



City of Pensacola

Agenda Conference

Agenda

Monday, October 21, 2019, 3:30 PM

Hagler-Mason Conference Room,
2nd Floor

ROLL CALL

PRESENTATION ITEMS

1. [19-00457](#) PRESENTATION OF PROPOSALS: MARKET PLACE/SUMMIT
GREENWAY AND CARPENTER'S CREEK WATERSHED

Recommendation: That City Council receive a presentation from Councilwoman Sherri Myers regarding two potential upcoming proposals: Market Place / Summit Greenway and Carpenter's Creek Watershed.

Sponsors: Sherri Myers

REVIEW OF CONSENT AGENDA ITEMS

2. [19-00449](#) BANKING SERVICES CONTRACT - WELLS FARGO BANK, N.A.

Recommendation: That City Council approve the selection for the Banking Services RFP #19-026 and authorize the Mayor to take all actions necessary to negotiate and execute a banking services contract with Wells Fargo Bank, N.A.

Sponsors: Grover C. Robinson, IV

Attachments: [Consultant's Recommendation Letter](#)
3. [19-00453](#) PENSACOLA INTERNATIONAL AIRPORT - PENSACOLA AVIATION
CENTER LEASE AGREEMENT AMENDMENT NO. 10

Recommendation: That City Council authorize the Mayor to execute Amendment No. 10 with Pensacola Aviation Center to provide for the expansion of hangar facilities and to provide for the extension of the lease. Further, that City Council authorize the Mayor to take all actions necessary to execute the Amendment.

Sponsors: Grover C. Robinson, IV

Attachments: [Pensacola Aviation Center Lease Agreement Amendment No. 10](#)

4. [19-00460](#) INTERLOCAL AGREEMENT FOR HOME INVESTMENT PARTNERSHIPS PROGRAM

Recommendation: That City Council approve the HOME Investment Partnerships Program (HOME) interlocal agreement with Escambia County providing for the City of Pensacola's participation in the HOME program. Further, that City Council authorize the Mayor to execute all documents relating to the program's administration.

Sponsors: Grover C. Robinson, IV

Attachments: [Interlocal Agreement for HOME Investment Partnerships Program](#)

5. [19-00464](#) PURCHASE APPROVAL - HEAVY DUTY VEHICLE LIFTS

Recommendation: That City Council approve the purchase and installation of five heavy duty vehicle lifts for the City Garage from ARI Phoenix, Inc. using the National Cooperative Purchasing Alliance (NCPA), Contract Number 05-21 in the amount of \$346,508.29 plus a 5% contingency in the amount of \$17,325.41 for a total amount of \$363,833.70.

Sponsors: Grover C. Robinson, IV

Attachments: [NCPA Quote](#)

REVIEW OF REGULAR AGENDA ITEMS (Sponsor)

6. [19-00465](#) PUBLIC HEARING - PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE - SECTION 12-2-12 - WATERFRONT REDEVELOPMENT DISTRICT

Recommendation: That City Council conduct a Public Hearing on October 24, 2019, to consider the request to amend Section 12-2-12 of the Land Development Code pertaining to the Waterfront Redevelopment District.

Sponsors: Grover C. Robinson, IV

Attachments: [WRD-1 Staff Memo Packet - 10.08.2019](#)

[Planning Board Minutes - 10.08.2019 \(DRAFT\)](#)

[Proposed Ordinance Draft](#)

7. [34-19](#) PROPOSED ORDINANCE NO. 34-19 - PROPOSED AMENDMENT TO
THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT
CODE - SECTION 12-2-12 - WATERFRONT REDEVELOPMENT
DISTRICT

Recommendation: That City Council approve Proposed Ordinance No. 34-19 on first reading:

AN ORDINANCE AMENDING SECTION 12-2-12 OF THE
CODE OF THE CITY OF PENSACOLA, FLORIDA;
AMENDING THE WATERFRONT REDEVELOPMENT
DISTRICT; PROVIDING FOR SEVERABILITY;
REPEALING CLAUSE; PROVIDING AN EFFECTIVE
DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Proposed Ordinance No. 34-19](#)
 [WRD-1 Staff Memo Packet - 10.08.2019](#)
 [Planning Board Minutes - 10.08.2019 \(DRAFT\)](#)

8. [19-00399](#) REQUEST TO NAME THE NORTH ENTRANCE TO BAYVIEW PARK THE
“JULIAN OLSEN WAY”

Recommendation: That City Council name the north entrance to Bayview Park the, “Julian Olsen Way.” Further that a plaque and bust be placed in a prominent location.

