



# City of Pensacola

## City Council

### Agenda

City of Pensacola  
222 W. Main Street  
Pensacola, FL 32502

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**May 8, 2025, 5:30 PM**

**Council Chambers, 1st Floor**

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

#### **ROLL CALL**

#### **INVOCATION**

#### **PLEDGE OF ALLEGIANCE**

Council Member Teniade Broughton

#### **AWARDS**

#### **FIRST LEROY BOYD FORUM**

#### **APPROVAL OF MINUTES**

1. 25-69 APPROVAL OF MINUTES: REGULAR MEETING DATED APRIL 24, 2025  
*Recommendation:* That City Council approve regular meeting minutes dated April 24, 2025.  
*Sponsors:* Jared Moore, Council President  
*Attachments:* *Draft: Regular Meeting Minutes Dated 4/24/2025*

#### **APPROVAL OF AGENDA**

#### **CONSENT AGENDA**

2. 25-545 DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL MEMBER JENNIFER BRAHIER - DISTRICT 1  
*Recommendation:* That City Council approve funding of \$1,000 to Hope Above Fear from the City Council Discretionary Funds for District 1.  
*Sponsors:* Jennifer Brahier, Council Member  
*Attachments:* *None*

#### **REGULAR AGENDA**

3. 25-480 RESOLUTION NO. 2025-24 - ADOPTING A VISION ZERO POLICY

**Recommendation:** That City Council adopt Resolution 2025-24:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA; ADOPTING A VISION ZERO POLICY FOR THE CITY; PROVIDING FOR AN EFFECTIVE DATE.

**Sponsors:** Casey Jones, Council Member

**Attachments:** *Resolution 2025-24*

4. 25-544 PROPOSED ORDINANCE NO. 4-25 - REPEAL OF THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS AND AUTHORITY

**Recommendation:** That City Council approve proposed ordinance 4-25 on first reading:

AN ORDINANCE REPEALING IN ITS ENTIRETY ARTICLE III – CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS AND AUTHORITY; AMENDING ARTICLE IV – CONTRACTOR CERTIFICATION, SECTION 14-2-162 – NATIONAL ELECTRICAL CODE ADOPTED, SECTION 14-2-193 - AMENDMENTS, SECTION 14-2-243 – AMENDMENTS, SECTION 14-2-264 - AMENDMENTS, SECTION 7-10-4 – CONSTRUCTION BOARD OF APPEALS HEARING FEE, SECTION 12-9-7 – VARIANCES AND APPEALS, SECTION 14-2-117 – PERMIT APPEALS AND SECTION 14-2-136 – DEMOLITION OF THE CITY CODE OF THE CITY OF PENSACOLA; REPEALING CLAUSE; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Sponsors:** Jared Moore, Council President

**Attachments:** *Proposed Ordinance No. 4-25*

5. 25-256 PROPOSED ORDINANCE NO. 1-25 - VOLUNTARY ANNEXATION OF AIRPORT-OWNED PROPERTY - 2400 BLOCK LANGLEY AVENUE

**Recommendation:** That City Council adopt Proposed Ordinance No. 1-25 on second reading.

AN ORDINANCE INCORPORATING AND ANNEXING A CERTAIN AREA CONTIGUOUS AND ADJACENT TO THE CITY OF PENSACOLA INTO THE CITY OF PENSACOLA, AND DECLARING SAID AREA TO BE A PART OF THE CITY OF PENSACOLA; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

**Sponsors:** DC Reeves, Mayor

**Attachments:** *Proposed Ordinance No. 1-25*  
*Business Impact Analysis Report - Proposed Ord 1-25*

6. 25-561 REVISED: PROPOSED ORDINANCE NO. 2-25 RELATED TO THE

**STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM**

**Recommendation:** That City Council adopt Proposed Ordinance No. 2-25 on second reading:

AN ORDINANCE REPEALING AND REPLACING, IN ITS ENTIRETY, ORDINANCE NO. 1-93 OF THE CITY OF PENSACOLA, FLORIDA, THE "PENSACOLA AFFORDABLE HOUSING ORDINANCE" RELATING TO THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**Sponsors:** DC Reeves, Mayor

**Attachments:** *REVISED Proposed Ordinance No. 2-25*  
*REVISED LANGUAGE: P.O. No. 2-25 Sec. 8 Affordable Housing Advisory Committee*  
*Proposed Ordinance No. 2-25*  
*Proposed Ordinance No. 2-25 Business Impact Analysis Report*

**COUNCIL EXECUTIVE'S REPORT****MAYOR'S COMMUNICATION****COUNCIL COMMUNICATIONS & CIVIC ANNOUNCEMENTS****SECOND LEROY BOYD FORUM****ADJOURNMENT**

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the invocation and to stand and recite the Pledge of Allegiance.

However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

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

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

provide the requested services.



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 25-69

City Council

5/8/2025

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### **MINUTES**

#### **SUBJECT:**

APPROVAL OF MINUTES: REGULAR MEETING DATED APRIL 24, 2025

#### **ATTACHMENTS:**

1. Draft: Regular Meeting Minutes Dated 4/24/2025



# City of Pensacola

## CITY COUNCIL

### MINUTES

City of Pensacola  
222 W. Main Street  
Pensacola, FL  
32502

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April 24, 2025

5:30 PM

Council Chambers, 1st Floor

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#### ROLL CALL

Council President Moore called the regular meeting to order at 5:30 P.M.

**Council Members Present:** Jared Moore, Allison Patton, Charles Bare, Jennifer Brahier, Teniade Broughton, Casey Jones (arrived 5:43), Delarian Wiggins

**Council Members Absent:** None

#### INVOCATION

Moment of Silence

#### PLEDGE OF ALLEGIANCE

Council Member Jennifer Brahier

#### AWARDS

None

#### FIRST LEROY BOYD FORUM

**Michelle Press:** Identified herself as president of Council of Neighborhood Association Presidents of Pensacola (CNAPP) and addressed Council referencing the 17 neighborhoods represented in the audience and provided an overview of their history and mission. She also provided hard copies of a letter to Council along with an informational pamphlet and their contact information. She indicated they are eager to serve as a conduit between the City and neighborhoods and urged Council to review the Public Participation Policy implemented by the City of Kalamazoo, Michigan (link provided in correspondence).

**Ralph Schofield:** Addressed Council regarding infrastructure concerns related to the redevelopment of the former ECUA wastewater treatment facility property.

## APPROVAL OF MINUTES

1. 25-68 APPROVAL OF MINUTES: REGULAR MEETING DATED APRIL 10, 2025

Recommendation: That City Council approve regular meeting minutes dated April 10, 2025.

**A motion to approve was made by Council Member Bare and seconded by Council Vice President Patton.**

**The motion passed by the following vote (with Council Member Jones not yet in attendance):**

Yes: 6      Jared Moore, Allison Patton, Charles Bare, Jennifer Brahier, Teniade Broughton, Delarian Wiggins

No: 0      None

## APPROVAL OF AGENDA

Council Vice President Patton requested Item 15, (25-495) *Baptist Legacy Campus Donation Agreement* be moved up to the top of the regular agenda. Council President Moore indicated a citizen wishes to address Item 5 (25-492) *Appointments - Urban Core Redevelopment Board*. Therefore, that item will also need to be moved from the consent agenda to the regular agenda. City Clerk Burnett suggested Item 5 be placed following Item 15.

**A motion to approve as amended was made by Council Vice President Patton and seconded by Council Member Wiggins.**

**The motion passed by the following vote (with Council Member Jones not yet in attendance):**

Yes: 6      Jared Moore, Allison Patton, Charles Bare, Jennifer Brahier, Teniade Broughton, Delarian Wiggins

No: 0      None

## CONSENT AGENDA

2. 25-424 AIRPORT - AWARD OF BID NO. 25-021 - DESIGN-BUILDER FOR PROJECT TITAN - ELEMENT 2, HANGAR 4 AT PENSACOLA INTERNATIONAL AIRPORT

Recommendation: That City Council approve the selection of Wharton-Smith, Inc. of Pensacola, FL, ("Wharton-Smith") as the best and most qualified firm under

City of Pensacola Request for Qualifications No. 25-021 for Design-Builder Services for the Titan - Element 2, Hangar 4 Project at Pensacola International Airport (the "RFQ") with a base bid of \$29,871,000 plus Alternates in the amount of \$2,316,000 plus a 10% contingency of \$3,218,700 for a total of \$35,405,700 and authorize the Mayor to negotiate a contract between the City and Wharton-Smith to provide such services. Further, that City Council authorize the Mayor to take the actions necessary to finalize, execute, and administer this contract and complete the work, consistent with the bid, contracting documents, and the Mayor's Executive Powers as granted in the City Charter.

3. 25-399 AIRPORT - APPROVAL OF AMENDMENT NO 1. TO THE JESTA TOWERS, INC. LEASE AGREEMENT

Recommendation: That City Council approve Amendment No. 1 to the lease agreement between the City of Pensacola and Jesta Towers, Inc. Further, that City Council authorize the Mayor to take all actions necessary to execute and administer Amendment No. 1, consistent with the Mayor's Executive Powers as granted in the City Charter.

4. 25-459 APPROVAL OF AMENDMENT NO. 2 TO CONTRACT FOR RFQ 23-030 ARCHITECTURAL AND ENGINEERING SERVICES FOR THE HIGH PERFORMANCE MARITIME CENTER OF EXCELLENCE AND AMERICAN MAGIC AT THE PORT OF PENSACOLA

Recommendation: That City Council approve Amendment No. 2 to the contract for Architectural and Engineering Services with Muller and Muller, LTD., for the High Performance Maritime Center of Excellence and American Magic at the Port of Pensacola, in the amount of \$573,967.91, based on final project cost. Further, that City Council authorize the Mayor to take actions necessary to execute and administer the amendment, consistent with the Mayor's Executive Powers as granted in the City Charter.

**A motion to approve consent agenda items 2, 3, and 4 was made by Council Member Brahier and seconded by Council Member Wiggins.**

**The motion passed by the following vote (with Council Member Jones not yet in attendance):**

Yes: 6      Jared Moore, Allison Patton, Charles Bare, Jennifer Brahier, Teniade Broughton, Delarian Wiggins  
No: 0      None

## REGULAR AGENDA

15. 25-495 BAPTIST LEGACY CAMPUS DONATION AGREEMENT

Recommendation: That City Council approve the Donation Agreement between the City of Pensacola and Baptist Entities (Baptist Health Care Inc. and Baptist Health Ventures, Inc.) for certain real property located generally between N. Pace Boulevard, W. Hernandez Avenue, N. D Street, and W. Lee Street in Pensacola.

Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this Donation Agreement, consistent with the terms of the agreement and the Mayor's Executive Powers as granted in the City Charter.

**A motion to approve was made by Council Member Bare and seconded by Council Member Brahier.**

City Administrator Kinsella read a statement into the record from Mayor Reeves (sponsor) regarding the collaborative effort to get to this point and the generational impact this will have on our City and that neighborhood in particular. City Attorney Cobb briefly addressed Council providing an overview of the land donation agreement.

Council Members made comments and asked questions, with Economic Development & Neighborhood Service Director Grancagnolo responding accordingly.

Baptist Health Care President & CEO Mark Faulkner briefly addressed Council.

Upon conclusion of discussion, the vote was called.

**The motion passed by the following vote:**

Yes: 7     Jared Moore, Allison Patton, Charles Bare, Jennifer Brahier, Teniade Broughton, Casey Jones, Delarian Wiggins

No: 0     None

5. 25-492 APPOINTMENTS - URBAN CORE REDEVELOPMENT BOARD

Recommendation: That City Council appoint a resident, owner, or operator of a business in the Belmont DeVilliers Area, Central Business Area, East Hill Area, Historic District - Aragon Area, Long Hollow Area, and the Old East Hill Area to fill unexpired terms ending March 31, 2026.

**A motion to approve was made by Council Vice President Patton and seconded by Council Member Wiggins.**

Public input was heard from James Gulley.

Some discussion took place with City Attorney Cobb and City Clerk Burnett responding accordingly regarding the question of dual office holding.

Upon conclusion of discussion, the vote was called.

**The motion passed by the following vote:**

Yes: 7      Jared Moore, Allison Patton, Charles Bare, Jennifer Brahier, Teniade Broughton, Casey Jones, Delarian Wiggins

No: 0      None

6. 25-389 FLORIDA DEPARTMENT OF TRANSPORTATION - GRANT NO. 453476-2-34-01 - FLORIDA SHARED-USE NON-MOTORIZED (SUN) TRAIL NETWORK PROGRAM

Recommendation: That City Council Authorize the acceptance of Florida Department of Transportation Grant No. 453476-2-34-01 - Florida Shared-Use Non-Motorized (Sun) Trail Network Program. Further, that City Council adopt a Supplemental Budget Resolution appropriating the grant funds.

Council Executive Kraher referred to hard copies at Council's places of a correct map marked as "Exhibit A" of the grant agreement.

**A motion to approve was made by Council Member Brahier and seconded by Council Member Wiggins.**

City Administrator Kinsella briefly addressed Council describing the project. Council President Moore made follow-up remarks.

Public input was heard from James Gulley. Council President Moore and Council Member Brahier made follow-up remarks.

There being no further discussion, the vote was called.

**The motion passed by the following vote:**

Yes: 7      Jared Moore, Allison Patton, Charles Bare, Jennifer Brahier, Teniade Broughton, Casey Jones, Delarian Wiggins

No: 0      None

7. 25-405 SUPPLEMENTAL BUDGET RESOLUTION NO. 2025-20 - USE OF FUNDING PROVIDED THROUGH THE FLORIDA SHARED-USE NON-MOTORIZED (SUN) TRAIL NETWORK PROGRAM - FLORIDA DEPARTMENT OF TRANSPORTATION - GRANT NO. 453476-2-34-01

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2025-20:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2025; PROVIDING FOR AN EFFECTIVE DATE.

**A motion to adopt was made by Council Member Bare and seconded by Council Member Brahier.**

**The motion passed by the following vote:**

Yes: 7     Jared Moore, Allison Patton, Charles Bare, Jennifer Brahier, Teniade Broughton, Casey Jones, Delarian Wiggins  
No: 0     None

8. 25-425 RESOLUTION NO. 2025-21 - RESOLUTION AMENDING AND RESTATING THE AIRPORT MASTER BOND RESOLUTION

Recommendation: That City Council adopt Resolution No. 2025-21:

A RESOLUTION AMENDING, COMPILING AND RESTATING RESOLUTION NO. 59-88 OF THE CITY OF PENSACOLA, FLORIDA, WHICH AUTHORIZED THE ISSUANCE OF THE ISSUER'S AIRPORT REVENUE BONDS FOR THE PURPOSE OF FINANCING AND REFINANCING CAPITAL IMPROVEMENTS TO THE AIRPORT; AND PROVIDING AN EFFECTIVE DATE.

