



# City of Pensacola

## Agenda Conference

### Agenda

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Monday, February 8, 2021, 3:30 PM

Council Chambers, 1st Floor

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Members of the public may NOT attend the meeting in person, as City Hall is closed to the public until further notice. Members of the public may participate via live stream and/or phone [cityofpensacola.com/428/Live-Meeting-Video](http://cityofpensacola.com/428/Live-Meeting-Video).

#### ROLL CALL

#### PRESENTATION ITEMS

1. [21-00127](#) PRESENTATION - PENSACOLA YOUNG PROFESSIONALS (PYP) QUALITY OF LIFE SURVEY  
*Recommendation:* That City Council receive a presentation from Claire Kirchharr, Vice President for Quality of Life with the PYP revealing the results of the 2020 Quality of Life Survey.  
*Sponsors:* Jared Moore  
*Attachments:* [2019-2020 Quality of Life Survey Results](#)

#### REVIEW OF CONSENT AGENDA ITEMS

#### REVIEW OF REGULAR AGENDA ITEMS (Sponsor)

2. [21-00110](#) PUBLIC HEARING - PROPOSED AMENDMENTS TO THE LAND DEVELOPMENT CODE - CHAPTER 12-6 TREE/LANDSCAPE REGULATIONS AND CHAPTER 12-13 DEFINITIONS ENUMERATED.  
*Recommendation:* That City Council conduct a public hearing on February 11, 2021, to consider proposed amendments to the Land Development Code, Chapter 12-6 Tree/Landscape Regulations and Chapter 12-13 Definitions Enumerated.  
*Sponsors:* Grover C. Robinson, IV, Jennifer Brahier, Sherri Myers  
*Attachments:* [Proposed Ordinance No. 01-21](#)  
[Planning Board Minutes, Draft from January 12, 2021](#)

3.     [01-21](#)     PROPOSED ORDINANCE NO. 01-21 - PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-6 TREE/LANDSCAPE REGULATIONS AND CHAPTER 12-13 DEFINITIONS ENUMERATED
- Recommendation:*     That City Council approve Proposed Ordinance No. 01-21 on first reading.
- AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE, TITLE 12, OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, STREAMLINING REVIEW AND ENFORCEMENT OF TREE/LANDSCAPE REGULATIONS IN CHAPTER 12-6 INTO ONE DEPARTMENT AND PROCESS, UPDATING AFFECTED DEFINITION IN CHAPTER 12-13, ENSURING COMPLIANCE WITH FLORIDA STATUTES, FUNDING OVERSIGHT AND ENFORCEMENT, AND PROTECTING HERITAGE TREES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.
- Sponsors:*             Sherri Myers, Jennifer Brahier, Grover C. Robinson, IV
- Attachments:*         [Proposed Ordinance No. 01-21](#)  
                              [Planning Board Minutes, Draft from January 12, 2021](#)
4.     [21-00131](#)     COUNCIL MEMBER EMERITUS DESIGNATION FOR FORMER COUNCIL MEMBERS
- Recommendation:*     That City Council bestow the title of Council Member Emeritus to the following former Council Members: Cecil T. Hunter, P.C. Wu, Jewel Cannada-Wynn and John Jerrals. Further that City Council present these former Council Members with a certificate memorializing this designation.
- Sponsors:*             Jared Moore
5.     [21-00130](#)     DEVELOPMENT OF COMMUNITY MARITIME PARK PARCELS (LOTS 3 THROUGH 9)
- Recommendation:*     That City Council award a contract to Kuhn Realty, LLC, with Andrew Rothfeder as the agent, for the real property services related to the development of the remaining seven (7) private development parcels at Community Maritime Park. Further, that City Council authorize the Mayor to execute the contract.
- Sponsors:*             Grover C. Robinson, IV
- Attachments:*         [Kuhn Realty CMP Contract](#)

6. [21-00100](#) REQUEST FOR THE NAMING OF NORTH CITY HALL PLAZA AFTER JOHN SUNDAY, II
- Recommendation:** That City Council approve the request to name the North end of City Hall Plaza after John Sunday, II. Further that a granite base and bronze plaque honoring Mr. Sunday be placed in the plaza.
- Sponsors:** Grover C. Robinson, IV
- Attachments:** [Points in John Sunday, II's Life](#)  
[Newspaper Articles](#)  
[History of Belmont-Devilliers](#)
7. [21-00155](#) PROPERTY ACQUISITION - 2300 WEST JACKSON STREET, A
- Recommendation:** That the City Council approve the request of the Community Redevelopment Agency (CRA) to acquire the property located at 2300 West Jackson Street, A;  
No. 00-0S-00-9060-020-172 from S & D, LLC, in the amount of \$13,230.87.
- Sponsors:** Delarian Wiggins
- Attachments:** [Agreement and Closing Statement - 2300 W Jackson St A](#)  
[Property Appraisal - 2300 W. Jackson St., A](#)  
[Location Map - 2300 W. Jackson St., A](#)
8. [2021-07](#) SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-07 - VETERANS MEMORIAL PARK FOUNDATION OF PENSACOLA DONATION
- Recommendation:** That City Council adopt Supplemental Budget Resolution No. 2021-07.
- A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2021; PROVIDING FOR AN EFFECTIVE DATE.
- Sponsors:** Grover C. Robinson, IV
- Attachments:** [Supplemental Budget Resolution No. 2021-07](#)  
[Supplemental Budget Explanation No. 2021-07](#)  
[Letter from the Veterans Memorial Park Foundation](#)

9.     [03-21](#)           REVISED PROPOSED ORDINANCE NO. 03-21 - REMOTE VEHICLE SALES

**Recommendation:**   That City Council adopt the revised Proposed Ordinance No. 03-21 on second reading:

AN ORDINANCE CREATING ARTICLE IV OF CHAPTER 7-6, SECTION 7-6-56 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROHIBITING REMOTE MOTOR VEHICLE SALES; PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**Sponsors:**           Jared Moore

**Attachments:**       [Proposed Ordinance No. 03-21](#)  
                              [Revised Proposed Ordinance No. 03-21](#)

10.    [05-21](#)           PROPOSED ORDINANCE NO. 05-21 - AMENDING SECTION 4-2-7 AND 4-2-42 OF CITY CODE PROVIDING EXCEPTIONS AND ADDITIONS FOR LIVESTOCK AND HOUSEHOLD PETS. KEEPING OF MINIATURE GOATS ADDED.

**Recommendation:**   That City Council adopt Proposed Ordinance No. 05-21 on second reading:

AN ORDINANCE AMENDING SECTION 4-2-7 AND SECTION 4-2-42 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING EXCEPTIONS AND ADDITIONS FOR LIVESTOCK AND HOUSEHOLD PETS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**Sponsors:**           Sherri Myers

**Attachments:**       [Proposed Ordinance No. 05-21 - Goat Ordinance 1-8-2021 - stike-th](#)  
                              [Proposed Ordinance No.. 05-21 - Goat Ordinance 1-8-2021 - clean](#)

## FOR DISCUSSION

11.    [21-00141](#)          DISCUSSION - HAWKSHAW LAGOON MISSING CHILDREN'S MONUMENT

**Sponsors:**           Ann Hill



- |     |                          |  |
|-----|--------------------------|--|
| 12. | <a href="#">21-00146</a> | DISCUSSION -JOINT MEETING BETWEEN THE CITY COUNCIL AND ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS |
|     | <i>Sponsors:</i>         | Sherri Myers   |
| 13. | <a href="#">21-00145</a> | DISCUSSION - STREET LIGHTING - TYPES, COST CALCULATIONS, POSSIBLE ADDITIONAL FUNDING                 |
|     | <i>Sponsors:</i>         | Sherri Myers   |

## CONSIDERATION OF ANY ADD-ON ITEMS

## 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 #:** 21-00127

City Council

2/11/2021

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### **PRESENTATION ITEM**

**FROM:** City Council President Jared Moore

**SUBJECT:**

PRESENTATION - PENSACOLA YOUNG PROFESSIONALS (PYP) QUALITY OF LIFE SURVEY

**REQUEST:**

That City Council receive a presentation from Claire Kirchharr, Vice President for Quality of Life with the PYP revealing the results of the 2020 Quality of Life Survey.

**SUMMARY:**

Since 2008 Mason-Dixon Polling and Strategy has conducted an annual quality of life survey; the poll now has 12 years of data that tracks residents' perceptions of quality of life on things such as waterfront access, the economy, schools, and local politicians.

This presentation will provide the results of the 2019-2020 survey.

**PRIOR ACTION:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

1) 2019- 2020 Quality of Life Survey Results

**PRESENTATION:** Yes

Pensacola Young Professionals  
EMBARGOED – NOT FOR RELEASE

**EMBARGOED - NOT FOR RELEASE**

Contact Pensacola Young Professionals for release information



Quality of Life Survey  
Year-Over-Year Comparison

2019 - 2020

Pensacola Young Professionals  
EMBARGOED – NOT FOR RELEASE

$\Delta$  = PERCENTAGE POINT DIFFERENCE: 2019 v 2020  
 $\bar{x}$  = AVERAGE 2008 TO 2020  
 PERCENTAGE POINT DIFFERENCE 2020 FROM '2008 - 2020'  
 $\Delta - \bar{x}$  = AVERAGE  
 MAX = HIGHEST PERCENTAGE '2008 - 2020'  
 MIN = LOWEST PERCENTAGE '2008 - 2020'

## Right direction or wrong track

Generally, do you think that Escambia county is heading in the right direction, or are things on the wrong track?

### Things in Escambia county

	2019	2020	$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
RIGHT DIRECTION	63%	<b>63%</b>	-1%	+11%	51%	63%	22%
WRONG TRACK	23%	<b>27%</b>	+4%	-11%	34%	54%	23%
NOT SURE	14%	<b>11%</b>	-3%	-0%	14%	24%	9%

And generally, do you think that the city of Pensacola is heading in the right direction, or are things on the wrong track?

### Things in city of Pensacola

	2019	2020	$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
RIGHT DIRECTION	63%	64%	+1%	+10%	53%	70%	27%
WRONG TRACK	21%	24%	+3%	-10%	32%	52%	21%
NOT SURE	16%	12%	-4%	+1%	15%	25%	8%

## Job Performance Ratings of Leadership

### JOB PERFORMANCE: MAYOR

	ASHTON HAYWARD		GROVER ROBINSON				
	2018		2019		2020		$\Delta$
EXCELLENT	11%		<b>10%</b>		11%		
GOOD	34%	45%	<b>43%</b>	<b>53%</b>	45%	<b>56%</b>	+3%
ONLY FAIR	34%		<b>24%</b>		24%		
POOR	12%	46%	<b>4%</b>	<b>28%</b>	9%	<b>34%</b>	-12%
DK	4%		<b>19%</b>		10%		

Escambia County Quality of Life Survey 2008 – 2020

Pensacola Young Professionals  
EMBARGOED – NOT FOR RELEASE

COUNTY COMMISSIONERS

	2019		2020							
EXCELLENT	4%		3%		$\Delta$		$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
GOOD	35%	39%	32%	36%	-3%		2%	37%	42%	32%
FAIR	40%		39%							
POOR	11%	51%	18%	57%	+6%		-5%	56%	63%	51%
DK	10%		7%							

PENSACOLA CITY COUNCIL - CITY VOTERS ONLY

	2019		2020							
EXCELLENT	3%		3%		$\Delta$		$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
GOOD	36%	39%	32%	35%	-4%		5%	34%	39%	27%
FAIR	35%		34%							
POOR	6%	41%	15%	49%	+8%		-9%	50%	64%	41%
DK	20%		16%							

SCHOOL SUPERINTENDENT  
MALCOLM THOMAS

	2019		2020							
EXCELLENT	15%		17%		$\Delta$		$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
GOOD	39%	54%	30%	35%	-19%		0%	53%	61%	35%
FAIR	21%		27%							
POOR	13%	35%	16%	49%	+15%		-3%	37%	49%	32%
DK	12%		10%							

JOB PERFORMANCE:  
SCHOOL BOARD

	2019		2020							
EXCELLENT	5%		6%		$\Delta$		$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
GOOD	43%	48%	37%	43%	-5%		3%	45%	49%	39%
FAIR	28%		33%							
POOR	13%	41%	14%	48%	+7%		-4%	45%	49%	41%
DK	12%		9%							

**MOST IMPORTANT ISSUE: CITY OF PENSACOLA/ESCAMBIA**

	<b>2020</b> Pensacola	<b>2020</b> Escambia
COVID	19%	18%
ECONOMY/JOBS	17%	17%
TRAFFIC/ROADS	10%	11%
CRIME/DRUGS	15%	10%
EDUCATION	3%	8%
GROWTH/SPRAWL	3%	5%
HURRICANE/BRIDGE	6%	4%
POVERTY	5%	4%
RACE RELATIONS	3%	3%
ENVIRONMENT	1%	3%
POOR LEADERSHIP	0.1%	3%
HEALTH CARE	2%	3%
TAXES/GOVT SPNDG	3%	3%
MORAL ISSUES	2%	2%
LACK OF CULTURAL	1%	2%
QUALITY OF LIFE	2%	1%
DOWNTOWN PENSACOLA	3%	0%
OTHER/DK	5%	3%

**Economy & Jobs**

How would you rate economic conditions in  
Escambia county?

	<b>2019</b>		<b>2020</b>		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	2%		2%						
GOOD	33%	<b>35%</b>	33%	<b>35%</b>	+0%	9%	25%	37%	10%
ONLY FAIR	46%		49%						
POOR	19%	<b>65%</b>	16%	<b>65%</b>	+0%	-8%	73%	86%	62%
DK	1%		0						

Five years from now, do you think that the economy in Escambia  
county will be better off, worse off, or about the same as it is  
today?

	<b>2019</b>	<b>2020</b>	$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
BETTER	36%	35%	-2%	1%	34%	43%	23%
WORSE	10%	27%	17%	12%	15%	27%	7%
SAME	51%	35%	-16%	-12%	47%	58%	35%
NOT SURE	3%	3%	-4%				

Pensacola Young Professionals  
EMBARGOED – NOT FOR RELEASE

How concerned are you about the security and future of your own job, or the jobs of any close family members in Escambia county?

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
VERY CONCERNED	21%		23%			-9%	60%	70%	48%
SW CONCERNED	31%	52%	28%	51%	-1%				
NOT TOO CONCERNED	21%		24%			10%	36%	48%	26%
NOT CONCERNED	22%	43%	22%	46%	+4%				
NOT SURE	5%		3%						

How would you rate Escambia county's *success in addressing new challenges, and in attracting* economic opportunity and job growth?

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	5%		2%			12%	19%	32%	7%
GOOD	27%	32%	29%	31%	-1%				
ONLY FAIR	44%		46%			-12%	80%	93%	68%
POOR	24%	68%	22%	68%	+1%				
DK	1%		1%						

How would you rate the city of Pensacola's *success in addressing new challenges, and in attracting* economic opportunity and job growth?

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	8%		4%			12%	25%	39%	7%
GOOD	32%	39%	33%	37%	-2%				
ONLY FAIR	39%		42%			-12%	74%	92%	59%
POOR	20%	59%	20%	62%	+4%				
DK	2%		2%						

How should local governments prioritize the use of public funding to help economic growth: (ROTATE ORDER)

	2020
PRIORITIZE NEW	47%
PRIORITIZE LOCAL	31%
DO NOT FUND	16%
NOT SURE	6%

How effective do you think the growth of Pensacola's Waterfront, including the Maritime Park and baseball stadium, have been in improving economic opportunity for the City of Pensacola?

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
VERY EFFECTIVE	37%		34%			2.4%	73%	81%	65%
SOMEWHAT EFFECTIVE	42%	79%	41%	76%	-3%				
NOT TOO EFFECTIVE	14%		19%			1.8%	22%	31%	10%
NOT AT ALL EFFECTIVE	7%	21%	4%	23%	+3%				
UNDECIDED [DO NOT READ]	1%		1%						

Pensacola Young Professionals  
EMBARGOED – NOT FOR RELEASE

## Rating the Quality of Life Factors

*I'm going to read a list qualities and characteristics that contribute to the quality of life in a community. Please tell me how you rate each in Escambia County, excellent, good, only fair, or poor. [ROTATE ORDER]*

### Quality of the public schools

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	5%		5%			0%	34%	40%	27%
GOOD	33%	<b>38%</b>	29%	<b>34%</b>	-4%				
ONLY FAIR	44%		45%						
POOR	18%	<b>62%</b>	21%	<b>66%</b>	+4%	3%	63%	68%	54%
DK	1%		1%						

### The availability of cultural opportunities, such as theater, museums, and music

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	14%		7%			1%	50%	60%	39%
GOOD	46%	<b>60%</b>	44%	<b>51%</b>	-9%				
ONLY FAIR	27%		37%						
POOR	12%	<b>40%</b>	12%	<b>49%</b>	+10%	0%	49%	60%	39%
DK	0%		1%						

### Offering job opportunities in your field

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	8%		5%			14%	27%	41%	13%
GOOD	29%	<b>37%</b>	36%	<b>41%</b>	+4%				
ONLY FAIR	34%		29%						
POOR	19%	<b>53%</b>	24%	<b>53%</b>	+0%	-12%	65%	79%	53%
DK	10%		7%						

### Having a vibrant nightlife with clubs, bars, restaurants etc.

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	19%		11%			2%	52%	66%	33%
GOOD	44%	<b>63%</b>	43%	<b>54%</b>	-9%				
ONLY FAIR	25%		29%						
POOR	5%	<b>29%</b>	8%	<b>37%</b>	+8%	1%	36%	45%	26%
DK	8%		9%						

### Availability of affordable housing

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	4%		5%			-6%	37%	46%	31%
GOOD	27%	<b>31%</b>	25%	<b>31%</b>	+0%				
ONLY FAIR	39%		36%						
POOR	25%	<b>64%</b>	30%	<b>66%</b>	+2%	6%	60%	66%	52%
DK	5%		3%						



Pensacola Young Professionals  
EMBARGOED – NOT FOR RELEASE

## Rating the Quality of Life Factors (continued)

### Public transportation

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	6%		2%			-1%	27%	33%	19%
GOOD	23%	29%	25%	27%	-3%				
ONLY FAIR	34%		31%						
POOR	29%	63%	33%	64%	+1%	1%	63%	73%	52%
DK	7%		9%						

### Public safety and low crime

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	4%		3%			6%	31%	37%	22%
GOOD	26%	30%	34%	37%	+7%				
ONLY FAIR	46%		36%						
POOR	24%	70%	26%	62%	-8%	-6%	68%	77%	62%
DK			1%						

### Being able to get from place to place with little traffic

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	5%		4%			1%	32%	40%	27%
GOOD	29%	33%	29%	33%	-0%				
ONLY FAIR	31%		31%						
POOR	36%	67%	35%	66%	-1%	-1%	67%	73%	60%
DK	0%		2%						

### Availability of quality healthcare

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	18%		15%			-4%	62%	69%	53%
GOOD	50%	68%	43%	58%	-10%				
ONLY FAIR	24%		27%						
POOR	8%	32%	13%	40%	+9%	4%	37%	46%	31%
DK	0%		2%						

### Natural beauty & physical setting

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	40%		42%			-2%	79%	88%	70%
GOOD	38%	78%	35%	77%	-1%				
ONLY FAIR	22%		17%						
POOR	0%	22%	5%	22%	+0%	2%	20%	30%	12%
DK	0%		1%						

### The availability of outdoor parks, playgrounds, and beaches

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	39%		39%			3%	76%	87%	67%
GOOD	41%	80%	40%	78%	-2%				
ONLY FAIR	16%		16%						
POOR	4%	20%	5%	21%	+1%	-3%	24%	33%	13%
DK	1%		1%						

**Rating the Quality of Life Factors (continued)****Welcoming and inviting to people of diverse backgrounds,  
ethnicity and culture**

	<b>2019</b>		<b>2020</b>			$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	18%		18%		$\Delta$	5%	56%	68%	43%
GOOD	44%	<b>61%</b>	43%	<b>61%</b>	-0%				
ONLY FAIR	26%		25%						
POOR	13%	<b>38%</b>	13%	<b>38%</b>	+0%	-2%	40%	51%	31%
DK	1%		1%						

**Effective leadership from elected officials**

	<b>2019</b>		<b>2020</b>			$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	4%		3%		$\Delta$	9%	29%	42%	16%
GOOD	37%	<b>42%</b>	35%	<b>38%</b>	-4%				
ONLY FAIR	40%		40%						
POOR	14%	<b>54%</b>	21%	<b>61%</b>	+7%	-8%	69%	84%	54%
DK	4%		2%						

**A shared vision and effective plans for economic  
development and job growth**

	<b>2019</b>		<b>2020</b>			$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	5%		3%		$\Delta$	12%	22%	35%	9%
GOOD	27%	<b>32%</b>	32%	<b>35%</b>	+3%				
ONLY FAIR	45%		45%						
POOR	15%	<b>60%</b>	18%	<b>63%</b>	+3%	-12%	74%	86%	60%
DK	8%		3%						

Pensacola Young Professionals  
EMBARGOED – NOT FOR RELEASE

## Rating Escambia as a place to live

*Now please rate Escambia County as a place to live for the following types of people [ROTATE ORDER]*

### Recent college grads looking for jobs

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	1%		1%			11%	15%	26%	7%
GOOD	22%	22%	25%	26%	+4%				
ONLY FAIR	47%		40%						
POOR	29%	75%	31%	71%	-4%	-13%	84%	92%	71%
DK	3%		3%						

### Young Single People

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	5%		6%			11%	28%	39%	14%
GOOD	28%	33%	33%	39%	+6%				
ONLY FAIR	46%		38%						
POOR	19%	64%	20%	58%	-6%	-12%	70%	85%	58%
DK	3%		3%						

### Families with children

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	10%		14%			8%	49%	60%	36%
GOOD	44%	54%	44%	57%	+3%				
ONLY FAIR	36%		33%						
POOR	10%	46%	9%	42%	-3%	-8%	50%	63%	40%
DK	1%		1%						

### Retirees

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	34%		28%			1%	77%	84%	69%
GOOD	50%	84%	50%	78%	-6%				
ONLY FAIR	15%		17%						
POOR	1%	16%	6%	22%	+7%	0%	23%	29%	16%
DK	0%								

### Racial & ethnic minorities

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	7%		9%			1%	45%	53%	38%
GOOD	39%	46%	37%	46%	+0%				
ONLY FAIR	32%		34%						
POOR	18%	50%	16%	50%	-0%	0%	50%	60%	39%
DK	4%		4%						

### Immigrants from other countries

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	6%		7%			3%	37%	42%	29%
GOOD	33%	39%	34%	41%	+2%				
ONLY FAIR	30%		37%						
POOR	23%	53%	18%	55%	+2%	1%	54%	66%	44%
DK	8%		4%						

Pensacola Young Professionals  
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## Rating Escambia as a place to live (continued)

### Entrepreneurs & new businesses

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	11%		8%			10%	35%	50%	21%
GOOD	40%	<b>50%</b>	37%	<b>45%</b>	-5%				
ONLY FAIR	33%		35%						
POOR	14%	<b>47%</b>	18%	<b>53%</b>	+6%	-9%	62%	78%	47%
DK	3%		2%						

### People living below poverty line

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	0%		4%			2%	17%	21%	10%
GOOD	14%	<b>15%</b>	14%	<b>18%</b>	+3%				
ONLY FAIR	31%		34%						
POOR	49%	<b>80%</b>	45%	<b>78%</b>	-1%	1%	78%	84%	68%
DK	6%		4%						

## Rating Over All Quality of Life

How would you rate the over all quality of life in  
Escambia county?

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
EXCELLENT	12%		10%			7%	58%	71%	47%
GOOD	48%	<b>60%</b>	56%	<b>66%</b>	+5%				
ONLY FAIR	36%		29%						
POOR	4%	<b>40%</b>	5%	<b>34%</b>	-5%	-7%	42%	52%	29%
DK	0%		0%						

Over the next 5 years do you think that the quality of life in  
Escambia county will improve, deteriorate or stay about the  
same?

	2019		2020		$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
IMPROVE	36%		36%	0%	3%	33%	40%	25%
DETERIORATE	7%		<b>14%</b>	6%	4%	9%	15%	5%
STAY THE SAME	57%		49%	-7%	-7%	56%	64%	49%
NOT SURE	1%		2%					

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## Vision, Leadership, Engagement

I am familiar with and confident in the vision, plans and leadership for the revitalization of City of Pensacola?

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
STRONG AGREE	10%		9%			21%	33%	66%	35%
SW AGREE	44%	<b>54%</b>	58%	<b>66%</b>	+13%				
SW DISAGREE	24%		17%						
STRONG DISAGREE	14%	<b>37%</b>	11%	<b>28%</b>	-9%	-1%	38%	56%	27%
NOT SURE	9%		5%						

I am familiar with and confident in the vision, plans and leadership for economic development for Escambia County?

	2019		2020		$\Delta$	$\Delta - \bar{x}$	$\bar{x}$	MAX	MIN
STRONG AGREE	9%		5%			5%	50%	57%	34%
SW AGREE	47%	<b>56%</b>	52%	<b>57%</b>	+1%				
SW DISAGREE	21%		26%						
STRONG DISAGREE	13%	<b>34%</b>	11%	<b>37%</b>	+3%	-10%	44%	57%	34%
NOT SURE	11%		6%						

How aware are you of CivicCon, the local organization formed to increase the engagement of the community in civic conversations with local leaders about public policy? Are you very aware, somewhat aware or not at all aware?

		Total Awareness of CiviCon
VERY AWARE	11%	
SOMEWHAT AWARE	47%	<b>58%</b>
NOT AWARE	42%	

## Hurricane Response

How would you rate the 2020 hurricane response by officials in the City of Pensacola?

EXCELLENT	21%	
GOOD	47%	<b>68%</b>
ONLY FAIR	24%	
POOR	9%	<b>33%</b>
DK	0%	

How would you rate the 2020 hurricane response by officials in the Escambia County?

EXCELLENT	21%	
GOOD	50%	<b>71%</b>
ONLY FAIR	19%	
POOR	10%	<b>29%</b>
DK	0%	

Pensacola Young Professionals  
EMBARGOED – NOT FOR RELEASE

## Demographics

### RESIDENCE

	Number	Percent
CITY OF PENSACOLA	167	21%
ESCAMBIA SUBURBS	633	79%

### EDUCATION

HIGH SCHOOL	161	20%
SOME COLLEGE	209	26%
COLLEGE GRAD	263	33%
GRAD DEGREE	145	18%
REFUSED	22	3%

### PARTY

DEMOCRAT	259	32%
REPUBLICAN	351	44%
INDEPENDENT	190	24%

### AGE

18-29	131	16%
30-39	130	16%
40-49	110	14%
50-64	201	25%
65+	225	28%
REFUSED	3	0.4%

### RACE

WHITE	571	71%
BLACK	161	20%
HISPANIC	22	3%
OTHER	33	4%
REFUSED	13	2%

### GENDER

MALE	376	47%
FEMALE	421	53%
OTHER	3	0.4%

### VOLUNTEERED RELIGIOUS GROUP?

YES	303	38%
NO	497	62%

### VOLUNTEERED OTHER GROUP?

YES	392	49%
NO	408	51%

### COMMISSION DISTRICT

DISTRICT 1	152	19%
DISTRICT 2	156	20%
DISTRICT 3	170	21%
DISTRICT 4	168	21%
DISTRICT 5	154	19%

### INCOME

<\$25,000	115	14%
\$25,000-\$39,999	136	17%
\$40,000-\$74,999	191	24%
\$75,000+	226	28%
REFUSED	132	17%

### EMPLOYMENT

FULL-TIME	323	40%
PART-TIME	32	4%
RETIRED	223	28%
HOMEMAKER	99	12%
STUDENT	13	2%
UNEMPLOYED	101	13%
OTHER	7	1%
REFUSED	2	0.3%



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 21-00110

City Council

2/11/2021

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** Grover C. Robinson, IV, Mayor  
City Council Member Sherri Myers  
City Council Member Jennifer Brahier

**SUBJECT:**

PUBLIC HEARING - PROPOSED AMENDMENTS TO THE LAND DEVELOPMENT CODE - CHAPTER 12-6 TREE/LANDSCAPE REGULATIONS AND CHAPTER 12-13 DEFINITIONS ENUMERATED.

**RECOMMENDATION:**

That City Council conduct a public hearing on February 11, 2021, to consider proposed amendments to the Land Development Code, Chapter 12-6 Tree/Landscape Regulations and Chapter 12-13 Definitions Enumerated.

**HEARING REQUIRED:** Public

**SUMMARY:**

The City of Pensacola has a long history of prioritizing the protection of trees and recognizes their value as both an environmental and aesthetic amenity. To demonstrate the City's commitment to being a steward of the environment, the City of Pensacola created and codified tree/landscape regulations that provide protection of trees throughout the City of Pensacola. These regulations provide guidance to both community members and developers, the permitting process for which they can have the trees removed, and provide enforcement authority to the City for failure to comply. Since the creation of the regulations, City staff has drafted various modifications to the codified language. Attached is the most recent City-staff proposed amendments to the regulations. These amendments were drafted in an effort to provide process efficiencies, designate source as responsible for the oversight of this regulation, provide clarity on tree fund usage, provide notice to the public and Council when tree removals are requested within their district, and provide further protections for heritage trees. This item was presented to the City Planning Board on October 13, 2020, and was approved. However, subsequent comments were provided by Council members, and additional changes were made by staff based upon those comments.

**PRIOR ACTION:**

January 12, 2021 - Planning Board approved these proposed amendments with the recommendation

to evaluate the qualifications of the City's designated arborist and other professionals and include the memorandum expressing additional changes to further protect trees.

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**CITY ATTORNEY REVIEW:** Yes

1/27/2021

**STAFF CONTACT:**

Keith Wilkins, City Administrator

Kerrith Fiddler, Deputy City Administrator

L. Derrik Owens, Director of Public Works and Facilities/City Engineer

Mark Jackson, Sustainability Coordinator

**ATTACHMENTS:**

- 1) Proposed Ordinance No. 01-21
- 2) Planning Board Minutes, Draft from January 12, 2021

**PRESENTATION:** No



PROPOSED  
ORDINANCE NO. 01-21

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

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE, TITLE 12, OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, STREAMLINING REVIEW AND ENFORCEMENT OF TREE/LANDSCAPE REGULATIONS IN CHAPTER 12-6 INTO ONE DEPARTMENT AND PROCESS, UPDATING AFFECTED DEFINITION IN CHAPTER 12-13, ENSURING COMPLIANCE WITH FLORIDA STATUTES, FUNDING OVERSIGHT AND ENFORCEMENT, AND PROTECTING HERITAGE TREES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-6-2 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-2. - Applicability.

(a) Zoning districts. The provisions of this chapter shall be applicable within the following zoning districts:

(1) *Residential districts.*

- a. R-1AAAAA through R-1A districts.
- b. R-ZL (zero lot line dwelling district).
- c. R-2A and R-2B (multiple-family).

(2) *Mixed residential districts.*

- a. R-2 (residential/office)
- b. R-NC (residential/neighborhood commercial)

(3) *Commercial districts.*

- a. C-1 (local commercial) .
- b. C-2 (general commercial).
- c. R-C (residential commercial).

- d. C-3 (general commercial and limited industry).
- (4) *Industrial districts.*
  - a. M-1 (wholesale/light industry).
  - b. M-2 (light industry).
- (5) *Other districts.* The provisions of this chapter shall also be used as guidelines in reviewing site plans in site specific zoning and development (SSD) amendment applications, airport transition zone (ATZ-1 and ATZ-2) districts and in applications for special planned developments.
- (b) Public institutional uses and churches. The provisions of this chapter shall be applicable to public institutional uses and churches. Public institutional uses and churches located in R-1AAAAA through R-1A zones shall not be exempt from the provisions of this chapter. In addition, these uses shall conform with the requirements of subsection 12-6-3(1) and all other sections of this title applicable to the R-ZL, R-2A, R-2B and R-2 zones.
- (c) Exemptions. All single-family and duplex uses are exempt from the provisions of this chapter, except as provided for in section 12-3-56 (buffer yards), subsection (d) (heritage trees) ~~and~~, section 12-6-6(4) (new subdivisions) and section 12-6-7(5) (heritage tree removal mitigation). The C-2A downtown retail commercial district is exempt from the provisions of this chapter, except as provided for in subsections 12-6-6(1), (5), (6), and (7). All healthcare related uses of property owned or controlled by an entity which is licensed as an acute care hospital under F.S. Ch. 395, owned or controlled by a parent company of an entity which is licensed as an acute care hospital under F.S. Ch. 395 are exempt from the provisions of this chapter, except as provided for in section 12-6-3 and section 12-6-6(1), (3), (5), (6), and (7). In conjunction with the development of any such healthcare related use, a payment of five thousand dollars (\$5,000.00) per acre of new developed impervious surface area shall be made to the tree planting trust fund. The designated clear zone areas around the Pensacola Regional Airport and any other area identified by the airport manager and approved by the city council as critical to aircraft operations shall be exempt from this chapter.
- (d) Heritage trees. A protected tree identified by species in Appendix A of this chapter which is four (4) times the minimum Diameter Breast Height (DBH) ~~thirty-four (34) inches or greater in diameter as measured at Diameter Breast Height (DBH)~~. Heritage trees are protected in all the zoning districts listed in this section 12-6-2, and for all land uses and are considered natural resources. Removal, cutting or pruning of heritage trees on proposed development sites may be permitted upon approval of a landscape and tree protection plan (section 12-6-4). Removal, cutting or pruning of heritage trees on developed property may be authorized ~~upon issuance of a permit~~ per section 12-6-7. A permit will be required for removal or pruning of a heritage tree in all zoning

districts listed in this section 12-6-2, and for all land uses, including single-family or duplex as set out in section 12-6-7.

- (e) DBH. All tree measurements shall be taken at diameter breast height (DBH), which is the diameter of the tree at four and one-half (4½) feet (54 inches) above ground. If the tree has a bump or branch at four and one-half (4½) feet above ground then DBH shall be measured immediately below the bump or branch. If the tree is growing vertically on a slope, DBH shall be measured from the midpoint of the trunk along the slope. If the tree is leaning, DBH shall be measured from the midpoint of the lean. If the tree forks below or near DBH the tree shall be measured at the narrowest part of the main stem below the fork. If the tree splits into more than one (1) trunk close to ground level, DBH shall be determined by measuring each of the trunks separately and then taking the square root of the sum of all squared stem DBHs.
- (f) City-designated arborist. All references to the City's designated arborist shall be construed to mean the Mayor's designee who is charged with administering and enforcing the provisions contained within this chapter, who shall have successfully completed the International Society of Arboriculture (ISA)'s Tree Risk Assessment Qualification (TRAQ), which qualifies a tree professional to use a standardized, systematic process for assessing risks presented by trees.
- (fg) Notwithstanding any other provision of this chapter, the mitigation cost to a residential property owner (single-family and duplex uses) where the property is already developed shall not exceed one thousand dollars (\$1,000.00); provided, however, no mitigation cost shall be charged where statutorily prohibited. Mitigation costs for residential property owners on property being developed shall be assessed in accordance with 12-6-6(2)e.
- (h) Prior to pruning or removal of any tree(s), any permit issued under this chapter must be posted promptly upon receipt, in the manner prescribed in Section 12-6-4(4), in a conspicuous place on the property where the tree(s) is located.

SECTION 2. Section 12-6-3 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-3. - Landscaping requirements.

The following landscaping requirements apply to all types of land uses and zoning districts listed in section 12-6-2:

- (1) *Landscape area requirements.* The minimum percentage of the total developable site, which shall be devoted to landscaping, unless otherwise specified in this chapter, shall be as follows:

ZONING DISTRICT		PERCENT
R-ZL, R-2A, R-2B, R-2	.....	25

R-NC, C-1, C-2, R-C	.....	25
C-3, M-1, M-2	.....	20
SSD, ATZ-1, ATZ-2	.....	25

(2) *Off-street parking and vehicle use areas.* Off-street parking regulations apply to all parking facilities of ~~20~~ten (10) spaces or more. Off-street parking facilities and other vehicular use areas shall meet the following requirements:

a. *Perimeter requirements.* A ten-foot wide strip of privately owned land, located along the front and/or side property line(s) adjacent to a street right-of-way shall be landscaped. In no case shall this strip be less than ten (10) feet wide. Width of sidewalks shall not be included within the ten-foot wide perimeter landscape area. This perimeter landscape requirement shall be credited toward the percentage required for the total developable site in subsection (1) of this section, above. Material requirements in perimeter area are as follows:

1. One (1) tree for each thirty-five (35) feet of linear foot frontage along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall measure a minimum of three (3) inches DBH. The trees shall be container grown if planted during the months of March through October. During the remaining months, balled and burlapped (B&B) material may be used. Appropriate documentation shall be provided to the ~~parks and recreation department~~City's designated arborist. An automatic irrigation system shall be required with a separate zone with bubblers to each tree planted on site. When multiple trunk trees are specified, such as crape myrtle, each stem must be a minimum of one and one-half (1½) inches DBH, with a minimum of three (3) stems. These type trees shall not be cut back prior to planting. Seventy (70) percent of the trees for any site shall be shade trees, unless a lesser percentage is approved by the ~~parks and recreation director~~City's designated arborist. The remaining area within the perimeter strip shall be landscaped with other landscape materials.
2. Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed visibility between three (3) feet and nine (9) feet above the average grade of the adjacent street and the driveway intersections through the perimeter strip.
3. If trees are required where overhead utilities exist, and such trees may create a maintenance potential, only species whose expected height at maturity will not create interference may be planted.

b. *Interior planting areas.* Interior planting areas within parking lots shall be determined by subtracting the area set aside in the ten-foot perimeter strip from the total minimum area required to be landscaped in subsection (1) of this section, above. This remaining percentage shall be allocated throughout the parking lot or in areas, which are adjacent to the parking lot other than in

the perimeter strip. Interior planting areas shall be located to most effectively accommodate stormwater runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic. Minimum sizes of interior planting areas are as follows:

1. A minimum of one hundred (100) square feet of planting area shall be required for each new species type A tree identified in Appendix "A" and small species identified in Appendix "B."
  2. A minimum of two hundred (200) square feet of planting area shall be required for each new species type B and type C tree identified in Appendix "A" and medium and large species identified in Appendix "B."
  3. A ~~42~~twelve-foot by ~~36~~thirty-six-foot planting island shall be required on each end of every double row of parking and a ~~42~~twelve-foot by ~~48~~eighteen-foot island on each end of a single row of parking shall be required. Also, a minimum of one (1) additional island at the midpoint of the parking bays for rows having over ten (10) parking spaces shall be required. The additional island shall be centered in each row. Any adjustment to this requirement must have written approval from the ~~building official~~City's designated arborist.
  4. A minimum planting area of seventy-five (75) percent of the dripline area of the tree shall be required for all existing trees. If conditions warrant that an area greater than seventy-five (75) percent is needed to preserve the tree, the city shall have the right to require up to one hundred (100) percent of the dripline. Approved pavers may be used in certain situations, if approved by the ~~building official~~City's designated arborist. Pervious surfaces are strongly encouraged.
- c. *Vehicle overhang.* Vehicles shall not overhang any interior planting area or perimeter strip. Tire stops are required to be used in these situations.
- d. *Curbs; protection of vegetation.* Where landscaping is installed in interior or perimeter strip planting areas, a continuous curb or other acceptable means of protection shall be provided to prevent injury to the vegetation. Such curb shall be designed to allow percolation of the water to the root system of the landscape material. Where existing trees are preserved, tree wells, tree islands or a continuous curb shall be utilized to protect the trunk and root system from alterations to surrounding grade elevations and damage from automobiles. A drainage system, sufficient enough to allow percolation into permeable soil, shall be provided in the area defined by the dripline of the tree(s).

- (3) *Buffer yards between zoning districts and uses.* Regulations applicable to buffer yards are specified in section 12-3-56 of this Code.

SECTION 3. Section 12-6-4 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-4. - Landscape and tree protection plan.

A landscape and tree protection plan shall be required as a condition of obtaining any building permit or site work permit for ~~townhouse residential, multi-family residential,~~ commercial and industrial development as specified in section 12-6-3. The plan shall be submitted to the ~~community development department inspection services division~~ Inspection Services Department and reviewed by the City's designated arborist. A fee shall be charged for services rendered in the review of the required plan (see chapter 7-10 of this Code).

No building permit or site work permit shall be issued until a landscape and tree protection plan has been submitted and approved. Clearing and grubbing is only permitted after a site has received development plan approval and appropriate permits have been issued. The City's designated arborist~~building official~~ may authorize minimal clearing to facilitate surveying and similar site preparation work prior to the issuance of permits. No certificate of occupancy shall be issued until the City's designated arborist~~building official~~ has determined after final inspection that required site improvements have been installed according to the approved landscape and tree protection plan. In lieu of the immediate installation of the landscaping material and trees, the city may require a performance bond or other security in an amount equal to the cost of the required improvements in lieu of withholding a certificate of occupancy, and may further require that improvements be satisfactorily installed within a specified length of time.

- (1) *Contents of landscape and tree protection plan.* The landscape and tree protection plan shall be drawn to scale by a landscape architect, architect or civil engineer licensed by the State of Florida, and shall include the following information unless alternative procedures are approved per sections 12-6-8 or 12-6-9:
  - a. Location, size and species of all trees and shrubs to be planted.
  - b. Location of proposed structures, driveways, parking areas, required perimeter and interior landscaped areas, and other improvements to be constructed or installed.
  - c. Location of irrigation system to be provided. All planted areas shall have an underground irrigation system designed to provide one hundred-percent coverage.
  - d. Landscape and tree protection techniques proposed to prevent damage to vegetation, during construction and after construction has been completed.
  - e. Location of all protected trees noting species and DBH.
  - f. Identification of protected trees to be preserved, protected trees to be removed, including dead trees, and trees to be replanted on site.

- g. Proposed grade changes which might adversely affect or endanger protected trees with specifications on how to maintain trees.
  - h. Certification that the landscape architect, architect or civil engineer submitting the landscape and tree protection plan has read and is familiar with chapter 12-6 of the Code of the City of Pensacola, Florida, pertaining to tree and landscape regulation.
- (2) *Installation period.* All landscape materials and trees depicted on the approved landscape plan shall be installed ~~within one (1) year of the date of issuance of the building permit for the site~~prior to the issuance of the certificate of occupancy.
- (3) *Quality.* All plant materials used shall conform to the standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants", current edition, State of Florida, Department of Agriculture and Consumer Services, Division of Plant Industry, Tallahassee, Florida, a copy of which shall be maintained for public inspection in the department of leisure services.
- (4) *Notice.* If removal is sought for ~~two~~one (12) or more heritage trees or for more than ten (10) protected trees (including heritage trees sought to be removed) and/or if removal of more than fifty (50) of existing protected trees is sought within any property in any zoning district identified in section 12-6-2, a sign shall be posted no further back than four (4) feet from the property line nearest each respective roadway adjacent to the property. One (1) sign shall be posted for every one hundred (100) feet of roadway frontage. Each sign shall contain two (2) horizontal lines of legible and easily discernable type. The top line shall state: "Tree Removal Permit Applied For." The bottom line shall state: "For Further Information Contact the City of Pensacola at 311" (or other number as designated by the Mayor). The top line shall be in legible type no smaller than six (6) inches in height. The bottom line shall be in legible type no smaller than three (3) inches in height. There shall be a margin of at least three (3) inches between all lettering and the edge of the sign. The signs shall be posted ~~at~~ by the applicant at their expense, and shall remain continuously posted ~~for two (2) weeks prior to~~ until the requisite building, site work, or tree removal permit ~~is~~has issued. The City's designated arborist will notify the councilperson representing the district in which the permit has been requested upon receipt of the request.

Exception: This provision does not include any tree located on a currently occupied, residential property so long as the City's designated arborist has determined the tree meets the qualifications as a diseased or weakened tree as specified in Section 12-6-6(2)b.5., or, in the alternative, documentation of danger to person or property has been submitted to the City's designated arborist in advance of removal. For purposes of this provision, "documentation" means a completed two-page Tree Risk Assessment Form, which should be completed according to the standards found within Best Management Practices: Tree Risk Assessment, Second Edition, by E. Thomas Smiley, Nelda Matheny, and Sharon

Lilly, and distributed by the International Society of Arboriculture Society; further, consistent with ISA standards and tree risk assessment, a tree or tree part is a “danger” when two conditions exist: 1) the failure of the tree part or of the tree is imminent or impact is likely, and 2) the consequences of that failure are high or extreme.

SECTION 4. Section 12-6-5 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-5. - Maintenance.

- (a) The legal owner of record as appears on the current tax assessment roll or the designated lessee or agent shall be responsible for the maintenance of all landscape areas which shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free from refuse and debris. Within three (3) months of a determination by the ~~building official or other city-designated official~~City’s designated arborist, that a protected tree required to be retained on a development site (as part of an approved site development plan) or required landscaping is dead or severely damaged or diseased, the protected tree or landscaping shall be replaced by the owner in accordance with the standards specified in this chapter (chapter 12-6). The ~~building official~~City’s designated arborist may approve additional time appropriate to the growing season of the species in question, not to exceed one (1) year.
- (b) All portions of any irrigation system shall be continuously maintained in a condition such that the intent of an irrigation design is fulfilled. Uncontrolled emission of water from any pipe valve, head, emitter, or other irrigation device shall be considered evidence of non-maintenance.

