



Legislation Details (With Text)

**File #:** 35-21      **Version:** 2      **Name:**

**Type:** Ordinance      **Status:** Passed

**File created:** 8/12/2021      **In control:** City Council

**On agenda:** 9/23/2021      **Final action:** 9/23/2021

**Enactment date:** 9/30/2021      **Enactment #:** 20-19

**Title:** PROPOSED ORDINANCE NO. 35-21 - AMENDMENT TO THE LAND DEVELOPMENT CODE - RESIDENTIAL DENSITY TRANSFERS

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

**Indexes:**

**Code sections:**

**Attachments:** 1. Proposed Ordinance No. 35-21, 2. Planning Board Minutes August 10, 2021, 3. PROOF OF PUBLICATION ORD 2ND READING

Date	Ver.	Action By	Action	Result
9/23/2021	2	City Council	Adopted	Pass
9/20/2021	2	Agenda Conference	Placed on Regular Agenda	Pass
9/9/2021	1	City Council	Passed on first reading	Pass
9/7/2021	1	Agenda Conference	Placed on Regular Agenda	Pass

**LEGISLATIVE ACTION ITEM**

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

**SUBJECT:**

PROPOSED ORDINANCE NO. 35-21 - AMENDMENT TO THE LAND DEVELOPMENT CODE - RESIDENTIAL DENSITY TRANSFERS

**RECOMMENDATION:**

That City Council adopt Proposed Ordinance No. 35-21 on second reading.

AN ORDINANCE AMENDING SECTION 12-3-109 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, ESTABLISHING A PROCESS FOR THE APPROVAL OF RESIDENTIAL DENSITY TRANSFERS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**HEARING REQUIRED:** Public

**SUMMARY:**

The Comprehensive Plan Objective FLU-1.8: "Provide for effective land development opportunities

while allowing for innovative solutions through the Land Development Code” was amended by the Planning Board and City Council in order to provide for density transfers between parcels as an additional means to provide flexibility within areas where redevelopment and/or affordable housing is desirable. Subsequent to City Council approval City staff prepared the necessary amendments to the Land Development Code to align with the changes made to the Comprehensive Plan.

The proposed amendment will allow for residential density transfers above the limit otherwise established by the future land use category. Per Comprehensive Plan Objective FLU-1.8, Policy FLU-1.8.3: “Density transfers shall be a direct transfer of unutilized density from a donor site to a receiving site, subject to the City’s land development and density transfer regulations.”

The transfer may be approved in exchange for the construction of affordable housing and as an incentive to achieve superior building and site design, preserve environmentally sensitive lands and open space and provide public benefit uses including access to the waterfront. All density transfers shall be approved by the Planning Board.

On July 2, 2019 the Planning Board recommended approval of the amendment to the Comprehensive Plan allowing for residential density transfers.

On August 10, 2021 the Planning Board recommended approval of the proposed amendment to the Land Development Code allowing for residential density transfers.

**PRIOR ACTION:**

September 9, 2021 - City Council voted to approve Proposed Ordinance No. 35-21 on first reading.

August 13, 2020 - City Council approved an amendment to the Comprehensive Plan that included the addition of language allowing for residential density transfers.

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

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

8/10/2021

**STAFF CONTACT:**

Keith Wilkins, City Administrator  
Kerrith Fiddler, Deputy City Administrator - Community Development  
Sherry Morris, AICP, Planning Services Director

**ATTACHMENTS:**

- 1) Proposed Ordinance No. 35-21
- 2) Planning Board Minutes August 10, 2021

**PRESENTATION:** No