**A motion to adopt was made by Council Member Bare and seconded by Council Member Brahier.**

**The motion passed by the following vote:**

Yes: 7     Jared Moore, Allison Patton, Charles Bare, Jennifer Brahier, Teniade Broughton, Casey Jones, Delarian Wiggins  
No: 0     None

9. 25-427 RESOLUTION NO. 2025-23 - APPROVING THE PENSACOLA STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM LOCAL HOUSING ASSISTANCE PLAN

Recommendation: That City Council adopt Resolution No. 2025-23.

A RESOLUTION OF THE CITY OF PENSACOLA, FLORIDA, APPROVING THE LOCAL HOUSING ASSISTANCE PLAN AS REQUIRED BY THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM ACT, SUBSECTIONS 420.907-420.9079, FLORIDA STATUTES; AND RULE CHAPTER 67-37, FLORIDA ADMINISTRATIVE CODE; PROVIDING FOR AN EFFECTIVE DATE.

**A motion to adopt was made by Council Member Bare and seconded by Council Vice President Patton.**

Housing Administrator Reeves responded accordingly to questions from Council Member Bare and Council Vice President Patton.

Upon conclusion of discussion, the vote was called.

**The motion passed by the following vote:**

Yes: 7     Jared Moore, Allison Patton, Charles Bare, Jennifer Brahier, Teniade Broughton, Casey Jones, Delarian Wiggins

No: 0     None

10. 25-476 PROPOSED ORDINANCE NO. 2-25 RELATED TO THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM

Recommendation: That City Council adopt Proposed Ordinance No. 2-25 on first reading.

AN ORDINANCE REPEALING AND REPLACING, IN ITS ENTIRETY, ORDINANCE NO. 1-93 OF THE CITY OF PENSACOLA, FLORIDA, THE "PENSACOLA AFFORDABLE HOUSING ORDINANCE" RELATING TO THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**A motion to pass on first reading was made by Council Member Bare and seconded by Council Member Brahier.**

Council Executive Kraher advised Council there may be slight revisions made to clarify the language related to the composition of the advisory committee to be brought for Council's consideration on second reading.

There being no discussion, the vote was called.

**The motion passed by the following vote:**

Yes: 7     Jared Moore, Allison Patton, Charles Bare, Jennifer Brahier, Teniade Broughton, Casey Jones, Delarian Wiggins

No: 0     None

11. 25-431 SUPPLEMENTAL BUDGET RESOLUTION NO. 2025-22 - PURCHASE OF TWO (2) NEW WAY SIDE LOADER REFUSE TRUCKS

Recommendation: That City Council adopt Supplemental Budget Resolution No. 2025-22.

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2025; PROVIDING FOR AN EFFECTIVE DATE.

**A motion to adopt was made by Council Vice President Patton and seconded by Council Member Brahier.**

**The motion passed by the following vote:**

Yes: 7      Jared Moore, Allison Patton, Charles Bare, Jennifer Brahier, Teniade Broughton, Casey Jones, Delarian Wiggins  
No: 0      None

12. 25-416 DEFENSE INFRASTRUCTURE GRANT AGREEMENT - STATE OF FLORIDA DEPARTMENT OF COMMERCE

Recommendation: That the City Council approve the acceptance of the Defense Infrastructure Grant - Department of Commerce for the acquisition of strategically located land near Naval Air Station Pensacola to develop affordable housing for military personnel and their families in the amount of \$608,200 with a \$182,460 local match for a total grant value of \$790,660. Further, that City Council authorize the Mayor to take the actions necessary to execute and administer this grant, consistent with the terms of the grant and the Mayor's Executive Powers as granted in the City Charter. Finally, that City Council adopt a supplemental budget resolution appropriating the grant funds.

**A motion to approve was made by Council Member Bare and seconded by Council Member Brahier.**

City Administrator Kinsella provided a brief explanation of the opportunities anticipated with the application of this funding.

There being no discussion, the vote was called.

**The motion passed by the following vote:**

Yes: 7      Jared Moore, Allison Patton, Charles Bare, Jennifer Brahier, Teniade Broughton, Casey Jones, Delarian Wiggins  
No: 0      None

13. 25-458 SUPPLEMENTAL BUDGET RESOLUTION NO. 2025-18 - APPROPRIATION OF DEFENSE INFRASTRUCTURE GRANT FUNDS

Recommendation: That City Council adopt Supplemental Budget Resolution No.

2025-18:

A RESOLUTION AUTHORIZING AND MAKING REVISIONS AND APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2025; PROVIDING FOR AN EFFECTIVE DATE.

**A motion to adopt was made by Council Member Bare and seconded by Council Vice President Patton.**

**The motion passed by the following vote:**

Yes: 7      Jared Moore, Allison Patton, Charles Bare, Jennifer Brahier, Teniade Broughton, Casey Jones, Delarian Wiggins  
No: 0      None

14. 25-256 PROPOSED ORDINANCE NO. 1-25 - VOLUNTARY ANNEXATION OF AIRPORT-OWNED PROPERTY - 2400 BLOCK LANGLEY AVENUE

Recommendation: That City Council approve Proposed Ordinance No. 1-25 on first reading.

AN ORDINANCE INCORPORATING AND ANNEXING A CERTAIN AREA CONTIGUOUS AND ADJACENT TO THE CITY OF PENSACOLA INTO THE CITY OF PENSACOLA, AND DECLARING SAID AREA TO BE A PART OF THE CITY OF PENSACOLA; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

**A motion to pass on first reading was made by Council Member Brahier and seconded by Council Vice President Patton.**

**The motion passed by the following vote:**

Yes: 7      Jared Moore, Allison Patton, Charles Bare, Jennifer Brahier, Teniade Broughton, Casey Jones, Delarian Wiggins  
No: 0      None

COUNCIL EXECUTIVE'S REPORT

Council Executive Kraher advised Council that 3rd floor renovations have begun, and Council offices are in a bit of disarray, so please bear with us.

MAYOR'S COMMUNICATION

On behalf of Mayor Reeves (in his absence), City Administrator Kinsella briefly addressed Council sharing a story of great customer service and compassion shown by an employee of Pensacola Energy and an upcoming childcare summit being organized by newly hired Education & Youth Programs Officer Theresa

Cserep.

#### COUNCIL COMMUNICATIONS & CIVIC ANNOUNCEMENTS

Council Members Bare, Brahier, and Broughton made comments regarding recent happening, events, and community initiatives.

#### SECOND LEROY BOYD FORUM

**James Gulley:** Addressed Council regarding recent grant awards for a fireboat and Palafox Market, as well as infrastructure concerns related to the redevelopment of the former ECUA wastewater treatment facility property.

ADJOURNMENT

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

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Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_  
Jared Moore, President of City Council

Attest:

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



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 25-545

City Council

5/8/2025

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### **LEGISLATIVE ACTION ITEM**

**SPONSOR:** Jennifer Brahier, Council Member

**SUBJECT:**

DISCRETIONARY FUNDING ALLOCATION - CITY COUNCIL MEMBER JENNIFER BRAHIER - DISTRICT 1

**RECOMMENDATION:**

That City Council approve funding of \$1,000 to Hope Above Fear from the City Council Discretionary Funds for District 1.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

In accordance with Section 3.28-3.33 of the Policies of the City Council, prior to any distribution of grant or sponsorship funds from the City Council Discretionary Funds, approval by City Council is required.

Pensacola Hope Above Fear, Inc. was established as a non-profit corporation on January 1, 2023, to bring awareness to the lack of drug addiction services offered to adolescents. Their mission is to promote awareness about the dangers of substance abuse, to extend assistance to adolescents struggling with substance abuse, and to provide support for their families. Funding will be used towards their mission.

**PRIOR ACTION:**

July 21, 2022 - City Council adopted Resolution No. 2022-065 establishing the City Council Discretionary Fund Policy

**FUNDING:**

Budget: \$ 10,600 District 1 Discretionary Funds

Actual: \$ 1,000 Hope Above Fear

**FINANCIAL IMPACT:**

A balance of \$10,600 is currently within the District 1 Discretionary Fund Account . Upon approval by City Council, a balance of \$9,600 will remain in the District 1 Discretionary Fund Account.

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

**STAFF CONTACT:**

Don Kraher, Council Executive

Yvette McLellan, Special Assistant to the Council Executive

**ATTACHMENTS:**

None

**PRESENTATION:** No



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 25-480

City Council

5/8/2025

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### **RESOLUTION**

**SPONSOR:** Casey Jones, Council Member

**SUBJECT:**

RESOLUTION NO. 2025-24 - ADOPTING A VISION ZERO POLICY

**RECOMMENDATION:**

That City Council adopt Resolution 2025-24:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA;  
ADOPTING A VISION ZERO POLICY FOR THE CITY; PROVIDING FOR AN EFFECTIVE  
DATE.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

Vision Zero includes the concept that traffic deaths and serious injuries on our roadways are avoidable and unacceptable. It is a holistic strategy aimed at eliminating all traffic fatalities and severe injuries suffered by all road users while increasing safe, healthy, equitable mobility for all. City Council accepted Pensacola's Active Transportation Plan in August 2017- 2023, with the plan calling for Pensacola to adopt a Vision Zero Policy.

For the past century, streets and transportation systems have been designed primarily to move cars efficiently, and Vision Zero supports a paradigm shift by designing streets and transportation systems to move all people safely, including people of all ages and abilities, pedestrians, bicyclists, public transit users, scooter riders, motorcyclists, as well as drivers and passengers of motor vehicles. Vision Zero recognizes that people will sometimes make mistakes, so the road system and related policies should be designed to ensure that those inevitable mistakes do not result in severe injuries or fatalities. Therefore, transportation planners and engineers and policymakers are expected to improve the roadway environment, policies and other related systems to lessen the severity of crashes.

Pensacola's transportation infrastructure serves an increasing number of vulnerable road users, such as pedestrians and bicyclists. Recognizing that speed is a major determining factor of survival in a crash, Pensacola is working toward reducing vehicle speeds to help improve the likelihood of a pedestrian or cyclist surviving a crash.

Making streets safer for all people using all modes of transportation will encourage people to travel on foot, by bicycle, and by public transit, which supports a healthier, more active lifestyle and reduces environmental pollution. Successful Vision Zero programs are a result of both a complete government approach and community support of Vision Zero objectives and action plans. It will be the intent to meet vision zero goals by implementing educational, engineering and enforcement strategies developed by the City of Pensacola.

With the adoption of this Resolution, Pensacola adopts the goal of eliminating traffic deaths and serious injuries by 2035 and endorses Vision Zero as a comprehensive and holistic approach to achieving this goal.

**PRIOR ACTION:**

None

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None at this time.

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

3/28/2025

**STAFF CONTACT:**

Don Kraher, Council Executive

**ATTACHMENTS:**

1. Resolution 2025-24

**PRESENTATION: No**

RESOLUTION  
NO. 2025-24

A RESOLUTION  
TO BE ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PENSACOLA, FLORIDA; ADOPTING A VISION ZERO  
POLICY FOR THE CITY; PROVIDING FOR AN EFFECTIVE  
DATE.

**WHEREAS**, the life and health of all persons living and traveling in Pensacola are our highest priority, and no one should die or be seriously injured while traveling on our city streets;

**WHEREAS**, Vision Zero includes the concept that traffic deaths and serious injuries on our roadways are avoidable and unacceptable;

**WHEREAS**, Pensacola's Active Transportation Plan reports that between 2018 and 2022 there were 12,141 total crashes on Pensacola roadways leading to 28 deaths (35% were a pedestrian or a bicyclist) and 115 severe injuries (31% were a pedestrian or a bicyclist);

**WHEREAS**, Vision Zero is a holistic strategy aimed at eliminating all traffic fatalities and severe injuries suffered by all road users while increasing safe, healthy, equitable mobility for all;

**WHEREAS**, Pensacola's Active Transportation Plan (ATP) was accepted by the City Council on August 17, 2023;

**WHEREAS**, the Active Transportation Plan calls for Pensacola to adopt a Vision Zero Policy as an immediate action that can be taken to "Update Policies and the Regulations";

**WHEREAS**, for the past century streets and transportation systems have been designed primarily to move cars efficiently, and Vision Zero supports a paradigm shift by designing streets and transportation systems to move all people safely, including people of all ages and abilities, pedestrians, bicyclists, public transit users, scooter riders, and motorcyclists, as well as drivers and passengers of motor vehicles;

**WHEREAS**, Vision Zero recognizes that people will sometimes make mistakes, so the road system and related policies should be designed to ensure that those inevitable mistakes do not result in severe injuries or fatalities; therefore, transportation planners and engineers and policymakers are expected to improve the roadway environment, policies, and other related systems to lessen the severity of crashes;

**WHEREAS,** Pensacola's transportation infrastructure serves an increasing number of vulnerable road users such as pedestrians and bicyclists;

**WHEREAS,** speed is recognized as a major determining factor of survival in a crash;

**WHEREAS,** Pensacola is working toward reducing vehicle speeds because the likelihood of a pedestrian surviving a crash is 20 percent if hit by a vehicle moving 40 mph, but improves to 90 percent survival at a speed of 20 mph, as cited in the Active Transportation Plan;

**WHEREAS,** children, older adults, people of color, people with disabilities, people who are unhoused, and people with low income face a significantly disproportionate risk of traffic injuries and fatalities;

**WHEREAS,** making streets safer for all people using all modes of transportation will encourage people to travel on foot, by bicycle, and by public transit, which supports a healthier, more active lifestyle and reduces environmental pollution;

**WHEREAS,** successful Vision Zero programs are a result of both a complete government approach (i.e., interdepartmental, coordinated initiatives) and community support of Vision Zero objectives and action plans;

**WHEREAS,** it will be the intent to meet vision zero goals by implementing educational, engineering, and enforcement strategies developed by the City of Pensacola;

**WHEREAS,** over 50 communities nationwide, including four in Florida, have formally endorsed Vision Zero;

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

Section 1. That the above stated recitals in the Whereas clauses are true and correct and incorporated herein by reference.

Section 2. The City of Pensacola adopts the goal of zero traffic deaths and serious injuries, stating that no loss of life or serious injury is acceptable on our streets.

Section 3. The City of Pensacola adopts the goal of eliminating traffic deaths and serious injuries by 2035 and endorses Vision Zero as a comprehensive and holistic approach to achieving this goal.

Section 4. The City of Pensacola pledges to implement the recommendations of the Active Transportation Plan to reduce vehicle speeds, create safe space for non-motorized roadway users and update City codes and regulations, among other recommended steps.