SECTION 5. Section 12-6-6 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-6. - Protected trees.

Protected trees are those trees identified by species and size in Appendix “A” of this chapter if living and viable. Where protected trees are identified on a site proposed for lot clearing within the applicable zoning districts identified in section 12-6-2, the number of protected trees to be preserved on the site shall be determined based upon the final approved location of proposed structures, driveways, parking areas, and other improvements to be constructed or installed.

(1) *Preservation Incentives.*

- a. *Parking space reduction.* A reduction of required parking spaces may be allowed when the reduction would result in the preservation of a protected tree with a trunk of twelve (12) inches DBH or greater. Such reduction shall be required when the reduction would preserve a heritage tree. The following reduction schedule shall apply:



## REDUCTION SCHEDULE

Number of Required Parking Spaces	Reduction of Required Parking Spaces Allowable
1—4	0
5—9	1
10—19	2
20 or above	10 percent of total number of spaces (total reduction regardless of number of trees preserved).

- b. *Consideration of park and open space requirement.* A reduction or waiver of the required park and open space (or payment in lieu of land dedication) for new residential subdivisions specified in section 12-7-6 may be approved by the mayor or their designee when it is determined that said waiver will result in the preservation of five (5) or more protected trees with a trunk of twelve (12) inches DBH or greater.
  - c. *Sidewalks.* Modifications to sidewalks, their required location, and width and curb requirements, may be allowed as necessary to facilitate the preservation of any protected tree.
  - d. *Credit for additional landscaping.* The ~~mayor~~City's designated arborist may authorize up to one-half (1/2) of the total calculated mitigation cost (as determined according to subsections (2)d and e of this section) to be used by the applicant for additional landscaping, which is defined as landscaping that is not required by this chapter or any other law. Additional landscaping shall meet the following minimum standards:
    1. A minimum of seventy-five (75) percent of all required plant material shall consist of evergreen species.
    2. All landscape material shall be placed so as to maximize its screening and/or coverage potential at maturity.
    3. All shrub material shall be a minimum height of thirty (30) inches and have a minimum crown width of twenty-four (24) inches when planted and shall be a species capable of achieving a minimum height of eight (8) feet at maturity.
- (2) *Retention, relocation, removal, replacement, and mitigation of protected trees.*
- a. *Retention of protected trees.* Every effort must be made to protect and retain existing protected trees on proposed development sites. A minimum of ten (10) percent of the total combined trunk diameter of protected trees on a

proposed development site not located within jurisdictional wetlands shall be retained in place or relocated on site.

1. Credit for retention of protected trees above minimum requirements. For each inch of trunk diameter above the minimum ten (10) percent requirement that is protected in place or relocated on site, an equivalent trunk diameter inch credit shall be given against replacement and mitigation requirements as provided in subsections (2)d and e of this section.
  2. *Barrier zones.* All protected trees not designated for removal shall be protected by barrier zones erected prior to construction of any structures, road, utility service or other improvements. Barriers shall be placed at the outside of the dripline for all heritage trees and at a minimum two-thirds (2/3) of the area of the dripline for all other protected trees. Barricades must be at least three (3) feet tall and must be constructed of either wooden corner posts at least two inches by four (2 x 4) inches with at least two (2) courses of wooden side slats at least one inch by four (1 x 4) inches with colored flagging or colored mesh attached, or constructed of one-inch angle iron corner posts with brightly colored mesh construction fencing attached.
- b. *Removal of protected trees.* Subject to the requirements of (2)a of this section, protected trees may be approved for removal if one (1) or more of the following conditions are present:
1. *Visibility hazard.* Necessity to remove trees which will pose a safety hazard to pedestrians or vehicular traffic upon completion of the development.
  2. *Safety hazard.* Necessity to remove trees which will threaten to cause disruption of public services or which will pose a safety hazard to persons or buildings or adjacent property or structures.
  3. *Construction of improvements.* Necessity to remove trees in order to construct proposed improvements as a result of the location of driveways, if the location of a driveway or ingress/egress is specified and required by DOT or other regulations, buildings, utilities, stormwater/drainage facilities, or other permanent improvements. The architect, civil engineer, or ~~planner~~ landscape architect shall make every reasonable effort to locate such improvements so as to preserve any existing tree.
  4. *Site conditions.* Necessity to remove trees as a result of characteristics of the site such as site dimensions, topographic conditions and grading requirements necessary to implement standard engineering and architectural practices. Grading shall be as limited as possible. In order

to justify the removal of protected trees on the ground of site conditions, the request must be reviewed by the appropriate city staff and must be approved by the mayor or his or her designee. Appeals from the decision of the City's designated arborist~~mayor or his designee~~ shall be to the Zoning Board of Adjustment.

5. *Diseased or weakened trees.* Necessity to remove diseased trees or trees weakened by age, storm, fire or other injury;
6. *Compliance with other ordinances or codes.* Necessity for compliance with other city codes such as building, zoning, subdivision regulations, health provisions, and other environmental ordinances.
- c. *Relocation of protected trees.* Where feasible, when conditions necessitate removal of protected trees, said trees shall be relocated on the site in the required perimeter or interior landscaped areas. Should the relocated tree expire within a specified period of time, the appropriate mitigation (planting of replacement trees or payment to the tree planting trust fund) shall be required. For each protected tree that cannot feasibly be relocated (or all of them), a written statement from a qualified professional shall be provided stating for each tree (or all of them) that relocation is not feasible and briefly explaining why relocation is not feasible, subject to the review of the City's designated arborist.
- d. *Replacement of protected trees.* When a protected tree is approved for removal, it shall be replaced with a like species of the tree removed. The City's designated arborist may allow a deviation to this within the same species type category in the protected tree list in Appendix "A" of this Chapter in order to promote ecological diversity on the site. The prescribed number of trees shall be planted for each tree removed. The minimum diameter of a replacement tree shall be three (3) inches DBH. The replacement formula is:
  1. A trunk diameter of four (4) inches to eleven (11) inches = Two (2) three-inch DBH trees planted for each one removed.
  2. A trunk diameter of twelve (12) inches to nineteen (19) inches = Three (3) three-inch DBH trees planted for each one removed.
  3. A trunk diameter of twenty (20) inches to twenty-nine (29) inches = Five (5) three-inch DBH trees planted for each one removed.
  4. A trunk diameter of thirty (30) inches to thirty-five (35) inches = Eight (8) three-inch DBH trees planted for each one removed.
  5. A trunk diameter of thirty-six (36) inches to forty-three (43) inches = Ten (10) three-inch DBH trees planted for each one removed.

6. A trunk diameter of forty-four (44) inches or greater = Eleven (11) three-inch DBH trees planted for each one removed.
- e. *Mitigation of protected trees.* Any replacement trees that cannot be planted on site because of lack of space, once agreed to by the city, shall be valued at four hundred dollars (\$400.00) each and the owner shall pay that total to the tree planting trust fund. Trees identified as dead and verified as such in writing by the City's designated arborist shall not be required to be replaced or mitigated.
- (3) *New planting of protected trees.* On sites proposed for development or redevelopment where no existing protected trees are identified, the owner or his agent shall be required to plant one (1) new tree species identified in the protected tree list (Appendix "A") or the tree replant list (Appendix "B"), a minimum of three (3) inches DBH, for each one thousand (1,000) square feet of impervious surface area. New trees or replacement trees shall be planted during the year as indicated in subsection 12-6-3(2)a.1. of this chapter.
  - (4) *New residential subdivisions.* In new residential subdivisions the ~~private~~ property owner of each lot shall plant one (1) tree in the front yard within ten (10) feet of the right-of-way, provided there is no existing tree in the front yard. The tree shall be planted prior to a certificate of occupancy being issued for the dwelling. If the existing tree is not within ten (10) feet of the right-of-way, then one (1) additional tree shall be required (sized as noted in subsection (4)a of this section). The tree shall be a species from Appendix "A" or "B," and where feasible, shade trees are encouraged.
    - a. Where a protected or replant tree species is required to be replanted, such tree shall be a minimum of three (3) inches DBH.
    - b. The location of an existing protected tree on the lot or the proposed location of a new protected or replant species, where required in this subsection, shall be identified on the plot plan submitted as part of the information submitted for a building permit.
  - (5) *Road right-of-way tree protection.* No person or agency shall cut, prune, remove, or in any way damage any protected tree in any street right-of-way or create any condition injurious to any such tree without first obtaining a permit to do so from the ~~parks and recreation department~~ City's designated arborist as specified in section 12-6-7.
    - a. ~~The parks and recreation department~~ City's designated arborist may issue an annual permit to public utility companies exempting them from the provisions of this subsection concerning tree preservation. In the event of flagrant or repeated disregard for the intent and purpose of this chapter, the department may revoke said permit. The reasons for revoking such a permit shall be provided in writing to the offender.

- b. Prior to entering a targeted area for pruning by the utility, the utility representative shall submit for approval to the city a clearly marked plan of the area, showing location of trees and noting what is being requested by the utility company. The ~~parks and recreation department~~City's designated arborist shall approve the plan and an additional permit fee of seventy-five dollars (\$75.00) shall be paid to the City of Pensacola for the specific area noted on the plan submitted (see chapter 7-10 of this Code).
  - c. All public utilities, governmental agencies and their subcontractors shall comply with the American National Standards Institute, ANSI A300-1995, Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, when pruning trees on public or private property. Notice shall be provided to landowners at least one (1) week in advance of pruning and/or removing landowners' trees on private property. Emergency removal requiring immediate action to protect the health and safety of the public is not subject to this chapter. In no case shall the utility company be permitted to prune more than thirty (30) percent of the existing tree canopy.
- (6) *Tree protection.* Removing, pruning, or cutting tree growth away from a permanent nonaccessory sign (billboard) on public or private property shall be permitted only if a permit is obtained from the ~~parks and recreation department~~City's designated arborist. All agencies and their subcontractors shall comply with the American National Standards Institute, ANSI A300-1995, Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, when pruning trees.
- (7) *Canopy road tree protection zone.* All lands within ten (10) feet of the outer boundary of the right-of-way of the below described roads are hereby declared to be canopy tree protection zones:
- a. Blount Street from "A" Street to Bayview Park.
  - b. Lakeview Avenue from 9th Avenue to 20th Avenue.
  - c. Garden Street from Alcaniz Street to Jefferson Street and from "J" Street to "N" Street.
  - d. 17th Avenue from Gregory Street to Texar Drive.
  - e. 12th Avenue from Barcia Drive to Fairfield Drive.
  - f. Baylen Street from LaRua Street to Jordan Street.
  - g. Spring Street from LaRua Street to Jordan Street.
  - h. Bayou Boulevard from Lee Street to Strong Street.

- i. Cervantes Street/Scenic Highway from the eastern side of Bayou Texar to the city limits.

No person or agency shall cut, remove, prune or in any way damage any protected tree in any canopy road tree protection zone or create any condition injurious to any such tree without first obtaining a permit to do so from the ~~parks and recreation department~~City's designated arborist as specified in section 12-6-7. The exemption for utility companies noted in subsection (5), above shall also apply to the canopy road tree protection zone.

- (8) *Heritage trees.* No person or agency shall cut, remove, prune or in any way damage any heritage tree in any zoning district without first obtaining approval of a landscape and tree protection plan per section 12-6-4 for new development sites or a permit from the ~~parks and recreation department~~City's designated arborist as specified in section 12-6-7 for developed property; provided, however, that currently occupied residential property may qualify for removal or pruning of a heritage tree without incurring the cost of a permit so long as documentation of danger to person or property has been submitted to the City's designated arborist in advance of removal. For purposes of this provision, "documentation" means a completed two-page Tree Risk Assessment Form, which should be completed according to the standards found within Best Management Practices: Tree Risk Assessment, Second Edition, by E. Thomas Smiley, Nelda Matheny, and Sharon Lilly, and distributed by the International Society of Arboriculture Society; further, consistent with ISA standards and tree risk assessment, a tree or tree part is a "danger" when two conditions exist: 1) the failure of the tree part or of the tree is imminent or impact is likely, and 2) the consequences of that failure are high or extreme. In the case of lot splits for single family and duplex uses, trees shall be evaluated to determine whether the lot split will have a negative effect on any heritage tree. A tree survey shall be provided to the Planning Services department along with the lot split application, and the size of proposed lots shall be evaluated for the purpose of ensuring that a lot split will not require the removal of any heritage tree as a result of that lot split.~~The provisions of this subsection related to pruning do not apply to existing single family and duplex uses.~~

SECTION 6. Section 12-6-7 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-7. - Tree removal and pruning permit in right-of-way and canopy road tree protection zones and heritage trees on developed property.

No person shall cut, remove, prune, or in any way damage any heritage tree on developed property or protected tree within the road right-of-way and canopy road tree protection zones identified in subsections 12-6-6(5) and (7), without first obtaining a tree removal and pruning permit from the ~~parks and recreation department~~City's designated arborist as provided below. An inspection fee of seventy-five dollars (\$75.00) shall be charged for services rendered by the ~~parks and recreation department~~City's designated

arborist in the required review and on-site inspection for tree removal or pruning permits (see chapter 7-10 of this Code).

- (1) *Canopy road tree protection zone and road right-of-way tree protection zone.* Prior to cutting, removing, pruning or in any way damaging a protected tree in the canopy road tree protection zone and road right-of-way tree protection zone, an owner, developer or his agent must submit a copy of an accurately scaled drawing including the following information:
  - a. Location of the subject protected tree, noting species, size and general condition.
  - b. ~~The parks and recreation department~~City's designated arborist may issue an annual permit to public utilities exempting them from this requirement as specified in subsection 12-6-6(5).
- (2) *On-site inspection.* Prior to the issuance of a tree removal and pruning permit, the ~~parks and recreation department~~City's designated arborist shall conduct an on-site inspection and shall issue a written report setting forth a recommendation for granting or denying the permit including any explanation necessary to clarify the basis for the recommendation.
- (3) *Conditions of approval.* The ~~parks and recreation department~~City's designated arborist may approve the permit if one (1) or more of the conditions set forth in subsections 12-6-6(2)b.1 through 6 is present.
- (4) *Review.* In the event an application is denied, the ~~parks and recreation department~~City's designated arborist shall specify to the applicant in writing the reason for said action.
- (5) *Heritage tree removal mitigation.* In the event that a heritage tree is approved for removal, tree replacement shall be provided per subsection 12-6-6(2)d.6 or a fee shall be paid into the tree planting trust fund per subsection 12-6-6(2)e.
- (6) *Pruning permitted on residential properties.* ~~Notwithstanding any contrary provision, pruning of heritage trees on properties with existing single-family and duplex land uses shall not require compliance with this section. However, Permits are not required for pruning of trees on developed, currently occupied, residential property, except for pruning of heritage trees; provided, permit fees are waived where the limb(s) is diseased, weakened, or a danger or hazard to person or property. A permit shall be obtained from the City as described in section 12-6-7 and pruning shall be performed by, or done under the supervision of, a certified independent arborist. In no instance shall more than one-third (1/3) of the existing, healthy tree crown may be removed from a heritage tree. If trimming of any heritage tree on a residential property results in substantial and irreparable harm or death to the heritage tree, such trimming shall be deemed an unauthorized and unpermitted removal of such heritage tree and shall be subject~~

to penalties as such mitigation in the form of tree replacement as provided per subsection 12-6-6(2)d.6., or a fee shall be paid into the tree planting trust fund per subsection 12-6-6(2)e. A residential property owner is excused from obtaining a permit by submitting to the City's designated arborist a completed two-page Tree Risk Assessment Form, prepared by an ISA certified arborist according to the standards found within Best Management Practices: Tree Risk Assessment, Second Edition, by E. Thomas Smiley, Nelda Matheny, and Sharon Lilly, and distributed by the International Society of Arboriculture Society, so long as, consistent with ISA standards and tree risk assessment, the heritage tree or tree part presents a danger because the following two conditions exist: 1) the failure of the tree part or of the tree is imminent or impact is likely, and 2) the consequences of that failure are high or extreme. Upon approval of the tree risk assessment by the City's designated arborist, no mitigation shall be required.

SECTION 7. Section 12-6-8 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-8. - Best management practices.

- (a) ~~The mayor or his or her designee~~ City's designated arborist may determine that the required irrigation percentage for a site may be reduced, and may also reduce the required mitigation payment into the Tree Planting Trust Fund when it has been demonstrated and set forth in writing that Best Management Practices have been employed in the proposed plans for development of a site. Areas in which the utilization of Best Management Practices would be applicable include, but are not limited to: Enviroscaping; Xeriscaping; Landscape Irrigation; and LEED/Green Building Techniques such as, but not limited to, green roofs, rain garden landscape design, shading constructed surfaces on the site with landscape features, and minimizing the overall building footprint and parking area; which are designed to reduce heat islands (thermal gradient differences between developed and undeveloped areas) to minimize impact on the environment.
- (b) Best Management Practices for a site include a demonstrating to the ~~mayor or his or her designee~~ City's designated arborist, that the property owner has met the minimum requirements of this section in addition to the proposed best management practices to be utilize.
- (c) "Waterwise Florida Landscapes" is the required reference guide for Xeriscaping and irrigation techniques.

SECTION 8. Section 12-6-9 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-9. - Modifications.

Under certain circumstances, the application of the standards of this chapter may be either inappropriate or ineffective in achieving the purpose of this chapter. When planting



is required by this chapter or by other provisions herein, and the site design, topography, unique relationships to other properties, natural vegetation or other special considerations exist relative to the proposed development; the developer may submit a specific alternate plan for the planting. This plan must demonstrate how the purposes and standards of this chapter will be met by measures other than those in sections 12-6-3 and 12-6-6. The ~~building official~~City's designated arborist shall review the alternate proposal and advise the applicant of the disposition of the request within fifteen (15) working days of submission by the applicant. Any appeals by the applicant shall be in accordance with section 12-6-11 of this chapter.

SECTION 9. Section 12-6-10 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-10. - Enforcement.

(a) *Stop work order.* Whenever the ~~building official~~City's designated arborist determines that a violation of this chapter has occurred, the following actions shall be initiated:

- (1) *Written notice.* Immediately issue written notice by personal delivery or certified mail to the person violating this chapter of the nature and location of the violation, specifying what remedial steps are necessary to bring the project into compliance. Such person shall immediately, conditions permitting, commence the recommended remedial action and shall have ten (10) working days after receipt of said notice, or such longer time as may be allowed by the ~~building official~~City's designated arborist, to complete the remedial action set forth in said notice.
- (2) *Remedial work and stop work orders.* If a subsequent violation occurs during the ten (10) working days referred to in subsection (a)(1) above, or if remedial work specified in the notice of violation is not completed within the time allowed, or if clearing and development of land is occurring without a permit, then the ~~building official~~City's designated arborist shall issue a stop work order immediately. Said stop work order shall contain the grounds for its issuance, and shall set forth the nature of the violation. The stop work order shall be directed not only to the person owning the land upon which the clearing and development is occurring, but also a separate stop work order shall be directed to the person or firm actually performing the physical labors of the development activity or the person responsible for the development activity, directing him forthwith to cease and desist all or any portion of the work upon all or any geographical portion of the project, except such remedial work as is deemed necessary to bring the project into compliance. If such person fails to complete the recommended remedial action within the time allowed, or fails to take the recommended action after the issuance of such stop work order, then the ~~building official~~City's designated arborist may issue a stop work order on all or any portion of the entire project.

- (3) *Notice of compliance.* Upon completion of remedial steps required by notice the ~~building official~~ City's designated arborist shall issue a notice of compliance and cancellation of said notice or stop work order.
- (b) *Penalty.* The fine for violating this chapter shall be based on the size of limb(s) or the tree(s) removed without a permit. The measurement to establish said fine shall be based on the remaining tree material left intact on the site. If a tree is removed, the trunk caliper shall be measured at DBH and at the point of removal for a limb or each limb. If, in the opinion of the ~~parks and recreation department~~ City's designated arborist, the tree has been substantially damaged so that its normal growth character will never return, i.e., a tree is topped and will never recover the original character, then the fine may be based upon the caliper of the tree trunk or each limb removed, whichever is the greater. Each day a violation of a stop work order continues shall constitute a separate offense (see subsection 7-10-6(b), penalty fees, of this Code). Each protected tree removed without a permit or in violation of a permit shall constitute a separate offense. Any person may seek an injunction against any violation of this chapter, and recover such damages as he may suffer. In addition to the fines and prohibitions contained herein, the provisions of section 1-1-8 of the Code shall apply ~~applicable~~ to willful violations of this chapter.
- (c) *Tree planting trust fund.*
- (1) A tree planting trust fund has been established and funded by the fines pursuant to subsection (b) and mitigation fees paid pursuant to section 12-6-6. Expenditures from the tree planting trust fund are hereby authorized and may be made by the mayor and shall be utilized for acquiring, planting, and maintaining trees and, in cases where necessary, other vegetation for public purposes within the City for projects up to twenty-five thousand dollars (\$25,000) to replant trees, or to plant new trees and other appropriate landscape vegetation, purchase irrigation supplies and purchase equipment dedicated to the planting and maintaining of the city's trees. The first priority for expenditure of funds deposited in the tree planting trust fund is for restoration of the tree canopy in the area where trees generating the funds were removed. Any expenditure in excess of twenty-five thousand dollars (\$25,000) must be approved by the city council following review by the environmental advisory board.
- (2) A grant program is hereby established for community organizations such as neighborhood associations, civic organizations, and garden clubs, according to the following criteria:
- a. Each grant is limited to ~~seventy-five (75)~~ fifty (50) percent of the cost of the proposed project up to ~~seven~~ five thousand five hundred dollars (\$~~7,55~~5,500.00);

- ~~b. The required twenty-five (25) percent grant match may be waived for projects deemed as a high priority canopy restoration project by the city council;~~
- ~~e~~b. The tree planting trust fund must have sufficient funds for the project requested;
- ~~d~~c. Grant requests must be submitted to the environmental advisory board for review prior to consideration by the City's designated arborist and city council;
- ~~e~~d. The city council must approve each grant request; and
- ~~f~~e. The funds must be utilized for providing trees or other appropriate vegetation along with associated irrigation that will help restore the tree canopy as deemed appropriate by proper planting location requirements and may enhance the natural beauty of the community, serve to deter graffiti or the defacement of public or private property, and may create sound buffers where desirable.

SECTION 10. Section 12-6-11 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-11. - Appeal.

Any person directly and adversely affected by any decision ~~made of the parks and recreation department, the building official, or the mayor or his or her designee~~ in the interpretation or enforcement of the provisions of this chapter may appeal such decision to the zoning board of adjustment. Such appeal shall be submitted in writing to the planning administrator within thirty (30) days of the rendering of the subject order, requirement, decision or determination.

SECTION 11. Appendix A of Chapter 12 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

APPENDIX A  
PROTECTED TREE LIST

Species Type A (Small, 4" + diameter trunk)	
1.	Dogwood ( <i>Cornus florida</i> )
2.	Redbud ( <i>Cercis canadensis</i> )
3.	Crape Myrtle ( <i>Lagerstroemia indica</i> )
4.	Fringe Tree ( <i>Chionanthus virginicus</i> )

5.	Flatwoods Plum ( <i>Prunus umbellata</i> )
6.	Crabapple ( <i>Malus angustifolia</i> )
7.	Sand Oak ( <i>Quercus geminata</i> )
Species Type B (Medium, 6" + diameter trunk)	
1.	American Holly ( <i>Ilex opaca</i> )
2.	Dahoon Holly ( <i>Ilex cassine</i> )
3.	Southern Magnolia ( <i>Magnolia grandiflora</i> ) **
4.	Eastern Red Cedar ( <i>Juniperus virginiana</i> ) **
5.	Southern Red Cedar ( <i>Juniperus silicicola</i> ) **
6.	White Cedar ( <i>Chamaecyparis thyoides</i> )
7.	River Birch ( <i>Betula nigra</i> )
8.	Long Leaf Pine ( <i>Pinus palustris</i> )
Species Type C (Large, 8" + diameter trunk)	
1.	Live Oak ( <i>Quercus virginiana</i> )**
2.	Laurel Oak ( <i>Quercus laurifolia</i> )**
3.	Sweet Gum ( <i>Liquidambar styraciflua</i> )**
4.	Sycamore ( <i>Platanus occidentalis</i> )**
5.	Pecan ( <i>Carya illinoensis</i> )**
6.	Red Maple ( <i>Acer rubrum</i> )**
7.	Hickory ( <i>Carya spp.</i> )**
8.	White Oak ( <i>Quercus alba</i> )**
9.	Southern Red Oak ( <i>Quercus falcata</i> )
10.	Florida Sugar Maple ( <i>Acer barbatum</i> )
11.	Black Tupelo ( <i>Nyssa sylvatica</i> )
12.	Silver Maple ( <i>Acer saccharinum</i> )

\* When measuring a tree to determine if it meets the trunk diameter criteria, it shall be measured at diameter breast height (DBH), which is the diameter of the tree at four and one-half (4½) feet (fifty-four (54) inches) above ground. The scientific name controls for compliance purposes. Common names are furnished for reference purposes only.

\*\* Shade trees.

SECTION 12. Section 12-13-1 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-13-1. Definitions enumerated:

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Lot, nonconforming* means any lot that does not meet the requirements for minimum lot area, lot width, preservation of Heritage trees not subject to removal under this Code, or yard requirements for any use, for the district in which such lot is located.

SECTION 13. 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 14. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 15. 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**

**January 12, 2021**

**MEMBERS PRESENT:** Chairperson Paul Ritz, Vice Chairperson Larson,  
Board Member Grundhoefer, Board Member Powell

**MEMBERS VIRTUAL:** Board Member Murphy

**MEMBERS ABSENT:** Board Member Sampson, Board Member Wiggins

**STAFF PRESENT:** Assistant Planning Director Cannon, Historic Preservation  
Planner Harding, Assistant City Attorney Lindsay, Senior  
Planner Statler, City Administrator Keith Wilkins,  
Sustainability Coordinator Jackson, Network Engineer  
Johnston

**STAFF VIRTUAL:** Planning Director Morris, Inspections Services Director Bilby,  
Engineering Project Manager Hinote

### **AGENDA:**

- Quorum/Call to Order
- Approval of Meeting Minutes from November 10, 2020.
- **New Business:**  
**Proposed Amendment to the Land Development Code – Section 12-6**  
**Tree/Landscape Regulations**
- Open Forum
- Discussion
- Adjournment

### Call to Order / Quorum Present

Chairperson Ritz explained the Board was waiting for the fourth board member to arrive in order to have a quorum, otherwise, the Board would proceed with a discussion on the item. Chairperson Ritz called the meeting to order at 2:16 pm with a quorum present and explained the procedures of the partially virtual Board meeting.

### Approval of Meeting Minutes

1. **Board Member Larson made a motion to approve the November 10, 2020 minutes, seconded by Board Member Grundhoefer, and it carried unanimously.**

222 West Main Street Pensacola, Florida 32502

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

## **New Business**

### **2. Proposed Amendment to the Land Development Code-Section 12-6 Tree/Landscape Regulations**

Chairperson Ritz introduced the item and the edit list which gave a summary of the sections edited. Assistant Planning Director Cannon presented the amendment provided by the Engineering Department for Section 12-6 which had been amended to streamline the review and enforcement process into one department, implementing a process that complies with Florida statutes, adding further protection of heritage trees and clarifying tree fund usage.

Chairperson Ritz emphasized this was a staff authored amendment. There had been discussions and workshops in the past, and Council had not heard, voted, or acted upon any landscape edit at this point. Today gave an opportunity to review and make edits. Board Member Powell asked about the city-designated arborist referring to the Mayor and when and who determined that. Chairperson Ritz advised that the Mayor being at the top of the organization can designate that person or delegate to staff. Board Member Powell was concerned that this would become political and asked if there was a process to take that out. Sustainability Coordinator Jackson explained the arborist had to meet a certain qualification. Assistant City Attorney Lindsay indicated typically the language would state the Mayor's designee; the legislature in passing a statute which pertains to tree removal on private property referenced the ISA Arborist as a person qualified to determine whether a tree should be removed; the City wanted to make sure whoever was assessing trees had at least that qualification. The ISA Arborist has a specialized process or training on whether a tree is dangerous enough to be removed or whether it could be pruned and what kind of risk is posed by the issue the tree presents (TRAQ Certification). Those persons are bound by a code of ethics which applies to their professional status. Since the City does not currently have this person on staff, he or she would be a consultant. Board Member Powell was satisfied with this explanation.

In Section 12-6-2(D), added a permit for pruning of heritage trees. Chairperson Ritz clarified that this review was for the existing ordinance; underlines indicated language added to the ordinance, and strikethroughs indicated current language omitted.

Section 12-6-2(F) added City-designated arborist.

Section 12-6-2(G) removed \$1,000.00 cap on undeveloped residential properties. Inspections Services Director Bilby explained this cap remained for developed properties; there is a replacement fee for \$400.00 per tree which cannot be replaced, and essentially, it will be more expensive to remove heritage trees.

Section 12-6-2(H) requires permits for pruning or removal of any tree(s). (Permit notification will be posted.)

Section 12-6-3(B) Reduced the requirements on parking facilities from 20 to 10.

Section 12-6-3(B)(1)(a), (B)(2)(c) and (B)(2)(d) referred to the City-designated arborist for responsibility.

Board Member Powell stated since the City did not have a designated arborist, what would happen when the ordinance was approved, and Assistant City Attorney Lindsay advised the City had an interlocal agreement with Escambia County who employs Jimmie Jarrett who has all the qualifications for an ISA Arborist; she would be asked for assistance. It was determined the City also has four environmental engineering firms (5-year contract) who have the capabilities and personnel on staff.

Section 12-6-4 added it would be reviewed by the City's designated arborist. Chairperson Ritz clarified that this section pertains to the Landscaping and Tree Protection Plan submitted to the City Inspections Services by a developer which will be reviewed by the City-designated arborist; this addition was added to prevent confusion and streamline the process.

Section 12-6-4(B) Landscape materials and trees must be installed before issuance of the certificate of occupancy (CO). Chairperson Ritz advised this requirement moved it to a more marketable timetable and reduced the amount of times Inspections was required to revisit the site. Board Member Larson advised once a person receives the CO, they take over their property and do what they want, so this would not be a concern.

Section 12-6-4(D) Notice must be given for removal of one heritage tree and signs shall be posted upon request for permit and remain posted for two (2) weeks. Further notice by the designated arborist will be given to the councilperson of that district. The sign shall be posted for two (2) weeks before the permit is approved.

Exception – tree is on occupied residential property and meets qualifications as diseased or weakened tree. Assistant City Attorney Lindsay advised the statute passed by Tallahassee removed some local authority to implement its own standards based on what the people of that area prefer. It was a statute imposed statewide which has created some conflicts. She wanted to make sure people did not think we were disrespecting that statute, and she placed specialized language to show we were trying to be consistent. It does not preempt each city from doing its standards but provides for an exemption or an exception for a property owner from local standards.

Section 12-6-5, 12-6-6(A)(4) Changed the names to City-designated arborist.

Section 12-6-6(B)(2)(c) Removed Planner and added Landscape Architect assuring we have someone looking at this on a regular basis.

Section 12-6-6(B)(2)(d) Changed to City-designated arborist.

Section 12-6-6(B)(3) Relocation of protected trees needs to be in writing from an independent certified arborist (designating what the professional should be).

Section 12-6-6(B)(4) Allows for deviations to species type to promote ecological diversity on site.

Section 12-6-6(B)(5) City-designated arborist.

Section 12-6-6(D) Trees shall be planted prior to Certificate of Occupancy being issued and selected from Appendix A or B with shade trees being encouraged.

Section 12-6-6(D)(2), 12-6-6(E), 12-6-6(E)(1) and (2), Section 12-6-6(F), 12-6-6(G), City-designated arborist will review.

Section 12-6-6(H) City-designated arborist - For heritage trees, adds provision for currently occupied residential property to remove or prune a heritage tree if documentation is provided of danger to person or property (in compliance with State statute). Chairperson Ritz explained for the moment, the Board was only dealing with the agenda item as it was placed online.

Section 12-6-7, 12-6-7(A)(2), 12-6-7(B), 12-6-7(C), 12-6-7(D) – City-designated arborist.

Section 12-6-7(F) – Pruning on residential properties do not require a permit unless it is a heritage tree (bringing us in compliance with State statute). Assistant City Attorney Lindsay advised that technically if the residential person has a heritage tree which their arborist indicates is dangerous, they would not need a permit. This was designed to protect heritage trees. In a test case, the property owner's own arborist admitted the heritage tree was healthy – it survived Hurricane Sally, so why would it have to be removed. We want to make sure we have an ISA Arborist who can provide us with insight that is



objective and not arbitrary. The idea of the statute is under those circumstances where the tree presents a danger, the property owner does not have to have a permit or give notice to anyone, does not have to visit with the City or talk about it, and not one single contact is required. The State statute does not respect a heritage tree either. It was determined there was no oversight on pruning a heritage tree, but a City-designated arborist could look at a tree before it is pruned, and this was an additional provision brought into the ordinance requiring the permit and oversight of the heritage tree. It was hoped this would give the public the opportunity to choose the City's arborist rather than pay more for someone else to perform the work; if they do prune contrary to this Code, they must have an ISA Arborist or landscape architect to provide documentation; this documentation must be defined since the legislature failed to define it, and there are no standards in place. Chairperson Ritz stated the Tree Risk Assessment Form would be added to determine the tree's condition. Board Member Grundhoefer asked if Gulf Power would be subject to this ordinance, and Assistant City Attorney Lindsay indicated over the last five years they had been in the process of trying to get more in control of rights-of-way to trim the trees; they have tried to purchase rights-of-way to trim without permission from property owners. Whether we can limit Gulf Power would be on a case-by-case basis on what rights they might have in that area.

Section 12-6-8, 12-6-9, 12-6-10(A), 12-6-10(A)(1), 12-6-10(A)(2), 12-6-10(A)(3), 12-6-10(B) – City-designated arborist

Section 12-6-10(C) Tree Planting Trust Fund – removed language on irrigation equipment – Funds shall be utilized for acquiring, planting, and maintaining trees, and in cases where necessary, other vegetation for public purposes - 50% match on grants up to \$5,500.00. Grant requests must be reviewed by EAB, City-designated arborist and City Council. Chairperson Ritz clarified this was an attempt to further clarify how those funds were to be spent.

Assistant City Attorney Lindsay further stated that the statute that would allow Gulf Power to have permission beyond what a regular property owner would have was in Section 163.3209 of the Florida statutes. They are supposed to follow the standards to prevent a tree from being killed or destroyed by virtue of the pruning. If the property owner felt the utility company did not follow those guidelines, the City could have an opportunity to address that.

Section 12-6-11 – Edits were made to the Appeals section.

Chairperson Ritz advised this covered the item which was published and stated the Board could edit the document and push it forward.

Section 12-6-2(D) would change the protected size of the tree identified by species in Appendix A which is four (4) times the minimum Diameter Breast Height (DBH) or greater. A Dogwood 16" in diameter would now be a heritage tree. Chairperson Ritz noted there would be a larger number of heritage trees with this ordinance in place. Board Member Grundhoefer stated we may need the language that protects trees that may not be 34" but he had a hard time with a Crepe Myrtle at 16" being classified a heritage tree. Chairperson Ritz pointed to the language in Section 12-6-2 "in all zoning districts" encompassing all of Pensacola, and it was determined to be the intent (city limits).

Section 12-6-4(D) Notice – The signs shall be posted by the applicant at their expense and shall remain continuously posted for two (2) weeks prior to the requisite building, site work, or tree removal permit is issued. The City's designated arborist will notify the councilperson in which district the permit has been applied for upon the receipt of the request. Board Member Larson indicated this would give anyone a chance once the sign

was posted to make their concerns heard.

Section 12-6-6(H) heritage trees – In the case of lot splits for single family and duplex uses, trees shall be evaluated to determine whether the lot split will have a negative effect on any heritage tree. A tree survey shall be provided to the Planning Services Department along with the lot split application, and the size of proposed lots shall be evaluated to determine if any heritage tree will be required to be removed as a result of the lot split.

Section 12-13-1 – Definitions enumerated – Lot, nonconforming added “preservation of heritage trees not subject to removal under this Code.”

Board Member Larson stated if the lot split determines the tree must stay, if someone wanted to construct a driveway on the other lot after it was split which damages the root system and the tree dies, who would be responsible since the tree was on the split. Inspections Services Director Bilby suggested if someone was creating a small buildable lot out of three lots, or making two or three lots from one, and it rendered the site of the heritage trees so it would fall within the foundation of the driveway of the house, there should be better consideration and oversight for the foundation before a lot split is granted. Chairperson Ritz indicated a house was removed and a lot split into three different lots; the heritage tree was in the right-of-way and remained. The homeowner created a curved driveway to accommodate the tree. Board Member Grundhoefer liked the fact the ordinance made it more difficult to remove a heritage tree whether splitting a lot or developing a property.

Appendix A Protected Tree List – Type B – added Long Leaf Pine (*Pinus Palustris*). Chairperson Ritz liked this addition since it was a native species.

Glen Miley, Biome Consulting Group and an ecologist, advised he had deep subject matter expertise and had participated in numerous public meetings and had met personally with the promoters of the changes. He had numerous consequential technical objections to the language of the document in the present form. He urged the Board to obtain guidance from experienced local practitioners before agreeing to codify this ordinance. He pointed out the term arborist in specific language limiting tree ordinance matters to holders of that particular credential alone, Section 12-6-2(F) pg. 3 and 12-6-6 (B)(3) pg.10. He indicated he was a professional whose qualifications greatly exceeded those of an arborist, but the proposed language would preclude him from practicing his profession in Pensacola. ISA created this position to certify tree trimmers; it in no way communicates competence. He urged the Board to reject the ordinance until a technical review by experienced local professionals could be completed. He explained his company was an ecological consulting firm and regulatory compliance firm, with staff holding advanced degrees in different areas of ecology, engaging in eco system identification, ecological restoration, and landscape level understanding, whereas an arborist can work as a tree trimmer for a period of three years and pass the test and obtain that certification. He indicated none of the materials coming out the public meetings with other professionals were reflected in the language proposed for change.

Assistant City Attorney Lindsay said this approach was never intended to be comprehensive by staff to address everything said in the workshops but more to streamline processes within the City so that we can begin to have a more consistent system of enforcement, but some of the things he said related to the list and how it should be evaluated as far as what species should be protected. Mr. Miley stated those were some of his concerns particularly pertaining to the heritage tree, how they are measured, who can conduct the survey, and the fact the appendix contains trees not existing in the city. Striking qualified professional and replacing it with an ISA Certified Arborist has

consequences for him professionally. Assistant City Attorney Lindsay advised there would be another workshop at the level of specificity he was referring to regarding the protected species. The reason for looking at the City-designated arborist was because of the statute which limits local governments' discretion, and the only other term that was used by the Florida legislature was landscape architect. Mr. Miley suggested an urban forester would be a superior professional to choose to accomplish those objectives. Assistant City Attorney Lindsay also shared that the thinking was to rely on the ISA Arborist because of the TRAQ certification and qualification and because that particular document was so much more detailed that they hoped it would elevate the analysis by ISA Arborists who the legislature has granted authority to determine that a tree is hazardous or dangerous. Mr. Miley stated the application of the larger profession incorporates perspective, concepts and additional skill sets that enhance that particular skill – he has that skill but not that credential. He felt his firm's service to the City would be far superior to a mere arborist. Assistant City Attorney Lindsay stated in the Code there were multiple decision makers involved in different departments across the city in assessing trees. The Building Inspections Director, Mr. Bilby, and the Sustainability Coordinator, Mark Jackson, worked together with other staff members and departments to identify a process that would allow one City employee, or until we have that employee, to help make sure that the process is consistent and appropriate; it was not about the substantive content on protection of trees and ecological evaluation which was his primary concern. This was a first step in the process, and at some point, there will be that deep dive to suggest the next step. The goal was to make sure that City employees had a consistent process internally, but we do want to get to the next stage.

Councilperson Myers was upset and thought the whole thing was a mess. Going back to August of last year, the City Council, not Sherri Myers, the City Council sent some amendments to the Tree Ordinance to Planning Board. Those amendments had to do with notice. Here we are six months later, and this Board has never acted on those recommendations that were sent to the Board. Sherri Myers acting as a City Council person does not have the authority to place items on the Planning Board agenda. It must come from the City Council, however, on October 13<sup>th</sup> the Board had on its agenda this item that dealt only with notice, not amendments to the Tree Protection Plan, just notice. However, in the background information you were given, it says a request was forwarded by City Councilwoman Sherri Myers to amend 12-6-4 of the Landscape and Tree Protection Plan. That is a mischaracterization of what was given to the Board. It was a recommendation given by the City Council. The Planning Board had 45 days pursuant to Ordinance 12-12-2(4) to act upon any matter referred to the Board shall be acted upon by the Board within 45 days of the day of reference until a longer or shorter period is specified. So, basically, we are here today. The items having to do with the amendments, having to do with notice have never come back to the City Council. What has happened is basically this whole issue as far as she was concerned was just a mess. So here we are and those amendments and recommendations have never been acted on and have never come back before the City Council. She believed that was a serious procedural problem. She did not know if she agreed with everything in this ordinance, especially now after listening to Mr. Miley, but wanted to know how an agenda item sent to the Board by the City Council became a sidenote to the Department of Engineers' ordinance they were proposing. She stated she had met with Mr. Bilby, Mr. Jackson, and Mr. Wilkins regarding this. It was her impression that today the Board was going to be acting on the amendments having to do with notice. That was her primary concern because she has acres and acres of forests in

her district that today if there was a permit issued for a landscape plan, that forest could be mowed down in a matter of days. She had seen this happen – 5 acres, 6 acres – in a matter of two days. Chairperson Ritz advised the Board was observing the 5-minute speaker limit, and she had used those 5 minutes. Ms. Myers asked the attorney how she was going to fix this problem with this not being returned to the City Council in 45 days – what was sent to the Board and not all of this other stuff regarding the arborist and all that. Assistant City Attorney Lindsay did not recall that there was a referral from the City Council, so she would need to go back to the record to see where she might have missed something. As far as the content regarding notice, there was discussion among the Board members, and she advised them, and we were also warned by a member of the Planning Board about the Statute 163.045 and whether we were allowed to require notices at all. Through the litigation on the Vickery Tree and what other cities are doing all over the state, she had been trying to brainstorm ways we can protect trees, incorporate the notice that is desirable, and still be consistent with Florida law. The Planning Board was warned by one of the members of the legislature of the Speaker's issues with local governments trying to continue to impose restrictions on property owners with regard to protection of trees. The struggle with trying to comply with the Florida statute has slowed her analysis down, and she asked for understanding as she tried to do her best, and if she had missed the Council item, she apologized and stated she would go back and determine how the error was made and be accountable to Councilperson Myers when that was determined.

Chairperson Ritz advised the Board had never ignored an agenda item and not voted on it. Councilperson Myers advised before hearing Mr. Miley, she was okay with what was being proposed, but she wanted to deal with notice since that was the most important issue which was sent to this Board; it was not comingled with other issues, and it should have returned to the Council even if the Board was still considering it or needed more time. What the Board was saying today was it could only vote on what the Engineering Department had presented, but the issue of notice had been given to the Board six months ago. Chairperson Ritz advised on the October 13, 2020 agenda, there was an item on which they voted, and once the Board votes, it is not physically carried to the Council. Councilperson Myers asked that an email be sent to her to indicate the process after the Board makes a decision on how it returns to Council. Assistant City Attorney Lindsay stated once the Board made a decision, the Planning staff forwarded that information to the Council for consideration in a memo as a part of Council's agenda. She offered to research to see what happened at that time. She recalled the Board was to look at the tree protection standards generally over time, and the proposal by Board Member Murphy had been on the agenda several times as a discussion item, separate and apart from the notice. The Florida legislature states we cannot require a property owner to come for a permit or we cannot insist they give notice to the public or to us under certain circumstances. We have been studying how we work around that statute. It has been argued that it preempts municipalities entirely, and she disagreed with that argument; she was still waiting on a decision from the 1<sup>st</sup> District Court of Appeal; she again stated she would research the item and furnish a more detail response as soon as she can get a definitive response to her question.

Board Member Powell advised the title of the ordinance states the intent of the Code is Section 12-6 tree/landscape regulations, streamlining review and enforcement into one department and process, assuring compliance with Florida statutes, protecting heritage trees, and funding oversight and not when notices will be given or determining what trees would be saved. Only this review was what the Board was considering and not ignoring

anyone's suggestions or any public input, but saying these are the things we control as the City of Pensacola which is the time it takes to get the permits done; no one was dismissing anything that was said before and those discussions have not stopped, and the information received has been placed on the agenda and acted on accordingly. What the Board was accomplishing today was making it easier and being more transparent, being more efficient and avoiding redundancy, showing we care about who will be making the decisions rather than having it in an ambiguous cloud. She did appreciate Mr. Miley's input about the terminology of an arborist, but we did need to get back to what this was really about which was written at the top of the ordinance. Assistant Planning Director Cannon advised there had been robust public involvement with workshops to address a presentation from Emerald Coast, and that had not gone away; the timeline was drawn out to engage the public and consider input from others, but today's meeting was to address the process.

