or flooring or floor supports of insufficient size to carry imposed loads with safety;
  - (b) Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;
  - (c) Members of ceilings, roofs, ceiling and roof supports or other horizontal members that sag, split, or buckle due to defective materials or deterioration. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;
  - (d) Fireplaces or chimneys that list, bulge or settle due to defective materials or deterioration. Fireplaces or

chimneys that are of insufficient size or strength to carry imposed loads with safety;

- (e) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors. Defective protection or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering. Any fault or defect in the building that renders same structurally unsafe or not properly watertight.

In addition, the owner or other person having legal custody and control of a historic landmark or a building, object, site, or structure located in a historic district shall keep all property, including vacant property, clear of all weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse.

- ii. The board, on its own initiative, may file a petition with the building official requesting that he or she proceed to require correction of defects or repairs to any structure covered by subsection (1)i.4.i of this section so that such structure shall be preserved and protected in accordance with the purposes of this section and the public safety and housing ordinance.

j. *Other demolition permits.*

1. All applications for permits to demolish structures other than contributing structures shall be referred to the board for the purpose of determining whether or not the structure may have historical, cultural, architectural, or archaeological significance. Such determination shall be made in accordance with the criteria found in subsections (1)i.2.i through vi of this section.
2. The board shall make such determination within 30 days after receipt of the completed application and shall notify the building official in writing. If the structure is determined to have no cultural, historical, architectural, or archaeological significance, a demolition permit may be issued immediately, provided such application otherwise complies with the provisions of all city code requirements.
3. If said structure is determined by the board to have historical significance, the board shall make such information available to the preservation board for review and recommendation as to significance. If the board concurs in the significance, using criteria set forth in subsections (1)i.2.i through vi of this section, the board shall recommend to the city council that the structure be designated a contributing structure.
4. Upon such a recommendation by the board, issuance of any permit shall be governed by subsection (1)i.3 of this section.

- k. *Treatment of site following demolition.* Following the demolition or removal of any buildings, objects or structures located in the historic district, the owner or other person having legal custody and control thereof shall:
1. Remove all traces of previous construction, including foundation;
  2. Grade, level, sod and/or seed the lot to prevent erosion and improve drainage; and
  3. Repair at his or her own expense any damage to public rights-of-way, including sidewalks, curb and streets, that may have occurred in the course of removing the building, object, or structure and its appurtenances.

(2) *North Hill preservation zoning districts: PR-1AAA, PR-2, PC-1.*

- a. *Purpose.* The North Hill preservation zoning districts are established to preserve the unique architecture and landscape character of the North Hill area, and to promote orderly redevelopment that complements and enhances the architecture of this area of the city.
- b. *Character of the district.* The North Hill preservation district is characterized by mostly residential structures built between 1870 and the 1930s. Queen Anne, Neoclassical, Tudor Revival, Craftsman Bungalow, Art Moderne and Mediterranean Revival are among the architectural styles found in North Hill. North Hill is listed on the National Register of Historic Places.
- c. *Uses permitted.*
  1. *PR-1AAA, single-family district.*
    - i. Single-family dwellings at a maximum density of 4.8 units per acre.
    - ii. Home occupations, as regulated in section 12-3-57.
    - iii. Community residential homes licensed by the state department of health and rehabilitative services with six or fewer residents providing that it is not to be located within 1,000 feet of another such home. If it is proposed to be within 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 500-foot radius.
    - iv. Municipally owned or operated parks or playgrounds.
    - v. Public schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges.
    - vi. Libraries, community centers and buildings used exclusively by the federal, state, regional, county and city government for public purposes.
    - vii. Churches, Sunday school buildings and parish houses.
    - viii. Conditional uses permitted: two-family dwellings (duplex) at a maximum density of 9.6 units per acre.
    - ix. Accessory buildings and uses customarily incidental to the above uses not involving the conduct of a business.
    - x. Family day care homes licensed by the state department of children and family services as defined in state statutes.



2. *PR-2, multiple-family district.*

- i. Any use permitted in the PR-1AAA district.
- ii. Single-family, two-family and multifamily residential attached or detached units with a maximum density of 35 dwelling units per acre.
- iii. Community residential homes licensed by the state department of health and rehabilitative services with seven to 14 residents providing that it is not to be located within 1,200 feet of another such home in a multifamily district, and that the home is not within 500 feet of a single-family zoning district. If it is proposed to be within 1,200 feet of another such home in a multifamily district and/or within 500 feet of a single-family zoning district it shall be permitted with city council approval after public notification of property owners in a 500-foot radius.
- iv. Bed and breakfast subject to regulations in section 12-3-84.
- v. Conditional uses permitted:
  - (a) Private clubs and lodges except those operated primarily as commercial enterprises.
  - (b) Office buildings (under 5,000 square feet).
  - (c) Antique shops—No outside displays.
  - (d) Art galleries—No outside displays.
  - (e) Social services homes/centers.
  - (f) Boarding and lodging houses.
  - (g) Child care facilities subject to regulations in section 12-3-87.
- vi. Accessory buildings. Buildings and uses customarily incidental to any of the above uses, including storage garages when located on the same lot not involving the conduct of a business.

3. *PC-1, preservation commercial district.*

- i. Any use permitted in the PR-2 district, including conditional uses.
- ii. Hand craft shops for custom work or making custom items not involving unreasonable noise, odor or chemical waste.
- iii. Office buildings (under 7,000 square feet).
- iv. Barbershops and beauty parlors.
- v. Florists.
- vi. Studios.
- vii. Vending machines when an accessory to a business establishment and located inside the same building as the business.
- viii. Conditional uses permitted:
  - (a) Gas stations.
  - (b) Other retail shops.
  - (c) Office buildings (over 7,000 square feet).

(d) Restaurants, with the exception of drive-in restaurants.

(e) Food truck courts, subject to regulations in Sec. 12-3-95.

ix. Accessory buildings and uses customarily incidental to the above uses.

d. *Procedure for review.*

1. *Review and approval.* All activities regulated by this subsection shall be subject to review and approval by the architectural review board as established in section 12-12-3. The board shall adopt written rules and procedures for abbreviated review for paint colors, minor repairs and minor deviations in projects already approved by the board. This process may authorize the board to designate one of its members to undertake such abbreviated review without the necessity for review by the entire board; provided, however, such abbreviated review process shall require review by the staff of the Historic Pensacola Preservation Board. If agreement cannot be reached as it pertains to such request for abbreviated review by the board designee and Historic Pensacola Preservation Board staff, then the matter will be referred to the entire board for a decision.

2. *Decisions.*

i. General consideration. The board shall consider plans for existing buildings based on its classification as contributing, non-contributing or modern infill as depicted on the map entitled "North Hill Preservation District" adopted herein, and shall review these plans based on regulations described herein for each of these building classifications. In its review of plans for both existing buildings and 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 immediate surroundings and to the district in which it is located or to be located. The term "exterior" shall be deemed to include all of the outer surfaces of the building and exterior site work, and is not restricted to those exteriors visible from a public street or place. The board shall consider requests for design materials, alterations or additions, construction methods, paint colors or any other elements regulated herein, which do not meet the regulations as established in this subsection, when documentary proof in the form of photographs, property surveys, indication of structural foundations, drawings, descriptive essays and similar evidence can be provided. The board shall not consider interior design or plan. The board shall not exercise any control over land use or construction standards such as are controlled by this chapter.

- ii. 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 alteration or addition to an existing building, that such alteration or addition will not impair the architectural or historic value of the building.
      - (b) 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 on adjacent sites or 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.
    - iii. No provision of this section shall be interpreted to prevent the restoration or reconstruction of any historic building or feature (as listed by the Historic Pensacola Preservation Board) in its original style, dimensions or position on its original structural foundation.
  3. *Plan submission.* Every application for a building permit to erect, construct, demolish, renovate or alter an exterior of a building, sign or exterior site work (i.e., paving and landscaping), located or to be located in the North Hill preservation district, shall be accompanied with plans for the proposed work pursuant to subsections (1)d.3 through 5 of this section, applicable to the historic district.
  - e. *Regulations and guidelines for any development within the preservation district.* These regulations and guidelines are intended to address the design and construction of elements common to any development within the North Hill preservation district which requires review and approval by the architectural review board. Regulations and guidelines that relate specifically to new construction and/or structural rehabilitation and repair to existing buildings, applicable to building heights, setbacks, architectural elements and construction types, are established in subsections (2)f through h of this section.
    1. *Off-street parking.* All development within the North Hill preservation district shall comply with the regulations established in chapter 12-4. Parking lots shall comply with the requirements of chapter 12-6. Design of and paving materials for parking lots, spaces and driveways shall be subject to approval of the architectural review board. For all parking lots, a solid wall, fence or compact hedge not less than four feet high shall be erected along the lot lines when autos or lots are visible from the street or from an adjacent residential lot.
    2. *Signs.* Refer to sections 12-5-2 and 12-5-3 for general sign standards and criteria and for a description of sign area calculations. The location, design

and materials of all accessory signs, historical markers and other signs of general public interest shall be subject to the review and approval of the architectural review board. Only the following signs shall be permitted in the North Hill preservation district:

i. *Temporary accessory signs.*

- (a) One non-illuminated sign advertising the sale, lease or rental of the lot or building, said sign not exceeding six square feet of area.
- (b) One non-illuminated sign not more than 50 square feet in area in connection with new construction work, and displayed only during such time as the actual construction work is in progress.

ii. *Permanent accessory signs.*

- (a) One sign per street frontage for churches, schools, boarding and lodging houses, libraries, and community centers, multiple-family dwellings and historic sites serving as identification and/or bulletin boards not to exceed 12 square feet in area. The signs shall be placed flat against the wall of the building, perpendicular or may be freestanding. Such signs may be illuminated provided that the source of light shall not be visible beyond the property line of the lot on which the sign is located.
- (b) Commercial establishments may have one attached or one freestanding sign per street frontage not to exceed 12 square feet provided that the freestanding sign be no closer to any property line than five feet. The attached or wall signs may be placed on the front or one side of the building. As used herein, "commercial establishments" shall mean an establishment wherein products are available for purchase. Such signs may be illuminated provided the source of light shall not be visible beyond the property line of the lot on which the sign is located. Office complexes may have one freestanding sign per street frontage not to exceed 12 square feet.
- (c) One non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger than 100 square inches and may be attached to the dwelling. This section shall be applicable to occupants and home occupations.
- (d) Municipal or state installed directional signs, historical markers and other signs of a general public interest when approved by the mayor and board.

- (e) The maximum height for freestanding signs shall be eight feet. No attached sign shall extend above the eave line of a building to which it is attached.
- 3. *Protection of trees.* The purpose of this subsection is to establish protective regulations for specified trees within the North Hill preservation zoning districts. It is the intent of this subsection to recognize the contribution of shade trees and certain flowering trees to the overall character of the preservation district and to ensure the preservation of such trees as described below.
  - i. Any of the following species having a minimum trunk diameter of eight inches (25.1 inches in circumference) at a height of one foot above grade: Live Oak and Water Oak; Magnolia having a minimum trunk diameter of six inches (18.8 inches in circumference) at a height of one foot above grade; and any of the following flowering trees with a minimum trunk diameter of four inches (12.55 inches in circumference) at a height of one foot above grade: Redbud, Dogwood, and Crape Myrtle.
  - ii. Tree removal. No person, organization, society, association or corporation, or any agent or representative thereof, directly or indirectly, shall cut down, destroy, remove, or effectively destroy through damaging, any specimen tree, whether it be on private property or right-of-way within the defined limits of the preservation district of the city, without first having obtained a permit from the city to do so. Refer to section 12-6-7 for application procedures and guidelines for a tree removal permit.
  - iii. In addition to the specific tree preservation provisions outlined in this subsection, the provisions of chapter 12-6 shall be applicable in this district.
- 4. *Fences.* All developments in the North Hill preservation zoning districts shall comply with fence regulations as established in section 12-3-63. Fences are subject to approval by the architectural review board. Approved materials will include but not necessarily be limited to wood, brick, stone or wrought iron. No concrete block or barbed wire will be permitted. Chain-link fences shall be permitted in side and rear yard only with board approval.
- 5. *Paint colors.* The architectural review board has adopted palettes of historic colors from several paint manufacturers that represent acceptable historic colors for use in the Preservation District. Samples of these palettes can be reviewed at the Historic Pensacola Preservation Board and at the office of the building inspector.
- 6. *Residential accessory structures.* Residential accessory structures shall comply with regulations set forth in section 12-3-55 except that the following shall apply: Accessory structures shall not exceed one story in height for a maximum in height of 25 feet in order for the accessory

structure to match the style, roof pitch, or other design features of the main residential structure.

7. *Additional regulations.* In addition to the regulations established above in subsections (2)e.1 through 6 of this section, any permitted use within the North Hill preservation district where alcoholic beverages are ordinarily sold is subject to the requirements of chapter 7-4.
- f. *Restoration, rehabilitation, alterations or additions to existing contributing structures in the North Hill preservation district.*
  1. The document entitled "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," published by the United States Department of the Interior in 1983, shall form the basis for rehabilitation of existing contributing buildings. The proper building elements should be used in combinations that are appropriate for use together on the same building.
  2. Documented building materials, types, styles and construction methods shall be duplicated when making repairs, alterations and/or additions to contributing structures. Any variance from the original materials, styles, etc., shall be approved only if circumstances unique to each project are found to warrant such variances.
  3. Regulations established in Table 12-3.9 shall apply to alterations and additions to contributing structures. The regulations and guidelines established in subsection (2)e of this section, relating to streetscape elements, shall apply to contributing structures.
- g. *Renovation, alterations and additions to noncontributing and modern infill structures within the North Hill preservation district.*
  1. Many of the existing structures within the district do not meet the criteria established for "contributing" structures, even though they may be similar in style to the historic structures, and some structures are modern in style with no relation to the historic structures. All of these buildings shall be recognized as products of their own time. The regulations and guidelines established in subsection (2)e of this section, relating to streetscape elements, shall apply to noncontributing and modern infill structures. Regulations established in Table 12-3.9 below, shall apply to alterations and additions to existing noncontributing structures. The architectural review board has adopted palettes of historic colors from several paint manufacturers that represent acceptable historic colors for use in the district. Only paint colors approved by the board shall be permitted.
  2. In review of these structures the board may make recommendations as to the use of particular building elements that will improve both the appearance of the individual structure, its relationship with surrounding structures and the overall district character.
- h. *Regulations for new construction and additions to existing structures in the North Hill preservation district.* New construction is encouraged to be built in a manner that is complementary to the overall character of the district in scale,

building materials and colors. The regulations established in subsection (2)e of this section, relating to streetscape elements, shall apply to new construction. Table 12-3.9 describes height, area and yard requirements for new construction and, where applicable, for additions to existing structures in the North Hill preservation district.

TABLE 12-3.9. REGULATIONS FOR THE  
NORTH HILL PRESERVATION  
ZONING DISTRICTS

Standards	PR-1AAA	PR-2	PC-1
Minimum Yard Requirement (Minimum Building Setbacks) Front Yard Side Yard Rear Yard>	*30 feet 9 feet 25 feet	*15 feet 7.5 feet 25 feet	None 5 feet (for dwellings or wood frame structures only) 15 feet
Minimum Lot Area for Residential Uses	9,000 s.f.	5,000 s.f. for single-family and 10,000 s.f. for multifamily	None
Minimum Lot Width at Street Row Line	50 feet	50 feet	None
Minimum Lot Width at Building Setback Line	75 feet	50 feet	None
Maximum Building Height (Except as Provided in Section 12-3-62)	35 feet	35 feet	45 feet
Minimum Floor Area	N/A	600 s.f. per dwelling unit for multifamily	None
*Front yard depths in the North Hill Preservation zoning district shall not be less than the average depths of the front yards located on the block, up to the minimum yard requirement; in case there are no other dwellings, the front yard depths shall be no less than the footages noted.			

- i. *Demolition of structures within the North Hill preservation district.* The demolition provisions established in subsections (1)i through k of this section, applicable to contributing and noncontributing structures within the historic district, shall apply in the preservation district.
- (3) *Old East Hill preservation zoning districts: OEHR-2, OEHC-1, OEHC-2 and OEHC-3.*

- a. *Purpose.* The Old East Hill preservation zoning districts are established to preserve the existing residential and commercial development pattern and distinctive architectural character of the structures within the district. The regulations are intended to preserve, through the restoration of existing buildings and construction of compatible new buildings, the scale of the existing structures and the diversity of original architectural styles.
- b. *Character of the district.* The Old East Hill neighborhood was developed over a 50-year period, from 1870 to the 1920's. The architecture of the district is primarily vernacular, but there are also a few properties that display influences of the major architectural styles of the time, such as Craftsman, Mission and Queen Anne styles.
- c. *Boundaries and zoning classifications.* The boundaries of the Old East Hill preservation district shall be identified as per a map and legal description, and the zoning classifications of properties within the district shall be identified as per a map, filed in the office of the city clerk.
- d. *Uses permitted.*
  1. *OEHR-2, residential/office district.*
    - i. Single-family detached dwellings.
    - ii. Single-family attached (townhouse or quadraplex type construction) and detached zero-lot-line dwellings. Development must comply with the minimum standards established for the R-ZL zoning district in section 12-3-5(1).
    - iii. Two-family attached dwellings (duplex).
    - iv. Multiple-family attached dwellings (three or more dwelling units).
    - v. Community residential homes licensed by the state department of health and rehabilitative services with seven to 14 residents providing that it is not to be located within 1,200 feet of another such home in a multifamily district, and that the home is not within 500 feet of a single-family zoning district. If it is proposed to be within 1,200 feet of another such home in a multifamily district and/or within 500 feet of a single-family zoning district it shall be permitted with city council approval after public notification of property owners in a 500-foot radius
    - vi. Home occupations subject to regulations in subsection (1)c.1.iv of this section.
    - vii. Bed and breakfast subject to regulations in section 12-3-84.
    - viii. Boarding and lodging houses.
    - ix. Office buildings.
    - x. Studios.
    - xi. Municipally owned or operated parks or playgrounds.
    - xii. Public schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges subject to regulations in section 12-3-94.
    - xiii. Libraries, community centers and buildings used exclusively by the federal, state, regional, county and city government for public purposes subject to regulations in section 12-3-90.



- xiv. Churches, Sunday school buildings and parish houses subject to regulations in section 12-3-86.
  - xv. Minor structures for the following utilities: unoccupied gas, water and sewer substations or pumpstations, electrical substations and telephone substations subject to regulations in section 12-3-88.
  - xvi. Accessory structures, buildings and uses customarily incidental to the above uses subject to regulations in section 12-3-55, except that the following shall apply:
    - (a) Accessory structures shall not exceed one-story in height for a maximum height of 25 feet in order for the accessory structure to match the style, roof pitch, or other design features of the main residential structure.
    - (b) The wall of an accessory structure shall not be located any closer than six feet to the wall of the main residential structure.
  - xvii. Family day care homes licensed by the state department of children and family services as defined in state statutes.
2. *OEHC-1, neighborhood commercial district.*
- i. Any use permitted in the OEHR-2 district.
  - ii. Child care facilities subject to regulations in section 12-3-87.
  - iii. Nursing homes, rest homes, convalescent homes.
  - iv. Parking lots.
  - v. The following uses, retail only, with no outside storage or work permitted, except as provided herein:
    - (a) Food and drugstore.
    - (b) Personal service shops.
    - (c) Clothing and fabric stores.
    - (d) Home furnishing, hardware and appliance stores.
    - (e) Craft and specialty shops.
    - (f) Banks.
    - (g) Bakeries.
    - (h) Secondhand stores.
    - (i) Floral shops.
    - (j) Martial arts studios.
    - (k) Outdoor sales of trees, shrubs, plants and related landscaping materials as an accessory to indoor retail sales uses permitted by this section, provided that the area is enclosed within a fence attached to the rear or side of the main building, and provided that the outdoor

area does not exceed 20 percent of the total area of the main building.

- (l) Restaurants.
- (m) Mortuary and funeral parlors.
- (n) Pet shops with all uses inside the principal building.
- (o) Printing firms.
- (p) Business schools.
- (q) Upholstery shops.

vi. Conditional uses permitted: animal hospitals, veterinary clinics and pet resorts with fully enclosed kennels and no outside runs. Outside exercise areas permitted only if supervised and limited to five or fewer animals.

3. *OEHC-2, retail commercial district.*

- i. Any use permitted in the OEHC-1 district.
- ii. Open air sales of trees, plants and shrubs. The business shall include a permanent sales or office building (including restrooms) on the site.
- iii. Hospitals, clinics.
- iv. Private clubs and lodges, except those operated as commercial enterprises.
- v. Electric motor repair and rebuilding.
- vi. Appliance repair shop.
- vii. Garages for the repair and overhauling of automobiles.
- viii. Sign shop.
- ix. Photo shop.
- x. Plumbing and electrical shop.
- xi. Pest extermination services.

4. *OEHC-3, commercial district.*

- i. Any use permitted in the OEHC-2 district.
- ii. Dive shop.
- iii. Fitness center.
- iv. Theater, except for drive-in.
- v. Taverns, lounges, nightclubs, cocktail bars.

e. *Procedure for review of plans.*

- 1. *Plan submission.* Every application for a building permit to erect, construct, demolish, renovate or alter an exterior of a building or sign, located or to be located in the Old East Hill preservation district, shall be accompanied with plans as necessary to describe the scope of the proposed work pursuant to subsections (1)d.3 through 5 of this section.
- 2. *Review and approval.* All such plans shall be subject to review and approval by the architectural review board established in section 12-12-3. The board shall adopt written rules and procedures for abbreviated review

for minor repairs and minor deviations in projects already approved by the board. This process may authorize the board to designate one of its members to undertake such abbreviated review by the entire board; provided, however, such abbreviated review process shall require review by the staff of West Florida Historic Preservation, Inc. If agreement cannot be reached as it pertains to such request for abbreviated review by the board designee and West Florida Historic Preservation, Inc. staff, then the matter will be referred to the entire board for a decision.

3. *Decisions.*

- i. General consideration. The board shall consider plans for existing buildings based on its classification as contributing, non-contributing or modern infill as depicted on the map entitled "Old East Hill Preservation District" adopted herein, and shall review these plans based on regulations described herein for each of these building classifications. In its review of plans for both existing buildings and new construction, the board shall consider exterior design and appearance of the building, including the front, sides, rear and roof; materials and textures; 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 immediate surroundings and to the district in which it is located or to be located. The term "exterior" shall be deemed to include all of the outer surfaces of the building and exterior site work, and is not restricted to those exteriors visible from a public street or place. The board shall consider requests for design materials, alterations or additions, construction methods or any other elements regulated herein, which do not meet the regulations as established in this subsection, when documentary proof in the form of photographs, property surveys, indication of structural foundations, drawings, descriptive essays and similar evidence can be provided. The board shall not consider interior design or plan. The board shall not exercise any control over land use or construction standards such as are controlled by this chapter.
- ii. 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 alteration or addition to an existing building, that such alteration or addition will not impair the architectural or historic value of the building.
  - (b) 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 on adjacent sites or 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 and materials.

- iii. No provision of this section shall be interpreted to prevent the restoration or reconstruction of any historic building or feature (as listed by West Florida Historic Preservation, Inc.) in its original style, dimensions or position on its original structural foundation.
  - iv. No provision of this section shall be interpreted to require a property owner to make modifications, repairs or improvements to property when the owner does not otherwise intend to make any modifications, repairs or improvements to the property, unless required elsewhere in this Code.
- f. *Regulations and guidelines for any development within the Old East Hill preservation district.* These regulations and guidelines are intended to address the design and construction of elements common to any development within the Old East Hill preservation district which requires review and approval by the architectural review board. Regulations and guidelines that relate specifically to new construction and/or structural rehabilitation and repair to existing buildings, applicable to building heights, setbacks, architectural elements and construction types, are established in subsections (3)f through h of this section.
- 1. *Off-street parking.* Design of, and paving materials for, parking lots, spaces and driveways shall be subject to approval of the architectural review board. For all parking lots, a solid wall, fence or compact hedge not less than three feet high shall be erected along the lot lines when automobiles or parking lots are visible from the street or from an adjacent residential lot.
    - i. OEHR-2 district. All nonresidential development shall comply with off-street parking requirements established in chapter 12-4.
    - ii. OEHC-1, OEHC-2 and OEHC-3 districts. All nonresidential development shall comply with off-street parking requirements established in chapter 12-4. The required parking may be provided off-site by the owner/developer as specified in section 12-4-1(4).
  - 2. *Landscaping.* Landscape area requirements and landscape requirements for parking lots within the OEHR-2, OEHC-1 and OEHC-2 districts shall comply with regulations established in section 12-6-3 for the R-2, C-1 and C-2 zoning districts.
  - 3. *Signs.* Refer to sections 12-5-2 and 12-5-3 for general sign standards and criteria and for a description of sign area calculations. The location, design and materials of all accessory signs, historical markers and other signs of general public interest shall be subject to the review and approval of the architectural review board. Only the following signs shall be permitted in the Old East Hill preservation district:
    - i. *Temporary accessory signs.*

- (a) One non-illuminated sign advertising the sale, lease or rental of the lot or building, said sign not exceeding six square feet of area.
- (b) One non-illuminated sign not more than 50 square feet in area in connection with new construction work, and displayed only during such time as the actual construction work is in progress.

ii. *Permanent accessory signs.*

- (a) North 9th Avenue, Wright Street, Alcaniz Street and Davis Street. For churches, schools, apartment buildings, boarding or lodging houses, libraries, community centers, commercial buildings (including office and retail buildings) or historic sites serving as identification and/or bulletin boards, one freestanding or projecting sign and one attached wall sign or combination of wall signs placed on the front or one side of the building not to exceed 50 square feet in area. The signs may be painted on the building, mounted to the face of the wall of the building, hung from a bracket that is mounted to a wall of a building, hung from other ornamental elements on the building, or may be freestanding. Signs projecting from a building or extending over public property shall maintain a clear height of nine feet, six inches above the public property and shall not exceed a height of 12 feet. Freestanding signs shall not exceed a height of 12 feet.
- (b) All other streets in the district. One sign per lot per street frontage for churches, schools, apartment buildings, boarding or lodging houses, libraries, community centers, commercial buildings (including office and retail buildings) or historic sites serving as identification and/or bulletin boards not to exceed 12 square feet in area and eight feet in height; provided, however, that signs projecting from a building or extending over public property shall maintain a clear height of nine feet six inches above the public property and shall not exceed a height of 12 feet six inches. The sign may be mounted to the face of the wall of the building, hung from a bracket that is mounted to a wall of a building, hung from other ornamental elements on the building, or may be freestanding. The sign may be illuminated provided that the source of light is not visible beyond the property line of the lot on which the sign is located.

- (c) One non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger than three square feet and shall be attached to the dwelling. This section shall be applicable to occupants and home occupations.
  - (d) Municipal or state installed directional signs, historical markers and other signs of a general public interest when approved by the board.
- 4. *Fences.* All developments in the Old East Hill preservation zoning districts shall comply with fence regulations as established in section 12-3-63. Fences are subject to approval by the architectural review board. Approved materials will include but not necessarily be limited to wood, brick, stone or wrought iron. No concrete block or barbed wire fences will be permitted. Chain-link fences shall be permitted in side and rear yard only.
- 5. *Additional regulations.* In addition to the regulations established above in subsections (1)f.1 through 4 of this section, any permitted use within the Old East Hill preservation district where alcoholic beverages are ordinarily sold is subject to the requirements of chapter 7-4.
- g. *Restoration, rehabilitation, alterations or additions to existing contributing structures in the Old East Hill preservation district.*
  - 1. The Secretary of the Interior's standards for rehabilitation, codified at 37 CFR 67, and the related guidelines for rehabilitating historic buildings shall form the basis for rehabilitation of existing contributing buildings. The proper building elements should be used in combinations that are appropriate for use together on the same building. Documented building materials, types, styles and construction methods shall be duplicated when making repairs, alterations and/or additions to contributing structures. Any variance from the original materials, styles, etc., shall be approved only if circumstances unique to each project are found to warrant such variances.
  - 2. The regulations established in subsection (3)f of this section, relating to streetscape elements, shall apply to contributing structures. Regulations established in Table 12-3.10 shall apply to alterations and additions to contributing structures.
- h. *Renovation, alterations and additions to non-contributing and modern infill structures within the Old East Hill preservation district.*
  - 1. Many of the existing structures within the district do not meet the criteria established for contributing structures, even though they may be similar in style to the historic structures, and some structures are modern in style with no relation to the historic structures. All of these buildings shall be recognized as products of their own time. The regulations established in subsection (3)f of this section, relating to streetscape elements, shall apply to non-contributing and modern infill structures. Regulations established in

Table 12-3.10 shall apply to alterations and additions to existing non-contributing structures.

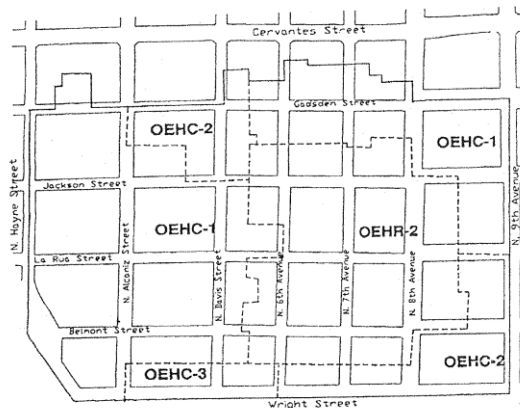
2. In review of these structures the board may make recommendations as to the use of particular building elements that will improve both the appearance of the individual structure, its relationship with surrounding structures and the overall district character.
  - i. *Regulations for new construction in the Old East Hill preservation district.* New construction shall be built in a manner that is complementary to the overall character of the district in height, proportion, shape, scale, style and building materials. The regulations established in subsection (3)f of this section, relating to streetscape elements, shall apply to new construction. Table 12-3.10 describes height, area and yard requirements for new construction in the Old East Hill preservation district.
  - j. *Demolition of structures within the Old East Hill preservation district.* The demolition provisions established in subsections (1)i through k of this section, applicable to contributing and non-contributing structures within the historic district, shall apply in the preservation district.

TABLE 12-3.10. REGULATIONS FOR OLD EAST  
HILL PRESERVATION  
ZONING DISTRICTS

Standards	OEHR-2	OEHC-1	OEHC-2	OEHC-3
Minimum Yard Requirement (Minimum Building Setbacks) Front Yard Side Yard Rear Side	*15 feet 5 feet 15 feet	There shall be a 5-foot side yard setback, but no front or rear yard setbacks, unless this chapter requires a larger yard or buffer yard.		None
Minimum Lot Area For Residential Uses				
Single-family Detached Residential Duplex Residential Multifamily Residential	3,500 s.f. 5,000 s.f. 9,000 s.f.	None		
Minimum Lot Width at Street Row Line	30 feet	None		

Minimum Lot Width at Building Setback Line	30 feet	None	
Maximum Lot Coverage	N/A	The maximum combined area of all principal and accessory buildings shall not exceed 50% of the square footage of the lot.	None
Maximum Building Height (except as provided in section 12-3-62)	Residential buildings shall not exceed two stories in height, with a usable attic. No building shall exceed 35 feet in height, except that three feet may be added to the height of the building for each foot the building is set back from the building setback or property lines to a maximum height of 45' with approval of the architectural review board.		
Minimum Floor Area For Multifamily Developments	600 square feet per dwelling unit		
*Front yard depths in the Old East Hill preservation zoning district shall not be less than the average depths of all of the front yards facing the street on the block, up to the minimum yard requirement; in case there are no other dwellings, the front yard depth shall be no less than the footage noted.			

### OLD EAST HILL PRESERVATION DISTRICT



### Sec. 12-3-11. Airport land use district.

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

- (1) Purpose of district. The airport land use district is established for the purpose of regulating land, owned by the Pensacola International Airport or immediately adjacent to the airport, which is considered sensitive due to its relationship to the runways and its location within noise zones "A" and "B" as



defined in chapter 12-10. Land zoned ARZ is owned by the city and allows only open space, recreational or commercial and industrial uses customarily related to airport operations. The areas designated as airport transitional zones are permitted a range of uses.

(2) Uses permitted.