Sponsors: Andy Terhaar

Attachments: [September 19, 2019 Parks & Recreation Board Minutes](#)

9. [19-00454](#) RECOMMENDATION FROM THE ENVIRONMENTAL ADVISORY BOARD REGARDING THE USE OF CHEMICALS FOR THE SPRAYING OF ATHLETIC FIELDS

Recommendation: That City Council forward to the Mayor's Office the following recommendation from the Environmental Advisory Board (EAB):

To propose a moratorium on the spraying of youth athletic fields and parks within the City limits until the City provides a comprehensive list of chemicals and the application schedule for the EAB to review.

Sponsors: Sherri Myers

Attachments: [EAB Minutes - September 5 2019](#)
[2016-2017 school ipm strategic plan](#)
[IPM Institute of North America National School IPM](#)
[Beyond Pesticides -Child Safe Playing Field Act](#)
[Sports Field Management - Managing pest pressure](#)

10. [2019-60](#) RESOLUTION NO. 2019-60 - REQUESTING THE MAYOR DIRECT STAFF TO PROVIDE NOTICE PRIOR TO THE APPLICATION OF PESTICIDES AND HERBICIDES TO PARKS AND RECREATIONAL OUTDOOR FACILITIES; THAT NOTICE BE POSTED IN A CONSPICUOUS LOCATION AND THAT THE INFORMATION ALONG WITH LINKS TO THE SAFETY DATA SHEET BE PLACED ON THE PARKS AND RECREATION WEBPAGE.

Recommendation: That City Council adopt Resolution No. 2019-60:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA REQUESTING THE MAYOR DIRECT HIS STAFF TO PROVIDE PUBLIC NOTICE TWO (2) DAYS PRIOR TO THE APPLICATION OF PESTICIDES AND HERBICIDES TO PARKS AND RECREATIONAL OUTDOOR FACILITIES; THAT THE NOTICE BE POSTED IN A CONSPICUOUS LOCATION AND INCLUDE A TELEPHONE NUMBER AND LINK TO THE WEBSITE WHERE THE CHEMICALS ARE LISTED; AND THAT THE NAME OF THE PRODUCT AND LINK TO THE MATERIAL SAFETY DATA SHEET BE PLACED ON THE PARKS AND RECREATION WEBPAGE.

Sponsors: Sherri Myers

Attachments: [Resolution No. 2019-60](#)
[Sports Field Management - Managing pest pressure](#)
[Beyond Pesticides -Child Safe Playing Field Act](#)

11. [19-00469](#) AFFORDABLE HOUSING TASK FORCE - FLORIDA HOUSING COALITION AS TECHNICAL CONSULTANT

Recommendation: That City Council authorize the establishment of an Affordable Housing Task Force; further that the City enter into a contract with the Florida Housing Coalition to serve as a technical consultant to the Affordable Housing Task Force.

Sponsors: Jewel Cannada-Wynn

Attachments: [Pensacola- Housing Task Force Proposal 9-23-19](#)

12. [31-19](#) PROPOSED ORDINANCE NO. 31-19 - PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE - SECTION 12-2-31 - ACCESSORY USES AND STRUCTURE STANDARDS

Recommendation: That City Council adopt Proposed Ordinance No. 31-19 on second reading:

AN ORDINANCE AMENDING SECTION 12-2-31 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE ACCESSORY USES AND STRUCTURE STANDARD; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: Proposed Ord No. 31-19

Ice Machines Staff Memo Packet - 09.10.2019

Planning Board Minutes - 07.09.2019

Planning Board Minutes - 08.13.2019

Planning Board Minutes - 09.10.2019 (DRAFT)

13. [33-19](#) PROPOSED ORDINANCE NO. 33-19 - PROPOSED AMENDMENT TO
TITLE 7 LICENSES AND BUSINESS REGULATIONS, CHAPTER 7-14,
FEES, OF THE CODE OF THE CITY OF PENSACOLA

Recommendation: That the City Council adopt Proposed Ordinance No. 33-19 on second reading.

AN ORDINANCE AMENDING TITLE 7, LICENSES AND BUSINESS REGULATIONS, CHAPTER 7-14, FEES, SECTIONS 7-14-2, 7-14-3, 7-14-5, 7-14-12, AND 7-14-13 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE ADMINISTRATIVE APPLICATION FEES; AMENDING PERMIT FEES; AMENDING FIELD INSPECTION FEES; ADDING A LIEN SEARCH REQUEST FEE; AMENDING PROVISION FOR REFUNDS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Sponsors: Grover C. Robinson, IV

Attachments: [Proposed Ordinance No. 33-19](#)

FOR DISCUSSION

14. [19-00470](#) DISCUSSION ITEM - AMENDMENT TO SECTION 3.01 - ELECTION OF
OFFICERS, OF THE CITY COUNCIL RULES AND PROCEDURES.