Section 5. This Resolution shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_  
President of City Council

ATTEST:

\_\_\_\_\_  
City Clerk



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 25-544

City Council

5/8/2025

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### **ORDINANCE**

**SPONSOR:** Jared Moore, Council President

**SUBJECT:**

PROPOSED ORDINANCE NO. 4-25 - REPEAL OF THE CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS AND AUTHORITY

**RECOMMENDATION:**

That City Council approve proposed ordinance 4-25 on first reading:

AN ORDINANCE REPEALING IN ITS ENTIRETY ARTICLE III – CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS AND AUTHORITY; AMENDING ARTICLE IV – CONTRACTOR CERTIFICATION, SECTION 14-2-162 – NATIONAL ELECTRICAL CODE ADOPTED, SECTION 14-2-193 - AMENDMENTS, SECTION 14-2-243 – AMENDMENTS, SECTION 14-2-264 - AMENDMENTS, SECTION 7-10-4 – CONSTRUCTION BOARD OF APPEALS HEARING FEE, SECTION 12-9-7 – VARIANCES AND APPEALS, SECTION 14-2-117 – PERMIT APPEALS AND SECTION 14-2-136 – DEMOLITION OF THE CITY CODE OF THE CITY OF PENSACOLA; REPEALING CLAUSE; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

The Construction Board of Adjustment and Appeals and Authority is a non-mandatory board. The Florida Building Commission serves to provide review of appeals of decisions made by the local Building Official, if no local board exists. Currently, this board meets only on an as needed basis, and the last time the board met was 2007. The City Council, through the Clerks Office is responsible for maintaining members, which at times can be difficult due to the infrequency of need.

The Building Official believes this board to be duplicative in process to the function of the Building Commission for decisions made by the Building Official pertaining to the florida building code.

**PRIOR ACTION:**

February 10, 1994 -- City Council adopted Ord. 08-94 establishing the Construction Board of Adjustment and Appeals

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

None

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

4/9/2025

**STAFF CONTACT:**

Don Kraher, Council Executive  
Jonathan Bilby, Building Inspections Director

**ATTACHMENTS:**

1. Proposed Ordinance No. 4-25

**PRESENTATION: No**

PROPOSED  
ORDINANCE NO. 4-25

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

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE REPEALING IN ITS ENTIRETY ARTICLE III – CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS AND AUTHORITY; AMENDING ARTICLE IV – CONTRACTOR CERTIFICATION, SECTION 14-2-162 – NATIONAL ELECTRICAL CODE ADOPTED, SECTION 14-2-193 - AMENDMENTS, SECTION 14-2-243 – AMENDMENTS, SECTION 14-2-264 - AMENDMENTS, SECTION 7-10-4 – CONSTRUCTION BOARD OF APPEALS HEARING FEE, SECTION 12-9-7 – VARIANCES AND APPEALS, SECTION 14-2-117 – PERMIT APPEALS AND SECTION 14-2-136 – DEMOLITION OF THE CITY CODE OF THE CITY OF PENSACOLA; REPEALING CLAUSE; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Article III – Construction Board of Adjustment and Appeals and Authority is hereby repealed in its entirety and shall read as follows:

ARTICLE III. – Reserved.

Secs. 14-2-41—14-2-60. – Reserved.

Sec. 14-2-41. Authority.

~~(a) — There is hereby established a construction board of adjustment and appeals (CBAA).~~

~~(b) — The construction board of adjustment and appeals established herein shall have jurisdiction over all technical codes, including the Florida Building Code, the National Electrical Code, and the International Property Maintenance Code, but excepting the life safety and fire prevention codes, adopted hereafter.~~

~~(c) — The construction board of adjustments and appeals shall have the power to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.~~

~~(d) — The owner of a building, structure or service system, or his or her duly authorized agent, may appeal a decision of the building official if the building official rejected or~~

~~refused to approve the manner of construction or material proposed to be used in the installation or alteration of a building or structure or service system, the provisions of the code do not apply to the specific case, that an equally good or more desirable form of installation can be employed, or the true intent or meaning of the code has been misconstrued or incorrectly interpreted.~~

~~(e) — The construction board of adjustments and appeals, when so appealed to and after a hearing, may vary the application of any provision of the technical codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of the technical codes or public interest.~~

~~(f) — Notice of appeals to the construction board of adjustments and appeals shall be in writing and filed within 15 calendar days after the decision is rendered by the building official. Appeals shall be in a form acceptable to the CBAA.~~

~~(g) — The board of appeals provided for in the International Property Maintenance Code and the construction board of adjustment and appeals, as established herein, shall be one and the same. There shall be no fee for an appeal to said board unless provided for by ordinance hereafter adopted, except as provided in section 7-10-4.~~

#### ~~Sec. 14-2-42. Membership; organization.~~

~~(a) — The seven members of the city construction board of adjustment and appeals shall be individuals with knowledge and experience in the technical codes and shall include one registered architect, one registered engineer, one general or building contractor, one electrical contractor, one plumbing and gas contractor, one mechanical contractor and one member at large from the public. The two alternates shall be one member at large from the construction industry and one member at large from the public. The members shall be appointed by the city council and shall serve without compensation.~~

~~(b) — The appointments to the construction board of adjustment and appeals shall be as follows:~~

~~(1) — Two members appointed for a term of one year each.~~

~~(2) — Three members appointed for a term of two years each.~~

~~(3) — Two members appointed for a term of three years each.~~

~~(c) — After the appointments provided for in section 3 of Ordinance No. 8-94, appointments shall be made for a term of three years. Appointments to fill any vacancy on the board shall be for the remainder of the unexpired term of the member.~~

~~(d) — Alternate members shall be appointed for a term of two years.~~

~~(e) — Alternate members of the board may attend all meetings of the board and participate in all discussions but shall vote only in the absence, disability or disqualification of a regular member. When an alternate member acts, the minutes of the meeting shall reflect the absent, disabled, or disqualified member in whose place and stead the alternate is acting.~~

~~(f) — The members of the CBAA shall elect, from their appointed membership, a chairperson and a vice-chairperson, whose terms shall be for one year. A member may be reelected as chairperson or vice-chairperson as long as remaining a member of the board. The chairperson and vice-chairperson shall vote on all issues brought before the board; however, no member shall act in a case in which that member has a personal or~~

financial interest.

~~(g) If any regular member fails to attend two of three successive meetings without cause and without prior approval of the chairperson, the CBAA shall declare the member's office vacant, and request that the city council promptly fill such vacancy.~~

~~(h) Members of the CBAA may be suspended and removed from membership on the CBAA for cause by the city council, upon recommendation by either the CBAA or the mayor.~~

~~(i) The building official or his or her appointed representative shall serve as the secretary to the CBAA.~~

~~Sec. 14-2-43. Rule making authority.~~

~~The CBAA is authorized to make such rules not inconsistent with law which are necessary to carry out the duties and authority conferred upon it by this chapter.~~

SECTION 2. Article IV – Contractor Certification is hereby amended and shall read as follows:

Sec. 14-2-61. Acceptance of contractors' certificates of competency issued by county.

(a) No person or business entity shall engage in the business of contracting within the city in any category of construction contracting as defined in F.S. ch. 489 or applicable county regulations without having first obtained a contractor certificate of competency (license) in the appropriate category from the state construction industry licensing board (CILB), the state electrical contractor's licensing board (ECLB), the county contractor competency board, the county board of electrical examiners, or the county board of plumbing examiners, except that any person or business entity possessing a city contractor's certificate of competency (license) which was current and valid on or before September 12, 2002, shall be allowed to engage in the business of contracting providing that such certificate of competency is maintained by biennial renewal as required by section 7-10-3. Each business entity engaging in the business of contracting in the city must have a full-time person who holds either a state certification, or a county or city certification which has been registered with the state, unless exempted from registration by applicable state law, designated as the qualifying agent for that business entity.

(b) Contractor's certificates of competency issued by the county pursuant to County Ordinance No. 90-4, County Ordinance No. 94-18, County Ordinance No. 94-2, and subsequent amendments thereto, are hereby accepted by the city as evidence of the competency of the qualifying business or individual to perform the services or trade provided for in any such certificate.

(c) All persons certified under the authority of the county contractor competency board, county board of electrical examiners, the county board of plumbing examiners, the state construction industry licensing board, or the state electrical contractor licensing board contracting within the city shall comply with the requirements, as identified in this

chapter, and failure to do so shall be punishable pursuant to the codes of the city, including, but not limited to, section 1-1-8, section 14-4-4 or F.S. §§ 775.082, 775.083, and 775.084.

(d) Acceptance of county certificates of competency and the requirement herein that individuals or businesses contracting within the city comply with county ordinances shall in no way alter or preclude the necessity for complying with the other requirements of this Code.

Sec. 14-2-62. Gas installers and gas contractors.

(a) No person or business entity shall engage in the business of installing, altering or repairing, within the city, any natural gas piping or gas appliance, device or equipment for which a permit is required by this Code, unless the person is the holder of a county gas contractor certificate issued by the department of agriculture and consumer services or is certified by the state as a plumbing contractor or the person or business entity employs a full-time person who qualifies the business by holding either a city or a county master gas installer certification and is designated as the supervisor of gas installations for that person or entity. Persons or business entities engaged in the installation of liquified petroleum gas shall hold a liquified petroleum gas installation contractor certificate, issued by the department of agriculture and consumer services, and be licensed in accordance with state statutes; or shall employ a full-time person who qualifies the business by holding the required certification, registration or license.

(b) Upon the date of adoption of this article, the city shall no longer issue gas installers certificates of competency. Those persons holding current city certificates of competency as of the date of adoption of this article shall be allowed to renew and exercise the privileges of the same within the city as long as they remain active in the business of installing gas piping or appliances and renew their certificate biennially, as required by section 7-10-3. ~~City certificate holders shall be subject to regulation and discipline by the construction board of adjustment and appeals.~~

(c) All persons certified as a master gas installer or journeyman gas installer under the authority of the county board of plumbing examiners, pursuant to county ordinance, are hereby accepted by the city as having the competency to perform the services provided for in the county ordinance establishing such certificate. Holders of county competency certificates contracting within the city shall be subject to the appeals and complaints hearing procedure of the county board of plumbing examiners regarding all work done within the city.

(d) Acceptance of county certificates of competency and the requirement herein that individuals or businesses contracting within the city comply with county ordinances shall in no way alter or preclude the necessity for complying with requirements of the city codes and failure to do so shall be punishable pursuant to the codes of the city, including, but not limited to, section 1-1-8, section 14-4-4, or F.S. §§ 775.082, 775.083, and 775.084.

Sec. 14-2-63. Plumbers and plumbing contractors.

(a) No person or business entity shall engage in the business of installing, altering or repairing, within the city, any plumbing system, fixture, device or equipment for which a permit is required by this Code, unless the person is the holder of a county plumbing contractor certificate currently registered with the state or is certified by the state as a plumbing contractor or the person or business entity employs a full-time supervisor of plumbing installations who qualifies the business by holding the required certification or registration.

(b) Upon the date of adoption of this article, the city shall no longer issue plumbing certificates of competency. Those persons holding current city certificates of competency shall be allowed to renew and exercise the privileges of the same within the city as long as they remain active in the business of installing plumbing systems or fixtures and renew their certificate biennially, as required by section 7-10-3. ~~City certificate holders shall be subject to regulation and discipline by the construction board of adjustment and appeals.~~

(c) All persons certified as a master plumber, journeyman plumber, lawn sprinkler system installer, or plumbing contractor under the authority of the county board of plumbing examiners, pursuant to county ordinance, are hereby accepted by the city as having the competency to perform the services provided for in the county ordinance establishing such certificate. Holders of county competency certificates contracting within the city shall be subject to the appeals and complaints hearing procedure of the county board of plumbing examiners regarding all work done within the city.

(d) Acceptance of county certificates of competency and the requirement herein that individuals or businesses contracting within the city comply with county ordinances shall in no way alter or preclude the necessity for complying with the requirements of the city codes and failure to do so shall be punishable pursuant to the codes of the city, including, but not limited to, section 1-1-8, section 14-4-4, or F.S. §§ 775.082, 775.083, and 775.084.

Sec. 14-2-64. Irrigation/sprinkler system installers.

(a) No person or business entity shall engage in the business of installing, altering or repairing, within the city, any irrigation system, fixture, device or equipment for which a permit is required by this Code, unless the person is the holder of a county irrigation/sprinkler system installer certificate, master plumber certificate or plumbing contractor certificate currently registered with the state or is certified by the state as a plumbing contractor or the person or business entity employs a full-time person who qualifies the business by holding the required certification and registration.

(b) Upon the date of adoption of this article, the city shall no longer issue irrigation/sprinkler system installer certificates of competency. Those persons holding current city certificates of competency shall be allowed to renew and exercise the privileges of the same within the city as long as they remain active in the business of

installing irrigation/sprinkler plumbing systems and renew their certificate biennially, as required by section 7-10-3. ~~City certificate holders shall be subject to regulation and discipline by the construction board of adjustment and appeals.~~

(c) All persons certified as a master plumber, or an irrigation/sprinkler installer or plumbing contractor under the authority of the county board of plumbing examiners, pursuant to county ordinance, are hereby accepted by the city as having the competency to perform the services provided for in the county ordinance establishing such certificate. Holders of county competency certificates contracting within the city shall be subject to the appeals and complaints hearing procedure of the county board of plumbing examiners regarding all work done within the city.

(d) Acceptance of county certificates of competency and the requirement herein that individuals or businesses contracting within the city comply with county ordinances shall in no way alter or preclude the necessity for complying with the requirements of the city codes and failure to do so shall be punishable pursuant to the codes of the city, including, but not limited to, section 1-1-8, section 14-4-4, or F.S. §§ 775-082, 775.083, and 775.084.

SECTION 3. Section 14-2-162, National Electrical Code adopted is hereby amended and shall read as follows:

Sec. 14-2-162. National Electrical Code adopted.

(a) The National Electrical Code (NFPA-70), 1999 edition copyrighted by the National Fire Protection Association, as may be amended, is hereby adopted for the purpose of establishing rules and regulations for the installation, alteration and removal of electrical wiring and equipment, and the whole thereof, save and except such portions as are deleted, modified, or amended as contained in this article, of which not less than one copy of the foregoing code has been filed for more than ten days preceding passage of this section, and now is filed in the office of the building official of the city. The same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this article shall take effect, the provisions thereof shall be controlling in electrical construction within the corporate limits of the city.

(b) In application and administration of the National Electrical Code, the "authority having jurisdiction" shall be the building official as designated by the mayor, or his or her designated representative.

(c) The administrative chapter of the Florida Building Code, as adopted and amended herein, shall apply to this Code. ~~The authority of the construction board of adjustment and appeals referred to in section 14-2-41 shall apply equally to the National Electrical Code.~~

SECTION 4. Section 14-2-193, Amendments is hereby amended and shall read as follows:

Sec. 14-2-193. Amendments.

The administrative chapter of the Florida Building Code, as adopted and amended herein, shall apply to this Code. ~~The authority of the construction board of adjustment and appeals referred to in section 14-2-41 shall apply equally to the Florida Building Code—Fuel Gas.~~

SECTION 5. Section 14-2-243, Amendments is hereby amended and shall read as follows:

Sec. 14-2-243. Amendments.