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

1. The following three sections of the airport restricted zone are limited to specific uses as defined below:
  - i. ARZ-1. The parcel of land located north of Summit Boulevard between two airport transition zones (includes the Scott Tennis Center and airport drainage system). Uses within this zone will be limited to those uses described below in subsections (2)a.2 and 3 of this section.
  - ii. ARZ east of runway 8/26. The parcel of land on the eastern end of runway 8/26, located between Avenida Marina and Gaberonne Subdivision and between Spanish Trail and Scenic Highway. All land within this zone outside of the 15 acres required for clear zone at the eastern end of runway 8/26 will be retained as open space.
  - iii. ARZ south of runway 17/35. The parcel of land at the southern end of runway 17/35, located north of Heyward Drive and east of Firestone Boulevard. All land within this zone outside of the 28.5 acres required for clear zone at the southern end of runway 17/35 will be retained as open space.
2. Airport, airport terminal, air cargo facilities, and uses customarily related to airport operations and expansions.
3. Golf course, tennis court, driving range, par three course, outdoor recreational facilities, provided that no such uses shall include seating or structures to accommodate more than 100 spectators or occupants.
4. Service establishments such as auto rental and travel agencies, commercial parking lots and garages, automobile service station and similar service facilities.
5. Warehousing and storage facilities.
6. Industrial uses compatible with airport operations.
7. Commercial uses to include hotels, motels, extended stay facilities, pharmacy, restaurant and drive through facilities, banks, office, post secondary education facilities, meeting facilities, dry cleaner, health club, exercise center, martial arts facility, bakery, floral shop, day care/child care facility, medical clinic, doctor and dentist offices, and retail services to include specialty shops and studios; or other similar or compatible uses.
8. Other uses that the city council may deem compatible with airport operations and surrounding land uses pursuant to the city's

comprehensive plan and the airport master plan and as such uses that meet the FAA's requirements for airport activities.

b. ATZ-1, airport transitional zone.

1. Single-family residential, attached or detached, 0—5 units per acre.
2. Home occupations, subject to regulations in section 12-3-57.
3. Offices.
4. Family day care homes licensed by the state department of children and family services as defined in state statutes.
5. Recreational facilities - Not for profit.
6. Conditional uses permitted:
  - i. Communications towers in accordance with section 12-3-67.
  - ii. Rooftop-mounted antennas in accordance with section 12-3-68.

c. ATZ-2, airport transitional zone.

1. Any use allowed in the ATZ-1;
2. Retail and service commercial;
3. Aviation related facilities; and
4. Conditional uses permitted:
  - i. Communications towers in accordance with section 12-3-67.
  - ii. Rooftop-mounted antennas in accordance with section 12-3-68.

(3) Review and approval process. All private, nonaviation related development in the ARZ zone and all developments other than single-family residential within approved subdivisions within the ATZ-1 and ATZ-2 zones must comply with the development plan review and approval process as established in section 12-3-120.

(4) Regulations. All development shall comply with applicable height and noise regulations as set forth in chapter 12-10. All development must comply with design standards and is encouraged to follow design guidelines as established in section 12-3-121. All private, nonaviation related development within the ARZ zone and all development within ATZ-1 and ATZ-2 zones must comply with the following regulations:

- a. Airport land use restrictions. Notwithstanding any provision to the contrary in this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:
  1. All lights or illumination used in conjunction with street, parking, signs or use of land structures shall be arranged and operated in such a manner

that is not misleading or dangerous to aircraft operating from a public airport or in the vicinity thereof.

2. No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.
3. No continuous commercial or industrial operations of any type shall produce smoke, glare or other visual hazards, within three statute miles of any usable runway of a public airport, which would limit the use of the airport.
4. Sanitary landfills will be considered as an incompatible use if located within areas established for the airport through the application of the following criteria:
  - i. Landfills located within 10,000 feet of any runway used or planned to be used by turbine aircraft.
  - ii. Landfills located within 5,000 feet of any runway used only by nonturbine aircraft.
  - iii. Landfills outside the above perimeters but within conical surfaces described by FAR Part 77 and applied to an airport will be reviewed on a case-by-case basis.
  - iv. Any landfill located and constructed in a manner that attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns of aircraft. The landfill operator must incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft.
5. Obstruction lighting. Notwithstanding any provisions of section 12-10-2, the owner of any structure over 150 feet above ground level shall install lighting on such structure in accordance with Federal Aviation Administration Advisory Circular 70/7460-1 and amendments thereto. Additionally, the high-intensity white obstruction lights shall be installed on a high structure that exceeds 749 feet above mean sea level. The high-intensity white obstruction lights must be in accordance with Federal Aviation Administration Advisory Circular 70/7460-1 and amendments thereto.
6. Noise zones. The noise zones based on the Pensacola International Airport FAR Part 150 Study adopted in 1990 and contained in section 12-10-3 shall establish standards for construction materials for sound level reduction with respect to exterior noise resulting from the legal and normal operations at the Pensacola International Airport. It also establishes permitted land uses and construction materials in these noise zones.
7. Variances. Any person desiring to erect or increase the height of any structures, or use his or her property not in accordance with the

regulations prescribed in this chapter, may apply to the zoning board of adjustment for a variance from such regulations. No application for variance to the requirements of this part may be considered by the zoning board of adjustment unless a copy of the application has been furnished to the building official and the airport manager.

8. Hazard marking and lighting. Any permit or variance granted shall require the owner to mark and light the structure in accordance with FAA Advisory Circular 70/7460-1 or subsequent revisions. The permit may be conditioned to permit the county or the city at its own expense, to install, operate and maintain such markers and lights as may be necessary to indicate to pilots the presence of an airspace hazard if special conditions so warrant.
  9. Nonconforming uses.
    - i. The regulations prescribed by this subsection shall not be construed to require the removal, lowering or other changes or alteration of any existing structure not conforming to the regulations as of the effective date of this chapter. Nothing herein contained shall require any change in the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted and completed within two years thereof.
    - ii. Before any nonconforming structure may be replaced, substantially altered, repaired or rebuilt, a permit must be secured from the building official or his or her duly appointed designee. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure to become a greater hazard to air navigation than it was as of the effective date of this chapter. Whenever the building official determines that a nonconforming use or nonconforming structure has been abandoned or that the cost of repair, reconstruction, or restoration exceeds the value of the structure, no permit shall be granted that would allow said structure to be repaired, reconstructed, or restored except by a conforming structure.
  10. Administration and enforcement. It shall be the duty of the building official, or his or her duly appointed designee, to administer and enforce the regulations prescribed herein within the territorial limits over which the city has jurisdiction. Prior to the issuance or denial of a tall structure permit by the building official, the Federal Aviation Administration must review the proposed structure plans and issue a determination of hazard/no hazard. In the event that the building official finds any violation of the regulations contained herein, he or she shall give written notice to the person responsible for such violation. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation.
- b. Minimum lot size and yard requirements/lot coverage. There are no minimum requirements for lot size or yards, except that the development plan shall take

into consideration the general development character of adjacent land uses. The maximum combined area occupied by all principal and accessory buildings shall be 50 percent.

- c. Maximum height of structures. For the ATZ-1 and ATZ-2 zoning districts the maximum height for residential structures is 35 feet and for office, commercial or aviation-related facilities, is 45 feet. Communications towers and rooftop-mounted antennas may be permitted within the ATZ-1 and ATZ-2 districts upon conditional use permit approval in accordance with section 12-3-108. Provided, however, that no structure shall exceed height limitations established in section 12-10-2(a).
- d. Additional regulations. In addition to the regulations established above all development must comply with the following regulations:
  - 1. Supplementary district regulations. (Refer to sections 12-3-55 through 12-3-69.)
  - 2. Signs. (Refer to chapter 12-5.)
  - 3. Tree/landscape. (Refer to chapter 12-6.)
  - 4. Subdivision. (Refer to chapter 12-7.)
  - 5. Stormwater management, and control of erosion, sedimentation and runoff. (Refer to chapter 12-8.)

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

Sec. 12-3-12. - Redevelopment land use district.

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

(1) *GRD, Gateway Redevelopment District.*

- a. *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.
- b. *Uses permitted.*
  - 1. Single-family residential (attached or detached) at a maximum density of 17.4 units per acre. Multifamily residential at a maximum density of 100 dwelling units per acre.
  - 2. Home occupations, subject to regulations in section 12-3-13.
  - 3. Offices.

4. Adult entertainment establishments subject to the requirements of chapter 7-3 when located within the dense business area as defined in chapter 12-13, Definitions.
  5. All commercial uses permitted in the C-2A zone, with no outside storage or repair work allowed, with the exception:
    - i. Mortuaries and funeral parlors.
    - ii. Appliance and repair shops.
    - iii. Public parking lots and parking garages.
    - iv. New car lots or used car lots.
    - v. Public utility plants, transmission and generating stations, including radio and television broadcasting stations.
    - vi. Car or truck rental agencies or storage facilities.
  6. Family day care homes licensed by the state department of children and family services as defined in state statutes.
- c. *Procedure for review of plans.*
1. *Plan submission.* All development plans must comply with development plan requirements set forth in section 12-3-120(c) and (d), and design standards and guidelines established in section 12-3-121. 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.
  2. *Review and approval.* All plans shall be subject to the review and approval of the planning board established in chapter 12-12. 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.
  3. *Abbreviated review.* Sign requests, paint colors, fencing, and emergency repairs that are consistent with the regulations and guidelines set forth in this section, may be approved by letter to the building official from the planning board secretary and the chairperson 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 chairperson, then the matter will be referred to the board for a decision.
  4. *Final development plan.* If the 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 months of the date of approval of the preliminary plan of development. For good cause shown, the 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 months. The final development plan shall be in basic conformity with the preliminary plan of development and comply with the other provisions of section 12-3-120 pertaining to the final development plan. If the applicant submits a final development plan that conforms to all the conditions and provisions of this chapter, then the planning board shall conclude its consideration at its next regularly scheduled meeting.

d. *Regulations.* Except where specific approval is granted by the 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:

1. Signs. Refer to sections 12-5-2 and 12-5-3 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:

i. *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.

ii. *Signs extending over public property.* Signs extending over public property shall maintain a clear height of nine feet above the sidewalk and no part of such signs shall be closer than 18 inches to the vertical plane of the curb line or edge of pavement.

iii. *Permitted signs.*

(a) Gregory, Chase and Alcaniz Streets, 9th Avenue.

(1) *Attached signs.*

a. *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 75 degrees or more from horizontal shall be regarded as wall space.

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

(2) *Freestanding signs.*

a. Maximum sign height—20 feet.

- b. Maximum area for sign face—50 square feet.
- (b) Bayfront Parkway.

(1) *Attached signs.*

- a. *Height.* No sign shall extend above the roof line of a building to which it is attached.
- b. *Size.* Ten percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed 50 square feet.

(2) *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:

(1) *Attached signs.*

- a. *Height.* No sign shall extend above the main roof line of a building to which it is attached.
- b. *Size.* Ten percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed 25 square feet.

(2) *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

iv. *Other permitted signs.*

- (a) Signs shall not exceed three square feet in size.
- (b) Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.

- v. *Submission and review of sign plans.* It shall be the responsibility of the contractor or owner requesting a sign permit to furnish two plans of sign drawn to scale, including sign face area calculations, wind load calculations and construction materials to be used.



- vi. *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 planning services department shall review the sign based on the requirements set forth in this section and the guidelines set forth in subsection (1)e.2.vii of this section and forward a recommendation to the planning board.
  - (b) The 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 planning board to the city council within 30 days of the decision of the planning board.
- vii. *Prohibited signs.* Refer to section 12-5-7 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 12-5-6(5).
  - (b) Signs that are abandoned or create a safety hazard are not permitted. Abandoned signs are those advertising a business that becomes vacant and is unoccupied for a period of 90 days or more.
  - (c) Signs that are not securely fixed on a permanent foundation are prohibited.
  - (d) Signs that are not consistent with the standards of this section are not permitted.
- viii. *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:
    - (1) Such signs may be erected no sooner than two weeks before the event.
    - (2) Such signs must be removed no later than three days after the event.
    - (3) 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 12 square feet in size, and shall be removed immediately after occupancy.
- (c) One non-illuminated sign not more than 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 12-5-6(8).

ix. *Nonconforming signs.*

- (a) *Compliance period.* All existing signs that 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 official 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 30 days to comply with the order to remove the nonconforming sign, or bring it into compliance. Upon expiration of the 30-day period, if no action has been taken by the owner, he or she shall be deemed to be in violation of this section and the building official may take lawful enforcement action.

2. Off-street parking. The following off-street parking requirements shall apply to all lots, parcels or tracts in the gateway redevelopment district:

- i. Off-street parking requirements in the district shall be based on the requirements set forth in chapter 12-4. The required parking may be provided off-site by the owner/developer as specified in section 12-4-1(4).
- ii. Off-street parking and service areas are prohibited within the Bayfront Parkway setback described in subsection (1)d.3 of this section, unless these requirements cannot be met anywhere else on the site due to its size or configuration.
- iii. 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 feet that is compatible in design and materials with on-site architecture and nearby development; or an

earth berm approximately three feet in height that is landscaped to provide screening effective within three years; or a combination of walls or fences and landscape screening; or landscape screening designed to provide positive screening within three years.

3. Street setback. The following building setbacks shall apply to the district:
  - i. Bayfront Parkway setback/height requirements. All buildings located adjacent to the Bayfront Parkway shall be set back a minimum of 50 feet from the northern parkway right-of-way line. At this minimum setback, building height may not exceed 50 feet. Above 50 feet in height, an additional one-foot setback shall be required for each additional two feet in building height. This setback is intended as a landscaped buffer zone that preserves the open space character of the parkway.
  - ii. Gregory, Alcaniz and Chase Streets, 9th Avenue. Ten feet from the right-of-way line.
  - iii. All other streets. Five feet from the right-of-way line.
4. 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 50 feet. Any lot of record on the effective date of this title which is less than 50 feet may be used as a site for only one establishment listed as a permitted use in subsection (1)b of this section.
5. Building height. No building shall exceed a maximum height of 100 feet.
6. Vehicular access. Access to the following streets shall be limited as follows:
  - i. Bayfront Parkway. No access shall be permitted from the parkway unless no other means exist for ingress and egress from the site.
  - ii. 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 per street footage if driveway spacing standards can be met pursuant to section 12-3-121(c)(2).
7. 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:
  - i. Fence or wall, six feet high;
  - ii. Vegetation, six feet high (within three years);
  - iii. A combination of the above.
8. 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.
9. 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 75 percent.
  10. Sidewalks. Developers of new construction or redevelopment projects shall repair, reconstruct, or construct new sidewalks on all sides of property fronting on a street.
  11. Consideration of floodprone areas. Portions of the district are within the 100-year floodplain. Site planning shall consider the special needs of floodprone areas.
  12. 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.
  13. All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls, or vegetation.
  14. 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 12-3-4(5), with the exception of the height requirements.
- e. *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 section 12-3-121(d). In addition, the following site planning guidelines shall be used by the planning board in the review and approval of all development plans:
1. *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.
    - i. *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.

- ii. *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.
- iii. *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.

2. *Architectural design and building elements.*

- i. Buildings or structures that 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.
- ii. 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.
- iii. Materials such as metal and plastic shall be discouraged on exterior surfaces of buildings.
- iv. Severe or angular roof lines that exceed a pitch of 12-12 (45-degree angle) are discouraged. Exceptions to this guideline (i.e., churches) shall be considered on a case-by-case basis.
- v. Bright colors and intensely contrasting color schemes are discouraged within the district.
- vi. 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.
- vii. 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) Landscaping. The landscaping and positioning of the sign should compliment the overall site plan and landscaping of the development.
- f. *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 that do not conform to the maintenance standards described in subsections (1)f.1 through 7 of this section shall be made to comply as required by the city inspections office based on regular inspections or complaints.
  - 1. *Building fronts, rears, and sides abutting streets and public areas.* Rotten or weakened portions shall be removed, repaired or replaced.
  - 2. *Windows.* All windows must be tight-fitting. All broken and missing windows shall be replaced with new glass.
  - 3. *Show windows and storefronts.* All damaged, sagging or otherwise deteriorated storefronts, show windows or entrances shall be repaired or replaced.
  - 4. *Exterior walls.*
    - i. Existing miscellaneous elements on the building walls, such as empty electrical conduit, unused signs and/or sign brackets, etc., shall be removed.
    - ii. Sheet metal gutters, downspouts and copings shall be repaired or replaced as necessary and shall be neatly located and securely installed.
    - iii. All exterior finishes and appurtenances such as paint, awnings, etc., shall be kept in a state of repair.
  - 5. *Roofs.*
    - i. All auxiliary structures on the roofs shall be kept clean, repaired or replaced.
    - ii. Roofs shall be cleaned and kept free of trash, debris or any other elements that are not a permanent part of the building.
  - 6. *Front, rear, and side yards, parking areas and vacant parcels.*
    - i. 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.
    - ii. Any landscaping that was installed to comply with regulations of this subsection must be maintained.

7. *Walls, fences, signs.* Walls, fences, signs and other accessory structures shall be repaired and maintained.

(2) *GRD-1, Gateway redevelopment district, Aragon redevelopment area.*

- a. *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.
- b. *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.
- c. *Uses permitted.*
  1. *GRD-1, residential uses.*
    - i. Single-family and multifamily residential (attached or detached) at a maximum overall density of 17.4 units per acre.
    - ii. Bed and breakfast (subject to section 12-3-84).
    - iii. Home occupations allowing: not more than 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 (2)c.3.i of this section; two nonfamily members as employees in the home occupation; and a sign for the business not to exceed three square feet shall be allowed.
    - iv. Community residential homes licensed by the state department of children and family services with six or fewer residents providing that it is not to be located within 1,000 feet of another such home. If it is proposed to be within 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 500-foot radius.
    - v. Limited office space allowed only with residential use occupying a minimum of 50 percent of total building square footage of principal and outbuildings.
    - vi. Family day care homes licensed by the state department of children and family services as defined in state statutes.

2. *GRD-1, public uses.*

- i. Meeting hall, U.S. Post Office pavilion, buildings used for community purposes, not to exceed 5,000 square feet.
- ii. Publicly owned or operated parks and playgrounds.
- iii. Churches, Sunday school buildings and parish houses.

3. *GRD-1, commercial uses.*

- i. The following uses limited to a maximum area of 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) Child care facilities (subject to section 12-3-87).
  - (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.

4. *GRD-1, miscellaneous uses.*

- i. Outbuildings and uses can include:
  - (a) Garage apartments.
  - (b) Carriage houses.
  - (c) Studios.
  - (d) Granny flats.
  - (e) Storage buildings.
  - (f) Garages.
  - (g) Swimming pools.
  - (h) Hot tubs.
  - (i) Offices.



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

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

d. *Procedure for review.*

1. *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 planning board as established in section 12-12-2. Abbreviated review for paint colors, minor repairs and minor deviations in projects already approved by the board shall be in accordance with section 12-12-2(11). If agreement cannot be reached as it pertains to such request for abbreviated review by the board secretary and chairperson then the matter will be referred to the planning board for a decision.
2. *Decisions.*
  - i. *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.
  - ii. *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.
3. *Plan submission.* Every activity that 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.

i. *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.

ii. *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.

iii. *Exterior elevations.*

- (a) Indicate all four 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.

iv. *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.

4. *Submission of photographs.*

- i. 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.
- ii. Provide photographs of the adjoining "street scape," including adjacent buildings to indicate the relationship of the new construction to these adjacent properties.

5. *Submission of descriptive product literature/brochures.*

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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.

- e. *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 planning board. Regulations and standards that 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. 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 ensure that the proper elements are used in combination in lieu of combining elements that are not appropriate for use together on the same building. Amendments to the Aragon Design Code may be made by the city council following a recommendation of the planning board and a public hearing before the city council, without necessity for amending this chapter.
1. *Building height limit.* No building shall exceed the following height limits: Type I Townhouses and Type III Park Houses shall not exceed 55 feet or 3½ stories. Type II Cottages, Type IV Sideyard House, Type V Small Cottage, and Type VI Row House shall not exceed 45 feet or 2½ stories. No outbuilding shall exceed 35 feet or 2½ stories. Refer to Aragon Design Code.
  2. *Landscaping.*
    - i. Landscaping requirements in the GRD-1 district shall be based on Aragon Design Code.
    - ii. 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 of the following:
      - (a) Fence or wall, six feet high;
      - (b) Vegetation, six feet high (within three years);
      - (c) A combination of the above.
  3. *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:
    - i. Any of the following species having a minimum trunk diameter of eight inches (25.1 inches in circumference) at a height of one foot above grade: Live Oak and Water Oak; Magnolia having a minimum trunk diameter of six inches (18.8 inches in circumference) at a height of one foot above grade; and
    - ii. Any of the following flowering trees with a minimum trunk diameter of four inches (12.55 inches in circumference) at a height of one 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 city to do so. Refer to section 12-6-7 for tree removal permit application procedures and guidelines.

4. *Fences.*

- i. 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.
- ii. 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 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 feet, and newly planted material with immature crown development allowing visibility, or a post, column, or similar structure that is no greater than one foot in cross-section diameter. Lateral vision shall be maintained between a height of three feet and eight feet above grade. All other streets and intersections within the GRD-1 district shall be exempt from the requirements of section 12-3-58, Required Visibility Triangle. In addition the following provisions apply:
  - (a) 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.
  - (b) 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 that 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 that 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.

- (c) Fences in the required front yard will be no higher than four feet and six inches in the side and rear yards. On corner lots, fences constructed within the required street side yard shall not exceed four 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 feet, six inches.

5. *Signage.*

- i. Informational signs. All informational signs, even if erected on private property, are subject to regulations contained in this section.
- ii. 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.
- iii. 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 12-5-2 and 12-5-3 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 12-5-7 are prohibited within the GRD-1 district. The design, color scheme and materials of all signs shall be subject to approval by the planning board. Only the following signs shall be permitted in the GRD-1 district:

(a) Permitted signs.

(1) Temporary accessory signs.

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

(2) Permanent accessory signs.

- a. Each mixed-use or commercial property shall be limited to one 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 sign per street and one 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 feet six 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 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.

b. Advertising display area.

1. GRD-1, Type II through Type VI residential home occupation and mixed-use lots are not to exceed ten square feet.
2. GRD-1, Type I commercial lots are not to exceed 35 square feet per street front.
3. A combination of two attached wall signs may be used, but shall not exceed a total of 35 square feet.
4. If fronting an alley the size shall not exceed 12 square feet.

c. One non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger than three square feet and shall be attached flat against the wall of the building.

d. Municipal or state installed directional signs, historical markers and other signs of a general public interest when approved by the mayor and board.

(b) Prohibited signs.

- (1) Any sign using plastic materials for lettering or background.
- (2) Internally illuminated signs.
- (3) Portable signs.
- (4) Nonaccessory signs.

- (5) Back lit canvas awnings.
  - (6) Flashing, strobe, or neon signs.
  - (7) Neon signs placed inside a window.
6. *Driveways and sidewalks.* The following regulations and standards apply to driveways and sidewalks in the GRD-1 district:
- i. 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.
  - ii. 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.
7. *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.
- i. Residential uses.
    - (a) Single-family and accessory unit—One space/unit.
    - (b) Townhouse and multifamily—One space/unit.
    - (c) Bed and breakfast—One space per owner plus one space/sleeping room.
    - (d) Home occupation—One space/nonfamily employee.
    - (e) Community residential home—One space/two beds.
  - ii. Public uses.



- (a) Meeting hall, U.S. Post Office pavilion, buildings used exclusively for federal, state, county or city governments for public purposes—One space/500 square feet.
- (b) Publicly owned or operated parks and playgrounds—None required.
- (c) Churches, Sunday school buildings and parish houses—One space/four fixed seats.

iii. Commercial uses.

- (a) Antique shops—One space/500 square feet.
- (b) Art galleries—One space/500 square feet.
- (c) Bakeries (retail only)—One space/500 square feet.
- (d) Barbershops and beauty shops—One space/station and one space/employee.
- (e) Day care centers—One space/employee plus one space/classroom.
- (f) Health clubs, spas and exercise centers—One space/300 square feet.
- (g) Jewelers—One space/500 square feet.
- (h) Laundry and dry-cleaning pick-up stations—One space/employee.
- (i) Office buildings—One space/500 square feet.
- (j) Restaurants (except drive-ins)—One space/500 square feet.
- (k) Retail sales and services—One space/500 square feet.
- (l) Retail food and drugstore—One space/500 square feet.
- (m) Specialty shops—One space/500 square feet.
- (n) Studios—One space/50 square feet unless owner occupied.

- iv. For Type I Townhouse the uses identified in subsections (2)e.7.i through iii of this section, on-street parking on Romana Street and 9th Avenue within 500 feet of the building may be used towards this requirement for nonemployee parking only. One off-street parking space shall be required for each employee in the building.
- v. 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.
- vi. 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.

- viii. For Type I Townhouse as an option to providing the required off-street parking as specified in subsections (2)e.7.i through iii of this section, the required parking may be provided off-site by the owner/developer as specified in section 12-4-1(4).
- 8. *Paint colors.* The 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.
- 9. *Outbuildings.* Outbuildings shall not exceed a maximum height of 35 feet. The accessory structure shall match the style, roof pitch, and other design features of the main residential structure.
- 10. *Architectural review standards.*
  - i. *Exterior lighting.* Exterior lighting in the district will be post-mounted street lights and building-mounted lights adjacent to entryways or landscaping lights that 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 that 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 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.
  - ii. *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 18 to 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.
- iii. *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 eight on 12 on one- and two-story buildings and six on 12 on buildings with three stories, unless architectural style dictates other slope, for example Craftsman. Eaves shall be appropriate for the architectural style. Shed roofs shall be allowed only against a principal building or perimeter wall. Flat roofs shall not be permitted without parapets, cornices, eaves overhangs boxed with modillions, dentils, or other moldings. The maximum size of the roof deck, window's walks, towers, turrets, etc., is 200 square feet, with the maximum height of ten feet above the maximum allowable building height.
  - (a) Eaves and soffits may be: wood, painted or stained; smooth finish or sand textured stucco soffits, if detailed appropriately; or fiber-cement, if detailed appropriately ("Hardisoffit" or Hardipanel" vertical siding panels). Eaves shall be appropriate for architectural style and type.
  - (b) Flashing may be anodized or pre-finished aluminum, galvanized steel or naturally weathered copper.
  - (c) Gutters and downspouts may be anodized or pre-finished aluminum, galvanized steel or naturally weathered copper.
- iv. *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 feet. See the below figures for balcony and porch dimensions.

- v. *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.
- vi. *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-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 planning board.
  - (g) Highly reflected glazing is prohibited. Insulated glass units are encouraged.
- vii. *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) Shutters to be fabricated of wood or vinyl.
- (e) Shutters are to be appropriate for building style and type. Refer to Aragon Design Code, Architectural Styles.

viii. *Chimneys.* Chimneys constructed of brick masonry, exposed or cement plastered, are architecturally compatible.

- (a) The 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.

ix. *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.

x. *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.

xi. *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.

xii. *Outbuildings.*

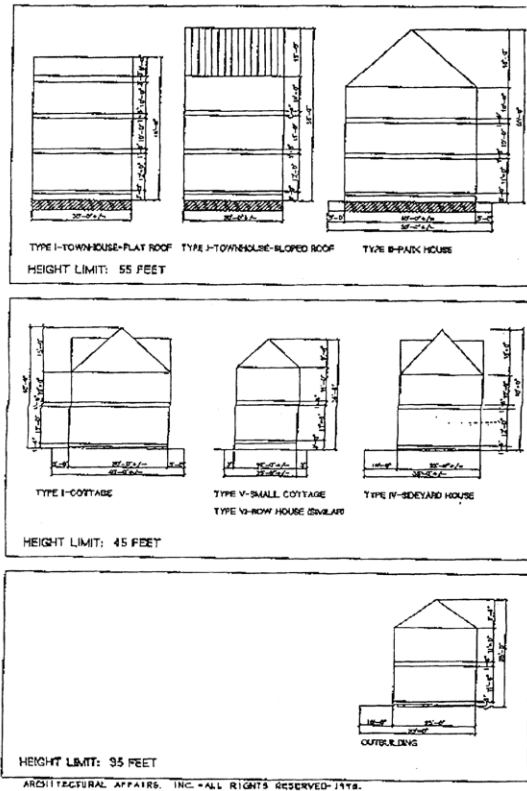
- (a) Outbuildings shall be detailed in a manner similar to the house. Detached garages are strongly encouraged.
- (b) Accessory dwelling units are permitted and encouraged, and shall be detailed in a manner similar to the house.

11. *Additional regulations.* In addition to the regulations established above in subsections (2)e.1 through 10 of this section, 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.

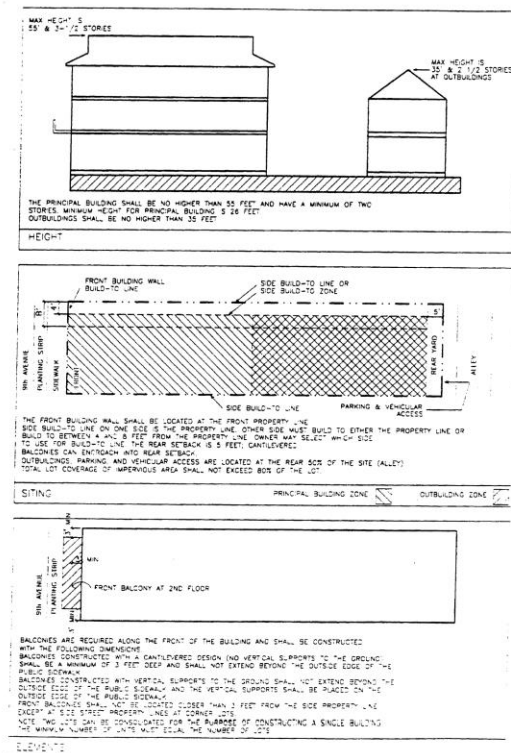
f. *Procedures for review of renovation, alterations, and additions to structures within the GRD-1 district.* The regulations and standards established in subsections (2)a through e of this section, shall apply to all plans for the renovation, alteration and addition to structures within the GRD-1 district.

- 1. *Abbreviated review.* Sign requests, paint colors, fencing, and emergency repairs that are consistent with the regulations and standards set forth in subsection (2) of this section may be approved by letter to the building official from the board secretary and the chairperson of the planning board. If agreement cannot be reached as it pertains to such request for abbreviated review by the board secretary and chairperson, then the matter will be referred to the entire board for a decision.