Sponsors: Sherri Myers

15. [19-00471](#) DISCUSSION ITEM-AMENDMENT TO SECTION 1.09 - COUNCIL
MEMBER INPUT - OF THE CITY COUNCIL RULES AND PROCEDURES

Sponsors: Sherri Myers

CONSIDERATION OF ANY ADD-ON ITEMS

READING OF ITEMS FOR COUNCIL AGENDA

COMMUNICATIONS

City Administrator's Communication

City Attorney's Communication

Monthly Financial Report - Chief Financial Officer Richard Barker, Jr.

City Council Communication

ADJOURNMENT

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

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



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00457

City Council

10/24/2019

PRESENTATION ITEM

FROM: City Council Member Sherri Myers

SUBJECT:

PRESENTATION OF PROPOSALS: MARKET PLACE/SUMMIT GREENWAY AND
CARPENTER'S CREEK WATERSHED

REQUEST:

That City Council receive a presentation from Councilwoman Sherri Myers regarding two potential upcoming proposals: Market Place / Summit Greenway and Carpenter's Creek Watershed.

SUMMARY:

Councilwoman Myers has two potential proposals that she may bring forward for Council consideration. As she moves these proposals forward, this presentation gives the opportunity for her to outline the intent and objectives and to give Council the opportunity to ask questions or make suggestions.

PRIOR ACTION:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1) None

PRESENTATION: Yes



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00449

City Council

10/24/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

BANKING SERVICES CONTRACT - WELLS FARGO BANK, N.A.

RECOMMENDATION:

That City Council approve the selection for the Banking Services RFP #19-026 and authorize the Mayor to take all actions necessary to negotiate and execute a banking services contract with Wells Fargo Bank, N.A.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The City of Pensacola currently contracts with Wells Fargo as its primary depository. The current contract with Wells Fargo is set to expire on June 30, 2020. While the City's Financial Services Department is satisfied with the services received, it was determined that it would be prudent to survey the market to see if another bank could provide better services and new products at a lower price.

Water Walker Investments ("consultant") was hired to assist the City with the Banking Services RFP. The RFP was advertised on July 17, 2019 and was issued so that the consultant could evaluate and rank the proposals based on the 1) bank qualifications; 2) services offered; 3) additional services and technology innovation; 4) bank fees and interest earnings; 5) financial strength; and 6) conversion and implementation; with additional points given for MBE/SBE/WBE certification and Veteran Owned Businesses. The City received proposals from seven banking institutions.

Based upon the RFP evaluation criteria, the consultant reviewed the proposals and recommended Wells Fargo as the top ranked firm. The City's Financial Services staff concurs with the recommendation and upon City Council approval to award the contract to Wells Fargo, the consultant will assist the City with contract negotiations. As stated in the RFP, it is the intent to award a contract for an initial five year period, after which the City may, at its discretion, renew the contract period for a single term of five additional years.

PRIOR ACTION:

June 20, 2002 - City Council authorized the City Manager to execute a banking services contract with Wells Fargo Bank, N.A. (formally known as Wachovia Bank, N.A.).

June 23, 2002 - The City entered into a banking services contract with Wells Fargo Bank, N.A. (formally known as Wachovia Bank, N.A.).

FUNDING:

N/A

FINANCIAL IMPACT:

The proposed bank fees, earnings credit rate and interest rate on excess balances proposed by Wells Fargo in their response to RFP 19-026 remains consistent with the amounts under the City's current contract. Based on the City's average bank balance, it is the expectation that the earnings credit rate will be sufficient to offset all bank fees. Such fees and rates may be adjusted during contract negotiations.

CITY ATTORNEY REVIEW: Yes

10/1/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Richard Barker, Jr., Chief Financial Officer

ATTACHMENTS:

- 1) Consultant's Recommendation Letter

PRESENTATION: No



September 23, 2019

Mr. Richard Barker, Jr.
Chief Financial Officer
City of Pensacola
222 W. Main Street, 6th Floor
Pensacola, FL 32502

Dear Mr. Barker:

Based upon the City's RFP evaluation criteria, my analysis of each proposal, and interviews with the City's Finance team, I have ranked the proposals as follows: Wells Fargo 95 points, Hancock Whitney 86 points, BBVA Compass 83 points, Synovus 82 points, ServisFirst 68 points, Trustmark 64 points, The First 62 points. I recommend that the City of Pensacola award a contract with the top ranked firm, Wells Fargo.