Kelly Hagen, Vice President of the Sanders Beach Neighborhood Association, stated she was not here to present that board but as a private citizen. She had hoped this would be the moment to effect some real change and come away with an ordinance the city would be proud of. Her understanding of the intent of the staff in developing this ordinance was to streamline the administrative process and to clarify the structure of protocol and not to add protection to the heritage trees. She had several discussions with City staff, Council members, concerned citizens, as well as professionals in the field. The feedback she had received suggested we need a complete overhaul of the current ordinance which would require careful and thoughtful review. The popular opinion to obtain these changes would be for the Planning Board to initiate a series of Council-directed public workshops, including a panel of academic experts on the subject, bringing in the appropriate City staff, and hiring a professional facilitator to make sure everyone's ideas were heard. She clarified she was in favor of passing certain protections in the proposed ordinance since it does provide more protection than the current ordinance. She asked that the Board look at and possibly edit the protections on pg. 33 and clarify that a lot split should be altered in order to preserve a heritage tree if possible if a heritage tree was in danger. Regarding diameter of breast height, there are several species that will never reach 34" and she was not necessarily supporting Crape Myrtle as a protected species.

Chairperson Ritz advised the Board had conducted workshops in the past 12 months, however, with the current Covid situation, travel and attendance had been an issue.

Councilperson Brahier stated she had worked with Mr. Bilby, Mr. Jackson, Mr. Wilkins, Heather and Kelly, but she felt workshops were in our best interests, however, we want to protect as much as we can right now. If we say a City specialist has a minimum of an ISA Arborist standard, we could do that right away. Also, if a tree were split, the larger trunk at 4.5' above the ground would be the one that gets the diameter counted. This language puts some safety in place for other species while we work out the other issues. We will get a new provision in that if a person applies for a tree to be either cut down or trimmed and a sign is put up for two (2) weeks, it gives the public time for notification. When a person applies for a permit, a sign is put up for two (2) weeks and the councilperson notified, and it gives the public an option for notification. We can get some extra safety and precautions in here and streamline the City's process for the staff. She thanked everyone and felt this streamline would allow us to move forward in the best interest of these trees.

In explaining the lot split further, Chairperson Ritz stated if the lot split is legal exclusive of the heritage tree and meets all the other City criteria, it may be that it is flagged to say this is a heritage tree; nothing happens except to say that there is a heritage tree that could be

in a location that would require mitigation and would receive an evaluation when the paperwork is submitted. Evidence of this review will be provided to the citizen might be the verbiage that should be added.

Sarah Randolph chose not to comment. David Bush was concerned with the disappearance of the large heritage Oaks especially being destroyed by Hurricane Sally and contractors cutting them down as well. He advised East Hill was being destroyed by houses 30' wide and 60' tall with garages in the front, and this is not the old East Hill people remember.

Chairperson Ritz stated this was an advisory board and whatever the Board decided today would move forward as advice to Council, and the Board has always acted on an agenda item.

Regarding the lot split and heritage tree verbiage, Board Member Larson suggested changing the tone to a positive preservation purpose to preserve the trees in our area, and it must be proven that the tree must come down – instead of saying removal, say preservation with documentation. Board Member Grundhoefer felt this could be placed in every paragraph in every section which would turn a 50-page document into a 100-page document; he felt that would be redundant. Board Member Powell suggested we need to address the meaning when it is ambiguous. Assistant City Attorney Lindsay advised that the seed of this idea came about very recently, and the intent was to be able to deny a lot split if the split rendered a heritage tree necessary to be removed for the split to be approved. There needed to be some standard operating procedure created, maybe not in the ordinance itself. They wanted to hear feedback and had not had a long time to consider all the consequences; the language also reflects there are some heritage trees which are diseased and must be removed for safety. She explained this section was being wordsmithed. Chairperson Ritz advised when a citizen comes in for a lot split permit, there is a checklist to be completed which is part of the standing operating procedure. Sustainability Coordinator Jackson stated the intent was not to deny the lot split but to have it altered to preserve the trees.

Board Member Grundhoefer stated there were two issues: 1) change the language from arborist to a City-designated specialist with a minimal ISA Certification (Councilperson Brahier's concern); 2) a concern with notices (Councilperson Myers). Assistant City Attorney Lindsay stated emails determined that this Board did act on the request, and it was denied by the Board which the minutes support. Assistant Planning Director Cannon stated when that item came before the Board, it had two ordinances, one generated from the outside and one from staff. The Board made the decision to deny one and approve the other, bringing it back for revision and streamlining which is where we were today.

Board Member Grundhoefer offered if this passed Council, it would allow us to protect some trees which otherwise would be lost and felt it was the next step. It was determined if the ISA Certification were a minimum, Mr. Miley's credentials would exceed that requirement. **Board Member Grundhoefer made a motion to approve with the amended language for referral to Council, seconded by Board Member Powell. It was clarified the Board was adding the language describing the professional, and the motion carried unanimously.**

**Assistant City Attorney Lindsay asked for clarification on the vote. Board Member Grundhoefer amended his motion to include the amendments that were submitted in the memo from Sustainability Coordinator Jackson; it was seconded by Board Member Powell and carried unanimously.**

**Open Forum – None**

**Adjournment** – With no further business, Chairperson Ritz thanked the Board for its patience and adjourned the meeting at 4:33 pm.

Respectfully Submitted,

Cynthia Cannon, AICP  
Assistant Planning Director  
Secretary to the Board



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 01-21

City Council

2/11/2021

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council Member Sherri F. Myers  
City Council Member Jennifer Brahier  
Grover C. Robinson, IV, Mayor

**SUBJECT:**

PROPOSED ORDINANCE NO. 01-21 - PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE - SECTION 12-6 TREE/LANDSCAPE REGULATIONS AND CHAPTER 12-13 DEFINITIONS ENUMERATED

**RECOMMENDATION:**

That City Council approve Proposed Ordinance No. 01-21 on first reading.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE, TITLE 12, OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, STREAMLINING REVIEW AND ENFORCEMENT OF TREE/LANDSCAPE REGULATIONS IN CHAPTER 12-6 INTO ONE DEPARTMENT AND PROCESS, UPDATING AFFECTED DEFINITION IN CHAPTER 12-13, ENSURING COMPLIANCE WITH FLORIDA STATUTES, FUNDING OVERSIGHT AND ENFORCEMENT, AND PROTECTING HERITAGE TREES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

**HEARING REQUIRED:** Public

**SUMMARY:**

The City of Pensacola has a long history of prioritizing the protection of trees and recognizes their value as both an environmental and aesthetic amenity. To demonstrate the City's commitment to being a steward of the environment, the City of Pensacola created and codified tree/landscape regulations that provide protection of trees throughout the City of Pensacola. These regulations provide guidance to both community members and developers, the permitting process for which they can have the trees removed, and provide enforcement authority to the City for failure to comply. Since the creation of the regulations, City staff has drafted various modifications to the codified language. Attached is the most recent City-staff proposed amendments to the regulations. These amendments were drafted in an effort to provide process efficiencies, designate sources as responsible for the oversight of this regulation, provide clarity on tree fund usage, provide notice to the public and Council when tree removals are requested within their district, and provide further protections for heritage trees. This item was presented to the City Planning Board on October 13,



2020, and was approved. However, subsequent comments were provided by Council members, and additional changes were made by staff based upon the comments.

**PRIOR ACTION:**

January 12, 2021 - Planning Board approved these proposed amendments with the recommendation to evaluate the qualifications of the City's designated arborist and other professionals and to include the memorandum expressing additional changes to further protect trees.

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**CITY ATTORNEY REVIEW:** Yes

1/27/2021

**STAFF CONTACT:**

Keith Wilkins, City Administrator

Kerrith Fiddler, Deputy City Administrator

L. Derrik Owens, Director of Public Works and Facilities/City Engineer

Mark Jackson, City Sustainability Coordinator

**ATTACHMENTS:**

- 1) Proposed Ordinance No. 01-21
- 2) Planning Board Minutes, Draft from January 12, 2021

**PRESENTATION:** No

PROPOSED  
ORDINANCE NO. 01-21

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

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE, TITLE 12, OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, STREAMLINING REVIEW AND ENFORCEMENT OF TREE/LANDSCAPE REGULATIONS IN CHAPTER 12-6 INTO ONE DEPARTMENT AND PROCESS, UPDATING AFFECTED DEFINITION IN CHAPTER 12-13, ENSURING COMPLIANCE WITH FLORIDA STATUTES, FUNDING OVERSIGHT AND ENFORCEMENT, AND PROTECTING HERITAGE TREES; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-6-2 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-2. - Applicability.

(a) Zoning districts. The provisions of this chapter shall be applicable within the following zoning districts:

(1) *Residential districts.*

- a. R-1AAAAA through R-1A districts.
- b. R-ZL (zero lot line dwelling district).
- c. R-2A and R-2B (multiple-family).

(2) *Mixed residential districts.*

- a. R-2 (residential/office)
- b. R-NC (residential/neighborhood commercial)

(3) *Commercial districts.*

- a. C-1 (local commercial) .
- b. C-2 (general commercial).
- c. R-C (residential commercial).

- d. C-3 (general commercial and limited industry).
- (4) *Industrial districts.*
  - a. M-1 (wholesale/light industry).
  - b. M-2 (light industry).
- (5) *Other districts.* The provisions of this chapter shall also be used as guidelines in reviewing site plans in site specific zoning and development (SSD) amendment applications, airport transition zone (ATZ-1 and ATZ-2) districts and in applications for special planned developments.
- (b) Public institutional uses and churches. The provisions of this chapter shall be applicable to public institutional uses and churches. Public institutional uses and churches located in R-1AAAAA through R-1A zones shall not be exempt from the provisions of this chapter. In addition, these uses shall conform with the requirements of subsection 12-6-3(1) and all other sections of this title applicable to the R-ZL, R-2A, R-2B and R-2 zones.
- (c) Exemptions. All single-family and duplex uses are exempt from the provisions of this chapter, except as provided for in section 12-3-56 (buffer yards), subsection (d) (heritage trees) ~~and~~, section 12-6-6(4) (new subdivisions) and section 12-6-7(5) (heritage tree removal mitigation). The C-2A downtown retail commercial district is exempt from the provisions of this chapter, except as provided for in subsections 12-6-6(1), (5), (6), and (7). All healthcare related uses of property owned or controlled by an entity which is licensed as an acute care hospital under F.S. Ch. 395, owned or controlled by a parent company of an entity which is licensed as an acute care hospital under F.S. Ch. 395 are exempt from the provisions of this chapter, except as provided for in section 12-6-3 and section 12-6-6(1), (3), (5), (6), and (7). In conjunction with the development of any such healthcare related use, a payment of five thousand dollars (\$5,000.00) per acre of new developed impervious surface area shall be made to the tree planting trust fund. The designated clear zone areas around the Pensacola Regional Airport and any other area identified by the airport manager and approved by the city council as critical to aircraft operations shall be exempt from this chapter.
- (d) Heritage trees. A protected tree identified by species in Appendix A of this chapter which is four (4) times the minimum Diameter Breast Height (DBH) thirty-four (34) inches or greater in diameter as measured at Diameter Breast Height (DBH). Heritage trees are protected in all the zoning districts listed in this section 12-6-2, and for all land uses and are considered natural resources. Removal, cutting or pruning of heritage trees on proposed development sites may be permitted upon approval of a landscape and tree protection plan (section 12-6-4). Removal, cutting or pruning of heritage trees on developed property may be authorized ~~upon issuance of a permit~~ per section 12-6-7. A permit will be required for removal or pruning of a heritage tree in all zoning

districts listed in this section 12-6-2, and for all land uses, including single-family or duplex as set out in section 12-6-7.

- (e) DBH. All tree measurements shall be taken at diameter breast height (DBH), which is the diameter of the tree at four and one-half (4½) feet (54 inches) above ground. If the tree has a bump or branch at four and one-half (4½) feet above ground then DBH shall be measured immediately below the bump or branch. If the tree is growing vertically on a slope, DBH shall be measured from the midpoint of the trunk along the slope. If the tree is leaning, DBH shall be measured from the midpoint of the lean. If the tree forks below or near DBH the tree shall be measured at the narrowest part of the main stem below the fork. If the tree splits into more than one (1) trunk close to ground level, DBH shall be determined by measuring each of the trunks separately and then taking the square root of the sum of all squared stem DBHs.
- (f) City-designated arborist. All references to the City's designated arborist shall be construed to mean the Mayor's designee who is charged with administering and enforcing the provisions contained within this chapter, who shall have successfully completed the International Society of Arboriculture (ISA)'s Tree Risk Assessment Qualification (TRAQ), which qualifies a tree professional to use a standardized, systematic process for assessing risks presented by trees.
- (fg) Notwithstanding any other provision of this chapter, the mitigation cost to a residential property owner (single-family and duplex uses) where the property is already developed shall not exceed one thousand dollars (\$1,000.00); provided, however, no mitigation cost shall be charged where statutorily prohibited. Mitigation costs for residential property owners on property being developed shall be assessed in accordance with 12-6-6(2)e.
- (h) Prior to pruning or removal of any tree(s), any permit issued under this chapter must be posted promptly upon receipt, in the manner prescribed in Section 12-6-4(4), in a conspicuous place on the property where the tree(s) is located.

SECTION 2. Section 12-6-3 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-3. - Landscaping requirements.

The following landscaping requirements apply to all types of land uses and zoning districts listed in section 12-6-2:

- (1) *Landscape area requirements.* The minimum percentage of the total developable site, which shall be devoted to landscaping, unless otherwise specified in this chapter, shall be as follows:

ZONING DISTRICT		PERCENT
R-ZL, R-2A, R-2B, R-2	.....	25

R-NC, C-1, C-2, R-C	.....	25
C-3, M-1, M-2	.....	20
SSD, ATZ-1, ATZ-2	.....	25

(2) *Off-street parking and vehicle use areas.* Off-street parking regulations apply to all parking facilities of ~~20~~ten (10) spaces or more. Off-street parking facilities and other vehicular use areas shall meet the following requirements:

a. *Perimeter requirements.* A ten-foot wide strip of privately owned land, located along the front and/or side property line(s) adjacent to a street right-of-way shall be landscaped. In no case shall this strip be less than ten (10) feet wide. Width of sidewalks shall not be included within the ten-foot wide perimeter landscape area. This perimeter landscape requirement shall be credited toward the percentage required for the total developable site in subsection (1) of this section, above. Material requirements in perimeter area are as follows:

1. One (1) tree for each thirty-five (35) feet of linear foot frontage along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall measure a minimum of three (3) inches DBH. The trees shall be container grown if planted during the months of March through October. During the remaining months, balled and burlapped (B&B) material may be used. Appropriate documentation shall be provided to the ~~parks and recreation department~~City's designated arborist. An automatic irrigation system shall be required with a separate zone with bubblers to each tree planted on site. When multiple trunk trees are specified, such as crape myrtle, each stem must be a minimum of one and one-half (1½) inches DBH, with a minimum of three (3) stems. These type trees shall not be cut back prior to planting. Seventy (70) percent of the trees for any site shall be shade trees, unless a lesser percentage is approved by the ~~parks and recreation director~~City's designated arborist. The remaining area within the perimeter strip shall be landscaped with other landscape materials.
2. Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed visibility between three (3) feet and nine (9) feet above the average grade of the adjacent street and the driveway intersections through the perimeter strip.
3. If trees are required where overhead utilities exist, and such trees may create a maintenance potential, only species whose expected height at maturity will not create interference may be planted.

b. *Interior planting areas.* Interior planting areas within parking lots shall be determined by subtracting the area set aside in the ten-foot perimeter strip from the total minimum area required to be landscaped in subsection (1) of this section, above. This remaining percentage shall be allocated throughout the parking lot or in areas, which are adjacent to the parking lot other than in

the perimeter strip. Interior planting areas shall be located to most effectively accommodate stormwater runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic. Minimum sizes of interior planting areas are as follows:

1. A minimum of one hundred (100) square feet of planting area shall be required for each new species type A tree identified in Appendix "A" and small species identified in Appendix "B."
  2. A minimum of two hundred (200) square feet of planting area shall be required for each new species type B and type C tree identified in Appendix "A" and medium and large species identified in Appendix "B."
  3. A ~~42~~twelve-foot by ~~36~~thirty-six-foot planting island shall be required on each end of every double row of parking and a ~~42~~twelve-foot by ~~48~~eighteen-foot island on each end of a single row of parking shall be required. Also, a minimum of one (1) additional island at the midpoint of the parking bays for rows having over ten (10) parking spaces shall be required. The additional island shall be centered in each row. Any adjustment to this requirement must have written approval from the ~~building official~~City's designated arborist.
  4. A minimum planting area of seventy-five (75) percent of the dripline area of the tree shall be required for all existing trees. If conditions warrant that an area greater than seventy-five (75) percent is needed to preserve the tree, the city shall have the right to require up to one hundred (100) percent of the dripline. Approved pavers may be used in certain situations, if approved by the ~~building official~~City's designated arborist. Pervious surfaces are strongly encouraged.
- c. *Vehicle overhang.* Vehicles shall not overhang any interior planting area or perimeter strip. Tire stops are required to be used in these situations.
- d. *Curbs; protection of vegetation.* Where landscaping is installed in interior or perimeter strip planting areas, a continuous curb or other acceptable means of protection shall be provided to prevent injury to the vegetation. Such curb shall be designed to allow percolation of the water to the root system of the landscape material. Where existing trees are preserved, tree wells, tree islands or a continuous curb shall be utilized to protect the trunk and root system from alterations to surrounding grade elevations and damage from automobiles. A drainage system, sufficient enough to allow percolation into permeable soil, shall be provided in the area defined by the dripline of the tree(s).

- (3) *Buffer yards between zoning districts and uses.* Regulations applicable to buffer yards are specified in section 12-3-56 of this Code.

SECTION 3. Section 12-6-4 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-4. - Landscape and tree protection plan.

A landscape and tree protection plan shall be required as a condition of obtaining any building permit or site work permit for ~~townhouse residential, multi-family residential,~~ commercial and industrial development as specified in section 12-6-3. The plan shall be submitted to the ~~community development department inspection services division~~ Inspection Services Department and reviewed by the City's designated arborist. A fee shall be charged for services rendered in the review of the required plan (see chapter 7-10 of this Code).

No building permit or site work permit shall be issued until a landscape and tree protection plan has been submitted and approved. Clearing and grubbing is only permitted after a site has received development plan approval and appropriate permits have been issued. The City's designated arborist~~building official~~ may authorize minimal clearing to facilitate surveying and similar site preparation work prior to the issuance of permits. No certificate of occupancy shall be issued until the City's designated arborist~~building official~~ has determined after final inspection that required site improvements have been installed according to the approved landscape and tree protection plan. In lieu of the immediate installation of the landscaping material and trees, the city may require a performance bond or other security in an amount equal to the cost of the required improvements in lieu of withholding a certificate of occupancy, and may further require that improvements be satisfactorily installed within a specified length of time.

- (1) *Contents of landscape and tree protection plan.* The landscape and tree protection plan shall be drawn to scale by a landscape architect, architect or civil engineer licensed by the State of Florida, and shall include the following information unless alternative procedures are approved per sections 12-6-8 or 12-6-9:
  - a. Location, size and species of all trees and shrubs to be planted.
  - b. Location of proposed structures, driveways, parking areas, required perimeter and interior landscaped areas, and other improvements to be constructed or installed.
  - c. Location of irrigation system to be provided. All planted areas shall have an underground irrigation system designed to provide one hundred-percent coverage.
  - d. Landscape and tree protection techniques proposed to prevent damage to vegetation, during construction and after construction has been completed.
  - e. Location of all protected trees noting species and DBH.
  - f. Identification of protected trees to be preserved, protected trees to be removed, including dead trees, and trees to be replanted on site.

- g. Proposed grade changes which might adversely affect or endanger protected trees with specifications on how to maintain trees.
  - h. Certification that the landscape architect, architect or civil engineer submitting the landscape and tree protection plan has read and is familiar with chapter 12-6 of the Code of the City of Pensacola, Florida, pertaining to tree and landscape regulation.
- (2) *Installation period.* All landscape materials and trees depicted on the approved landscape plan shall be installed ~~within one (1) year of the date of issuance of the building permit for the site~~prior to the issuance of the certificate of occupancy.
- (3) *Quality.* All plant materials used shall conform to the standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants", current edition, State of Florida, Department of Agriculture and Consumer Services, Division of Plant Industry, Tallahassee, Florida, a copy of which shall be maintained for public inspection in the department of leisure services.
- (4) *Notice.* If removal is sought for ~~two~~one (12) or more heritage trees or for more than ~~ten~~ (10) protected trees (including heritage trees sought to be removed) and/or if removal of more than ~~fifty~~ (50) of existing protected trees is sought within any property in any zoning district identified in section 12-6-2, a sign shall be posted no further back than ~~four~~ (4) feet from the property line nearest each respective roadway adjacent to the property. One (1) sign shall be posted for every ~~one hundred~~ (100) feet of roadway frontage. Each sign shall contain two (2) horizontal lines of legible and easily ~~discernable~~ type. The top line shall state: "Tree Removal Permit Applied For." The bottom line shall state: "For Further Information Contact the City of Pensacola at 311" (or other number as ~~designated by the Mayor~~). The top line shall be in legible type no smaller than six (6) inches in height. The bottom line shall be in legible type no smaller than three (3) inches in height. There shall be a margin of at least three (3) inches between all lettering and the edge of the sign. The signs shall be posted ~~at~~ by the applicant at their expense, and shall remain continuously posted ~~for two (2) weeks prior to~~ until the requisite building, site work, or tree removal permit ~~is~~has issued. The City's designated arborist will notify the councilperson representing the district in which the permit has been requested upon receipt of the request.

Exception: This provision does not include any tree located on a currently occupied, residential property so long as the City's designated arborist has determined the tree meets the qualifications as a diseased or weakened tree as specified in Section 12-6-6(2)b.5., or, in the alternative, documentation of danger to person or property has been submitted to the City's designated arborist in advance of removal. For purposes of this provision, "documentation" means a completed two-page Tree Risk Assessment Form, which should be completed according to the standards found within Best Management Practices: Tree Risk Assessment, Second Edition, by E. Thomas Smiley, Nelda Matheny, and Sharon



Lilly, and distributed by the International Society of Arboriculture Society; further, consistent with ISA standards and tree risk assessment, a tree or tree part is a “danger” when two conditions exist: 1) the failure of the tree part or of the tree is imminent or impact is likely, and 2) the consequences of that failure are high or extreme.

SECTION 4. Section 12-6-5 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-5. - Maintenance.

- (a) The legal owner of record as appears on the current tax assessment roll or the designated lessee or agent shall be responsible for the maintenance of all landscape areas which shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free from refuse and debris. Within three (3) months of a determination by the ~~building official or other city-designated official~~City’s designated arborist, that a protected tree required to be retained on a development site (as part of an approved site development plan) or required landscaping is dead or severely damaged or diseased, the protected tree or landscaping shall be replaced by the owner in accordance with the standards specified in this chapter (chapter 12-6). The ~~building official~~City’s designated arborist may approve additional time appropriate to the growing season of the species in question, not to exceed one (1) year.
- (b) All portions of any irrigation system shall be continuously maintained in a condition such that the intent of an irrigation design is fulfilled. Uncontrolled emission of water from any pipe valve, head, emitter, or other irrigation device shall be considered evidence of non-maintenance.

SECTION 5. Section 12-6-6 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-6. - Protected trees.

Protected trees are those trees identified by species and size in Appendix “A” of this chapter if living and viable. Where protected trees are identified on a site proposed for lot clearing within the applicable zoning districts identified in section 12-6-2, the number of protected trees to be preserved on the site shall be determined based upon the final approved location of proposed structures, driveways, parking areas, and other improvements to be constructed or installed.

(1) *Preservation Incentives.*

- a. *Parking space reduction.* A reduction of required parking spaces may be allowed when the reduction would result in the preservation of a protected tree with a trunk of twelve (12) inches DBH or greater. Such reduction shall be required when the reduction would preserve a heritage tree. The following reduction schedule shall apply:

## REDUCTION SCHEDULE

Number of Required Parking Spaces	Reduction of Required Parking Spaces Allowable
1—4	0
5—9	1
10—19	2
20 or above	10 percent of total number of spaces (total reduction regardless of number of trees preserved).

- b. *Consideration of park and open space requirement.* A reduction or waiver of the required park and open space (or payment in lieu of land dedication) for new residential subdivisions specified in section 12-7-6 may be approved by the mayor or their designee when it is determined that said waiver will result in the preservation of five (5) or more protected trees with a trunk of twelve (12) inches DBH or greater.
  - c. *Sidewalks.* Modifications to sidewalks, their required location, and width and curb requirements, may be allowed as necessary to facilitate the preservation of any protected tree.
  - d. *Credit for additional landscaping.* The ~~mayer~~City's designated arborist may authorize up to one-half (1/2) of the total calculated mitigation cost (as determined according to subsections (2)d and e of this section) to be used by the applicant for additional landscaping, which is defined as landscaping that is not required by this chapter or any other law. Additional landscaping shall meet the following minimum standards:
    1. A minimum of seventy-five (75) percent of all required plant material shall consist of evergreen species.
    2. All landscape material shall be placed so as to maximize its screening and/or coverage potential at maturity.
    3. All shrub material shall be a minimum height of thirty (30) inches and have a minimum crown width of twenty-four (24) inches when planted and shall be a species capable of achieving a minimum height of eight (8) feet at maturity.
- (2) *Retention, relocation, removal, replacement, and mitigation of protected trees.*
- a. *Retention of protected trees.* Every effort must be made to protect and retain existing protected trees on proposed development sites. A minimum of ten (10) percent of the total combined trunk diameter of protected trees on a

proposed development site not located within jurisdictional wetlands shall be retained in place or relocated on site.

1. Credit for retention of protected trees above minimum requirements. For each inch of trunk diameter above the minimum ten (10) percent requirement that is protected in place or relocated on site, an equivalent trunk diameter inch credit shall be given against replacement and mitigation requirements as provided in subsections (2)d and e of this section.
  2. *Barrier zones.* All protected trees not designated for removal shall be protected by barrier zones erected prior to construction of any structures, road, utility service or other improvements. Barriers shall be placed at the outside of the dripline for all heritage trees and at a minimum two-thirds (2/3) of the area of the dripline for all other protected trees. Barricades must be at least three (3) feet tall and must be constructed of either wooden corner posts at least two inches by four (2 x 4) inches with at least two (2) courses of wooden side slats at least one inch by four (1 x 4) inches with colored flagging or colored mesh attached, or constructed of one-inch angle iron corner posts with brightly colored mesh construction fencing attached.
- b. *Removal of protected trees.* Subject to the requirements of (2)a of this section, protected trees may be approved for removal if one (1) or more of the following conditions are present:
1. *Visibility hazard.* Necessity to remove trees which will pose a safety hazard to pedestrians or vehicular traffic upon completion of the development.
  2. *Safety hazard.* Necessity to remove trees which will threaten to cause disruption of public services or which will pose a safety hazard to persons or buildings or adjacent property or structures.
  3. *Construction of improvements.* Necessity to remove trees in order to construct proposed improvements as a result of the location of driveways, if the location of a driveway or ingress/egress is specified and required by DOT or other regulations, buildings, utilities, stormwater/drainage facilities, or other permanent improvements. The architect, civil engineer, or ~~planner~~ landscape architect shall make every reasonable effort to locate such improvements so as to preserve any existing tree.
  4. *Site conditions.* Necessity to remove trees as a result of characteristics of the site such as site dimensions, topographic conditions and grading requirements necessary to implement standard engineering and architectural practices. Grading shall be as limited as possible. In order

to justify the removal of protected trees on the ground of site conditions, the request must be reviewed by the appropriate city staff and must be approved by the mayor or his or her designee. Appeals from the decision of the City's designated arborist~~mayor or his designee~~ shall be to the Zoning Board of Adjustment.

5. *Diseased or weakened trees.* Necessity to remove diseased trees or trees weakened by age, storm, fire or other injury;
6. *Compliance with other ordinances or codes.* Necessity for compliance with other city codes such as building, zoning, subdivision regulations, health provisions, and other environmental ordinances.
- c. *Relocation of protected trees.* Where feasible, when conditions necessitate removal of protected trees, said trees shall be relocated on the site in the required perimeter or interior landscaped areas. Should the relocated tree expire within a specified period of time, the appropriate mitigation (planting of replacement trees or payment to the tree planting trust fund) shall be required. For each protected tree that cannot feasibly be relocated (or all of them), a written statement from a qualified professional shall be provided stating for each tree (or all of them) that relocation is not feasible and briefly explaining why relocation is not feasible, subject to the review of the City's designated arborist.
- d. *Replacement of protected trees.* When a protected tree is approved for removal, it shall be replaced with a like species of the tree removed. The City's designated arborist may allow a deviation to this within the same species type category in the protected tree list in Appendix "A" of this Chapter in order to promote ecological diversity on the site. The prescribed number of trees shall be planted for each tree removed. The minimum diameter of a replacement tree shall be three (3) inches DBH. The replacement formula is:
  1. A trunk diameter of four (4) inches to eleven (11) inches = Two (2) three-inch DBH trees planted for each one removed.
  2. A trunk diameter of twelve (12) inches to nineteen (19) inches = Three (3) three-inch DBH trees planted for each one removed.
  3. A trunk diameter of twenty (20) inches to twenty-nine (29) inches = Five (5) three-inch DBH trees planted for each one removed.
  4. A trunk diameter of thirty (30) inches to thirty-five (35) inches = Eight (8) three-inch DBH trees planted for each one removed.
  5. A trunk diameter of thirty-six (36) inches to forty-three (43) inches = Ten (10) three-inch DBH trees planted for each one removed.

6. A trunk diameter of forty-four (44) inches or greater = Eleven (11) three-inch DBH trees planted for each one removed.
- e. *Mitigation of protected trees.* Any replacement trees that cannot be planted on site because of lack of space, once agreed to by the city, shall be valued at four hundred dollars (\$400.00) each and the owner shall pay that total to the tree planting trust fund. Trees identified as dead and verified as such in writing by the City's designated arborist shall not be required to be replaced or mitigated.
- (3) *New planting of protected trees.* On sites proposed for development or redevelopment where no existing protected trees are identified, the owner or his agent shall be required to plant one (1) new tree species identified in the protected tree list (Appendix "A") or the tree replant list (Appendix "B"), a minimum of three (3) inches DBH, for each one thousand (1,000) square feet of impervious surface area. New trees or replacement trees shall be planted during the year as indicated in subsection 12-6-3(2)a.1. of this chapter.
  - (4) *New residential subdivisions.* In new residential subdivisions the ~~private~~ property owner of each lot shall plant one (1) tree in the front yard within ten (10) feet of the right-of-way, provided there is no existing tree in the front yard. The tree shall be planted prior to a certificate of occupancy being issued for the dwelling. If the existing tree is not within ten (10) feet of the right-of-way, then one (1) additional tree shall be required (sized as noted in subsection (4)a of this section). The tree shall be a species from Appendix "A" or "B," and where feasible, shade trees are encouraged.
    - a. Where a protected or replant tree species is required to be replanted, such tree shall be a minimum of three (3) inches DBH.
    - b. The location of an existing protected tree on the lot or the proposed location of a new protected or replant species, where required in this subsection, shall be identified on the plot plan submitted as part of the information submitted for a building permit.
  - (5) *Road right-of-way tree protection.* No person or agency shall cut, prune, remove, or in any way damage any protected tree in any street right-of-way or create any condition injurious to any such tree without first obtaining a permit to do so from the ~~parks and recreation department~~ City's designated arborist as specified in section 12-6-7.
    - a. ~~The parks and recreation department~~ City's designated arborist may issue an annual permit to public utility companies exempting them from the provisions of this subsection concerning tree preservation. In the event of flagrant or repeated disregard for the intent and purpose of this chapter, the department may revoke said permit. The reasons for revoking such a permit shall be provided in writing to the offender.

- b. Prior to entering a targeted area for pruning by the utility, the utility representative shall submit for approval to the city a clearly marked plan of the area, showing location of trees and noting what is being requested by the utility company. The ~~parks and recreation department~~City's designated arborist shall approve the plan and an additional permit fee of seventy-five dollars (\$75.00) shall be paid to the City of Pensacola for the specific area noted on the plan submitted (see chapter 7-10 of this Code).
  - c. All public utilities, governmental agencies and their subcontractors shall comply with the American National Standards Institute, ANSI A300-1995, Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, when pruning trees on public or private property. Notice shall be provided to landowners at least one (1) week in advance of pruning and/or removing landowners' trees on private property. Emergency removal requiring immediate action to protect the health and safety of the public is not subject to this chapter. In no case shall the utility company be permitted to prune more than thirty (30) percent of the existing tree canopy.
- (6) *Tree protection.* Removing, pruning, or cutting tree growth away from a permanent nonaccessory sign (billboard) on public or private property shall be permitted only if a permit is obtained from the ~~parks and recreation department~~City's designated arborist. All agencies and their subcontractors shall comply with the American National Standards Institute, ANSI A300-1995, Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, when pruning trees.
- (7) *Canopy road tree protection zone.* All lands within ten (10) feet of the outer boundary of the right-of-way of the below described roads are hereby declared to be canopy tree protection zones:
- a. Blount Street from "A" Street to Bayview Park.
  - b. Lakeview Avenue from 9th Avenue to 20th Avenue.
  - c. Garden Street from Alcaniz Street to Jefferson Street and from "J" Street to "N" Street.
  - d. 17th Avenue from Gregory Street to Texar Drive.
  - e. 12th Avenue from Barcia Drive to Fairfield Drive.
  - f. Baylen Street from LaRua Street to Jordan Street.
  - g. Spring Street from LaRua Street to Jordan Street.
  - h. Bayou Boulevard from Lee Street to Strong Street.

- i. Cervantes Street/Scenic Highway from the eastern side of Bayou Texar to the city limits.

No person or agency shall cut, remove, prune or in any way damage any protected tree in any canopy road tree protection zone or create any condition injurious to any such tree without first obtaining a permit to do so from the ~~parks and recreation department~~City's designated arborist as specified in section 12-6-7. The exemption for utility companies noted in subsection (5), above shall also apply to the canopy road tree protection zone.

- (8) *Heritage trees.* No person or agency shall cut, remove, prune or in any way damage any heritage tree in any zoning district without first obtaining approval of a landscape and tree protection plan per section 12-6-4 for new development sites or a permit from the ~~parks and recreation department~~City's designated arborist as specified in section 12-6-7 for developed property; provided, however, that currently occupied residential property may qualify for removal or pruning of a heritage tree without incurring the cost of a permit so long as documentation of danger to person or property has been submitted to the City's designated arborist in advance of removal. For purposes of this provision, "documentation" means a completed two-page Tree Risk Assessment Form, which should be completed according to the standards found within Best Management Practices: Tree Risk Assessment, Second Edition, by E. Thomas Smiley, Nelda Matheny, and Sharon Lilly, and distributed by the International Society of Arboriculture Society; further, consistent with ISA standards and tree risk assessment, a tree or tree part is a "danger" when two conditions exist: 1) the failure of the tree part or of the tree is imminent or impact is likely, and 2) the consequences of that failure are high or extreme. In the case of lot splits for single family and duplex uses, trees shall be evaluated to determine whether the lot split will have a negative effect on any heritage tree. A tree survey shall be provided to the Planning Services department along with the lot split application, and the size of proposed lots shall be evaluated for the purpose of ensuring that a lot split will not require the removal of any heritage tree as a result of that lot split.~~The provisions of this subsection related to pruning do not apply to existing single family and duplex uses.~~

SECTION 6. Section 12-6-7 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-7. - Tree removal and pruning permit in right-of-way and canopy road tree protection zones and heritage trees on developed property.

No person shall cut, remove, prune, or in any way damage any heritage tree on developed property or protected tree within the road right-of-way and canopy road tree protection zones identified in subsections 12-6-6(5) and (7), without first obtaining a tree removal and pruning permit from the ~~parks and recreation department~~City's designated arborist as provided below. An inspection fee of seventy-five dollars (\$75.00) shall be charged for services rendered by the ~~parks and recreation department~~City's designated

arborist in the required review and on-site inspection for tree removal or pruning permits (see chapter 7-10 of this Code).

- (1) *Canopy road tree protection zone and road right-of-way tree protection zone.* Prior to cutting, removing, pruning or in any way damaging a protected tree in the canopy road tree protection zone and road right-of-way tree protection zone, an owner, developer or his agent must submit a copy of an accurately scaled drawing including the following information:
  - a. Location of the subject protected tree, noting species, size and general condition.
  - b. ~~The parks and recreation department~~City's designated arborist may issue an annual permit to public utilities exempting them from this requirement as specified in subsection 12-6-6(5).
- (2) *On-site inspection.* Prior to the issuance of a tree removal and pruning permit, the ~~parks and recreation department~~City's designated arborist shall conduct an on-site inspection and shall issue a written report setting forth a recommendation for granting or denying the permit including any explanation necessary to clarify the basis for the recommendation.
- (3) *Conditions of approval.* The ~~parks and recreation department~~City's designated arborist may approve the permit if one (1) or more of the conditions set forth in subsections 12-6-6(2)b.1 through 6 is present.
- (4) *Review.* In the event an application is denied, the ~~parks and recreation department~~City's designated arborist shall specify to the applicant in writing the reason for said action.
- (5) *Heritage tree removal mitigation.* In the event that a heritage tree is approved for removal, tree replacement shall be provided per subsection 12-6-6(2)d.6 or a fee shall be paid into the tree planting trust fund per subsection 12-6-6(2)e.
- (6) *Pruning permitted on residential properties.* ~~Notwithstanding any contrary provision, pruning of heritage trees on properties with existing single-family and duplex land uses shall not require compliance with this section. However, Permits are not required for pruning of trees on developed, currently occupied, residential property, except for pruning of heritage trees; provided, permit fees are waived where the limb(s) is diseased, weakened, or a danger or hazard to person or property. A permit shall be obtained from the City as described in section 12-6-7 and pruning shall be performed by, or done under the supervision of, a certified independent arborist. In no instance shall more than one-third (1/3) of the existing, healthy tree crown may be removed from a heritage tree. If trimming of any heritage tree on a residential property results in substantial and irreparable harm or death to the heritage tree, such trimming shall be deemed an unauthorized and unpermitted removal of such heritage tree and shall be subject~~



to penalties as such mitigation in the form of tree replacement as provided per subsection 12-6-6(2)d.6., or a fee shall be paid into the tree planting trust fund per subsection 12-6-6(2)e. A residential property owner is excused from obtaining a permit by submitting to the City's designated arborist a completed two-page Tree Risk Assessment Form, prepared by an ISA certified arborist according to the standards found within Best Management Practices: Tree Risk Assessment, Second Edition, by E. Thomas Smiley, Nelda Matheny, and Sharon Lilly, and distributed by the International Society of Arboriculture Society, so long as, consistent with ISA standards and tree risk assessment, the heritage tree or tree part presents a danger because the following two conditions exist: 1) the failure of the tree part or of the tree is imminent or impact is likely, and 2) the consequences of that failure are high or extreme. Upon approval of the tree risk assessment by the City's designated arborist, no mitigation shall be required.

SECTION 7. Section 12-6-8 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-8. - Best management practices.

- (a) ~~The mayor or his or her designee~~ City's designated arborist may determine that the required irrigation percentage for a site may be reduced, and may also reduce the required mitigation payment into the Tree Planting Trust Fund when it has been demonstrated and set forth in writing that Best Management Practices have been employed in the proposed plans for development of a site. Areas in which the utilization of Best Management Practices would be applicable include, but are not limited to: Enviroscaping; Xeriscaping; Landscape Irrigation; and LEED/Green Building Techniques such as, but not limited to, green roofs, rain garden landscape design, shading constructed surfaces on the site with landscape features, and minimizing the overall building footprint and parking area; which are designed to reduce heat islands (thermal gradient differences between developed and undeveloped areas) to minimize impact on the environment.
- (b) Best Management Practices for a site include a demonstrating to the ~~mayor or his or her designee~~ City's designated arborist, that the property owner has met the minimum requirements of this section in addition to the proposed best management practices to be utilize.
- (c) "Waterwise Florida Landscapes" is the required reference guide for Xeriscaping and irrigation techniques.

SECTION 8. Section 12-6-9 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-9. - Modifications.

Under certain circumstances, the application of the standards of this chapter may be either inappropriate or ineffective in achieving the purpose of this chapter. When planting

is required by this chapter or by other provisions herein, and the site design, topography, unique relationships to other properties, natural vegetation or other special considerations exist relative to the proposed development; the developer may submit a specific alternate plan for the planting. This plan must demonstrate how the purposes and standards of this chapter will be met by measures other than those in sections 12-6-3 and 12-6-6. The ~~building official~~City's designated arborist shall review the alternate proposal and advise the applicant of the disposition of the request within fifteen (15) working days of submission by the applicant. Any appeals by the applicant shall be in accordance with section 12-6-11 of this chapter.

SECTION 9. Section 12-6-10 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-10. - Enforcement.

(a) *Stop work order.* Whenever the ~~building official~~City's designated arborist determines that a violation of this chapter has occurred, the following actions shall be initiated:

- (1) *Written notice.* Immediately issue written notice by personal delivery or certified mail to the person violating this chapter of the nature and location of the violation, specifying what remedial steps are necessary to bring the project into compliance. Such person shall immediately, conditions permitting, commence the recommended remedial action and shall have ten (10) working days after receipt of said notice, or such longer time as may be allowed by the ~~building official~~City's designated arborist, to complete the remedial action set forth in said notice.
- (2) *Remedial work and stop work orders.* If a subsequent violation occurs during the ten (10) working days referred to in subsection (a)(1) above, or if remedial work specified in the notice of violation is not completed within the time allowed, or if clearing and development of land is occurring without a permit, then the ~~building official~~City's designated arborist shall issue a stop work order immediately. Said stop work order shall contain the grounds for its issuance, and shall set forth the nature of the violation. The stop work order shall be directed not only to the person owning the land upon which the clearing and development is occurring, but also a separate stop work order shall be directed to the person or firm actually performing the physical labors of the development activity or the person responsible for the development activity, directing him forthwith to cease and desist all or any portion of the work upon all or any geographical portion of the project, except such remedial work as is deemed necessary to bring the project into compliance. If such person fails to complete the recommended remedial action within the time allowed, or fails to take the recommended action after the issuance of such stop work order, then the ~~building official~~City's designated arborist may issue a stop work order on all or any portion of the entire project.

- (3) *Notice of compliance.* Upon completion of remedial steps required by notice the ~~building official~~ City's designated arborist shall issue a notice of compliance and cancellation of said notice or stop work order.
- (b) *Penalty.* The fine for violating this chapter shall be based on the size of limb(s) or the tree(s) removed without a permit. The measurement to establish said fine shall be based on the remaining tree material left intact on the site. If a tree is removed, the trunk caliper shall be measured at DBH and at the point of removal for a limb or each limb. If, in the opinion of the ~~parks and recreation department~~ City's designated arborist, the tree has been substantially damaged so that its normal growth character will never return, i.e., a tree is topped and will never recover the original character, then the fine may be based upon the caliper of the tree trunk or each limb removed, whichever is the greater. Each day a violation of a stop work order continues shall constitute a separate offense (see subsection 7-10-6(b), penalty fees, of this Code). Each protected tree removed without a permit or in violation of a permit shall constitute a separate offense. Any person may seek an injunction against any violation of this chapter, and recover such damages as he may suffer. In addition to the fines and prohibitions contained herein, the provisions of section 1-1-8 of the Code shall apply ~~applicable~~ to willful violations of this chapter.
- (c) *Tree planting trust fund.*
- (1) A tree planting trust fund has been established and funded by the fines pursuant to subsection (b) and mitigation fees paid pursuant to section 12-6-6. Expenditures from the tree planting trust fund are hereby authorized and may be made by the mayor and shall be utilized for acquiring, planting, and maintaining trees and, in cases where necessary, other vegetation for public purposes within the City for projects up to twenty-five thousand dollars (\$25,000) to replant trees, or to plant new trees and other appropriate landscape vegetation, purchase irrigation supplies and purchase equipment dedicated to the planting and maintaining of the city's trees. The first priority for expenditure of funds deposited in the tree planting trust fund is for restoration of the tree canopy in the area where trees generating the funds were removed. Any expenditure in excess of twenty-five thousand dollars (\$25,000) must be approved by the city council following review by the environmental advisory board.
- (2) A grant program is hereby established for community organizations such as neighborhood associations, civic organizations, and garden clubs, according to the following criteria:
- a. Each grant is limited to ~~seventy-five (75)~~ fifty (50) percent of the cost of the proposed project up to ~~seven~~ five thousand five hundred dollars (\$7,55,500.00);

- ~~b. The required twenty-five (25) percent grant match may be waived for projects deemed as a high priority canopy restoration project by the city council;~~
- ~~e~~b. The tree planting trust fund must have sufficient funds for the project requested;
- ~~d~~c. Grant requests must be submitted to the environmental advisory board for review prior to consideration by the City's designated arborist and city council;
- ~~e~~d. The city council must approve each grant request; and
- ~~f~~e. The funds must be utilized for providing trees or other appropriate vegetation along with associated irrigation that will help restore the tree canopy as deemed appropriate by proper planting location requirements and may enhance the natural beauty of the community, serve to deter graffiti or the defacement of public or private property, and may create sound buffers where desirable.