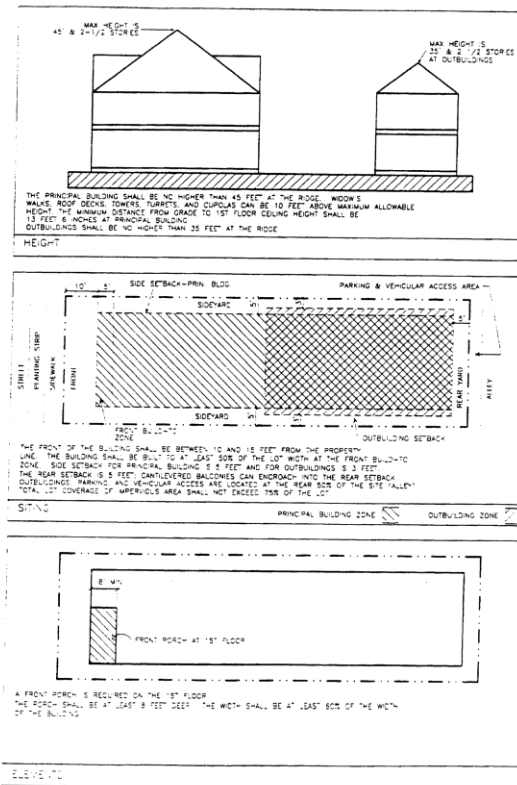
## ARAGON MAXIMUM HEIGHTS



## ARAGON TOWNHOUSE-TYPE I



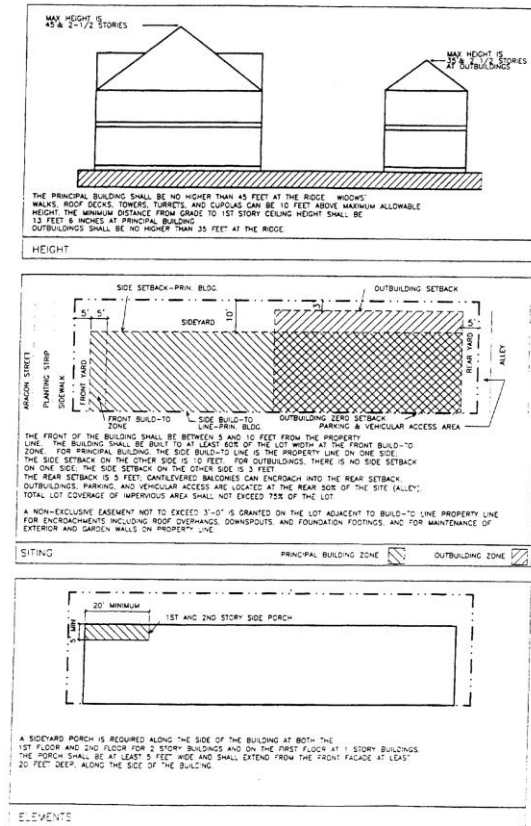
## ARAGON COTTAGE-TYPE II



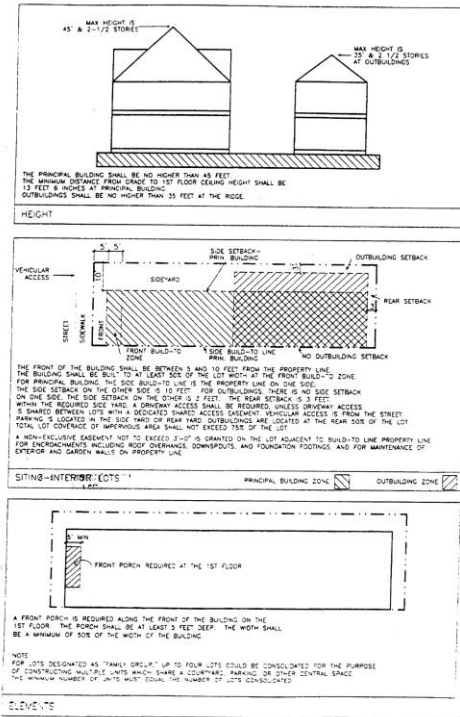
## ARAGON PARK HOUSE-TYPE III



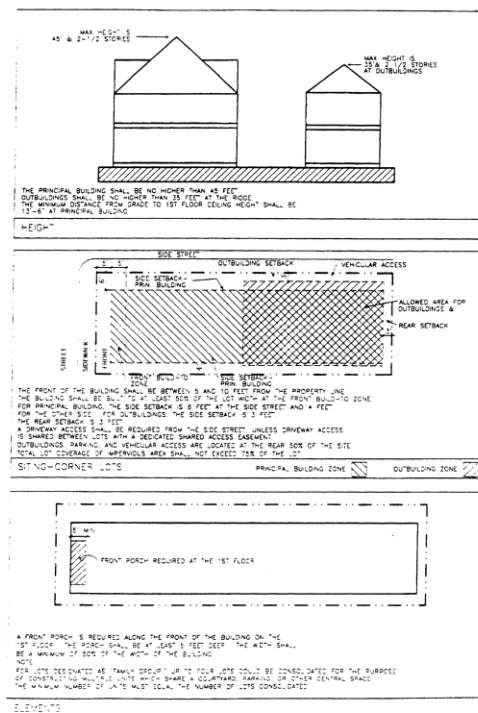




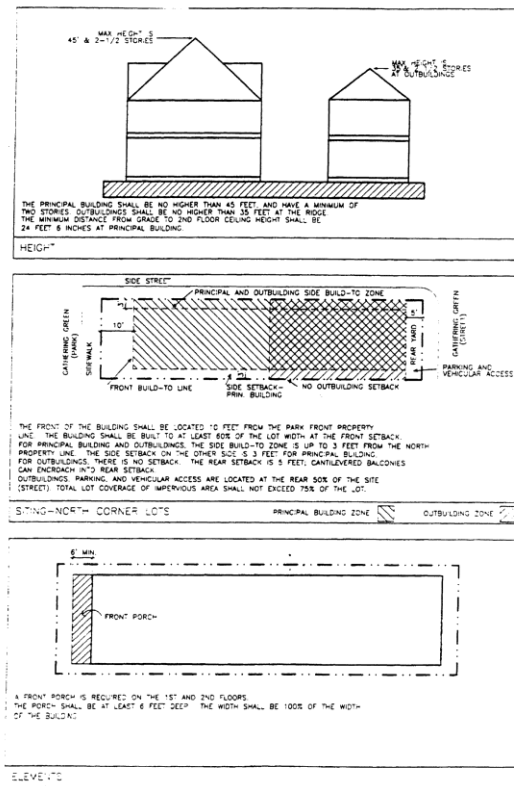
## ARAGON SIDEYARD HOUSE WITH STREET ACCESS-TYPE IVB-INTERIOR LOTS



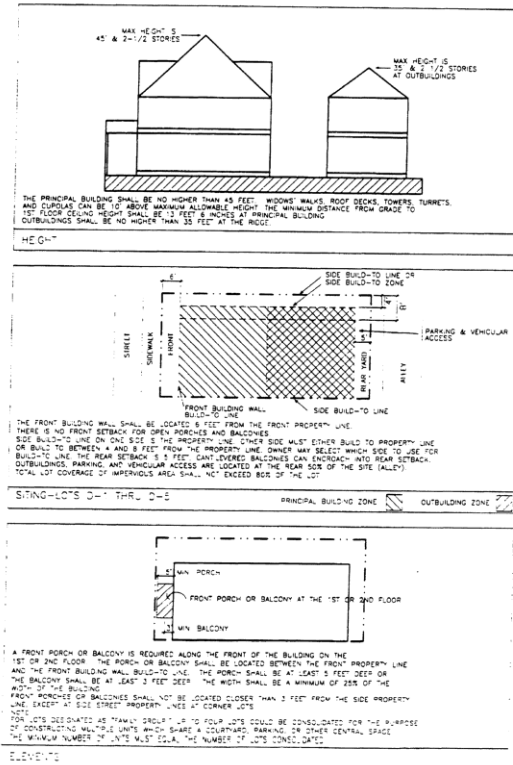
## ARAGON SIDEYARD HOUSE WITH STREET ACCESS-TYPE IVB-CORNER LOTS



## ARAGON SMALL COTTAGE-TYPE V-NORTH CORNER LOTS



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



## ARAGON ROW HOUSE-TYPE VI-LOTS D-6 THRU 10 AND H-7 THRU H-10



(3) *WRD, waterfront redevelopment district.*

- a. *Purpose of district.* The waterfront redevelopment district is established to promote redevelopment of the city's downtown waterfront with a compatible mixture of water-dependent and water-related uses that preserve the unique shoreline vista and scenic opportunities, provide public access, create a cultural meeting place for the public, preserve the working waterfront activities historically located in the waterfront area, and encourage a high quality of site planning and architectural design. Site specific analysis of each development proposal within the district is intended to ensure that the scenic vistas and marine-oriented image of the district are maintained, that the development character of the waterfront is upgraded and that the boundaries of the adjacent special districts are positively reinforced.
- b. *Uses permitted.*
  1. Single-family residential (attached or detached) at a maximum density of 17.4 units per acre. Multifamily residential at a maximum density of 60 dwelling units per acre.
  2. Home occupations, subject to regulations in section 12-3-57.
  3. Offices.
  4. Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes.
  5. Hotels/motels.
  6. Marinas.
  7. Parking garages.
  8. The following retail sales and services:
    - i. Retail food and drug stores (including medical marijuana dispensaries and package liquor store).
    - ii. Personal service shops.
    - iii. Clothing stores.
    - iv. Specialty shops.
    - v. Banks.
    - vi. Bakeries whose products are sold at retail on the premises.
    - vii. Antique shops.
    - viii. Floral shops.
    - ix. Health clubs, spa and exercise centers.
    - x. Laundromats.
    - xi. Laundry and dry-cleaning pick-up stations.
    - xii. Restaurants.
    - xiii. Studios.
    - xiv. Art galleries.
    - xv. Sale or rental of sporting goods or equipment including instructions in skiing, sailing, or scuba diving.
    - xvi. Boat rentals waterside only with limited upland storage.
    - xvii. Bars.
    - xviii. Commercial fishing.

- xix. Ferry and passenger terminals.
- xx. Cruise ship operations.
- xxi. Food truck courts, subject to regulations in Sec. 12-3-95.

- 9. Family day care homes licensed by the state department of children and family services as defined in state statutes.

c. *Procedure for review of plans.*

- 1. *Plan submission.* Every application to construct a new structure in the waterfront redevelopment district shall be subject to the development plan review and approval procedure established in section 12-3-120. Every application for a new certificate of occupancy or a building permit to erect, construct, demolish, renovate or alter a building or sign, or exterior site work (i.e., paving and landscaping of off-street parking areas), located or to be located in the waterfront redevelopment district shall be accompanied with drawings or sketches with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the building, sign, or exterior work (both before and after the proposed work is done in cases of altering, renovating, demolishing or razing a building or structure) including proposed materials, textures and colors, and the plot plan or site layout including all site improvements or features such as walls, fences, walks, terraces, plantings, accessory buildings, paved areas, signs, lights, awnings, canopies and other appurtenances. All developments within the waterfront redevelopment district must comply with design standards as established in section 12-3-121.
- 2. *Review and approval.* All plans shall be subject to the review and approval of the planning board established in chapter 12-12. At the time of review the board may require that any aspect of the overall site plan that does not meet the standards established in this section be incorporated and brought into compliance within a time limit approved by the board. Review by the planning board of applications for zoning variances shall be as provided for under section 12-12-2(6)f.
- 3. *Abbreviated review.* Sign requests, paint colors, fencing, and emergency repairs that are consistent with the regulations and guidelines set forth in this section, may be approved by letter to the building official from the planning board secretary and the chairperson 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 chairperson, then the matter will be referred to the board for a decision.

d. *Regulations.*

- 1. *Signs.* The following provisions shall be applicable to signs in the district:
  - i. *Number of signs.* Each parcel shall be limited to one sign per street frontage; provided, however, if there exists more than one establishment on the parcel, there may be one attached sign per establishment.



- ii. *Signs extending over public property.* Signs extending over public property shall maintain a clear height of nine feet above the sidewalk and no part of such signs shall be closer than 18 inches to the vertical plane of the curb line or edge of the pavement.
- iii. *Sign size and height limitations.*
  - (a) *Attached signs.*
    - (1) *Size.* Ten percent of the building elevation square footage (wall area) that fronts on a public street, not to exceed 50 square feet. Buildings exceeding five stories in height; one attached wall sign or combination of wall signs not to exceed 200 square feet and mounted on the fifth floor or above.
    - (2) *Height.* No sign may extend above the roof line of the building to which it is attached. For the purposes of this section roof surfaces constructed at an angle of 65 degrees or more from horizontal shall be regarded as walls.
  - (b) *Freestanding signs.*
    - (1) *Size.* Fifty square feet.
    - (2) *Height.* Ten feet (top of sign).
- iv. *Other permitted signs.*
  - (a) Signs shall not exceed two square feet in size.
  - (b) Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.
- v. *Prohibited signs.* Refer to section 12-5-7 for a description of prohibited signs. In addition the following signs are prohibited within the district:
  - (a) Portable signs.
  - (b) Signs that are abandoned or create a safety hazard. Abandoned signs are those advertising a business that becomes vacant and is unoccupied for a period of 90 days or more.
  - (c) Signs that are not securely fixed on a permanent foundation.
  - (d) Strings of light bulbs, other than holiday decorations, streamers and pennants.
  - (e) Signs that present an optical illusion, incorporate projected images, or emit sound.

- (f) Secondary advertising signs (i.e., signs that advertise a brand name product in addition to the name of the business).
- vi. Temporary signs. The following temporary signs shall be permitted in the district:
  - (a) Temporary banners indicating that a noncommercial special event such as a fair, carnival, festival or similar happening is to take place, are permitted with the following conditions: Such banners may be erected no sooner than two weeks before the event and banners extending over street rights-of-way require approval from the mayor.
  - (b) One non-illuminated sign per street frontage advertising the sale, lease or rental of the lot or building upon which the sign is located. Such sign shall not exceed 12 square feet in size, and shall be removed immediately after occupancy.
  - (c) One non-illuminated sign not more than 50 square feet in area in connection with new construction work and displayed only during such time as the actual construction work is in progress.
- 2. *Off-street parking.* The following off-street parking requirement shall apply to all lots, parcels, or tracts in the district: Off-street parking requirements in the waterfront redevelopment district shall be based on the requirements set forth in chapter 12-4. The required parking may be provided off-site by the owner/developer as specified in section 12-4-1(4). Screening shall be provided along the edges of all parking areas visible from the street rights-of-way. This screening may take the form of:
  - i. A solid wall or fence (chain-link fences are prohibited) with a minimum height of four feet that is compatible in design and materials with on-site architecture and nearby development;
  - ii. An earth berm approximately three feet in height that is landscaped to provide positive screening effective within three years; or
  - iii. A combination of walls or fences and landscape screening, or landscape screening designed to provide positive screening within three years.
- 3. *Vehicular access.* For each lot, tract or parcel under single ownership, the maximum number of access points shall not exceed two per street frontage.
- 4. *Landscaping.* Landscaping requirements in the district shall conform to the requirements of chapter 12-6. All service areas (i.e., trash collection containers, compactors, loading docks) shall be screened with at least 75

percent opacity from the street and adjacent buildings by one of the following techniques:

- i. Fence or wall and gate, six feet high;
  - ii. Vegetation, six feet high (within three years); or
  - iii. A combination of the above.
5. *Underground utility services.* All new building construction or additions of floor area to existing structures shall be required to install underground utilities on the site.
  6. *Lot coverage.* The total coverage of the site including all structures, parking areas, driveways and all other impervious surfaces shall not exceed 75 percent.
  7. *Setback/height requirements.* No building shall exceed a maximum height of 60 feet in the waterfront redevelopment district.
    - i. *Shoreline setback/height requirements.* All buildings shall be set back a minimum of 30 feet from the shoreline or the bulkhead line. At this minimum setback line, the building height may not exceed 35 feet. Above 35 feet in height, an additional one foot in building height may be permitted for each additional one foot in setback with a maximum building height of 60 feet. The minimum setback from the shoreline may be decreased by the planning board and the council during the review process to permit reuse of existing buildings, structures or foundations with a lesser setback.
    - ii. *Main Street setback/height requirements.* All buildings shall be set back a minimum of 60 feet from the centerline of Main Street. At this minimum setback line, the building height may not exceed 60 feet.
  8. *Additional regulations.* In addition to the regulations established above in subsections (3)d.1 through 7 of this section, any permitted use within the WRD zoning district where alcoholic beverages are ordinarily sold is subject to the requirements of chapter 7-4.
  - e. *Regulations.* All developments within the waterfront redevelopment district are encouraged to follow the design guidelines established in section 12-3-121(d). In addition, the following site planning guidelines should be taken into consideration in the required development plans.
    1. *Site planning.* The integration of site features such as building arrangement, landscaping, parking lot layout, public access points, building orientation, and scenic vantage points is critical in producing a pleasant and functional living or working environment. In reviewing development proposals, the following guidelines shall be taken into consideration:
      - i. *Maximum preservation of waterfront views.* Considering the waterfront location of the district, the placement of buildings, signs, service areas, parking and landscaping shall be planned to maximize the preservation of views of the bay and to protect the waterfront scenic open space

character. To prevent the effect of a "wall" of development along the edge of the waterfront and adjacent streets, open space should be encouraged between buildings and under elevated buildings. Pedestrian circulation systems should be designed to form a convenient, interconnected network through buildings, landscaped open spaces and public walkways. The longer side of each building should be sited perpendicular to the water's edge in order to preserve water views from the street.

- ii. *Building orientation.* Buildings should be oriented to maximize the waterfront view potential within the district while maintaining quality facade treatment and design on the streetside. Structures should be positioned to provide viewing opportunities of the water and the shoreline edge between buildings. The location of solid waste receptacles, service entrances, loading docks, storage buildings and mechanical and air conditioning equipment and other items typically situated at the backside of buildings should be discouraged within the area between the building and the water's edge.
  - iii. *Off-street parking and service.* Off-street parking shall be discouraged within the shoreline setback area. Where possible, service areas (i.e., trash collection, loading docks) shall be located to be screened by the building itself; otherwise, walls, fences, landscaping and earth berms shall be used to achieve effective screening.
2. *Aesthetic considerations.* Development projects within the district are not subject to special architectural review and approval. In lieu of a special separate review procedure, the following general architectural and aesthetic design criteria will be considered to enhance the character of the district:
- i. Buildings or structures that 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.
  - ii. Natural materials such as brick, wood and stucco should be encouraged. Materials such as metal and plastic shall be discouraged on exterior surfaces of buildings.
  - iii. All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls or vegetation.
  - iv. Proposed developments within the waterfront redevelopment district that are located adjacent to a historic district should give special consideration to visual compatibility in scale and architectural design in order to positively reinforce the character of the historic area and provide a buffer and transition.
  - v. Projects should be encouraged that enhance the setting or provide for adaptive reuse of historic buildings and sites.

3. *Landscaping guidelines.* Landscaping should be used to enhance waterfront views and vistas and to screen undesirable features. Low lying plant material should be used in open areas to retain views of the water. Trees should be selectively utilized and carefully located along the waterfront in both public and private developments in order to maintain existing views as much as possible. Plantings should be coordinated near buildings to provide view corridors.
  4. *Sign guidelines.*
    - i. *Design/materials.* The architectural character of the building to which the sign relates should be reflected in the lettering of the sign, and the materials used for the supporting structure and the sign face.
    - ii. *Lighting.* Indirect and internal lighting is encouraged. Neon and exposed fluorescent lighting is not encouraged.
    - iii. *Landscaping.* The landscaping and positioning of the sign should complement the overall site plan and landscaping of the development.
- (4) *WRD-1, Waterfront Redevelopment District-1.*
- a. *Purpose of district.* The waterfront redevelopment district is established to promote redevelopment of the city's downtown waterfront with a compatible mixture of uses that further the goals of downtown Pensacola's comprehensive plan, encourage a walkable mixed-use urban environment, preserve the unique shoreline scenic opportunities, provide continuous public waterfront access, create cultural meeting places for the public, and encourage a high quality of site planning and architectural design. Site specific analysis of each development proposal within the district is intended to ensure that the scenic vistas of the district are maintained, that the development character of the waterfront is upgraded and that the boundaries of the adjacent special districts are positively reinforced.
  - b. *Uses permitted.*
    1. Single-family residential (attached or detached) at a maximum density of 17.4 units per acre. Multifamily residential at a maximum density of 60 dwelling units per acre.
    2. Home occupations, subject to regulations in section 12-3-57.
    3. Offices.
    4. Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes.
    5. Hotels/motels.
    6. Marinas.
    7. Parking garages.
    8. The following retail sales and services:
      - i. Retail food and drug stores (including medical marijuana dispensaries and package liquor store).
      - ii. Personal service shops.
      - iii. Clothing stores.

- iv. Specialty shops.
- v. Banks.
- vi. Bakeries whose products are sold at retail on the premises.
- vii. Antique shops.
- viii. Floral shops.
- ix. Health clubs, spa and exercise centers.
- x. Laundromats.
- xi. Laundry and dry-cleaning pick-up stations.
- xii. Restaurants.
- xiii. Studios.
- xiv. Art galleries.
- xv. Sale or rental of sporting goods or equipment including instructions in skiing, sailing, or scuba diving.
- xvi. Boat rentals waterside only with limited upland storage.
- xvii. Bars.
- xviii. Commercial fishing.
- xix. Ferry and passenger terminals.
- xx. Cruise ship operations.
- xxi. Food truck courts, subject to regulations in Sec. 12-3-95.

- 9. Family day care homes licensed by the state department of children and family services as defined in state statutes.

c. *Procedure for review of plans.*

- 1. *Plan submission.* Every application to construct a new structure in the waterfront redevelopment district-1 shall be subject to the development plan review and approval procedure established in section 12-3-120. Every application for a new certificate of occupancy or a building permit to erect, construct, demolish, renovate or alter a building or sign, or exterior site work (i.e., paving and landscaping of off-street parking areas), located or to be located in the waterfront redevelopment district-1 shall be accompanied with drawings or sketches with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the building, sign, or exterior work (both before and after the proposed work is done in cases of altering, renovating, demolishing or razing a building or structure) including proposed materials, textures and colors, and the plot plan or site layout including all site improvements or features such as walls, fences, walks, terraces, plantings, accessory buildings, paved areas, signs, lights, awnings, canopies and other appurtenances. All developments within the waterfront redevelopment district must comply with design standards as established in section 12-3-121.
- 2. *Review and approval.* All plans shall be subject to the review and approval of the planning board established in chapter 12-12. At the time of review the board may require that any aspect of the overall site plan that does not meet the standards established in this section be incorporated and brought into compliance within a time limit approved by the board. Review

by the planning board of applications for zoning variances shall be as provided for under section 12-12-2(6)f.

3. *Abbreviated review.* Sign requests, paint colors, fencing, and emergency repairs that are consistent with the regulations and guidelines set forth in this section, may be approved by letter to the building official from the planning board secretary and the chairperson 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 chairperson, then the matter will be referred to the board for a decision.

d. *Regulations.*

1. *Signs.* The following provisions shall be applicable to signs in the district:

- i. *Number of signs.* Each parcel shall be limited to one sign per street frontage; provided, however, if there exists more than one establishment on the parcel, there may be one attached sign per establishment. Additionally, retail sales and services may have an A-frame sign in addition to the one sign per frontage.
- ii. *Signs extending over public property.* Signs extending over public property shall maintain a clear height of nine feet above the sidewalk and no part of such signs shall be closer than 18 inches to the vertical plane of the curb line or edge of the pavement.
- iii. *Sign size and height limitations.*

(a) *Attached signs.*

- (1) *Size.* Ten percent of the building elevation square footage (wall area) that fronts on a public street, not to exceed 50 square feet. Buildings exceeding five stories in height; one attached wall sign or combination of wall signs not to exceed 200 square feet and mounted on the fifth floor or above.
- (2) *Height.* No sign may extend above the roof line of the building to which it is attached. For the purposes of this section roof surfaces constructed at an angle of 65 degrees or more from horizontal shall be regarded as walls.

(b) *Freestanding signs.*

- (1) *Size.* Fifty square feet.
- (2) *Height.* Ten feet (top of sign).

(c) *A-frame sign.*

- (1) *Size.* Ten square feet.
- (2) *Height.* Forty-two inches (top of sign).

iv. *Other permitted signs.*

- (a) Signs shall not exceed two square feet in size.
  - (b) Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.
- v. *Prohibited signs.* Refer to section 12-5-7 for a description of prohibited signs. In addition the following signs are prohibited within the district:
  - (a) Signs that are abandoned or create a safety hazard. Abandoned signs are those advertising a business that becomes vacant and is unoccupied for a period of 90 days or more.
  - (b) Signs that present an optical illusion, incorporate projected images, or emit sound.
  - (c) Secondary advertising signs (i.e., signs that advertise a brand name product in addition to the name of the business).
- vi. *Temporary signs.* The following temporary signs shall be permitted in the district:
  - (a) Temporary banners indicating that a noncommercial special event such as a fair, carnival, festival or similar happening is to take place, are permitted with the following conditions: Such banners may be erected no sooner than two weeks before the event and banners extending over street rights-of-way require approval from the mayor.
  - (b) One non-illuminated sign per street frontage advertising the sale, lease or rental of the lot or building upon which the sign is located. Such sign shall not exceed 12 square feet in size, and shall be removed immediately after occupancy.
  - (c) One non-illuminated sign not more than 50 square feet in area in connection with new construction work and displayed only during such time as the actual construction work is in progress.
- 2. *Off-street parking.* The following off-street parking requirement shall apply to all lots, parcels, or tracts in the district: Off-street parking requirements in the waterfront redevelopment district-1 shall be based on the requirements set forth in section 12-4-1(4). The required parking may be provided off-site by the owner/developer as specified in section 12-4-1(4). Screening shall be provided along the edges of all parking areas visible from the street rights-of-way. This screening may take the form of:

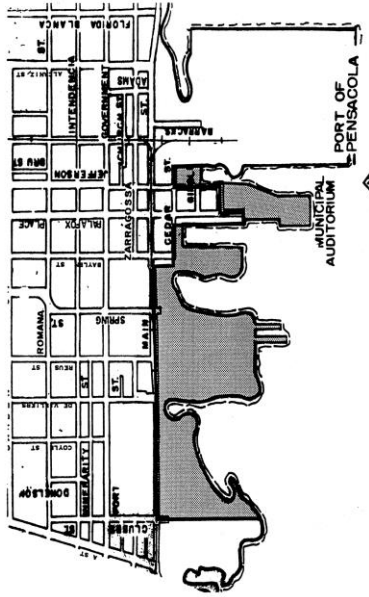


- i. A solid wall or fence (chain-link fences are prohibited) with a minimum height of four feet that is compatible in design and materials with on-site architecture and nearby development;
  - ii. Landscaping approximately three feet in height that is landscaped to provide positive screening effective within three years; or
  - iii. A combination of walls or fences and landscape screening, or landscape screening designed to provide positive screening within three years.
- 3. *Vehicular access.* For each lot, tract or parcel under single ownership, the maximum number of access points shall not exceed two per street frontage.
- 4. *Landscaping.* Landscaping requirements in the district shall conform to the requirements of chapter 12-6. All service areas (i.e., trash collection containers, compactors, loading docks) shall be screened with at least 75 percent opacity from the street and adjacent buildings by one of the following techniques:
  - i. Fence or wall and gate, six feet high;
  - ii. Vegetation, six feet high (within three years); or
  - iii. A combination of the above.
- 5. *Underground utility services.* All new building construction or additions of floor area to existing structures shall be required to install underground utilities on the site.
- 6. *Lot coverage.* The total coverage of the site including all structures, parking areas, driveways and all other impervious surfaces shall not exceed 95 percent.
- 7. *Setback/height requirements.* No building shall exceed a maximum height of six stories in the waterfront redevelopment district-1, as defined in section 12-3-31, community redevelopment area (CRA) urban design overlay district.
  - i. *Shoreline setback/height requirements.* All buildings shall be set back a minimum of 30 feet from the shoreline or the bulkhead line. The minimum setback from the shoreline may be decreased by the planning board and the council during the review process to permit reuse of existing buildings, structures or foundations with a lesser setback.
  - ii. *Main Street setback/height requirements.* All buildings shall be set back a minimum of 60 feet from the centerline of Main Street. At this minimum setback line, the building height may not exceed six stories.
  - iii. All other setbacks shall be as specified on the regulating plan.
- 8. *Additional regulations.* In addition to the regulations established above in subsections (3)d.1 through 7 of this section, any permitted use within the WRD-1 zoning district where alcoholic beverages are ordinarily sold is subject to the requirements of chapter 7-4.

- e. *Regulations.* All developments within the waterfront redevelopment district-1 are encouraged to follow the design guidelines established in section 12-3-121(d). In addition, the following site planning guidelines should be taken into consideration in the required development plans:
1. *Site planning.* The integration of site features such as building arrangement, landscaping, parking lot layout, public access points, building orientation, and scenic vantage points is critical in producing a pleasant and functional living or working environment. In reviewing development proposals, the following guidelines shall be taken into consideration:
    - i. *Maximum preservation of waterfront views.* Considering the waterfront location of the district, the placement of buildings, signs, service areas, parking and landscaping shall be planned to maximize the preservation of views of the bay and to protect the waterfront scenic open space character. To prevent the effect of a "wall" of development along the edge of the waterfront and adjacent streets, open space should be encouraged between buildings and under elevated buildings. Pedestrian circulation systems should be designed to form a convenient, interconnected network through buildings, landscaped open spaces and public walkways. The longer side of each building should be sited perpendicular to the water's edge in order to preserve water views from the street.
    - ii. *Building orientation.* Buildings should be oriented to maximize the waterfront view potential within the district while maintaining quality facade treatment and design on the streetside. Structures should be positioned to provide viewing opportunities of the water and the shoreline edge between buildings. The location of solid waste receptacles, service entrances, loading docks, storage buildings and mechanical and air conditioning equipment and other items typically situated at the backside of buildings should be discouraged within the area between the building and the water's edge.
    - iii. *Off-street parking and service.* Off-street parking shall be discouraged within the shoreline setback area. Where possible, service areas (i.e., trash collection, loading docks) shall be located to be screened by the building itself; otherwise, walls, fences, landscaping and earth berms shall be used to achieve effective screening.
  2. *Aesthetic considerations.* Development projects within the district are not subject to special architectural review and approval, however compliance with the CRA Overlay Standards and Guidelines as defined in section 12-3-31, community redevelopment area (CRA) urban design overlay district, is encouraged. In lieu of a special separate review procedure, the following general architectural and aesthetic design criteria will be considered to enhance the character of the district:

- i. Buildings or structures should 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.
  - ii. Natural materials such as brick, wood and stucco should be encouraged. Materials such as metal and plastic shall be discouraged on exterior surfaces of buildings.
  - iii. All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls or vegetation.
  - iv. Proposed developments within the waterfront redevelopment district-1 which are located adjacent to a historic district should give special consideration to visual compatibility in scale and architectural design in order to positively reinforce the character of the historic area and provide a buffer and transition.
  - v. Projects should be encouraged that enhance the setting or provide for adaptive reuse of historic buildings and sites.
3. *Landscaping guidelines.* Landscaping should be used to enhance waterfront views and vistas and to screen undesirable features. Low lying plant material should be used in open areas to retain views of the water. Trees should be selectively utilized and carefully located along the waterfront in both public and private developments in order to maintain existing views as much as possible. Plantings should be coordinated near buildings to provide view corridors.
4. *Sign guidelines.*
- i. *Design/materials.* The architectural character of the building to which the sign relates should be reflected in the lettering of the sign, and the materials used for the supporting structure and the sign face.
  - ii. *Lighting.* Indirect and internal lighting is encouraged. Neon and exposed fluorescent lighting is not permitted.
  - iii. *Landscaping.* The landscaping and positioning of the sign should complement the overall site plan and landscaping of the development.

#### WATERFRONT DEVELOPMENT DISTRICT



SECTION 4. 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 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. 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



## **MINUTES OF THE PLANNING BOARD**

**May 9, 2023**

**MEMBERS PRESENT:** Chairperson Paul Ritz, Vice Chairperson Larson Board Member Grundhoefer, Board Member Villegas, Board Member Van Hoose, Board Member Powell

**MEMBERS ABSENT:** Board Member Sampson

**STAFF PRESENT:** Planning & Zoning Manager Cannon, Assistant Planning & Zoning Manager Harding, Help Desk Technician Russo, Development Services Director Morris, Development Services Coordinator Statler

**STAFF VIRTUAL:** Assistant City Attorney Lindsay

**OTHERS PRESENT:** Amir Fooladi, Tommy White

### **AGENDA:**

- Quorum/Call to Order
- Approval of Meeting Minutes from April 11, 2023
- **New Business:**
  - Proposed Amendment to the Land Development Code – Food Truck Courts
  - Open Forum
  - Discussion:
  - Adjournment

### **Call to Order / Quorum Present**

Chairperson Paul Ritz called the meeting to order at 2:05 pm with a quorum present and explained the procedures of the meeting including requirements for audience participation.

**Approval of Meeting Minutes** – Board Member Larson made a motion to approve the April 11, 2023, minutes, seconded by Board Member Powell, and it carried unanimously.

### **New Business** –

#### **Proposed Amendment to the Land Development Code – Food Truck Courts**

Assistant Planning & Zoning Manager Harding introduced the agenda item and

Chairperson Ritz provided an additional background. Assistant Planning & Zoning Manager Harding also introduced the added gray-water system provision which was included due to staff's discussions with food truck owners. Chairperson Ritz acknowledged that several developers and food truck business owners had been contacted and that additional notice of the proposed amendment had been provided. Development Services Coordinator Statler gave a brief highlight of changes that were made to the ordinance - an inclusion for setbacks from a residential zoning district as outlined in Table 12-3.7 was added, utilities shall be screened per Sec. 12-3-121, one parking space per pad, an option of gray-water system with off-site disposal, modified the language for table seating, with a minimum of four seats per table, and if a gray-water system is used, a contract for off-site disposal must be made available upon request. The board members began to ask questions regarding the changes that were made. Board Member Grundhoefer requested the wording be clarified as far as the table seating goes. Board Member Van Hoose stated she felt it's an unnecessary imposition of food trucks to require table and chairs and feels it's a liability. A majority of the Board Members are in favor of the table and chairs. Board Member Van Hoose inquired where else in the Land Development Code are table and chairs required, staff replied they are unaware of that requirement anywhere else in the Land Development Code. Development Services Coordinator Statler stated that with License to Use there are no specific requirements for outdoor dining for the chairs, but liability insurance is required since it's on City right of way versus private property. Chairperson Ritz stated whenever legislation is created from scratch, there's a lot of to discuss. Development Services Coordinator Statler mentioned that under our current conditional use for mobile restaurant facilities we do require that they have permanent restroom facilities and mobile restaurant development sites shall provide one customer seat per linear foot of mobile unit on site, so we do require seating in another section of the LDC for this particular use like The Garden on Palafox. Board Member Villegas stated this is a food truck court with permanent restroom facilities with infrastructure that allows it to be more than a pull up pull off situation. It will create a certain ambiance; she stands firm with the ordinance. Planning & Zoning Manager Cannon mentioned that there are three districts, GRD, WRD, and PC1, that will trigger them to have to come before the Planning Board. This would give the Planning Board a chance to weigh in on these aesthetically, but it does not change anything on the commercial ones. Mr. Fooladi spoke and thanked everyone for all the work put into the ordinance. He wanted to know in **Sec. 12-3-95(c)(1)d.** where it states "Outdoor refuse & utilities, and storage areas shall not be allowed within the 25 feet of the front property line and shall be screened per Sec. 12-3-121.", what is meant by utilities. Development Services Coordinator Statler stated that it was added because of the option for the gray-water tank, if they are using a gray-water tank that's not actually within the truck, but on the exterior, it needs to be screened. Staff clarified that dumpsters would need to be screened in, not trash receptacles or trash cans. A discussion was had regarding the calculations used to determine the number of parking spaces required, and the definition of fencing materials and materials that can be used for screening. They concluded that vegetation is an allowable screening material. A discussion was had regarding the difference between WRD and WRD-1 and why food trucks would not be allowed in WRD-1, staff replied that it was an oversight and that the board could choose to allow food truck courts in WRD-1 and suggested that the board add it to the motion of the item if they thought it appropriate. Mr. White asked if this ordinance would be City wide and staff replied that it would be. Mr. White then asked if there would be a limitation as to how many food trucks would be allowed in the court, staff replied the

maximum number of 6 mobile food truck pads would be allowed. A discussion was then had regarding the use of the City GIS mapping application to determine if a particular location is zoned to allow a food truck court. Board Member Grundhoefer asked for more information regarding the gray-water system and how the material is picked up and where it is dumped. Staff replied that the service provider would be responsible for disposing of it appropriately and that there are different service providers that provide this service. Board Member Powell stated that the state of Florida has standards for how the gray-water is disposed of based on the Florida health code. Staff stated that the gray-water system is a less expensive option other than a grease trap, both ways handle it in a responsible manner.