Criteria		Provider 1 BBVA Compass	Provider 2 Hancock Whitney	Provider 3 Servisfirst	Provider 4 Synovus	Provider 5 The First Option 1	Provider 6 Trustmark	Provider 7 Wells Fargo
Bank Qualifications	15	12	14	11	13	9	10	15
Services Offered	40	35	35	30	35	25	30	40
Additional Services Offered/Technological Innovation	10	8	8	7	8	6	6	10
Bank Fees/Interest Earnings	20	19	20	16	17	18	10	15
Financial Strength	5	4	4	3	4	3	3	5
Conversion/Implement ation	10	5	5	1	5	1	5	10
Small/Women/Minority Business Enterprise	3	0	0	0	0	0	0	0
Veteran Owned Business	2	0	0	0	0	0	0	0
Total	105	83	86	68	82	62	64	95

Sincerely,

A handwritten signature in black ink that reads "David Jang". The signature is fluid and cursive, with the first name "David" and last name "Jang" clearly distinguishable.

David Jang
Partner

Cc:
Ms. Laura Amentler
Mr. George Maiberger



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00453

City Council

10/24/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PENSACOLA INTERNATIONAL AIRPORT - PENSACOLA AVIATION CENTER LEASE AGREEMENT AMENDMENT NO. 10

RECOMMENDATION:

That City Council authorize the Mayor to execute Amendment No. 10 with Pensacola Aviation Center to provide for the expansion of hangar facilities and to provide for the extension of the lease. Further, that City Council authorize the Mayor to take all actions necessary to execute the Amendment.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Pensacola Aviation Center (PAC) is the full-service Fixed Base Operator serving the Pensacola International Airport. As a Fixed Base Operator, PAC is required to provide fueling, aircraft maintenance, pilot and passenger waiting areas, aircraft parking and storage, and a variety of other services to the operators of the privately and corporate owned aircraft using the facility.

To provide aircraft parking and storage, Pensacola Aviation Center currently manages various hangars on the Airport. This includes 43 "T" hangars totaling 62,600 square feet that are used to house individual small single and twin engine aircraft, and four clear span hangars totaling 55,700 square feet that are used to house a number of medium sized single and twin engine aircraft.

The recently completed Master Plan reviewed all of the facilities on the Pensacola International Airport, and outlined those items needed to meet current and forecast demand. The number of T hangars and clear span hangars was last expanded in 2008. Given the growth in general aviation activity over the last eleven years, the Master Plan identified a current need for an increase in both types of facilities.

In lieu of providing these facilities itself, the City of Pensacola typically works with private entities such as Pensacola Aviation to fund, construct, and operate the various hangars and buildings required to accommodate the needs of the general aviation community. In consideration of the development and to allow a company to amortize the investment, the City grants longer term leases.

To meet the current needs for expanded hangar facilities, Pensacola Aviation proposes to invest \$2.9 million dollars into the development of both additional T hangars and an additional 20,000 square foot clear span hangar. Construction would be completed within eighteen months.

To allow for the amortization of the investment, PAC has requested an extension to their lease agreement. The proposed seventeen year extension would take the lease out to September 30, 2049.

PRIOR ACTION:

August 25, 1997: City Council approved the lease with Pensacola Aviation Center, Inc.

March 26, 1997: City Council approved Amendment No. 1 to the lease.

January 14, 1999: City Council approved Amendment No. 2 to the lease.

November 18, 1999: City Council approved Amendment No. 3 to the lease.

January 10, 2002: City Council approved Amendment No. 4 to the lease.

November 20, 2003: City Council approved Amendment No. 5 to the lease.

October 12, 2006: City Council approved Amendment No. 6 to the lease.

June 28, 2007: City Council approved Amendment No. 7 to the lease.

May 26, 2011: City Council approved Amendment No. 8 to the lease.

January 10, 2013: City Council approved Amendment No. 9 to the lease.

FUNDING:

N/A

FINANCIAL IMPACT:

Pensacola Aviation pays ground rent for the property it uses. The annual rental payment is currently \$59,470.97. The additional property required for the hangar expansion will be added to the annual rental at the rate of \$0.32 per square foot. The overall rental rate is adjusted every five years.