(a) The administrative chapter of the Florida Building Code, as adopted and amended herein, shall apply to this Code. ~~The authority of the construction board of adjustment and appeals referred to in section 14-2-41 shall apply equally in this Code.~~

(b) No person shall suspend an air conditioning machine from any building, or from the windows of any building or aperture of any building, so that the air conditioning machine extends beyond the wall of the building, over the streets of the city or above any sidewalk, passageway, thoroughfare, public way, courtyard or assembly yard where the general public shall move or congregate, unless the person or the owner of the building shall first obtain a permit for the same from the building official.

(c) Air conditioning machines suspended in the manner described in the preceding paragraph shall be so constructed and installed that they will withstand wind pressure of at least 40 pounds per square foot of surface, and shall be otherwise structurally safe, and shall be securely anchored or otherwise fastened, suspended or supported so that, in the opinion of the building official of the city, they are not a menace to persons or property.

(d) The owner or person in control of any air conditioning machine, suspended over or extending into a public right-of-way, sidewalk, street, public way, courtyard or assembly yard used by the general public in the city shall indemnify, defend and hold harmless the city from and against any and all claims, demands, actions, judgments, costs, attorney's fees, or expenses for bodily injury, including death, or property damage arising out of or in connection with the installation or existence of said machine.

SECTION 6. Section 14-2-264, Amendments is hereby amended and shall read as follows:

Sec. 14-2-264. Amendments.

(a) The administrative chapter of the Florida Building Code, as adopted and amended herein, shall apply to this Code. ~~The authority of the construction board of adjustment and appeals referred to in section 14-2-41 shall apply equally to the Florida Building Code—Plumbing.~~

(b) Back flow preventers shall be installed on all water meters or water services in accordance with the cross connection and back flow prevention program established by the water purveyors of the county, and all new and retrofit plumbing connections shall provide for thermal expansion in the water system.

SECTION 7. Section 7-10-4 – Construction board of appeals hearing fee is hereby amended and shall read as follows:

Sec. 7-10-4. – Reserved.

~~Sec. 7-10-4. Construction board of appeals hearing fee.~~

~~(a) The following fees shall be paid by a hearing applicant at time of application for hearing, in advance of hearing date.~~

~~Construction board of appeals hearing: \$300.00.~~

~~(b) Any fee paid pursuant to this section in order to appeal from an allegedly erroneous decision by a member of the city staff shall be refunded to the applicant in the event that the board determines that the applicant has prevailed in the appeal.~~

SECTION 8. Section 12-9-7 – Variances and appeals is hereby amended and shall read as follows:

Sec. 12-9-7. Variances and appeals.

(a) *General.* ~~The construction board of adjustments and appeals~~ Zoning Board of Adjustments shall hear and decide on requests for appeals and requests for variances from the strict application of this chapter. Pursuant to F.S. § 553.73(5), ~~the construction board of adjustments and appeals~~ Zoning Board of Adjustments shall hear and decide appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to section 3109 of the Florida Building Code, Building.

(b) *Appeals.* ~~The construction board of adjustments and appeals~~ Florida Building Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the

administration and enforcement of this chapter. Any person aggrieved by the decision may appeal such decision by certiorari appeal to the circuit court.

(c) *Limitations on authority to grant variances.* ~~Construction board of adjustments and appeals~~ Zoning Board of Adjustments shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection (g) of this section, the conditions of issuance set forth in subsection (h) of this section, and the comments and recommendations of the floodplain administrator. ~~The construction board of adjustments and appeals~~ Zoning Board of Adjustments has the right to attach such conditions as it deems necessary to further the purposes and objectives of this chapter.

(d) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in section 12-9-5(c).

(e) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

(f) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this chapter, provided the variance meets the requirements of section 12-9-5(d), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(g) *Considerations for issuance of variances.* In reviewing requests for variances, the ~~construction board of adjustments and appeals~~ Zoning Board of Adjustments shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this chapter, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are

subject to lower risk of flooding or erosion;

(6) The compatibility of the proposed development with existing and anticipated development;

(7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

(8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(h) *Conditions for issuance of variances.* Variances shall be issued only upon:

(1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this chapter or the required elevation standards;

(2) Determination by the ~~construction board of adjustments and appeals~~ Zoning Board of Adjustments that:

a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

c. The variance is the minimum necessary, considering the flood hazard, to afford relief;

(3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and

(4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

SECTION 9. – Section 14-2-117 – Permit appeals is hereby amended and shall read as follows:

Sec. 14-2-117. Permit appeals.

A person, firm or corporation which is denied a permit or has a permit revoked shall have the right to appeal, in writing, the decision of the building official to the ~~construction board of adjustment and appeals~~ Florida Building Commission within 15 days of such action. ~~The construction board of adjustment and appeals shall meet and decide the appeal of the permit denied or revoked within 15 business days of receipt by the building official of the written appeal.~~

SECTION 10. Section 14-2-136 - Demolition is hereby amended and shall read as follows:

Sec. 14-2-136. Demolition.

(a) The demolition of buildings and structures shall be controlled by provisions of the Florida Building Code and the International Property Maintenance Code, as adopted herein, by those additional provisions, outlined for special review districts, contained in chapter 12-3 and those guidelines as established in this part.

(b) No building or structure shall be demolished, razed, dismantled or removed in whole or in part without first obtaining a permit issued by the building official of the city. A permit issued for demolition shall be valid for 90 days. Extensions for periods not exceeding 30 days each may be granted in writing by the building official.

(c) Applications for demolition permits must include written certification by the applicant that reasonable steps have been taken to provide notice to residents within a 300-foot radius of the property of the proposed demolition and the intended date upon which demolition will commence once a permit is obtained. Prior to a permit being issued, signs shall be posted as indicated in subsection (d) below. The signs shall be posted by the applicant at their expense and shall remain continuously posted for two weeks prior to commencement of any work. This certification must be included in affidavit form, signed by the applicant or the property owner, also indicating that all gas, water and electrical utilities have been cut off or disconnected utilities shall be cut off at the property line or off premises when a building or structure is to be totally demolished.

(d) Prior to the issuance of permit, the permit holder shall be responsible for placing a sign on the property where demolition is to take place as indicated in subsection (c) above. The sign shall be a minimum of 11 inches by 17 inches in size and mounted at a minimum of four feet above the ground. The sign shall have black lettering with a contrasting white background, have block style lettering a minimum of three inches in height and shall state "NOTICE OF DEMOLITION" with a phone number for contact included. The sign shall be of a material that is durable, laminated or other weather resistant material. Also posted shall be the demolition permit or a copy thereof.

(e) Demolition permits for structures larger than 3,000 square feet in floor area or over 35 feet in height at any point shall require a current certificate of insurance showing general liability coverage of at least \$300,000.00, per occurrence and per accident, for products and completed operations.

(f) When required by the building official, the Florida Building Code, the International Property Maintenance Code, or city ordinance, as adopted herein, barricades and other shielding shall be used to protect adjacent property and the public; to include dust control and/or mediation. At the end of each working day the remainder of the structure shall be left in a stable condition with no dangerous unsupported roofs, walls or other elements. Fencing or continuous security guards may be required.

(g) All footings, foundations, piers, etc., of one- and two-family dwellings which have been demolished, shall be removed to a depth of not less than 12 inches below the natural ground level. Utility supply and sewer piping shall be removed so as to be flush with grade level. The footings, foundations, utility supply and sewer piping and all pilings of structures larger than a one- or two-family dwelling shall be removed to not less than four feet below the natural ground level. Remaining sections of footings, foundations, pilings, and piping may be buried provided they have not been disturbed from their original position and are surrounded by compacted earth or other permitted backfill. All excavations are to be filled to the natural grade; unnatural hills or mounds of earth are to be leveled or removed.

(h) Debris and waste materials shall not be allowed to accumulate or be buried on the premises. Usable, recyclable byproducts of demolition, including, but not limited to, steel beams and rip-rap, may be stored only where permitted by the provisions of chapter 12-3.

(i) Demolition work shall be conducted in compliance with the noise regulations for construction as well as applicable nuisance ordinances contained in this Code.

(j) The owner of a building or structure or his or her duly authorized agent may appeal a decision or requirement of the building official, concerning demolition, to the ~~construction board of adjustment and appeals~~ Florida Building Commission. Filing of an appeal will stay the work until a decision has been rendered by the board. When an appeal is made, the building official shall require appropriate safeguards to protect the public and adjacent buildings. ~~If deemed necessary, an immediate meeting of the construction board of adjustment and appeals shall be called by the chair of the board.~~

## SECTION 11. REPEALING CLAUSE

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

## SECTION 12. SEVERABILITY

If any section of this ordinance is for any reason held to be invalid or

unconstitutional by any court of competent jurisdiction, such provision and such holding shall not affect the validity of any other provision and that to the end other provision of this ordinance are hereby declared to be severable.

#### SECTION 13. EFFECTIVE DATE

This ordinance shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_  
President of City Council

Attest:

\_\_\_\_\_  
City Clerk



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

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**File #:** 25-256

City Council

5/8/2025

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### **ORDINANCE**

**SPONSOR:** DC Reeves, Mayor

**SUBJECT:**

PROPOSED ORDINANCE NO. 1-25 - VOLUNTARY ANNEXATION OF AIRPORT-OWNED PROPERTY - 2400 BLOCK LANGLEY AVENUE

**RECOMMENDATION:**

That City Council adopt Proposed Ordinance No. 1-25 on second reading.

AN ORDINANCE INCORPORATING AND ANNEXING A CERTAIN AREA CONTIGUOUS AND ADJACENT TO THE CITY OF PENSACOLA INTO THE CITY OF PENSACOLA, AND DECLARING SAID AREA TO BE A PART OF THE CITY OF PENSACOLA; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

**HEARING REQUIRED:** No Hearing Required

**SUMMARY:**

This action does not directly advance a goal of the City of Pensacola Strategic Plan but is a necessary function of municipal government.

Campus Heights was identified in the approved year 2000 Airport Master Plan as a development area for a future business commerce park associated with the Airport. Generally, the Campus Heights area is bounded on the east and south by Airport property, on the north by Langley Avenue, and on the west by Tippin Avenue. As parcels are acquired by the Airport that are contiguous to but not within the City limits, it becomes necessary to annex those parcels via the statutory process for the annexation of property.

On May 9, 2024, City Council approved the purchase of real property located at 2400 Block Langley Avenue (Parcel No. 141S292100080001 and 141S292100090001) from Diane Bonner Canady in the amount of \$188,850.00 plus closing costs. The two parcels are located outside the City limits. Therefore, the Airport would like to Annex the property as it is contiguous to the City limits. The proposed inclusion of these other parcels would provide for a clearer City/County boundary in the affected area.

Florida Statute 171.044 provides that:

## Voluntary annexation

1. The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality. Upon determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town or, if no newspaper is published in said city or town, then in a newspaper published in the same county; and if no newspaper is published in said county, then at least three printed copies of said notice shall be posted for 4 consecutive weeks at some conspicuous place in said city or town. The notice shall give the ordinance number and a brief, general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the Office of the City Clerk.

## **PRIOR ACTION:**

November 10, 2011 - City Council approved the annexation of nine (9) parcels in the Campus Heights area which were owned by the Pensacola International Airport.

December 1, 2011 - City Council adopted Ordinance No. 31-11 – Annexation of Airport Owned Property on second reading.

May 11, 2017 - City Council conducted the first of two public hearings regarding the Annexation of Property - Campus Heights.

June 8, 2017 - City Council approved the annexation of seventy-seven (61) parcels in the Campus Heights area which were owned by the Pensacola International Airport.

July 13, 2017 - City Council adopted Ordinance No. 15-17 - Annexation of Airport Owned Property on second reading.

October 11, 2018 - City Council conducted the first of two required public hearings regarding the Annexation of Property - Campus Heights Phase II

November 8, 2018 - City Council approved the annexation of fifty-two (52) parcels in the Campus Heights area which were owned by the Pensacola International Airport.

December 13, 2018 - City Council adopted Ordinance No. 25-18 - Annexation of Airport Owned Property on second reading.

May 9, 2024 - City Council approved the purchase of real property located at 2400 Block Langley Avenue.

April 24, 2025 - City Council approved Proposed Ordinance No. 1-25 on first reading.

**FUNDING:**

None.

**FINANCIAL IMPACT:**

The City would receive stormwater, ad valorem, and public service tax revenues where applicable from the subject parcels as well as from any future improvements.

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

**STAFF CONTACT:**

Tim Kinsella, City Administrator  
Amy Miller, Deputy City Administrator  
Sherry Morris, AICP, Development Services Director  
Matthew F. Coughlin, Airport Director

**ATTACHMENTS:**

1. Proposed Ordinance No. 1-25
2. Business Impact Analysis Report - Proposed Ord 1-25

**PRESENTATION:** No

PROPOSED  
ORDINANCE NO. 1-25

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

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE INCORPORATING AND ANNEXING A CERTAIN AREA CONTIGUOUS AND ADJACENT TO THE CITY OF PENSACOLA INTO THE CITY OF PENSACOLA AND DECLARING SAID AREA TO BE A PART OF THE CITY OF PENSACOLA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has found that the City of Pensacola is the sole owner of the property described below, that such property is reasonably compact and contiguous to the City of Pensacola, and the City of Pensacola has petitioned the City Council to voluntarily annex such property into the City of Pensacola pursuant to Section 171.044 Florida Statutes; and

WHEREAS, the City Council desires to allow such annexation in accordance with Section 171.044 Florida Statutes.

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

SECTION 1. That the City of Pensacola hereby finds and declares that all requirements of law provided by Section 171.044 Florida Statutes have been met, and that the following-described property is hereby annexed to the City of Pensacola and declared to be lying within, incorporated into, and a part and portion of the City of Pensacola, to-wit:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND DESCRIBED IN A DOCUMENT BETWEEN DIANE BONNER CANADY AND THE CITY OF PENSACOLA RECORDED 2024 IN OFFICIAL RECORD BOOK 9178 AT PAGE 1742 WITH THE CLERK OF THE COURT, ESCAMBIA COUNTY FLORIDA, SITUATE IN SECTION 14, TOWNSHIP 1 SOUTH, RANGE 29 WEST AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 14 AS SHOWN ON THE PLAT OF COLLEGE HEIGHTS SUBDIVISION RECORDED 1957 IN PLAT BOOK 5 AT PAGE 9 WITH THE SAID CLERK OF THE COURT;

THENCE, COINCIDENT WITH THE NORTH LINE OF SAID SECTION 14, NORTH 89 DEGREES 55 MINUTES EAST A DISTANCE OF 732.85 FEET TO A POINT;

THENCE, DEPARTING SAID NORTH LINE OF SECTION 14, SOUTH 00 DEGREES 05 MINUTES EAST A DISTANCE OF 33 FEET TO THE NORTHEAST CORNER OF LOT 9, BLOCK 1 OF SAID COLLEGE HEIGHTS SUBDIVISION BEING THE POINT OF BEGINNING HEREIN DESCRIBED;

THENCE, COINCIDENT WITH THE EAST LINE OF SAID LOT 9, SOUTH 00 DEGREES 10 MINUTES WEST A DISTANCE OF 126.6 FEET TO THE SOUTHEAST CORNER OF SAID LOT 9;

THENCE, COINCIDENT WITH THE SOUTH LINE OF LOTS 8 AND 9, BLOCK 1 OF SAID COLLEGE HEIGHTS SUBDIVISION, SOUTH 89 DEGREES 55 MINUTES WEST A DISTANCE OF 150 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8;

THENCE, COINCIDENT WITH THE WEST LINE OF SAID LOT 8, NORTH 00 DEGREES 10 MINUTES EAST A DISTANCE OF 126.6 FEET TO THE NORTHWEST CORNER OF SAID LOT 8;

THENCE, COINCIDENT WITH THE NORTH LINE OF SAID LOTS 8 AND 9, BLOCK 1 OF SAID COLLEGE HEIGHTS, NORTH 89 DEGREES 55 MINUTES EAST A DISTANCE OF 150 FEET TO THE POINT OF BEGINNING.