**Board Member Larson made a motion to approve. Board Member Villegas proposed an amendment that the allowance of “food truck courts, subject to regulations in Sec. 12-3-95” be added to zoning district WRD-1 (Sec. 12-3-12(4) b.) and it was accepted. Chairperson Ritz proposed the amendment that the two mentioned typos be corrected (“on” to “one” in proposed Sec. 12-3-95(c)(4) and “form” to “from” in proposed Sec. 12-3-95(c)(9) and it was accepted. Board Member Grundhoefer proposed the amendment to change proposed Sec. 12-3-95(c)(7) to “Seating. At least one table, with a minimum of four seats per table, shall be required for every mobile food truck pad.”, and it was accepted. Board Member Powell seconded the motion and it carried 6-0.**

#### **Open Forum – None.**

**Discussion** – Chairperson Ritz announced that he will be absent for the July meeting. Board Member Larson (Vice Chair) will fill in as Chairperson. Assistant Planning and Zoning Division Manager Harding advised the board that City Administration has asked Development Services staff to research off-street parking and building height requirements as they relate to the city’s Land Development Code and comparable ordinances from other local governments, and that the board may see agenda discussion items on such topics in the future.

**Adjournment** – With no further business, the Board adjourned at 3:07 p.m.

Respectfully Submitted,

Gregg Harding, RPA  
Assistant Planning & Zoning Manager  
Secretary of the Board



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

File #: 23-00492

City Council

7/20/2023

### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** D.C. Reeves, Mayor

**SUBJECT:**

PUBLIC HEARING: REQUEST FOR ZONING MAP AMENDMENT - 3805 AND 3807 NORTH 10<sup>TH</sup> AVENUE

### **RECOMMENDATION:**

That City Council conduct a Public Hearing on July 20, 2023, to consider the request to amend the Zoning Map for 3805 and 3807 North 10th Avenue.

**HEARING REQUIRED:** Public

### **SUMMARY:**

Bear Endeavors, LLC, is requesting a Zoning Map Amendment for 3805 and 3807 N. 10<sup>th</sup> Avenue. The two parcels are currently zoned R-1AA, Medium Density Residential Zoning District, and the existing Future Land Use (FLU) designation is Medium Density Residential. The applicant is proposing to amend the zoning district to R-1A, Medium Density Zoning District, and the existing FLUM will not change.

Existing Zoning	Proposed Zoning	Approx. Lot Size (2 lots)
R-1AA	R-1A	1.8 Acres

- R-1AA (existing zoning) The medium-density residential land use district is established for the purpose of providing a mixture of one- and two-family dwellings with a maximum density of 17.4 dwelling units per acre. Recognizing that, for the most part, these zoning districts are located in older areas of the city, the zoning regulations are intended to promote infill development, which is in character with the density, intensity and scale of the existing neighborhoods.
- R-1A (proposed zoning) The medium-density residential land use district is established for the purpose of providing a mixture of one- and two-family dwellings with a maximum density of 17.4 dwelling units per acre. Recognizing that, for the most part, these zoning districts are located in older areas of the city, the zoning regulations are intended to promote infill



development, which is in character with the density, intensity and scale of the existing neighborhoods.

Since both R-1AA and R-1A are medium-density residential land use districts, the primary change will be to maximum residential gross density, minimum lot area, lot width at the minimum building setback line, minimum lot width at the street right-of-way line, and minimum yard setback requirements. Table 12-3.2, *Regulations for the medium-density residential zoning districts*, comparing the two zoning districts is provided as part of the application.

Since the applicant's desire is primarily to adopt the setbacks of zoning district R-1A, they initially sought a variance with the Zoning Board of Adjustments in March 2023. The proposed variance would have reduced the front, side, and rear building setbacks of a future 12-lot residential subdivision. The request was denied since a hardship required to grant such a variance could not be found and the Zoning Board of Adjustments felt the request should more appropriately be reviewed by Planning Board as a zoning amendment.

On June 13, the Planning Board recommended approval of the request with a 6:0 vote.

**PRIOR ACTION:**

None

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**LEGAL REVIEW ONLY BY CITY ATTORNEY:** Yes

6/13/2023

**STAFF CONTACT:**

Kerrith Fiddler, City Administrator  
David Forte, Deputy City Administrator - Community Development  
Sherry Morris, AICP, Development Services Director  
Cynthia Cannon, AICP, Planning and Zoning Manager

**ATTACHMENTS:**

- 1) Planning Board Rezoning Application
- 2) Planning Board Minutes June 2023 - DRAFT
- 3) Table 12-3.2. Regulations for the Medium Density Residential Zoning Districts
- 4) Current and Proposed Zoning Maps

5) Proposed Ordinance No. 16-23

**PRESENTATION:** No



## 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: Luke Pittman

Date: 5/2/2023

Address: 1216 N Palafox Street

Phone: (850) 435-4411

Fax: \_\_\_\_\_

Email: luke@beargc.com

### Property Information:

Owner Name: Bear Endeavors, LLC

Phone: (850) 435-4411

Location/Address: 3805 & 3807 North 10th Avenue

Parcel ID: 04 - 2 S - 30 - 2007 - 0000 - 057 Acres/Square Feet: 1.8 acres

Zoning Classification: Existing R-1AA

Proposed R-1A

Future Land Use Classification: Existing MDR

Proposed MDR

Reason Rezoning Requested: Planned lot redevelopment to create more options for attainable housing within City limits. Existing setbacks of R-1AA at 30' front and 30' rear. Proposed R-1A allows for 20' front and 25' rear for an additional 15' buildable feet of depth to the lot. Anticipated design and construction of single-story 2 bedroom, 2 bathroom units at an attainable price point.

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 2nd day of May, 2023.

Applicant Signature

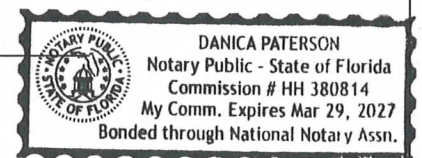
Owner Signature

Luke Pittman

Luke Pittman

Applicant Name (Print)

Owner Name (Print)



Sworn to and subscribed to before me this 2 day of May, 2023

Name: Danica Paterson

Commission Expires: Mar 29, 2027

### FOR OFFICE USE ONLY

Council District: 5 Date Received: May 12, 2023 Case Number: \_\_\_\_\_

Date Postcards mailed: \_\_\_\_\_ Planning Board Date: \_\_\_\_\_ Recommendation: \_\_\_\_\_

Committee Date: \_\_\_\_\_ Council Date: \_\_\_\_\_ Council Action: \_\_\_\_\_

Second Reading: \_\_\_\_\_ Ordinance Number: \_\_\_\_\_

Recorded in Public Records 4/11/2022 12:07 PM OR Book 8760 Page 1587,  
Instrument #2022036401, Pam Childers Clerk of the Circuit Court Escambia  
County, FL Recording \$27.00 Deed Stamps \$2,730.00

Prepared by and return to:  
Richard Hill Turner, III

Whibbs Stone & Barnett, P.A.  
801 W. Romana Street Unit C  
Pensacola, FL 32502  
850-434-5395  
File Number: 22-290662  
Will Call No.:

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this 8th day of April, 2022 between Paul J Jones and David L Lamb, a married couple whose post office address is 3807 N. 10th Avenue, Pensacola, FL 32503, grantor, and Bear Endeavors LLC, a Florida limited liability company whose post office address is 1216 N. Palafox Street, Suite A, Pensacola, FL 32501, 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:

**Lot 57, Maura Place, according to the map or plat thereof, as recorded in Plat Book 1, Page(s) 32, of the Public Records of Escambia County, Florida.**

**Parcel Identification Number: 042S302007000057**

**Subject to** covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessment for the year 2022 and subsequent years; and all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

**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.


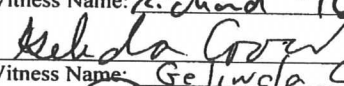
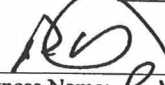
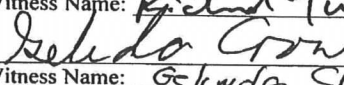
**And** the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

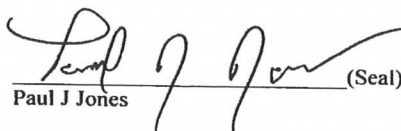
**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

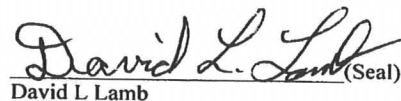
Signed, sealed and delivered in our presence:

DoubleTime®

BK: 8760 PG: 1588

  
 Witness Name: Richard Turner  
  
 Witness Name: Gelinda Crowley  
  
 Witness Name: Richard Turner  
  
 Witness Name: Gelinda Crowley

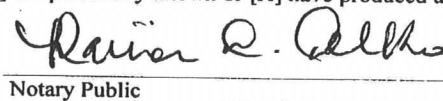
  
 Paul J Jones (Seal)

  
 David L Lamb (Seal)

State of Florida  
 County of Escambia

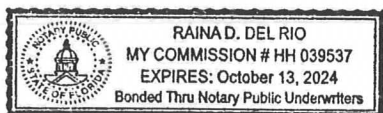
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 8th day of April, 2022 by Paul J Jones and David L Lamb, who ☐ are personally known or ☒ have produced a driver's license as identification.

[Notary Seal]

  
 Notary Public

Printed Name: Raina D. Del Rio

My Commission Expires: \_\_\_\_\_



BK: 8760 PG: 1589 Last Page

# **RESIDENTIAL SALES ABUTTING ROADWAY MAINTENANCE DISCLOSURE**

**ATTENTION:** Pursuant to Escambia County Code of Ordinances Chapter 1-29.2, Article V, sellers of residential lots are required to disclose to buyers whether abutting roadways will be maintained by Escambia County. The disclosure must additionally provide that Escambia County does not accept roads for maintenance that have not been built or improved to meet county standards. Escambia County Code of Ordinance Chapter 1-29.2, Article V requires this disclosure be attached along with other attachments to the deed or other method of conveyance required to be made part of the public records of Escambia County, Florida. Note: Acceptance for filing by County employees of this disclosure shall in no way be construed as an acknowledgment by the County of the veracity of any disclosure statement.

Name of Roadway: 3807 N. 10th Avenue, Pensacola, FL 32503

Legal Address of Property: 3807 N. 10th Avenue, Pensacola, FL 32503

The County ( ) has accepted (X) has not accepted the abutting roadway for maintenance.

This form completed by: Whibbs Stone Barnett, P.A.  
801 W. Romana St., Unit C  
Pensacola, FL 32502

AS TO SELLER(S):

Witness Name: Richard T. Jones

Paul J Jones (Seal)

Witness Name: David L. Lamb

David L. Lamb (Seal)

Witness Name: Richard T. Jones

Witness Name: David L. Lamb

AS TO BUYER(S):

Witness Name: LARRY KILN

Bear Endeavors LLC

By: Joshua J. Simon, Manager

Witness Name: JAMES O'DONOVAN

This instrument was prepared by:  
Pam Childers, Clerk of the Circuit Court  
Escambia County Courthouse  
Pensacola, Florida

Tax Deed File No. 14-875  
Property Identification No. 042S302007000058  
Tax Account No. 050362000

## TAX DEED

State of Florida  
County of Escambia



The following Tax Sale Certificate Numbered 02740 issued on June 1, 2012 was filed in the office of the tax collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was on the 1st day of December 2014, offered for sale as required by law for cash to the highest bidder and was sold to: LARAIB, 8 MEMORIAL PKWY SW FORT WALTON BEACH FL 32548, being the highest bidder and having paid the sum of his bid as required by the Laws of Florida.

Now, on this 1st day of December 2014, in the County of Escambia, State of Florida, in consideration of the sum of (\$63,100.00) SIXTY THREE THOUSAND ONE HUNDRED AND 00/100 Dollars, being the amount paid pursuant to the Laws of Florida does hereby sell the following lands, including any hereditaments, buildings, fixtures and improvements of any kind and description, situated in the County and State aforesaid and described as follows:

LT 58 MAURA PLACE PB 1 P 32 OR 3473 P 716

SECTION 04, TOWNSHIP 2 S, RANGE 30 W

\*\* Property previously assessed to: HENRY W THAMES, BETTY THAMES

  
witness Mylinda Johnson  
  
witness Emily Hogg

  
PAM CHILDERS, Clerk of the Circuit Court  
Escambia County, Florida



State of Florida  
County of Escambia

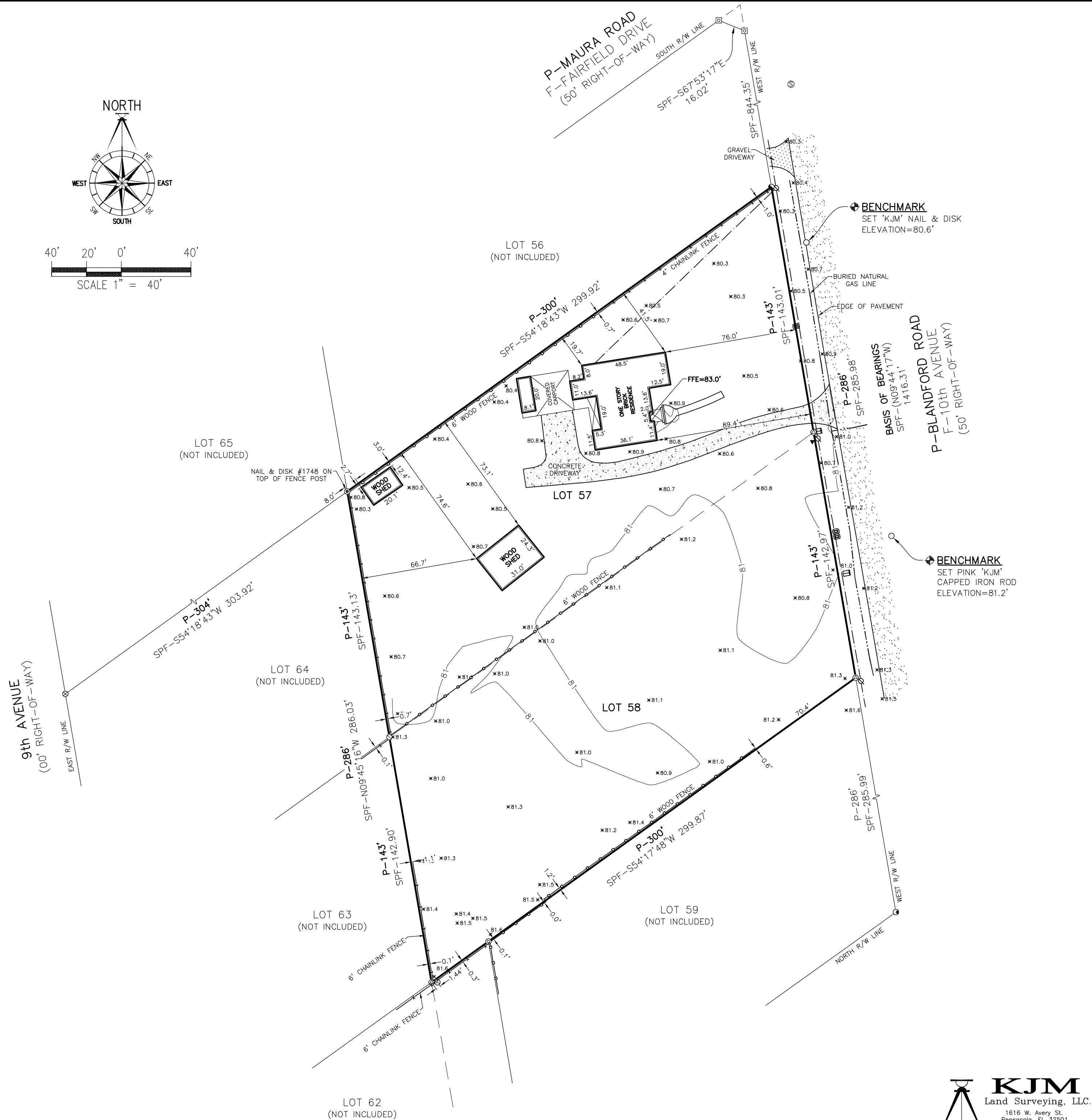
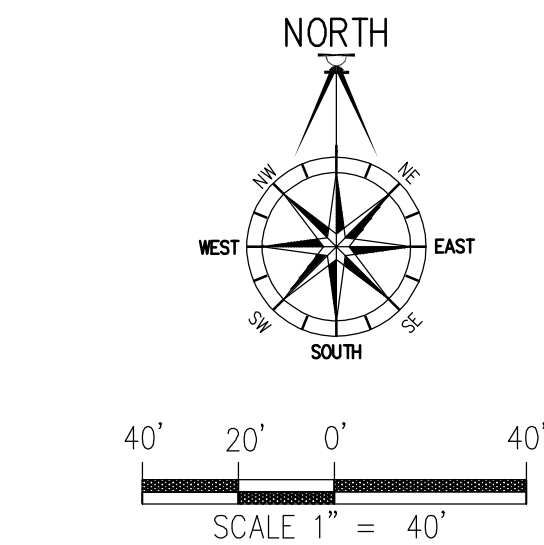
On this 3rd day of December 2014 before me Emily Hogg personally appeared Pam Childers, Clerk of the Circuit Court in and for the State and this County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Witness my hand and official seal date aforesaid.

PAM CHILDERS, Clerk of the Circuit Court  
By   
Emily Hogg, Deputy Clerk







DESCRIPTION: (OFFICIAL RECORDS BOOK 7742, PAGE 1635)

LOT 57, MAURA PLACE SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 32, OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA.

AND: (OFFICIAL RECORDS BOOK 8712, PAGE 1746)

LOT 58, MAURA PLACE, A SUBDIVISION OF A PORTION OF JOSEPH MAURA GRANT, SECTION 4, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 1 AT PAGE 32 OF THE PUBLIC RECORDS OF SAID COUNTY.

#### SURVEYORS NOTES:

-THE MAP OF SURVEY AS SHOWN HEREON IS A BOUNDARY AND TOPOGRAPHIC SURVEY WITH IMPROVEMENTS FOR WHICH PURPOSE IS TO DEFINE THE RECORD BOUNDARY ON THE GROUND BY RETRACEMENT OF THE RECORD PLATTED LOTS AND BLOCK OF THE ABOVE REFERENCED SUBDIVISION, AND/OR RECOVERY, AND/OR PLACEMENT OF MONUMENTATION FOR SAID BOUNDARY, AND ALSO; VERTICALLY DEPICT GROUND SURFACE ELEVATIONS BY SPOT ELEVATIONS AND/OR 1.0 FOOT CONTOUR INTERVALS RELATIVE TO MEAN SEA LEVEL AND ALSO; LOCATE HORIZONTALLY AND VERTICALLY; DIMENSIONALLY MEASURED FIXED PERTINENT SURFACE AND SUB-SURFACE FEATURE IMPROVEMENTS AND GRAPHICALLY DEPICT FIXED NON-PERTINENT SURFACE AND SUB-SURFACE FEATURE IMPROVEMENTS TO SCALE AND THEIR RELATIONSHIP TO THE BOUNDARY, PREPARED FOR THE CLIENT AS SHOWN AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT PRIOR CONSENT FROM THIS SURVEYOR.

-VERTICAL DATA IS BASED ON RTN GPS/GNSS OBSERVATIONS THROUGH THE FPRN, CORS REFERENCE STATION NETWORKS. ELEVATIONS ARE DETERMINED USING THE GEOD 18 MODEL AND ARE RELATIVE TO NAVD '88 WITH ACCURACIES TO 2-3 CM. ELEVATIONS DEPICTED WITHIN THIS SURVEY ARE SUB-CM INFORMATIONAL PURPOSES ONLY AND MAY NOT MEET THE ACCURACY REQUIREMENTS TO SURVEY STANDARDS.

-BASIS OF STATE PLANE FIELD BEARINGS: GRID NORTH AND THE BEARINGS AS SHOWN HEREON ARE REFERENCED TO THE STATE PLANE GRID BEARING OF N09°17'44"W ALONG THE WEST R/W LINE OF 10th AVENUE AS MONUMENTED. THE SURVEY DATA AS SHOWN HEREON IS BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM (FLORIDA NORTH ZONE)- (NAD83) - (2011) - (EPOCH 2010.0000).

-PLAT REFERENCES NO BEARINGS FOR COMPARISON.

-REFERENCE SOURCE: IN FIELD DATA GATHERING OF EXISTING PROJECT SITE FIELD MONUMENTATION; COPY OF MAP OF MAURA PLACE, PLAT BOOK 1 PAGE 32.

-ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE UNITED STATES STANDARD SURVEY FOOT.

-NO TITLE SEARCH WAS PERFORMED BY THIS SURVEYOR, NOR WAS KJM LAND SURVEYING, LLC PROVIDED WITH SAME.

-NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAYS, AND/OR OWNERSHIPS WERE PROVIDED TO THIS SURVEYOR, EXCEPT AS SHOWN.

-NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED; EXCEPT AS SHOWN.

-UNLESS OTHERWISE NOTED RECORD AND MEASURED CALLS AGREE.

-THE SURVEY ERROR OF CLOSURE MEETS THE SURVEY STANDARDS OF PRACTICE.

-THERE MAY BE ADDITIONAL RESTRICTIONS AFFECTING THE SUBJECT PROPERTY THAT MAY BE FOUND RECORDED IN THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA THAT DO NOT APPEAR ON THE FACE OF THIS MAP.

-ENCROACHMENTS ARE AS SHOWN.

-FENCES MAY BE EXAGGERATED FOR CLARITY PURPOSES.

-THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP NOR AN ENCROACHMENT OF FENCES, WALLS, ETC.

-THE CERTIFICATE OF AUTHORIZATION NUMBER FOR KJM LAND SURVEYING, LLC., IS L.B. 8298.

-THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS & MAPPERS IN CHAPTER 5J-17.050, 5J-17.051 AND 5J-17.052, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

-THE SURVEY AS SHOWN HEREON IS CERTIFIED TO THE CLIENT AS PREPARED FOR, AND ANY ENTITIES AS DECLARED TO HEREON ONLY, AND IN NO WAY TRANSFERS CERTIFICATION TO THEIR SUCCESSORS OR ANY OTHER ENTITIES NOT REFERRED TO HEREIN.

-IT IS OF THE OPINION OF THE UNDERSIGNED SURVEYOR THAT THE PARCEL OF LAND SHOWN HEREON AS PER THE FLOOD INSURANCE RATE MAP INFORMATION IS AS FOLLOWS:

NFIP COMMUNITY NAME:  
CITY OF PENSACOLA  
ZONE: "X"  
ELEVATION: N/A

NFIP COMMUNITY NUMBER:  
120082  
PANEL NUMBER: 12033C 0380 G  
AS DATED: 09/29/2006

#### LEGEND:

- -FOUND DOT 4"x4" CONCRETE MONUMENT
- -FOUND 1/2" CAPPED IRON ROD LS #5832
- -FOUND 1/2" CAPPED IRON ROD LB #2499
- ⊙ -FOUND 1/2" CAPPED IRON ROD LS #1748
- ⊗ -FOUND ILLEGIBLE 1/2" CAPPED IRON ROD
- ⊖ -FOUND PLAIN 1" CRIMPED IRON PIPE
- ⊕ -FOUND PLAIN 1" IRON PIPE
- ⊗ -FOUND PLAIN "X" CUT IN CONCRETE
- ⊙ -FOUND NAIL & DISK LB #1748
- ⊖ -POWER POLE WITH GUY ANCHOR
- -OVERHEAD UTILITY LINES
- ⊖ -WATER METER
- ⊖ -MAILBOX
- ✕ -SPOT ELEVATION

#### ABBREVIATIONS:

PSM -PROFESSIONAL SURVEYOR  
AND MAPPER  
LS -LICENSED SURVEYOR  
LB -LICENSED BUSINESS  
R/W -RIGHT-OF-WAY  
A/C -AIR CONDITIONER  
P -PLAT  
SPF -STATE PLANE FIELD  
NFIP -NATIONAL FLOOD  
INSURANCE PROGRAM  
N/A -NOT APPLICABLE  
NAD -NORTH AMERICAN DATUM

#### ABBREVIATIONS:

FFE -FINISHED FLOOR ELEVATION  
RTN -REAL TIME NETWORK  
GNSS -GLOBAL NAVIGATION  
SATellite SYSTEM  
GPS -GLOBAL POSITIONING SYSTEM  
FPRN -FLORIDA PERMANENT  
REFERENCE NETWORK  
CORS -CONTINUOUSLY OPERATING  
REFERENCE STATION  
NAVD -NORTH AMERICAN  
VERTICAL DATUM  
CM -CENTIMETER

ADDRESS: 3805 & 3807 NORTH 10th AVENUE

REQUESTED BY: LUKE PITTMAN

TYPE: BOUNDARY AND TOPOGRAPHIC SURVEY WITH IMPROVEMENTS

SECTION 4, TOWNSHIP- 2 - SOUTH, RANGE- 30 - WEST, ESCAMBIA COUNTY, FLORIDA

SCALE: 1"=40'

DATE: 07/20/22

NO.: DATE: REVISIONS: APPROVED BY:

NO.: DATE: REVISIONS: APPROVED BY:

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NO.: DATE: REVISIONS: APPROVED BY:

NO.: DATE: REVISIONS: APPROVED BY:



MICHAEL WATTS AUSTIN, PSM #5458  
CORPORATE NO. LB 0008298  
STATE OF FLORIDA

THIS SURVEY MAP AND REPORT  
OR COPIES THEREOF  
ARE NOT VALID WITHOUT  
THE ORIGINAL SIGNATURE  
AND RAISED SEAL OF A  
FLORIDA LICENSED  
SURVEYOR AND MAPPER.

DRAWING NUMBER  
22-21048





Various properties adjacent to and nearby the 3805 and 3807 N 10th Avenue properties currently have various different types of zoning. All instances of different zoning allow for smaller lot setbacks than currently allowable within the R-1AA zoning.

Ability to reduce the overall setbacks of R-1AA zoning will allow for slightly larger buildable lot area without majorly disrupting the existing feel of the surrounding area.

It is the intention of the developer to use the decreased setbacks to create single-story housing that matches the size and context of the surrounding residences while maintaining an attainable price point of construction for buyers.



## **MINUTES OF THE PLANNING BOARD**

**June 13, 2023**

**MEMBERS PRESENT:** Vice Chairperson Larson, Board Member Grundhoefer, Board Member Villegas, Board Member Van Hoose, Board Member Powell, Board Member Sampson

**MEMBERS ABSENT:** Chairperson Ritz

**STAFF PRESENT:** Planning & Zoning Manager Cannon, Assistant Planning & Zoning Manager Harding, Help Desk Technician Russo, Development Services Director Morris, Development Services Coordinator Statler, Assistant City Attorney Lindsay, Executive Assistant Chwastyk

**STAFF VIRTUAL:** None

**OTHERS PRESENT:** Lorie Moreland, Curtis Reed, David Alsop, Scott Sallis, Jordan Yee, Joe Jacobs, Roman Spear

### **AGENDA:**

- Quorum/Call to Order
- Approval of Meeting Minutes from May 9, 2023
- **New Business:**
- 22 S. Florida Blanca Street - Gateway Redevelopment District - Aesthetic Review Application – Zone GRD-1
- 8 N. 9th Avenue - Gateway Redevelopment District - Request for Variance to Sec. 12-3-12(1) - Hilton Garden Inn Signage – Zone GRD
- 23 W. Cervantes Street - Conditional Use Application - Zone PC-1
- 3805 & 3807 N. 10th Avenue - Request for Zoning Map Amendment - Zone R-1AA
- Open Forum
- Discussion
- Adjournment

### **Call to Order / Quorum Present**

Vice Chairperson Larson called the meeting to order at 2:00 pm with a quorum present and explained the procedures of the meeting including requirements for audience participation.

**Approval of Meeting Minutes** – Board Member Villegas made a motion to approve

**the May 9, 2023, minutes, seconded by Board Member Powell, and it carried 6-0.**

**New Business –**

**22 S. Florida Blanca street - Gateway Redevelopment District - Aesthetic Review Application – Zone GRD-1**

Assistant Planning & Zoning Manager Harding introduced the agenda item. Sam Marshall Architects is requesting approval for the demolition and reconstruction of a residential detached garage. The proposed new garage will include an accessory dwelling unit on the second floor and a playroom as a half-story turret. The ground floor will be connected to the primary building with an open breezeway and the architecture has been designed to match the existing, consistent with the Type II - Cottage style. The proposed design has incorporated major elements from the original single-story garage with horizontal and fish-scale siding, painted paneling underneath 2-over-2 windows, and a 5v-crimp matching roof. The existing roof-mounted solar panels will be reinstalled. Additionally, a portion of the existing screened-in side porch along the central alleyway will be enclosed with matching exterior materials. This application has been routed through the various City departments and utility providers and all comments have been provided. Additionally, the applicable City Council Member has been notified and this item has been properly noticed. The Planning Department reviewed this based on the Aragon design code and the Aragon HOA made comments and approved it. David Alsop of Sam Marshall Architects stated that this is for a young growing family and will be used by their family. It is in line with the character of Aragon court and will expand their space. They did adjust some required fenestrations to get the 5.7 square feet required as an escape window from a sleeping room. They have gone through Aragon and the Architectural Review board and received approval and they are now asking for the approval of the Planning Board. Board Member Grundhoefer stated that it has good character, matches the house there, it has good proportions, and it is very attractive.

**Board Member Powell made a motion to approve, seconded by Board Member Sampson and it carried 6-0.**

**8 N. 9th Avenue - Gateway Redevelopment District - Request for Variance to Sec. 12-3-12(1) - Hilton Garden Inn Signage Zone GRD**

Assistant Planning & Zoning Manager Harding introduced the agenda item. PHOTA Pensacola, LLC, is seeking a variance to the requirements of Sec. 12-3-12(1)d.1.iii.(c)(1)b. of the Land Development Code. The variance request is to increase the maximum allowable size of attached wall signage from 25 square feet to 127.62 square feet on the north and south sides of a new hotel (an increase of 102.62 square feet). Within GRD, each parcel under single ownership shall be limited to one sign per street adjacent to the parcel. The north elevation fronts onto a private roadway, and the south elevation fronts onto Colfax Street. Both are considered "other streets and areas within the gateway redevelopment district" and all attached wall signs have the following regulations: a. Height. No sign shall extend above the main roof line of a building to which it is attached. b. Size. Ten percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed 25 square feet. Per GRD regulations, Planning Board may grant a variance due to unique and peculiar circumstances or needs resulting from the use, size, configuration, or location of a site. In addition to special conditions, the board

must also find that the variance granted will not detract from the architectural integrity of the development and its surroundings, and that the variance will be in harmony with the general intent and purpose of the district. Since variance hearings are quasi-judicial in nature, the decision of the Planning Board is final subject to judicial review. This variance application pertains only to the size of the proposed wall signs. It does not pertain to the proposed placement, type, design, or lighting although indirect and internal lighting is encouraged in GRD. There are seven criteria that this applicant must meet and two additional criteria that must be met since it's in a Planning Board district. Assistant City Attorney Lindsay reminded the members that all criteria must be met. The applicant can provide evidence showing that they are due the variance, essentially the chairperson is like a judge. After hearing alternative views, he would give them a chance to rebut. They need to have an open mind and not already have mind made up; their decision should be based on evidence they hear today.