CITY ATTORNEY REVIEW: Yes

10/1/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Daniel Flynn, Airport Director

ATTACHMENTS:

- 1) Pensacola Aviation Center Lease Agreement Amendment No. 10

PRESENTATION: No

LEASE AGREEMENT AT THE PENSACOLA INTERNATIONAL AIRPORT BETWEEN THE
CITY OF PENSACOLA AND PENSACOLA AVIATION CENTER, LLC

AMENDMENT NO. 10

THIS AMENDMENT NO. 10 TO THE LEASE AGREEMENT of December 1, 1997, (hereinafter referred to as "Amendment No. 10"), is made and entered into this _____ day of _____, 2_____, by and between the City of Pensacola, a municipal corporation of the State of Florida (hereinafter referred to as "City") and Pensacola Aviation Center, LLC, a Florida Limited Liability Company authorized to transact business in the State of Florida with an address of 4145 Maygarden Road, Pensacola, Florida 32504, and the Federal Tax Identification Number of 59-3688156, (hereinafter referred to as "Operator"), (Each at times hereinafter referred to also as "party" or collectively "parties"),

WITNESSETH:

WHEREAS, the City owns, operates, and maintains Pensacola International Airport (hereinafter referred to as "Airport") located in Escambia, County, Florida; and

WHEREAS, City and Operator entered into a Lease Agreement dated December 1, 1997, whereby the City granted Operator the right to conduct commercial aeronautical services/activities described as Full Service Fixed Base Operations at Pensacola Regional Airport; and

WHEREAS, said Lease Agreement was amended on May 29, 1998, February 25, 1999, December 16, 1999, March 26, 2002, December 30, 2003, February 9, 2007, August 24, 2007, July 1, 2011, and January 13, 2013; and

WHEREAS, the parties now desire to amend the Lease Agreement upon the terms and conditions hereinafter set forth in order to provide additional leasehold area for the construction of a clear span hangar, to provide additional leasehold for the construction of additional T-hangars, and to extend the lease to allow for the amortization of the construction costs;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, it is agreed that the Lease Agreement is hereby amended as follows:

1. Article 1 - Leased Premises, Paragraph B as last modified under Amendment No. 6 is hereby amended to read:
 - B. Commencing upon the Date of Beneficial Occupancy (defined in Article V below) of the Operator's new general aviation facility and until the termination of

this Agreement, the premises shall consist of approximately 463,478.4 sq. ft. of ramp area, 106,990 sq. ft. of land for offices and hangars, 29,185.2 sq. ft. of parking area, and 9,147.6 sq. ft. of fuel farm area, all more particularly described and summarized on Exhibit A annexed hereto and made a part hereof. Further, Parcel 4 shown in Exhibit B-2 of the original lease (being Parcel 4 of Exhibit A attached hereto) is hereby modified to reflect the property is located in Escambia County, Florida, which, through a scrivener's error, incorrectly indicated it was located in Santa Rosa County, Florida.

Operator shall design and construct an additional common storage hangar the dimensions of which shall be approximately 100' by 200', and located adjacent to Parcel No. 9 of Exhibit A attached hereto. Promptly upon completion of the construction, Exhibit A attached hereto will be updated to reflect the additional parcel on which the hangar is constructed, and the amount of land covered under this Paragraph B of Article 1 will be updated accordingly.

2. Article 1 - Leased Premises, Paragraph C as added under Amendment No. 3 and as last modified under Amendment No. 7 is hereby amended to read:

- C. Commencing on December 1, 1999, and continuing until the termination of this agreement, the leased premises are increased by 134,586 square feet for the construction and operation of T-Hangars all more particularly described and summarized on Exhibit A annexed hereto and made a part hereof.

Operator shall design and construct extensions to the existing T-hangars, the dimensions of which shall be determined during design development, and located adjacent to Parcel No. 5, 10, and 11 of Exhibit A attached hereto. Promptly upon completion of the construction, Exhibit A attached hereto will be updated to reflect the additional parcel(s) on which the T-hangars are constructed, and the amount of land covered under this Paragraph C of Article 1 will be updated accordingly.

3. Article V - Term, as last modified by Amendment No. 7 is hereby amended to read:

The term of this agreement shall commence at midnight on Nov. 1, 1997 (the "commencement date") and shall continue until September 30, 2049 ~~September 30, 2032~~.