SECTION 10. Section 12-6-11 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-6-11. - Appeal.

Any person directly and adversely affected by any decision ~~made of the parks and recreation department, the building official, or the mayor or his or her designee~~ in the interpretation or enforcement of the provisions of this chapter may appeal such decision to the zoning board of adjustment. Such appeal shall be submitted in writing to the planning administrator within thirty (30) days of the rendering of the subject order, requirement, decision or determination.

SECTION 11. Appendix A of Chapter 12 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

APPENDIX A  
PROTECTED TREE LIST

Species Type A (Small, 4" + diameter trunk)	
1.	Dogwood ( <i>Cornus florida</i> )
2.	Redbud ( <i>Cercis canadensis</i> )
3.	Crape Myrtle ( <i>Lagerstroemia indica</i> )
4.	Fringe Tree ( <i>Chionanthus virginicus</i> )

5.	Flatwoods Plum ( <i>Prunus umbellata</i> )
6.	Crabapple ( <i>Malus angustifolia</i> )
7.	Sand Oak ( <i>Quercus geminata</i> )
Species Type B (Medium, 6" + diameter trunk)	
1.	American Holly ( <i>Ilex opaca</i> )
2.	Dahoon Holly ( <i>Ilex cassine</i> )
3.	Southern Magnolia ( <i>Magnolia grandiflora</i> ) **
4.	Eastern Red Cedar ( <i>Juniperus virginiana</i> ) **
5.	Southern Red Cedar ( <i>Juniperus silicicola</i> ) **
6.	White Cedar ( <i>Chamaecyparis thyoides</i> )
7.	River Birch ( <i>Betula nigra</i> )
8.	Long Leaf Pine ( <i>Pinus palustris</i> )
Species Type C (Large, 8" + diameter trunk)	
1.	Live Oak ( <i>Quercus virginiana</i> )**
2.	Laurel Oak ( <i>Quercus laurifolia</i> )**
3.	Sweet Gum ( <i>Liquidambar styraciflua</i> )**
4.	Sycamore ( <i>Platanus occidentalis</i> )**
5.	Pecan ( <i>Carya illinoensis</i> )**
6.	Red Maple ( <i>Acer rubrum</i> )**
7.	Hickory ( <i>Carya spp.</i> )**
8.	White Oak ( <i>Quercus alba</i> )**
9.	Southern Red Oak ( <i>Quercus falcata</i> )
10.	Florida Sugar Maple ( <i>Acer barbatum</i> )
11.	Black Tupelo ( <i>Nyssa sylvatica</i> )
12.	Silver Maple ( <i>Acer saccharinum</i> )

\* When measuring a tree to determine if it meets the trunk diameter criteria, it shall be measured at diameter breast height (DBH), which is the diameter of the tree at four and one-half (4½) feet (fifty-four (54) inches) above ground. The scientific name controls for compliance purposes. Common names are furnished for reference purposes only.

\*\* Shade trees.

SECTION 12. Section 12-13-1 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

Sec. 12-13-1. Definitions enumerated:

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Lot, nonconforming* means any lot that does not meet the requirements for minimum lot area, lot width, preservation of Heritage trees not subject to removal under this Code, or yard requirements for any use, for the district in which such lot is located.

SECTION 13. 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 14. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 15. 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**

**January 12, 2021**

**MEMBERS PRESENT:** Chairperson Paul Ritz, Vice Chairperson Larson,  
Board Member Grundhoefer, Board Member Powell

**MEMBERS VIRTUAL:** Board Member Murphy

**MEMBERS ABSENT:** Board Member Sampson, Board Member Wiggins

**STAFF PRESENT:** Assistant Planning Director Cannon, Historic Preservation  
Planner Harding, Assistant City Attorney Lindsay, Senior  
Planner Statler, City Administrator Keith Wilkins,  
Sustainability Coordinator Jackson, Network Engineer  
Johnston

**STAFF VIRTUAL:** Planning Director Morris, Inspections Services Director Bilby,  
Engineering Project Manager Hinote

### **AGENDA:**

- Quorum/Call to Order
- Approval of Meeting Minutes from November 10, 2020.
- **New Business:**  
**Proposed Amendment to the Land Development Code – Section 12-6**  
**Tree/Landscape Regulations**
- Open Forum
- Discussion
- Adjournment

### Call to Order / Quorum Present

Chairperson Ritz explained the Board was waiting for the fourth board member to arrive in order to have a quorum, otherwise, the Board would proceed with a discussion on the item. Chairperson Ritz called the meeting to order at 2:16 pm with a quorum present and explained the procedures of the partially virtual Board meeting.

### Approval of Meeting Minutes

1. **Board Member Larson made a motion to approve the November 10, 2020 minutes, seconded by Board Member Grundhoefer, and it carried unanimously.**

222 West Main Street Pensacola, Florida 32502

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

## **New Business**

### **2. Proposed Amendment to the Land Development Code-Section 12-6 Tree/Landscape Regulations**

Chairperson Ritz introduced the item and the edit list which gave a summary of the sections edited. Assistant Planning Director Cannon presented the amendment provided by the Engineering Department for Section 12-6 which had been amended to streamline the review and enforcement process into one department, implementing a process that complies with Florida statutes, adding further protection of heritage trees and clarifying tree fund usage.

Chairperson Ritz emphasized this was a staff authored amendment. There had been discussions and workshops in the past, and Council had not heard, voted, or acted upon any landscape edit at this point. Today gave an opportunity to review and make edits. Board Member Powell asked about the city-designated arborist referring to the Mayor and when and who determined that. Chairperson Ritz advised that the Mayor being at the top of the organization can designate that person or delegate to staff. Board Member Powell was concerned that this would become political and asked if there was a process to take that out. Sustainability Coordinator Jackson explained the arborist had to meet a certain qualification. Assistant City Attorney Lindsay indicated typically the language would state the Mayor's designee; the legislature in passing a statute which pertains to tree removal on private property referenced the ISA Arborist as a person qualified to determine whether a tree should be removed; the City wanted to make sure whoever was assessing trees had at least that qualification. The ISA Arborist has a specialized process or training on whether a tree is dangerous enough to be removed or whether it could be pruned and what kind of risk is posed by the issue the tree presents (TRAQ Certification). Those persons are bound by a code of ethics which applies to their professional status. Since the City does not currently have this person on staff, he or she would be a consultant. Board Member Powell was satisfied with this explanation.

In Section 12-6-2(D), added a permit for pruning of heritage trees. Chairperson Ritz clarified that this review was for the existing ordinance; underlines indicated language added to the ordinance, and strikethroughs indicated current language omitted.

Section 12-6-2(F) added City-designated arborist.

Section 12-6-2(G) removed \$1,000.00 cap on undeveloped residential properties. Inspections Services Director Bilby explained this cap remained for developed properties; there is a replacement fee for \$400.00 per tree which cannot be replaced, and essentially, it will be more expensive to remove heritage trees.

Section 12-6-2(H) requires permits for pruning or removal of any tree(s). (Permit notification will be posted.)

Section 12-6-3(B) Reduced the requirements on parking facilities from 20 to 10.

Section 12-6-3(B)(1)(a), (B)(2)(c) and (B)(2)(d) referred to the City-designated arborist for responsibility.

Board Member Powell stated since the City did not have a designated arborist, what would happen when the ordinance was approved, and Assistant City Attorney Lindsay advised the City had an interlocal agreement with Escambia County who employs Jimmie Jarrett who has all the qualifications for an ISA Arborist; she would be asked for assistance. It was determined the City also has four environmental engineering firms (5-year contract) who have the capabilities and personnel on staff.



Section 12-6-4 added it would be reviewed by the City's designated arborist. Chairperson Ritz clarified that this section pertains to the Landscaping and Tree Protection Plan submitted to the City Inspections Services by a developer which will be reviewed by the City-designated arborist; this addition was added to prevent confusion and streamline the process.

Section 12-6-4(B) Landscape materials and trees must be installed before issuance of the certificate of occupancy (CO). Chairperson Ritz advised this requirement moved it to a more marketable timetable and reduced the amount of times Inspections was required to revisit the site. Board Member Larson advised once a person receives the CO, they take over their property and do what they want, so this would not be a concern.

Section 12-6-4(D) Notice must be given for removal of one heritage tree and signs shall be posted upon request for permit and remain posted for two (2) weeks. Further notice by the designated arborist will be given to the councilperson of that district. The sign shall be posted for two (2) weeks before the permit is approved.

Exception – tree is on occupied residential property and meets qualifications as diseased or weakened tree. Assistant City Attorney Lindsay advised the statute passed by Tallahassee removed some local authority to implement its own standards based on what the people of that area prefer. It was a statute imposed statewide which has created some conflicts. She wanted to make sure people did not think we were disrespecting that statute, and she placed specialized language to show we were trying to be consistent. It does not preempt each city from doing its standards but provides for an exemption or an exception for a property owner from local standards.

Section 12-6-5, 12-6-6(A)(4) Changed the names to City-designated arborist.

Section 12-6-6(B)(2)(c) Removed Planner and added Landscape Architect assuring we have someone looking at this on a regular basis.

Section 12-6-6(B)(2)(d) Changed to City-designated arborist.

Section 12-6-6(B)(3) Relocation of protected trees needs to be in writing from an independent certified arborist (designating what the professional should be).

Section 12-6-6(B)(4) Allows for deviations to species type to promote ecological diversity on site.

Section 12-6-6(B)(5) City-designated arborist.

Section 12-6-6(D) Trees shall be planted prior to Certificate of Occupancy being issued and selected from Appendix A or B with shade trees being encouraged.

Section 12-6-6(D)(2), 12-6-6(E), 12-6-6(E)(1) and (2), Section 12-6-6(F), 12-6-6(G), City-designated arborist will review.

Section 12-6-6(H) City-designated arborist - For heritage trees, adds provision for currently occupied residential property to remove or prune a heritage tree if documentation is provided of danger to person or property (in compliance with State statute). Chairperson Ritz explained for the moment, the Board was only dealing with the agenda item as it was placed online.

Section 12-6-7, 12-6-7(A)(2), 12-6-7(B), 12-6-7(C), 12-6-7(D) – City-designated arborist.

Section 12-6-7(F) – Pruning on residential properties do not require a permit unless it is a heritage tree (bringing us in compliance with State statute). Assistant City Attorney Lindsay advised that technically if the residential person has a heritage tree which their arborist indicates is dangerous, they would not need a permit. This was designed to protect heritage trees. In a test case, the property owner's own arborist admitted the heritage tree was healthy – it survived Hurricane Sally, so why would it have to be removed. We want to make sure we have an ISA Arborist who can provide us with insight that is

objective and not arbitrary. The idea of the statute is under those circumstances where the tree presents a danger, the property owner does not have to have a permit or give notice to anyone, does not have to visit with the City or talk about it, and not one single contact is required. The State statute does not respect a heritage tree either. It was determined there was no oversight on pruning a heritage tree, but a City-designated arborist could look at a tree before it is pruned, and this was an additional provision brought into the ordinance requiring the permit and oversight of the heritage tree. It was hoped this would give the public the opportunity to choose the City's arborist rather than pay more for someone else to perform the work; if they do prune contrary to this Code, they must have an ISA Arborist or landscape architect to provide documentation; this documentation must be defined since the legislature failed to define it, and there are no standards in place. Chairperson Ritz stated the Tree Risk Assessment Form would be added to determine the tree's condition. Board Member Grundhoefer asked if Gulf Power would be subject to this ordinance, and Assistant City Attorney Lindsay indicated over the last five years they had been in the process of trying to get more in control of rights-of-way to trim the trees; they have tried to purchase rights-of-way to trim without permission from property owners. Whether we can limit Gulf Power would be on a case-by-case basis on what rights they might have in that area.

Section 12-6-8, 12-6-9, 12-6-10(A), 12-6-10(A)(1), 12-6-10(A)(2), 12-6-10(A)(3), 12-6-10(B) – City-designated arborist

Section 12-6-10(C) Tree Planting Trust Fund – removed language on irrigation equipment – Funds shall be utilized for acquiring, planting, and maintaining trees, and in cases where necessary, other vegetation for public purposes - 50% match on grants up to \$5,500.00. Grant requests must be reviewed by EAB, City-designated arborist and City Council. Chairperson Ritz clarified this was an attempt to further clarify how those funds were to be spent.

Assistant City Attorney Lindsay further stated that the statute that would allow Gulf Power to have permission beyond what a regular property owner would have was in Section 163.3209 of the Florida statutes. They are supposed to follow the standards to prevent a tree from being killed or destroyed by virtue of the pruning. If the property owner felt the utility company did not follow those guidelines, the City could have an opportunity to address that.

Section 12-6-11 – Edits were made to the Appeals section.

Chairperson Ritz advised this covered the item which was published and stated the Board could edit the document and push it forward.

Section 12-6-2(D) would change the protected size of the tree identified by species in Appendix A which is four (4) times the minimum Diameter Breast Height (DBH) or greater. A Dogwood 16" in diameter would now be a heritage tree. Chairperson Ritz noted there would be a larger number of heritage trees with this ordinance in place. Board Member Grundhoefer stated we may need the language that protects trees that may not be 34" but he had a hard time with a Crepe Myrtle at 16" being classified a heritage tree. Chairperson Ritz pointed to the language in Section 12-6-2 "in all zoning districts" encompassing all of Pensacola, and it was determined to be the intent (city limits).

Section 12-6-4(D) Notice – The signs shall be posted by the applicant at their expense and shall remain continuously posted for two (2) weeks prior to the requisite building, site work, or tree removal permit is issued. The City's designated arborist will notify the councilperson in which district the permit has been applied for upon the receipt of the request. Board Member Larson indicated this would give anyone a chance once the sign

was posted to make their concerns heard.

Section 12-6-6(H) heritage trees – In the case of lot splits for single family and duplex uses, trees shall be evaluated to determine whether the lot split will have a negative effect on any heritage tree. A tree survey shall be provided to the Planning Services Department along with the lot split application, and the size of proposed lots shall be evaluated to determine if any heritage tree will be required to be removed as a result of the lot split.

Section 12-13-1 – Definitions enumerated – Lot, nonconforming added “preservation of heritage trees not subject to removal under this Code.”

Board Member Larson stated if the lot split determines the tree must stay, if someone wanted to construct a driveway on the other lot after it was split which damages the root system and the tree dies, who would be responsible since the tree was on the split. Inspections Services Director Bilby suggested if someone was creating a small buildable lot out of three lots, or making two or three lots from one, and it rendered the site of the heritage trees so it would fall within the foundation of the driveway of the house, there should be better consideration and oversight for the foundation before a lot split is granted. Chairperson Ritz indicated a house was removed and a lot split into three different lots; the heritage tree was in the right-of-way and remained. The homeowner created a curved driveway to accommodate the tree. Board Member Grundhoefer liked the fact the ordinance made it more difficult to remove a heritage tree whether splitting a lot or developing a property.

Appendix A Protected Tree List – Type B – added Long Leaf Pine (*Pinus Palustris*). Chairperson Ritz liked this addition since it was a native species.

Glen Miley, Biome Consulting Group and an ecologist, advised he had deep subject matter expertise and had participated in numerous public meetings and had met personally with the promoters of the changes. He had numerous consequential technical objections to the language of the document in the present form. He urged the Board to obtain guidance from experienced local practitioners before agreeing to codify this ordinance. He pointed out the term arborist in specific language limiting tree ordinance matters to holders of that particular credential alone, Section 12-6-2(F) pg. 3 and 12-6-6 (B)(3) pg.10. He indicated he was a professional whose qualifications greatly exceeded those of an arborist, but the proposed language would preclude him from practicing his profession in Pensacola. ISA created this position to certify tree trimmers; it in no way communicates competence. He urged the Board to reject the ordinance until a technical review by experienced local professionals could be completed. He explained his company was an ecological consulting firm and regulatory compliance firm, with staff holding advanced degrees in different areas of ecology, engaging in eco system identification, ecological restoration, and landscape level understanding, whereas an arborist can work as a tree trimmer for a period of three years and pass the test and obtain that certification. He indicated none of the materials coming out the public meetings with other professionals were reflected in the language proposed for change.

Assistant City Attorney Lindsay said this approach was never intended to be comprehensive by staff to address everything said in the workshops but more to streamline processes within the City so that we can begin to have a more consistent system of enforcement, but some of the things he said related to the list and how it should be evaluated as far as what species should be protected. Mr. Miley stated those were some of his concerns particularly pertaining to the heritage tree, how they are measured, who can conduct the survey, and the fact the appendix contains trees not existing in the city. Striking qualified professional and replacing it with an ISA Certified Arborist has

consequences for him professionally. Assistant City Attorney Lindsay advised there would be another workshop at the level of specificity he was referring to regarding the protected species. The reason for looking at the City-designated arborist was because of the statute which limits local governments' discretion, and the only other term that was used by the Florida legislature was landscape architect. Mr. Miley suggested an urban forester would be a superior professional to choose to accomplish those objectives. Assistant City Attorney Lindsay also shared that the thinking was to rely on the ISA Arborist because of the TRAQ certification and qualification and because that particular document was so much more detailed that they hoped it would elevate the analysis by ISA Arborists who the legislature has granted authority to determine that a tree is hazardous or dangerous. Mr. Miley stated the application of the larger profession incorporates perspective, concepts and additional skill sets that enhance that particular skill – he has that skill but not that credential. He felt his firm's service to the City would be far superior to a mere arborist. Assistant City Attorney Lindsay stated in the Code there were multiple decision makers involved in different departments across the city in assessing trees. The Building Inspections Director, Mr. Bilby, and the Sustainability Coordinator, Mark Jackson, worked together with other staff members and departments to identify a process that would allow one City employee, or until we have that employee, to help make sure that the process is consistent and appropriate; it was not about the substantive content on protection of trees and ecological evaluation which was his primary concern. This was a first step in the process, and at some point, there will be that deep dive to suggest the next step. The goal was to make sure that City employees had a consistent process internally, but we do want to get to the next stage.

Councilperson Myers was upset and thought the whole thing was a mess. Going back to August of last year, the City Council, not Sherri Myers, the City Council sent some amendments to the Tree Ordinance to Planning Board. Those amendments had to do with notice. Here we are six months later, and this Board has never acted on those recommendations that were sent to the Board. Sherri Myers acting as a City Council person does not have the authority to place items on the Planning Board agenda. It must come from the City Council, however, on October 13<sup>th</sup> the Board had on its agenda this item that dealt only with notice, not amendments to the Tree Protection Plan, just notice. However, in the background information you were given, it says a request was forwarded by City Councilwoman Sherri Myers to amend 12-6-4 of the Landscape and Tree Protection Plan. That is a mischaracterization of what was given to the Board. It was a recommendation given by the City Council. The Planning Board had 45 days pursuant to Ordinance 12-12-2(4) to act upon any matter referred to the Board shall be acted upon by the Board within 45 days of the day of reference until a longer or shorter period is specified. So, basically, we are here today. The items having to do with the amendments, having to do with notice have never come back to the City Council. What has happened is basically this whole issue as far as she was concerned was just a mess. So here we are and those amendments and recommendations have never been acted on and have never come back before the City Council. She believed that was a serious procedural problem. She did not know if she agreed with everything in this ordinance, especially now after listening to Mr. Miley, but wanted to know how an agenda item sent to the Board by the City Council became a sidenote to the Department of Engineers' ordinance they were proposing. She stated she had met with Mr. Bilby, Mr. Jackson, and Mr. Wilkins regarding this. It was her impression that today the Board was going to be acting on the amendments having to do with notice. That was her primary concern because she has acres and acres of forests in

her district that today if there was a permit issued for a landscape plan, that forest could be mowed down in a matter of days. She had seen this happen – 5 acres, 6 acres – in a matter of two days. Chairperson Ritz advised the Board was observing the 5-minute speaker limit, and she had used those 5 minutes. Ms. Myers asked the attorney how she was going to fix this problem with this not being returned to the City Council in 45 days – what was sent to the Board and not all of this other stuff regarding the arborist and all that. Assistant City Attorney Lindsay did not recall that there was a referral from the City Council, so she would need to go back to the record to see where she might have missed something. As far as the content regarding notice, there was discussion among the Board members, and she advised them, and we were also warned by a member of the Planning Board about the Statute 163.045 and whether we were allowed to require notices at all. Through the litigation on the Vickery Tree and what other cities are doing all over the state, she had been trying to brainstorm ways we can protect trees, incorporate the notice that is desirable, and still be consistent with Florida law. The Planning Board was warned by one of the members of the legislature of the Speaker's issues with local governments trying to continue to impose restrictions on property owners with regard to protection of trees. The struggle with trying to comply with the Florida statute has slowed her analysis down, and she asked for understanding as she tried to do her best, and if she had missed the Council item, she apologized and stated she would go back and determine how the error was made and be accountable to Councilperson Myers when that was determined.

Chairperson Ritz advised the Board had never ignored an agenda item and not voted on it. Councilperson Myers advised before hearing Mr. Miley, she was okay with what was being proposed, but she wanted to deal with notice since that was the most important issue which was sent to this Board; it was not comingled with other issues, and it should have returned to the Council even if the Board was still considering it or needed more time. What the Board was saying today was it could only vote on what the Engineering Department had presented, but the issue of notice had been given to the Board six months ago. Chairperson Ritz advised on the October 13, 2020 agenda, there was an item on which they voted, and once the Board votes, it is not physically carried to the Council. Councilperson Myers asked that an email be sent to her to indicate the process after the Board makes a decision on how it returns to Council. Assistant City Attorney Lindsay stated once the Board made a decision, the Planning staff forwarded that information to the Council for consideration in a memo as a part of Council's agenda. She offered to research to see what happened at that time. She recalled the Board was to look at the tree protection standards generally over time, and the proposal by Board Member Murphy had been on the agenda several times as a discussion item, separate and apart from the notice. The Florida legislature states we cannot require a property owner to come for a permit or we cannot insist they give notice to the public or to us under certain circumstances. We have been studying how we work around that statute. It has been argued that it preempts municipalities entirely, and she disagreed with that argument; she was still waiting on a decision from the 1<sup>st</sup> District Court of Appeal; she again stated she would research the item and furnish a more detail response as soon as she can get a definitive response to her question.

Board Member Powell advised the title of the ordinance states the intent of the Code is Section 12-6 tree/landscape regulations, streamlining review and enforcement into one department and process, assuring compliance with Florida statutes, protecting heritage trees, and funding oversight and not when notices will be given or determining what trees would be saved. Only this review was what the Board was considering and not ignoring

anyone's suggestions or any public input, but saying these are the things we control as the City of Pensacola which is the time it takes to get the permits done; no one was dismissing anything that was said before and those discussions have not stopped, and the information received has been placed on the agenda and acted on accordingly. What the Board was accomplishing today was making it easier and being more transparent, being more efficient and avoiding redundancy, showing we care about who will be making the decisions rather than having it in an ambiguous cloud. She did appreciate Mr. Miley's input about the terminology of an arborist, but we did need to get back to what this was really about which was written at the top of the ordinance. Assistant Planning Director Cannon advised there had been robust public involvement with workshops to address a presentation from Emerald Coast, and that had not gone away; the timeline was drawn out to engage the public and consider input from others, but today's meeting was to address the process.

Kelly Hagen, Vice President of the of Sanders Beach Neighborhood Association, stated she was not here to present that board but as a private citizen. She had hoped this would be the moment to effect some real change and come away with an ordinance the city would be proud of. Her understanding of the intent of the staff in developing this ordinance was to streamline the administrative process and to clarify the structure of protocol and not to add protection to the heritage trees. She had several discussions with City staff, Council members, concerned citizens, as well as professionals in the field. The feedback she had received suggested we need a complete overhaul of the current ordinance which would require careful and thoughtful review. The popular opinion to obtain these changes would be for the Planning Board to initiate a series of Council-directed public workshops, including a panel of academic experts on the subject, bringing in the appropriate City staff, and hiring a professional facilitator to make sure everyone's ideas were heard. She clarified she was in favor of passing certain protections in the proposed ordinance since it does provide more protection than the current ordinance. She asked that the Board look at and possibly edit the protections on pg. 33 and clarify that a lot split should be altered in order to preserve a heritage tree if possible if a heritage tree was in danger. Regarding diameter of breast height, there are several species that will never reach 34" and she was not necessarily supporting Crape Myrtle as a protected species.

Chairperson Ritz advised the Board had conducted workshops in the past 12 months, however, with the current Covid situation, travel and attendance had been an issue.

Councilperson Brahier stated she had worked with Mr. Bilby, Mr. Jackson, Mr. Wilkins, Heather and Kelly, but she felt workshops were in our best interests, however, we want to protect as much as we can right now. If we say a City specialist has a minimum of an ISA Arborist standard, we could do that right away. Also, if a tree were split, the larger trunk at 4.5' above the ground would be the one that gets the diameter counted. This language puts some safety in place for other species while we work out the other issues. We will get a new provision in that if a person applies for a tree to be either cut down or trimmed and a sign is put up for two (2) weeks, it gives the public time for notification. When a person applies for a permit, a sign is put up for two (2) weeks and the councilperson notified, and it gives the public an option for notification. We can get some extra safety and precautions in here and streamline the City's process for the staff. She thanked everyone and felt this streamline would allow us to move forward in the best interest of these trees.

In explaining the lot split further, Chairperson Ritz stated if the lot split is legal exclusive of the heritage tree and meets all the other City criteria, it may be that it is flagged to say this is a heritage tree; nothing happens except to say that there is a heritage tree that could be

in a location that would require mitigation and would receive an evaluation when the paperwork is submitted. Evidence of this review will be provided to the citizen might be the verbiage that should be added.

Sarah Randolph chose not to comment. David Bush was concerned with the disappearance of the large heritage Oaks especially being destroyed by Hurricane Sally and contractors cutting them down as well. He advised East Hill was being destroyed by houses 30' wide and 60' tall with garages in the front, and this is not the old East Hill people remember.

Chairperson Ritz stated this was an advisory board and whatever the Board decided today would move forward as advice to Council, and the Board has always acted on an agenda item.

Regarding the lot split and heritage tree verbiage, Board Member Larson suggested changing the tone to a positive preservation purpose to preserve the trees in our area, and it must be proven that the tree must come down – instead of saying removal, say preservation with documentation. Board Member Grundhoefer felt this could be placed in every paragraph in every section which would turn a 50-page document into a 100-page document; he felt that would be redundant. Board Member Powell suggested we need to address the meaning when it is ambiguous. Assistant City Attorney Lindsay advised that the seed of this idea came about very recently, and the intent was to be able to deny a lot split if the split rendered a heritage tree necessary to be removed for the split to be approved. There needed to be some standard operating procedure created, maybe not in the ordinance itself. They wanted to hear feedback and had not had a long time to consider all the consequences; the language also reflects there are some heritage trees which are diseased and must be removed for safety. She explained this section was being wordsmithed. Chairperson Ritz advised when a citizen comes in for a lot split permit, there is a checklist to be completed which is part of the standing operating procedure. Sustainability Coordinator Jackson stated the intent was not to deny the lot split but to have it altered to preserve the trees.

Board Member Grundhoefer stated there were two issues: 1) change the language from arborist to a City-designated specialist with a minimal ISA Certification (Councilperson Brahier's concern); 2) a concern with notices (Councilperson Myers). Assistant City Attorney Lindsay stated emails determined that this Board did act on the request, and it was denied by the Board which the minutes support. Assistant Planning Director Cannon stated when that item came before the Board, it had two ordinances, one generated from the outside and one from staff. The Board made the decision to deny one and approve the other, bringing it back for revision and streamlining which is where we were today.

Board Member Grundhoefer offered if this passed Council, it would allow us to protect some trees which otherwise would be lost and felt it was the next step. It was determined if the ISA Certification were a minimum, Mr. Miley's credentials would exceed that requirement. **Board Member Grundhoefer made a motion to approve with the amended language for referral to Council, seconded by Board Member Powell. It was clarified the Board was adding the language describing the professional, and the motion carried unanimously.**

**Assistant City Attorney Lindsay asked for clarification on the vote. Board Member Grundhoefer amended his motion to include the amendments that were submitted in the memo from Sustainability Coordinator Jackson; it was seconded by Board Member Powell and carried unanimously.**

**Open Forum – None**

**Adjournment** – With no further business, Chairperson Ritz thanked the Board for its patience and adjourned the meeting at 4:33 pm.

Respectfully Submitted,

Cynthia Cannon, AICP  
Assistant Planning Director  
Secretary to the Board





# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 21-00131

City Council

2/11/2021

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council President Jared Moore

**SUBJECT:**

COUNCIL MEMBER EMERITUS DESIGNATION FOR FORMER COUNCIL MEMBERS

**RECOMMENDATION:**

That City Council bestow the title of Council Member Emeritus to the following former Council Members: Cecil T. Hunter, P.C. Wu, Jewel Cannada-Wynn and John Jerralds. Further that City Council present these former Council Members with a certificate memorializing this designation.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

In an effort to further express the gratitude deserving to those who take of their time to represent the citizens of our community, providing the designation of Council Member Emeritus will continue to express that gratitude and memorialize this designation.

Emeritus is defined in Webster's Dictionary as, "*a person retired from professional life but permitted to retain as an honorary title the rank of the last office held,*" (noun) or "*holding after retirement an honorary title corresponding to that held last during active service.*" (adjective)

The criteria set for determining receipt of an *Emeritus* designation is a simple review of years of service in the capacity of City Council Member. In order to keep the designation special and relevant and in keeping with the current limits of the City Charter, it has been determined that service of at least 12 years should be the standard criteria; while other criteria could be considered, it is believed that this objective measure is the purest determinant available.

Given this criteria, there are four (4) living former members of City Council who served for a minimum of 12 years in the capacity of City Council Member:

**Cecil T. Hunter** 1983-1995

**P.C. Wu** 1/10/2005 - 11/24/2020

**Jewel Cannada-Wynn** 1/10/2005 - 1/10/2011 (Dist. 6) & 11/27/2012 - 11/24/2020 (Dist.7)

**John Jerralds** 7/20/2000 - 11/27/2012 & 9/04/2019 - 11/24/2020

The Emeritus designation inures no special consideration to those receiving the designation, other than a certificate and the title.

**PRIOR ACTION:**

None

**FUNDING:**

None

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

1) None

**PRESENTATION:** No



## Memorandum

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**File #:** 21-00130

City Council

2/11/2021

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### **LEGISLATIVE ACTION ITEM**

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

**SUBJECT:**

DEVELOPMENT OF COMMUNITY MARITIME PARK PARCELS (LOTS 3 THROUGH 9)

**RECOMMENDATION:**

That City Council award a contract to Kuhn Realty, LLC, with Andrew Rothfeder as the agent, for the real property services related to the development of the remaining seven (7) private development parcels at Community Maritime Park. Further, that City Council authorize the Mayor to execute the contract.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

The City owns the remaining undeveloped Community Maritime Park lots (3 through 9). On April 1, 2018, the City and Studer Properties, LLP, entered into a Lease Option Agreement that originally was set to expire on March 31, 2020. An Addendum to the Option Agreement, effective April 1, 2020, extended the term of the original agreement to March 31, 2021. Thereafter, the City allowed Studer Properties to assign its rights and responsibilities under the Option Agreement via three (3) Partial Assignments of Option Agreement to: Valencia Development Corporation, Inspired Communities of Florida, LLC, and Silver Hills Development, Inc. Those Partial Assignments went into effect on October 9, 2020 and expire on March 31, 2021.

The City desires to engage a professional consultant to assist and advise it in the negotiations with each of the three Developers for revised option agreements and ground leases or, if the City Council approves such, sales of the parcels. Per Section 2-3-4 Code of City Ordinances and Ordinance #25-20, the City has evidenced the will of the citizens to retain ownership of all parcels at the Community Maritime Park.

This agreement will provide for the real property services related to the development of the remaining seven (7) private development parcels. The scope of services shall include:

1. Research, analysis, and strategy for the creation of business terms and deal structure for option agreements and ground lease (or sale) terms between the City and the private developers.
2. Participation with the City in negotiations with identified Developers to arrive at mutually acceptable terms and agreements.

3. Serving as City's representative to enforce compliance with agreements throughout the Option Term, up to and including a lease, development agreement, or equivalent. This includes, but is not limited to:
  - a. Ensuring projects are developed that adhere to all applicable design standards and to the West Main Master Plan, created by DPZ CoDesign and Speck & Associates and dated November 24, 2019, and including the design guidelines dated November 21, 2019, and the project report dated November 24, 2019.
  - b. Ensuring compliance with time periods and payments.
  - c. Ensuring compliance with diversity and community covenant standards as set by the Mayoral Policy #20-01, Covenant with the Community.
  - d. Ensuring compliance with the design, construction, and ultimate operational goals of the City regarding the shared parking facility.
  - e. Serving as City's "Owner's representative" throughout the process, being a liaison, and providing coordination between the City, the Developers, and other consultants.

In consideration of the services provided, the Consultant will be entitled to a fee for services equal to four percent (4%) of the total base rent to be paid under any new lease entered during the Term. The Consultant's Fee is subject to a maximum cap of \$750,000.00 regardless of the number of leases entered. The Consultant will be entitled to the Consultant's Fee as described or a flat fee of \$160,000.00 to be paid at the expiration of this Contract if no leases are executed, whichever amount is greater.

**PRIOR ACTION:**

None

**FUNDING:**

Budget: \$ 362,213

Actual: The maximum earned under this contract is \$750,000. These funds will be paid from previous option payments made by Studer Properties (\$362,213), with the remainder to be paid from the first lease payments made by any development agreements made on the parcels remaining in the Community Maritime Park.

**FINANCIAL IMPACT:**

The cost of this contract will range from \$160,000 to \$750,000. The entire contract will be paid by funds currently in the Community Maritime Park Fund and funds that will be due to the Community Maritime Park Fund under any approved lease agreements. Total payments under this contract will be due upon approval of any lease agreements on the lots remaining in the Community Maritime Park. They will be paid first from the options currently accrued, then the first lease payments due under the lease agreements. Should the costs exceed the currently budgeted amount of \$362,213 a supplemental budget resolution will be brought before City Council to appropriate the new lease payments.

**CITY ATTORNEY REVIEW:** Yes

1/27/2021

**STAFF CONTACT:**

Keith Wilkins, City Administrator

**ATTACHMENTS:**

- 1) Kuhn Realty CMP contract

**PRESENTATION:** No

CONTRACT FOR BROKERAGE SERVICES  
BETWEEN CITY OF PENSACOLA AND  
KUHN REALTY, LLC

THIS CONTRACT ("Contract") is made this \_\_\_\_ day of \_\_\_\_\_, 2021, to be effective as of December 16, 2020 (the "Effective Date"), by and between the **City of Pensacola** ("City"), a Florida municipal corporation created and existing under the laws of the State of Florida, and **Kuhn Realty, LLC** ("Consultant"), a limited liability company authorized to do business in Florida, located at 1216 North Palafox St., Pensacola, Florida 32501 (the City and Consultant are collectively referred to hereinafter as the "Parties").

WITNESSETH:

WHEREAS, City is the owner of those certain vacant parcels of land more particularly described on the attached **Exhibit "A"** (the "Lots" described in the description on Exhibit "A" are referred to hereinafter individually as a "Parcel", and collectively as the "Parcels" or the "Property");

WHEREAS, the City and Studer Properties, LLP, a Florida limited liability partnership ("Studer"), entered into that certain Option Agreement dated April 1, 2018, as amended by Addendum to Option Agreement dated April 1, 2020 (the "Option Agreement");

WHEREAS, Studer has assigned its rights in the Option Agreement by way of three (3) Partial Assignments of Option Agreement (hereinafter the "Partial Assignments") to the following parties: Valencia Development Corporation, Inspired Communities of Florida, LLC, and Silver Hills Development, Inc., their successors and/or assigns (hereinafter each referred to as a "Developer", and collectively the "Developers");

WHEREAS, City desires to engage a professional consultant to assist and advise it in the development of the Parcels at the Community Maritime Park (the "Project"), including without limitation negotiations with the Developers for ground leases(s), development agreements, and/or other agreements, and other services that the Parties may mutually agree upon;

WHEREAS, the City has evidenced the will of the citizens to retain ownership of all parcels at the Community Maritime Park through the adoption of section 2-3-4, Code of City of Pensacola, and Ordinance #25-20;

WHEREAS, Consultant has the skills, experience, and knowledge to assist the City in the Project and submitted to the City a statement of work, insurance requirements, and other information related to the consulting services requested (all such documentation hereinafter referred to as the "Proposal"), attached hereto as Exhibit B and incorporated herein by this reference; 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, and of the mutual covenants contained herein and the mutual benefits to flow each unto the other, and for other good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the Parties agree as follows:

Section 1. Recitals. The recitals contained above are declared by the Parties to be true and correct and are incorporated into this Contract.

Section 2. Consultant's Appointment and Services. City appoints Consultant as a consultant and advisor to the City with respect to the Project. Consultant's services include, generally, all work and services described in, and in accordance with, the Proposal. Consultant hereby accepts such appointment and agrees to diligently use commercially reasonable efforts in the performance of its duties and functions described in this Contract. Consultant agrees to apply prudent, reasonable, and suitable business practices in the performance of its duties hereunder and shall exercise that degree of skill, competence, quality and professional care rendered by reputable and comparably credentialed companies performing the same or similar type of services. Consultant is an independent contractor of the City and this Contract shall not be construed to create any association, employment or any express or implied agency relationship. City acknowledges that Consultant is neither a design professional nor a contractor. The Consultant shall comply with all applicable federal, state, and local laws, ordinances, rules, and regulations pertaining to the performance of this Contract.

Section 3. Fiduciary Relationship and Duties Owed to City.

3.1 Consultant, Consultant's Managing Member, Consultant's agent, Andrew Rothfeder, and the City expressly acknowledge that the Consultant, through its agent, is performing the services provided by this Contract pursuant to a fiduciary relationship in which the City is dependent upon the Consultant to render consulting and negotiating services with third parties on behalf of the City, and the Consultant agrees to accept the undertaking to protect and benefit the interests of the City. In performing such services, the Consultant shall, at all times, extend the following duties to the City:

- a. Dealing honestly and fairly, avoiding conflicts of interest and self-dealing;
- b. Loyalty to the City as its exclusive client in all related transactions;
- c. In all situations related to this engagement, acting exclusively in the best interests of the City;
- d. Confidentiality, including the duty to refrain from disclosing information received from the City when specifically directed to refrain from disclosure;
- e. Adherence to all directions given to the Consultant by the City;
- f. Full disclosure of material information;
- g. Skill, care, and diligence in the transaction;
- h. Presenting all offers and counteroffers in a timely manner, unless previously directed otherwise in writing; and
- i. Disclosing all known facts and circumstances that materially affect the interests of the City in the transaction.

These duties shall be performed to the standard of conduct of one who is in a position of trust and is responsible for the interests of another party.

3.2 Consultant specifically is not authorized to enter into any lease on behalf of City or to make any representations or commitments on behalf of City. Consultant agrees that Consultant shall act solely as City's single agent and broker and not as a transaction agent or broker, a lessee's agent or broker, or a joint agent or broker. Further, Consultant shall be compensated only as provided in this Contract and shall not seek, receive, accept, or agree to accept any compensation or reimbursement from any Developer, lessee, potential lessee, or any other third party except as specifically authorized by this Contract or consented to in writing by the City with approval of City Council.

Section 4. Term. The term of this Contract shall commence on the Effective Date of this Contract and shall end on March 31, 2022. However, this Contract may be terminated for convenience by either party by providing no less than thirty (30) days written notice to the other party of the intent to terminate this Contract.

Section 5.      Consultant Fee and Payment.

5.1      The Consultant 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 Consultant's sole cost and expense. In consideration of the services provided, Consultant shall be entitled to a fee for Consultant's services ("Consultant's Fee") equal to four percent (4%) of the total base rent to be paid under any new lease entered into during the Term (including any rent escalations but excluding any common area maintenance charges and any other amounts payable by lessee) for the time period commencing on the date that rent first becomes due and payable under the lease and ending on the earlier of (a) the last day of the initial term of the lease or (b) twenty-five (25) years after the initial rent commencement date. Consultant's Fee is subject to a maximum cap of \$750,000.00 regardless of the number of leases entered.

5.2      Consultant's Fee shall be deemed earned if and when, during the Term, (a) a lease is entered into between City and the Developer upon terms and conditions acceptable to City in its sole and absolute discretion, and (b) any due diligence, inspection, or similar time period that would permit the lessee to terminate the lease has expired without the lease having been terminated. City's obligation to pay Consultant's Fee shall continue if City enters into a lease with Developer within one hundred twenty (120) days following the expiration or termination of this Contract.

5.3      Upon the full execution of a lease with a Developer and the expiration of any due diligence period as described in subsection 5.2, the City will remit to the Consultant as payment of the Consultant's Fee an amount up to or equal to the total amount of option payments collected from that Developer and not otherwise encumbered or allocated until the Consultant's Fee for that Developer is paid in full. If there remains an amount owed by the City to the Consultant for the Consultant's Fee, then for each year of the lease thereafter, on or within thirty (30) days of the anniversary date of the execution of the lease, the City will remit an amount up to or equal to the base rent revenue received from the lessee of that lease to the Consultant payment towards the remainder of the Consultant's Fee until the Consultant's Fee is paid in full. For each and every payment described in this Consultant, Consultant shall submit to the City an invoice no less than twenty days prior to the payment due date.

5.4      Consultant will be entitled to (a) the Consultant's Fee as described above in subsections 5.1 through 5.3 or (b) a flat fee of \$160,000.00 to be paid at the expiration of this Contract as extended by the one hundred twenty-day time period described above in subsection 5.2, whichever amount is greater.

5.5      It is understood and agreed to by the Parties that the City via City Council, the governing body, has made known its intentions to not sell property located south of Main Street between the Pensacola Bay Bridge and A Street absent exigent circumstances expressly declared to exist by the City Council (section 2-3-4, Pensacola Code), and further, the City Council has enacted Ordinance 25-20, declaring certain City-owned properties to be sensitive properties, including properties that are waterfront or that have a waterview, that require additional procedures before the City can consider selling or otherwise disposing of the City's rights in the real property. Nevertheless, should the City decide to sell all or part of the Project parcels, Consultant will be entitled to four percent (4%) of the sales price in full satisfaction of its fee obligation from the City payable upon the sale of the parcel(s).

Section 6.      Performance Schedule. Intentionally deleted.

Section 7.      Necessary Approvals. Consultant shall maintain any professional licenses required to act as a broker or consultant consistent with the scope of work described in this Contract.



Section 8. No Waiver. No waiver, alterations, consent or modification of any of the provisions of this Contract shall be binding unless in writing, approved by the City Council or Mayor, whichever is determined appropriate by the City Attorney in her/his sole opinion, and executed by all Parties.

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. Consultant shall not discriminate on the basis of race, creed, color, national origin, sex, age, or disability, in the performance of this Contract.

Section 12. No Other Agreements. The Parties agree Contract, and any subsequent amendments, modifications and/or addendums entered into among the Parties from time to time, contain 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 13. Remedies for Failure to Perform or Breach of Contract/Dispute Resolution.

13.1 Remedies. 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 Consultant, 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. The Consultant 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 City, and the failure of the Consultant to employ a particular remedy shall not be regarded by the Parties as a waiver of that or any other available remedy.

13.2 Initial Meeting and Mediation. In the event of any claim, dispute, or other matter arising out of or relating to this Contract, the Parties shall attempt to resolve the dispute informally by meeting and conferring. The person representing a party at such meeting shall have absolute authority to resolve any dispute without further consultation. Any resolution of any aspects of the dispute shall be memorialized in writing.

13.3 Proceedings. In the event that issues remain unresolved after the processes described in Section 13.2, the Parties may seek all remedies available under law to resolve the remaining issues.

Section 14. Termination for Convenience. The City or Consultant may terminate this Contract without cause upon thirty (30) days' prior written notice to the other Party. If terminated pursuant to this section, Consultant shall be entitled to payment of all charges incurred prior to the date of termination and consistent with the provisions of subsection 5.2 of this Contract.

Section 15. Public Records Act. The Parties acknowledge that the Florida Public Records Act requires that contractors entering into contracts for services with public agencies and who are acting on behalf of the public agency are required to adhere to the provisions of Section 119.0701, *Florida Statutes*. 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.

**CONSULTANT:**

**CITY OF PENSACOLA, FLORIDA**

**KUHN REALTY, LLC**

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

Name: Larry Kuhn

Title: Manager

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

Witness:

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

\_\_\_\_\_  
Printed name: \_\_\_\_\_

Approved as to Substance:

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

Legal in form and valid as drawn:

\_\_\_\_\_  
Susan A. Woolf, City Attorney

**Acknowledgement:**

I hereby acknowledge and agree that I am acting as an agent for Kuhn Realty, LLC.

\_\_\_\_\_  
Andrew Rothfeder, Agent and in his individual capacity

### 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 Agreement term and following the completion of the Agreement if Consultant does not transfer the records to the City.
- D. Upon completion of the Agreement, 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 Agreement, 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 Agreement, 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 Agreement by the City.