Public opinion is not a proper basis for a quasi-judicial decision. If the board finds that even one of the criteria has not been met they do not have to consider to proceed with the discussion but they must allow the applicant to prove their case and offer a rebuttal. Lorie Moreland of Florida Certified Sign Erectors spoke on behalf of the Hilton Garden Inn. The Hilton is required to maintain the brand ID for the hotel. They feel that due to the overall height, 65 square feet and length, 236 square feet that the 25 square feet allowed per the code would make visibility difficult. Ms. Moreland stated that the sign would be placed on the north side of the building which is the commercial side and would not be facing the residential side to the west, there would be no illumination issues. Board Member Van Hoose wanted to clarify that the reason for the request is the branding requirements in keeping with the Hilton brand for larger signs, Ms. Moreland replied yes it would make it more balanced. Board Member Grundhoefer confirmed this request is for the wall sign only. Board Member Powell wanted to know the definition of peculiar based on criteria one, "That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;". Assistant City Attorney Lindsay stated it's particular to the development itself, because of branding requirements of the Hilton Brand, the obligation of the builder is to meet the criteria for their signage, and they are trying to present it as a special condition or circumstance. Variances are specific to this particular building, and it would not set a precedent, taken case by case and they are not creating a new rule. Board Member Grundhoefer stated he doesn't feel this is peculiar to this particular site or building. Board Member Villegas questioned if they were aware of the current land development when they purchased the land, Lorie Moreland stated she believed they were aware of the requirements. She also stated they could probably customize the sign but again they feel the sign would not be seen. Board Member Van Hoose asked if the Hilton Garden Inn is dictating the location of the sign, Lorie Moreland replied yes. They bought this land in place where a larger sign is not allowed and are now coming to the Planning Board for this variance. Assistant Planning and Zoning Manager Harding confirmed that if the first criteria is not met, the board is not required to go through the entire list. Board Member Villegas would like to discuss further since she feels this is something the city needs. Vice Chairperson Larson stated he feels the special circumstances have not been met. Lorie Moreland stated again that in order to use the Hilton brand name they have to meet the brand requirements otherwise they won't be in business, yet they bought the land knowing the requirements in the land development code. Scott Sallis lives across the street; he has concerns about this project. He is in favor of the project but feels signage requirements

should've been considered before purchasing the property. He asks the board to maintain the design quality and integrity of our downtown and insist the developer abide by our land development code and design guidelines and deny the request. Roman Spears wanted to point to other hotels such as the Grand Hotel that is a large building with a small sign. The applicant was provided another opportunity to plead her case for the variance for the increase of size of the sign. Board Member Villegas stated she doesn't feel they have met the variance criteria despite her wanting the hotel in our area. Board Member Van Hoose inquired if they could ask about other signage downtown, Assistant City Attorney said if facts are shared and the applicant has a chance to argue her case then they can discuss it.

**Board Member Villegas moved to deny the variance request based off the fact that the application does not meet the necessary variance criteria (specifically regarding criterion 1 based on the board's discussion – that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district). Board Member Powell seconded the motion.** Board Member Grundhoefer asked if internal illuminated signage was allowed in GRD, and staff replied that it was, and that 25 sf of internally illuminated wall signage (on the north and south elevation) would be permitted by code. **The motion carried 6-0.**

Board Member Powell excused herself from the meeting and the board maintained a quorum with five members present.

### **23 W. Cervantes Street - Conditional Use Application Zone PC-1**

Assistant Planning & Zoning Manager Harding introduced the agenda item. Joseph Jacobs is requesting a Conditional Use Permit at 23 W. Cervantes Street. The purpose of the conditional use is to convert the existing service station into a restaurant. The subject property is in PC-1 which is North Hill's preservation commercial district. Per Sec. 12-3-107. - Conditional Use Permit, any proposed development or redevelopment of property within the PC-1 zoning district may apply for conditional uses listed under the zoning regulations for that district. The following summarizes the allowed conditional uses and the standards for approval: (d) Standards for approval. A conditional use may be approved by the city council only upon determination that the application and evidence presented clearly indicate that all the following standards have been met: (1) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the city comprehensive plan, the land development regulations, or any other applicable plan, program, map, or regulation adopted by the city council. (2) The proposed use will not adversely affect the public health, safety, or welfare. (3) The proposed use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses. (4) The proposed use shall be provided with adequate public facilities and services, including roads, drainage, water, sewer, and police and fire protection. (5) The proposed use will not create undue traffic congestion. (6) The proposed use shall minimize, to the extent reasonably possible, adverse effects on the natural environment. This application has been routed through the various City departments and utility providers. The comments received to date have been included in the attachments. The applicant was provided with guidance on criteria that the



Florida Department of Transportation would like to see. Engineering asked for a striping plan, though it does not impact the conditional use permit request. However if the project is approved one will be needed during the building and site plan permitting stage. This property is in the CRA Urban Core, and eating and drinking establishments are offered a 100% parking reduction, so they technically do not have to stripe. Joseph Jacobs would like to turn it into a small-scale diner, he mentioned FDOT recommended they close off both Cervantes Street entrances. Jordan Yee confirmed this project went through the city's Architectural Review Board, and the North Hill neighborhood is generally happy that a long vacant building will be used. The exterior of the building will be preserved, there will be new paint, store front to remain unchanged. They will close off all of the Cervantes Street right of way and the applicants will provide a striping plan. The entrance and exit will fall on Baylen Street and the hours of operations may be between 11 a.m. and 8 p.m. with minimal food offered. The furniture will be portable, nothing permanent to alter the building. They will have a hurricane plan in place regarding the furniture. This will go onto City Council at the July meeting.

**Board Member Grundhoefer made a motion to approve and found that the application met all six criteria listed in Sec. 12-3-107(d) which are required for a conditional use permit. The motion was seconded by Board Member Van Hoose and it carried 5:0.**

### **3805 & 3807 N. 10th Avenue - Request for Zoning Map Amendment Zone R-1AA**

Assistant Planning & Zoning Manager Harding introduced the agenda item. Bear Endeavors, LLC, is requesting a Zoning Map Amendment for 3805 and 3807 N. 10th Avenue. The two parcels are currently zoned R-1AA, Medium Density Zoning District, and the existing Future Land Use (FLU) designation is Medium Density Residential. The applicant is proposing to amend the zoning district to R-1A, Medium Density Zoning District, and the existing FLUM will not change. R-1AA (existing zoning) The medium-density residential land use district is established for the purpose of providing a mixture of one- and two-family dwellings with a maximum density of 17.4 dwelling units per acre. Recognizing that, for the most part, these zoning districts are in older areas of the city, the zoning regulations are intended to promote infill development, which is in character with the density, intensity, and scale of the existing neighborhoods. R-1A (proposed zoning) The medium-density residential land use district is established for the purpose of providing a mixture of one- and two-family dwellings with a maximum density of 17.4 dwelling units per acre. Recognizing that, for the most part, these zoning districts are in older areas of the city, the zoning regulations are intended to promote infill development, which is in character with the density, intensity, and scale of the existing neighborhoods. MDR (existing with no proposed change FLU) 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: o Medium Density Residential - 18 or fewer residential dwelling units per acre. Since both R-1AA and R-1A are medium-density residential land use districts, the primary change will be to maximum residential gross density, minimum lot area, lot width at the minimum building setback line, minimum lot width at the street right-of-way line, and minimum yard setback requirements. Table 12-3.2, Regulations for the medium-density residential zoning districts, comparing the two zoning districts is provided as part of the application.

Since the applicant's desire is primarily to adopt the setbacks of zoning district R-1A, they initially sought a variance with the Zoning Board of Adjustments in March 2023. The proposed variance would have reduced the front, side, and rear building setbacks of a future 12-lot residential subdivision. The request was denied since a hardship required to grant such a variance could not be found and that the request should more appropriately be reviewed by Planning Board as a zoning amendment. The agenda item and meeting minutes from the March 2023 Zoning Board of Adjustments meeting has been provided for background information. This request has been routed through the various City departments and utility providers. Those comments are attached for review. Assistant Planning and Zoning Manager Harding stated the request would not be considered spot zoning since R-1A would be a transitional zone between the existing R-1AA and C-1. If approved by Council, the request would be a legal rezoning. Board Member Grundhoefer asked what the difference is between an amendment and a zoning change, Assistant Planning and Zoning Manager Harding replied they are one in the same, it's just a change in zoning or a rezoning. Typically, when we see rezoning applications, it's for a change from a residential to commercial, whereas this is from one residential district to a slightly different residential district and in the same underlying future land use map category. Curtis Reed of Bear Endeavors stated they are not trying to increase the density or max it out, they are just trying to maximize what they can do on this parcel. They want to create a price point that is attainable for two-bedroom, two-bathroom duplex units with a total of six structures or twelve units. They are only requesting this change to R-1A in order to get the setbacks they need to build these structures that are allowed in this zoning. The Zoning Board did not find a hardship to grant a variance and they recommended that the applicants go before the Planning Board for the zoning change instead. Board Member Grundhoefer thought R-1A and the intent for the properties were compatible with the neighborhood and it was confirmed that if approved by City Council and if the plan for the property remained consistent, the subdivision plat would return for review. The application was advertised with a sign in the yard, post cards were mailed, and it was advertised in the News Journal. No members of the public were present to object to the application. This is in City Council District 5 and the representative Council Member had also been informed. This will go before the City Council in the July and August meetings.

**Board Member Van Hoose made a motion to approve, seconded by Board Member Grundhoefer and it carried 5-0.**

**Open Forum – None.**

**Discussion – None.**

**Adjournment** – With no further business, the Board adjourned at 3:21 p.m.

Respectfully Submitted,



Gregg Harding, RPA  
Assistant Planning & Zoning Manager  
Secretary of the Board

**TABLE 12-3.2. REGULATIONS FOR THE MEDIUM-DENSITY RESIDENTIAL ZONING DISTRICTS**

Standards	R-1AA			R-1A		
	Single-Family Detached	Two-Family Attached (duplex)	**Single-Family Attached (townhouses)	Single-Family Detached	Two-Family Attached (duplex)	**Single-Family Attached (townhouses)
Maximum Residential Gross Density	8.7 units per acre	11.6 units per acre	11.6 units per acre	12.4 units per acre	17.4 units per acre	17.4 units per acre
Minimum Lot Area	5,000 s.f.	7,500 s.f.	3,750 s.f.	3,500 s.f.	5,000 s.f.	2,500 s.f.
Lot Width At Minimum Building Setback Line	40 feet	60 feet	30 feet	30 feet	50 feet	25 feet
Minimum Lot Width At Street R-O-W Line	40 feet	50 feet	25 feet	30 feet	50 feet	25 feet
Minimum Yard Requirements *Front Yard Side Yard Rear Yard	(Minimum Building Setbacks) 30 feet 6 feet 30 feet			(Minimum Building Setbacks) 20 feet 5 feet 25 feet		
Off-Street Parking	1 space/unit		2 sp./unit	1 space/unit		2 sp./unit
Maximum Building Height	35 feet Except as provided in section 12-3-62)			35 feet (Except as provided in section 12-3-62)		
*The front yard depths in the R-1AA and R-1A districts shall not be less than the average depths of all front and street side yards located on either side of the block face, up to the minimum yard requirement; in case there are no other dwellings in the block, the front yard depths shall be no less than the footages noted.						
**Each single-family attached dwelling unit must be located on its own lot. If a development requires subdivision procedures it shall be subject to and must comply with subdivision regulations as set forth in chapter 12-7.						
***All future residential development on parcels changed to a Medium-Density Residential (MDR) zoning district via the passage of Ord. No. 23-16, effective on August 18, 2016, shall be considered legal nonconforming and may utilize the R-1A zoning district standards applicable to lot width, lot area and setbacks.						



# Current Zoning

R-ZL ROSEWOOD DR

C-1

R-1AA  
3807 N 10th Ave

3805 N 10th Ave

N 10TH AVE

N 11TH AVE

R-1AAA

R-2

BARCIA DR

N 9TH AVE  
FAIRFAX DR

0105210 Feet

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.

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PENSACOLA

FLORIDA'S FIRST & FUTURE

N

443

# Proposed Zoning

R-ZL ROSEWOOD DR

R-1AA

N 11TH AVE

N 10TH AVE

C-1

3807 N 10th Ave

3805 N 10th Ave

R-1A

R-1AAA

BARCIA DR

R-2

N 9TH AVE  
FAIRFAX DR

0 105 210 Feet

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.

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**PENSACOLA**  
FLORIDA'S FIRST & FUTURE



**Current Future Land Use - No Change**

**H.D.R.**

ROSEWOOD DR

**M.D.R.**

3807 N 10th Ave

3805 N 10th Ave

N 10TH AVE

N 11TH AVE

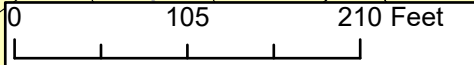
**L.D.R.**

**C.**

N 9TH AVE  
FAIRFAX DR

**O.**

BARCIA DR



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\Planning\Zoning\FLUChanges\N10thAve\CurrentFLU.aprx



PROPOSED  
ORDINANCE NO. 16-23

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; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the city 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 F.S. §163.3174, and a proper public hearing was held on July 20, 2023, 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; 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:

Lot 57, Maura Place, according to the map or plat thereof, as recorded in Plat Book 1, Page 32, of the Public Records of Escambia County, Florida.

Lot 58, Maura Place, a subdivision of a portion of Joseph Maura Grant, Section 4, Township 2 South, Range 30 West, Escambia County, Florida, according to the Plat recorded in Plat Book 1 at Page 32 of the Public Records of said county.

is hereby changed from R-1AA, Medium-Density Residential Land Use District to R-1A,

Medium-Density Residential Land Use District.

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 provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provision 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 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 #: 16-23

City Council

7/20/2023

### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** D.C. Reeves, Mayor

**SUBJECT:**

PROPOSED ORDINANCE NO. 16-23 - REQUEST FOR ZONING MAP AMENDMENT - 3805 AND 3807 NORTH 10<sup>TH</sup> AVENUE

**RECOMMENDATION:**

That City Council approve Proposed Ordinance No. 16-23 on first reading.

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

**HEARING REQUIRED:** Public

**SUMMARY:**

Bear Endeavors, LLC, is requesting a Zoning Map Amendment for 3805 and 3807 N. 10<sup>th</sup> Avenue. The two parcels are currently zoned R-1AA, Medium Density Residential Zoning District, and the existing Future Land Use (FLU) designation is Medium Density Residential. The applicant is proposing to amend the zoning district to R-1A, Medium Density Zoning District, and the existing FLUM will not change.

Existing Zoning	Proposed Zoning	Approx. Lot Size (2 lots)
R-1AA	R-1A	1.8 Acres

- R-1AA (existing zoning) The medium-density residential land use district is established for the purpose of providing a mixture of one- and two-family dwellings with a maximum density of 17.4 dwelling units per acre. Recognizing that, for the most part, these zoning districts are located in older areas of the city, the zoning regulations are intended to promote infill development, which is in character with the density, intensity and scale of the existing neighborhoods.

- R-1A (proposed zoning) The medium-density residential land use district is established for the purpose of providing a mixture of one- and two-family dwellings with a maximum density of 17.4 dwelling units per acre. Recognizing that, for the most part, these zoning districts are located in older areas of the city, the zoning regulations are intended to promote infill development, which is in character with the density, intensity and scale of the existing neighborhoods.

Since both R-1AA and R-1A are medium-density residential land use districts, the primary change will be to maximum residential gross density, minimum lot area, lot width at the minimum building setback line, minimum lot width at the street right-of-way line, and minimum yard setback requirements. Table 12-3.2, *Regulations for the medium-density residential zoning districts*, comparing the two zoning districts is provided as part of the application.

Since the applicant's desire is primarily to adopt the setbacks of zoning district R-1A, they initially sought a variance with the Zoning Board of Adjustments in March 2023. The proposed variance would have reduced the front, side, and rear building setbacks of a future 12-lot residential subdivision. The request was denied since a hardship required to grant such a variance could not be found and the Zoning Board of Adjustments felt the request should more appropriately be reviewed by Planning Board as a zoning amendment.

On June 13, the Planning Board recommended approval of the request with a 6:0 vote.

**PRIOR ACTION:**

None

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**LEGAL REVIEW ONLY BY CITY ATTORNEY:** Yes

6/13/2023

**STAFF CONTACT:**

Kerrith Fiddler, City Administrator  
David Forte, Deputy City Administrator - Community Development  
Sherry Morris, AICP, Development Service Director

Cynthia Cannon, AICP, Planning and Zoning Manager

**ATTACHMENTS:**

- 1) Proposed Ordinance No. 16-23
- 2) Planning Board Rezoning Application
- 3) Planning Board Minutes June 13, 2023 - DRAFT
- 4) Table 12-3.2. Regulations for the Medium Density Residential Zoning Districts
- 5) Current and Proposed Zoning Maps

**PRESENTATION:** No



PROPOSED  
ORDINANCE NO. 16-23

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; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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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; and

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Adopted: \_\_\_\_\_

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

Attest:

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



## 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: Luke Pittman

Date: 5/2/2023

Address: 1216 N Palafox Street

Phone: (850) 435-4411

Fax: \_\_\_\_\_

Email: luke@beargc.com

### Property Information:

Owner Name: Bear Endeavors, LLC

Phone: (850) 435-4411

Location/Address: 3805 & 3807 North 10th Avenue

Parcel ID: 0 4 - 2 S - 3 0 - 2 0 0 7 - 0 0 0 - 0 5 7 Acres/Square Feet: 1.8 acres

Zoning Classification: Existing R-1AA

Proposed R-1A

Future Land Use Classification: Existing MDR

Proposed MDR

Reason Rezoning Requested: Planned lot redevelopment to create more options for attainable housing within City limits. Existing setbacks of R-1AA at 30' front and 30' rear. Proposed R-1A allows for 20' front and 25' rear for an additional 15' buildable feet of depth to the lot. Anticipated design and construction of single-story 2 bedroom, 2 bathroom units at an attainable price point.

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 2nd day of May, 2023.

Applicant Signature

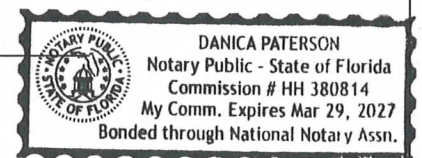
Owner Signature

Luke Pittman

Luke Pittman

Applicant Name (Print)

Owner Name (Print)



Sworn to and subscribed to before me this 2 day of May, 2023

Name: Danica Paterson

Commission Expires: Mar 29, 2027

### FOR OFFICE USE ONLY

Council District: 5 Date Received: May 12, 2023 Case Number: \_\_\_\_\_

Date Postcards mailed: \_\_\_\_\_ Planning Board Date: \_\_\_\_\_ Recommendation: \_\_\_\_\_

Committee Date: \_\_\_\_\_ Council Date: \_\_\_\_\_ Council Action: \_\_\_\_\_

Second Reading: \_\_\_\_\_ Ordinance Number: \_\_\_\_\_

Recorded in Public Records 4/11/2022 12:07 PM OR Book 8760 Page 1587,  
Instrument #2022036401, Pam Childers Clerk of the Circuit Court Escambia  
County, FL Recording \$27.00 Deed Stamps \$2,730.00

Prepared by and return to:  
Richard Hill Turner, III

Whibbs Stone & Barnett, P.A.  
801 W. Romana Street Unit C  
Pensacola, FL 32502  
850-434-5395  
File Number: 22-290662  
Will Call No.:

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this 8th day of April, 2022 between Paul J Jones and David L Lamb, a married couple whose post office address is 3807 N. 10th Avenue, Pensacola, FL 32503, grantor, and Bear Endeavors LLC, a Florida limited liability company whose post office address is 1216 N. Palafox Street, Suite A, Pensacola, FL 32501, 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:

**Lot 57, Maura Place, according to the map or plat thereof, as recorded in Plat Book 1, Page(s) 32, of the Public Records of Escambia County, Florida.**

**Parcel Identification Number: 042S302007000057**

**Subject to** covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessment for the year 2022 and subsequent years; and all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

**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.


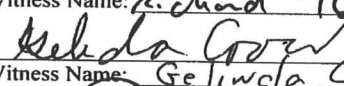
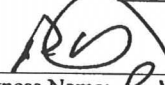
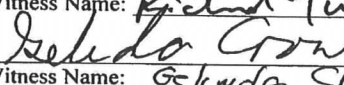
**And** the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

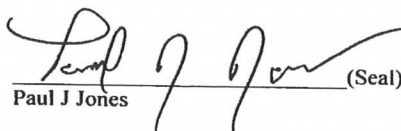
**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

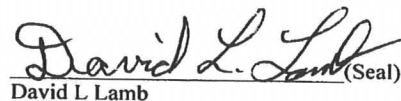
Signed, sealed and delivered in our presence:

DoubleTime®

BK: 8760 PG: 1588

  
 Witness Name: Richard T. Jones  
  
 Witness Name: Gelinda Crowley  
  
 Witness Name: Richard T. Jones  
  
 Witness Name: Gelinda Crowley

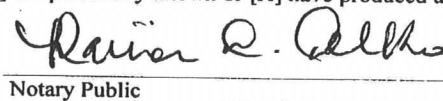
  
 Paul J Jones (Seal)

  
 David L Lamb (Seal)

State of Florida  
 County of Escambia

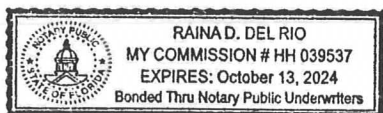
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 8th day of April, 2022 by Paul J Jones and David L Lamb, who ☐ are personally known or ☒ have produced a driver's license as identification.

[Notary Seal]

  
 Notary Public

Printed Name: Raina D. Del Rio

My Commission Expires: \_\_\_\_\_



BK: 8760 PG: 1589 Last Page

# **RESIDENTIAL SALES ABUTTING ROADWAY MAINTENANCE DISCLOSURE**

**ATTENTION:** Pursuant to Escambia County Code of Ordinances Chapter 1-29.2, Article V, sellers of residential lots are required to disclose to buyers whether abutting roadways will be maintained by Escambia County. The disclosure must additionally provide that Escambia County does not accept roads for maintenance that have not been built or improved to meet county standards. Escambia County Code of Ordinance Chapter 1-29.2, Article V requires this disclosure be attached along with other attachments to the deed or other method of conveyance required to be made part of the public records of Escambia County, Florida. Note: Acceptance for filing by County employees of this disclosure shall in no way be construed as an acknowledgment by the County of the veracity of any disclosure statement.

Name of Roadway: 3807 N. 10th Avenue, Pensacola, FL 32503

Legal Address of Property: 3807 N. 10th Avenue, Pensacola, FL 32503

The County ( ) has accepted (X) has not accepted the abutting roadway for maintenance.

This form completed by: Whibbs Stone Barnett, P.A.  
801 W. Romana St., Unit C  
Pensacola, FL 32502

AS TO SELLER(S):

Witness Name: Richard T. Jones

Paul J Jones (Seal)

Witness Name: W. Stone

Witness Name: Richard T. Jones

Witness Name: W. Stone

AS TO BUYER(S):

Witness Name: LARRY KILN

Witness Name: JAMES O'DONOVAN

Bear Endeavors LLC

By: Joshua J. Simon, Manager

This instrument was prepared by:  
Pam Childers, Clerk of the Circuit Court  
Escambia County Courthouse  
Pensacola, Florida

Tax Deed File No. 14-875  
Property Identification No. 042S302007000058  
Tax Account No. 050362000

## TAX DEED

State of Florida  
County of Escambia


The following Tax Sale Certificate Numbered 02740 issued on June 1, 2012 was filed in the office of the tax collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was on the 1st day of December 2014, offered for sale as required by law for cash to the highest bidder and was sold to: LARAIB, 8 MEMORIAL PKWY SW FORT WALTON BEACH FL 32548, being the highest bidder and having paid the sum of his bid as required by the Laws of Florida.

Now, on this 1st day of December 2014, in the County of Escambia, State of Florida, in consideration of the sum of (\$63,100.00) SIXTY THREE THOUSAND ONE HUNDRED AND 00/100 Dollars, being the amount paid pursuant to the Laws of Florida does hereby sell the following lands, including any hereditaments, buildings, fixtures and improvements of any kind and description, situated in the County and State aforesaid and described as follows:

LT 58 MAURA PLACE PB 1 P 32 OR 3473 P 716

SECTION 04, TOWNSHIP 2 S, RANGE 30 W

\*\* Property previously assessed to: HENRY W THAMES, BETTY THAMES

  
witness Mylinda Johnson  
  
witness Emily Hogg

  
PAM CHILDERS, Clerk of the Circuit Court  
Escambia County, Florida



State of Florida  
County of Escambia

On this 3rd day of December 2014 before me Emily Hogg personally appeared Pam Childers, Clerk of the Circuit Court in and for the State and this County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Witness my hand and official seal date aforesaid.

PAM CHILDERS, Clerk of the Circuit Court  
By   
Emily Hogg, Deputy Clerk





## DESCRIPTION: (OFFICIAL RECORDS BOOK 7742, PAGE 1635)

LOT 57, MAURA PLACE SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 32, OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA.

## AND: (OFFICIAL RECORDS BOOK 8712, PAGE 1746)

LOT 58, MAURA PLACE, A SUBDIVISION OF A PORTION OF JOSEPH MAURA GRANT, SECTION 4, TOWNSHIP 2 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 1 AT PAGE 32 OF THE PUBLIC RECORDS OF SAID COUNTY.

## SURVEYORS NOTES:

-THE MAP OF SURVEY AS SHOWN HEREON IS A BOUNDARY AND TOPOGRAPHIC SURVEY WITH IMPROVEMENTS FOR WHICH PURPOSE IS TO DEFINE THE RECORD BOUNDARY ON THE GROUND BY RETRACEMENT OF THE RECORD PLATTED LOTS AND BLOCK OF THE ABOVE REFERENCED SUBDIVISION, AND/OR RECOVERY, AND/OR PLACEMENT OF MONUMENTATION FOR SAID BOUNDARY, AND ALSO; VERTICALLY DEPICT GROUND SURFACE ELEVATIONS BY SPOT ELEVATIONS AND/OR 1.0 FOOT CONTOUR INTERVALS RELATIVE TO MEAN SEA LEVEL AND ALSO; LOCATE HORIZONTALLY AND VERTICALLY; DIMENSIONALLY MEASURED FIXED PERTINENT SURFACE AND SUB-SURFACE FEATURE IMPROVEMENTS AND GRAPHICALLY DEPICT FIXED NON-PERTINENT SURFACE AND SUB-SURFACE FEATURE IMPROVEMENTS TO SCALE AND THEIR RELATIONSHIP TO THE BOUNDARY, PREPARED FOR THE CLIENT AS SHOWN AND IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT PRIOR CONSENT FROM THIS SURVEYOR.

-VERTICAL DATA IS BASED ON RTN GPS/GNSS OBSERVATIONS THROUGH THE FPRN, CORS REFERENCE STATION NETWORKS. ELEVATIONS ARE DETERMINED USING THE GEOD 18 MODEL AND ARE RELATIVE TO NAVD '88 WITH ACCURACIES TO 2-3 CM. ELEVATIONS DEPICTED WITHIN THIS SURVEY ARE SUB-CM INFORMATIONAL PURPOSES ONLY AND MAY NOT MEET THE ACCURACY REQUIREMENTS TO SURVEY STANDARDS.

-BASIS OF STATE PLANE FIELD BEARINGS: GRID NORTH AND THE BEARINGS AS SHOWN HEREON ARE REFERENCED TO THE STATE PLANE GRID BEARING OF N09°17'44"W ALONG THE WEST R/W LINE OF 10th AVENUE AS MONUMENTED. THE SURVEY DATA AS SHOWN HEREON IS BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM (FLORIDA NORTH ZONE)- (NAD83) - (2011) - (EPOCH 2010.0000).

-PLAT REFERENCES NO BEARINGS FOR COMPARISON.

-REFERENCE SOURCE: IN FIELD DATA GATHERING OF EXISTING PROJECT SITE FIELD MONUMENTATION; COPY OF MAP OF MAURA PLACE, PLAT BOOK 1 PAGE 32.

-ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE UNITED STATES STANDARD SURVEY FOOT.

-NO TITLE SEARCH WAS PERFORMED BY THIS SURVEYOR, NOR WAS KJM LAND SURVEYING, LLC PROVIDED WITH SAME.

-NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAYS, AND/OR OWNERSHIPS WERE PROVIDED TO THIS SURVEYOR, EXCEPT AS SHOWN.

-NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED; EXCEPT AS SHOWN.

-UNLESS OTHERWISE NOTED RECORD AND MEASURED CALLS AGREE.

-THE SURVEY ERROR OF CLOSURE MEETS THE SURVEY STANDARDS OF PRACTICE.

-THERE MAY BE ADDITIONAL RESTRICTIONS AFFECTING THE SUBJECT PROPERTY THAT MAY BE FOUND RECORDED IN THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA THAT DO NOT APPEAR ON THE FACE OF THIS MAP.

-ENCROACHMENTS ARE AS SHOWN.

-FENCES MAY BE EXAGGERATED FOR CLARITY PURPOSES.

-THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP NOR AN ENCROACHMENT OF FENCES, WALLS, ETC.

-THE CERTIFICATE OF AUTHORIZATION NUMBER FOR KJM LAND SURVEYING, LLC., IS L.B. 8298.

-THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS & MAPPERS IN CHAPTER 5J-17.050, 5J-17.051 AND 5J-17.052, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

-THE SURVEY AS SHOWN HEREON IS CERTIFIED TO THE CLIENT AS PREPARED FOR, AND ANY ENTITIES AS DECLARED TO HEREON ONLY, AND IN NO WAY TRANSFERS CERTIFICATION TO THEIR SUCCESSORS OR ANY OTHER ENTITIES NOT REFERRED TO HEREIN.