A set of maps depicting the area hereby annexed is attached hereto as Exhibit A.

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 upon expiration of 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: \_\_\_\_\_

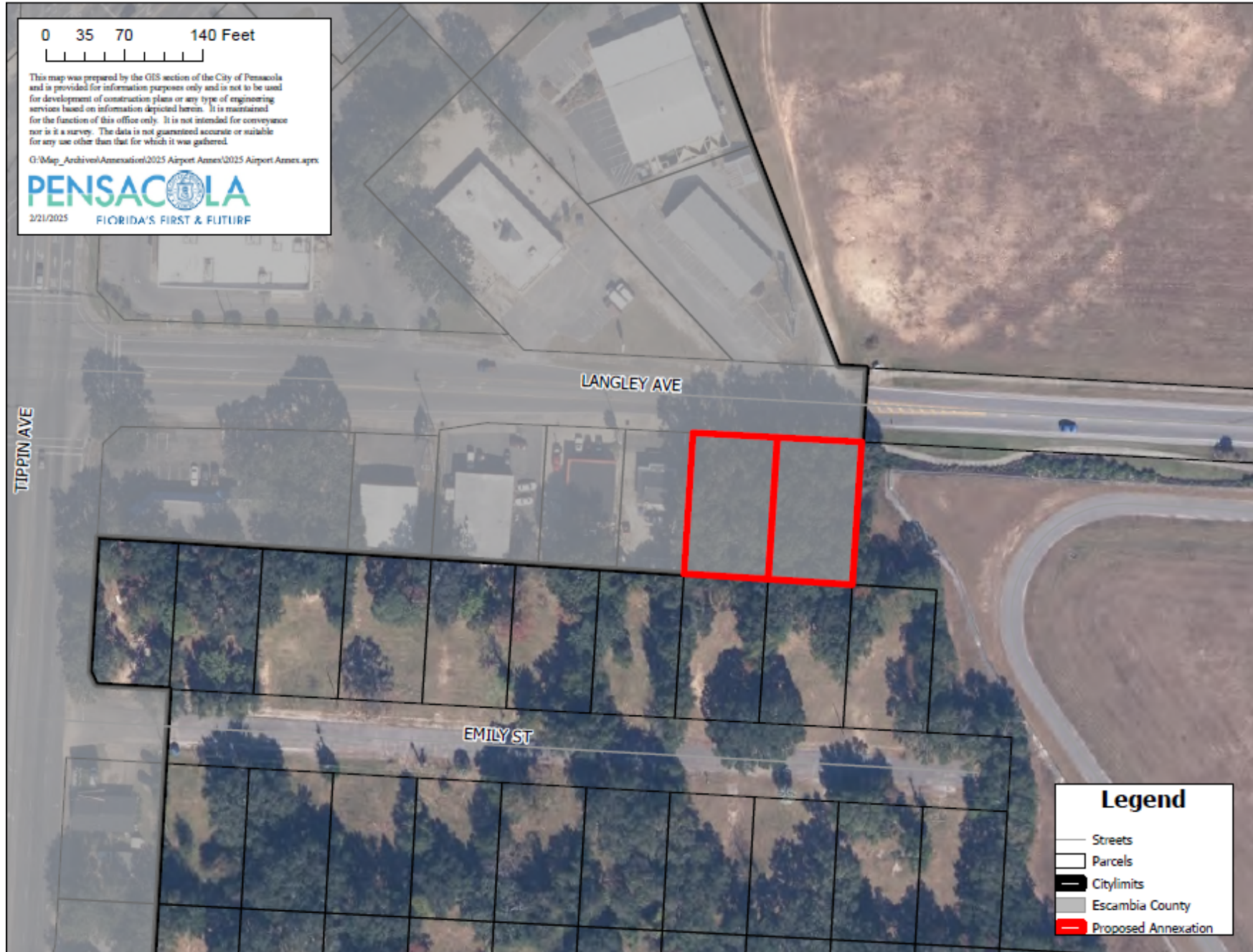
Approved: \_\_\_\_\_  
President of City Council

Attest:

\_\_\_\_\_

City Clerk

## Exhibit A: Map of Annexation Area





## **Business Impact Estimate**

*This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City's website by the time notice of the proposed ordinance is published.*

Proposed Ordinance No. 1-25 (Voluntary Annexation of Airport-Owned Property – 2400 Block Langley Avenue)

AN ORDINANCE INCORPORATING AND ANNEXING A CERTAIN AREA CONTIGUOUS AND ADJACENT TO THE CITY OF PENSACOLA INTO THE CITY OF PENSACOLA AND DECLARING SAID AREA TO BE A PART OF THE CITY OF PENSACOLA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

The City is of the view that the exception(s) to the Business Impact Estimate requirement that are checked off in a box below apply to the above-referenced proposed ordinance, although the City is implementing the procedure required by statutory law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- ☒ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
  - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
  - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

The City of Pensacola is the sole owner of the annexed property, that such property is reasonably compact and contiguous to the City of Pensacola, and the City of Pensacola has petitioned the City Council to voluntarily annex such property into the City of Pensacola pursuant to Section 171.044 Florida Statutes.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

*None*

3. Estimate of direct compliance costs that businesses may reasonably incur:

*None*

4. Any new charge or fee imposed by the proposed ordinance:

*None*

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

*No new charges or fees*

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

*N/A*

7. Additional information (if any, but may wish to include the methodology used to derive information for #1 and #2, above. For example: City staff solicited comments from businesses in the City as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses based on feedback from businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not impose costs only upon businesses.):

*N/A*



# City of Pensacola

222 West Main Street  
Pensacola, FL 32502

## Memorandum

**File #:** 25-561

City Council

5/8/2025

### **ORDINANCE**

**SPONSOR:** DC Reeves, Mayor

### **SUBJECT:**

REVISED: PROPOSED ORDINANCE NO. 2-25 RELATED TO THE STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM

### **RECOMMENDATION:**

That City Council adopt Proposed Ordinance No. 2-25 on second reading:

AN ORDINANCE REPEALING AND REPLACING, IN ITS ENTIRETY, ORDINANCE NO. 1-93 OF THE CITY OF PENSACOLA, FLORIDA, THE "PENSACOLA AFFORDABLE HOUSING ORDINANCE" RELATING TO THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**HEARING REQUIRED:** No Hearing Required

### **SUMMARY:**

This action will advance City of Pensacola Strategic Plan Goal #1: Attainable Housing for All Income Levels

The State Housing Initiatives Partnership (SHIP) program provides state funds from documentary stamp revenues to eligible local governments to produce and preserve affordable housing for very low, low, and moderate income families. SHIP Program governance is outlined by the State under Chapter 420, Part VII, Florida Statutes and Rule Chapter 67-37, Florida Administrative Code. For participation in the SHIP program, a local government must adopt an ordinance that contains the following provisions: creation of a local housing assistance trust fund; adoption by resolution of a local housing assistance plan (LHAP); designation of responsibility for administration of the LHAP; and creation of an affordable housing advisory committee.

This Ordinance will repeal and replace Ordinance No. 1-93. The new Ordinance replaces or updates various references which have been modified since 1993 in order to better implement the SHIP program. Modifications include removing references to the Florida Housing Finance Agency, which was reconstituted as the Florida Housing Finance Corporation in 1998;

updating definitions of terms for compliance with the SHIP program; expanding and clarifying possible eligible SHIP housing activities; outlining program administration duties; updating the composition of the Affordable Housing Advisory Committee (AHAC) to reflect the current composition required by Florida Statute; and adding additional local housing incentive strategies for AHAC review. Additionally, the new Ordinance will provide for fiscal and administrative responsibility of the City's SHIP funds by the City by creating a local trust fund maintained and managed by the City.

**PRIOR ACTION:**

January 28, 1993 - City Council passed Ordinance 1-93 relating to the State Housing Initiatives Partnership program.

April 24, 2025 - City Council approved Proposed Ordinance No. 2-25 on first reading.

**FUNDING:**

N/A

**FINANCIAL IMPACT:**

Updating of the 1993 Ordinance is required for ongoing program compliance and to ensure continued eligibility for SHIP Program funds.

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

4/8/2025

**STAFF CONTACT:**

Tim Kinsella, City Administrator  
Meredith Reeves, Housing Administrator

**ATTACHMENTS:**

1. REVISED Proposed Ordinance No. 2-25
2. REVISED LANGUAGE: P.O. No. 2-25 Sec. 8 Affordable Housing Advisory Committee
3. Proposed Ordinance No. 2-25
4. Proposed Ordinance No. 2-25 Business Impact Analysis Report

**PRESENTATION: No**

PROPOSED  
ORDINANCE NO. 2-25

ORDINANCE NO. \_\_\_\_

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE REPEALING AND REPLACING, IN ITS ENTIRETY, ORDINANCE NO. 1-93 OF THE CITY OF PENSACOLA, FLORIDA, THE "PENSACOLA AFFORDABLE HOUSING ORDINANCE" RELATING TO THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Pensacola, Florida and the citizenry of said jurisdiction recognize the necessity for provision of the opportunity for all persons to have access to safe, decent, and affordable housing; and

**WHEREAS**, in 1992, the Legislature of the State of Florida approved the Sadowski Affordable Housing Act creating the State Housing Initiatives Partnership (SHIP) for the specific purpose of supporting and expanding the availability of affordable housing resources within the State; and

**WHEREAS**, in 1993 the City Council adopted Ordinance 1-93, which, among other things, provides for local administration and implementation of the SHIP program; and

**WHEREAS**, the City Council finds it necessary and in the public interest to repeal and replace Ordinance 1-93 to better implement the SHIP program.

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

**SECTION 1. REPEALER**

Ordinance 1-93 of the City of Pensacola, Florida is hereby repealed and replaced in its entirety, to read as follows:

**SECTION 2. PURPOSE**

In accordance with and pursuant to the authority of the general laws of the State of Florida, and Chapters 125 and 420 of the Florida Statutes, this Ordinance specifies the requirements for the planning, implementation and receipt of funds under the State Housing Initiatives Partnership (SHIP) Program as governed by Chapter 420, Florida Statutes, and Rule 67-37, Florida Administrative Code.

### **SECTION 3. DEFINITIONS OF TERMS**

For purposes of their use in this Ordinance, specific terms shall be defined as follows:

- (1) “Adjusted for Family Size” - means adjusted in a manner which results in an income eligibility level that is lower for households having fewer than four people, or higher for households having more than four people, than the base income eligibility determination as provided under the definitions for a “low-income person,” “moderate-income person,” or a “very-low-income person,” based upon a formula established by the U. S. Department of Housing and Urban Development (“HUD”).
- (2) “Adjusted Gross Income” - means all wages, assets, regular cash or non-cash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by HUD adjusted for family size, minus the deductions allowable under Section 62 of the Internal Revenue Code.
- (3) “Affordable” - means that monthly rents or monthly mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated under the definitions for a “low-income person,” “moderate-income person,” or a “very-low-income person.” However, it is not the intent to limit an individual household’s ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark. The term also includes housing provided by a not-for-profit corporation that derives at least 75 percent of its annual revenues from contracts or services provided to a state or federal agency for low-income persons and low-income households; that provides supportive housing for persons who suffer from mental health issues, substance abuse, or domestic violence; and that provides on-premises social and community support services relating to job training, life skills training, alcohol and substance abuse disorders, child care, and client case management.
- (4) “Annual Gross Income” – means annual income as defined under the Section 8 housing assistance payments programs in 24 C.F.R. part 5; annual income as reported under the census long form for the recent available decennial census; or adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 for individual federal annual income tax purposes or as defined by standard practices used in the lending industry as detailed in the local housing assistance plan and approved by the corporation. Counties and eligible municipalities shall calculate income by annualizing verified sources of income for the household as the amount of income to be received in a household during the 12 months following the effective date of the determination.
- (5) “Award” - means a loan, grant, or subsidy funded wholly or partially by the local housing distribution of SHIP funds.

(6) “Community-Based Organization” - means a nonprofit organization that has among its purposes the provision of affordable housing to persons who have special needs or have very low income, low income, or moderate income within a designated area, which may include a municipality, a county, or more than one municipality or county, and maintains, through a minimum of one-third representation on the organization’s governing board, accountability to housing program beneficiaries and residents of the designated area.

(7) “Eligible Housing” - means any real and personal property located within the county or the eligible municipality which is designed and intended for the primary purpose of providing decent, safe, and sanitary residential units that are designed to meet the standards of the Florida Building Code or previous building codes adopted under chapter 553, or manufactured housing constructed after June 1994 and installed in accordance with the installation standards for mobile or manufactured homes contained in rules of the Department of Highway Safety and Motor Vehicles, for home ownership or rental for eligible persons as designated by each county or eligible municipality participating in the State Housing Initiatives Partnership Program.

(8) “Eligible Municipality” - means a municipality that is eligible for federal community development block grant entitlement moneys as an entitlement community identified in 24 C.F.R. s. 570, subpart D, Entitlement Grants, or a nonentitlement municipality that is receiving local housing distribution funds under an interlocal agreement that provides for possession and administrative control of funds to be transferred to the nonentitlement municipality. An eligible municipality that defers its participation in community development block grants does not affect its eligibility for participation in the State Housing Initiatives Partnership Program.

(9) “Eligible Person” or “Eligible Household” - means one or more natural persons or a family determined by the county or eligible municipality to be of very low income, low income, or moderate income according to the income limits adjusted to family size published annually by the United States Department of Housing and Urban Development based upon the annual gross income of the household.

(10) “Eligible Sponsor” - means a person or a private or public for-profit or not-for-profit entity that applies for an award under the local housing assistance plan for the purpose of providing eligible housing for eligible persons.