**IF CONSULTANT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONSULTANT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT: THE OFFICE OF THE CITY ATTORNEY, (850) 435-1715, [PUBRICRECORDS@CITYOFPENSACOLA.COM](mailto:PUBRICRECORDS@CITYOFPENSACOLA.COM), 222 WEST MAIN STREET, PENSACOLA, FL 32502.**

**EXHIBIT "A"**

**PROPERTY**

The land referred to herein below is situated in the County of Escambia, State of Florida, and is described as follows:

Lots 3, 4, 5, 6, 7, 8 and 9 of VINCE WHIBBS SR. COMMUNITY MARITIME PARK, according to the Plat thereof as recorded in Plat Book 19, Page(s) 23 and 23A, of the Public Records of Escambia County, Florida.

## **EXHIBIT “B”**

### **PROPOSAL**

Andrew E. Rothfeder, as the agent for KUHN REALTY LLC, will perform real property services related to the development of the remaining seven (7) private development parcels at the Community Maritime Park. The scope of services shall include:

1. Research, analysis and strategy for creation of business terms and deal structure for option agreements and ground lease (or sale) terms between the City and the private developers.
2. Participation with the City in negotiations with identified Developers to arrive at mutually acceptable terms and agreements.
3. Serving as City’s representative to enforce compliance with agreements throughout the Option Term, up to and including a lease, development agreement, or equivalent. This includes, but is not limited to:
  - a. Ensuring projects are developed that adhere to all applicable design standards and to the West Main Master Plan, created by DPZ CoDesign and Speck & Associates and dated November 24, 2019, and including the design guidelines dated November 21, 2019 and the project report dated November 24, 2019.
  - b. Ensuring compliance with time periods and payments.
  - c. Ensuring compliance with diversity and community covenant standards as set by the Mayoral Policy #20-01, Covenant with the Community.
  - d. Ensuring compliance with the design, construction, and ultimate operational goals of the City regarding the shared parking facility.
  - e. Serving as City’s “Owner’s representative” throughout the process, being a liaison, and providing coordination between the City, the Developers, and other consultants.



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 21-00100

City Council

2/11/2021

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### **LEGISLATIVE ACTION ITEM**

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

**SUBJECT:**

REQUEST FOR THE NAMING OF NORTH CITY HALL PLAZA AFTER JOHN SUNDAY, II

**RECOMMENDATION:**

That City Council approve the request to name the North end of City Hall Plaza after John Sunday, II. Further that a granite base and bronze plaque honoring Mr. Sunday be placed in the plaza.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

The Mayor requests to name North City Hall Plaza after John Sunday, II.

- Mr. Sunday (1838-1925) was a very successful African American business contractor, community leader, and politician in Pensacola.
- During the Civil War, he served in the U.S. Army and eventually rose to First Sergeant's rank with the 6<sup>th</sup> Corps de Aftique Infantry and 78th Regiment, United States Colored Infantry.
- After the war, Sunday returned to Pensacola, became a customs inspector for the Port of Pensacola, and later entered the construction business.
- He served in both the Florida House of Representatives in 1874 (representing Escambia County); and the Pensacola City Council between 1878-1881 and 1884-1885.
- John Sunday is credited with leading the business development in Historic Belmont DeVilliers.
- He is also credited with (and probably more locally known for) building several homes in Pensacola (some reports say over 100), some of which remain. One of these was the "John Sunday House," which was located on the northwest corner of Romana and Reus Streets.

The attachment provides more history and accomplishments of Mr. John Sunday, II.

According to City Code Section 2-3-2 - Naming City Property, all property or facilities under review that are within the purview of the Parks and Recreation Board, the Board can recommend the

naming/renaming to City Council. This property is not a park, thus it is not within the purview of the Parks and Recreation Board, and it was not brought to them for their review. The City Council makes the final decision on all naming or renaming requests. Therefore, the request is being brought before City Council for consideration.

**PRIOR ACTION:**

None

**FUNDING:**

Budget:       \$ 15,000

Actual:       \$ 15,000

**FINANCIAL IMPACT:**

The costs associated with the creation and installation of the structure to honor Mr. Sunday are estimated to be \$15,000. Sufficient funding is available within the Parks and Recreation General Fund Budget.

**CITY ATTORNEY REVIEW:**   Yes

2/2/2021

**STAFF CONTACT:**

Keith Wilkins, City Administrator  
Kerrith Fiddler, Deputy City Administrator - Community Development  
Brian Cooper, Parks and Recreation Director

**ATTACHMENTS:**

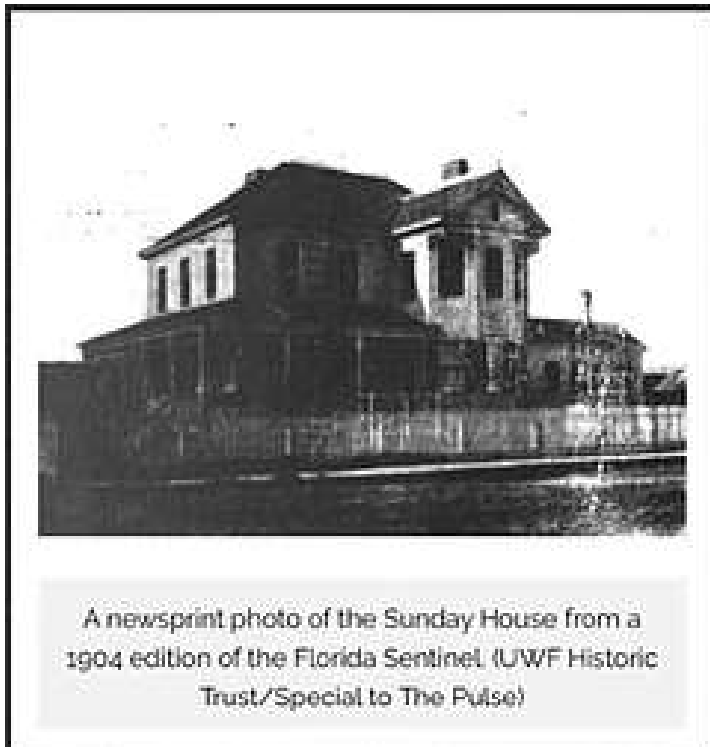
- 1) Points in John Sunday, II's Life
- 2) Newspaper Articles
- 3) History of Belmont-Devilliers

**PRESENTATION:**   Yes

## Points in John Sunday, II's Life

- Below is taken from <https://www.akhealingarts.com/single-post/2018/01/23/who-is-john-sunday>
  - Born March 20, 1838 to mother Jinny Rosa and John Sunday I, a landowner and slave owner, He was born a slave.
  - Served as an apprentice to cabinet-maker Ambrose Vaughn before working in the local Navy Yard.
  - May 5, 1863- Enlisted in the U.S. Army and served in the Civil War, eventually rising to First Sergeant in 6th Corps de Afrique Infantry and 78th Regiment, United States Colored Infantry. Was one of the first African Americans to engage directly with the Confederacy during the longest siege in U.S. History: The Seige of Port Hudson. It's interesting to note that his half-brother, John Sunday II from the union of his father and first white wife, fought with the confederacy and was killed.
  - Met his wife, Seraphine (Landry) on tour in Louisiana.
  - 1873, upon returning to Florida, served as the state's second black legislator, He was removed from office when Gen. Edward Perry revoked a city charter over a technicality, and removed every elected official from office. He subsequently hand-picked and appointed new officials, including a wealthy railroad developer and a Confederate officer. Perry's moves were an assault to black development and leadership in the area.
  - Served 3 years as alderman during the period of reconstruction (1878-1881),
  - Organized and served as the post commander for the B.F. Stephenson Post of the [U]nion soldiers fraternal organization, Grand Army of the Republic. (The GAR served as an advocacy group for Civil War Veterans their families and also established Memorial Day as a holiday in 1868.)
  - 1891: Donated property (in a collaboration with St. Katherine Drexel, founder of the historically black institution, Xavier University of Louisiana) to his sister, Mercedes Ruby Sunday for the establishment of St. Joseph's Church. St. Joseph's was the church home for blacks and creole people. It established schools, an orphanage and was the only place blacks and creoles they could receive medical care.
  - Established a construction firm that erected over 100 homes and structures in Pensacola, FL.
  - Constructed his Romana St. home near the Tanyard, a multiethnic area of the city, in 1901 at the age of 63. This home was a highly significant historical landmark that was recently demolished in 2016.





- In 1905 was reported to be the wealthiest African American in the United States of America, with a net worth of over \$125,000 (equivalent to \$3 million today).
- When Jim Crow laws forced black businesses out of downtown, John Sunday was a pivotal figure in the development of the Belmont-Devilliers area of Pensacola- the hub of black commerce.
- John Sunday, II, died January 7, 1925,
- No streets, parks, buildings, or significant monuments are named for John Sunday, II.
- He was born to a free black family.
- He was the son of John Sunday, Sr., a Dutch cattleman who settled in Walnut Hill and Jane (Jinny) a biracial slave that Sunday, Sr. married after his first wife died during childbirth.
- He was schooled in the building trades, and became fully literate.
- Served in the services of Ulysses S. Grant.
- Met his wife, Seraphine, a Cajun in Louisiana, while serving in the 78<sup>th</sup> Regiment of the United States Colored Infantry during the Civil War.
- After the war, took a job as a mechanic at Pensacola Navy Yard..
- Represented Escambia County in a seat in 1874 Florida Legislature.
- Served as a City alderman from 1878-1881.
- Owned property in the Seville district.
- Died in 1925, and is buried in St. Michael's Cemetery.

# Who was John Sunday, the man?



**John Appleyard**

NEWS JOURNAL CORRESPONDENT

*This is the first in a series of articles on important black Pensacolians throughout history.*

Recent issues of the News Journal have told of the private acquisition of the historical home of John Sunday, then the razing of the building, and finally the announcement that quality homes would be erected on the property. Such information fortifies details of ongoing local prosperity, but there was

no detail given about John Sunday himself. Who was he? Why was his home considered 'historic?' His story deserves attention, especially as the region celebrates Black History Month.

Sunday was born to a free black family in Pensacola in 1838. He was schooled in the building trades, and — unusual for his time — he became fully literate as well. When the War Between the States swept this area, and when Southern troops departed, Sunday found it possible to join the remaining federal forces. The next step in his progress is cloudy, but by transfer he was assigned to units to the north. And there he became part of the staff service to Gen. Ulysses Grant. The two remained aligned through Grant's

string of military successes, and the relationship was cordial as well as military, for when the war ended the two kept in touch over many years.

John Sunday returned home, and here his life followed two tracks. First, he used his early skills and entered the construction business. Once funding flowed, Sunday's company succeeded, a step at a time, and his financial success permitted him to enter the political arena. Here he became aligned with another successful post-war minority soldier name Zubelon Elijah, both men playing the political scene. Elijah, who would have several citizen careers, won election to the Florida Legislature and

**See Sunday, Page 3C**

# Sunday

Continued from Page 1C

performed well there until 1874. Then, when another opportunity beckoned, he did not seek re-election: Then John Sunday sought the post, was chosen by voters, and served successfully for four years. Thereafter, for three single terms, he became a city councilman, or alderman.

In the year when he stepped from political office, Sunday was approached by Zubelon Elijah, who asked assistance. That year — 1878 — the postmaster position had opened in Pensacola, and Elijah hoped to gain the job. He contacted John Sunday and asked: “Could you write your friend U.S. Grant and see if he would help me?” In that year Grant had just exited his term as the 18th president of the United States.

Sunday agreed to try, and his correspondence was answered promptly. Grant took action; Zube-

lon Elijah became the postmaster!

In private affairs John Sunday now shifted into high gear. Pensacola had entered the lumbering era; commercial fishing was booming, as were railroading and overseas shipping. The city’s population was rising rapidly, and savings and loan organizations had been founded to provide mortgage financing for homes. As years passed, Sunday’s company is said to have erected more than 100 quality homes, many in the Seville Square area. His own dwelling was typical. When a study was made in 1905, the analyst reported that John Sunday was the wealthiest Afro-American in the area. His personal contributions to rising civic organizations reflected his high level of citizenship.

At least in part THAT was why the John Sunday property was held in high esteem. The house? It’s gone now, but at this season it is appropriate to recognize who John Sunday was ... and why he is well remembered.



# Woman reflects on her family's place in history

By Kimberly Riegler  
News Journal

As Florida prepares to celebrate its sesquicentennial tomorrow, Helen Sunday Perkins is reflecting on the important role her family played in Pensacola's development.

"I feel as though I am a part of Pensacola," Perkins said. "My family has been taxpayers and property owners (here) since the early 1700s."

Her collection of documents, photos, an original Spanish land grant deed from 1806, newspaper articles and oral stories passed down for generations weave an intriguing story of her family — considered one of Pensacola's oldest documented black families.

Actually the family is multi-cultural — Black, Dutch, Spanish, and Creek Indian.

Seventy-year-old Perkins, an adult basic education teacher at Pensacola Junior College, still lives in East Hill on

## "Celebrate Florida"

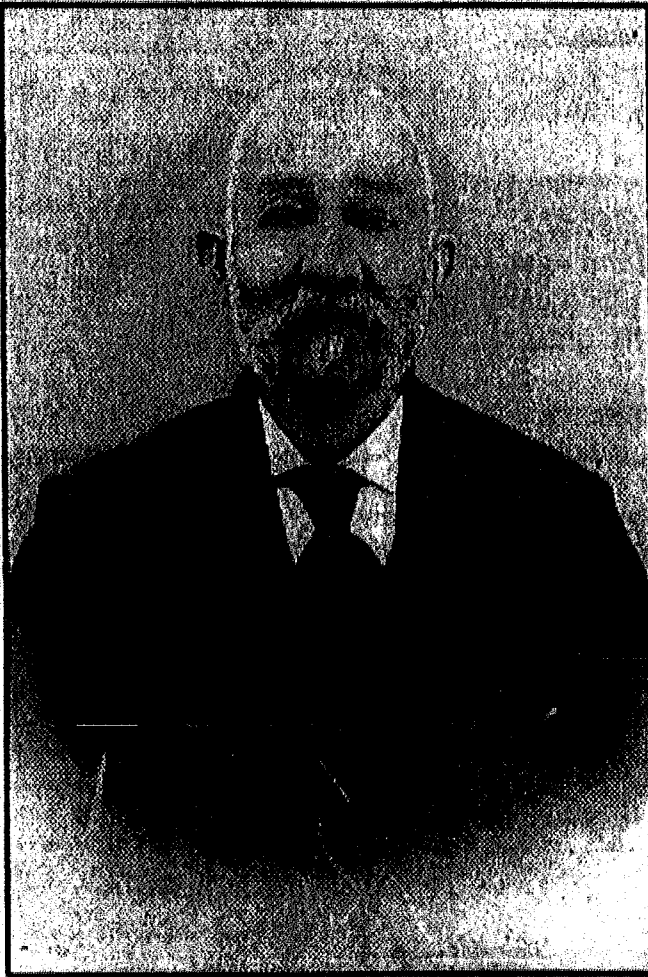


property purchased from the Spanish land grant by her great-grandfather, John Sunday Jr. — a prominent Pensacola businessman who was born here on March 20, 1838.

He was listed in the book, "Black Property Owners in the South, 1790 — 1915," as a landlord in Pensacola "with an estimated total estate of more than \$100,000."

Sunday Jr. is the son of John Sunday Sr. a Dutch cattleman who settled in what is now Walnut Hill. Sunday Sr. married Jinny, a biracial slave he had fallen in love with, after his first wife died during childbirth. He and Jinny had two children, John Jr. and Merced.

Perkins is compiling the history of her family for a book she hopes to write.

**John Sunday Jr.**

"I'd like to see her finish the book," said Pearl Perkins, Helen's daughter. It certainly is not a task to leave for me. She knows all the history."

Pearl Perkins said it has been interesting to learn about her family history as her mother researches. "I'm learning as I read the documents," she said.

Some of the information Perkins — a history buff and genealogist — has compiled is documented. She is writing down oral stories and hopes to find documentation for them.

"It wasn't hard finding out information about my great-grandfather," she said. She is amazed to discover how much documented information is available. "My family was pack rats. We saved everything," she said.

She's already tried her hand at writing. She wrote a short story about her great-grandfather in the 1994 "West Florida Footprints" — a book on the area's history.

On May 15, 1863, the 25-year-old Sunday Jr. was inducted at Barrancas into  
**See SUNDAY, Page 5**



**FROM PAGE 1**

Company K, 78th Regiment, United States Colored Infantry, Perkins wrote. At the time of his induction, he had been working as a wheelwright. Of the 180,000 black men who fought in the Civil War, he was one of the first ever to be promoted to first sergeant in 1863.

"He used to baby-sit my mother and tell her stories," Perkins said. "He had a sword that she played with. She asked him where he got the sword. He said Ulysses S. Grant dubbed him with it and gave it to him."

Perkins plans to make a trip this summer to the Library of Congress

in Washington, D.C., to try to substantiate this and other military stories about family members that have been passed down orally.

Sunday Jr. fought in one of the largest battles of the Civil War, the Battle of Olustee in Florida at Silver Lake. More than half the troops were black.

Sunday met his future wife, Seraphine Landry, a Cajun, when his unit marched into Donaldsonville, La.

"Word came to the residences of Donaldsonville that the Yankees were coming and they were black. They were told the blacks would hurt them," Perkins wrote.

"Seraphine and a group of chil-

dren ran and hid under the wooden walk over a ditch. As the soldiers were marching on the walk, Seraphine peeked through the crack and saw John Sunday Jr. leading the group. She saw his skin color was very much lighter than her skin color, which was reddish brown. And she saw he had a kind face.

"She and her little group came out from under the walk and followed the soldiers. She knew in her heart a person with such a kind face would not harm her," Perkins wrote.

The couple fell in love and John promised Seraphine he'd return for her after the war. He took a job as a mechanic at the Pensacola

Navy Yard after the Civil War and returned to Donaldsonville for his bride. Together they had several children one of which was John Sunday III, Perkins' grandfather.

Sunday Jr. became a customs inspector for the Port of Pensacola, but resigned to represent Escambia County in a seat in the Florida Legislature of 1874. He was the second black legislator from Escambia County.

From 1878-1881, he served as an alderman in the city of Pensacola. He put his talents to work in real estate and construction, and in 1906, his estimated worth was \$125,000.

While researching, Perkins discovered that her great-grandfather is mentioned in many books including Booker T. Washington's 1907 book, "Negros in Business."

In the book, Sunday Jr. is listed as "The wealthiest colored man in

that section of the state... who is said to pay taxes on \$90,000 worth of property. He owns valuable holdings in the principal business streets of the city and employs steadily a force of men to replace old houses and build new ones."

Perkins said her great-grandfather owned property in the Seville district.

In addition to her great-grandfather's illustrious history, Helen Perkins' great-great aunt was Merced Ruby.

Her portrait is part of a mural in Pensacola City Hall along with Chappie James and other prominent Pensacolians.

Merced Ruby was the founder of St. Michael's Catholic Church and the wife of Valery Ruby, who is the son of Salvador Ruby, who fought in the battle of Mobile.



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## Son of a slave, John Sunday Jr. carved out his niche here

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**By Sabina Sims**

News Journal

John Sunday Jr. accumulated a fortune as a Pensacola entrepreneur in the days after the Civil War.

He lived in one of the nicest areas of town.

He and some of his family are buried in historic St. Michael's Cemetery.

That sounds like a familiar story in that era of Pensacola's growth.

But Sunday was black.

The story of John Sunday Jr.'s family includes power, wealth and success in a blend suitable for a television mini-series.

At first, even John Sunday Jr.'s descendants weren't sure the story, which began with a slave woman who married her white master, was true.

"The first black John (John Sunday Jr.) baby-sat my mom," said Helen Sunday Perkins, Sunday's granddaughter. "He used to tell her about our ancestors, but he was an old man at the time, and everyone said he was crazy. But my mama told me all this stuff anyway."

But in 1981, the Pensacola Historic Preservation Society gave medallions to all Pensacola families who had been here 200 years. The society's research confirmed the family's oral history.

"It was really amazing to mama," Perkins said, "because it had all been like a story. Yet it happened right here in Escambia County."

Here is the story of Pensacola's longest residing black family, as told by Perkins:

Jinny, a mulatto slave girl from Virginia, became John Sunday Sr.'s slave after the wife of Jinny's former owner demanded that the girl be sold because of her fair com-

plexion and light hair.

Sunday Sr., a white cattleman and lumberman who lived in what is now Walnut Hill, first saw Jinny when she was about 12. His pregnant wife wanted Jinny to care for her. The wife died during childbirth, and Sunday Sr. soon married his young slave.

"The old man fell in love with (Jinny)," Perkins said. "He took her and married her in the Catholic church. He knew she was mulatto, and his older children knew she was, too, but they didn't say anything ....

"One of the things (Sunday Sr.) asked Jinny was what she wanted for a wedding present," Perkins said. "She asked that all her children born of this wedlock be free. And he did that. That's on file downtown."

John Sunday Jr. was born free in 1838. Though John Sunday Sr. also had white male children, he chose to lend his name to his black male child.

"(Sunday Sr.) later told Jinny that if anything happened to him, she was to leave," Perkins said. "He was getting ready to change his will when he mysteriously died. The new will was to include her in it."

Jinny soon died, too, but not before she married Salvador Ruby, a Spanish soldier.

Jinny had three children: John Jr., and Merced and Harrison Ruby. John Jr. would become one of Pensacola's pioneer forces.

"He was the richest black man in this area," Perkins said. "He was on the board at Mutual Building and Savings Association (now First Mutual Savings Association of Florida) when it started in 1889 — he and Mr. Blount, and all the old white families. You know he was a (city) councilman (then called ald-

erman). He was also the first black legislator in Florida."

Perkins said Sunday's race, then referred to as Creole, wasn't a barrier.

"He didn't look black. He looked like an old Spaniard, and he had greenish eyes."

She reminds that this was during Reconstruction, "when blacks who were educated and had money did what they had to do ...."

"When I say rich, he just about owned all the property downtown," Perkins said.

"He acquired this property ... during the time the banks were failing and people were very, very poor. And all of the property at that time was squatter's land. He would buy it.... This land that we're sitting on right now was \$100. We owned three blocks surrounding this house (on East Scott Street), and picked it up for \$100."

To earn money to make those first investments, John Sunday Jr. worked at what is now Pensacola Naval Air Station. When local railroad construction began, he opened a bar and skating rink on Tarragona Street.

"My great-grandma used to fry fish and cook other food," Perkins said. "And these workmen who were building the railroad would get their bag lunches from (her). They accumulated quite a bit of money that way. Whatever money he got, he invested it in property."

Sunday Jr. owned acres and acres of property, including about one-half block at Romana and Alcaniz streets. "There's hardly anyplace, if you go through the book of records, that you don't find the name John Sunday Jr."

"See, he was working with the Brents and all the rich white people. He was not considered a black man, but just a man of color. They

lived (near Reus Street), where there were no black people living near them."

Sunday and his family also died beside Pensacola's most prominent people. Seven Sundays, including Sunday Jr. and his French-Canadian-Indian wife, are buried at St Michael's Cemetery.

"The whites really didn't consider the Sunday family as blacks, as



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such. I guess when you reach a certain echelon in money, you know, it really doesn't matter; you're no longer a threat to them (whites)."

John Sunday III was a contractor for his father.

Seraphine Hernandez, Sunday III's daughter, worked at the YWCA for blacks and served as the first black juror in Escambia County courts.

Moreno, her faithful soul yielded itself to its maker.”

### **John Sunday Jr. (1838 –1925)**

John Sunday Jr., once an influential businessman in Pensacola, was the son of a Dutch cattleman and his wife, Jinny — a biracial slave with whom he fell in love after his first wife died in childbirth.

John Sunday Jr. grew up in Pensacola and was an apprentice to a Warrington cabinet maker, Ambrose Vaughn. He worked at the nearby Navy Yard until the Civil War's beginning, when Sunday enlisted in the Union army, serving with the troops in Louisiana where he met his future wife, Seraphin.

Sunday was elected to the state Legislature in 1873 and was the second black legislator from Escambia County. He was a city alderman for three years, during the same time that Salvador Pons (also buried at St. Michael's

Cemetery), a Creole barber, was mayor.

In the late 1800s, he owned a restaurant on the corner of Garden and Palafox streets until Jim Crow laws forced black businesses to move from the main district.

The businessman's sister, Merced Ruby, founded St. Joseph's Catholic Church.

### **Modeste Hargis (1875 – 1948)**

“Pharmacy is one of the professions for which women have shown especial adaptation” begins a July 1909 article in The Pensacola Journal on Modeste Hargis. Hargis was one of Florida's first female pharmacists and was once employed as a federal writer.



# **DRAFT**

## **The Belmont and DeVilliers Historic District**

### **West Side of Town**

First, the Belmont-DeVilliers (B-D) Neighborhood gets its name from the streets: DeVilliers for a Spanish soldier Marcos DeVilliers and Belmont was connected to the Panton-Leslie Trading Company near Government and Spring St. in Old Pensacola, the Tan Yard. The term Belmont was from the prominent family, the Bells (Images in Black, 2006). The area consists of 35 blocks or 100 square acres North West of downtown Pensacola, FL. According to historian Martin Lewis, Belmont-DeVilliers area was a white neighborhood, originally. During the 1850s, mainly a few homes existed, then. Prominent Black Pensacolians like Dr. M.S. Glasgow Abbot, the earliest Black doctor and John Sunday, Jr. Mr. Sunday was a mulatto son of a White and Black union, a former freed slave who served in the Union army, worked at the Old Navy Yard and became a carpenter and builder, a former Florida State Legislator(1874) and city alderman(1878). Both of these outstanding men helped the Belmont-DeVilliers area grow. John Sunday, Jr. Amassed considerable wealth(+ \$125,000) as a builder, as reported by Booker T. Washington in his book: The Negro in Business(1906). Mr. Sunday also owned several properties and commercial buildings in 1875 in the area (Images in Black, 2006).

The Belmont-DeVilliers neighborhood grew steadily as a Black-owned commercial/business center from 1890s-1940s. The area was a hub (West Hill) of Black-owned stores, restaurants, pharmacies, cleaners, doctors' offices, a Black hospital(Viola's), churches, ice cream parlor, grocery stores, shoe makers, barber shops, insurance companies, beauty shops, flower shops, a lawyer office, cigar manufacturing, newspapers, funeral homes, and tailor shops to mention several. This area contained numerous shops, and businesses, all Black-owned and operated for over 80 years. For example, Dr. Henry G. Williams, Sr. (former slave) started his medical practice and pharmacies in 1890s. He owned and operated the

## **Page 2 The Belmont and DeVilliers Historic District**

Phoenix and the Pensacola Drug Company. He even apprenticed several other doctors – Dr. A.S. Magee, Dr. J. Lee Pickens and Dr. James Polkinghorne, Sr. Dr. M.S. Glasgow Abbot, a minister and physician who practiced medicine from his home at 7 North Coyle St. Dr. Polkinghorne started his own pharmacy (The Palace Pharmacy) with home delivery. Other Black doctors practiced medicine (Dr. C.V. Smith, Dr. C.S. Sunday, Dr. Sinclair Thomas) during this time (The History of Black Doctors of Pensacola, 2002 Unpublished).

The large real estate and rental firm was led by James and Thomas C. Watson. William Plummer was vice-president of the People Co-operative Building and Loan Co. He helped blacks finance homes and businesses in the 1890s. Arthur H. Alembert operated a dry good store in 1885-1895 and served as City Tax Collector. William Bennett was the Superintendent of the African-American Insurance Co., later the Afro-American Life while Matthew M. Lewey, was the owner/operator of the “Florida Sentinel newspaper” and lived in the Belmont-DeVilliers District in 1905-1911. Musicians, publishers, composers, teachers, etc. lived in the Belmont-DeVilliers community (Images in Black, 2006).

In 1912 when Booker T. Washington visited the city prior to his Florida barnstorming tour, he stood at the intersection of Belmont and DeVilliers Streets and proclaimed that “Pensacola was one of the South’s most progressive cities” in his book *The Negro in Business* (p.172, 1907). His visit would also help lead to the establishing of the first Black public high school in the city: Booker T. Washington HS in 1913 (History of the Colored or Negro Public Schools: 1885-2008).

From the 1940s-1980s, Belmont-DeVilliers prospered in spite of the 1905 Jim Crow laws and segregation. These laws in the 1920s forced many of the Black and mulatto businessmen to the Belmont-DeVilliers District. It was like throwing the “rabbit to the briar patch.” Many of these businesses were located on Palafox and Tarragona Streets previously.



### **Page 3 The Belmont and DeVilliers Historic District**

In the 1940s-1980s this district became an entertainment mecca. It supported the Chitterling (Chitlin) Circuit. Black soldiers wanted respite (USO) and a good time. They came to Blocks" as it was called for this good time, food and entertainment.

The Black radio station, "WBOP" lit up the airways. The Savoy Ballroom, Doc Green's Pool Hall and later Abe's 506 night club, overflowed with Soul music. Later the Saber Club, Newton's Bunny Club, the Blue Dot Barbeque Café, local package stores prospered, also. Gussie' Record Shop above which WBOP daily blasted current Black artists as they reigned supreme. Taxi stands (numerous ones) brought customers to and fro to the "Blocks" for 40 years. Artists like Aretha Franklin, Sam Cooke, James Brown, Ray Charles, Ray Price, Sarah Vaughn, Billie Exstein, Joe Tex, the Temptations, Ike and Tina Turner, Drifters and B.B. King could be seen and heard for a nominal fee. During WWII, Black soldiers from as far away as Eglin Air Force Base, and sailors visited the USO and Belmont-DeVilliers area with gusto! This area was like the "Grand Central Station" of N.Y. It hummed and flowed all night long on weekends.

In 1961, prior to integration a "solemn note" was struck! The first city mall was opened as the Town and Country Plaza about 5 miles north of Belmont-DeVilliers Historic District. It was located at the corner of Fairfield Dr.(Pottery Plant Road) and "O" Street(Pace Boulevard). It was the new wave of the future! For more than 80 years Black businesses and entrepreneurs flourished. According to Tony McCray, Sr. from 1920s-1980s, some 60 businesses existed in this area, many with white support, too. Coming integration meant that of the 5,000 Blacks that were served by Belmont-DeVilliers(B-D), white businesses (The Mall) would do what Jim Crow laws and segregation could not do: that is kill B-D, and create onset decline and decay! Many Black businesses closed. Black doctors died out and/or moved to the suburbs. The entertainment mecca died: Abe's 506, closed. WBOP moved out of the neighborhood. The Sunbeam Bakery(white business) of the 1960s which hired Black drivers/delivery men, closed. The turmoil of the 1960s and mysterious fires resulted in the closing of several other white businesses (Van Meters, Taste-O's) in the Belmont-DeVilliers area. Preer and the Jones Pharmacies closed, too.

The area which hosted 7 -10 Black doctors and dentists, now hosted 1-2 doctors who were left in the neighborhood. Black newspapers: The Pensacola Courier and The Colored Citizen were all closed along with newsstands were gone by 1970. Black insurance companies closed like the Afro-American and Central Life, Singleton's Ice cream parlor, Gulf cleaners, tailor shops, grocery stores, and flower shops were all gone. Black-owned gas stations and restaurants all suffered the same fate. Many barber shops were under new management while funeral homes remained for over 100 years. Many of these businesses did not survive for a variety of reasons, no one knows for sure. The decline of Belmont-DeVilliers neighborhood continued through the 1980s to the late 1990s.

In the 1990s-2000s, thus a new revitalization of the area was undertaken, The City of Pensacola, along with a local Black architect, Eddie Todd, Jr., and the local remaining black business owners pushed for Historic District status (tax/funding) for the once prosperous neighborhood. A new neighborhood association was activated and rallied for the community restoration (Founder, Dolores Musselwhite Curry). The City's CRA (The Community Redevelopment Agency) poured \$million into the Belmont-DeVilliers Historic District. In 2006 new restaurants emerged (The Five Sisters Blues Cafe ).

The old Savoy Ballroom/old Escambia furniture store was converted to a modern high rise complex, new businesses (Studer, Inc.) have moved in, along with the University of West Florida, too. The old area church buildings were converted to usable spaces. New lighting and paved streets were added. The demographics of the area were 67%(Black), 30%(White), 3%(other) in 2004 are changing. Many old buildings are renovated, new construction has resulted. A more diverse population has resulted, too. A new cultural and performing arts centers have replaced the old Sunbeam Bakery and Bunny Club. A new spirit of ownership has occurred (Truth for youth, Inc.). The Local Deep Water City Lodge has been upgraded, the Deltas (Delta Sigma Theta, Inc.) have moved into the neighborhood at the Old Dr. Charles Augustus Office on Coyle St. The love of the history of the area has percolated and been encouraged by local historians: Martin Lewis,



Georgia Smith, Georgia and Johnny Blackmon, Robin and Lloyd Reshard, and Dr. Marion Williams and Visit Pensacola.

More festivals and events have returned to Belmont-DeVilliers. The Mississippi Blues Trail Marker has been added, too. Art and cultural events are reoccurring venues and are staged regularly now. The future of this historic area seem bright and promising.

Submitted by Marion Williams, Ph.D., ret./Local Black Historian/ Oct. 22, 2020

**References:**

**Flashback: Washington High School History - 1908-1987, vol.6, 1987 Year Book.**

**Historic Colored or Negro Public Schools(#P.S.), 1885-2008. Marion Williams, 2008.**

**History of Black Pensacola Doctors. Marion Williams, 2002. Unpublished.**

**Images in Black: A Pictorial History of Black Pensacola, Ora Wills, The African-American Heritage Society, 2006, UWF Foundation.**

**Interviews with Martin Lewis, Robin Reshard, and Georgia and Johnny Blackmon, 2016 -2020.**

**Pensacola Multicultural Guide: Faces and Places of Pensacola, VisitPensacola.com(2019).**

**The Negro in Business. Booker T. Washington. 1907. Reprint.**



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 21-00155

City Council

2/11/2021

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council Member Delarian Wiggins

**SUBJECT:**

PROPERTY ACQUISITION - 2300 WEST JACKSON STREET, A

**RECOMMENDATION:**

That the City Council approve the request of the Community Redevelopment Agency (CRA) to acquire the property located at 2300 West Jackson Street, A; No. 00-0S-00-9060-020-172 from S & D, LLC, in the amount of \$13,230.87.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

The adopted Westside Community Redevelopment Plan and approved Fiscal Year 2021 Community Redevelopment Agency (CRA) Work Plan identifies affordable housing redevelopment as a key redevelopment activity.

Acquisition of the property located at 2300 West Jackson Street will support the CRA and City's affordable housing objectives, under the 500 homes in 5 years initiative, by securing land to be used for future affordable housing redevelopment.

A fair market value appraisal was performed on this property by an independent MAI certified appraiser. The appraised value was \$8,000. The seller's asking price is \$13,230.87, which includes the cost of litigation to clear the title so that the CRA can obtain a warranty deed against other creditors. Due to current redevelopment and market trends, and the dire need to acquire property for affordable housing, an offer has been made to the seller in the amount of the asking price. The seller has accepted the offer.

A copy of the purchase agreement and property appraisal are attached.

**PRIOR ACTION:**

8/10/2020 - The CRA approved the Fiscal Year 2021 Work Plan.

9/8/2020 - The CRA approved an Interlocal Agreement with the City of Pensacola for the

implementation of housing initiatives.

9/10/2020 - City Council approved an Interlocal Agreement with the CRA for implementation of housing initiatives.

2/8/2021 - CRA Approved this Acquisition

**FUNDING:**

Budget:       \$ 14,771

Actual:	\$ 13,231	Land Purchase
	<u>1,440</u>	Closing Costs (Est.) - Appraisal, Survey, Taxes
	\$ <u>14,771</u>	

**FINANCIAL IMPACT:**

Funds are available from the Westside Redevelopment Revenue Bonds, Series 2017.

**STAFF CONTACT:**

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

**ATTACHMENTS:**

- 1) Agreement and Closing Statement - 2300 A W. Jackson St.
- 2) Property Appraisal - 2300 W. Jackson St., A
- 3) Location Map - 2300 W Jackson St., A

**PRESENTATION:**   No

# **REAL PROPERTY PURCHASE AND SALE AGREEMENT**

Property Address: 2300-A W Jackson Street, Pensacola, FL

S&D NATIONAL RE, LLC (hereinafter "Seller") and COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PENSACOLA ("Buyer"), hereby agree that the Seller shall sell and Buyer shall buy the following described real property upon the following terms and conditions, which include any Addenda and the attached Standards for Real Estate Transactions:

## **1. PROPERTY DESCRIPTION.**

The real property located at 2300 W Jackson Street A, situated at the corner of W Jackson Street and N Q Street in Pensacola, Escambia County, FL, 32505, Parcel Identification Number 000S009060020172, (the "Premises" or "Property"), described on Exhibit "A" attached hereto and incorporated herein by reference. This sale includes all existing fixtures and any utility buildings on-site, and all contents not removed prior to closing; such items of personal property located on the Premises will be conveyed to Buyer at closing.

## **2. PURCHASE PRICE.**

The Buyer shall pay Seller ELEVEN THOUSAND Dollars and 00/100 (\$11,000.00) ("Purchase Price") into the trust account of Emmanuel Sheppard & Condon, PA, the office of the closing attorney, contingent upon the completion of a survey, which has been ordered by the Buyer and shall be undertaken at the expense of the Buyer.

## **3. CLOSING.**

Buyer shall pay cash at closing. Closing shall occur at, and owner's title insurance issued by, Buyer's attorney or representative.

Closing costs are to be paid as shown on the attached agreed-upon closing statement, attached as Exhibit B. Other than what is reflected on Exhibit B, the Buyer shall not be responsible for any attorney's fees. The parties to this transaction further acknowledge that litigation to cure title defects is expected to exonerate all liens for which the Seller would have been responsible; further, the Buyer does not require the Seller to satisfy its liens against the property.

## **4. APPROVAL OF COMMUNITY REDEVELOPMENT AGENCY ("CRA") and CITY COUNCIL**

This contract to purchase and sell real property is specifically contingent upon the formal approval of the CRA and The City of Pensacola duly acting through the City Council. If The CRA or the City fails to so approve this contract on or before February 25, 2021, then this Agreement shall be of no further use or effect.

**5. TITLE EVIDENCE.**

Seller affirms that Seller has, or will have as of closing, marketable title to the Property; otherwise, in accordance with Standard A.

**6. TIME FOR ACCEPTANCE AND EFFECTIVE DATE.**

Buyer and Seller shall have until February 25, 2021 to execute the contract; however, the parties agree to execute the contract as soon as practicable.

**7. CLOSING DATE AND OCCUPANCY.**

This transaction shall be closed on or before thirty (30 days) following approval by the CRA and the City of Pensacola, unless extended by other provisions of this Contract or mutual agreement. Buyer will take occupancy after closing, except as may be agreed by the Parties.

**8. RESTRICTIONS, EASEMENTS, LIMITATIONS.**

The Buyer shall take title subject to comprehensive land use plans, zoning, restrictions, prohibitions, and other requirements imposed by governmental authority; restrictions and matters appearing on the plat or otherwise common to the subdivision; outstanding oil, gas, and mineral rights of record; public utility easements of record; taxes for the year of closing (which shall be prorated through closing) and subsequent years; provided, however, that there exists at closing no violation of the foregoing.

**9. REAL ESTATE PROFESSIONALS.**

Buyer and Seller each acknowledge that there are no real estate professionals involved in this transaction.

**10. AS IS; CONDITION OF PREMISES.**

**Buyer shall accept the Premises in its condition AS IS as of the effective date hereof.** If vacant, Seller affirms and represents that the Premises are vacant, and that there is no person other than Seller in possession of the Premises whatsoever. Seller shall maintain the Premises in its current condition until closing, and shall discontinue all utilities as of closing. Seller shall deliver Property broom-clean and free of debris at closing.

**11. NOTICE.**

Any notice, election or other communication required or permitted hereunder shall be in writing and shall be either: (i) delivered in person to the following named parties, (ii) sent by same day or overnight courier service, or (iii) sent by certified or registered United

States mail, return receipt requested, postage and charges prepaid, to the following addresses:

SELLER:

S&D National RE, LLC, a Colorado limited liability company  
Attn: Douglas Westfall  
8432 Quartz Circle  
Arvada, Colorado 80007

BUYER:

COMMUNITY REDEVELOPMENT AGENCY  
Attn: Helen Gibson, AICP, CRA Administrator  
222 West Main Street  
Pensacola, FL 32502

PRIOR TO SIGNING THIS CONTRACT, BUYER AND SELLER ACKNOWLEDGE THAT THEY HAVE READ ALL PAGES OF THIS CONTRACT AND THE STANDARDS FOR REAL ESTATE TRANSACTIONS ATTACHED.

SELLER:

S&D NATIONAL RE, LLC, a foreign limited liability company registered to do business  
In Florida, F/K/A S&D INVESTMENTS, LLC

\_\_\_\_\_  
By DOUGLAS WESTFALL, its Managing Member

Date: \_\_\_\_\_, 2021

BUYER:

COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PENSACOLA

\_\_\_\_\_  
Delarian Wiggins, Chairperson

Date: \_\_\_\_\_, 2021

EXHIBIT A

THE EAST 58 FEET OF LOTS 20, 21, and 22, BLOCK 172, WEST KING TRACT, CITY  
OF PENSACOLA, ESCAMBIA COUNTY, FLORIDA, ACCORDING TO THE MAP OF  
THE CITY OF PENSACOLA

Having the address 2300A W Jackson Street, Pensacola, Florida 32505

EXHIBIT B

[DRAFT CLOSING STATEMENT ATTACHED]



<b>A.</b> <b>U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</b> <b>SETTLEMENT STATEMENT</b>  <b>Emmanuel, Sheppard &amp; Condon</b> 30 South Spring Street Pensacola, Florida 32502 850-433-6581 fax: 850-432-3347	<b>B. TYPE OF LOAN</b>
	1. <input type="checkbox"/> FHA    2. <input type="checkbox"/> FMHA    3. <input type="checkbox"/> CONV. UNINS.
	4. <input type="checkbox"/> VA    5. <input type="checkbox"/> CONV. INS.
	6. File Number: 13768-147464
	7. Loan Number:
8. Mortgage Ins. Case No.:	

C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked (poc) were paid outside the closing. They are shown here for informational purposes and are not included in the totals.

D. Buyer:	Community Redevelopment Agency of the City of Pensacola 222 W. Main Street Pensacola, Florida 32502
E. Seller:	S&D National RE, LLC, a Colorado limited liability company 8432 Quartz Circle Arvada, Colorado 80007
F. Lender:	
G. Property:	2300 W Jackson Street A Pensacola, Escambia County, Florida 32505 Escambia County, Florida
H. Settlement Agent:	Emmanuel, Sheppard & Condon
Place of Settlement:	30 South Spring Street, Pensacola, Florida 32502 Escambia County
I. Settlement Date:	February 5, 2021

J. Summary of Buyer's Transaction	K. Summary of Seller's Transaction
<b>100. Gross Amount Due From Buyer:</b>	<b>400. Gross Amount Due To Seller:</b>
101. Contract Sales Price 11,000.00	401. Contract Sales Price 11,000.00
102. Personal Property	402. Personal Property
103. Settlement Charges to Buyer (line 1400) 2,240.00	403.
Adjustments for Items Paid by Seller in Advance:	Adjustments for Items Paid by Seller in Advance:
106. City / Town Taxes	406. City / Town Taxes
107. County / Parish Taxes	407. County / Parish Taxes
108. Assessments	408. Assessments
<b>120. Gross Amount Due from Buyer: 13,240.00</b>	<b>420. Gross Amount Due to Seller: 11,000.00</b>
<b>200. Amounts Paid by or in Behalf of Buyer:</b>	<b>500. Reductions in Amount Due to Seller:</b>
201. Deposit / Earnest Money	501. Excess Deposit (see instructions)
202. Principal Amount of New Loan	502. Settlement Charges to Seller (Line 1400) 77.00
203. Existing Loan(s)	503. Existing Loan(s)
204.	504. Payoff of First Mortgage
205.	505. Payoff of Second Mortgage
206.	506. Purchase Money Mortgage
Adjustments for Items Unpaid by Seller:	Adjustments for Items Unpaid by Seller:
210. City / Town Taxes	510. City / Town Taxes
211. County / Parish Taxes Jan 1, 2021 thru Feb 4, 2021 9.13	511. County / Parish Taxes Jan 1, 2021 thru Feb 4, 2021 9.13
212. Assessments	512. Assessments
<b>220. Total Paid by / for Buyer: 9.13</b>	<b>520. Total Reductions in Amount Due Seller: 86.13</b>
<b>300. Cash at Settlement from / to Buyer:</b>	<b>600. Cash at Settlement to / from Seller:</b>
301. Gross Amount due from Buyer (line 120) 13,240.00	601. Gross Amount due to Seller (line 420) 11,000.00
302. Less Amount Paid by/for Buyer (line 220) 9.13	602. Less Reductions Amount due Seller (line 520) 86.13
<b>303. Cash From Buyer: \$13,230.87</b>	<b>603. Cash To Seller: \$10,913.87</b>

L. Settlement Charges							Paid from Buyer's Funds at Settlement	Paid from Seller's Funds at Settlement
700. Total Sales / Broker's Commission: Based on Price \$11,000.00 Division of Commission as follows								
701.								
702.								
703. Commission Paid at Settlement								
800. Items Payable in Connection with Loan:								
801. Loan Origination Fee								
802. Loan Discount								
803. Appraisal Fee								
804. Credit Report								
805. Lender's Inspection Fee								
806. Mortgage Insurance Application Fee								
807. Assumption Fee								
900. Items Required by Lender to be Paid in Advance:								
901. Daily interest charge from Feb 5, 2021								
902. Mortgage Insurance Premium								
903. Hazard Insurance Premium								
904. Flood Insurance Premium								
1000. Reserves Deposited with Lender:								
1001. Hazard Insurance								
1002. Mortgage Insurance								
1003. City Property Taxes								
1004. County Property Taxes								
1005. Annual Assessments								
1100. Title Charges:								
1101. Settlement or Closing Fee to Emmanuel, Sheppard & Condon							500.00	
1102. Abstract or Title Search to Alliant National Title Insurance Company							100.00	
1103. Title Examination								
1104. Title Insurance Binder								
1105. Document Preparation								
1106. Notary Fees								
1107. Attorney Fees - Quite Title Completion to Emmanuel, Sheppard & Condon (includes above item numbers:							1,500.00	
1108. Title Insurance to Emmanuel, Sheppard & Condon (includes above item numbers:							100.00	
1109. Lender's Coverage 0.00								
1110. Owner's Coverage 11,000.00								
1200. Government Recording and Transfer Charges:								
1201. Recording Fees: Deed 35.50 Mortgage 0.00 Releases 0.00							35.50	
1202. City/County Tax/Stamps: Deed 0.00 Mortgage 0.00								
1203. State Tax/Stamps: Deed 77.00 Mortgage 0.00								77.00
1204. Intangible Tax to Escambia County Clerk of the Court								
1205. E-Filing Fee to Emmanuel, Sheppard & Condon							4.50	
1300. Additional Settlement Charges:								
1301. Survey								
1302. Pest Inspection								
1400. Total Settlement Charges (Enter on line 103, Section J and line 502, Section K)							\$2,240.00	\$77.00

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of HUD-1 Settlement Statement.