-IT IS OF THE OPINION OF THE UNDERSIGNED SURVEYOR THAT THE PARCEL OF LAND SHOWN HEREON AS PER THE FLOOD INSURANCE RATE MAP INFORMATION IS AS FOLLOWS:

NFIP COMMUNITY NAME:  
CITY OF PENSACOLA  
ZONE: "X"  
ELEVATION: N/A

NFIP COMMUNITY NUMBER:  
120082  
PANEL NUMBER: 12033C 0380 G  
AS DATED: 09/29/2006

## LEGEND:

- -FOUND DOT 4"x4" CONCRETE MONUMENT
- -FOUND 1/2" CAPPED IRON ROD LS #5832
- -FOUND 1/2" CAPPED IRON ROD LB #2499
- ⊙ -FOUND 1/2" CAPPED IRON ROD LS #1748
- ⊙ -FOUND ILLEGIBLE 1/2" CAPPED IRON ROD
- ⊙ -FOUND PLAIN 1" CRIMPED IRON PIPE
- ⊙ -FOUND PLAIN 1" IRON PIPE
- ⊙ -FOUND PLAIN "X" CUT IN CONCRETE
- ⊙ -FOUND NAIL & DISK LB #1748
- ⊙ -POWER POLE WITH GUY ANCHOR
- -OVERHEAD UTILITY LINES
- ⊙ -WATER METER
- ⊙ -MAILBOX
- \*80.0 -SPOT ELEVATION

## ABBREVIATIONS:

PSM -PROFESSIONAL SURVEYOR  
AND MAPPER  
LS -LICENSED SURVEYOR  
LB -LICENSED BUSINESS  
R/W -RIGHT-OF-WAY  
A/C -AIR CONDITIONER  
P -PLAT  
SPF -STATE PLANE FIELD  
NFIP -NATIONAL FLOOD  
INSURANCE PROGRAM  
N/A -NOT APPLICABLE  
NAD -NORTH AMERICAN DATUM

## ABBREVIATIONS:

FFE -FINISHED FLOOR ELEVATION  
RTN -REAL TIME NETWORK  
GNSS -GLOBAL NAVIGATION  
SATTELLITE SYSTEM  
GPS -GLOBAL POSITIONING SYSTEM  
FPRN -FLORIDA PERMANENT  
REFERENCE NETWORK  
CORS -CONTINUOUSLY OPERATING  
REFERENCE STATION  
NAVD -NORTH AMERICAN  
VERTICAL DATUM  
CM -CENTIMETER

ADDRESS: 3805 & 3807 NORTH 10th AVENUE

REQUESTED BY: LUKE PITTMAN

TYPE: BOUNDARY AND TOPOGRAPHIC SURVEY WITH IMPROVEMENTS

SECTION 4, TOWNSHIP- 2 - SOUTH, RANGE- 30 - WEST, ESCAMBIA COUNTY, FLORIDA

SCALE: 1"=40'	FIELD BOOK	PAGE	CREW	FIELD DATE:	DRAWN BY:	CHECKED BY:
	764	65-66	JD/JB/CI	05/10/22	JSP	
	766	15-16	JB/RC	05/19/22		

DATE: 07/20/22	NO.:	DATE:	REVISIONS:	APPROVED BY:

NO.:	DATE:	REVISIONS:	APPROVED BY:

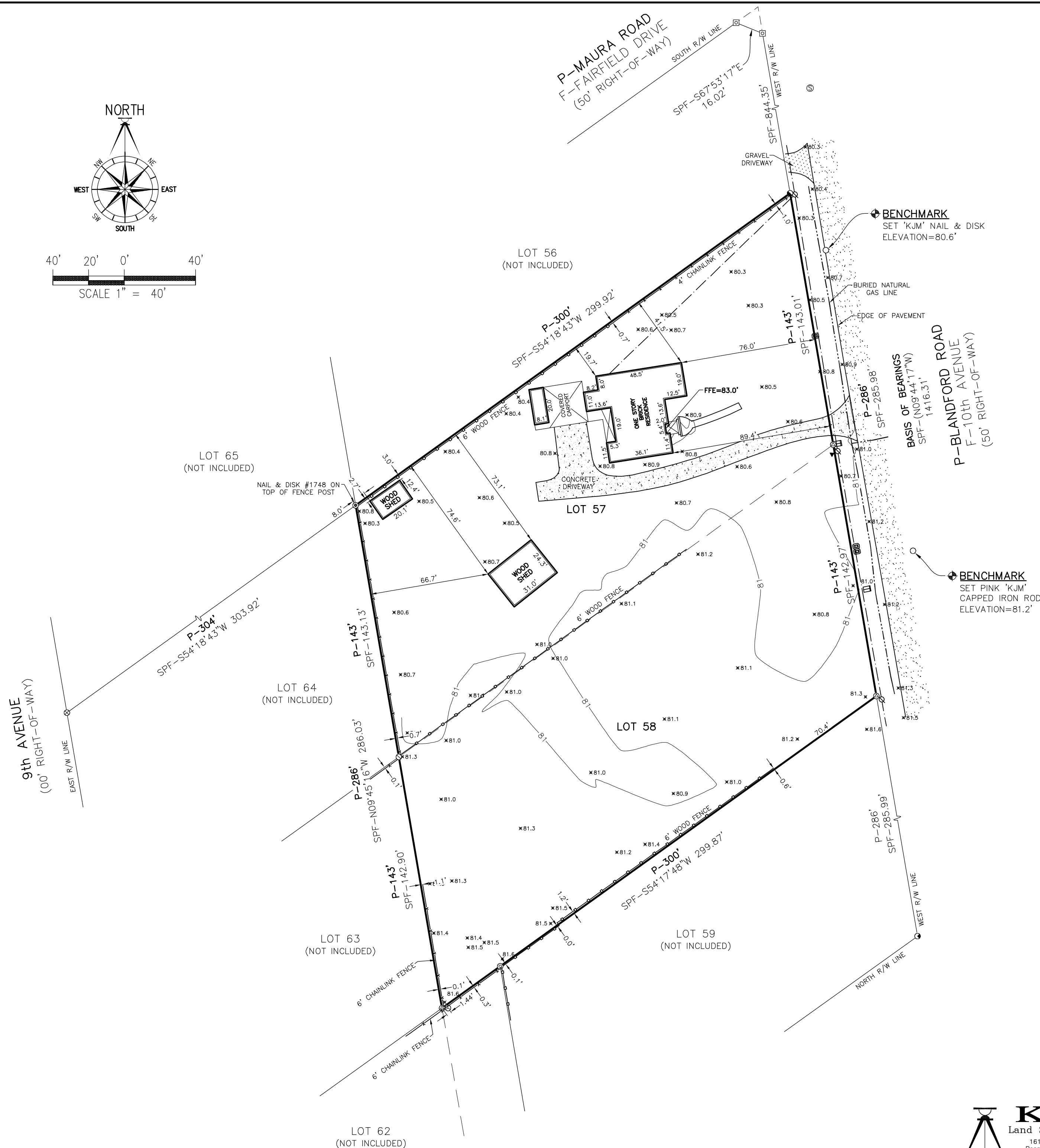
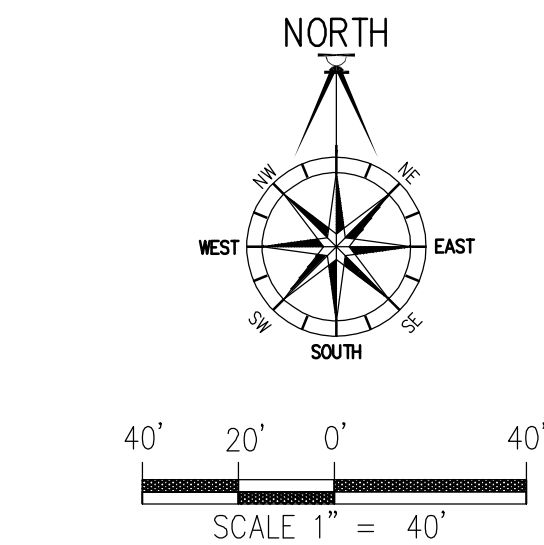
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NO.:	DATE:	REVISIONS:	APPROVED BY:

MICHAEL WATTS AUSTIN, PSM #5458  
CORPORATE NO. LB 0008298  
STATE OF FLORIDA

THIS SURVEY MAP AND REPORT  
OR COPIES THEREOF  
ARE NOT VALID WITHOUT  
THE ORIGINAL SIGNATURE  
AND RAISED SEAL OF A  
FLORIDA LICENSED  
SURVEYOR AND MAPPER.

DRAWING NUMBER  
22-21048







Various properties adjacent to and nearby the 3805 and 3807 N 10th Avenue properties currently have various different types of zoning. All instances of different zoning allow for smaller lot setbacks than currently allowable within the R-1AA zoning.

Ability to reduce the overall setbacks of R-1AA zoning will allow for slightly larger buildable lot area without majorly disrupting the existing feel of the surrounding area.

It is the intention of the developer to use the decreased setbacks to create single-story housing that matches the size and context of the surrounding residences while maintaining an attainable price point of construction for buyers.



## **MINUTES OF THE PLANNING BOARD**

**June 13, 2023**

**MEMBERS PRESENT:** Vice Chairperson Larson, Board Member Grundhoefer, Board Member Villegas, Board Member Van Hoose, Board Member Powell, Board Member Sampson

**MEMBERS ABSENT:** Chairperson Ritz

**STAFF PRESENT:** Planning & Zoning Manager Cannon, Assistant Planning & Zoning Manager Harding, Help Desk Technician Russo, Development Services Director Morris, Development Services Coordinator Statler, Assistant City Attorney Lindsay, Executive Assistant Chwastyk

**STAFF VIRTUAL:** None

**OTHERS PRESENT:** Lorie Moreland, Curtis Reed, David Alsop, Scott Sallis, Jordan Yee, Joe Jacobs, Roman Spear

### **AGENDA:**

- Quorum/Call to Order
- Approval of Meeting Minutes from May 9, 2023
- **New Business:**
- 22 S. Florida Blanca Street - Gateway Redevelopment District - Aesthetic Review Application – Zone GRD-1
- 8 N. 9th Avenue - Gateway Redevelopment District - Request for Variance to Sec. 12-3-12(1) - Hilton Garden Inn Signage – Zone GRD
- 23 W. Cervantes Street - Conditional Use Application - Zone PC-1
- 3805 & 3807 N. 10th Avenue - Request for Zoning Map Amendment - Zone R-1AA
- Open Forum
- Discussion
- Adjournment

### **Call to Order / Quorum Present**

Vice Chairperson Larson called the meeting to order at 2:00 pm with a quorum present and explained the procedures of the meeting including requirements for audience participation.

**Approval of Meeting Minutes** – Board Member Villegas made a motion to approve

**the May 9, 2023, minutes, seconded by Board Member Powell, and it carried 6-0.**

**New Business –**

**22 S. Florida Blanca street - Gateway Redevelopment District - Aesthetic Review Application – Zone GRD-1**

Assistant Planning & Zoning Manager Harding introduced the agenda item. Sam Marshall Architects is requesting approval for the demolition and reconstruction of a residential detached garage. The proposed new garage will include an accessory dwelling unit on the second floor and a playroom as a half-story turret. The ground floor will be connected to the primary building with an open breezeway and the architecture has been designed to match the existing, consistent with the Type II - Cottage style. The proposed design has incorporated major elements from the original single-story garage with horizontal and fish-scale siding, painted paneling underneath 2-over-2 windows, and a 5v-crimp matching roof. The existing roof-mounted solar panels will be reinstalled. Additionally, a portion of the existing screened-in side porch along the central alleyway will be enclosed with matching exterior materials. This application has been routed through the various City departments and utility providers and all comments have been provided. Additionally, the applicable City Council Member has been notified and this item has been properly noticed. The Planning Department reviewed this based on the Aragon design code and the Aragon HOA made comments and approved it. David Alsop of Sam Marshall Architects stated that this is for a young growing family and will be used by their family. It is in line with the character of Aragon court and will expand their space. They did adjust some required fenestrations to get the 5.7 square feet required as an escape window from a sleeping room. They have gone through Aragon and the Architectural Review board and received approval and they are now asking for the approval of the Planning Board. Board Member Grundhoefer stated that it has good character, matches the house there, it has good proportions, and it is very attractive.

**Board Member Powell made a motion to approve, seconded by Board Member Sampson and it carried 6-0.**

**8 N. 9th Avenue - Gateway Redevelopment District - Request for Variance to Sec. 12-3-12(1) - Hilton Garden Inn Signage Zone GRD**

Assistant Planning & Zoning Manager Harding introduced the agenda item. PHOTA Pensacola, LLC, is seeking a variance to the requirements of Sec. 12-3-12(1)d.1.iii.(c)(1)b. of the Land Development Code. The variance request is to increase the maximum allowable size of attached wall signage from 25 square feet to 127.62 square feet on the north and south sides of a new hotel (an increase of 102.62 square feet). Within GRD, each parcel under single ownership shall be limited to one sign per street adjacent to the parcel. The north elevation fronts onto a private roadway, and the south elevation fronts onto Colfax Street. Both are considered "other streets and areas within the gateway redevelopment district" and all attached wall signs have the following regulations: a. Height. No sign shall extend above the main roof line of a building to which it is attached. b. Size. Ten percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed 25 square feet. Per GRD regulations, Planning Board may grant a variance due to unique and peculiar circumstances or needs resulting from the use, size, configuration, or location of a site. In addition to special conditions, the board

must also find that the variance granted will not detract from the architectural integrity of the development and its surroundings, and that the variance will be in harmony with the general intent and purpose of the district. Since variance hearings are quasi-judicial in nature, the decision of the Planning Board is final subject to judicial review. This variance application pertains only to the size of the proposed wall signs. It does not pertain to the proposed placement, type, design, or lighting although indirect and internal lighting is encouraged in GRD. There are seven criteria that this applicant must meet and two additional criteria that must be met since it's in a Planning Board district. Assistant City Attorney Lindsay reminded the members that all criteria must be met. The applicant can provide evidence showing that they are due the variance, essentially the chairperson is like a judge. After hearing alternative views, he would give them a chance to rebut. They need to have an open mind and not already have mind made up; their decision should be based on evidence they hear today.

Public opinion is not a proper basis for a quasi-judicial decision. If the board finds that even one of the criteria has not been met they do not have to consider to proceed with the discussion but they must allow the applicant to prove their case and offer a rebuttal. Lorie Moreland of Florida Certified Sign Erectors spoke on behalf of the Hilton Garden Inn. The Hilton is required to maintain the brand ID for the hotel. They feel that due to the overall height, 65 square feet and length, 236 square feet that the 25 square feet allowed per the code would make visibility difficult. Ms. Moreland stated that the sign would be placed on the north side of the building which is the commercial side and would not be facing the residential side to the west, there would be no illumination issues. Board Member Van Hoose wanted to clarify that the reason for the request is the branding requirements in keeping with the Hilton brand for larger signs, Ms. Moreland replied yes it would make it more balanced. Board Member Grundhoefer confirmed this request is for the wall sign only. Board Member Powell wanted to know the definition of peculiar based on criteria one, "That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;". Assistant City Attorney Lindsay stated it's particular to the development itself, because of branding requirements of the Hilton Brand, the obligation of the builder is to meet the criteria for their signage, and they are trying to present it as a special condition or circumstance. Variances are specific to this particular building, and it would not set a precedent, taken case by case and they are not creating a new rule. Board Member Grundhoefer stated he doesn't feel this is peculiar to this particular site or building. Board Member Villegas questioned if they were aware of the current land development when they purchased the land, Lorie Moreland stated she believed they were aware of the requirements. She also stated they could probably customize the sign but again they feel the sign would not be seen. Board Member Van Hoose asked if the Hilton Garden Inn is dictating the location of the sign, Lorie Moreland replied yes. They bought this land in place where a larger sign is not allowed and are now coming to the Planning Board for this variance. Assistant Planning and Zoning Manager Harding confirmed that if the first criteria is not met, the board is not required to go through the entire list. Board Member Villegas would like to discuss further since she feels this is something the city needs. Vice Chairperson Larson stated he feels the special circumstances have not been met. Lorie Moreland stated again that in order to use the Hilton brand name they have to meet the brand requirements otherwise they won't be in business, yet they bought the land knowing the requirements in the land development code. Scott Sallis lives across the street; he has concerns about this project. He is in favor of the project but feels signage requirements

should've been considered before purchasing the property. He asks the board to maintain the design quality and integrity of our downtown and insist the developer abide by our land development code and design guidelines and deny the request. Roman Spears wanted to point to other hotels such as the Grand Hotel that is a large building with a small sign. The applicant was provided another opportunity to plead her case for the variance for the increase of size of the sign. Board Member Villegas stated she doesn't feel they have met the variance criteria despite her wanting the hotel in our area. Board Member Van Hoose inquired if they could ask about other signage downtown, Assistant City Attorney said if facts are shared and the applicant has a chance to argue her case then they can discuss it.

**Board Member Villegas moved to deny the variance request based off the fact that the application does not meet the necessary variance criteria (specifically regarding criterion 1 based on the board's discussion – that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district). Board Member Powell seconded the motion.** Board Member Grundhoefer asked if internal illuminated signage was allowed in GRD, and staff replied that it was, and that 25 sf of internally illuminated wall signage (on the north and south elevation) would be permitted by code. **The motion carried 6-0.**

Board Member Powell excused herself from the meeting and the board maintained a quorum with five members present.

### **23 W. Cervantes Street - Conditional Use Application Zone PC-1**

Assistant Planning & Zoning Manager Harding introduced the agenda item. Joseph Jacobs is requesting a Conditional Use Permit at 23 W. Cervantes Street. The purpose of the conditional use is to convert the existing service station into a restaurant. The subject property is in PC-1 which is North Hill's preservation commercial district. Per Sec. 12-3-107. - Conditional Use Permit, any proposed development or redevelopment of property within the PC-1 zoning district may apply for conditional uses listed under the zoning regulations for that district. The following summarizes the allowed conditional uses and the standards for approval: (d) Standards for approval. A conditional use may be approved by the city council only upon determination that the application and evidence presented clearly indicate that all the following standards have been met: (1) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the city comprehensive plan, the land development regulations, or any other applicable plan, program, map, or regulation adopted by the city council. (2) The proposed use will not adversely affect the public health, safety, or welfare. (3) The proposed use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses. (4) The proposed use shall be provided with adequate public facilities and services, including roads, drainage, water, sewer, and police and fire protection. (5) The proposed use will not create undue traffic congestion. (6) The proposed use shall minimize, to the extent reasonably possible, adverse effects on the natural environment. This application has been routed through the various City departments and utility providers. The comments received to date have been included in the attachments. The applicant was provided with guidance on criteria that the



Florida Department of Transportation would like to see. Engineering asked for a striping plan, though it does not impact the conditional use permit request. However if the project is approved one will be needed during the building and site plan permitting stage. This property is in the CRA Urban Core, and eating and drinking establishments are offered a 100% parking reduction, so they technically do not have to stripe. Joseph Jacobs would like to turn it into a small-scale diner, he mentioned FDOT recommended they close off both Cervantes Street entrances. Jordan Yee confirmed this project went through the city's Architectural Review Board, and the North Hill neighborhood is generally happy that a long vacant building will be used. The exterior of the building will be preserved, there will be new paint, store front to remain unchanged. They will close off all of the Cervantes Street right of way and the applicants will provide a striping plan. The entrance and exit will fall on Baylen Street and the hours of operations may be between 11 a.m. and 8 p.m. with minimal food offered. The furniture will be portable, nothing permanent to alter the building. They will have a hurricane plan in place regarding the furniture. This will go onto City Council at the July meeting.

**Board Member Grundhoefer made a motion to approve and found that the application met all six criteria listed in Sec. 12-3-107(d) which are required for a conditional use permit. The motion was seconded by Board Member Van Hoose and it carried 5:0.**

### **3805 & 3807 N. 10th Avenue - Request for Zoning Map Amendment Zone R-1AA**

Assistant Planning & Zoning Manager Harding introduced the agenda item. Bear Endeavors, LLC, is requesting a Zoning Map Amendment for 3805 and 3807 N. 10th Avenue. The two parcels are currently zoned R-1AA, Medium Density Zoning District, and the existing Future Land Use (FLU) designation is Medium Density Residential. The applicant is proposing to amend the zoning district to R-1A, Medium Density Zoning District, and the existing FLUM will not change. R-1AA (existing zoning) The medium-density residential land use district is established for the purpose of providing a mixture of one- and two-family dwellings with a maximum density of 17.4 dwelling units per acre. Recognizing that, for the most part, these zoning districts are in older areas of the city, the zoning regulations are intended to promote infill development, which is in character with the density, intensity, and scale of the existing neighborhoods. R-1A (proposed zoning) The medium-density residential land use district is established for the purpose of providing a mixture of one- and two-family dwellings with a maximum density of 17.4 dwelling units per acre. Recognizing that, for the most part, these zoning districts are in older areas of the city, the zoning regulations are intended to promote infill development, which is in character with the density, intensity, and scale of the existing neighborhoods. MDR (existing with no proposed change FLU) 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: o Medium Density Residential - 18 or fewer residential dwelling units per acre. Since both R-1AA and R-1A are medium-density residential land use districts, the primary change will be to maximum residential gross density, minimum lot area, lot width at the minimum building setback line, minimum lot width at the street right-of-way line, and minimum yard setback requirements. Table 12-3.2, Regulations for the medium-density residential zoning districts, comparing the two zoning districts is provided as part of the application.

Since the applicant's desire is primarily to adopt the setbacks of zoning district R-1A, they initially sought a variance with the Zoning Board of Adjustments in March 2023. The proposed variance would have reduced the front, side, and rear building setbacks of a future 12-lot residential subdivision. The request was denied since a hardship required to grant such a variance could not be found and that the request should more appropriately be reviewed by Planning Board as a zoning amendment. The agenda item and meeting minutes from the March 2023 Zoning Board of Adjustments meeting has been provided for background information. This request has been routed through the various City departments and utility providers. Those comments are attached for review. Assistant Planning and Zoning Manager Harding stated the request would not be considered spot zoning since R-1A would be a transitional zone between the existing R-1AA and C-1. If approved by Council, the request would be a legal rezoning. Board Member Grundhoefer asked what the difference is between an amendment and a zoning change, Assistant Planning and Zoning Manager Harding replied they are one in the same, it's just a change in zoning or a rezoning. Typically, when we see rezoning applications, it's for a change from a residential to commercial, whereas this is from one residential district to a slightly different residential district and in the same underlying future land use map category. Curtis Reed of Bear Endeavors stated they are not trying to increase the density or max it out, they are just trying to maximize what they can do on this parcel. They want to create a price point that is attainable for two-bedroom, two-bathroom duplex units with a total of six structures or twelve units. They are only requesting this change to R-1A in order to get the setbacks they need to build these structures that are allowed in this zoning. The Zoning Board did not find a hardship to grant a variance and they recommended that the applicants go before the Planning Board for the zoning change instead. Board Member Grundhoefer thought R-1A and the intent for the properties were compatible with the neighborhood and it was confirmed that if approved by City Council and if the plan for the property remained consistent, the subdivision plat would return for review. The application was advertised with a sign in the yard, post cards were mailed, and it was advertised in the News Journal. No members of the public were present to object to the application. This is in City Council District 5 and the representative Council Member had also been informed. This will go before the City Council in the July and August meetings.

**Board Member Van Hoose made a motion to approve, seconded by Board Member Grundhoefer and it carried 5-0.**

**Open Forum – None.**

**Discussion – None.**

**Adjournment** – With no further business, the Board adjourned at 3:21 p.m.

Respectfully Submitted,



Gregg Harding, RPA  
Assistant Planning & Zoning Manager  
Secretary of the Board

**TABLE 12-3.2. REGULATIONS FOR THE MEDIUM-DENSITY RESIDENTIAL ZONING DISTRICTS**

Standards	R-1AA			R-1A		
	Single-Family Detached	Two-Family Attached (duplex)	**Single-Family Attached (townhouses)	Single-Family Detached	Two-Family Attached (duplex)	**Single-Family Attached (townhouses)
Maximum Residential Gross Density	8.7 units per acre	11.6 units per acre	11.6 units per acre	12.4 units per acre	17.4 units per acre	17.4 units per acre
Minimum Lot Area	5,000 s.f.	7,500 s.f.	3,750 s.f.	3,500 s.f.	5,000 s.f.	2,500 s.f.
Lot Width At Minimum Building Setback Line	40 feet	60 feet	30 feet	30 feet	50 feet	25 feet
Minimum Lot Width At Street R-O-W Line	40 feet	50 feet	25 feet	30 feet	50 feet	25 feet
Minimum Yard Requirements *Front Yard Side Yard Rear Yard	(Minimum Building Setbacks) 30 feet 6 feet 30 feet			(Minimum Building Setbacks) 20 feet 5 feet 25 feet		
Off-Street Parking	1 space/unit		2 sp./unit	1 space/unit		2 sp./unit
Maximum Building Height	35 feet Except as provided in section 12-3-62)			35 feet (Except as provided in section 12-3-62)		
*The front yard depths in the R-1AA and R-1A districts shall not be less than the average depths of all front and street side yards located on either side of the block face, up to the minimum yard requirement; in case there are no other dwellings in the block, the front yard depths shall be no less than the footages noted.						
**Each single-family attached dwelling unit must be located on its own lot. If a development requires subdivision procedures it shall be subject to and must comply with subdivision regulations as set forth in chapter 12-7.						
***All future residential development on parcels changed to a Medium-Density Residential (MDR) zoning district via the passage of Ord. No. 23-16, effective on August 18, 2016, shall be considered legal nonconforming and may utilize the R-1A zoning district standards applicable to lot width, lot area and setbacks.						



# Current Zoning

R-ZL ROSEWOOD DR

C-1

R-1AA

3807 N 10th Ave

3805 N 10th Ave

N 10TH AVE

N 11TH AVE

R-1AAA

R-2

BARCIA DR

N 9TH AVE  
FAIRFAX DR

0105210 Feet

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PENSACOLA

FLORIDA'S FIRST & FUTURE

N

467

# Proposed Zoning

R-ZL ROSEWOOD DR

R-1AA

N 11TH AVE

N 10TH AVE

C-1

3807 N 10th Ave

3805 N 10th Ave

R-1A

R-1AAA

BARCIA DR

R-2

N 9TH AVE  
FAIRFAX DR

0 105 210 Feet

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**PENSACOLA**  
FLORIDA'S FIRST & FUTURE



# Current Future Land Use - No Change

**H.D.R.**

ROSEWOOD DR

**M.D.R.**

3807 N 10th Ave

3805 N 10th Ave

N 10TH AVE

N 11TH AVE

**L.D.R.**

**C.**

N 9TH AVE

FAIRFAX DR

**O.**

BARCIA DR

0 105 210 Feet

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**PENSACOLA**  
FLORIDA'S FIRST & FUTURE





## Memorandum

**File #:** 23-00491

City Council

7/20/2023

### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** D. C. Reeves

**SUBJECT:**

QUASI-JUDICIAL HEARING - REQUEST FOR A CONDITIONAL USE PERMIT - FORMER AUTO REPAIR BUSINESS - 23 WEST CERVANTES STREET

**RECOMMENDATION:**

That City Council conduct a Quasi-Judicial Hearing on July 20, 2023 to consider the request for a Conditional Use Permit to convert the existing structure at 23 West Cervantes Street into a restaurant.

**HEARING REQUIRED:** Quasi-Judicial

**SUMMARY:**

Joseph Jacobs is requesting a Conditional Use Permit to allow for the adaptive reuse of the former auto repair shop located at 23 W. Cervantes Street. The purpose of the conditional use permit is to convert the existing building into a restaurant.

The subject property is located in PC-1 which is North Hill's preservation commercial district. Per Sec. 12-3-107. - Conditional Use Permit, any proposed development or redevelopment of property within the PC-1 zoning district may apply for conditional uses listed under the zoning regulations for that district.

The following summarizes the standards for approval:

- (d) *Standards for approval.* A conditional use may be approved by the city council only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:
- (1) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the city comprehensive plan, the land development regulations, or any other applicable plan, program, map or regulation adopted by the city council.
  - (2) The proposed use will not adversely affect the public health, safety or welfare.
  - (3) The proposed use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses.

- (4) The proposed use shall be provided with adequate public facilities and services, including roads, drainage, water, sewer, and police and fire protection.
- (5) The proposed use will not create undue traffic congestion.
- (6) The proposed use shall minimize, to the extent reasonably possible, adverse effects on the natural environment.

On June 13, 2023, the Planning Board reviewed the request and voted 6:0 to recommend approval of the Conditional Use Permit. Additionally, the Architectural Review Board conceptually approved the aesthetics for the project on May 18, 2023.

**PRIOR ACTION:**

None

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**LEGAL REVIEW ONLY BY CITY ATTORNEY:** Yes

6/13/2023

**STAFF CONTACT:**

Kerrith Fiddler, City Administrator  
David Forte, Deputy City Administrator - Community Development  
Sherry Morris, AICP, Development Services Director  
Cynthia Cannon, AICP, Planning & Zoning Division Manager

**ATTACHMENTS:**

- 1) 23 West Cervantes Street - Conditional Use Application
- 2) Planning Board Minutes June 13 2023 DRAFT
- 3) Sec. 12-3-107. Conditional Use Permit

**PRESENTATION:** No

**CONDITIONAL USE**

Fee: \$2,000.00

Rehearing/Rescheduling Planning Board: \$100.00

Rehearing/Rescheduling City Council: \$250.00

  
**City of  
Pensacola**  
*America's First Settlement  
And Most Historic City*

**Applicant Information:**

Name: JOSEPH JACOBS

Address: 1275 PICKENS AVE

Phone: 850-393-7281 Fax: \_\_\_\_\_ Email: joe@damiansicecream.com

**Property Information:**

Owner Name: SALT & PEPPER, LLC. Phone: 850-393-7281

Location/Address: 23 WEST CERVANTES ST.

Parcel ID: 00 0 S 00 9010 061032

Square Feet/Acres: 20,233 / 0.46

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


Purpose of conditional use: A ONE STORY BRICK & GLASS BUILDING FORMERLY A SERVICE STATION

PURPOSE IS TO RECONDITION AS A QUICK SERVICE RESTAURANT & FROZEN TREAT

BUSINESS.

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.

**JOSEPH A. JACOBS**

 Digitally signed by JOSEPH A. JACOBS  
Date: 2023.05.09 15:02:12 -05'00'

**05-09-2023**

Signature of Applicant

Date

(Owner of Property or Official Representative of Owner)

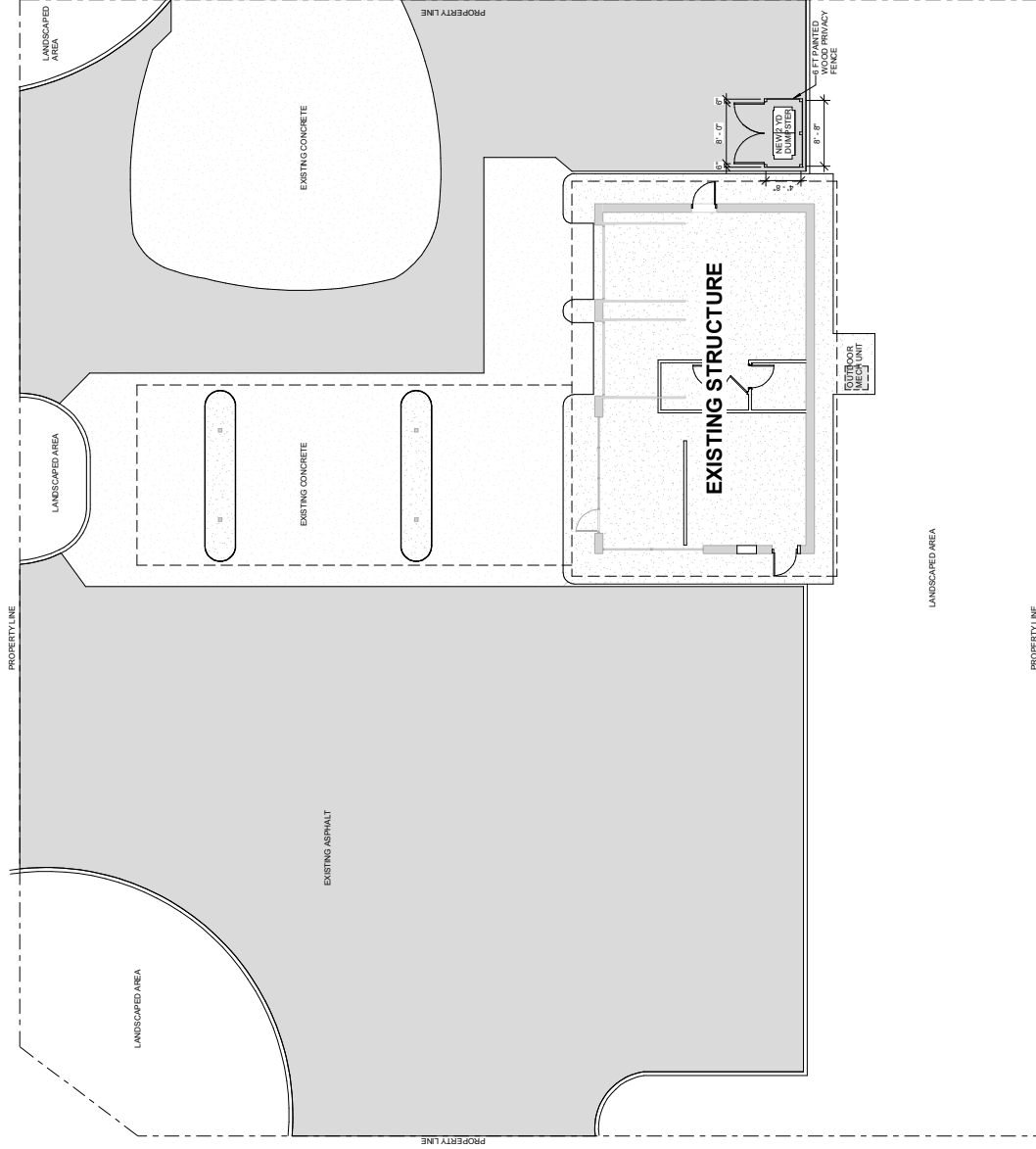
**FOR OFFICE USE ONLY**

Zone: PC-1 District: 6 Date Received: May 12, 2023

Case Number: \_\_\_\_\_ Date Postcards mailed: \_\_\_\_\_

Planning Board Date: \_\_\_\_\_ Recommendation: \_\_\_\_\_

Council Date: \_\_\_\_\_ Council Action: \_\_\_\_\_



1 SITE PLAN  
SCALE: 1/8" = 1'-0"



# RESTAURANT

## SITE PLAN

PLACES FOR PEOPLE DESIGN, LLC  
1904 E. LEONARD ST.  
SUITE 100  
DENVER, CO 80202  
(303) 385-9020 / A0508913



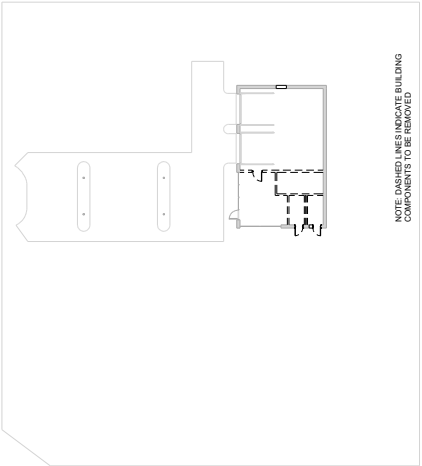
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05/10/23  
SCALE: 1/8" = 1'-0"





CODE ANALYSIS	
<b>Applicable Codes and Ordinances</b>	
2021 F.L. BUILDING CODE - BUILDING, 7TH ED. 2020 F.L. BUILDING CODE - PLUMBING, 7TH ED.	
<b>Zoning</b>	
ADDRESS: 23 W. CERVANTES	
PARCEL: 00-06-090-0-06-032	
ZONING: UN-01 NORTH HILL PRESERVATION DISTRICT	
TECD: CRA	
<b>Document Classification</b>	
ASSEMBLY A-2 / BUSINESS	
*2021.2 SMALL BLDGS	
OCCUPANCY LOAD < 50 PERSONS SHALL BE CLASSIFIED AS GROUP B	
Function of Space	Occupancy
INDOOR DINING	39 persons
UNCONCENTRATED (TABLES AND CHAIRS)	590 SF
KITCHEN	200 gross
COMMERCIAL	468 SF
OUTDOOR DINING	15 net
ASSEMBLY A-2 / BUSINESS (TABLES AND CHAIRS)	34 persons
<b>TOTAL OCCUPANT LOAD</b>	<b>75 persons</b>
<b>Planning Criteria</b>	
Classification	Water Closets Lavatories Other
ASSEMBLY	1 per 75 1 per 75 1 per 200 1 service sink