(11) “Grant” - means an award from the local housing assistance trust fund to an eligible sponsor or eligible person to partially assist in the construction, rehabilitation, or financing of eligible housing or to provide the cost of tenant or ownership qualifications without requirement for repayment as long as the condition of award is maintained.

(12) “Homeownership” - means a distribution of a portion of a local housing distribution to an eligible person or eligible sponsor for construction, rehabilitation, purchase, or lease, purchase financing of owner-occupied eligible housing.

(13) “Loan” - means an award from the local housing assistance trust fund to an eligible sponsor or eligible person to partially finance the acquisition, construction, or rehabilitation of eligible housing with requirement for repayment or provision for forgiveness of repayment if the condition of the award is maintained.

(14) “Local Housing Assistance Plan” - means a concise description of the local housing assistance strategies and local housing incentive strategies adopted by local government resolution with an explanation of the way in which the program meets the requirements of ss. 420.907-420.9079, and Rule 67-37, Florida Administrative Code.

(15) “Local Housing Partnership” - means the implementation of the local housing assistance plan in a manner that involves the applicable county or eligible municipality, lending institutions, housing builders and developers, real estate professionals, advocates for low-income persons, community-based housing and service organizations, and providers of professional services relating to affordable housing. The term includes initiatives to provide support services for housing program beneficiaries such as training to prepare persons for the responsibility of homeownership, counseling of tenants, and the establishing of support services such as day care, health care, and transportation.

(16) “Low-income Person” or “Low-income Household” - means one or more natural persons or a family that has a total annual gross household income that does not exceed 80 percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the nonmetropolitan median for the state, whichever amount is greatest. With respect to rental units, the low-income household’s annual income at the time of initial occupancy may not exceed 80 percent of the area’s median income adjusted for family size. While occupying the rental unit, a low-income household’s annual income may increase to an amount not to exceed 140 percent of 80 percent of the area’s median income adjusted for family size.

(17) “Moderate-Income Person” or “Moderate-income Household” - means one or more natural persons or a family that has a total annual gross household income that does not exceed 120 percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the nonmetropolitan median for the state, whichever is greatest. With respect to rental units, the moderate-income household’s annual income at the time of initial occupancy may not exceed 120 percent of the area’s median income adjusted for family size. While occupying the rental unit, a moderate-income household’s annual income may increase to an amount not to exceed 140 percent of 120 percent of the area’s median income adjusted for family size.

(18) “Personal Property” - means major appliances, including a freestanding refrigerator or stove, to be identified on the encumbering documents.

(19) “Person With Special Needs” – means an adult person requiring independent

living services in order to maintain housing or develop independent living skills and who has a disabling condition; a young adult formerly in foster care who is eligible for services under s. 409.1451(5); a survivor of domestic violence as defined in s. 741.28; or a person receiving benefits under the Social Security Disability Insurance (SSDI) program or the Supplemental Security Income (SSI) program or from veterans' disability benefits.

(20) "Very Low-Income Persons" or "Very-Low-Income Household" - means one or more natural persons or a family that has a total annual gross household income that does not exceed 50 percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the nonmetropolitan median for the state, whichever is greatest. With respect to rental units, the very-low-income household's annual income at the time of initial occupancy may not exceed 50 percent of the area's median income adjusted for family size. While occupying the rental unit, a very-low-income household's annual income may increase to an amount not to exceed 140 percent of 50 percent of the area's median income adjusted for family size.

#### **SECTION 4. LOCAL HOUSING ASSISTANCE TRUST FUND**

There shall be created within the official fiscal and accounting records of the City of Pensacola, a specially designated and dedicated LOCAL HOUSING ASSISTANCE TRUST FUND, hereinafter referred to as "LOCAL FUND." The LOCAL FUND shall be created by the City within thirty (30) days of the effective date of this Ordinance, and shall be administered by the City Finance Department. Said LOCAL FUND shall be solely reserved for the deposit and expenditure of funds in support of the Local Housing Assistance Program, hereinafter referred to as "PROGRAM," as required by Chapter 420, Florida Statutes, and Rule 67-37, Florida Administrative Code. Said LOCAL FUND shall be audited annually and the financial condition thereof shall be separately stated in the audited financial statements of the City. Copies of said audit shall be provided to the Florida Housing Finance Corporation, and/or other agencies designated by law. Amounts on deposit in the LOCAL FUND shall be properly invested by the City Finance Department with a qualified depository as defined in Chapter 280, Florida Statutes. All investment earnings shall be retained in the LOCAL FUND and used for the purposes thereof.

#### **SECTION 5. ESTABLISHMENT OF THE LOCAL HOUSING ASSISTANCE PROGRAM**

A. There is hereby created the PENSACOLA HOUSING ASSISTANCE PROGRAM, hereinafter referred to as "PROGRAM", which provides for utilization of SHIP funds in conformity with provisions of Chapter 420, Florida Statutes, and Rule 67-37, Florida Administrative Code.

B. To facilitate the PROGRAM, the City shall adopt by Resolution a local housing assistance plan as defined herein and in Section 420.9071(15), Florida

Statutes, to be implemented through a local housing partnership as defined herein and in Section 420.9071(19), Florida Statutes.

C. The City shall use the funds received from the State pursuant to the SHIP Act to implement the PROGRAM. The SHIP funds shall be generally distributed among the following locally designed strategies:

(1) SHIP funds may be utilized to provide local cash matching for Federal housing programs, including: HOME Investment Partnerships Program, Housing Opportunities for People Everywhere (HOPE), McKinney Act Homeless Assistance programs, and other related Federal and/or State of Florida programs requiring local financial participation. SHIP funds expended for this purpose shall be allocated only for activities which are dually eligible under Chapter 420, Florida Statutes and the governing Federal Regulations or Florida Statutes. When SHIP funds are used for these programs, the specific activities shall be to provide local twenty-five (25) percent cash matching for the HOME Investment Partnerships Program for the Escambia/Pensacola HOME Consortium as created pursuant to the National Affordable Housing Act. Funds shall be primarily expended in concurrence with HOME activities, including substantial rehabilitation and reconstruction of severely substandard homeowner occupied housing for eligible families, and support for acquisition and/or rehabilitation of rental properties by local Community Housing Development Organizations (CHDO) to preserve and expand affordable rental housing opportunities for eligible families.

(2) SHIP funds may be used for homeownership activities to provide down-payment assistance, construction subsidies, mortgage reduction payments, mortgage interest rate subsidies, and/or direct mortgage loans to very low, low and/or moderate-income families to allow said families to purchase newly constructed or existing affordable housing or maintain affordable housing in accordance with provisions of Chapter 420, Florida Statutes. Specific activities shall be:

- a. Rehabilitation/Reconstruction: Funds shall be used to provide flexible low interest loan and deferred loan/ grant assistance to eligible homeowners living in severely substandard housing as necessary to rehabilitate the housing unit in conformance with local building codes and/or to construct a replacement unit if rehabilitation is not economically viable.
- b. Impact fee assistance: Funds may be made available for the payment of impact fees for eligible housing for eligible persons, but shall be expressly limited to such payment only in circumstances where such fees cannot be legally waived.
- c. New construction: Eligible sponsors shall be awarded funds to construct eligible housing for eligible low and moderate income first time homebuyers. This strategy will involve the participation of local lenders providing mortgage financing and local for profit and non-profit developers/builders providing housing development and construction services.
- d. Homebuyer Assistance: Funds shall be utilized to assist

eligible persons in attaining homeownership through mortgage subsidy/write-down, interest rate reductions, and/or low or no interest loans for down payments, principal mortgage reduction, and closing costs associated with the purchase of newly constructed or existing affordable housing. This strategy shall require the continuing participation of local financial institutions for private mortgage financing for eligible families. The capability of this program to aid in meeting Community Reinvestment Act requirements for such lenders will be a primary focus.

- e. Acquisition/Rehabilitation: Funds shall be used to acquire existing properties and to the extent necessary rehabilitate such properties for resale at discounted prices to eligible families.
- f. Housing Rehabilitation/Emergency Repair: Funds may be used to provide low interest or deferred payment loans or grants to eligible homeowners to provide moderate repairs to address life safety conditions and other necessary repairs. Emergency housing repairs may be provided through existing weatherization program service providers pursuant to Sections 409.509-409.5093, Florida Statutes.

(3) SHIP funds may be used for rental activities, to provide construction subsidies, mortgage loans or grants for rental development or preservation, or rental assistance to benefit very low and low-income households in accordance with provisions of Chapter 420, Florida Statutes. Specific activities may supplement existing Florida Housing Finance Corporation projects or activities undertaken within the City specifically for the purpose of providing additional funding for the Florida Housing Finance Corporation's State Apartment Incentive Loan (SAIL) projects, Low Income Housing Tax Credits (LIHTC) projects, or other opportunities within the City.

(4) SHIP funds may be used for disaster recovery for federally or State declared disasters. The City may provide short or long term housing recovery support for homeowners and renters as outlined in its current local housing assistance plan.

D. The City hereby specifically determines that the cost of administering the PROGRAM shall not exceed ten (10) percent of the funding received from the State pursuant to the SHIP Act. The City determines that ten (10) percent of the available funds will be required to support administrative costs based upon: paperwork and reporting requirements for application and receipt of funds, program monitoring requirements staff support for advisory committee activities, fiscal management and control, level of ongoing staff liaison with various organizations and agencies, administrative effort necessary to legally integrate varied rules and regulations of SHIP and other housing programs, and general project management and data collection.

E. The PROGRAM shall include all other lawful objectives not previously listed herein if said objectives have been adopted by the City Council by Resolution into the Local Housing Assistance Plan ("Plan") in the manner provided for by Sections 420.907-420.9079, Florida Statutes and Rule 67-37, Florida Administrative Code.

## **SECTION 6. INTENT AND PURPOSE OF THE LOCAL HOUSING ASSISTANCE PROGRAM**

The intent and purpose of the PROGRAM is:

- (1) To increase the availability of affordable housing units by compiling cost-saving measures into a Local Housing Assistance Program and using private and public funds to reduce the cost of housing;
- (2) To promote more compact urban development and assist in achieving the growth management goals contained in the city's adopted local comprehensive plan, by allowing more efficient use of land so as to provide housing units that are affordable to persons with special needs, very low-income, low-income, or moderate-income;
- (3) To promote innovative design of eligible housing that provides cost savings; flexible design options for housing and development such as the pursuit of innovative architectural styles, building forms, and development requirements; and positive design alternations, without compromising the quality of the eligible housing;
- (4) To promote mixed-income housing in urban, suburban, and rural areas so as to provide increased housing and economic opportunities for persons with special needs and who are very low-income, low-income, or moderate-income; and
- (5) To develop the organizational and technical capacity of community-based organizations so as to optimize the role of such organizations in the production of affordable housing.

## **SECTION 7. SHIP PROGRAM ADMINISTRATION AND IMPLEMENTATION**

A. The Housing Department shall be responsible for the general oversight, planning, implementation, and administration of the PROGRAM.

B. The administrative staff designated by the City shall have the responsibilities listed as follows:

- (1) To monitor the success of the PROGRAM and provide advice and suggestions regarding the potential for improvement of the PROGRAM from year to year.

(2) To coordinate with the Florida Housing Finance Corporation in facilitating the funding of the PROGRAM, in submitting annual reports, and other activities as may be required for continued receipt of PROGRAM funds.

(3) To coordinate local programs such as community loan funds, inclusionary housing programs, and linkage programs, with state programs such as, the Housing Predevelopment Trust Fund (HPTF), Homeownership Assistance Program (HAP), Single Family Mortgage Revenue Bond (MRB) Program, and State Apartment Incentive Loan (SAIL) Program; and with federal programs such as, the Community Development Block Grant (CDBG) Program, Home Investment Partnership Program (HOME), Low Income Housing Tax Credit (LIHTC) Program, and Section 8 Rental Assistance so as to maximize the production of eligible housing through the PROGRAM.

(4) To set up PROGRAM advertisements as required; to provide workshops for potential buyers, lenders, nonprofit and for profit developers to advise of program requirements and potential funding opportunities; to document household income eligibility and eligible housing under the PROGRAM; to prepare PROGRAM documents as necessary to implement the PROGRAM; to provide oversight and monitoring of contractors, developers, sponsors or subrecipients receiving PROGRAM funds; and other duties as necessary to implement the PROGRAM.

C. The total amount paid for any administrative expenses in connection with the PROGRAM will not exceed ten (10) percent of the proceeds of the local SHIP funding distribution.

D. The City shall not treat as administrative expenses any costs previously borne by another funding source which could or may continue to be available from or paid by the said funding source at the time the Plan is submitted.

(1) The City and all eligible sponsors shall not discriminate in the loan application process involving eligible persons and eligible housing on the basis of race, creed, religion, color, age, sex, sexual preference, marital status, familial status, national origin, or handicap.

(2) The City shall comply with rules and regulations of the Florida Housing Finance Corporation in required reporting of City compliance with its PROGRAM.

(3) Prior to award, the City will document all persons or sponsors for eligibility in accordance with Sections 420.907-420.9079, Florida Statutes, the local housing assistance plan, and this Ordinance. All eligible persons or eligible sponsors shall execute an agreement and/or encumbrance agreeing to comply with the above-described laws in accordance with terms outlined in the local housing assistance plan. Failure to comply with the PROGRAM terms in the mortgage, lien, or agreement shall result in a default of the encumbrance with all

remedies and rights for enforcement inuring to the benefit of the City.

(4) Eligible sponsors receiving assistance from both SHIP Program and the Low Income Housing Tax Credit (LIHTC) Program shall be required to comply with the income, affordability, and other LIHTC requirements. Similarly, any eligible sponsor or person receiving assistance from SHIP and other Federal programs shall be required to comply with any requirements specified by the Federal program in addition to SHIP requirements.

## **SECTION 8. AFFORDABLE HOUSING ADVISORY COMMITTEE**

A. The PENSACOLA AFFORDABLE HOUSING ADVISORY COMMITTEE, hereinafter referred to as "COMMITTEE", shall consist of a minimum of eight (8) but not more than eleven (11) members appointed by the City Council of the City of Pensacola. ~~Appointment of individuals to the Committee shall be by Resolution of the City Council.~~ A simple majority of the membership of said Committee shall be required to conduct official business, and all Committee meetings shall be publicly advertised or noticed in the local print media having the largest community-wide circulation.

B.S aid COMMITTEE must consist of one locally elected official and one representative from at least six of the categories below:

- (1) A citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- (2) A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- (3) A citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- (4) A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- (5) A citizen who is actively engaged as a for-profit provider of affordable housing.
- (6) A citizen who is actively engaged as a not-for-profit provider of affordable housing.
- (7) A citizen who is actively engaged as a real estate professional in connection with affordable housing.
- (8) A citizen who actively serves on the local planning agency pursuant to s. 163.3174. If the local planning agency is comprised of the governing board of the county or municipality, the governing board may appoint a designee who is knowledgeable in the local planning process.
- (9) A citizen who resides within the jurisdiction of the local governing body

making the appointments.