S&D National RE, LLC, a Colorado limited liability company

Buyer:Community Redevelopment Agency of the City of Pensacola

Seller:Douglas Westfall, Managing Member

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with the instructions of the parties hereto.

Settlement Agent:Sally B. Fox

Date: February 5, 2021

WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see Title 18 U.S. Code Section 1001 and Section 1010.

**APPRAISAL REPORT**

**OF A**

**VACANT RESIDENTIAL LAND PARCEL**

**LOCATED AT**

**2300 WEST JACKSON STREET, A  
PENSACOLA, ESCAMBIA COUNTY, FLORIDA 32505**

**EXCLUSIVELY FOR**

**CITY OF PENSACOLA**

**AS OF**

**OCTOBER 13, 2020**

**BY**

**CHARLES C. SHERRILL, JR., MAI  
STATE - CERTIFIED GENERAL APPRAISER #RZ1665**

**2803 EAST CERVANTES STREET, SUITE C**

**PENSACOLA, FLORIDA  
32503**

## **APPRAISAL REPORT**

*The subject property consists of a vacant residential land parcel that is located at 2300 West Jackson Street, A in Pensacola, Florida. The client is reportedly interested in the acquisition of the 0.12-acre subject property at a yet-undetermined price.*

*The three traditional approaches to value real estate are the Cost Approach, the Sales Comparison Approach, and the Income Capitalization Approach. Based upon the type and specific characteristics of the subject property, the Cost and Income Capitalization Approaches were not considered to be appropriate to provide credible results for this valuation. Residential land parcels like the subject in the local market are not typically leased to tenants, so market data was not concluded to be adequate to estimate a credible market rent for the subject in the Income Capitalization Approach. Secondly, due to the absence of improvements, the performing of the Cost Approach was not considered to be applicable. Accordingly, the appraiser did not perform these two particular approaches to value the subject property in this assignment.*

*The subject is a vacant residential land parcel that is not encumbered by any leases. Buyers of this type of property in the local market typically rely most heavily on the Sales Comparison Approach in making buying decisions. Additionally, recent sales activity of similar type properties in the local market is considered to be sufficient to produce credible results. Accordingly, the appraiser has determined that the performing of the Sales Comparison Approach in this appraisal process is sufficient to achieve credible assignment results based primarily upon the intended use of this appraisal. The appraiser has clearly identified and explained the scope of work for this assignment within this appraisal report.*

*This is an Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice. As such, it clearly and accurately sets forth the appraisal in a manner that will not be misleading; contains sufficient information to enable the intended users of the appraisal to understand the report properly; and clearly and accurately discloses all assumptions, extraordinary assumptions, hypothetical conditions, and limiting conditions used in the assignment. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated within this report. The appraiser is not responsible for the unauthorized use of this appraisal report.*

***Coronavirus Disease 2019 (Covid-19) is an extremely serious illness that has very rapidly become a world-wide pandemic. It has had a significant effect on the health and financial well-being in recent weeks of all humans throughout the world. The spread of this new coronavirus is being monitored by the Centers for Disease Control (CDC), the World Health Organization, and numerous other health organizations across the globe. This virus has caused extreme detriment to the overall economic conditions of communities throughout the world. It should be noted that this coronavirus could have a negative effect on the demand, marketability, and resulting value of the subject property. However, as of the effective date of this appraisal, it is not clear to what extent, if any, the local market conditions and subject property value are impacted by the coronavirus. The appraiser has reviewed available market surveys and performed multiple interviews recently with various knowledgeable market participants (such as real estate brokers, owners, developers, and lenders) to closely monitor this rapidly-developing issue.***

**CLIENT:** City of Pensacola  
Attention: Ms. M. Helen Gibson, AICP  
CRA Administrator  
222 West Main Street  
Pensacola, Florida 32502

**APPRAISER:** Charles C. Sherrill, Jr., MAI  
State - Certified General Appraiser #RZ1665  
Sherrill Appraisal Company  
2803 East Cervantes Street, Suite C  
Pensacola, FL 32503

**APPRAISAL FILE NUMBER:** N220-0102

**PROPERTY LOCATION:** 2300 West Jackson Street, Pensacola, Escambia  
County, Florida 32505

**PROPERTY TYPE:** Vacant Residential Land Parcel

**REPORTED PROPERTY OWNER:** S & D Investments, LLC

**OCCUPANT:** Not Applicable

**TAX ACCOUNT NUMBER:** 15-1498-000

**PARCEL IDENTIFICATION NO.:** 00-0S-00-9060-020-172

**CURRENT PROPERTY  
TAX ASSESSMENT:** \$5,529

**LEGAL DESCRIPTIONS:** A legal description of the subject property obtained  
from the Escambia County Property Appraiser's  
Office and a tax deed are presented in the  
addendum of this appraisal report.

**ZONING CLASSIFICATION:** R-2; Residential/Office

**FUTURE LAND USE  
CLASSIFICATION:** M.D.R.; Medium Density Residential

**TYPE AND DEFINITION OF VALUE:** The purpose of this appraisal is to provide the  
appraiser's best estimate of the market value of the  
subject real property as of the effective date. Market  
value is a type of value stated as an opinion, that  
presumes the transfer of a property (i.e. a right of  
ownership or a bundle of such rights), as of a  
certain date, under specific conditions set forth in  
the value definition that is identified by the  
appraiser as applicable in an appraisal. Furthermore,  
market value is defined under 12 U.S.C. 1818, 1819  
and title XI of the Financial Institutions Reform,

**TYPE AND DEFINITION  
OF VALUE (CONT'D):**

Recovery, and Enforcement Act of 1989 ("FIRREA") as well as the Office of the Comptroller of the Currency, as "the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus". Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (1) buyer and seller are typically motivated;
- (2) both parties are well informed or well advised, and acting in what they consider their own best interests;
- (3) a reasonable time is allowed for exposure in the open market;
- (4) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

**INTENDED USER OF  
APPRAISAL REPORT:**

City of Pensacola; No other party is entitled to rely upon this report without written consent of the appraiser.

**INTENDED USE OF REPORT:**

For the sole purpose of assisting the client, City of Pensacola, in internal business decisions concerning the possible purchase of the subject property.

**OWNERSHIP INTEREST VALUED:**

Fee Simple Title (defined as absolute ownership unencumbered by any other interest or estate; subject only to the limitations of eminent domain, escheat, police power, taxation, and/or any easements that may be present on the property).

**DATE OF PROPERTY INSPECTION:** October 13, 2020

**EFFECTIVE DATE OF VALUE:** October 13, 2020

**DATE OF APPRAISAL REPORT:** October 20, 2020

**FINAL ESTIMATE OF VALUE:** \$8,000 (Market Value as vacant, subject to the appraisal assumptions and limiting conditions that are presented in the addendum of this appraisal report).

## **SCOPE OF WORK PERFORMED IN THIS APPRAISAL ASSIGNMENT:**

The three traditional approaches to value real estate are the Cost Approach, the Sales Comparison Approach, and the Income Capitalization Approach. Based upon the type and specific characteristics of the subject property, the Cost and Income Capitalization Approaches were not considered to be appropriate to provide credible results for this valuation. Residential land parcels like the subject in the local market are not typically leased to tenants, so market data was not concluded to be adequate to estimate a credible market rent for the subject in the Income Capitalization Approach. Secondly, due to the absence of improvements, the performing of the Cost Approach was not considered to be applicable. Accordingly, the appraiser did not perform these two particular approaches to value the subject property in this assignment.

In performing this appraisal of the subject property, Charles C. Sherrill, Jr., MAI first identified the problem to be solved. Based upon the property type and intended use of this appraisal, the appraiser determined and performed the scope of work necessary to develop assignment results that were credible, and disclosed this scope of work in the appraisal report. In doing so, the appraiser inspected the subject property, performed a telephone interview with the designated property contact (client), and researched and analyzed comparable land sales and offerings in the local area. Additionally, the appraiser performed multiple interviews with various market participants (such as real estate brokers, owners, developers, and lenders) to closely monitor the rapidly-developing coronavirus issue. This information was applied in the Sales Comparison Approach to value the subject property.

This narrative appraisal report is the result of these processes. This Appraisal Report is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated above. The appraiser is not responsible for unauthorized use of this report.

## DESCRIPTION OF REAL ESTATE APPRAISED:

**Location Description:** Known as the "City of Five Flags," Pensacola is the western-most city in the panhandle of Florida. Pensacola, the county seat, is located in the extreme southern portion of Escambia County. Escambia County encompasses 661 square miles of land and an additional 64,000 acres of waterways. Escambia County has experienced steady growth during its history as it represents the economic center for Northwest Florida. Its location generally bordering the Gulf of Mexico and three bays has resulted in outward growth in certain directions over the years. These growth areas include such neighboring cities/communities as Gulf Breeze, Milton, Pace, and Navarre (in Santa Rosa County), as well as the northern vicinity of Pensacola.

According to recent (2019) statistics from the U. S. Census Bureau, there are 318,316 residents in Escambia County, which ranked 17<sup>th</sup> in county population in Florida. Escambia County's population increased by 7.0 percent since 2010, and this gradual increase is anticipated for the near-term future. Escambia County has a diversified economic base which includes tourism, military (U. S. Navy), and a strong service sector. The area has an unemployment rate of 3.2 percent, which is fairly consistent with that indicated by the state and national averages (2.8 percent and 3.5 percent, respectively).

The quality of life afforded by the mild climate and abundant recreational activities and rich history and culture is an added feature that attracts new industries to the area. The availability of office and manufacturing facilities and an educated workforce give Escambia County the ideal catalyst for future growth and prosperity. Overall, the area's moderate anticipated population growth, diversified work force, and abundance of recreational activities provide for a relatively stable near-term outlook for this metropolitan area.

**Neighborhood Description:** The subject property is located inside the city limits of Pensacola in a mixed residential and commercial area. The subject neighborhood boundaries are generally defined as West Cervantes Street on the north, North A Street on the east, West Garden Street on the south, and North W Street on the west. Land uses in the immediate area include retail establishments, offices, convenience stores, restaurants, banks, automobile service garages, apartments, residences, warehouses, mini-warehouses, churches, motels, and lounges. The neighborhood is convenient to churches, shopping facilities, schools, medical facilities, recreational facilities, and other major sources of employment. No adverse neighborhood conditions were observed by the appraiser.

**Summary of Local Residential Real Estate Market:** After a number of years of steady growth in the local residential real estate market (as well as other sectors), the health of the market weakened during 2006 to 2011. Demand for residential space declined in the local market during that time period due to weakened economic conditions which resulted in an oversupply of inventory. The net result of this market weakness was an increase in vacancy rates, a decline in rental rates and values, an increase in property foreclosures, and extended marketing periods. However, the market began to stabilize in late 2011, and it has gradually increased in the past few years. It is concluded that the local market, as well as the subject property, should continue this slight improvement trend in the foreseeable future (although this could be impacted by the recent coronavirus pandemic). Based upon the location, quality, and other physical characteristics of the subject property, its overall current relative position within the local marketplace is concluded to be adequate.



**Property Description:** The subject property is located at the northwest corner of West Jackson Street and North Q Street. The corner parcel is rectangular in shape. The site has 58 feet of frontage on the north side of West Jackson Street and 91.5 feet of frontage on the west side of North Q Street. According to the Escambia County Property Appraiser's Office, the property contains 0.1209 acre. This equates by calculation to a land area of 5,266 square feet.

The property is fairly level and cleared, and it appears to have satisfactory drainage. The public utilities available to the site are considered to be adequate. It appears that the parcel is not located within a designated flood area (Flood Zone X; Flood Panel Map #12033C0390G).

Both West Jackson and North Q Streets are two-laned paved roadways in front of the subject. Overall access of the property is concluded to be adequate. The average daily traffic count on West Jackson Street in the vicinity of the subject of approximately 5,200 vehicles is considered to be relatively moderate.

The subject property is zoned R-2; Residential/Office under the zoning ordinances of the City of Pensacola. The residential/office land use district was established for the purpose of providing for a mixture of residential housing types and densities, and office uses. Residential and office uses shall be allowed within the same structure. When the R-2 zoning district is located in older, developed areas of the city, the zoning regulations are intended to provide for residential or office in full development at a density, character, and scale compatible with the surrounding area. In some cases the R-2 district is also intended as a transition area between commercial and residential uses.

The R-2 zoning district allows for such uses as single-family dwellings, multi-family attached dwellings, community residential homes, cemeteries, home occupations, municipally-owned parks, schools, day care centers, private clubs that are not operated as commercial enterprises, boarding houses, office buildings, hospitals, libraries, churches, and accessory structures.

This zoning district also contains a number of certain restrictions such as minimum front, rear, and side yard areas, maximum building height requirements, and a maximum lot coverage ratios. Additionally, on-site parking regulations, tree/landscape regulations, and storm water management must meet certain guidelines. The indicated unit density for multiple-family attached dwellings is 35 units per acre. The property has a Future Land Use Classification of M.D.R.; Medium Density Residential.

## **SALES HISTORY OF SUBJECT PROPERTY:**

The subject property is currently owned by S & D Investments, LLC. According to the public records, the property was acquired by the current owner via a tax deed from 2014 that was finalized on March 8, 2019. The consideration in the amount of \$4,200 is concluded to have been below the prevailing price in the local market at that time. The appraiser is unaware of any other sales transactions of the property in the five years preceding the effective date of this valuation. No current listings, options, or agreements of sale of the subject property were discovered by the appraiser in the course of this analysis. The client is reportedly interested in the acquiring of the subject property at a yet-undetermined price.

## HIGHEST AND BEST USE:

Highest and best use may be defined as “The reasonable and legal use of vacant land or improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value.” The first determination (highest and best use of land as though vacant) reflects the fact that the land value is derived from potential land use. The second determination (highest and best use of property as improved) refers to the optimum use that could be made of the property considering the existing structures, when applicable. The analysis of the highest and best use of the subject property as vacant is below.

**Highest and best use as vacant.** The first test of highest and best use is legally permissible uses. The legally permissible uses of the subject site include single-family dwellings, multi-family attached dwellings, community residential homes, cemeteries, home occupations, municipally-owned parks, schools, day care centers, private clubs that are not operated as commercial enterprises, boarding houses, office buildings, hospitals, libraries, churches, and accessory structures. These land uses are generally compatible with other property types in the subject neighborhood. The potential for a zoning change appears to be unlikely.

The second test of highest and best use is physically possible uses. The subject is comprised of a 5,266-square foot land parcel with adequate shape, frontage on two paved roads, and (level topography). There are generally no physical limitations on developable alternatives of the subject such that each of the legally permissible uses are physically possible. The third test of highest and best use is financially feasible uses. Based upon investor’s desired returns on real estate investments in the local market, the zoning, size, and physical characteristics, the zoning, the neighborhood and local market conditions, and the location of the subject parcel, and the local market and subject neighborhood conditions, a residential use is concluded to be financially feasible. The fourth test of highest and best use is maximally-productive use. From the above analysis, the maximally productive use of the subject site as vacant is concluded to be a residential use. Therefore, the highest and best use of the property as vacant is concluded to be a residential use.

## **APPRAISAL PROCESS:**

The three traditional approaches to estimate the value of the income-producing properties are the Cost Approach, the Sales Comparison Approach (formerly called the Market Approach), and the Income Capitalization Approach. All three approaches are based upon the basic principle of substitution, which affirms that a prudent buyer will not pay more for a property than the cost of an equally desirable site plus the cost to construct a similar building (Cost Approach), the cost to acquire a competing property which is equal in desirability and utility (Sales Comparison Approach), or the cost to acquire a substitute income stream of equal quantity, quality, and durability (Income Capitalization Approach).

Based upon the subject property's being comprised of a vacant land parcel, the Cost and Income Capitalization Approaches were not considered to be appropriate for this valuation. Accordingly, the appraiser did not perform these two particular approaches to value the subject property. The subject property is a vacant commercial land parcel with no structures or long-term leases in place. Buyers of this type of property in the local market typically rely most heavily on the Sales Comparison Approach in making buying decisions. Additionally, recent sales activity of similar type properties in the local market is considered to be sufficient to produce credible results. Lastly, this appraisal process is concluded to be adequate based upon the intended use of this appraisal. Accordingly, the appraiser has determined that the performing of the Sales Comparison Approach in this appraisal process is sufficient to achieve credible assignment results based primarily upon the intended use of this appraisal. The appraiser has clearly identified and explained the scope of work for this assignment within this appraisal report.

## SUMMARY OF LAND VALUATION ANALYSIS:

A summary of the data pertaining to vacant land sales considered to be similar to the subject is presented below. Summary information pertaining to each of these comparables, site plans and an aerial photograph, and a location map are presented at the conclusion of this appraisal report.

COMP. NO.	RECORD NO.	LOCATION	DATE OF SALE	SALE PRICE	SQ. FT.	PRICE/ SQ. FT.
1	538463	600 North Q Street (Adjacent to Subject)	07/31/19	\$9,000	7,625	\$1.18
2	548993	2200 Block of West Godfrey Street	09/27/19	\$10,000	7,000	\$1.43
3	540705	1418 North P Street	05/08/20	\$11,500	7,400	\$1.55
4	550575	1918 West Gadsden Street	05/17/19	\$15,000	9,150	\$1.64

The above land sales represent properties considered generally comparable to the subject. These parcels range in size from 7,000 to 9,150 square feet, which is slightly larger than the size of the subject. All are suitable for a residential type of use. Each is located in the subject vicinity within approximately 10 blocks of the subject property. Comparable No. 1 is situated directly adjacent to the subject parcel. These comparables range in price from \$9,000 to \$15,000 which equates to a unit price of \$1.18 to \$1.64 per square foot. However, all but one of these comparables sales reflect the upper end of this indicated unit price range.

In this analysis, price adjustments were considered for such dissimilarities as property rights conveyed, atypical financing, conditions of the sale, market conditions (time), location, land size, shape, access/exposure, topography, utilities availability, and zoning. After these necessary price adjustments were made for dissimilarities, when compared to the subject, a unit value of \$1.28 to \$1.86 per square foot results for the subject. It should be noted that this indicated value range is the result of small/minimal price adjustments that were considered appropriate based upon the relatively similar physical characteristics of the comparable properties, when compared to the subject.

In placing equal weight on each of the sales, a unit value towards the middle of the above range is concluded to be appropriate for the subject. Therefore, a value of \$1.50 per square foot is estimated for this valuation. This concluded unit value is well-bracketed by both the adjusted and the unadjusted unit price ranges of the comparables, which is considered to be reasonable based upon property characteristics and current market conditions.

The estimated value of the subject property from this sales comparison analysis is shown below. A grid summarizing the price adjustments is presented on the following page of this appraisal report.

**SUMMARY OF LAND VALUATION CONCLUSION**

$$\begin{array}{rclclcl} 5,266 \text{ SQ. FT.} & & \times & & \$1.50/\text{SQ. FT.} & & = & & \$7,899 \\ & & & & \text{ROUNDED:} & & & & \underline{\underline{\$8,000}} \end{array}$$

The above total land value estimate is slightly below the total sales price range of \$9,000 to \$15,000 that is indicated by the above comparables. However, this is concluded to be reasonable based primarily upon the slightly larger size of the comparables, relative to the subject property.

c20-0102L

<b>SUMMARY OF LAND SALES ADJUSTMENTS</b>
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	Comp. No. 1	Comp. No. 2	Comp. No. 3	Comp. No. 4
Index Number	538463	548993	540705	550575
Total Sales Price	\$9,000	\$10,000	\$11,500	\$15,000
Square Feet	7,625	7,000	7,400	9,150
Price Per Square Foot	\$1.18	\$1.43	\$1.55	\$1.64
<u>Price Adjustments</u>				
Property Rights Conveyed	0%	0%	0%	0%
Adjusted Unit Price	\$1.18	\$1.43	\$1.55	\$1.64
Atypical Financing Terms	0%	0%	0%	0%
Adjusted Unit Price	\$1.18	\$1.43	\$1.55	\$1.64
Conditions of Sale	0%	0%	0%	0%
Adjusted Unit Price	\$1.18	\$1.43	\$1.55	\$1.64
Market Conditions (Time)	3%	3%	1%	3%
Adjusted Unit Price	\$1.22	\$1.47	\$1.57	\$1.69
<u>Adjustments- Physical Characteristics</u>				
Location	--	--	--	--
Size of Site	--	--	--	5%
Shape of Site	--	--	--	--
Access/Road Frontage	5%	5%	5%	--
Topography	--	--	--	--
Utilities Availability	--	--	--	--
Zoning	--	5%	-5%	5%
Other Features	--	--	--	--
Cumulative (Net) Adjustments	5%	10%	0%	10%
Adjusted Price Per Square Foot	\$1.28	\$1.62	\$1.57	\$1.86
	(Adjacent to Subject)			

## RECONCILIATION AND VALUE CONCLUSION:

For this valuation of the subject land parcel, only the Sales Comparison Approach was performed. In doing so, the market value of the fee simple title in the subject property, based upon the appraisal assumptions and limiting conditions that are presented on the following pages as of October 13, 2020 is estimated to be \$8,000. It should be noted that no personal property, fixtures, or intangible items are included in this opinion of market value. **As mentioned, this appraisal was prepared for the exclusive use of City of Pensacola.**

Exposure time is defined by USPAP as an opinion, based upon supporting market data, of the length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal. It is a retrospective opinion based on an analysis of past events assuming a competitive and open market. The previously-presented comparable sales were on the market between 198 to 399 days (6.6 to 13.3 months) before being sold. Based upon the subject's property type, overall characteristics, and concluded marketability, its estimated exposure time is concluded to have been approximately 6 to 12 months. Similarly, the estimated marketing time (i.e., the amount of time it would probably take to sell the subject property if it were exposed in the market, beginning on the date of this valuation) is projected to be approximately 6 to 12 months.

Attached are assumptions and limiting conditions of this appraisal, the certification of the appraiser, a copy of the appraiser's state certification, subject photographs, location maps, a legal description, a tax deed, a plot plan, a site plan, an aerial photograph, a flood zone map, zoning maps, comparable land sales summary sheets, site plans, and aerial photographs, a comparable land sales location map, and the appraiser's professional qualifications.

## **ASSUMPTIONS AND LIMITING CONDITIONS:**

This appraisal and the appraiser's certification that follows is subject to the following assumptions and limiting conditions:

1. The three traditional approaches to value real estate are the Cost Approach, the Sales Comparison Approach, and the Income Capitalization Approach. Based upon the type and specific characteristics of the subject property, the Cost and Income Capitalization Approaches were not considered to be appropriate to provide credible results for this valuation. Residential land parcels like the subject in the local market are not typically leased to tenants, so market data was not concluded to be adequate to estimate a credible market rent for the subject in the Income Capitalization Approach. Secondly, due to the absence of improvements, the performing of the Cost Approach was not considered to be applicable. Accordingly, the appraiser did not perform these two particular approaches to value the subject property in this assignment.
2. This is an Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice. As such, it clearly and accurately sets forth the appraisal in a manner that will not be misleading; contains sufficient information to enable the intended users of the appraisal to understand the report properly; and clearly and accurately discloses all assumptions, extraordinary assumptions, hypothetical conditions, and limiting conditions used in the assignment. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated within this report. The appraiser is not responsible for the unauthorized use of this appraisal report.
3. The client is the party who engages an appraiser (by employment or contract) in a specific assignment. A party receiving a copy of this report from the client does not, as a consequence, become a party to the appraiser-client relationship. Any person who receives a copy of this appraisal report as a consequence of disclosure requirements that apply to an appraiser's client, does not become an intended user of this report unless the client specifically identifies them at the time of the assignment. The appraiser's written consent and approval must be obtained before this appraisal report can be conveyed by anyone to the public through advertising, public relations, news, sales, or other media.
4. No responsibility is assumed for legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated in this report. The property is appraised as though free and clear of any or all liens and encumbrances unless otherwise stated in this report. Responsible ownership and competent property management are assumed unless otherwise stated in this report. Typical mortgage loan encumbrances and utility easements are assumed to exist.
5. If the property is improved, it is assumed that the structural and mechanical components of the building are in good condition and operating properly, unless reported otherwise.



6. The information furnished by others is believed to be accurate, true, and reliable. However, no warranty is given for its accuracy.
7. All engineering is assumed to be correct. Any plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
8. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover such conditions.
9. It is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws unless otherwise stated in this report.
10. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a nonconformity has been stated, defined, and considered in this appraisal report.
11. It is assumed that all required licenses, certificates of occupancy consents, or other legislative or administrative authority from any local, state, or national governmental, or private entity or organization have been or can be obtained or renewed for any use on which the value estimates contained this report are based.
12. Any sketch in this report may show approximate dimensions and is included to assist the reader in visualizing the property. Maps and exhibits found in this report are provided for reader reference purposes only. No guarantee as to accuracy is expressed or implied unless otherwise stated in this report. No survey has been made by the appraiser for the purpose of this report.
13. It is assumed that the utilization of the land and improvement is within the boundaries or property lines of the property described and that there is no encroachment or trespass unless otherwise stated in this report.
14. The appraiser is not qualified to detect hazardous waste and/or toxic materials. Any comment by the appraiser that might suggest the possibility of the presence of such substance should not be taken as confirmation of the presence of hazardous waste and/or toxic materials. Such determination would require investigation by a qualified expert in the field of environmental assessment. The presence of substance such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The appraiser's value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value unless otherwise stated in this report. No responsibility is assumed for any environmental conditions, or for any expertise or engineering knowledge required to discover them. The appraiser's descriptions and resulting comments are the result of the routine observations made during the appraisal process.

15. Unless otherwise stated in this report, the subject property is appraised without a specific compliance survey having been conducted to determine if the property is or is not in conformance with the requirements of the Americans with Disabilities Act. The presence of architectural and communication barriers that are structural in nature that would restrict access by disabled individuals may adversely affect the property's value, marketability, or utility.
16. The appraiser warrants only that the value conclusion is his best opinion estimate as of the exact day of valuation. For prospective value estimates, the appraiser cannot be held responsible for unforeseeable events which might alter market conditions prior to the effective date of the appraisal.
17. Any proposed improvements are assumed to be completed in good workmanlike manner in accordance with the submitted plans and specifications.
18. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
19. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used, or reproduced in part or its entirety, for any purpose by any person other than **City of Pensacola** without the written consent of the appraiser, and in any event, only with proper written qualification and only in its entirety.
20. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the public through advertising, public relations, news sales, or other media without prior written consent and approval of the appraiser.
21. Use of this appraisal constitutes acceptance of the stated limiting conditions and assumptions. The appraiser's liability extends to the current client and not to subsequent users of the appraisal.
22. The Americans with Disabilities Act (ADA) became effective January 26, 1992. For improved properties, we have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since we have no direct evidence relating to this issue, we did not consider possible noncompliance with the requirement of ADA in estimating the value of the property.
23. The appraiser certifies that he has no debt relationship with **City of Pensacola**.

24. This valuation is contingent upon there being no contamination of the soil due to any source, including but not limited to underground tanks, if any.
25. This valuation is contingent upon a survey, legal description, and land area calculation being prepared by a qualified and properly licensed engineer to indicate the subject property to be basically the same as described in this appraisal report.
26. The appraisal does not include Furniture, Fixtures, or Equipment (F F & E).
27. Coronavirus Disease 2019 (Covid-19) is an extremely serious illness that has very rapidly become a world-wide pandemic. It has had a significant effect on the health and financial well-being in recent weeks of all humans throughout the world. The spread of this new coronavirus is being monitored by the Centers for Disease Control (CDC), the World Health Organization, and numerous other health organizations across the globe. This virus has caused extreme detriment to the overall economic conditions of communities throughout the world. It should be noted that this coronavirus could have a negative effect on the demand, marketability, and resulting value of the subject property. However, as of the effective date of this appraisal, it is not clear to what extent, if any, the local market conditions and subject property value are impacted by the coronavirus. The appraiser has reviewed available market surveys and performed multiple interviews recently with various knowledgeable market participants (such as real estate brokers, owners, developers, and lenders) to closely monitor this rapidly-developing issue.

#### **EXTRAORDINARY APPRAISAL ASSUMPTIONS:**

There are no extraordinary assumptions of this appraisal.

#### **HYPOTHETICAL CONDITIONS OF THE APPRAISAL:**

There are no hypothetical conditions of this appraisal.

## **CERTIFICATION OF THE APPRAISER**

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute and the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- I have made a personal inspection of the property that is the subject of this appraisal report.
- I have performed no services as an appraiser, or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- No one provided significant real property appraisal assistance to the person signing this appraisal report and certification.
- I currently hold an appropriate state license or certification allowing the performance of real estate appraisals in connection with federally related transactions of properties located in Florida.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the State of Florida for state-certified appraisers.

The Appraisal Institute and the State of Florida conduct mandatory programs of continuing education for its designated members and licensees, respectively. Appraisers who meet the minimum standards of these programs are awarded periodic educational certification. As of the date of this report, I have completed the requirements of the continuing education programs for designated members of the Appraisal Institute, and of the State of Florida, respectively.

The use of this report is subject to the requirements of the State of Florida relating to review by the Real Estate Appraisal Subcommittee of the Florida Real Estate Commission, as well as the Appraisal Institute.

A handwritten signature in blue ink, appearing to read "Charles C. Sherrill, Jr.", followed by a stylized flourish or second signature.

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Charles C. Sherrill, Jr., MAI  
State - Certified General Appraiser #RZ1665





RICK SCOTT, GOVERNOR

JONATHAN ZACHEM, SECRETARY



**STATE OF FLORIDA**  
**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**  
**FLORIDA REAL ESTATE APPRAISAL BD**

THE CERTIFIED GENERAL APPRAISER HEREIN IS CERTIFIED UNDER THE  
PROVISIONS OF CHAPTER 475, FLORIDA STATUTES

**SHERILL, CHARLES C JR PA**

410 E GOVERNMENT ST  
PENSACOLA FL 32502

**LICENSE NUMBER: RZ1665**

**EXPIRATION DATE: NOVEMBER 30, 2020**

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



Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.



**PHOTOGRAPHS OF SUBJECT PROPERTY**



Front View of Subject Property (From West Jackson Street)



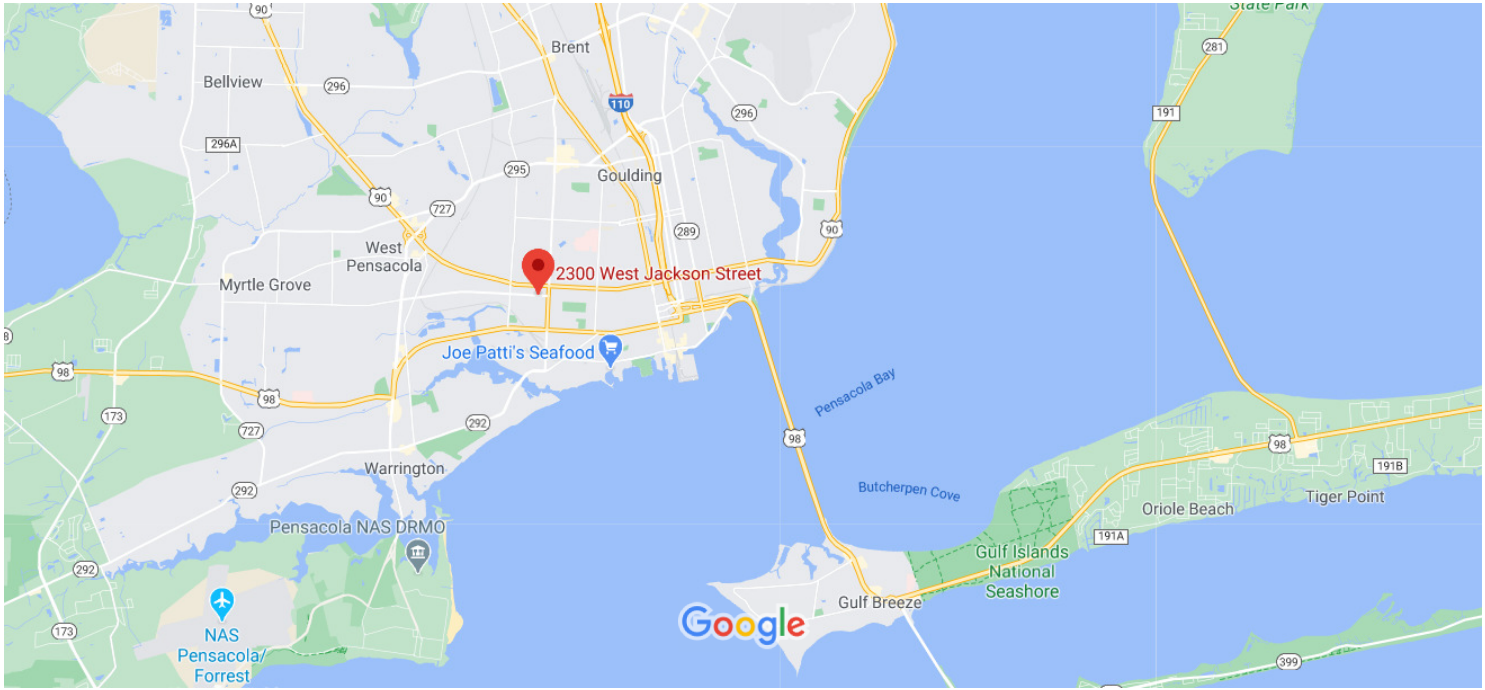
Side View of Subject Parcel (From North Q Street)

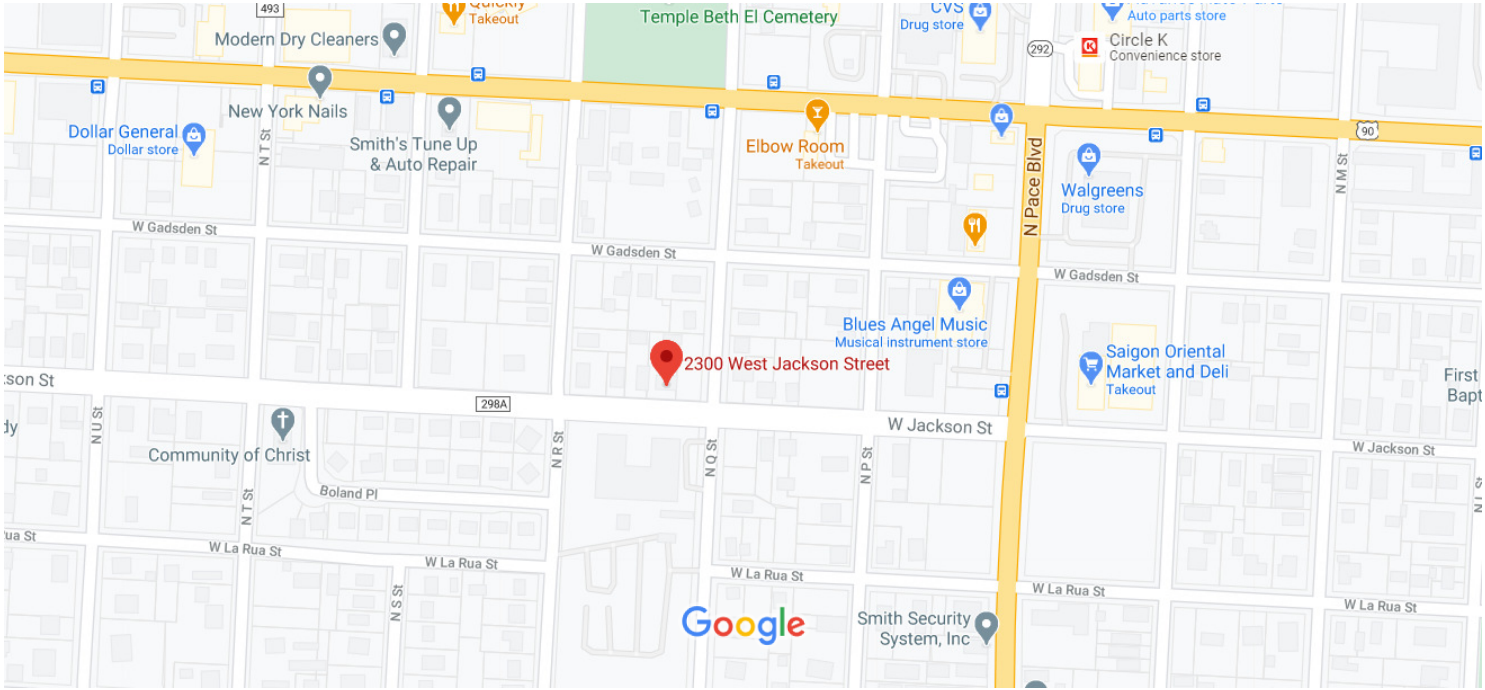
**PHOTOGRAPHS OF SUBJECT PROPERTY**

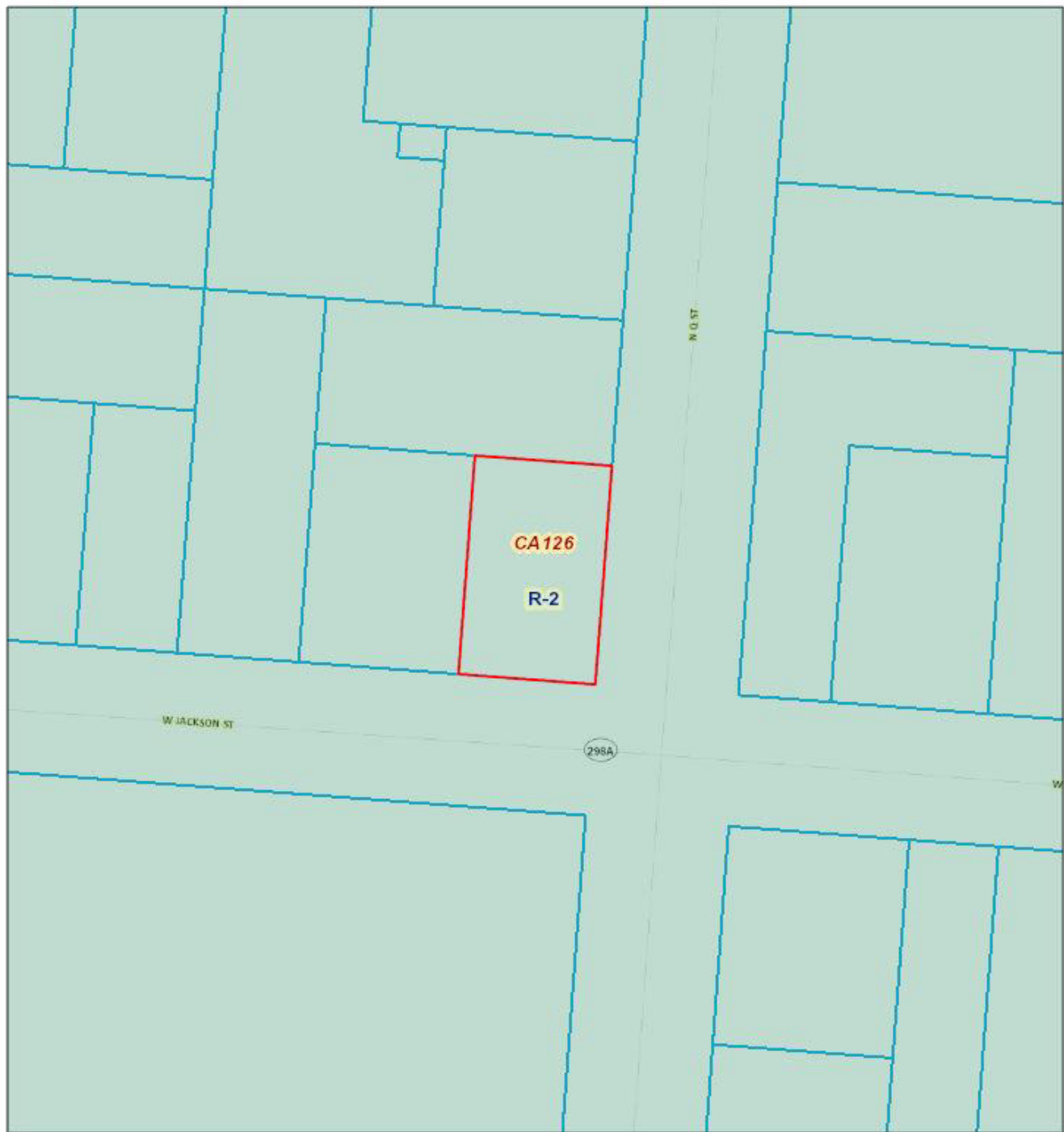


Subject Street Scene From West Jackson Street



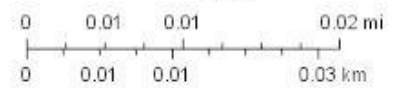






October 13, 2020

1:706

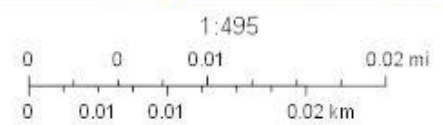






October 13, 2020

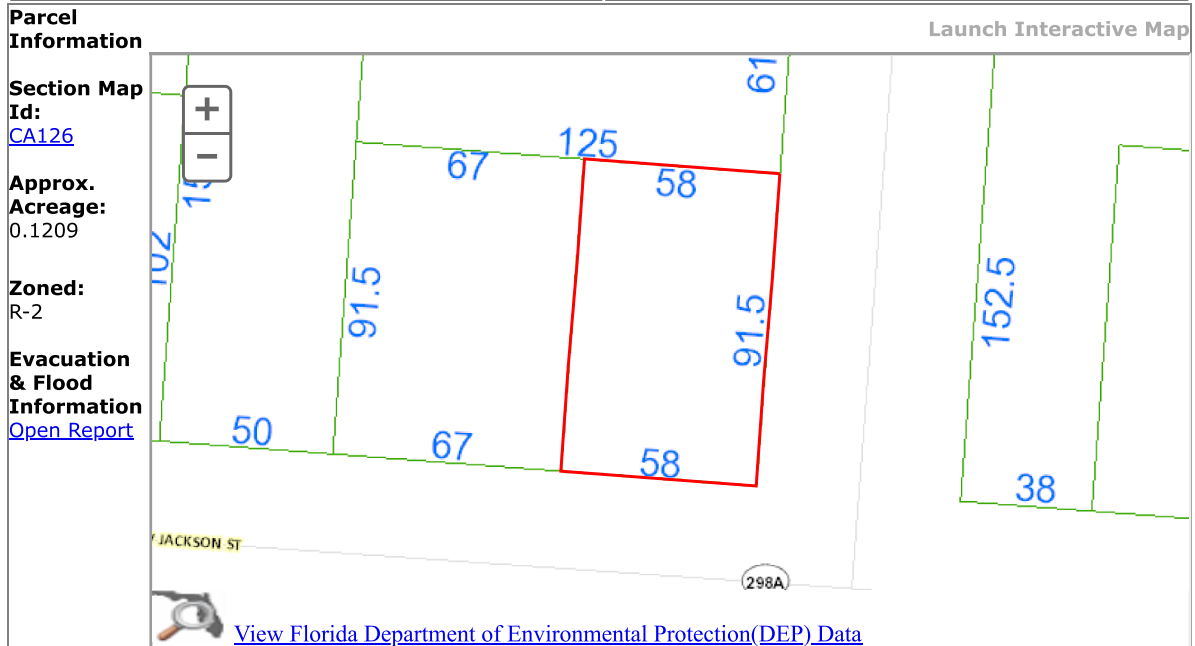
- Override 1
- Property Line
- Boundary
- Map Grid



[Restore Full Version](#)

General Information		Assessments				
<b>Reference:</b>	000S009060020172	<b>Year</b>	<b>Land</b>	<b>Imprv</b>	<b>Total</b>	<b><u>Cap Val</u></b>
<b>Account:</b>	151498000	2020	\$5,529	\$0	\$5,529	\$5,529
<b>Owners:</b>	S&D INVESTMENTS LLC	2019	\$5,529	\$0	\$5,529	\$5,529
<b>Mail:</b>	8432 QUARTZ CIRCLE ARVADA, CO 80007	2018	\$8,500	\$0	\$8,500	\$8,500
<b>Situs:</b>	2300 W JACKSON ST A 32505	<a href="#">Disclaimer</a>				
<b>Use Code:</b>	VACANT RESIDENTIAL	<a href="#">Market Value Breakdown Letter</a>				
<b>Taxing Authority:</b>	PENSACOLA CITY LIMITS	<a href="#">Tax Estimator</a>				
<b>Tax Inquiry:</b>	<a href="#">Open Tax Inquiry Window</a>	<a href="#">File for New Homestead Exemption Online</a>				
Tax Inquiry link courtesy of Scott Lunsford Escambia County Tax Collector		<a href="#">Report Storm Damage</a>				

Sales Data		2020 Certified Roll Exemptions				
<b>Sale Date</b>	<b>Book Page</b>	<b>Value</b>	<b>Type</b>	<b>Official Records (New Window)</b>	None	
03/08/2019	8060 313	\$4,200	TD	<a href="#">View Instr</a>	<b>Legal Description</b> E 58 FT OF LTS 20 TO 22 BLK 172 WEST KING TRACT OR 8060 P 313 CA 126	
09/10/2013	7196 121	\$600	QC	<a href="#">View Instr</a>		
07/15/2013	7047 611	\$2,600	TD	<a href="#">View Instr</a>		
03/2006	5859 1755	\$100	QC	<a href="#">View Instr</a>		
09/1993	3411 533	\$35,000	WD	<a href="#">View Instr</a>		
08/1993	3411 532	\$19,900	WD	<a href="#">View Instr</a>		
10/1983	1825 860	\$37,000	WD	<a href="#">View Instr</a>		
Official Records Inquiry courtesy of Pam Childers Escambia County Clerk of the Circuit Court and Comptroller					<b>Extra Features</b> None	



This instrument was prepared by:  
Pam Childers, Clerk of the Circuit Court  
Escambia County Courthouse  
Pensacola, Florida

Tax Deed File No. 19-236  
Property Identification No. 000S009060020172  
Tax Account No. 151498000

## TAX DEED

State of Florida  
County of Escambia

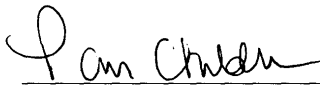
The following Tax Sale Certificate Numbered 09627 issued on June 1, 2014 was filed in the office of the tax collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by 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 4th day of March 2019, offered for sale as required by law for cash to the highest bidder and was sold to: **S&D INVESTMENTS LLC, 8432 QUARTZ CIRCLE ARVADA CO 80007**, being the highest bidder and having paid the sum of his bid as required by the Laws of Florida.