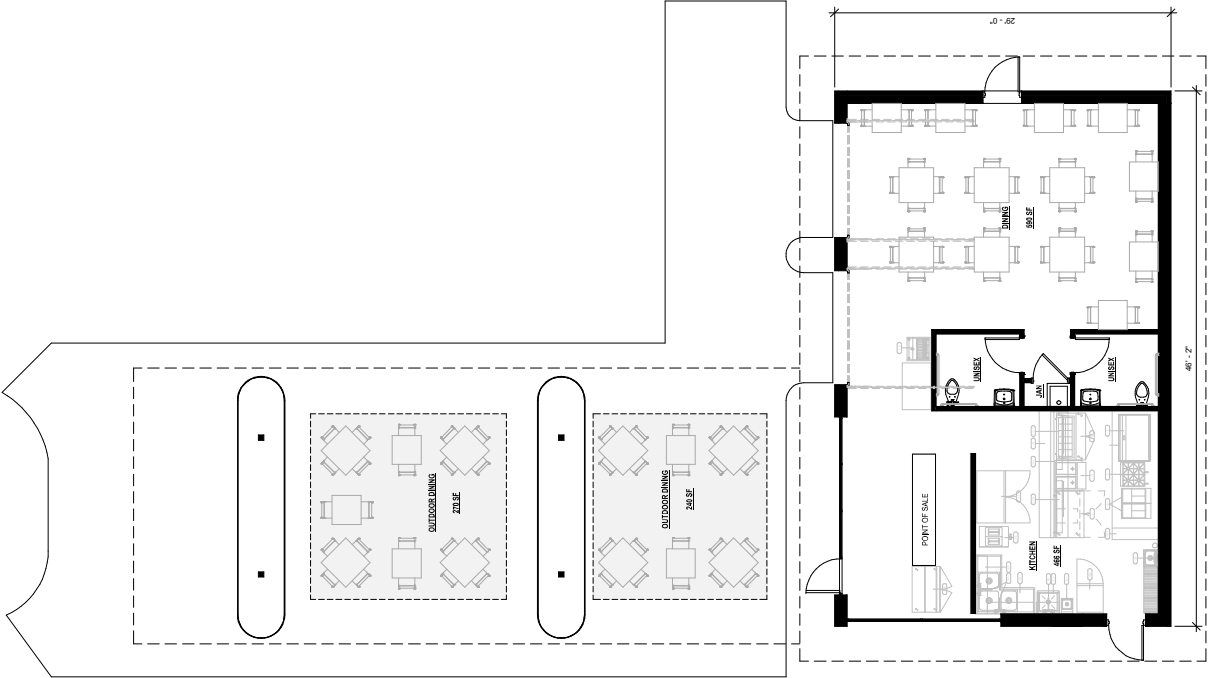
NOTE DASHED LINES INDICATE BUILDING COMPONENTS TO BE REMOVED

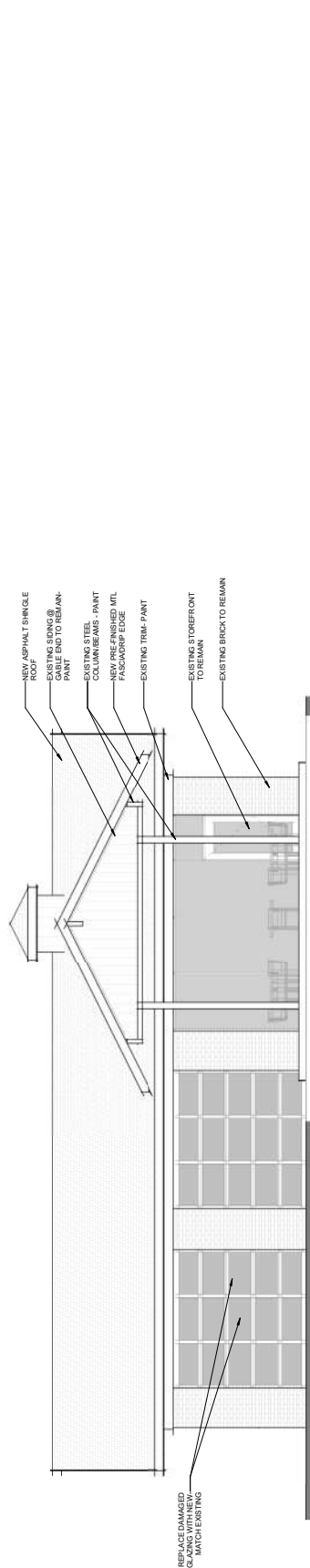
1

EXISTING SITE PLAN

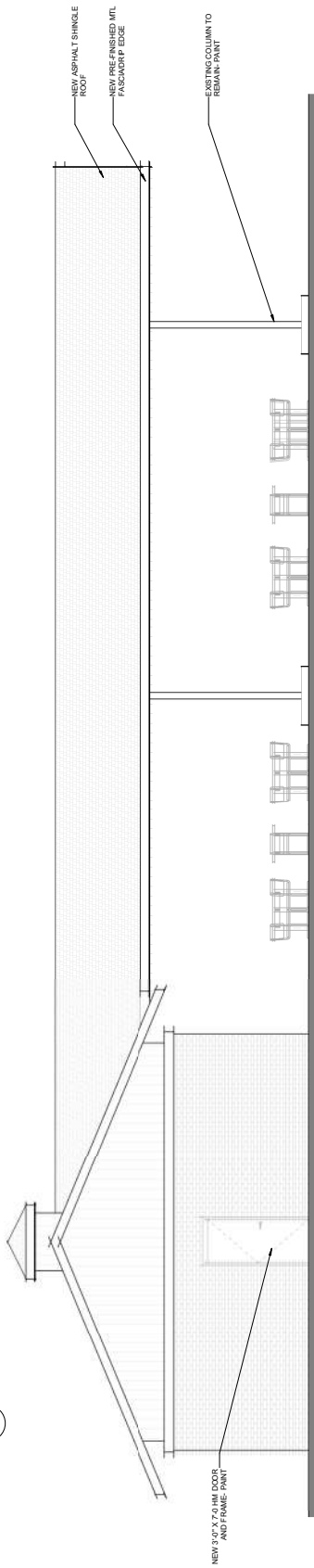
SCALE: 1" = 20'-0"

NORTH

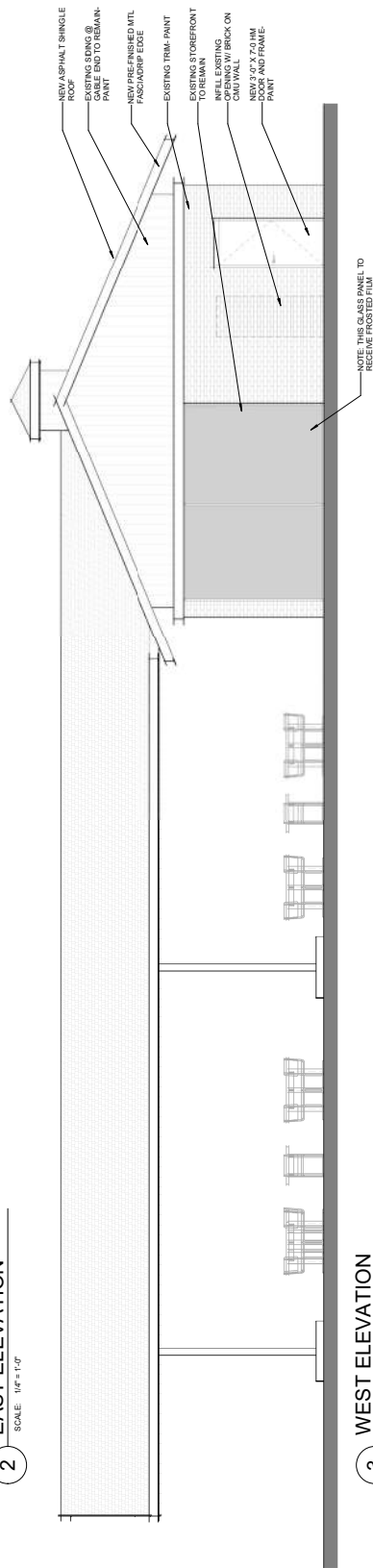




1 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



2 EAST ELEVATION  
SCALE: 1/4" = 1'-0"



3 WEST ELEVATION  
SCALE: 1/4" = 1'-0"

# RESTAURANT

EXTERIOR ELEVATIONS

PLACES FOR PEOPLE DESIGN, LLC  
194 E. LEONARD ST.  
DENVER, CO 80202  
(858) 385-9020 | AEC098913



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4/27/2023 1:33:04 PM

SCALE: 1/4" = 1'-0"



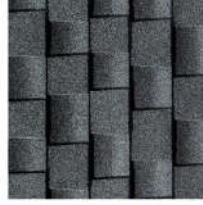
**PROPOSED EXTERIOR FINISHES**



- PT-1**  
**BENJAMIN MOORE HC-180**  
**CLIFFSIDES GRAY**
- EXISTING BRICK
  - NEW HM DOOR/FRAME
  - EXISTING WOOD SOFFIT



- PT-2**  
**BENJAMIN MOORE HC-166**  
**KENDALL CHARCOAL**
- EXISTING WD SIDING @ GABLE ENDS
  - NEW FASCIA, GUTTERS, DOWNSPOUTS
  - EXISTING STRUCTURAL COLUMNS/BEAMS
  - EXISTING COPULA
  - EXISTING ACCENT BAND AT BLDG
  - EXISTING CURB @ OUTDOOR DINING



- SH-1**  
**GAF PEWTER GRAY ASPHALT SHINGLE**



- LT-1**  
**REPLACE EXISTING LINEAR FLUORESCENT**  
**W/ NEW LED LINEAR FIXTURE**



**EXISTING CONDITIONS**



23 W. Cervantes Street









## **MINUTES OF THE PLANNING BOARD**

**June 13, 2023**

**MEMBERS PRESENT:** Vice Chairperson Larson, Board Member Grundhoefer, Board Member Villegas, Board Member Van Hoose, Board Member Powell, Board Member Sampson

**MEMBERS ABSENT:** Chairperson Ritz

**STAFF PRESENT:** Planning & Zoning Manager Cannon, Assistant Planning & Zoning Manager Harding, Help Desk Technician Russo, Development Services Director Morris, Development Services Coordinator Statler, Assistant City Attorney Lindsay, Executive Assistant Chwastyk

**STAFF VIRTUAL:** None

**OTHERS PRESENT:** Lorie Moreland, Curtis Reed, David Alsop, Scott Sallis, Jordan Yee, Joe Jacobs, Roman Spear

### **AGENDA:**

- Quorum/Call to Order
- Approval of Meeting Minutes from May 9, 2023
- **New Business:**
- 22 S. Florida Blanca Street - Gateway Redevelopment District - Aesthetic Review Application – Zone GRD-1
- 8 N. 9th Avenue - Gateway Redevelopment District - Request for Variance to Sec. 12-3-12(1) - Hilton Garden Inn Signage – Zone GRD
- 23 W. Cervantes Street - Conditional Use Application - Zone PC-1
- 3805 & 3807 N. 10th Avenue - Request for Zoning Map Amendment - Zone R-1AA
- Open Forum
- Discussion
- Adjournment

### **Call to Order / Quorum Present**

Vice Chairperson Larson called the meeting to order at 2:00 pm with a quorum present and explained the procedures of the meeting including requirements for audience participation.

**Approval of Meeting Minutes** – Board Member Villegas made a motion to approve

**the May 9, 2023, minutes, seconded by Board Member Powell, and it carried 6-0.**

**New Business –**

**22 S. Florida Blanca street - Gateway Redevelopment District - Aesthetic Review Application – Zone GRD-1**

Assistant Planning & Zoning Manager Harding introduced the agenda item. Sam Marshall Architects is requesting approval for the demolition and reconstruction of a residential detached garage. The proposed new garage will include an accessory dwelling unit on the second floor and a playroom as a half-story turret. The ground floor will be connected to the primary building with an open breezeway and the architecture has been designed to match the existing, consistent with the Type II - Cottage style. The proposed design has incorporated major elements from the original single-story garage with horizontal and fish-scale siding, painted paneling underneath 2-over-2 windows, and a 5v-crimp matching roof. The existing roof-mounted solar panels will be reinstalled. Additionally, a portion of the existing screened-in side porch along the central alleyway will be enclosed with matching exterior materials. This application has been routed through the various City departments and utility providers and all comments have been provided. Additionally, the applicable City Council Member has been notified and this item has been properly noticed. The Planning Department reviewed this based on the Aragon design code and the Aragon HOA made comments and approved it. David Alsop of Sam Marshall Architects stated that this is for a young growing family and will be used by their family. It is in line with the character of Aragon court and will expand their space. They did adjust some required fenestrations to get the 5.7 square feet required as an escape window from a sleeping room. They have gone through Aragon and the Architectural Review board and received approval and they are now asking for the approval of the Planning Board. Board Member Grundhoefer stated that it has good character, matches the house there, it has good proportions, and it is very attractive.

**Board Member Powell made a motion to approve, seconded by Board Member Sampson and it carried 6-0.**

**8 N. 9th Avenue - Gateway Redevelopment District - Request for Variance to Sec. 12-3-12(1) - Hilton Garden Inn Signage Zone GRD**

Assistant Planning & Zoning Manager Harding introduced the agenda item. PHOTA Pensacola, LLC, is seeking a variance to the requirements of Sec. 12-3-12(1)d.1.iii.(c)(1)b. of the Land Development Code. The variance request is to increase the maximum allowable size of attached wall signage from 25 square feet to 127.62 square feet on the north and south sides of a new hotel (an increase of 102.62 square feet). Within GRD, each parcel under single ownership shall be limited to one sign per street adjacent to the parcel. The north elevation fronts onto a private roadway, and the south elevation fronts onto Colfax Street. Both are considered “other streets and areas within the gateway redevelopment district” and all attached wall signs have the following regulations: a. Height. No sign shall extend above the main roof line of a building to which it is attached. b. Size. Ten percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed 25 square feet. Per GRD regulations, Planning Board may grant a variance due to unique and peculiar circumstances or needs resulting from the use, size, configuration, or location of a site. In addition to special conditions, the board

must also find that the variance granted will not detract from the architectural integrity of the development and its surroundings, and that the variance will be in harmony with the general intent and purpose of the district. Since variance hearings are quasi-judicial in nature, the decision of the Planning Board is final subject to judicial review. This variance application pertains only to the size of the proposed wall signs. It does not pertain to the proposed placement, type, design, or lighting although indirect and internal lighting is encouraged in GRD. There are seven criteria that this applicant must meet and two additional criteria that must be met since it's in a Planning Board district. Assistant City Attorney Lindsay reminded the members that all criteria must be met. The applicant can provide evidence showing that they are due the variance, essentially the chairperson is like a judge. After hearing alternative views, he would give them a chance to rebut. They need to have an open mind and not already have mind made up; their decision should be based on evidence they hear today.

Public opinion is not a proper basis for a quasi-judicial decision. If the board finds that even one of the criteria has not been met they do not have to consider to proceed with the discussion but they must allow the applicant to prove their case and offer a rebuttal. Lorie Moreland of Florida Certified Sign Erectors spoke on behalf of the Hilton Garden Inn. The Hilton is required to maintain the brand ID for the hotel. They feel that due to the overall height, 65 square feet and length, 236 square feet that the 25 square feet allowed per the code would make visibility difficult. Ms. Moreland stated that the sign would be placed on the north side of the building which is the commercial side and would not be facing the residential side to the west, there would be no illumination issues. Board Member Van Hoose wanted to clarify that the reason for the request is the branding requirements in keeping with the Hilton brand for larger signs, Ms. Moreland replied yes it would make it more balanced. Board Member Grundhoefer confirmed this request is for the wall sign only. Board Member Powell wanted to know the definition of peculiar based on criteria one, "That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;". Assistant City Attorney Lindsay stated it's particular to the development itself, because of branding requirements of the Hilton Brand, the obligation of the builder is to meet the criteria for their signage, and they are trying to present it as a special condition or circumstance. Variances are specific to this particular building, and it would not set a precedent, taken case by case and they are not creating a new rule. Board Member Grundhoefer stated he doesn't feel this is peculiar to this particular site or building. Board Member Villegas questioned if they were aware of the current land development when they purchased the land, Lorie Moreland stated she believed they were aware of the requirements. She also stated they could probably customize the sign but again they feel the sign would not be seen. Board Member Van Hoose asked if the Hilton Garden Inn is dictating the location of the sign, Lorie Moreland replied yes. They bought this land in place where a larger sign is not allowed and are now coming to the Planning Board for this variance. Assistant Planning and Zoning Manager Harding confirmed that if the first criteria is not met, the board is not required to go through the entire list. Board Member Villegas would like to discuss further since she feels this is something the city needs. Vice Chairperson Larson stated he feels the special circumstances have not been met. Lorie Moreland stated again that in order to use the Hilton brand name they have to meet the brand requirements otherwise they won't be in business, yet they bought the land knowing the requirements in the land development code. Scott Sallis lives across the street; he has concerns about this project. He is in favor of the project but feels signage requirements



should've been considered before purchasing the property. He asks the board to maintain the design quality and integrity of our downtown and insist the developer abide by our land development code and design guidelines and deny the request. Roman Spears wanted to point to other hotels such as the Grand Hotel that is a large building with a small sign. The applicant was provided another opportunity to plead her case for the variance for the increase of size of the sign. Board Member Villegas stated she doesn't feel they have met the variance criteria despite her wanting the hotel in our area. Board Member Van Hoose inquired if they could ask about other signage downtown, Assistant City Attorney said if facts are shared and the applicant has a chance to argue her case then they can discuss it.

**Board Member Villegas moved to deny the variance request based off the fact that the application does not meet the necessary variance criteria (specifically regarding criterion 1 based on the board's discussion – that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district). Board Member Powell seconded the motion.** Board Member Grundhoefer asked if internal illuminated signage was allowed in GRD, and staff replied that it was, and that 25 sf of internally illuminated wall signage (on the north and south elevation) would be permitted by code. **The motion carried 6-0.**

Board Member Powell excused herself from the meeting and the board maintained a quorum with five members present.

### **23 W. Cervantes Street - Conditional Use Application Zone PC-1**

Assistant Planning & Zoning Manager Harding introduced the agenda item. Joseph Jacobs is requesting a Conditional Use Permit at 23 W. Cervantes Street. The purpose of the conditional use is to convert the existing service station into a restaurant. The subject property is in PC-1 which is North Hill's preservation commercial district. Per Sec. 12-3-107. - Conditional Use Permit, any proposed development or redevelopment of property within the PC-1 zoning district may apply for conditional uses listed under the zoning regulations for that district. The following summarizes the allowed conditional uses and the standards for approval: (d) Standards for approval. A conditional use may be approved by the city council only upon determination that the application and evidence presented clearly indicate that all the following standards have been met: (1) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the city comprehensive plan, the land development regulations, or any other applicable plan, program, map, or regulation adopted by the city council. (2) The proposed use will not adversely affect the public health, safety, or welfare. (3) The proposed use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses. (4) The proposed use shall be provided with adequate public facilities and services, including roads, drainage, water, sewer, and police and fire protection. (5) The proposed use will not create undue traffic congestion. (6) The proposed use shall minimize, to the extent reasonably possible, adverse effects on the natural environment. This application has been routed through the various City departments and utility providers. The comments received to date have been included in the attachments. The applicant was provided with guidance on criteria that the

Florida Department of Transportation would like to see. Engineering asked for a striping plan, though it does not impact the conditional use permit request. However if the project is approved one will be needed during the building and site plan permitting stage. This property is in the CRA Urban Core, and eating and drinking establishments are offered a 100% parking reduction, so they technically do not have to stripe. Joseph Jacobs would like to turn it into a small-scale diner, he mentioned FDOT recommended they close off both Cervantes Street entrances. Jordan Yee confirmed this project went through the city's Architectural Review Board, and the North Hill neighborhood is generally happy that a long vacant building will be used. The exterior of the building will be preserved, there will be new paint, store front to remain unchanged. They will close off all of the Cervantes Street right of way and the applicants will provide a striping plan. The entrance and exit will fall on Baylen Street and the hours of operations may be between 11 a.m. and 8 p.m. with minimal food offered. The furniture will be portable, nothing permanent to alter the building. They will have a hurricane plan in place regarding the furniture. This will go onto City Council at the July meeting.

**Board Member Grundhoefer made a motion to approve and found that the application met all six criteria listed in Sec. 12-3-107(d) which are required for a conditional use permit. The motion was seconded by Board Member Van Hoose and it carried 5:0.**

### **3805 & 3807 N. 10th Avenue - Request for Zoning Map Amendment Zone R-1AA**

Assistant Planning & Zoning Manager Harding introduced the agenda item. Bear Endeavors, LLC, is requesting a Zoning Map Amendment for 3805 and 3807 N. 10th Avenue. The two parcels are currently zoned R-1AA, Medium Density Zoning District, and the existing Future Land Use (FLU) designation is Medium Density Residential. The applicant is proposing to amend the zoning district to R-1A, Medium Density Zoning District, and the existing FLUM will not change. R-1AA (existing zoning) The medium-density residential land use district is established for the purpose of providing a mixture of one- and two-family dwellings with a maximum density of 17.4 dwelling units per acre. Recognizing that, for the most part, these zoning districts are in older areas of the city, the zoning regulations are intended to promote infill development, which is in character with the density, intensity, and scale of the existing neighborhoods. R-1A (proposed zoning) The medium-density residential land use district is established for the purpose of providing a mixture of one- and two-family dwellings with a maximum density of 17.4 dwelling units per acre. Recognizing that, for the most part, these zoning districts are in older areas of the city, the zoning regulations are intended to promote infill development, which is in character with the density, intensity, and scale of the existing neighborhoods. MDR (existing with no proposed change FLU) 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: o Medium Density Residential - 18 or fewer residential dwelling units per acre. Since both R-1AA and R-1A are medium-density residential land use districts, the primary change will be to maximum residential gross density, minimum lot area, lot width at the minimum building setback line, minimum lot width at the street right-of-way line, and minimum yard setback requirements. Table 12-3.2, Regulations for the medium-density residential zoning districts, comparing the two zoning districts is provided as part of the application.

Since the applicant's desire is primarily to adopt the setbacks of zoning district R-1A, they initially sought a variance with the Zoning Board of Adjustments in March 2023. The proposed variance would have reduced the front, side, and rear building setbacks of a future 12-lot residential subdivision. The request was denied since a hardship required to grant such a variance could not be found and that the request should more appropriately be reviewed by Planning Board as a zoning amendment. The agenda item and meeting minutes from the March 2023 Zoning Board of Adjustments meeting has been provided for background information. This request has been routed through the various City departments and utility providers. Those comments are attached for review. Assistant Planning and Zoning Manager Harding stated the request would not be considered spot zoning since R-1A would be a transitional zone between the existing R-1AA and C-1. If approved by Council, the request would be a legal rezoning. Board Member Grundhoefer asked what the difference is between an amendment and a zoning change, Assistant Planning and Zoning Manager Harding replied they are one in the same, it's just a change in zoning or a rezoning. Typically, when we see rezoning applications, it's for a change from a residential to commercial, whereas this is from one residential district to a slightly different residential district and in the same underlying future land use map category. Curtis Reed of Bear Endeavors stated they are not trying to increase the density or max it out, they are just trying to maximize what they can do on this parcel. They want to create a price point that is attainable for two-bedroom, two-bathroom duplex units with a total of six structures or twelve units. They are only requesting this change to R-1A in order to get the setbacks they need to build these structures that are allowed in this zoning. The Zoning Board did not find a hardship to grant a variance and they recommended that the applicants go before the Planning Board for the zoning change instead. Board Member Grundhoefer thought R-1A and the intent for the properties were compatible with the neighborhood and it was confirmed that if approved by City Council and if the plan for the property remained consistent, the subdivision plat would return for review. The application was advertised with a sign in the yard, post cards were mailed, and it was advertised in the News Journal. No members of the public were present to object to the application. This is in City Council District 5 and the representative Council Member had also been informed. This will go before the City Council in the July and August meetings.

**Board Member Van Hoose made a motion to approve, seconded by Board Member Grundhoefer and it carried 5-0.**

**Open Forum – None.**

**Discussion – None.**

**Adjournment** – With no further business, the Board adjourned at 3:21 p.m.

Respectfully Submitted,



Gregg Harding, RPA  
Assistant Planning & Zoning Manager  
Secretary of the Board

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## Sec. 12-3-107. 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 that require further review by the planning board and city council to assess the impacts of the proposed use on the surrounding neighborhood.
- (b) *Applicability.*
- (1) Conditional uses listed under zoning district regulations, or in this section for a specific land use type. Any proposed development or redevelopment of property within the R-1AAA, R-1AA, R-1A, R-ZL, R-2A, R-2, HR-1, HR-2, PR-1AAA, PR-2 and PC-1 zoning districts may apply for conditional uses listed under the zoning regulations for the district.
  - (2) Vacant public, semi-public, institutional, church or historically significant structures within the R-1AA, R-1A, R-ZL, R-2A and R-2 zoning districts. To allow for adaptive reuse of vacant public, semi-public, institutional, church or historically significant structure within the R-1AA, R-1A, R-ZL, R-2A and R-2 zoning districts which, by nature of its size, structural layout, site layout or other unique features, could not feasibly be redeveloped for adaptive reuse under existing zoning regulations, a conditional use permit may be granted. Redevelopment of an existing building may occur within its existing footprint or may be expanded subject to compliance with the lot coverage, intensity and height standards for the applicable zoning district. Existing buildings that exceed 45 feet may be redeveloped within the existing building envelope height; buildings that are less than 45 feet in height may not be expanded to exceed 45 feet in height. The following uses or combinations of uses shall be eligible to apply for a conditional use permit:
    - a. Any type of residential development at a maximum density of 35 units per gross acre, dormitories.
    - b. Child care facilities, nursing homes, rest homes, convalescent homes.
    - c. Studios, with no outside storage or work permitted.
    - d. Banks, office buildings.
    - e. Restaurants.
    - f. Retail food and drugstores; personal service shops; clothing and fabric stores; home furnishing stores, hardware and appliance stores; specialty shops; pastry shops; floral shops.
    - g. Fitness centers, martial arts studios.
    - h. Laundry and dry-cleaning pick-up stations.
  - (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).
    - b. Storage areas and mechanical equipment shall be screened from view.
    - c. Mobile restaurant units shall be connected to the sewer system and utilize a grease trap.

- 
- d. Mobile restaurant units shall have permanent restrooms provided for customers via the adjacent principal restaurant use.
  - e. Mobile restaurant development sites shall provide one customer seat per linear foot of mobile unit on site.
  - 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 40 percent decorative architectural pavers comprising the overall seating area.
  - g. Each individual mobile restaurant unit shall have a water source located within 30 feet behind the structure.
  - h. Mobile restaurant units shall be allowed one menu attached to the facade not to exceed 16 square feet and one identifying sign not to exceed 25 square feet.
  - i. There will be a maximum of four 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.
  - j. Mobile restaurant units shall not occupy more than 25 percent of the overall 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.
  - l. A designated screened dumpster area shall be located within 500 feet of a mobile restaurant unit.
- (c) *Requirements.* Applicants for a conditional use must submit development plans in accordance with section 12-3-120. The conditional use development plan shall meet all design standards as required by section 12-3-121 and is encouraged to meet all design guidelines established in the same section. A building permit shall not be issued for a conditional use until the city council has approved the final development plan.
- (d) *Standards for approval.* A conditional use may be approved by the city council only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:
- (1) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the city comprehensive plan, the land development regulations, or any other applicable plan, program, map or regulation adopted by the city council.
  - (2) The proposed use will not adversely affect the public health, safety or welfare.
  - (3) The proposed use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses.
  - (4) The proposed use shall be provided with adequate public facilities and services, including roads, drainage, water, sewer, and police and fire protection.
  - (5) The proposed use will not create undue traffic congestion.
  - (6) The proposed use shall minimize, to the extent reasonably possible, adverse effects on the natural environment.

- 
- (e) *Conditions.* The city council may prescribe appropriate conditions and restrictions upon the property benefitted by the conditional use approval as may be necessary to comply with the standards set out in subsection (d) of this section, to reduce or minimize any potentially injurious effect of such conditional use upon the property in the neighborhood, and to carry out the general purpose and intent of these regulations. Failure to comply with any such condition or restriction imposed by the city council shall constitute a violation of these regulations. Those conditional uses that the city council approves subject to conditions, shall have specified by the city council the time allotted to satisfy such conditions. In approving any conditional use, the city council may:
- (1) 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.
  - (2) Establish special or more stringent buffer, yard or other open space requirements.
  - (3) Designate the size, number, location or nature of vehicle access points.
  - (4) Require berming, screening, landscaping or similar methods to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
  - (5) Designate the size, height, location or materials for a fence or wall.
  - (6) Specify the period of time for which such approval is valid for the commencement of construction of the proposed conditional use. The city council may, upon written request, grant extensions to such time allotments not exceeding six months each without notice or hearing.

(Code 1986, § 12-2-78; Ord. No. 33-95, § 8, 8-10-1995; Ord. No. 6-02, §§ 1, 2, 1-24-2002; Ord. No. 05-12, § 1, 4-12-2012; Ord. No. 29-16, § 1, 10-13-2016)



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

File #: 23-00495

City Council

7/20/2023

### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** D.C. Reeves, Mayor

**SUBJECT:**

TENTATIVE MILLAGE RATE - FISCAL YEAR 2024

### **RECOMMENDATION:**

That City Council set the tentative Fiscal Year 2024 millage rate for the City of Pensacola at 4.2895 mils and for the Downtown Improvement District at 2.0000 mils and authorize the Mayor to set final levies in compliance with all property tax reform regulations. Further, that the Mayor may administratively adjust the final adopted millage rate upon receipt of the final valuation if the City's final current year gross taxable value is reduced by more than 1%. Finally, that the first public hearing on the Fiscal Year 2024 millage rates be held on September 6, 2023, at 5:30 p.m. in Council Chambers.

**HEARING REQUIRED:** No Hearing Required

### **SUMMARY:**

Annually, each taxing authority in Florida must submit a tentative ad valorem tax millage rate to the Property Appraiser and Tax Collector. Tentative millage must also be publicly advertised as required by the Truth in Millage Law (TRIM). The legal deadline for submission of the Fiscal Year 2024 advertised ad valorem tax rate is August 4, 2023. The millage advertisement must include the date, time, and place for the first Public Hearing. By law, a taxing authority cannot exceed its advertised millage rate without extraordinary effort. Therefore, the advertised rate determines the maximum millage rate that a taxing authority can adopt.

The City's preliminary taxable value for Real and Personal Property came to \$5,912,196,417, which is an increase of 12.35% from the final adjusted FY 2023 value. Amendment 1 brought forth a new formula to determine the maximum millage rate that can be levied without a super-majority vote. Based on that calculation, the maximum millage rate that the City could impose is 9.8456 mils, which equates to an additional \$31.2 million in property tax revenue. However, the Mayor is recommending maintaining the same millage rate as FY 2023, which is 4.2895 and is below the calculated maximum millage rate allowed.

The Mayor is responsible for submitting a tentative millage rate for the City of Pensacola and the Downtown Improvement District. City Council will formally adopt a millage rate for each entity during

the Public Hearings on the budget. The first hearing is tentatively scheduled for September 6, 2023, at 5:30 p.m. in Council Chambers. The second hearing is tentatively set for September 13, 2023, at 5:30 p.m. and will also be held in Council Chambers.

**PRIOR ACTION:**

None

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

Approval of the Fiscal Year 2024 millage rates for the City of Pensacola and the Downtown Improvement District at 4.2895 mills and 2.0000 mills, respectively, will provide funding for a balanced budget. The total certification value for Real and Personal Property is \$5,912,196,417, an increase of 12.35%. This valuation will result in an increase of property tax revenue of \$2,411,200 (net of TIF \$1,705,700) from the Fiscal Year 2023 beginning budget.