4. Article VI-Rent & Fees, paragraph 2(A) as last modified under Amendment No. 7 is hereby amended to read:

A. Base Ground Rent:

A base ground rent, calculated on a square foot basis, of:

<u>Lease Area</u>	<u>Lease Term</u>	<u>Annual Rate</u>	<u>Annual Rent</u>	<u>Monthly Rent</u>
	1/1/07-12/31/11	\$0.068	\$41,398.48	\$3,449.87
<u>Existing</u>	<u>Through 12/31/21</u>	<u>\$0.08</u>	<u>\$48,704.09</u>	<u>\$4,058.67</u>
<u>Additional</u>	<u>Through 12/31/21</u>	<u>\$0.32</u>	<u>To be determined</u>	<u>To be determined</u>

Promptly upon completion of the project, Exhibit A will be updated to reflect the additional parcel on which the common storage hangar covered under this Amendment No. 10 is constructed. The existing lease area in effect prior to execution of this Amendment No. 10 will be assessed a rental rate of \$0.08 per square foot as shown above through 12/31/21. The additional lease area added under this Amendment No. 10 will be assessed a rental rate of \$0.32 from completion of the project through 12/31/21. Rental rates will be periodically adjusted in accordance with the schedule and process outlined for the Adjustments to Base Ground Rent.

T-hangar Property:

<u>Lease Area</u>	<u>Lease Term</u>	<u>Annual Rate</u>	<u>Annual Rent</u>	<u>Monthly Rent</u>
	1/1/07-6/30/07	\$0.068	\$8,449.00	\$704.08
	7/1/07-12/31/11	\$0.068	\$9,151.85	\$762.65
<u>Existing</u>	<u>Through 12/31/21</u>	<u>\$0.08</u>	<u>\$10,766.88</u>	<u>\$897.24</u>
<u>Additional</u>	<u>Through 12/31/21</u>	<u>\$0.32</u>	<u>To be determined</u>	<u>To be determined</u>

Promptly upon completion of the project, Exhibit A will be updated to reflect the additional parcel(s) on which the T-hangars covered under this Amendment No. 10 are constructed. The existing T-hangar lease area in effect prior to execution of this Amendment No. 10 will be assessed a rental rate of \$0.08 per square foot as shown above through 12/31/21. The additional T-hangar

lease area added under this Amendment No. 10 will be assessed a rental rate of \$0.32 from completion of the project through 12/31/21. Rental rates will be periodically adjusted in accordance with the schedule and process outlined for the Adjustments to Base Ground Rent.

Operator shall be responsible for adding the applicable state and local sales tax to all base ground rental payments.

Adjustments to Base Ground Rent. Adjustments to the base ground rental rate will be made on January 1, 2007, and each five years thereafter, using either the National Consumer Price Index for Urban Consumers (CPI-U), or, upon request by the Operator, an appraisal of the property to determine the fair market rental rate.

If using the CPI-U, the ground rental rate shall be increased or decreased by a percentage amount equal to the percentage increase or decrease in the CPI-U for the previous five years using May 1 and April 30 as the beginning and ending dates.

If the Operator chooses the appraisal process, the City shall contract with an MAI appraiser that has performed airside appraisals or market rent studies of FBOs at airports within the previous 3 years. And the land, not considering any of the improvements, shall be appraised to determine the fair market rental rate. The appraisal shall only address the underlying unimproved land, not any of the improvements, to determine the fair market rental rate for the underlying unimproved land only. The Operator shall be responsible for paying one-half of the appraisal cost.

Should Operator disagree with the City's appraisal, Operator may select, at its own cost and expense, an MAI appraiser meeting the same qualifications as set forth above to perform an appraisal to determine the fair market rental rate for the underlying unimproved land. The two appraisers shall jointly select a third MAI appraiser who shall review the work of each appraiser. In the event the two MAI appraisers cannot agree upon the selection of the third qualified MAI appraiser, then the parties shall petition the Escambia County Circuit Court for the appointment of a third qualified MAI appraiser.

The review appraiser shall evaluate each report in all respects, with the validity and reasonableness of the

final valuation conclusion being the principal focal point.

The review appraiser should attempt to reconcile any variances between different appraisals. However, the review appraiser is not the appraiser and should not substitute his or her judgment for that of an appraiser. The review appraiser should secure necessary corrective material from an appraiser prior to the final recommendation of the fair market rental rate.

The review appraiser shall make a recommendation of a single value and not a range of values. The review appraiser shall have the ability to not derive a value different from the appraisals by using separate parts of the individual appraisals. However, the review appraiser shall not use any data not contained in either appraisal to form their conclusions. , nor shall the review appraiser average the appraisal conclusions. The review appraiser is not obligated to select a final must approve the fair market rental rate from one of the appraisals only. However, the conclusion of the review appraiser shall not be outside of the range reflected by the two appraisals.