Now, on this 4th day of March 2019, in the County of Escambia, State of Florida, in consideration of the sum of (\$4,200.00) FOUR THOUSAND TWO 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:

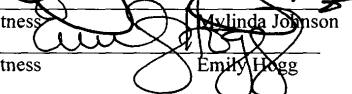
**E 58 FT OF LTS 20 TO 22 BLK 172 WEST KING TRACT OR 7196 P 121 CA 126**

**SECTION 00, TOWNSHIP 0 S, RANGE 00 W**

**\*\* Property previously assessed to: WILLIAM H STONE SR TRUSTEE, LAND TRUST NO 2300A**

  
PAM CHILDERS, Clerk of the Circuit Court  
Escambia County, Florida

  
witness Linda Johnson


  
witness Emily Hogg

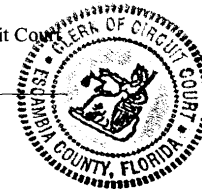


State of Florida  
County of Escambia

On this 8th day of March 2019 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



## Scott Lunsford, CFC • Escambia County Tax Collector

EscambiaTaxCollector.com



 [facebook.com/ECTaxCollector](https://facebook.com/ECTaxCollector)



 [twitter.com/escambiatc](https://twitter.com/escambiatc)



**SCAN TO PAY ONLINE**

# 2019

# REAL ESTATE

## TAXES

## Notice of Ad Valorem and Non-Ad Valorem Assessments

ACCOUNT NUMBER	MILLAGE CODE	ESCROW CODE	PROPERTY REFERENCE NUMBER
15-1498-000	16		000S009060020172

S&D INVESTMENTS LLC  
8432 QUARTZ CIRCLE  
ARVADA, CO 80007

**PROPERTY ADDRESS:**  
2300 W JACKSON ST A

**EXEMPTIONS:**

## AD VALOREM TAXES

TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION AMOUNT	TAXABLE AMOUNT	TAXES LEVIED
COUNTY	6.6165	5,529	0	5,529	36.58
PUBLIC SCHOOLS					
BY LOCAL BOARD	2.0990	5,529	0	5,529	11.61
BY STATE LAW	3.9440	5,529	0	5,529	21.81
PENSACOLA	4.2895	5,529	0	5,529	23.72
WATER MANAGEMENT	0.0327	5,529	0	5,529	0.18
M.S.T.U. LIBRARY	0.3590	5,529	0	5,529	1.98

**TOTAL MILLAGE 17.3407**

<b>AD VALOREM TAXES</b>	<b>\$95.88</b>
-------------------------	----------------

## LEGAL DESCRIPTION

## NON-AD VALOREM ASSESSMENTS

E 58 FT OF LTS 20 TO 22 BLK 172 WEST KING TRACT OR 8060 P 313 CA 126	TAXING AUTHORITY	RATE	AMOUNT
	<b>NON-AD VALOREM ASSESSMENTS</b>		<b>\$0.00</b>

**Pay online at [EscambiaTaxCollector.com](http://EscambiaTaxCollector.com)**

*Payments must be in U.S. funds drawn from a U.S. bank*

**COMBINED TAXES AND ASSESSMENTS** **\$95.88**

<b>If Paid By Please Pay</b>	<b>Mar 31, 2020 \$0.00</b>				
----------------------------------	--------------------------------	--	--	--	--

**RETAIN FOR YOUR RECORDS**

## 2019 REAL ESTATE TAXES

**DETACH HERE AND RETURN THIS PORTION WITH YOUR PAYMENT**

Make checks payable to:

**Scott Lunsford, CFC**  
Escambia County Tax Collector

P.O. BOX 1312

PENSACOLA, FL 32591

**Pay online at [EscambiaTaxCollector.com](http://EscambiaTaxCollector.com)**

<b>ACCOUNT NUMBER</b>
15-1498-000
<b>PROPERTY ADDRESS</b>
2300 W JACKSON ST A

S&D INVESTMENTS LLC  
8432 QUARTZ CIRCLE  
ARVADA, CO 80007

*Payments in U.S. funds from a U.S. bank*

**PAY ONLY ONE AMOUNT**

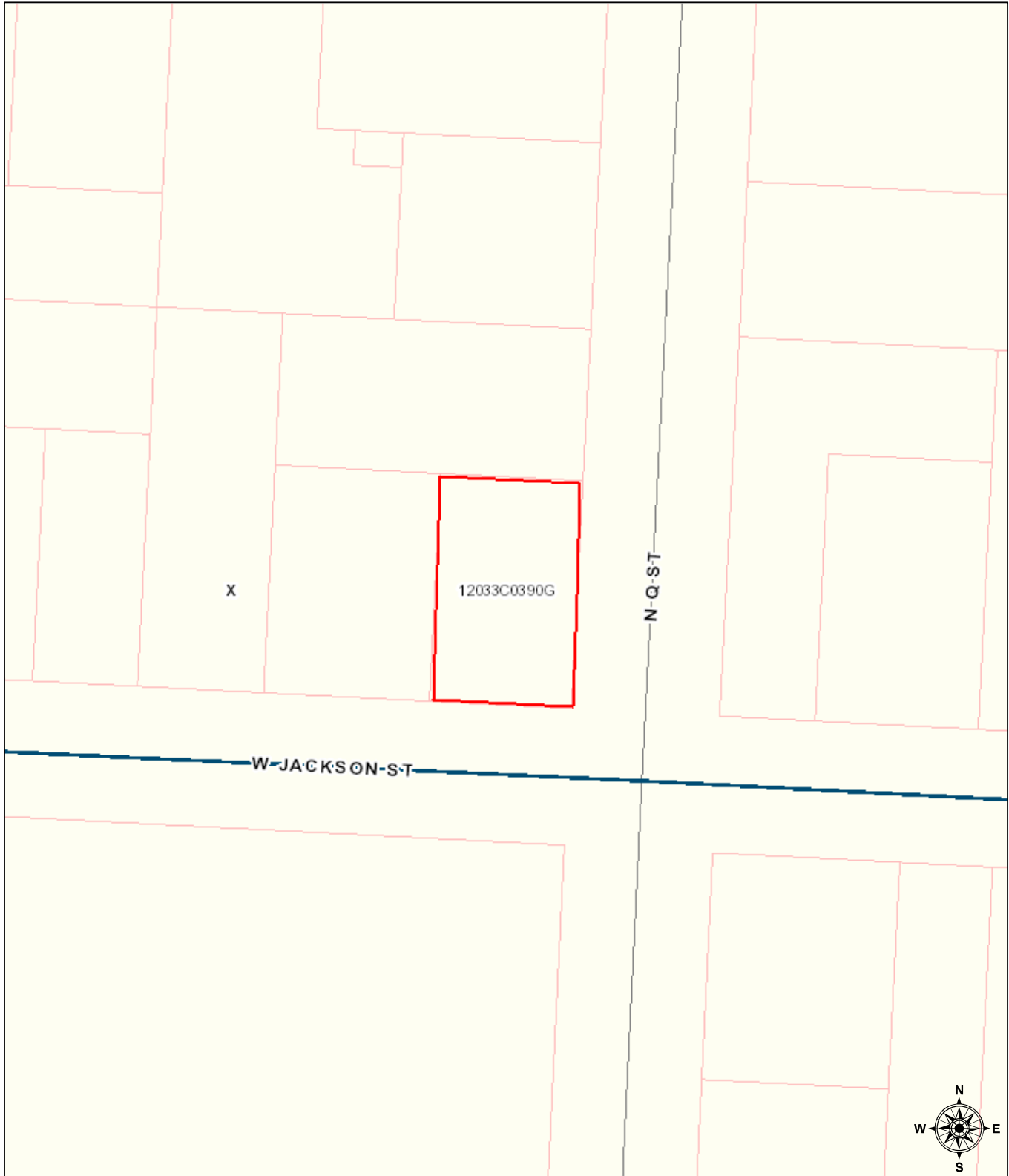
AMOUNT IF PAID BY	<b>Mar 31, 2020</b>
	<b>0.00</b>
AMOUNT IF PAID BY	
AMOUNT IF PAID BY	
AMOUNT IF PAID BY	
AMOUNT IF PAID BY	

DO NOT FOLD, STAPLE, OR MUTILATE

Paid	03/27/2020	Receipt #	148-20-00090183	\$95.88
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Paid By S&D INVESTMENTS LLC

# FLOOD MAP



October 13, 2020

## polygonLayer

Override 1

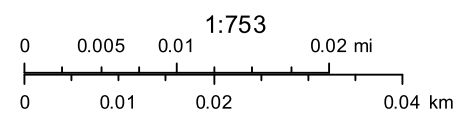
## Streets

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR

— LOCAL ROAD

□ Parcels

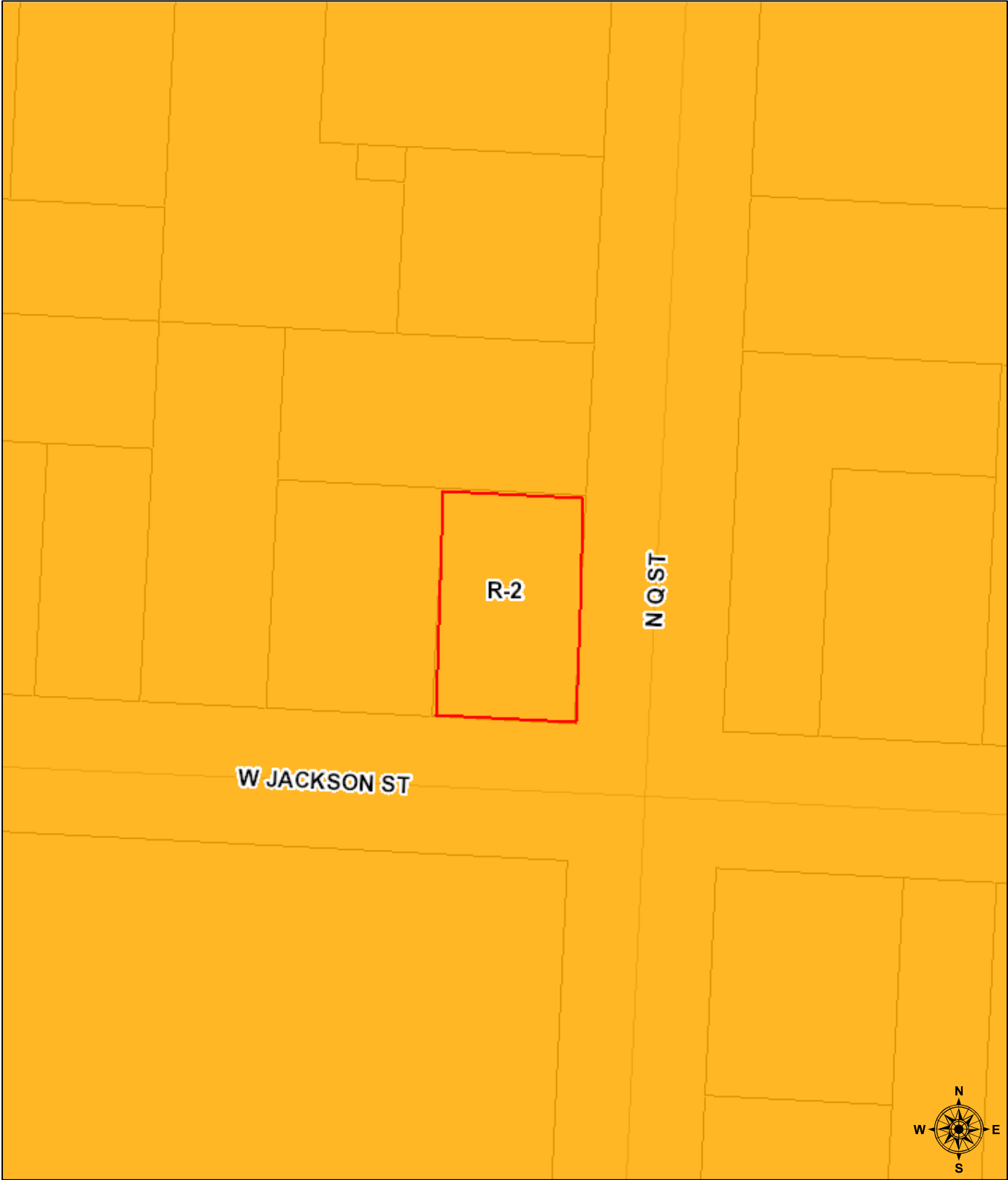
Wetlands



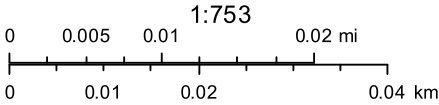
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



ZONING

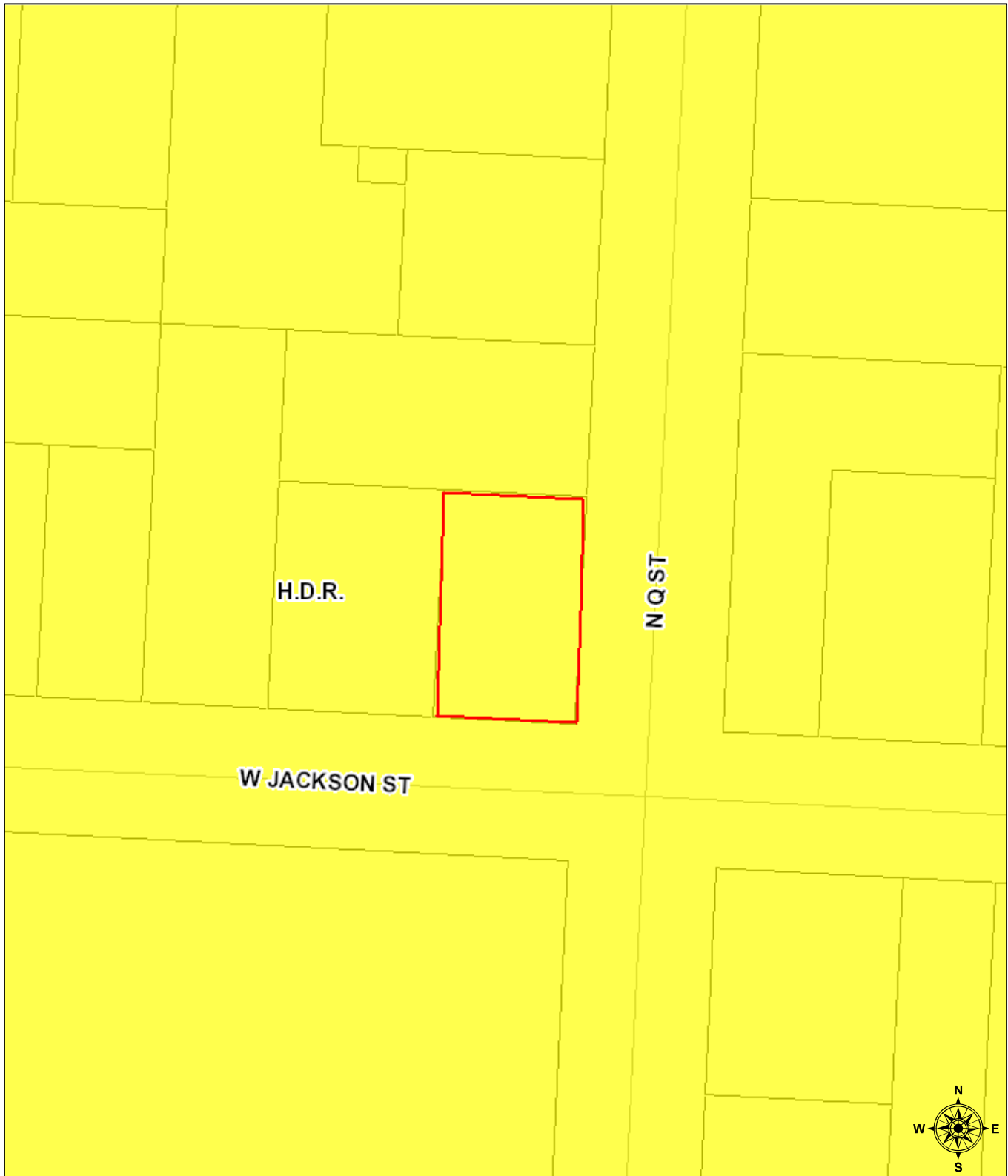


October 13, 2020

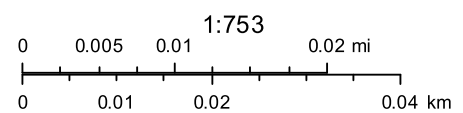


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

# FUTURE LAND USE

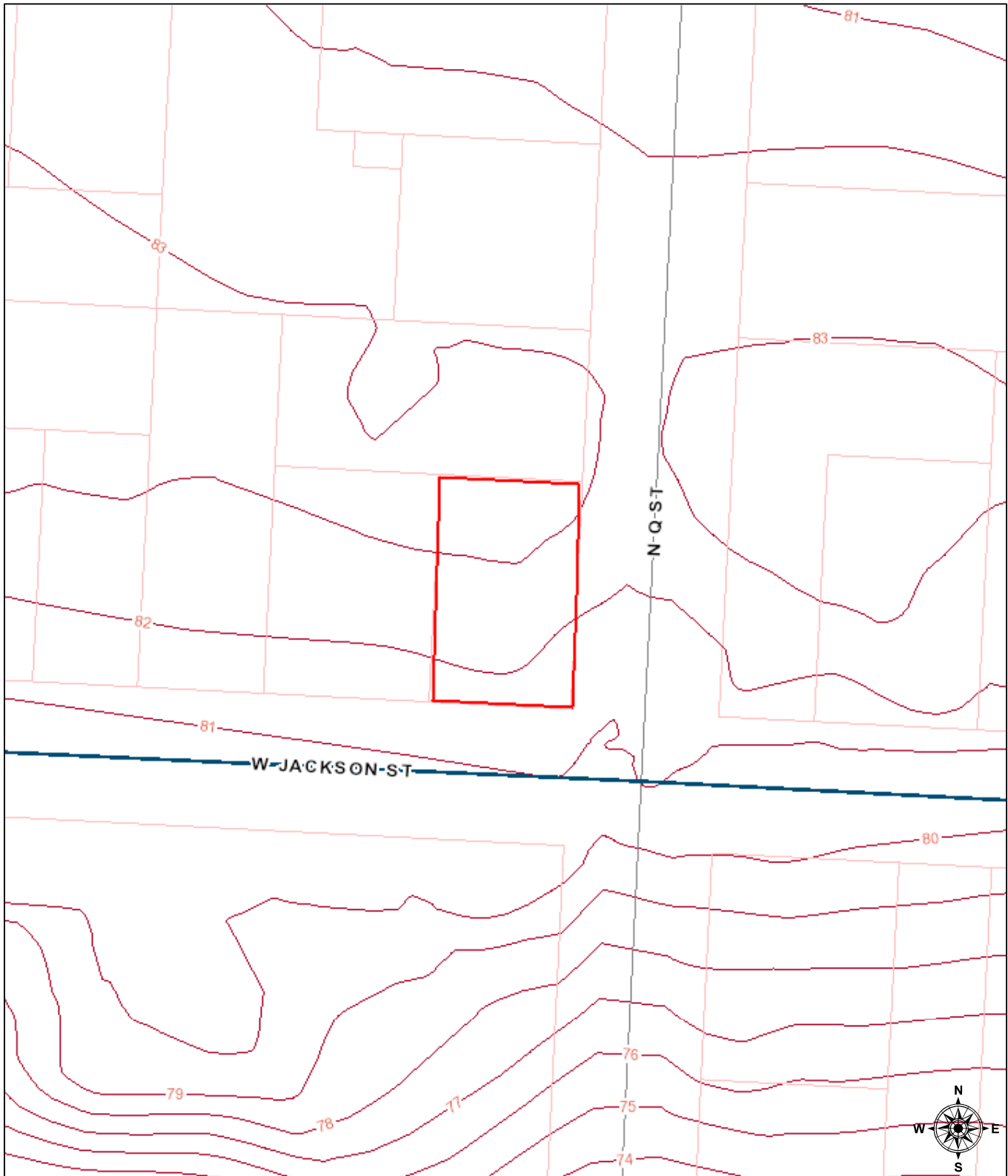


October 13, 2020



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

# CONTOURS



October 13, 2020

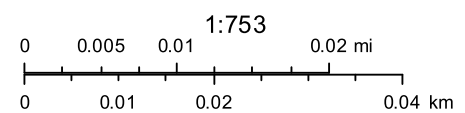
## polygonLayer

Override 1

## Streets

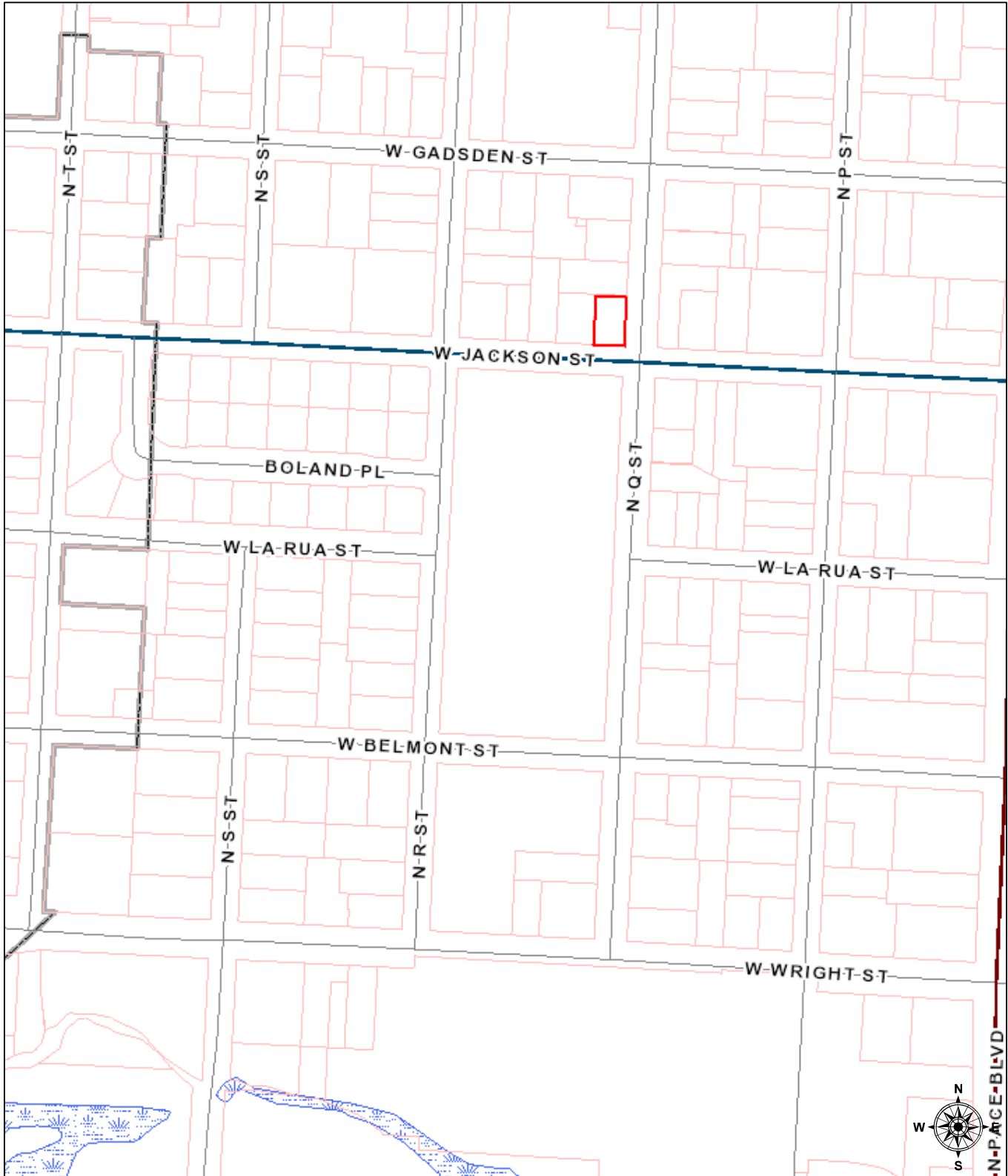
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR

- LOCAL ROAD
- Parcels
- Contours - Elevation
- Wetlands
- County Outline



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

# WETLANDS



October 13, 2020

**polygonLayer**

Override 1

**Streets**

— PRINCIPAL ARTERIAL

— MINOR ARTERIAL

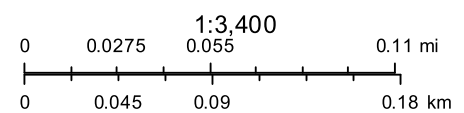
COLLECTOR

— LOCAL ROAD

□ Parcels

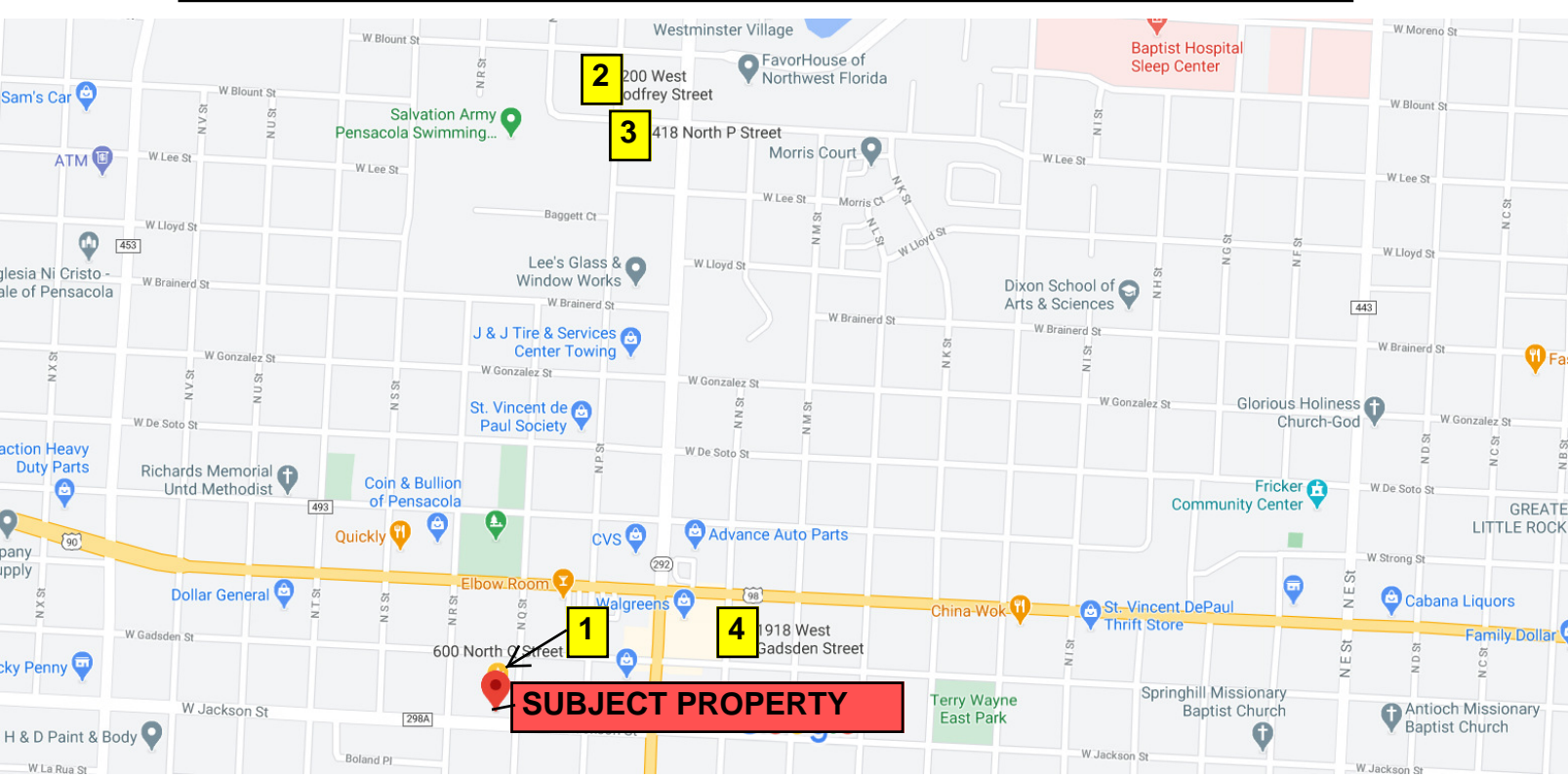
■ Wetlands

□ County Outline



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

# COMPARABLE LOCATION MAP



Map data ©2020 500 ft

## LAND

**Agent Full - For Agent's Only. Do Not Distribute to Clients.**

MLS # 538463

Prop Type: RESIDENTIAL LOTS

List Price: \$13,900

Status: Sold

Last Change: 8/1/2019

List Date: 6/28/2018

Address: 600 N Q ST

Lot Size: 61 x 125

PENSACOLA

FL 32505

Acreage: 0.170000

County: ESCAMBIA

Price Per Acre: \$52,941.18

Subdivision: WEST KING TRACT

Approx Sqft:

Client Hit Ct: 13

Water Frontage: 0

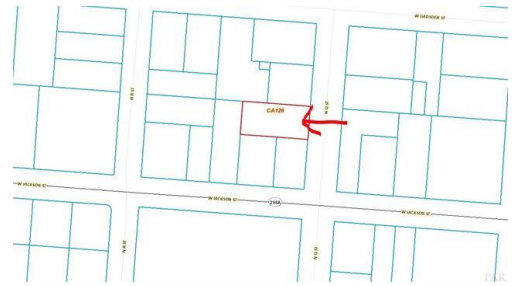
Parcel # 00-0S-00-9060-018-172

NumLots: 1

Road Front Feet: 61

Elem: GLOBAL LEA Middle: WARRINGTON High: PENSACOLA Front Foot Price 227.86

Dir: Heading East on W Cervantes turn South on the North Q Street go one block past W Gadsden and lot will be on your right



Legal: Lts 18 &amp; 19 Blk 172 West King Tract Or 2179 P 904 Ca 126



Virtual Tour:

Media:

## Property Description

Residential bldg lot on a 600 block of North Q St. SELLER HOPES FOR A BULK SALE WITH THE EAST SIDE OF BLOCK on 600 Block of North Q St PROPERTIES (MLS Numbers 538464, 538462, 538461, 538460 INFORMATION DEEMED RELIABLE BUT IS NOT GAURANTEED

**Agent Notes** Seller looking to sell this lot with the other four properties on the east side of the street.  
lot is sold in as is condition

**LOT LOCATION** INTERIOR  
**ACCESS/SURFACE** CITY STREET  
**GAS** NONE  
**ELECTRIC** NONE

**WATER** PUBLIC WATER  
**SEWER** NONE

County Zoning: MEDIAN DENSITY RESIDENTIAL

SPECIAL SALE TYPE: AS IS

Assignment of Interest: N

Seller Terms:

Land Lease per Year:

Mtg Amt Offered:

Interest Rate:

1st Mort Amount:

1st Mtg Mo Pymt:

1st Mtg Incl:

Equity:

FEES INCLUDE:

Contingency Reason:

ACCEPT FINANCING: CASH

LstOff: Realty Executives Gulf Coast, LLC - OFC: 251-968-4300

LstAgt: CHERYL RITCHIE - CELL: 251-609-5767

LstAgt Email: cherylregulfoast@gmail.com

Co-Off:

Co-Agt:

BuyAgt: 3%

TrnsBrk: 3%

NonRep: 3%

Dual/Var?: N

Bonus Amt:

Bonus Terms:

List Type: EXCLUSIVE RIGHT OF SALE

Agency Relationship: SINGLE AGENT

Sellers: Peek, Donald F

SHOWING: APPOINTMENT ONLY, CALL AGENT

Bonus Exp Date:

LtdServ: N

Sellers Ph:

Sold Price: \$9,000

DOM/CDOM: 353 / 353

Buyer Name: David Towns

Closed Date: 7/31/2019

DUC:

Mortgage Type: CASH

Contract Date: 6/16/2019

Contingency Reason:

Sale Factors:

SellingOff: Realty Executives Gulf Coast, LLC - OFC: 251-968-4300

SellAgt: CHERYL RITCHIE - CELL: 251-609-5767

CoSellOff:

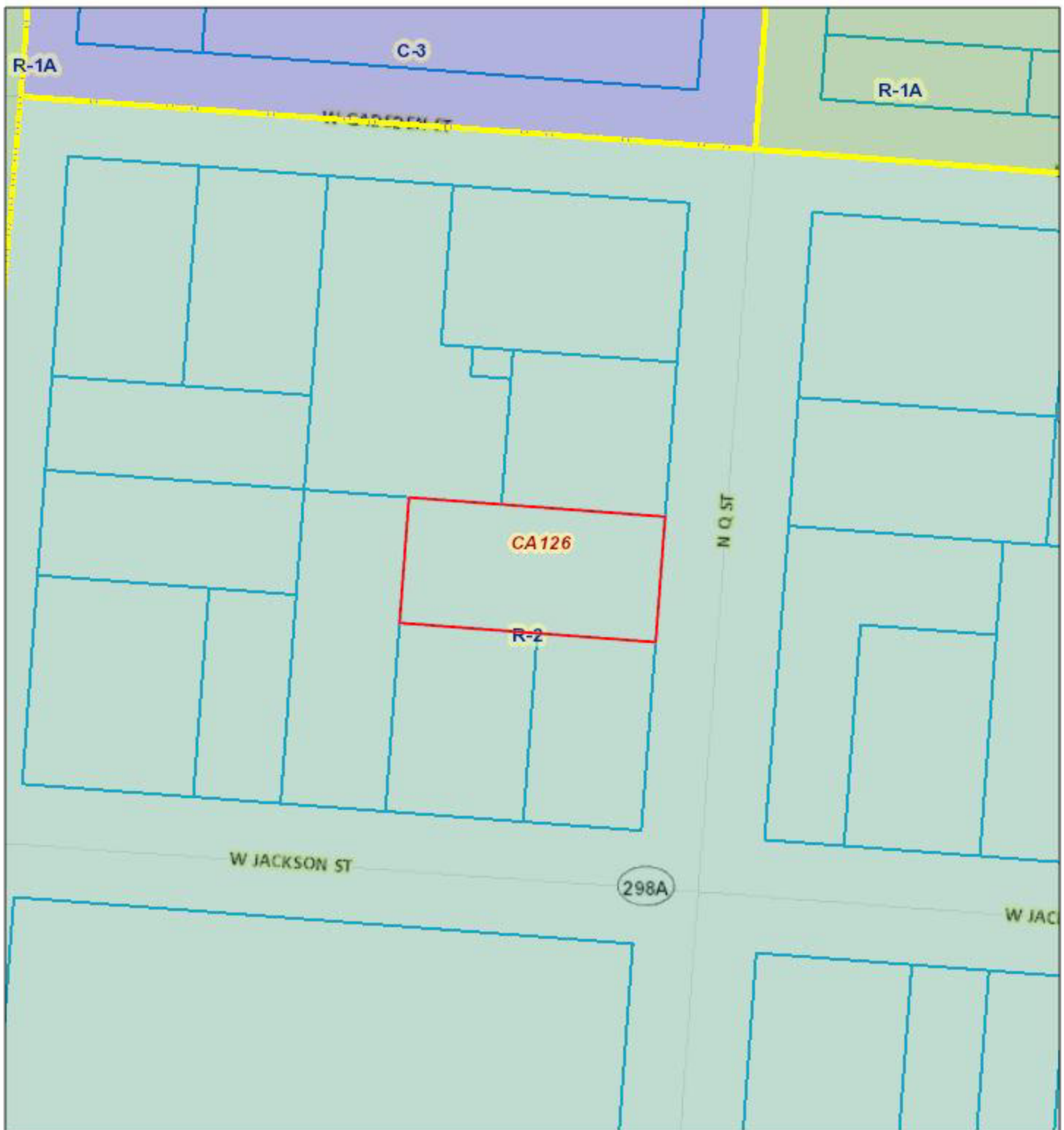
CoSellAgt:

-- Information deemed reliable but not guaranteed -- Copyright: 2015 by the Pensacola Association of Realtors, inc.

Prepared by: CHARLES SHERRILL

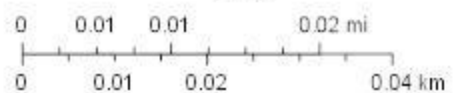
Confidential: Agent Only. Do not Distribute to Client.

10/14/2020 02:17 PM



October 14, 2020

1:818

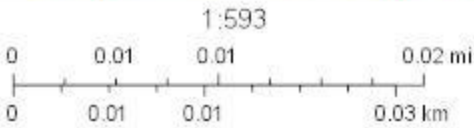






October 14, 2020

-  Override 1
-  Property Line
-  Boundary
-  Map Grid







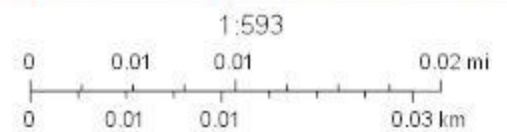
**COMP NO. 2**





October 14, 2020

- Override 1
- Property Line
- Boundary
- Map Grid





## LAND

**Agent Full - For Agent's Only. Do Not Distribute to Clients.**

MLS # 540705

Prop Type: RESIDENTIAL LOTS

List Price: \$12,400

Status: Sold

Last Change: 5/14/2020

List Date: 3/11/2020

Address: 1418 N P ST

Lot Size: 64x100

PENSACOLA

FL 32505

Acreage: 0.150000

County: ESCAMBIA

Price Per Acre: \$76,666.67

Subdivision: NONE

Approx Sqft:

Client Hit Ct: 26

Water Frontage:

Parcel # 302S301002070004

NumLots:

Road Front Feet:

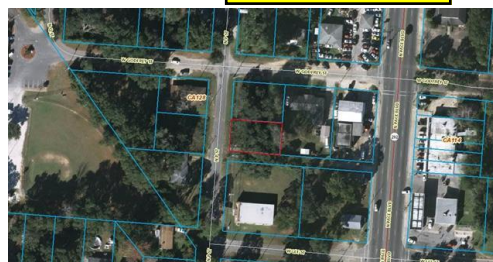
Elem: WEIS

Middle: WARRINGTON

High: PENSACOLA

Front Foot Price

Dir: Cervantes St to N on Pace Blvd. Left on Lee St, Right on P St. Lot will be on the right



**Legal:** SLY 64 FT OF LTS 7 & 8 BLK D BLOUNT RE S/D OF KUPFRIN PARK W OF O ST PB 1 P 87 OR 7845 P  
436 CA 128

Virtual Tour:

Media:

**Property Description**

Price Reduced!! Vacant lot zoned for residential or commercial use. Current zoning is HC/LI & MU-U. Property is high and dry and no flood insurance is required. NO mobile homes allowed. Convenient to Downtown Pensacola, hospitals, shopping and entertainment.