(10) A citizen who represents employers within the jurisdiction.

(11) A citizen who represents essential services personnel, as defined in the local housing assistance plan.

C. The COMMITTEE shall serve in an advisory capacity and shall minimally perform the review functions stipulated in Section 420.9076, Florida Statutes, including the development of recommendations to the City Council regarding actions to address impediments, create incentives or support expansion of affordable housing opportunities within the City of Pensacola. Said recommendations shall be in the form of a Local Affordable Housing Incentive Plan which shall be presented to the City Council by representatives of the COMMITTEE. Within 90 days after the date of receipt of the evaluation and local housing incentive strategies recommendations from the advisory committee, the governing body of the appointing local government shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction.

D. Members shall initially serve for three-year terms and may be reappointed for subsequent terms.

E. Meetings shall be held no less frequently than quarterly.

F. The COMMITTEE shall comply with the Government in the Sunshine Law, the public records law, and the special provisions regarding notice of Affordable Housing Incentive Plan considerations found in Chapter 420 et seq., Florida Statutes. Minutes of the meeting shall be kept by the City.

G. The COMMITTEE shall annually elect a Chairperson, Vice-Chairperson, and such other offices as it deems necessary. The Chairperson is charged with the duty of conducting meetings in a manner consistent with law.

H. Staff, administrative and facility support for the COMMITTEE shall be provided by the City.

I. The COMMITTEE shall review the established policies and procedures, ordinances, land development regulations, and adopted local comprehensive plan of the City, and shall recommend specific initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value, as consistent with applicable law.

J. Recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions. At a minimum, the COMMITTEE shall make recommendations on affordable housing incentives in the following areas:

(1) The support of development near transportation hubs and major employment centers and mixed-use developments.

(2) The expedited processing of permits for affordable housing projects.

- (3) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment.
- (4) The allowance of increased density levels.
- (5) The reservation of infrastructure capacity for housing for very low-income persons, low income, and moderate-income persons.
- (6) Affordable accessory residential units.
- (7) The reduction of parking and setback requirements.
- (8) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
- (9) The modifications of sidewalk and street requirements.
- (10) The establishment of a process by which the City considers, before adoption, procedures, policies, ordinances, regulations, or plan provisions that have a significant impact on the cost of housing.
- (11) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

K. The COMMITTEE recommendations shall also include any other affordable housing incentives as identified by the COMMITTEE.

L. To the maximum extent feasible, the approved affordable housing incentive recommendations submitted to the City Council must quantify the affordable housing cost reduction anticipated from implementing the specific recommendation.

## **SECTION 9. LOCAL HOUSING INCENTIVE STRATEGIES**

The City reaffirms that permits for affordable housing projects are expedited to a greater degree than other projects and that the COMMITTEE provides an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption.

## **SECTION 10. CONFLICTS**

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

## **SECTION 11. SEVERABILITY**

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 12. EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days after its passage by the City Council.

Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_  
President of City Council

Attest:

\_\_\_\_\_  
City Clerk

## **SECTION 8. AFFORDABLE HOUSING ADVISORY COMMITTEE**

A. The PENSACOLA AFFORDABLE HOUSING ADVISORY COMMITTEE, hereinafter referred to as "COMMITTEE", shall consist of ~~a minimum of eight (8) but not more than eleven (11)~~ nine (9) members appointed by the City Council of the City of Pensacola. ~~Appointment of individuals to the Committee shall be by Resolution of the City Council.~~ A simple majority of the membership of said Committee shall be required to conduct official business, and all Committee meetings shall be publicly advertised or noticed in the local print media having the largest community-wide circulation.

B. Said COMMITTEE ~~must~~ shall consist of one (1) locally elected official elected member of City Council, and ~~one six (6)~~ six (6) representatives from at least any six of the categories below, and two (2) additional representatives appointed at the discretion of City Council, regardless of whether such representatives meet the criteria of the categories below:

- (1) A citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- (2) A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- (3) A citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- (4) A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- (5) A citizen who is actively engaged as a for-profit provider of affordable housing.
- (6) A citizen who is actively engaged as a not-for-profit provider of affordable housing.
- (7) A citizen who is actively engaged as a real estate professional in connection with affordable housing.
- (8) A citizen who actively serves on the local planning agency pursuant to s. 163.3174. If the local planning agency is comprised of the governing board of the county or municipality, the governing board may appoint a designee who is knowledgeable in the local planning process.
- (9) A citizen who resides within the jurisdiction of the local governing body making the appointments.
- (10) A citizen who represents employers within the jurisdiction.
- (11) A citizen who represents essential services personnel, as defined in the local housing assistance plan.

PROPOSED  
ORDINANCE NO. 2-25

ORDINANCE NO. \_\_\_\_

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE REPEALING AND REPLACING, IN ITS ENTIRETY, ORDINANCE NO. 1-93 OF THE CITY OF PENSACOLA, FLORIDA, THE "PENSACOLA AFFORDABLE HOUSING ORDINANCE" RELATING TO THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of Pensacola, Florida and the citizenry of said jurisdiction recognize the necessity for provision of the opportunity for all persons to have access to safe, decent, and affordable housing; and

**WHEREAS**, in 1992, the Legislature of the State of Florida approved the Sadowski Affordable Housing Act creating the State Housing Initiatives Partnership (SHIP) for the specific purpose of supporting and expanding the availability of affordable housing resources within the State; and

**WHEREAS**, in 1993 the City Council adopted Ordinance 1-93, which, among other things, provides for local administration and implementation of the SHIP program; and

**WHEREAS**, the City Council finds it necessary and in the public interest to repeal and replace Ordinance 1-93 to better implement the SHIP program.

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

**SECTION 1. REPEALER**

Ordinance 1-93 of the City of Pensacola, Florida is hereby repealed and replaced in its entirety, to read as follows:

**SECTION 2. PURPOSE**

In accordance with and pursuant to the authority of the general laws of the State of Florida, and Chapters 125 and 420 of the Florida Statutes, this Ordinance specifies the requirements for the planning, implementation and receipt of funds under the State Housing Initiatives Partnership (SHIP) Program as governed by Chapter 420, Florida Statutes, and Rule 67-37, Florida Administrative Code.

### **SECTION 3. DEFINITIONS OF TERMS**

For purposes of their use in this Ordinance, specific terms shall be defined as follows:

- (1) “Adjusted for Family Size” - means adjusted in a manner which results in an income eligibility level that is lower for households having fewer than four people, or higher for households having more than four people, than the base income eligibility determination as provided under the definitions for a “low-income person,” “moderate-income person,” or a “very-low-income person,” based upon a formula established by the U. S. Department of Housing and Urban Development (“HUD”).
- (2) “Adjusted Gross Income” - means all wages, assets, regular cash or non-cash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by HUD adjusted for family size, minus the deductions allowable under Section 62 of the Internal Revenue Code.
- (3) “Affordable” - means that monthly rents or monthly mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated under the definitions for a “low-income person,” “moderate-income person,” or a “very-low-income person.” However, it is not the intent to limit an individual household’s ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark. The term also includes housing provided by a not-for-profit corporation that derives at least 75 percent of its annual revenues from contracts or services provided to a state or federal agency for low-income persons and low-income households; that provides supportive housing for persons who suffer from mental health issues, substance abuse, or domestic violence; and that provides on-premises social and community support services relating to job training, life skills training, alcohol and substance abuse disorders, child care, and client case management.
- (4) “Annual Gross Income” – means annual income as defined under the Section 8 housing assistance payments programs in 24 C.F.R. part 5; annual income as reported under the census long form for the recent available decennial census; or adjusted gross income as defined for purposes of reporting under Internal Revenue Service Form 1040 for individual federal annual income tax purposes or as defined by standard practices used in the lending industry as detailed in the local housing assistance plan and approved by the corporation. Counties and eligible municipalities shall calculate income by annualizing verified sources of income for the household as the amount of income to be received in a household during the 12 months following the effective date of the determination.
- (5) “Award” - means a loan, grant, or subsidy funded wholly or partially by the local housing distribution of SHIP funds.

(6) “Community-Based Organization” - means a nonprofit organization that has among its purposes the provision of affordable housing to persons who have special needs or have very low income, low income, or moderate income within a designated area, which may include a municipality, a county, or more than one municipality or county, and maintains, through a minimum of one-third representation on the organization’s governing board, accountability to housing program beneficiaries and residents of the designated area.

(7) “Eligible Housing” - means any real and personal property located within the county or the eligible municipality which is designed and intended for the primary purpose of providing decent, safe, and sanitary residential units that are designed to meet the standards of the Florida Building Code or previous building codes adopted under chapter 553, or manufactured housing constructed after June 1994 and installed in accordance with the installation standards for mobile or manufactured homes contained in rules of the Department of Highway Safety and Motor Vehicles, for home ownership or rental for eligible persons as designated by each county or eligible municipality participating in the State Housing Initiatives Partnership Program.

(8) “Eligible Municipality” - means a municipality that is eligible for federal community development block grant entitlement moneys as an entitlement community identified in 24 C.F.R. s. 570, subpart D, Entitlement Grants, or a nonentitlement municipality that is receiving local housing distribution funds under an interlocal agreement that provides for possession and administrative control of funds to be transferred to the nonentitlement municipality. An eligible municipality that defers its participation in community development block grants does not affect its eligibility for participation in the State Housing Initiatives Partnership Program.

(9) “Eligible Person” or “Eligible Household” - means one or more natural persons or a family determined by the county or eligible municipality to be of very low income, low income, or moderate income according to the income limits adjusted to family size published annually by the United States Department of Housing and Urban Development based upon the annual gross income of the household.

(10) “Eligible Sponsor” - means a person or a private or public for-profit or not-for-profit entity that applies for an award under the local housing assistance plan for the purpose of providing eligible housing for eligible persons.

(11) “Grant” - means an award from the local housing assistance trust fund to an eligible sponsor or eligible person to partially assist in the construction, rehabilitation, or financing of eligible housing or to provide the cost of tenant or ownership qualifications without requirement for repayment as long as the condition of award is maintained.

(12) “Homeownership” - means a distribution of a portion of a local housing distribution to an eligible person or eligible sponsor for construction, rehabilitation, purchase, or lease, purchase financing of owner-occupied eligible housing.

(13) “Loan” - means an award from the local housing assistance trust fund to an eligible sponsor or eligible person to partially finance the acquisition, construction, or rehabilitation of eligible housing with requirement for repayment or provision for forgiveness of repayment if the condition of the award is maintained.

(14) “Local Housing Assistance Plan” - means a concise description of the local housing assistance strategies and local housing incentive strategies adopted by local government resolution with an explanation of the way in which the program meets the requirements of ss. 420.907-420.9079, and Rule 67-37, Florida Administrative Code.

(15) “Local Housing Partnership” - means the implementation of the local housing assistance plan in a manner that involves the applicable county or eligible municipality, lending institutions, housing builders and developers, real estate professionals, advocates for low-income persons, community-based housing and service organizations, and providers of professional services relating to affordable housing. The term includes initiatives to provide support services for housing program beneficiaries such as training to prepare persons for the responsibility of homeownership, counseling of tenants, and the establishing of support services such as day care, health care, and transportation.

(16) “Low-income Person” or “Low-income Household” - means one or more natural persons or a family that has a total annual gross household income that does not exceed 80 percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the nonmetropolitan median for the state, whichever amount is greatest. With respect to rental units, the low-income household’s annual income at the time of initial occupancy may not exceed 80 percent of the area’s median income adjusted for family size. While occupying the rental unit, a low-income household’s annual income may increase to an amount not to exceed 140 percent of 80 percent of the area’s median income adjusted for family size.

(17) “Moderate-Income Person” or “Moderate-income Household” - means one or more natural persons or a family that has a total annual gross household income that does not exceed 120 percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the nonmetropolitan median for the state, whichever is greatest. With respect to rental units, the moderate-income household’s annual income at the time of initial occupancy may not exceed 120 percent of the area’s median income adjusted for family size. While occupying the rental unit, a moderate-income household’s annual income may increase to an amount not to exceed 140 percent of 120 percent of the area’s median income adjusted for family size.

(18) “Personal Property” - means major appliances, including a freestanding refrigerator or stove, to be identified on the encumbering documents.

(19) “Person With Special Needs” – means an adult person requiring independent

living services in order to maintain housing or develop independent living skills and who has a disabling condition; a young adult formerly in foster care who is eligible for services under s. 409.1451(5); a survivor of domestic violence as defined in s. 741.28; or a person receiving benefits under the Social Security Disability Insurance (SSDI) program or the Supplemental Security Income (SSI) program or from veterans' disability benefits.

(20) "Very Low-Income Persons" or "Very-Low-Income Household" - means one or more natural persons or a family that has a total annual gross household income that does not exceed 50 percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the nonmetropolitan median for the state, whichever is greatest. With respect to rental units, the very-low-income household's annual income at the time of initial occupancy may not exceed 50 percent of the area's median income adjusted for family size. While occupying the rental unit, a very-low-income household's annual income may increase to an amount not to exceed 140 percent of 50 percent of the area's median income adjusted for family size.

#### **SECTION 4. LOCAL HOUSING ASSISTANCE TRUST FUND**

There shall be created within the official fiscal and accounting records of the City of Pensacola, a specially designated and dedicated LOCAL HOUSING ASSISTANCE TRUST FUND, hereinafter referred to as "LOCAL FUND." The LOCAL FUND shall be created by the City within thirty (30) days of the effective date of this Ordinance, and shall be administered by the City Finance Department. Said LOCAL FUND shall be solely reserved for the deposit and expenditure of funds in support of the Local Housing Assistance Program, hereinafter referred to as "PROGRAM," as required by Chapter 420, Florida Statutes, and Rule 67-37, Florida Administrative Code. Said LOCAL FUND shall be audited annually and the financial condition thereof shall be separately stated in the audited financial statements of the City. Copies of said audit shall be provided to the Florida Housing Finance Corporation, and/or other agencies designated by law. Amounts on deposit in the LOCAL FUND shall be properly invested by the City Finance Department with a qualified depository as defined in Chapter 280, Florida Statutes. All investment earnings shall be retained in the LOCAL FUND and used for the purposes thereof.

#### **SECTION 5. ESTABLISHMENT OF THE LOCAL HOUSING ASSISTANCE PROGRAM**

A. There is hereby created the PENSACOLA HOUSING ASSISTANCE PROGRAM, hereinafter referred to as "PROGRAM", which provides for utilization of SHIP funds in conformity with provisions of Chapter 420, Florida Statutes, and Rule 67-37, Florida Administrative Code.

B. To facilitate the PROGRAM, the City shall adopt by Resolution a local housing assistance plan as defined herein and in Section 420.9071(15), Florida

Statutes, to be implemented through a local housing partnership as defined herein and in Section 420.9071(19), Florida Statutes.