The review appraiser's determination shall be final, binding and non-appealable upon the parties. Each party shall bear the costs incurred by their own appraisers, and each shall bear one-half (1/2) the fees of the third party appraiser, one-half (1/2) the costs incurred by the third appointed appraiser, if any, and one-half (1/2) the court fees incurred if the Circuit Court is petitioned.

Whichever method is selected, the adjusted ground rent will thereafter go into effect in accordance with the following schedule:

First Adjustment - January 1, 2007
Second Adjustment - January 1, 2012
Third Adjustment - January 1, 2017
Fourth Adjustment - January 1, 2022
Fifth Adjustment - January 1, 2027
Sixth Adjustment - January 1, 2032

Base Ground Rent will be readjusted using the foregoing appraisal process at the request of Operator in the event the main air carrier operations discontinue use of the Airport and the Airport remains open as a general aviation airport.

Commencing October 1, 2032, Operator's Base Ground Rent shall be comprised of two components as follows:

- 1) Market rent for the land and improvements in place as of the date of this Amendment No. 10; and
- 2) Ground rent for the land added under this Amendment No. 10

In January 2032, the City shall obtain a Market Rent Analysis for the land AND improvements in place as of the date of this Amendment No. 10 and not reduced or removed by subsequent amendments. It is understood that the land shall include Parcels 1 through 11 of Exhibit A attached hereto, encompassing approximately 743,387 square feet. The market rent analysis shall determine the market rental rate for the land and improvements based upon similar airports and operations in the Southeastern United States. The market rent as determined by the Market Rent Analysis shall go into effect October 1, 2032.

Ground rent for the property added under this Amendment No. 10 will continue at the per square foot annual rate as adjusted on January 1, 2032.

Adjustments to the market rent and to the ground rent will be made each five years thereafter, using the National Consumer Price Index for Urban Consumers (CPI-U. The market rent and the ground rent shall be increased or decreased by a percentage amount equal to the percentage increase or decrease in the CPI-U for the previous five years using May 1 and April 30 as the beginning and ending dates. The adjusted rental amounts will go into effect in accordance with the following schedule:

January 1, 2037
January 1, 2042
January 1, 2047

5. Article XII-Improvements is hereby amended to read:

Initial Improvements:

Upon execution of this Agreement, Operator shall promptly design and construct, at its own expense, all improvements needed for the operation to be conducted from the Leased Premises. Said improvements shall be in accordance with those included in Operator's plans

submitted to and approved by the Airport Director and shall comply with both the Minimum Standards for Services and Activities and the General Aviation Design Standards. Operator must submit final plans and specifications to the Airport Director for his review within 30 days of the date the City executes this Agreement. The Airport Director shall review said plans and specifications and return them to Operator with appropriate comments within 30 days of receipt. Upon receipt of the Airport Director's approval of the plans and specifications, the Operator shall have eight months to complete the construction and be in operation. City shall maintain all public and common or joint use areas of the Airport, including the Air Operations Area, in good repair, and shall make such repairs, replacements or additions thereto as, in its opinion, are required and necessary for the safe and efficient operation of the Airport.

Additional Improvements:

During the term of this Agreement, Operator shall have the right to construct, at its own expense, improvements, alterations, or additions to the Leased Premises to facilitate and further the authorized usage of the Leased Premises, provided that Operator conforms with all conditions of this Article including:

(a) the proposed improvements and alterations are submitted to the City for its prior review;

(b) the City determines, in its sole discretion (which discretion shall be reasonably applied and the determination not unreasonably delayed), that the proposed improvements and alterations will be consistent with the Airport's Master Plan, land use plan and architectural design and quality of construction in effect at the time of construction; and

(c) the improvements, alterations, and additions are to be constructed by qualified and licensed contractors and subcontractors.

General Construction Requirements:

Prior to the commencement of any construction activity, Operator shall submit detailed plans, specifications, and a construction time schedule for the improvements, to the City for approval. The Airport Director shall either approve or disapprove the plans and/or specifications submitted by the Operator. Approval by the Airport Director of any plans and specifications

refers only to the conformity of such plans and specifications to the general architectural and aesthetic plan for the area assigned to the Operator. Such plans are not approved for architectural or engineering design or compliance with applicable laws or codes and the City, acting through the Airport Director, by approving such plans and specifications, assumes no liability or responsibility hereof or for defect in any structure or improvement constructed according to such plans and specifications. The Airport Director reserves the right to reject any design submitted and shall state the reasons for such action; provided, however, the Airport Director will not unreasonably deny such plans and specifications. No changes or alterations shall be made to said plans and specifications after approval by the Airport Director.