**LEGAL REVIEW ONLY BY CITY ATTORNEY:** Choose an item.

[Click here to enter a date.](#)

**STAFF CONTACT:**

Kerrith Fiddler, City Administrator  
Amy Lovoy

**ATTACHMENTS:**

- 1) Fiscal Year 2024 Taxable Value Estimates

**PRESENTATION:** No



**CITY OF PENSACOLA  
FISCAL YEAR 2024  
TAXABLE VALUE ESTIMATES**

	ADJUSTED FY 2023 FINAL	FY 2024 JUNE 1ST ESTIMATE	DIFFERENCE	%
City of Pensacola Valuation	5,262,159,918	5,783,133,083	520,973,165	9.90%
DIB Valuation	348,702,902	383,696,109	34,993,207	10.04%

**CRA**

Urban Core TIF (City/County)	826,638,655	926,658,287	100,019,632	12.10%
Urban Core TIF (DIB)	264,164,218	298,055,649	33,891,431	12.83%
Eastside TIF	35,707,477	44,418,491	8,711,014	24.40%
Westside TIF	154,153,937	199,476,627	45,322,690	29.40%

	ADJUSTED FY 2023 FINAL	FY 2024 JULY 1ST ESTIMATE	DIFFERENCE	%
City of Pensacola Valuation	5,262,159,918	5,912,196,417	650,036,499	12.35%
DIB Valuation	348,702,902	388,980,269	40,277,367	11.55%

**CRA**

City/County	826,638,655	935,987,336	109,348,681	13.23%
DIB	264,164,218	302,142,213	37,977,995	14.38%
Eastside TIF	35,707,477	45,186,445	9,478,968	26.55%
Westside TIF	154,153,937	212,719,128	58,565,191	37.99%



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 23-00537

City Council

7/20/2023

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** D.C. Reeves, Mayor

**SUBJECT:**

MEMORANDUM OF AGREEMENT RELATED TO THE CHAPPIE JAMES FLIGHT ACADEMY AND MUSEUM BUILDING EXPANSION PROJECT

**RECOMMENDATION:**

That City Council approve the memorandum of agreement between and among the City of Pensacola, Chappie James Museum of Pensacola, Inc., and General Daniel "Chappie" James Flight Academy, Inc. to store classroom and office equipment purchased by the Flight Academy at a climate-controlled City facility during the construction period of the Flight Academy and Museum building expansion project. Additionally, the City agrees to make the Chappie James Flight Academy financially whole in the sum of \$125,158.44 in the event the expansion project fails to take place.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

Chappie James Museum of Pensacola, Inc. applied for a grant in the amount of \$470,000 for the expansion of the the Museum and Flight Academy in 2021. In July of 2022 the Community Redevelopment Agency (CRA) entered into an agreement with the Museum to serve as the fiscal agent for this expansion project under the CRA. The award and execution of the grant was delayed until late 2022, which caused a delay in entering an agreement with the City which was between March and May of 2023 with the City serving as the project and grant managers of the project.

Bidding is currently underway for the expansion project with bids due July 30<sup>th</sup>.

Chappie James Flight Academy Inc., a co-inhabitant of the building, received a grant award in 2022 that was set to expire in August of 2023 to purchase classroom/office equipment designated to coincide with the expansion project. The Flight Academy was anticipating the beginning of the bidding and beginning of the construction projects prior to ordering equipment and after unsuccessfully seeking an extension to the original grant agreement reached out to the City for assistance as they were concerned that they would either lose the grant entirely or risk buying equipment they could not use as due to the project delay was a sign it would not occur and that they would be forced to incur a cost adjustment to the funding entity in excess of over \$100,000.

Therefore, it is recommended that the City of Pensacola enter into a memorandum of agreement that

we are willing to repay their cost in the event to expansion could not take place and that we would then take sole possession of the property in question (all equipment, computers, televisions, etc.) and while the expansion is underway the City agrees to store this equipment at one of the City's secure, climate-controlled locations.

**PRIOR ACTION:**

The City of Pensacola CRA has discussed options of storing the equipment for the academy but was unable to come to a solution at the time.

**FUNDING:**

No funding will be required at this time.

**FINANCIAL IMPACT:**

\$125,158.44 in event expansion project fails to occur.

**LEGAL REVIEW ONLY BY CITY ATTORNEY:** Yes

7/6/2023

**STAFF CONTACT:**

Kerrith Fiddler, City Administrator  
William Boyer, Grants and Special Projects Coordinator  
Amy Lovoy, Finance Director  
Victoria D'Angelo, CRA Division Manager  
Amy Tootle, Public Works Director  
James Cook, Deputy Public Works Director

**ATTACHMENTS:**

- 1) MOA Flight Academy Storage
- 2) Chappie James Flight Equipment

**PRESENTATION:** No

**MEMORANDUM OF AGREEMENT BETWEEN AND AMONG  
THE CHAPPIE JAMES MUSEUM OF PENSACOLA, INC.,  
GENERAL DANIEL CHAPPIE JAMES FLIGHT ACADEMY, INC., AND  
THE CITY OF PENSACOLA  
RELATING TO THE STORAGE OF EQUIPMENT DUE TO THE  
GENERAL CHAPPIE JAMES MUSEUM AND FLIGHT ACADEMY  
BUILDING EXPANSION**

This Memorandum of Agreement ("Agreement") is made and entered into by, between, and among the Chappie James Museum of Pensacola, Inc. (the "Museum"), General Daniel Chappie James Flight Academy, Inc. ("Flight Academy"), registered not-for-profits, and the City of Pensacola, a municipal corporation created and existing under the laws of the State of Florida, (hereinafter referred to as "City.") This Agreement is supplemental to prior executed agreements by, between, and among the parties.

**WITNESSETH**

**WHEREAS**, the parties wish to enter into an agreement specific to the storage of office and classroom equipment specified in Attachment B as a supplement to the existing Agreements among the parties; and

**WHEREAS**, an expansion of the General Chappie James Museum and Flight Academy Building, addressed at 1606 and 1608 Dr. MLK Jr. Drive, Pensacola, Florida (the "Project") is planned; and

**WHEREAS**, the Flight Academy has applied for and has been awarded a Florida Department of Education reimbursement grant in the amount of \$130,000.00 (the "Grant") to support the purchase of equipment for the benefit of the Flight Academy; and

**WHEREAS**, the Flight Academy desires a reimbursement by the City in the amount of \$125,158.44 should the expansion not take place;

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

**Section 1. Purpose of the Agreement**

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

1.2 Purpose. The purpose of this Agreement is to establish the conditions and mechanisms whereby the parties will work in good faith and cooperatively during the planned expansion and to identify rights and responsibilities as to the subject of this Agreement, the equipment listed in Attachment B.

## **Section 2. Scope of Project**

2.1. Conditions for Storage. The storage of the equipment during the expansion project will be by the City at a climate-controlled location based on the height, width, and depth of the largest piece of equipment and number of pieces to be delivered.

### **2.2 Responsibilities of the Parties**

- a) The Flight Academy shall attempt to delay delivery to ensure the City has time to prepare a climate-controlled storage location to be determined in sole discretion of City.
- b) The City shall be responsible for storing the equipment during and to the completion of the expansion project; provided, however, that the City shall have no other cost in association with delivery or return of the equipment.
- c) The Museum and Flight Academy shall fully cooperate with the City in the logistical matters associated with the delivery and return of the equipment.
- d) Should the expansion not take place, City shall reimburse the Flight Academy in the amount of \$125,158.44 in exchange for all rights of ownership and possession of the equipment to be stored.
- e) The parties must abide by the conditions of this Agreement.

2.3 Term and Termination. This Agreement shall commence upon the date last executed and run concurrent with the completion of the Project.

## **Section 3. Miscellaneous Provisions.**

### **3.1 Governing Law.**

This Agreement is governed and construed in accordance with the laws of the State of Florida. The law of the State of Florida shall be the law applied in the resolution of any claim, actions, or proceedings arising out of this Agreement. Venue for any and all proceedings shall be Escambia County, Florida.

### **3.2 Venue.**

Venue for any claim, actions, or proceedings arising out of this Agreement shall be Escambia County, Florida.

### **3.3. Other Agreements.**

The parties acknowledge other agreements in place are fully in effect and this Agreement supplements those prior Agreements. All provisions in those prior Agreements remain in full force and effect except to the extent expressly modified herein.

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

**MUSEUM**

Chappie James  
Museum of Pensacola  
Attn: President  
1606 Dr. MLK Jr. Dr.  
Pensacola, FL 32503

**CITY**

City of Pensacola  
Attn: City Administrator  
222 W. Main Street  
Post Office Box 12910  
Pensacola, FL 32521

**FLIGHT ACADEMY**

General Daniel Chappie James Flight Academy, Inc.  
Attn: President  
1608 Dr. MLK Jr. Dr.  
Pensacola, FL 32503

3.5 Public Records Act.

The parties acknowledge and agree to fulfill all obligations respecting required contract provisions in any contract entered into or amended after July 1, 2016, in full compliance pursuant to Section 119.0701, *Florida Statutes*, and obligations respecting termination of a contract for failure to provide public access to public records. The parties expressly agree specifically that the contracting parties hereto shall comply with the requirements within Attachment "A" attached hereto and incorporated by reference.

**IN WITNESS WHEREOF**, the parties hereto have caused this Contract to be executed and sealed the day and year first above written.

**CHAPPIE JAMES MUSEUM  
OF PENSACOLA, INC.**

**THE CITY  
OF PENSACOLA, FLORIDA**

\_\_\_\_\_  
President

\_\_\_\_\_  
Mayor, D.C. Reeves

\_\_\_\_\_  
Marion Williams, PhD

Attest: \_\_\_\_\_  
City Clerk, Ericka L. Burnett

Attest: \_\_\_\_\_  
Corporate Secretary

**GENERAL CHAPPIE JAMES  
FLIGHT ACADEMY, INC.**

\_\_\_\_\_  
Cliff Curtis, President

Attest: \_\_\_\_\_  
Corporate Secretary

Approved as to Substance:

\_\_\_\_\_  
CRA Manager

Legal in form and execution:

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

## **Attachment "A"**

**PUBLIC RECORDS:** Consultant shall comply with Chapter 119, Florida Statutes. Specifically, Consultant shall:

- A.** Keep and maintain public records required by the city to perform the service.
- B.** Upon request from the City's custodian of public records, provide the City with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law.
- C.** Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the Contract term and following the completion of the Contract if Consultant does not transfer the records to the City.
- D.** Upon completion of the Contract, transfer, at no cost, to the City, all public records in possession of consultant or keep and maintain public records required by the City to perform the service. If Consultant transfers all public records to the City upon completion of the Contract, Consultant shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If Consultant keeps and maintains public records upon completion of the Contract, Consultant shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the City, upon request of the City's custodian of public records, in a format that is compatible with the information technology systems of the City.

Failure by Consultant to comply with Chapter 119, Florida Statutes, shall be grounds for immediate unilateral cancellation of this Contract by the City.

**IF CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE PUBLIC RECORDS COORDINATOR AT:**

**THE OFFICE OF THE CITY CLERK, (850) 435-1715**

**[PUBLCRECORDS@CITYOFPENSACOLA.COM](mailto:PUBLCRECORDS@CITYOFPENSACOLA.COM)**

**222 WEST MAIN STREET, PENSACOLA, FL 32502**



## **Attachment "B"**

Equipment & Other Items Needed

Costs by Category & Supplier

Room	Item		Each	Cost
	Website Host Upgrade			23.43
	Website Host Upgrade			171.27
	Website Host Upgrade			71.00
	Website Changes			653.00
Marketing	Website Changes			417.00
	Website Changes			417.00
	Website Changes			417.00
	Website Changes			417.00
	Classroom Video			500.00
	Booklets			1,136.00
	Brochures, Donation Cards, etc			618.86
Office	Computer	1		799.99
Office	Keyboard & Mouse	1		58.29
Office	2 YR Geek Squad Protection	1		9.99
Office	27" Monitor	1		229.99
Office	3 YR Geek Squad Computer Protection	1		209.99
Office	Office 365 Software	1		249.99
Office	Speaker (2pc set)	1		39.99
Office	Geek Squad Remote Services, Ofc Support Activation	1		99.99
Classroom	2 YR Geek Squad Protection	10	14.99	149.90
Classroom	3 YR Geek Squad Computer Protection	11	309.99	3,409.89
Classroom	32" Monitors	10	399.99	3,999.90
Classroom	3D Printers	10	1,406.38	14,063.83
Classroom	4 YR Geek Squad Protection (Monitors)	10	59.99	599.90
Classroom	43" Samsung LED TV's (Video Wall)	9	329.99	2,969.91
Classroom	5 YR Geek Squad TV Protection (Video Wall)	9	69.99	629.91
Classroom	Anti-Virus Bitdefender (3 devices each)	4	99.99	399.96
Classroom	Cat 6 Wiring for Flight Simulator Computers			22,406.44
Classroom	Computer Software	10	59.99	599.90
Classroom	Computer Towers	11	1,649.99	18,149.89
Classroom	Ethernet Cables & Surge Protectors	25	45.89	1,147.37
Classroom	Geek Squad Remote Services, Ofc Support Activation	20	499.99	9,999.80
Classroom	Mounting Bracket Kits, 9 TV's (Video Wall)	9	479.99	4,319.91
Classroom	Mounting Fee (addl TV's)	8	229.99	1,839.92
Classroom	Mounting Fee, (one 55" TV or smaller)	1		249.99
Classroom	Rudder Pedals	10	169.99	1,699.90
Classroom	Security Cameras			1,256.68
Classroom	Speakers (3pc set)	10	59.99	599.90
Classroom	Supplies (Mouse Pads, Busn Cards, Brochures)			1,223.73
Classroom	Surround Sound-Home Theatre Amp	1		1,944.00
Classroom	Video Wall Controller	1		1,499.00
Classroom	Workstations & Student Computer Desk	20	1,160.72	23,214.34
Classroom	Yokes	10	169.99	1,699.90
Classroom	Delivery			945.35
Classroom	Workstations (delv & setup)			4,441.00

Total 130,000.00

4,841.56 already orded and received and sent for reimbursement - this will not be stored

125,158.44 this amount is what city will pay to Chappie James in event expansi anything listed as "office" or "classroom" will be stored by city during expansion pr



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

**File #:** 23-00435

City Council

7/20/2023

### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** D.C. Reeves, Mayor

**SUBJECT:**

APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH CDAC, BEHAVIORAL HEALTHCARE, INC., FOR AN AFTER-SCHOOL ENRICHMENT PROGRAM

**RECOMMENDATION:**

That the City council approve a Memorandum of Understanding between City of Pensacola and CDAC, Behavioral Healthcare, Inc. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this memorandum of understanding, consistent with the terms of the agreement and the Mayor's Executive Powers as granted in the City Charter.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

The City of Pensacola (City") desires to offer an after-school enrichment program to benefit youth by teaching life skills that includes development of social and emotional skills through positive behavioral support, school readiness, homework support and positive conflict resolution. The program teaches skills that build on a student's individual strengths and resiliency in a positive and supportive environment to promote success for the participants in all areas of life.

CDAC Behavioral Health, Inc. ("CDAC") is a non-profit, community-based enrichment program provider for youth. CDAC agrees to offer a Project BOOST After School Enrichment program called Peaceful Alternatives to Tough Situations ("PATT") in accordance with the responsibilities stated in this agreement.

The PATTs-Peaceful Alternative to Tough Situations is a group instruction and role play program that will be offered in elementary age children during after school time at E. S. Cobb and Fricker Resource Centers to help youth learn positive social skills. The PATTs curriculum encourages caring and responsible behavior and helps them learn non-violent conflict resolution skills. In addition CDAC will offer Homework Enrichment with a focus on math and reading.

There is no charge to the City of Pensacola to provide these programs and participants are not charged any fees. However, the Fricker Resource Center PATTs Program expenses will be reimbursable as a subcontractor to the Escambia Children's Trust Grant Agreement for after-school enrichment programs.

**PRIOR ACTION:**

None

**FUNDING:**

Budget: \$91,842 Escambia Children Trust After School Program

Actual: \$91,842 Escambia Children Trust After School Program

**FINANCIAL IMPACT:**

Funding has been appropriated within the Escambia Children's Trust After-School Program through the Escambia Children's Trust Grant for reimbursable expenses.

**LEGAL REVIEW ONLY BY CITY ATTORNEY:** Yes

7/5/2023

**STAFF CONTACT:**

Kerrith Fiddler, City Administrator  
Amy Miller, Deputy City Administrator  
Tonya Byrd, Interim Parks and Recreation Director

**ATTACHMENTS:**

- 1) MOU- CDAC Behavioral Healthcare, Inc.

**PRESENTATION:** No



Memorandum of Understanding (MOU) Between  
City of Pensacola and CDAC Behavioral Healthcare, Inc.

The City of Pensacola (“City”) desires to offer an after-school enrichment program to benefit youth by teaching life skills that includes development of social and emotional skills through positive behavioral support, school readiness, homework support and positive conflict resolution. The program teaches skills that build on a student’s individual strengths and resiliency in a positive and supportive environment to promote success for the participants in all areas of life. Youths may be considered at risk surrounding E. S. Cobb and Fricker Resource Centers.

CDAC Behavioral Health, Inc. (“CDAC”) is a non-profit, community-based enrichment program provider for youth. CDAC agrees to offer a Project BOOST After School Enrichment program called Peaceful Alternatives to Tough Situations (“PATT”) in accordance with the responsibilities stated in this agreement.

The purpose of this Memorandum of Understanding (MOU) between the City and CDAC is to put in writing, specific responsibilities of both parties for the program.

**I. CDAC Behavioral Health, Inc. agrees to:**

- Provide instruction for important life and behavioral skills to all participants enrolled in this program in accordance with this Agreement at the E. S. Cobb and Fricker Resource Centers.
- Ensure all activity participants are between the ages five (5) – twelve (12).
- Provide a list of all staff, volunteers, and/or board members must be submitted prior to the start of the program. Changes must be provided to the City in an updated list throughout the term of the agreement.
- Provide written notification prior to start of the activity and following any changes once the program has commenced that ensures Level 2 background checks have been conducted and that all staff, board members, and volunteers have met criteria in accordance with Florida Statutes Chapter 435.
- Notify the City of Pensacola in writing no later than 12:00pm on the next business day after any of the following situations occur:
  - Accidents/incidents that require medical attention
  - If public safety or DCF personnel were called or arrived on site during program hours.
  - If any child has been expelled or suspended from the program for a violation of the CDAC program or removed by a parent or guardian due to dissatisfaction with the program.

The notification shall include the date of the incident, the name of the involved parties, and a brief description of the incident.

- Adhere to all park/facility operating hours and closures during severe weather, due to repairs, or holidays.
- Ensure that all facilities used for the activity are left clean and litter free and in the same condition that it was found.
- Recognize the City of Pensacola as a partner in all PATTS programs and include the Parks and Recreation Department logo on all publications, flyers and promotional materials that relates to Pensacola Sings.
- Activity Program Provider will provide all equipment necessary to conduct a quality program.
- Provide a line-item budget thirty (30) days prior to the start of the program for Fricker Resource Center.
- Maintain accurate records and accounts in accordance with the terms and conditions of this Agreement.
- Provide invoices within thirty (30) days following the termination of this Agreement as well as upon request at any time throughout the term of this Agreement.
- Permit an audit to be made of the records and accounts of such records and accounts that relate to the calculation of the amounts payable by the City upon reasonable notice by the City.
- Notify the City of Pensacola of all Board Meetings at least 48 hours in advance.
- Provide a list of board members with phone numbers, email addresses, and physical addresses to the City on an annual basis and at any time there is an addition or change of a board member. Provide, upon request, board meeting minutes to the City within 14 days of such request...
- Provide a copy of the organization's By-Laws, Constitution, and Standard Operating Procedures.
- Provide any written Disciplinary Guidelines for participants prior to start of the program.
- Provide liability insurance as follows:
  - Proof of commercial general liability insurance with a minimum liability limit of \$1,000,000 per occurrence and in the aggregate. The City of Pensacola must also be listed as an "additional insured" on the policy. Certificate holder shall read: City of Pensacola, c/o Parks and Recreation Department, P.O. Box 12910, Pensacola, FL 32521 or to the City of Pensacola, c/o Parks and Recreation Department, 222 West Main Street, Pensacola Florida 32503.
- By signature on this Agreement the CDAC Behavioral Health, Inc. agrees to:
  - Add the City of Pensacola as a release or held harmless in any Hold Harmless Agreement included as part of the activity participation and provide to the City upon request.
  - Fully indemnify, defend and save harmless, the City of Pensacola, its officers, agents, employees and volunteers from and against all actions, damages, costs, liabilities, claims, losses, judgments, penalties and expenses of every type and description, including, but not limited to, any fees and/or costs reasonable incurred by the City of Pensacola's staff attorneys or outside attorneys and any fees and expenses incurred in enforcing this provision (hereafter collectively referred to as "Liabilities"), to which any or all of them may be subjected, to the extent such Liabilities are

caused by or result from any negligent act or omission or willful misconduct of the Responsible Party in connection with its use of the City of Pensacola Facility. This includes any damage to or theft of CDAC Behavioral Health, Inc. property stored or left on City of Pensacola property. This shall be a continuing release and shall remain in effect until revoked in writing.

## II. CITY RESPONSIBILITIES:

City of Pensacola agrees to:

- Provide space as described in this Agreement for this activity at E. S. Cobb and Fricker Resource Centers.
- The City will promote the program in the quarterly program guide and on Play Pensacola website.
- Inspect all City owned assets annually.
- Provide routine maintenance to all City owned assets.

## III. TERMINATION:

The City may terminate this Agreement at any time effective upon written notification by the City as is required by the terms of the Escambia Children's Trust provisions.

## IV. TERM:

This Agreement will remain in effect for one year from the date of the last executing signature and may only be amended in writing as agreed to by both parties. Whenever there is a change in leadership within the CDAC Behavioral Health, Inc., a new Agreement will be required within fourteen (14) days of such change and must have the signatures of the new CDAC President and Vice President.

**City of Pensacola**  
**Parks and Recreation Department**  
222 West Main Street  
Pensacola, Florida 32502

### **Activity Program Provider**

Point of Contact:  
Address:

Phone:  
Email:

### **Alternate Contact:**

Address:

Phone:  
Email:

\_\_\_\_\_  
DC Reeves, Mayor

Date: \_\_\_\_\_

\_\_\_\_\_  
President

Date: \_\_\_\_\_

\_\_\_\_\_  
Tonya Byrd, Interim Parks & Recreation Director

Date: \_\_\_\_\_

\_\_\_\_\_  
Vice President

Date: \_\_\_\_\_





# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

**File #:** 2023-048

City Council

7/20/2023

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** D.C. Reeves, Mayor

**SUBJECT:**

SUPPLEMENTAL BUDGET RESOLUTION NO. 2023-048 - LAW ENFORCEMENT TRUST FUND (LETF) PURCHASE FOR THE PENSACOLA HIGH SCHOOL FOOTBALL BOOSTERS CLUB, INC.

**RECOMMENDATION:**

That the City Council adopt Supplemental Budget Resolution No. 2023-048.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023; 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 Department of Justice guide to Equitable Sharing designates the uses of Federal Law Enforcement Trust Funds.

The Pensacola Police Department is requesting \$1,000.00 to be appropriated from the Law Enforcement Trust Fund (LETF) for the purpose of donating to the Pensacola High School Football Boosters Club, Inc. The funds will help provide costs for providing the football team with homecooked meals and healthy snacks (fruit) during evening, weekend and game day programming.

Nearly one-fifth (18%) of violent crimes committed by youth occur in the 4 hours between 3pm and 7pmon school days. Efforts to reduce offending after school has greater potential to decrease a community's violent crime rate than nearly any other measure, according to 2022 data from Florida Department of Juvenile Justice. 50% of Pensacola High School (PHS) football players currently experience food insecurity and after-school hours are critical to academic outcomes. Students who don't get enough food to eat are more likely to repeat a grade, experience developmental impairment, drop out, have more social and behavioral problems, and end-up in the justice system. Alternately, youth who participate in after-school meal programs show increased attendance and

graduation rates, which is why PHS has made it a priority to provide food access to the football playing students.

Support from the Pensacola Police Department (PPD) will help PHS to fulfill the Booster Club mission and support LETF's "crime prevention" mission during the 2023 football season, by allowing the all-volunteer club to substantially increase the quality and quantity of wraparound services PHS offers to 80 PHS football players, including healthy meals and snacks. Many PHS football players are at-risk African American youth, within the larger context of PHS as a longtime Title 1 high-poverty school. The funding will expand hunger-fighting program services within the PHS Tiger Football organization and expand the capacity to serve youth efficiently and safely, keeping students off the street and engaged in the community.

The Chief of Police has certified 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, safe neighborhood, and diverting youth from the criminal justice system.

**PRIOR ACTION:**

None

**FUNDING:**

Budget: \$1,000.00

Actual: \$1,000.00

**FINANCIAL IMPACT:**

Adoption of the Supplemental Budget Resolution will appropriate the funds in the Law Enforcement Trust Funds for these purposes. There is no impact to the General Fund.

**LEGAL REVIEW ONLY BY CITY ATTORNEY:** Yes

6/30/2023

**STAFF CONTACT:**

Kerrith Fiddler, City Administrator  
Eric Randall, Chief of Police

**ATTACHMENTS:**

- 1) Supplemental Budget Resolution No. 2023-048
- 2) Supplemental Budget Explanation No. 2023-048
- 3) Letter of Certification

**PRESENTATION:** No

**RESOLUTION  
NO. 2023-048**

A RESOLUTION  
TO BE ENTITLED:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR  
THE FISCAL YEAR ENDING SEPTEMBER 30, 2023; 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	1,000
As Reads:	Operating Expenses	214,210
Amended		
To Read:	Operating Expenses	215,210

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****JULY 2023 - SUPPLEMENTAL BUDGET RESOLUTION - LETF FUNDS - NO. 2023-048**

FUND	AMOUNT	DESCRIPTION
<b>LAW ENFORCEMENT TRUST FUND</b>		
Fund Balance	<u>1,000</u>	Increase appropriated fund balance
Appropriations		
Operating Expenses	<u>1,000</u>	Increase appropriation for Operating Expenses
Total Appropriations	<u>1,000</u>	

## CITY OF PENSACOLA POLICE DEPARTMENT

## Local Law Enforcement Trust Funds

## Letter of Certification

511

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	Prepared meals for 80 PHS football players during evening, weekend and game-day programming	\$1,000
Total Requested		<u>\$1,000</u>

  
Eric Randall, Chief of Police

6/14/23  
Date



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 15-23

City Council

7/20/2023

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** Mayor D.C. Reeves

**SUBJECT:**

PROPOSED ORDINANCE NO. 15-23 AMENDING SECTION 9-6-2 ALLOWING CITY COUNCIL MEMBERS THE ABILITY TO PARTICIPATE IN THE CITY SPONSORED INSURANCE PROGRAMS

**RECOMMENDATION:**

That City Council approve Proposed Ordinance No. 15-23 on first reading:

AN ORDINANCE AMENDING SECTION 9-6-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ADDING CITY COUNCIL MEMBERS AS OPTIONAL PARTICIPANTS INSURED IN ANY PLAN OF GROUP HEALTH, DENTAL, LIFE OR OTHER INSURANCE; REMOVING CLAUSE REQUIRING CITY COUNCIL MEMBERS TO PAY 100 PERCENT OF THE HEALTH AND DENTAL INSURANCE PREMIUMS AND EXCLUDING MEMBERS FROM ANY OTHER CITY GROUP BENEFITS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

City Council Members will be able to participate in the purchase of health, life, dental and vision insurances in the same manner and at the same cost as all other active City employees and Mayor.

**PRIOR ACTION:**

September 27, 2001 - City Council adopted Ordinance No. 18-01 adjusting City Council compensation and providing City Council the opportunity to participate in the City's group insurance plan providing they pay 100% of the premiums.

**FUNDING:**

Minimum = \$50,602  
Maximum = \$142,872

**FINANCIAL IMPACT:**

City Council Members will choose their insurances during open enrollment beginning in October. They will contribute biweekly the employee's portion in their regular paycheck. The City will contribute the employer's portion at the same rate as any city employee and the Mayor. The employer's portion will be built in the FY 24 Budget.

**STAFF CONTACT:**

D.C. Reeves, Mayor  
Amy Lovoy, Finance Director

**ATTACHMENTS:**

- 1) Proposed Ordinance No. 15-23

**PRESENTATION:** No

PROPOSED  
ORDINANCE NO. 15-23

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

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 9-6-2 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ADDING CITY COUNCIL MEMBERS AS OPTIONAL PARTICIPANTS INSURED IN ANY PLAN OF GROUP HEALTH, DENTAL, LIFE OR OTHER INSURANCE; REMOVING CLAUSE REQUIRING CITY COUNCIL MEMBERS TO PAY 100 PERCENT OF THE HEALTH AND DENTAL INSURANCE PREMIUMS AND EXCLUDING MEMBERS FROM ANY OTHER CITY GROUP BENEFITS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 9-6-2 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 9-6-2. – Participants; persons insured.

The following persons may be participants or persons insured in any plan of group health, dental, life or other insurance, unless by action of the city council plan participation is otherwise limited:

- (1) The mayor, city council members and any active, permanent, full-time city employee who is regularly scheduled to work 40 hours or more per week on a full-time basis and part-time employees as required under the Affordable Care Act.
- (2) Any other active city employee whose written employment contract with the mayor provides for participation in such insurance plan.
- (3) Any former employee, as described in subsection (1) or (2) of this section and city council member ~~as described in subsection (6) of this section~~, who while an active employee was a member of the city general pension and retirement plan, firemen's relief and pension plan, police officers' retirement plan or Florida Retirement System and who was actively employed by the city for a continuous period of six years, or whose written employment contract provided for participation in such insurance plan following termination of active employment.
- (4) Any former employee, as described in subsection (1) or (2) of this section, employed by the city as of October 1, 2016, who while an employee was a



member of one of the city's defined contribution pension or deferred compensation plans, and who was actively employed by the city for a continuous period of six years, or whose written employment contract provided for participation in such insurance plan following termination of active employment.

(5) Any former employee, as described in subsection (1) or (2) of this section, whose employment has been terminated due to a total disability due to an accident, injury or occupational disease arising out of and in the course of city employment which is compensable under the workers' compensation laws of the state in effect at the time that such accident, injury or occupational disease occurs, for so long as such employee remains totally disabled.

~~(6) City council members and their eligible dependents are eligible to participate in the group health and dental plans only provided that the council members pay 100 percent of the health and dental insurance premiums. City council members and their eligible dependents will not be eligible to participate in any other city group benefit plans. The mayor, city council members and any eligible dependents will continue to be eligible to participate in the group health plan in the manner as specified in subsection (3) of this section.~~

~~(7)~~ (6) Insurance coverage shall be extended to the eligible dependents of any of the above-described employees, former employees, or mayor or city council members provided that the employee, or city council member, while in the active service of the city or while holding office, enrolls such eligible dependents for coverage during an authorized enrollment period or special enrollment period.

~~(8)~~ (7) Any surviving spouse and/or eligible dependent children of an employee or former employee eligible to receive retirement benefits under one of the retirement plans described in subsection (3) of this section, provided that such surviving spouse and/or eligible dependent children were enrolled for coverage prior to the deceased employee's last day of active service with the city.

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

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**File #:** 14-23

City Council

7/20/2023

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council President Delarian Wiggins

**SUBJECT:**

PROPOSED ORDINANCE NO. 14-23, REPEALING ORDINANCE NO. 38-14, HEREBY ABOLISHING THE INTERNATIONAL RELATIONS ADVISORY BOARD

**RECOMMENDATION:**

That City Council adopt Proposed Ordinance No. 14-23 on second reading:

AN ORDINANCE REPEALING ORDINANCE NO. 38-14 OF THE CITY OF PENSACOLA, FLORIDA IN ITS ENTIRETY, ABOLISHING THE INTERNATIONAL RELATIONS ADVISORY BOARD; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

In November of 2006, by City Council action, the International Relations Advisory Board was authorized. In October of 2014, through Ordinance No. 38-14, the International Relations Advisory Board was established via ordinance; however that ordinance was not codified.

In the board's recent functioning, direct contact with the Mayor and/or Mayor's Office has been used in fulfilling the board's mission. With the creation of the Cultural Affairs Office, it is believed that working directly with Cultural Affairs to help plan cultural exchange visits and events that showcase the multi-cultural aspects of Pensacola would be the most efficient and effective use of the individuals currently serving on the board. To this end, the International Relations Advisory Board, a Council created board, will be abolished, and those wishing to continue service to the city will be called upon to work with the Cultural Affairs office to create a more cohesive and effective use of the talents of board members and will allow the ability for greater impact and assistance to the City.

**PRIOR ACTION:**

November 9, 2006 - By City Council action, the International Relations Advisory Board was authorized.

October 9, 2014 - City Council adopted Ordinance No. 38-14, creating the International Relations

Advisory Board. This ordinance was not codified.

June 15, 2023 - City Council voted to approve Proposed Ordinance No. 14-23 on first reading.

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) Proposed Ordinance No. 14-23

**PRESENTATION:** No

PROPOSED  
ORDINANCE NO. 14-23

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

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE REPEALING ORDINANCE NO. 38-14 OF THE CITY OF PENSACOLA, FLORIDA IN ITS ENTIRETY, ABOLISHING THE INTERNATIONAL RELATIONS ADVISORY BOARD; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Ordinance No. 38-14 of the City of Pensacola, Florida, adopted by the City Council on October 9, 2014, entitled:

AN ORDINANCE ESTABLISHING THE CITY OF PENSACOLA INTERNATIONAL RELATIONS ADVISORY BOARD; PROVIDING FOR ITS PURPOSE, MEMBERSHIP, COMPOSITION, OFFICERS, AND MEETING PROCEDURES; PROVIDING SEVERABILITY CLAUSE; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

is hereby repealed.

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