C. The City shall use the funds received from the State pursuant to the SHIP Act to implement the PROGRAM. The SHIP funds shall be generally distributed among the following locally designed strategies:

(1) SHIP funds may be utilized to provide local cash matching for Federal housing programs, including: HOME Investment Partnerships Program, Housing Opportunities for People Everywhere (HOPE), McKinney Act Homeless Assistance programs, and other related Federal and/or State of Florida programs requiring local financial participation. SHIP funds expended for this purpose shall be allocated only for activities which are dually eligible under Chapter 420, Florida Statutes and the governing Federal Regulations or Florida Statutes. When SHIP funds are used for these programs, the specific activities shall be to provide local twenty-five (25) percent cash matching for the HOME Investment Partnerships Program for the Escambia/Pensacola HOME Consortium as created pursuant to the National Affordable Housing Act. Funds shall be primarily expended in concurrence with HOME activities, including substantial rehabilitation and reconstruction of severely substandard homeowner occupied housing for eligible families, and support for acquisition and/or rehabilitation of rental properties by local Community Housing Development Organizations (CHDO) to preserve and expand affordable rental housing opportunities for eligible families.

(2) SHIP funds may be used for homeownership activities to provide down-payment assistance, construction subsidies, mortgage reduction payments, mortgage interest rate subsidies, and/or direct mortgage loans to very low, low and/or moderate-income families to allow said families to purchase newly constructed or existing affordable housing or maintain affordable housing in accordance with provisions of Chapter 420, Florida Statutes. Specific activities shall be:

- a. Rehabilitation/Reconstruction: Funds shall be used to provide flexible low interest loan and deferred loan/ grant assistance to eligible homeowners living in severely substandard housing as necessary to rehabilitate the housing unit in conformance with local building codes and/or to construct a replacement unit if rehabilitation is not economically viable.
- b. Impact fee assistance: Funds may be made available for the payment of impact fees for eligible housing for eligible persons, but shall be expressly limited to such payment only in circumstances where such fees cannot be legally waived.
- c. New construction: Eligible sponsors shall be awarded funds to construct eligible housing for eligible low and moderate income first time homebuyers. This strategy will involve the participation of local lenders providing mortgage financing and local for profit and non-profit developers/builders providing housing development and construction services.
- d. Homebuyer Assistance: Funds shall be utilized to assist

eligible persons in attaining homeownership through mortgage subsidy/write-down, interest rate reductions, and/or low or no interest loans for down payments, principal mortgage reduction, and closing costs associated with the purchase of newly constructed or existing affordable housing. This strategy shall require the continuing participation of local financial institutions for private mortgage financing for eligible families. The capability of this program to aid in meeting Community Reinvestment Act requirements for such lenders will be a primary focus.

- e. Acquisition/Rehabilitation: Funds shall be used to acquire existing properties and to the extent necessary rehabilitate such properties for resale at discounted prices to eligible families.
- f. Housing Rehabilitation/Emergency Repair: Funds may be used to provide low interest or deferred payment loans or grants to eligible homeowners to provide moderate repairs to address life safety conditions and other necessary repairs. Emergency housing repairs may be provided through existing weatherization program service providers pursuant to Sections 409.509-409.5093, Florida Statutes.

(3) SHIP funds may be used for rental activities, to provide construction subsidies, mortgage loans or grants for rental development or preservation, or rental assistance to benefit very low and low-income households in accordance with provisions of Chapter 420, Florida Statutes. Specific activities may supplement existing Florida Housing Finance Corporation projects or activities undertaken within the City specifically for the purpose of providing additional funding for the Florida Housing Finance Corporation's State Apartment Incentive Loan (SAIL) projects, Low Income Housing Tax Credits (LIHTC) projects, or other opportunities within the City.

(4) SHIP funds may be used for disaster recovery for federally or State declared disasters. The City may provide short or long term housing recovery support for homeowners and renters as outlined in its current local housing assistance plan.

D. The City hereby specifically determines that the cost of administering the PROGRAM shall not exceed ten (10) percent of the funding received from the State pursuant to the SHIP Act. The City determines that ten (10) percent of the available funds will be required to support administrative costs based upon: paperwork and reporting requirements for application and receipt of funds, program monitoring requirements staff support for advisory committee activities, fiscal management and control, level of ongoing staff liaison with various organizations and agencies, administrative effort necessary to legally integrate varied rules and regulations of SHIP and other housing programs, and general project management and data collection.

E. The PROGRAM shall include all other lawful objectives not previously listed herein if said objectives have been adopted by the City Council by Resolution into the Local Housing Assistance Plan ("Plan") in the manner provided for by Sections 420.907-420.9079, Florida Statutes and Rule 67-37, Florida Administrative Code.

## **SECTION 6. INTENT AND PURPOSE OF THE LOCAL HOUSING ASSISTANCE PROGRAM**

The intent and purpose of the PROGRAM is:

- (1) To increase the availability of affordable housing units by compiling cost-saving measures into a Local Housing Assistance Program and using private and public funds to reduce the cost of housing;
- (2) To promote more compact urban development and assist in achieving the growth management goals contained in the city's adopted local comprehensive plan, by allowing more efficient use of land so as to provide housing units that are affordable to persons with special needs, very low-income, low-income, or moderate-income;
- (3) To promote innovative design of eligible housing that provides cost savings; flexible design options for housing and development such as the pursuit of innovative architectural styles, building forms, and development requirements; and positive design alternations, without compromising the quality of the eligible housing;
- (4) To promote mixed-income housing in urban, suburban, and rural areas so as to provide increased housing and economic opportunities for persons with special needs and who are very low-income, low-income, or moderate-income; and
- (5) To develop the organizational and technical capacity of community-based organizations so as to optimize the role of such organizations in the production of affordable housing.

## **SECTION 7. SHIP PROGRAM ADMINISTRATION AND IMPLEMENTATION**

A. The Housing Department shall be responsible for the general oversight, planning, implementation, and administration of the PROGRAM.

B. The administrative staff designated by the City shall have the responsibilities listed as follows:

- (1) To monitor the success of the PROGRAM and provide advice and suggestions regarding the potential for improvement of the PROGRAM from year to year.

(2) To coordinate with the Florida Housing Finance Corporation in facilitating the funding of the PROGRAM, in submitting annual reports, and other activities as may be required for continued receipt of PROGRAM funds.

(3) To coordinate local programs such as community loan funds, inclusionary housing programs, and linkage programs, with state programs such as, the Housing Predevelopment Trust Fund (HPTF), Homeownership Assistance Program (HAP), Single Family Mortgage Revenue Bond (MRB) Program, and State Apartment Incentive Loan (SAIL) Program; and with federal programs such as, the Community Development Block Grant (CDBG) Program, Home Investment Partnership Program (HOME), Low Income Housing Tax Credit (LIHTC) Program, and Section 8 Rental Assistance so as to maximize the production of eligible housing through the PROGRAM.

(4) To set up PROGRAM advertisements as required; to provide workshops for potential buyers, lenders, nonprofit and for profit developers to advise of program requirements and potential funding opportunities; to document household income eligibility and eligible housing under the PROGRAM; to prepare PROGRAM documents as necessary to implement the PROGRAM; to provide oversight and monitoring of contractors, developers, sponsors or subrecipients receiving PROGRAM funds; and other duties as necessary to implement the PROGRAM.

C. The total amount paid for any administrative expenses in connection with the PROGRAM will not exceed ten (10) percent of the proceeds of the local SHIP funding distribution.

D. The City shall not treat as administrative expenses any costs previously borne by another funding source which could or may continue to be available from or paid by the said funding source at the time the Plan is submitted.

(1) The City and all eligible sponsors shall not discriminate in the loan application process involving eligible persons and eligible housing on the basis of race, creed, religion, color, age, sex, sexual preference, marital status, familial status, national origin, or handicap.

(2) The City shall comply with rules and regulations of the Florida Housing Finance Corporation in required reporting of City compliance with its PROGRAM.

(3) Prior to award, the City will document all persons or sponsors for eligibility in accordance with Sections 420.907-420.9079, Florida Statutes, the local housing assistance plan, and this Ordinance. All eligible persons or eligible sponsors shall execute an agreement and/or encumbrance agreeing to comply with the above-described laws in accordance with terms outlined in the local housing assistance plan. Failure to comply with the PROGRAM terms in the mortgage, lien, or agreement shall result in a default of the encumbrance with all

remedies and rights for enforcement inuring to the benefit of the City.

(4) Eligible sponsors receiving assistance from both SHIP Program and the Low Income Housing Tax Credit (LIHTC) Program shall be required to comply with the income, affordability, and other LIHTC requirements. Similarly, any eligible sponsor or person receiving assistance from SHIP and other Federal programs shall be required to comply with any requirements specified by the Federal program in addition to SHIP requirements.

## **SECTION 8. AFFORDABLE HOUSING ADVISORY COMMITTEE**

A. The PENSACOLA AFFORDABLE HOUSING ADVISORY COMMITTEE, hereinafter referred to as "COMMITTEE", shall consist of a minimum of eight (8) but not more than eleven (11) members appointed by the City Council of the City of Pensacola. Appointment of individuals to the Committee shall be by Resolution of the City Council. A simple majority of the membership of said Committee shall be required to conduct official business, and all Committee meetings shall be publicly advertised or noticed in the local print media having the largest community-wide circulation.

B. Said COMMITTEE must consist of one locally elected official and one representative from at least six of the categories below:

- (1) A citizen who is actively engaged in the residential home building industry in connection with affordable housing.
- (2) A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
- (3) A citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
- (4) A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
- (5) A citizen who is actively engaged as a for-profit provider of affordable housing.
- (6) A citizen who is actively engaged as a not-for-profit provider of affordable housing.
- (7) A citizen who is actively engaged as a real estate professional in connection with affordable housing.
- (8) A citizen who actively serves on the local planning agency pursuant to s. 163.3174. If the local planning agency is comprised of the governing board of the county or municipality, the governing board may appoint a designee who is knowledgeable in the local planning process.
- (9) A citizen who resides within the jurisdiction of the local governing body

making the appointments.

(10) A citizen who represents employers within the jurisdiction.

(11) A citizen who represents essential services personnel, as defined in the local housing assistance plan.

C. The COMMITTEE shall serve in an advisory capacity and shall minimally perform the review functions stipulated in Section 420.9076, Florida Statutes, including the development of recommendations to the City Council regarding actions to address impediments, create incentives or support expansion of affordable housing opportunities within the City of Pensacola. Said recommendations shall be in the form of a Local Affordable Housing Incentive Plan which shall be presented to the City Council by representatives of the COMMITTEE. Within 90 days after the date of receipt of the evaluation and local housing incentive strategies recommendations from the advisory committee, the governing body of the appointing local government shall adopt an amendment to its local housing assistance plan to incorporate the local housing incentive strategies it will implement within its jurisdiction.

D. Members shall initially serve for three-year terms and may be reappointed for subsequent terms.

E. Meetings shall be held no less frequently than quarterly.

F. The COMMITTEE shall comply with the Government in the Sunshine Law, the public records law, and the special provisions regarding notice of Affordable Housing Incentive Plan considerations found in Chapter 420 et seq., Florida Statutes. Minutes of the meeting shall be kept by the City.

G. The COMMITTEE shall annually elect a Chairperson, Vice-Chairperson, and such other offices as it deems necessary. The Chairperson is charged with the duty of conducting meetings in a manner consistent with law.

H. Staff, administrative and facility support for the COMMITTEE shall be provided by the City.

I. The COMMITTEE shall review the established policies and procedures, ordinances, land development regulations, and adopted local comprehensive plan of the City, and shall recommend specific initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value, as consistent with applicable law.

J. Recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions. At a minimum, the COMMITTEE shall make recommendations on affordable housing incentives in the following areas:

(1) The support of development near transportation hubs and major employment centers and mixed-use developments.

(2) The expedited processing of permits for affordable housing projects.

- (3) The modification of impact-fee requirements, including reduction or waiver of fees and alternative methods of fee payment.
- (4) The allowance of increased density levels.
- (5) The reservation of infrastructure capacity for housing for very low-income persons, low income, and moderate-income persons.
- (6) Affordable accessory residential units.
- (7) The reduction of parking and setback requirements.
- (8) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.
- (9) The modifications of sidewalk and street requirements.
- (10) The establishment of a process by which the City considers, before adoption, procedures, policies, ordinances, regulations, or plan provisions that have a significant impact on the cost of housing.
- (11) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

K. The COMMITTEE recommendations shall also include any other affordable housing incentives as identified by the COMMITTEE.

L. To the maximum extent feasible, the approved affordable housing incentive recommendations submitted to the City Council must quantify the affordable housing cost reduction anticipated from implementing the specific recommendation.

## **SECTION 9. LOCAL HOUSING INCENTIVE STRATEGIES**

The City reaffirms that permits for affordable housing projects are expedited to a greater degree than other projects and that the COMMITTEE provides an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption.

## **SECTION 10. CONFLICTS**

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

## **SECTION 11. SEVERABILITY**

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 12. EFFECTIVE DATE**

This Ordinance shall take effect thirty (30) days after its passage by the City Council.

Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_  
President of City Council

Attest:

\_\_\_\_\_  
City Clerk



## **Business Impact Estimate**

*This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City's website by the time notice of the proposed ordinance is published.*

Proposed ordinance's title/reference: PROPOSED ORDINANCE 2-25-AN ORDINANCE REPEALING AND REPLACING, IN ITS ENTIRETY, ORDINANCE NO. 1-93 OF THE CITY OF PENSACOLA, FLORIDA, THE "PENSACOLA AFFORDABLE HOUSING ORDINANCE" RELATING TO THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

The City is of the view that the exception(s) to the Business Impact Estimate requirement that are checked off in a box below apply to the above-referenced proposed ordinance, although the City is implementing the procedure required by statutory law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- ☒ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
  - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
  - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

*In 1993, City Council adopted Ordinance 1-93 in order to become eligible for receipt of State Housing Initiatives Partnership (SHIP) Program funds from the State of Florida. The repeal and replacement of this Ordinance will allow the City to better administer the SHIP program by modifying various components of the Ordinance that are out of date due to changes in Florida Statutes as well as update the parameters for implementation and administration of the SHIP program by the City.*

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

*The new Ordinance outlines the continued provision of SHIP funds to private for profit business (including contractors and developers) supplying affordable housing to income eligible households.*

3. Estimate of direct compliance costs that businesses may reasonably incur:

*None*

4. Any new charge or fee imposed by the proposed ordinance:

*None*

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

*No new charges or fees.*

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

*Estimate of 5-15 businesses delivering or providing services for SHIP eligible housing and households per calendar year.*

7. Additional information (if any, but may wish to include the methodology used to derive information for #1 and #2, above. For example: City staff solicited comments from businesses in the City as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses based on feedback from businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not impose costs only upon businesses.):

N/A