**Agent Notes** Vacant Lot. Show and Sell

**TYPE USE** COMMERCIAL, RESIDENTIAL

**WATER** PUBLIC WATER

**SEWER** PUBLIC SEWER

**County Zoning:**

**SPECIAL SALE TYPE:** N/A

**Land Lease per Year:**

**Mtg Amt Offered:**

**Interest Rate:**

**1st Mort Amount:**

**1st Mtg Mo Pymt:**

**1st Mtg Incl:**

**Assignment of Interest:**

**Seller Terms:**

**FEES INCLUDE:**

**Equity:**

**Contingency Reason:**

**ACCEPT FINANCING:**

**LstOff:** COASTAL REALTY EXPERTS - OFC: 850-332-0222

**LstAgt:** FREDERICK P REAMSMA - CELL: 850-516-1492

**LstAgt Email:** FREAMSMA@GMAIL.COM

**Co-Off:**

**Co-Agt:**

**BuyAgt:** 5%

**TrnsBrk:** 5%

**NonRep:** 5%

**Dual/Var?:** N

**Bonus Amt:**

**Bonus Terms:**

**List Type:** EXCLUSIVE RIGHT OF SALE

**Agency Relationship:** TRANSACTION BROKER

**Sellers:** In File

**SHOWING:** SEE AGENT NOTES, VACANT

**Bonus Exp Date:**

**LtdServ:** N

**Sellers Ph:**

**Sold Price:** \$11,500

**Closed Date:** 5/8/2020

**Contract Date:** 4/11/2020

**Sale Factors:**

**DOM/CDOM:** 399 / 399

**DUC:**

**Contingency Reason:**

**Buyer Name:** Knight

**Mortgage Type:** CASH

**SellingOff:** Emerald Coast Realty Pros - OFC: 850-437-5618

**CoSellOff:**

**SellAgt:** BRIGETTE BROOKS - CELL: 850-291-5577

**CoSellAgt:**

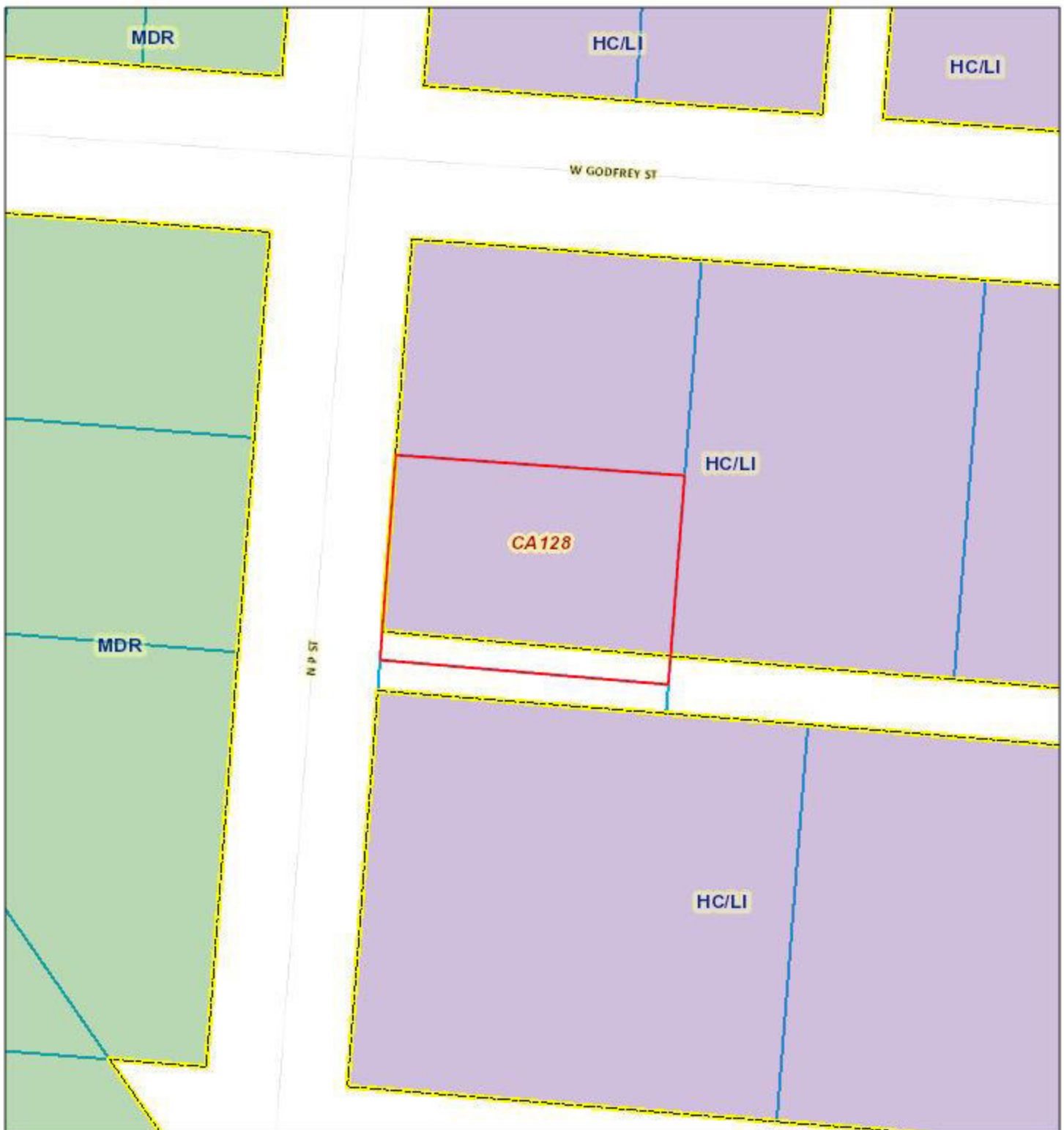
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Prepared by: CHARLES SHERRILL

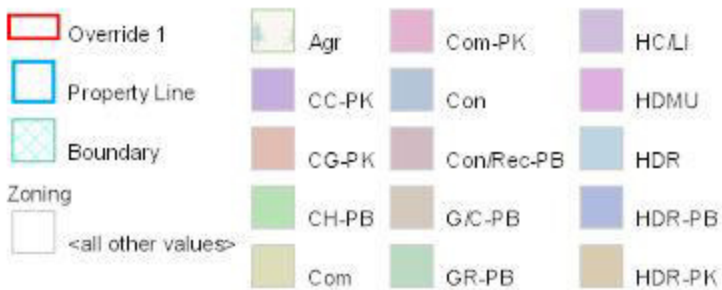
**Confidential: Agent Only. Do not Distribute to Client.**

10/14/2020 02:18 PM

# COMP NO. 3



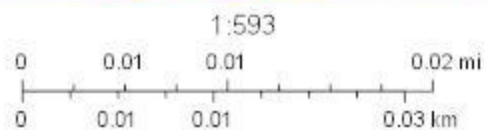
October 14, 2020





October 14, 2020

- Override 1
- Property Line
- Boundary
- Map Grid





## LAND

**Agent Full - For Agent's Only. Do Not Distribute to Clients.**

**MLS #** 550575 **Prop Type:** RESIDENTIAL LOTS **List Price:** \$15,000  
**Status:** Sold **Last Change:** 5/10/2019 **List Date:** 3/14/2019  
**Address:** 1900 W GADSDEN ST **Lot Size:** 61'150  
PENSACOLA FL 32501 **Acreage:** 0.210000  
**County:** ESCAMBIA **Price Per Acre:** \$71,428.57  
**Subdivision:** WEST KING TRACT **Approx Sqft:**  
**Parcel #** 000S009060001125 **Client Hit Ct:** 7 **Water Frontage:**  
**Elem:** GLOBAL LEA **Middle:** WORKMAN **NumLots:** 2 **Road Front Feet:**  
**High:** PENSACOLA **Front Foot Price:**  
**Dir:** Take West Cervantes to Gadsden or North Pace Blvd to Gadsden Street. Located on the corner of "N" Street and Gadsden

**Legal:** LTS 1 2 AND S 61 FT OF LT 24 BLK 125 WEST KING TRACT OR 7277 P 1020 CA 116



Virtual Tour:

Media:

**Property Description**

This is a very nice size corner lot in a central area in West Pensacola just minutes away from the historical downtown Pensacola. The lot is in walking distance to your local convenience stores, pharmacy, hospital, and much more. There is also public transportation access near by. This is a great buy to build a home for first-time home buyers. It is also good for investors to build rental properties on this lot. The lot is zoned for single family and two family homes. At this affordable opportunity, it is a win/win to own this lot.

**Agent Notes** Owner might be willing to lease with an option to buy for serious inquirers but he prefers to sell the lot to a potential buyer. Buyer's agent please check zoning with the City Planning and Zoning. Seller does not have a survey.

**LOT LOCATION** CENTRAL ACCESS  
**ACCESS/SURFACE** CITY STREET, PAVED

**WATER** PUBLIC WATER  
**SEWER** SEWER AVAILABLE

**County Zoning:****SPECIAL SALE TYPE:** N/A**Land Lease per Year:****1st Mort Amount:****FEES INCLUDE:****Contingency Reason:****Mtg Amt Offered:****1st Mtg Mo Pymt:****Interest Rate:****1st Mtg Incl:****Assignment of Interest:** N**Seller Terms:****Equity:****ACCEPT FINANCING:** CASH, CONVENTIONAL, LEASE W/OPTION, WILL LEASE

**LstOff:** EXIT REALTY N. F. I. - OFC: 850-475-0077  
**LstAgt:** CHIQUITA WILLIAMS FOUNTAIN - CELL: 850-602-5562  
**LstAgt Email:** chiquwilliams@cox.net  
**Co-Off:**  
**Co-Agt:**

**BuyAgt:** 2.5%  
**TrnsBrk:** 2.5%  
**NonRep:** 2.5%  
**Dual/Var?:** N  
**Bonus Amt:**  
**Bonus Terms:**

**List Type:** EXCLUSIVE RIGHT OF SALE  
**Agency Relationship:** SINGLE AGENT  
**Sellers:** IN File  
**SHOWING:** VACANT  
**Bonus Exp Date:**

**LtdServ:** N  
**Sellers Ph:**  
IN File

**Sold Price:** \$15,000  
**Closed Date:** 5/7/2019  
**Contract Date:** 3/14/2019  
**Sale Factors:**

**DOM/CDOM:** 0 / 0  
**DUC:**  
**Contingency Reason:**

**Buyer Name:** Edgar, Pete  
**Mortgage Type:** CASH

**SellingOff:** BECK PARTNERS CRE LLC - OFC: 850-477-7044  
**CoSellOff:**

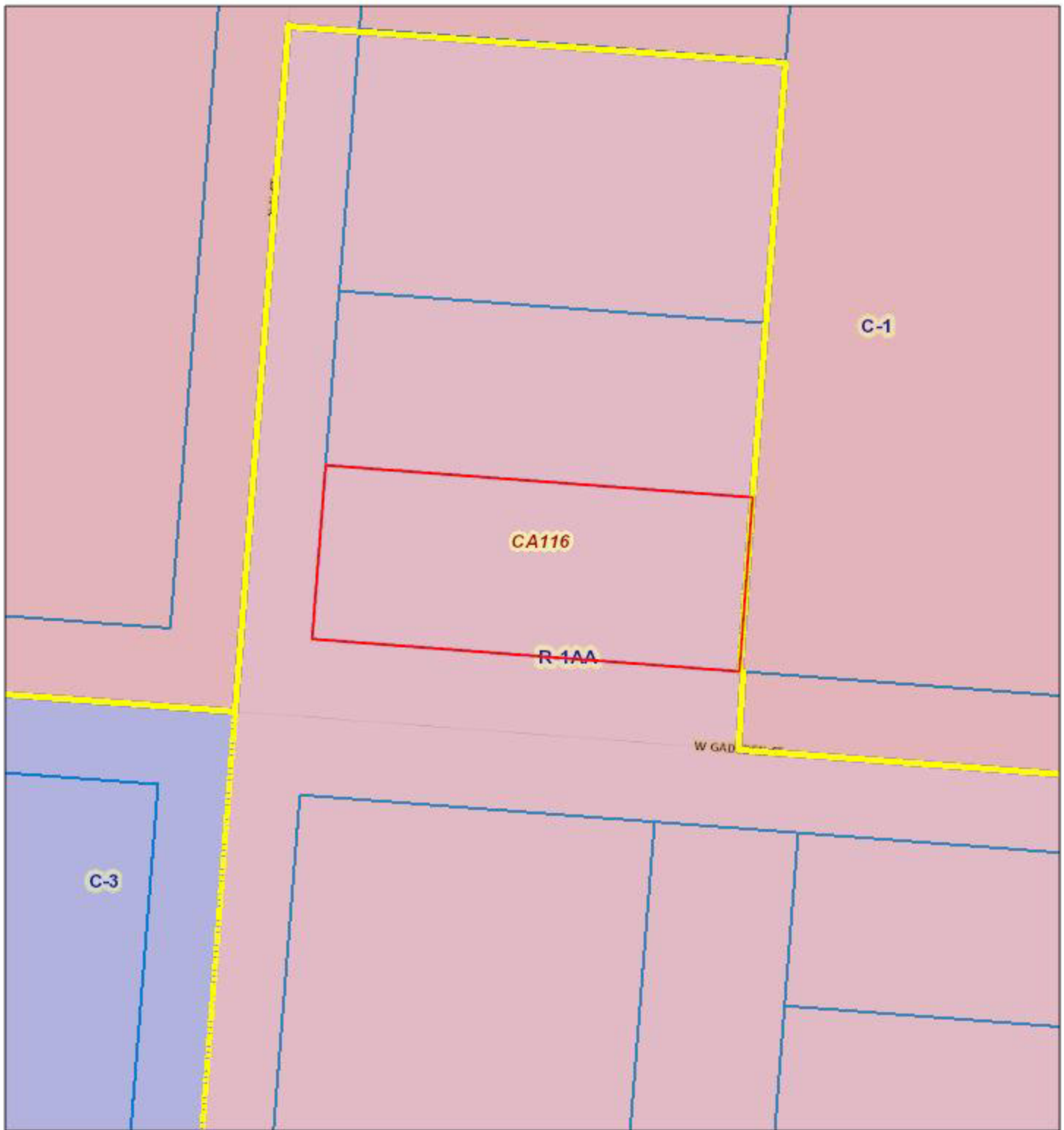
**SellAgt:** DAVID VALLETTO, SIOR - CELL: 850-982-7352  
**CoSellAgt:**

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Prepared by: CHARLES SHERRILL

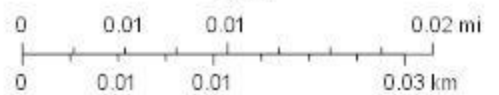
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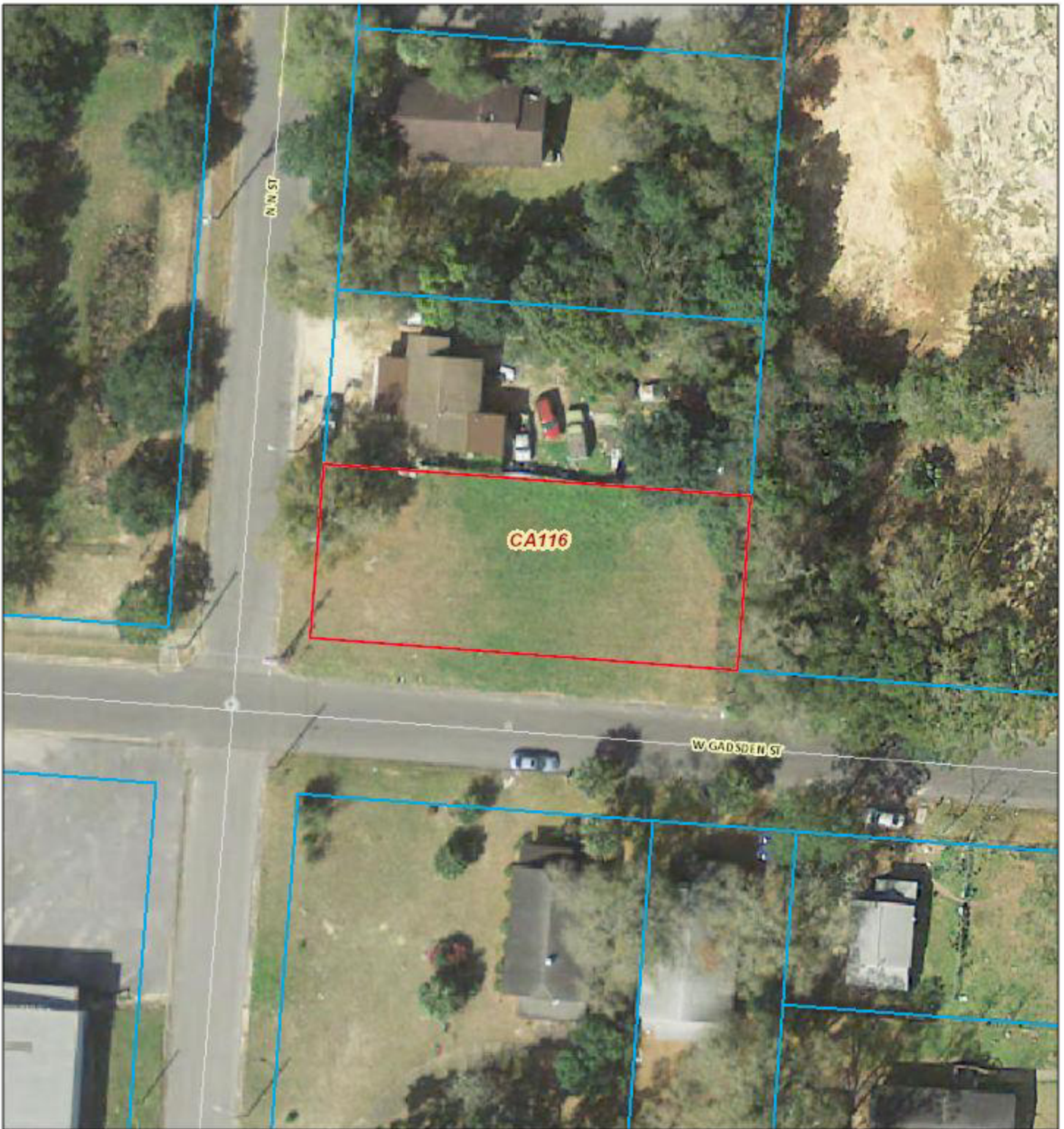


October 14, 2020

1:593

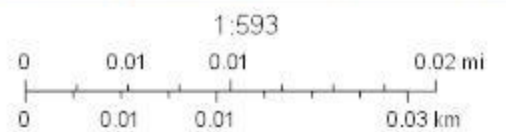






October 14, 2020

- Override 1
- Property Line
- Boundary
- Map Grid



## **APPRAISER'S QUALIFICATIONS**

NAME: Charles C. Sherrill, Jr., MAI  
TITLE: President  
OFFICE ADDRESS: Sherrill Appraisal Company  
2803 East Cervantes Street, Suite C  
Pensacola, Florida 32503  
EDUCATION: Bachelor of Arts Degree in Economics, Washington & Lee University,  
Lexington, Virginia (1984)

Successfully completed the following courses sponsored by the American Institute of Real Estate Appraisers:

Course 1A-1 Real Estate Appraisal Principles (Tufts University, 1986)  
Course 1A-2 Basic Valuation Procedures (University of North Carolina, 1986)  
Course SPP Standards of Professional Practice (Atlanta, Georgia, 1987)  
Course 1B-A Capitalization Theory and Techniques - Part A (Florida State University, 1987)  
Course 1B-B Capitalization Theory and Techniques - Part B (University of Portland, 1988)  
Course 2-1 Case Studies in Real Estate Valuation (Colorado University, 1988)  
Course 2-2 Report Writing and Valuation Analysis (University of Central Florida, 1989)

Successfully completed the following course sponsored by the Commercial Investment Real Estate Institute:

Course 401 Introduction to Commercial Real Estate Analysis (Pensacola, Florida, 1995/1998)

### **CONTINUING EDUCATION:**

Credited with attendance/completion of the following seminars/courses:

#### **Appraisal Institute**

Eminent Domain and Condemnation  
Uniform Standards of Professional Appraisal Practice  
Business Practices and Ethics  
Analyzing Operating Expenses  
Appraising from Blueprints and Specifications  
Feasibility, Market Value, and Investment Timing  
Analyzing Distressed Real Estate  
Hotel/Motel Valuation  
Effective Appraisal Report Writing  
FHA Homebuyer Protection Plan and The Appraisal Process  
Standards of Professional Practice - Part C  
Standards of Professional Practice - Part A  
Fair Lending and the Appraiser  
Appraisal of Retail Properties  
Standards of Professional Practice - Part B  
Understanding Limited Appraisals and General Reporting Options - General  
Accrued Depreciation  
Depreciation Analysis  
Rates, Ratios, and Reasonableness  
Comprehensive Appraisal Workshop  
Real Estate Risk Analysis  
New Technologies for Real Estate Appraisers

## **APPRAISER'S QUALIFICATIONS**

### CONTINUING EDUCATION (Continued):

Credited with attendance/completion of the following seminars/courses:

#### State Certification

USPAP Update  
 Florida Appraisal Laws and Regulations  
 Appraisal of 2-4 Family and Multi-Family Properties  
 Challenging Assignments for Residential Appraiser's  
 Foreclosure Basics for Appraiser's  
 Florida Appraiser Supervisor/Trainee Rules  
 Neighborhood Analysis  
 Communicating the Appraisal  
 Appraisal Principles  
 Sales Comparison Approach  
 Income Capitalization Approach  
 Cost Approach  
 Real Estate, Mortgages, and Law  
 Essential Elements of Disclosures and Disclaimers  
 Mold, A Growing Concern  
 Construction Details – from Concept to Completion

### EXPERIENCE:

Engaged since 1986 in valuation, consulting, and market studies of various property types, including office, retail, industrial, multi-family residential, churches, restaurants, motels, subdivision developments, commercial land, acreage, marinas, single family residential, and condominiums in numerous states. Have testified as an expert witness numerous times in the Circuit Courts of Escambia, Santa Rosa, and Okaloosa Counties. Prior to joining Sherrill Appraisal Company in 1992, employed by Landauer Associates, Inc., Atlanta, Georgia (1986-1992) as Vice President, Valuation and Technical Services Division.

### PROFESSIONAL LICENSES:

State Certified General Appraiser (#RZ1665), State of Florida (1993-Present)  
 Licensed Real Estate Broker (#BK0436908), State of Florida (1996-Present)  
 Former Licensed Real Estate Salesman (#SL0436908), State of Florida (1985-1996)  
 Former State Certified Appraiser (#000439), State of Georgia (1991-1992)

### PROFESSIONAL MEMBERSHIPS:

Member, Appraisal Institute; Awarded the MAI designation by the Appraisal Institute in 1991  
 Past Member, Escambia County Value Adjustment Board (2008 – 2012)  
 Member, Pensacola Association of Realtors  
 Member, Florida Association of Realtors  
 Member, National Association of Realtors  
 Member, Truist Local Advisory Board of Directors (formerly Branch Banking and Trust Company)

### CIVIC ACTIVITIES:

Graduate, Leadership Pensacola (Class of 1999)  
 Member, Rotary Club of Pensacola (Former Board Director); Paul Harris Award Recipient  
 Past President and Executive Committee Member, Pensacola Sports Association Board of Directors  
 Current Board Member, Pensacola Sports Foundation  
 Past Secretary/Past Treasurer, Fiesta of Five Flags Association Board of Governors  
 Past Board Member and Trustee, Pensacola Historical Society Foundation  
 Past Member and Executive Committee Member, Pensacola State College Board of Governors  
 Past Board Director & Past Executive Committee Member, Pensacola YMCA  
 Past Board Member and Former Treasurer, Pensacola Historical Society Board of Directors  
 Past President, Booker T. Washington High School Baseball Booster Club Board of Directors

Other civic involvements include various fund raising activities for Boy Scouts of America, Junior Achievement, March of Dimes, American Cancer Society, Leukemia Society, Manna Food Bank, and the American Heart Association.

## **APPRAISER'S QUALIFICATIONS**


### **LISTING OF APPRAISER CLIENTS:**

Aegon Realty Advisors Company	Ford Motor Company
Aetna Realty Advisors	Florida Department of Transportation
Bank of America	Gulf Coast Community Bank
Bank of Boston	Hancock Bank
Bank of Pensacola	Harvesters Federal Credit Union
Bank South N. A.	Holley-Navarre Water
Baptist Health Care Corp.	Lakeview Center
Barnett Banks, Inc.	Lasalle Realty Advisors
BBVA Compass	Liberty Bank
Beach Community Bank	Midway Water Company
Branch Banking & Trust (BB&T)	Metropolitan Life Insurance Company
Canadian Imperial Bank of Commerce	National Bank of Commerce (Alabama)
Catholic Church Diocese	National Asset Management Group
Centennial Bank	Navy Federal Credit Union
CenterState Bank	Pen Air Federal Credit Union
Chase Manhattan Mortgage Corp.	Pensacola Area Chamber of Commerce
Charter Bank	Pensacola Government Credit Union
Chicago Title Company	Pensacola Historical Society
Citicorp Real Estate	Pensacola State College
City of Fort Walton Beach	Pensacola Preservation Board (State of Florida)
City of Milton	PHH Relocation and Real Estate
City of Pensacola	PNC Bank
Clarity Appraisal Management	Port of Pensacola
Coastal Bank and Trust	Premier Bank (Louisiana)
Colonial Bank of Alabama	Presbytery of Florida
Cumberland Bank (Kentucky)	RBC Bank
Dart Appraisal Management Company	Recoll Management Corporation Insurance Co.
Dollar Bank	Regions Bank
Dusco Property Management	Sacred Heart Hospital
Emerald Coast Utilities Authority	Saltmarsh, Cleaveland & Gund
Episcopal Church Diocese	ServisFirst Bank
Equity Valuation Partners	Smart Bank
Escambia County, Florida	Southern Company
Escambia County Employees' Credit Union	SunTrust Banks, Inc.
Farm Credit of Northwest Florida	Synovus Financial
Fairfield Communities, Inc.	Travellers Realty Investment Company
Federal Aviation Administration	Tyndall Federal Credit Union
Federal Deposit Insurance Corporation	United Bank (Alabama)
First Alabama Bank	Valuation Management Group
First American Bank	Vanguard Bank & Trust Company
First City Bank of Fort Walton Beach	Various Estates, Attorney's, Accountants, Insurance
First Coast Community Bank	Companies, Churches, & Property Owners
First National Bank of Commerce (Louisiana)	Wachovia Corporation
First National Bank of Florida	Waterfront Rescue Mission
First National Bank of Georgia	Wells Fargo Bank
First Navy Bank	Whitney National Bank
Fisher Brown Insurance Company (Cost Analysis)	WSRE Television



# Legend

 Zoning

 Parcel # 00-0S-00-9060-020-172

C-3

R-1A

W GADSDEN ST

000S009060020172

R-1A

R-2

W JACKSON ST

BOLAND PL

N Q ST

W LA RUA ST

W LA RUA ST

0 90 180 Feet

Date: 8/18/2020



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 177





# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 2021-07

City Council

2/11/2021

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### **LEGISLATIVE ACTION ITEM**

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

**SUBJECT:**

SUPPLEMENTAL BUDGET RESOLUTION NO. 2021-07 - VETERANS MEMORIAL PARK  
FOUNDATION OF PENSACOLA DONATION

**RECOMMENDATION:**

That City Council adopt Supplemental Budget Resolution No. 2021-07.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS  
FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2021; PROVIDING FOR AN  
EFFECTIVE DATE.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

The Veterans Memorial Park Foundation of Pensacola is an independent non-profit organization tasked with overseeing the operation and maintenance of Pensacola's Veterans Memorial Park. The Veterans Memorial Park serves all citizens of the Pensacola Bay Area as well as thousands of visitors to the area. Various local and national Veteran groups use the park for activities, and local civic and youth organizations utilize this venue for other charitable, commemorative, and educational events. The Foundation expects an increase in visits by schools, Scouts and other community organizations to use the Park for field trips and educational events consistent with the Foundation's mission.

Based on feedback from educators, the Veterans Memorial Park Foundation plans to provide restroom accommodations that will enhance the Park's utility as a field trip destination for students and other groups, as well as for other educational and memorial events desired by community and military groups who visit. Currently there are no restrooms in the nearby vicinity, and it has consistently been identified by Park visitors as its greatest infrastructure need.

The Foundation received an IMPACT 100 grant to be used for the purchase and installation of a mobile air-conditioned restroom trailer for the Park that can be moved as needed for other events or in case of impending natural disaster. The plan involves the attachment of this facility to existing utilities, making it a semi-permanent installation, wrapped to blend into the existing environment and requiring minimum maintenance and sustainment. However, the IMPACT 100 grant does not provide

funding for the site work that must be done before the facility can be installed.

The Foundation has requested a donation of \$50,000 from the City of Pensacola to provide funding for the site work for the Veterans Memorial Park Restroom Project to enable the completion of this project. The facility enhancements will improve the ability to conduct these and other events at the Park and veterans will notice and appreciate the community's attention and commitment to its "jewel on the bay".

**PRIOR ACTION:**

None

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

The amount requested from the Foundation for the site work is \$50,000. Adoption of the Supplemental Budget Resolution will appropriate \$50,000 from the current available fund balance in the General Fund to provide funding for the site work on this project.

**CITY ATTORNEY REVIEW:** Yes

1/29/2021

**STAFF CONTACT:**

Keith Wilkins, City Administrator  
Amy Lovoy, Finance Director

**ATTACHMENTS:**

- 1) Supplemental Budget Resolution No. 2021-07
- 2) Supplemental Budget Explanation No. 2021-07
- 3) Letter from the Veterans Memorial Park Foundation

**PRESENTATION:** No

**RESOLUTION  
NO. 2021-07**

A RESOLUTION  
TO BE ENTITLED:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE  
FISCAL YEAR ENDING SEPTEMBER 30, 2021; 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. GENERAL FUND**

	Fund Balance	50,000
1) Non-Departmental		
As Reads	Grants and Aids	1,299,809
Amended		
To Read:	Grants and Aids	1,349,809

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

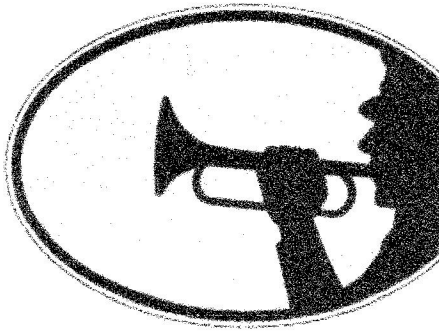
Attest:

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



**THE CITY OF PENSACOLA****FEBRUARY 2021 - SUPPLEMENTAL BUDGET RESOLUTION - VETERANS MEMORIAL PARK FOUNDATION DONATION - RES NO. 2021-07**

FUND	AMOUNT	DESCRIPTION
<b>GENERAL FUND</b>		
Fund Balance	<u>50,000</u>	Increase appropriated fund balance
Appropriations		
1) Non-Departmental		
Operating Expenses	50,000	Increase appropriation for Grants and Aids
Total Appropriations	<u>50,000</u>	



*President*

Paul Entrekin

*Vice President*

Don Chipman

*Secretary*

Cissy Witt

*Treasurer*

Pete Frano

*Operations*

Pete McKanna

*Past President*

Butch Hansen

*Board Members:*

Jennifer Hight

Stacy Pruitt

Jill Hubbs

Stan Benard

Andrew DelGaudio

Sean Hollonbeck

*City Representative*

Lawrence Powell

*Legal Advisor*

Ed Holt

29 January 2021

**Yvette McLellan**  
Deputy Finance Director  
222 W Main St  
Pensacola, FL 32502

Ms. McLellan,

Yvette, please find listed below the scope of work for the site work in support of the Veterans Memorial Park restroom project.

> Site cleared and 12" of ground removed by City of Pensacola Parks & Recreation Department

The following site work includes:

- > Install 6" thick reinforced concrete pad per drawing
- > Install required plumbing which included sewer and water connections
- > Install re-pressurization to maintain 40-60- PSI
- > Install 1 - 3/4" secured water outlet
- > Provide & install Trailer PVC skirting
- > Install all electrical services required, which includes a new 200AMP Service from a Gulf Power Transformer located at 9th. & Romano Sts.

Total cost: \$50,000.00

Work to be performed by Phoenix Coatings, Inc., Pensacola, FL

Sincerely,

Peter S. Frano

Treasurer, Veterans Memorial Park Foundation of Pensacola  
Contact [vmpf@gmail.com](mailto:vmpf@gmail.com) or [franosinnaples@gmail.com](mailto:franosinnaples@gmail.com)

Honoring the Fallen

Veterans Memorial Park Foundation of Pensacola

PO Box 12984 · Pensacola, FL 32591-2984

[www.veteransmemorialparkpensacola.org](http://www.veteransmemorialparkpensacola.org)



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

File #: 03-21

City Council

2/11/2021

### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council President Jared Moore

**SUBJECT:**

REVISED PROPOSED ORDINANCE NO. 03-21 - REMOTE VEHICLE SALES

### **RECOMMENDATION:**

That City Council adopt the revised Proposed Ordinance No. 03-21 on second reading:

AN ORDINANCE CREATING ARTICLE **IV** OF CHAPTER **7-6**, SECTION **7-6-56** OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROHIBITING REMOTE MOTOR VEHICLE SALES; PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**HEARING REQUIRED:** No Hearing Required

### **SUMMARY:**

On occasion there are held within the City limits of Pensacola, remote motor vehicle sales. Some of these remote motor vehicle sales are conducted on property, within the City, by individuals and entities which have no established business within the boundaries of the City or of Escambia County.

The individuals and entities which conduct these transactions normally depart the area after completion of the event and there is limited or no ability for purchasers of the motor vehicles to seek necessary information and recourse from the sellers. However, sales conducted by businesses, individuals and entities which have an established business within City and/or Escambia County provide a meaningful opportunity for the seller to seek recourse in the event that problems occur with the vehicle.

The creation of this ordinance will assist in that effort by prohibiting remote vehicle sales unless such sale is conducted by a licensed dealership with sales premises located within the boundaries of Escambia County.

Due to recodification of the Code of the City of Pensacola that was published January 1, 2021, the

Article, Chapter and Section of the Code was renumbered to Article IV, Chapter 7-6, Section 7-6-56. The revised Proposed Ordinance also includes language reflecting the discussion of this proposed ordinance at the January 21, 2021 City Council meeting.

**PRIOR ACTION:**

January 21, 2021 - City Council voted to approve Proposed Ordinance No. 03-21 on first reading.

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) Proposed Ordinance No. 03-21
- 2) Revised Proposed Ordinance No. 03-21

**PRESENTATION:** No

PROPOSED  
ORDINANCE NO. 03-21  
ORDINANCE NO. \_\_\_\_\_  
AN ORDINANCE TO  
BE ENTITLED:

AN ORDINANCE CREATING ARTICLE V OF CHAPTER 7-9,  
SECTION 7-9-56 OF THE CODE OF THE CITY OF PENSACOLA,  
FLORIDA; PROHIBITING REMOTE MOTOR VEHICLE SALES;  
PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY;  
REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:**

SECTION.1 Section 7-9-56 of the Code of the City of Pensacola, Florida is hereby  
created to read as follows:

**ARTICLE V. REMOTE MOTOR VEHICLE SALES.**

**Sec. 7-9-56. – Remote Motor Vehicle Sales Prohibited.**

**(a) - Definitions.**

As used in this section, except as otherwise provided:

*Licensed dealership* means a business licensed by the State of Florida, Escambia County or City of Pensacola in which the primary endeavor is the sale of new or used motor vehicles.

*Motor vehicle* means “motor vehicle” as defined in sec. 320.01(1), Florida Statutes.

*Permanent motor vehicle sales business* means a business that operates out of a structure and has received a city or Escambia County occupational license for that location.

*Premises* means and includes all lands, structures, places, equipment and appurtenances connected or used therewith in any business, or as is otherwise used in connection with any such business conducted on such premises.

**(b) - Prohibited actions.**

It shall be unlawful for any person to conduct a sale, either directly or indirectly, of a new or used motor vehicle in or on a location in the city other than a permanent motor vehicle sales business unless it is conducted by a licensed dealership with sales premises located within the boundaries of Escambia County, Florida. This prohibition shall not apply to the sale of a motor vehicle by a person at a location other than the individual residence for which the motor vehicle is individually titled to that person (not including titled as part of a dealership

or commercial business) provided no person shall sell more than three (3) such motor vehicles per year. This prohibition also shall not apply to the online sales of new or used motor vehicles or to the interstate sales of motor vehicles.

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. 03-21

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

AN ORDINANCE TO  
BE ENTITLED:

AN ORDINANCE CREATING ARTICLE **IV** OF CHAPTER **7-6**,  
SECTION **7-6-56** OF THE CODE OF THE CITY OF PENSACOLA,  
FLORIDA; PROHIBITING REMOTE MOTOR VEHICLE SALES;  
PROVIDING DEFINITIONS; PROVIDING FOR SEVERABILITY;  
REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:**

SECTION.1 Section **7-6-56** of the Code of the City of Pensacola, Florida is hereby  
created to read as follows:

**ARTICLE IV. REMOTE MOTOR VEHICLE SALES.**

**Sec. 7-6-56. – Remote Motor Vehicle Sales Prohibited.**

**(a) - Definitions.**

As used in this section, except as otherwise provided:

*Licensed dealership* means a business licensed by the State of Florida, Escambia County or City of Pensacola in which the primary endeavor is the sale of new or used motor vehicles.

*Motor vehicle* means “motor vehicle” as defined in sec. 320.01(1), Florida Statutes.

*Permanent motor vehicle sales business* means a business that operates out of a structure and has received a city or Escambia County occupational license for that location.

*Premises* means and includes all lands, structures, places, equipment and appurtenances connected or used therewith in any business, or as is otherwise used in connection with any such business conducted on such premises.

**(b) - Prohibited actions.**

It shall be unlawful for any person to conduct a sale, either directly or indirectly, of a new or used motor vehicle in or on a location in the city other than a permanent motor vehicle sales business unless it is conducted by a licensed dealership with sales premises located within the boundaries of Escambia County, Florida. This prohibition shall not apply to the sale of a motor vehicle by a person at a location other than the individual residence for which

the motor vehicle is individually titled to that person (not including titled as part of a dealership or commercial business) provided no person shall sell more than three (3) such motor vehicles per year. This prohibition also shall not apply to the online sales of new or used motor vehicles, to the interstate sales of motor vehicles, or to the sales of motor vehicles donated to a not-for-profit charitable organization that has business operations in a structure in Escambia County, Florida.

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 #:** 05-21

City Council

2/11/2021

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** City Council Member Sherri Myers

**SUBJECT:**

PROPOSED ORDINANCE NO. 05-21 - AMENDING SECTION 4-2-7 AND 4-2-42 OF CITY CODE PROVIDING EXCEPTIONS AND ADDITIONS FOR LIVESTOCK AND HOUSEHOLD PETS. KEEPING OF MINIATURE GOATS ADDED.

**RECOMMENDATION:**

That City Council adopt Proposed Ordinance No. 05-21 on second reading:

AN ORDINANCE AMENDING SECTION 4-2-7 AND SECTION 4-2-42 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING EXCEPTIONS AND ADDITIONS FOR LIVESTOCK AND HOUSEHOLD PETS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

In 2014, City Council amended the ordinances regarding Livestock and Household Pets to include the keeping of pot-bellied pigs. This amendment includes the keeping of miniature goats as household pets.

Miniature goats are considered excellent pets due to their good-natured personalities, friendliness, faithfulness, and hardy constitution. Miniature goats tend to be no bigger than a number of species of larger domestic dogs.

Female and neutered male goats do not generate significant odors and can be cared for in much the same way as other household pets.

**PRIOR ACTION:**

March 13, 2014 - City Council amended Ordinance to include allowing pot-bellied pigs  
January 21, 2021 - City Council adopted Proposed Ordinance No. 05-21 on first reading

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

- 1) Proposed Ordinance No. 05-21 - Goat Ordinance 1-8-2021 - strike-through
- 2) Proposed Ordinance No. 05-21 - Goat Ordinance 1-8-2021 -- Clean

**PRESENTATION:** No

PROPOSED  
ORDINANCE NO. 05-21

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

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 4-2-7 AND SECTION 4-2-42 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING EXCEPTIONS AND ADDITIONS FOR LIVESTOCK AND HOUSEHOLD PETS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 4-2-7 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

**Sec. 4-2-7. - Livestock.**

It shall be unlawful to keep any horse, mule, donkey, goat, sheep, hogs and cattle in any stable, shed, pen or enclosure within the city limits with the exception of pot-bellied pigs and miniature goats as set forth in Sec. 4-2-42.

SECTION 2. Section 4-2-42 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

**Sec. 4-2-42. - Keeping pot-bellied pigs and miniature goats as household pets.**

- (a) The term "pigs" as used herein shall mean ~~P~~pot-bellied ~~P~~pigs and "goats" shall mean miniature goats.
- (b) The number of such pigs shall be limited to one per each residence. The number of such goats shall be limited to two per each residence.
- (c) The breeding of such pigs and goats is prohibited.
- (d) Male pigs four (4) weeks of age or older shall be neutered. Male miniature goats seven (7) months of age or older shall be neutered.
- (e) Such pigs and goats shall be controlled by a leash, tether, harness or adequate enclosure any time said animals are outside the residence of the owner or other person harboring, keeping or maintaining said pig or goat. Goats must be kept at a residence that has a securely fenced back yard with a fence at least four feet in

height. Outdoor shelter must be provided and consist of a roof and three walls with an adequate amount of food, water and clean, dry bedding. Goats shall not be tied or tethered unless attended by a person harboring, keeping or maintaining the goat and if the tether is used only as a leash for walking.

- (f) The owner shall display, upon request from ~~the an~~ an animal control ~~officer or any code enforcement or law~~ enforcement officer, a current certification from a veterinarian licensed in the State that all necessary and appropriate vaccinations have been administered and that ~~the~~ said pig or goat has been tested and demonstrated free of parasitic disease. Such certification shall be obtained on a yearly basis.
- (g) It shall be unlawful for any pig or goat owner or person in charge of a pig or goat, to fail to remove deposits of ~~pig~~ excreta made by a pig or goat in that person's charge when the deposit of the ~~pig's~~ excreta occurred in the presence of the ~~pig's~~ owner or person in charge of the pig or goat on any property not belonging to the owner or a person in charge of the pig or goat. If such depositing of excreta occurs, the owner or person in charge of the pig or goat shall immediately cause its removal for disposal.
- (h) It shall be unlawful for any pig or goat owner or person in charge of a pig or goat to allow the area in which the pig or goat is kept or allowed to roam to become the source of odors which are detectable on adjoining properties where such odors are the result of the pig or goat being kept or allowed to roam on the subject property.
- (i) All other animal control and nuisance laws applicable to animals within the City of Pensacola shall apply to pot-bellied pigs and goats.
- (j) A homeowners' association formed in accordance with State Statute may prohibit ownership of pot-bellied pigs and goats through a formal inclusion in the association's covenants.

SECTION 3. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. 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. 05-21

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

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 4-2-7 AND SECTION 4-2-42 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; PROVIDING EXCEPTIONS AND ADDITIONS FOR LIVESTOCK AND HOUSEHOLD PETS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 4-2-7 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

**Sec. 4-2-7 - Livestock.**

It shall be unlawful to keep any horse, mule, donkey, goat, sheep, hogs and cattle in any stable, shed, pen or enclosure within the city limits with the exception of pot-bellied pigs and miniature goats as set forth in Sec. 4-2-42.

SECTION 2. Section 4-2-42 of the Code of the City of Pensacola, Florida, is hereby amended to read as follows:

**Sec. 4-2-42. - Keeping pot-bellied pigs and miniature goats as household pets.**

- (a) The term "pigs" as used herein shall mean pot-bellied pigs and "goats" shall mean miniature goats.
- (b) The number of such pigs shall be limited to one per each residence. The number of such goats shall be limited to two per each residence.
- (c) The breeding of such pigs and goats is prohibited.
- (d) Male pigs four (4) weeks of age or older shall be neutered. Male miniature goats seven (7) months of age or older shall be neutered.
- (e) Such pigs and goats shall be controlled by a leash, tether, harness or adequate enclosure any time said animals are outside the residence of the owner or other person harboring, keeping or maintaining said pig or goat. Goats must be kept at a residence that has a securely fenced back yard with a fence at least four feet in

height. Outdoor shelter must be provided and consist of a roof and three walls with an adequate amount of food, water and clean, dry bedding. Goats shall not be tied or tethered unless attended by a person harboring, keeping or maintaining the goat and if the tether is used only as a leash for walking.

- (f) The owner shall display, upon request from an animal control, code enforcement or law enforcement officer, a current certification from a veterinarian licensed in the State that all necessary and appropriate vaccinations have been administered and that said pig or goat has been tested and demonstrated free of parasitic disease. Such certification shall be obtained on a yearly basis.
- (g) It shall be unlawful for any pig or goat owner or person in charge of a pig or goat, to fail to remove deposits of excreta made by a pig or goat in that person's charge when the deposit of the excreta occurred in the presence of the owner or person in charge of the pig or goat on any property not belonging to the owner or a person in charge of the pig or goat. If such depositing of excreta occurs, the owner or person in charge of the pig or goat shall immediately cause its removal for disposal.
- (h) It shall be unlawful for any pig or goat owner or person in charge of a pig or goat to allow the area in which the pig or goat is kept or allowed to roam to become the source of odors which are detectable on adjoining properties where such odors are the result of the pig or goat being kept or allowed to roam on the subject property.
- (i) All other animal control and nuisance laws applicable to animals within the City of Pensacola shall apply to pot-bellied pigs and goats.
- (j) A homeowners' association formed in accordance with State Statute may prohibit ownership of pot-bellied pigs and goats through a formal inclusion in the association's covenants.

SECTION 3. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. 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 #:** 21-00141

City Council

2/11/2021

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### **DISCUSSION ITEM**

**SPONSOR:** City Council Vice President Ann Hill

**SUBJECT:**

DISCUSSION - HAWKSHAW LAGOON MISSING CHILDREN'S MONUMENT

### **SUMMARY:**

In 2008, the City and Hawkshaw Lagoon Missing Children Memorial, Inc. (Children's Memorial Inc.) agreed to an addendum to the lease agreement providing that Children's Memorial Inc., "shall remain responsible for the care and maintenance of the Sculpture...maintain the Sculpture in a safe, clean and neat condition," and The City, "shall be responsible for the care, maintenance and repair of all other structures on the property and improvements, including landscape maintenance, underground and other utilities and the removal of wreckage, debris or trash. [City] shall maintain all portions of the property other than the Sculpture in a safe, clean and neat condition."

Recently there has been graffiti, trash and other issues related to the property. This item seeks to discuss this issue and possible remedies.

### **PRIOR ACTION:**

2008 - Addendum to Lease Agreement between the City and Children's Memorial Inc.

### **STAFF CONTACT:**

Don Kraher, Council Executive

### **ATTACHMENTS:**

None

**PRESENTATION:** No



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 21-00146

City Council

2/11/2021

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### **DISCUSSION ITEM**

**SPONSOR:** City Council Member Sherri Myers

**SUBJECT:**

DISCUSSION -JOINT MEETING BETWEEN THE CITY COUNCIL AND ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS

**SUMMARY:**

The last joint meeting between the City Council and the Escambia County Board of County Commissioners was January 30, 2017. Given the length of time since the last joint meeting, the installation of a new administration and new majority City Council, this item seeks to discuss the possibility of holding a joint meeting.

This item seeks to gauge the desire to hold a joint session, as well as an initial discussion of possible topics for such a meeting.

**PRIOR ACTION:**

January 20, 2017 - Last Joint Meeting Held

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

1) None

**PRESENTATION:** No



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 21-00145

City Council

2/11/2021

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### **DISCUSSION ITEM**

**SPONSOR:** City Council Member Sherri Myers

**SUBJECT:**

DISCUSSION - STREET LIGHTING - TYPES, COST CALCULATIONS, POSSIBLE ADDITIONAL FUNDING

**SUMMARY:**

While the City and Public works are working on Street Lighting within each district based on suggestions by Council Members, the allocation of \$15,000/District, and understanding that there has been a delay in the delivery of a certain desired light, additional questions have arisen:

1. Will the type of light (Kilowatt) being sought be sufficient to light arterial roads?
2. An explanation of the cost of the lighting calculated against the \$15,000 /District
3. A discussion of possible additional funding for street lighting.

This item hopes to provide discussion on these topics as well as other lighting topics that may come up.

**PRIOR ACTION:**

Many

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

1) None

**PRESENTATION:** No