Immediately upon receipt of the City's written approval of said plans, specifications, and construction time schedule, Operator shall proceed with construction of said improvements. Work shall not be performed at times other than shown on the construction time schedule without the prior approval of the Airport Director.

Operator shall construct all improvements and additions to the Leased Premises at its own expense. Although the City has the right to review proposed improvement plans, and veto the plans if the plans are inconsistent with the airport development plans or construction quality and design control, pursuant to the standards set forth above, if the City does not veto said improvement plans, and Operator thereafter constructs the improvements, the improvements shall be commissioned and constructed at Operator's sole initiative and behest, and nothing herein shall be construed as an authorization by City to Operator to construct the improvements, or as an agreement by City to be responsible for paying for the improvements, and neither the Leased Premises, nor the City's interest in said Leased Premises or any improvements constructed thereon, shall be subjected to a mechanic's lien for any improvements constructed by Operator hereunder.

Where the cost of improvements exceed \$100,000, the City may require Operator to post a bond or letter of credit or other security acceptable to the City guaranteeing payment for construction of the improvements, as a condition precedent to the commencement of construction of the improvements.

Operator shall be responsible for assuring that all of the improvements, alterations and additions to the Leased Premises are constructed in accordance with applicable local, state and federal law. Operator shall reimburse the City for all costs and expenses, including attorney's fees, the City incurs:

(a) as a result of the fact that the improvements, additions, or alterations do not comply with local, state and federal law;

(b) in defending against, settling or satisfying any claims that the City is responsible for paying for improvements commissioned by Operator hereunder; or

(c) in defending against, settling or satisfying any mechanic's lien claims, asserted as a result of unpaid for improvements commissioned by Operator hereunder.

Should Operator construct improvements, alterations, or additions without fulfilling its obligations hereunder, Operator shall remove said improvements, alterations, or additions if so directed by the City, and shall do so at its own expense and within the time limits specified.

The City shall, at any period during construction of Operator's improvements, alterations, or additions, have the right to inspect any or all construction work, workmanship, material and installation involved in, or incidental to, the construction or installation of the improvements, alterations, or additions, for conformance with the applicable standards set forth in this Agreement, provided that such inspection shall not include internal work that is exclusively of an operations (non-structural) nature, and provided further that no such inspections shall be deemed to constitute consent to or approval of any such work.

Operator shall provide City with one complete set of "as-built" drawings for each improvement, alteration, or addition made to the Leased Premises during the term of this Agreement.

Immediately upon completion of any improvements, alterations, or additions, Operator shall submit to the City a detailed, certified statement from the construction contractor (s), architect (s), and engineer(s) specifying the total construction costs, both hard costs such as building contractor and material costs and soft costs such as architect fees, bond costs, letter of credit fees, attorney fees to

review and negotiate construction contracts and construction issues and for loan closing, and design and closing costs, but excluding debt service (collectively "Direct Costs"). The City shall review the costs and upon its approval, said approval not to be unreasonably denied or delayed, such costs shall become the basis for depreciation of Operator improvements as provided for in Article XXVI.

~~Title to all permanent leasehold improvements, alterations, or additions, as defined by Florida Law, will vest in the City upon termination or sooner expiration of this agreement, free and clear of any liens or encumbrances whatsoever arising by, through or under the Operator.~~

Title to all permanent leasehold improvements, alterations, or additions, as defined by Florida Law, in place at the date of this Amendment No. 10 will vest in the City on October 1, 2032. Title to all permanent leasehold improvements, alteration, or additions, as defined by Florida Law, constructed as part of this Amendment No. 10 will vest in the City upon termination or sooner expiration of this agreement, free and clear of any liens or encumbrances whatsoever arising by, through or under the Operator.

Notwithstanding the above paragraph, title to all of the Operator's trade fixtures and signs and personal property shall at all times during the term of this Agreement remain with the Operator.

Operator shall not remove or demolish, in whole or in part, any improvements upon the Leased Premises without the prior written consent of the Airport Director.

6. Article XXVI - Buyout of Improvements, is hereby modified to read

In the event of any cancellation or termination of this Agreement prior to the expiration date pursuant to Article XXIII(A)(2) or Article XXIII(B), the City shall, within ninety (90) days after the effective date of such termination or cancellation, pay the Operator for all Operator Improvements installed or constructed by the Operator which were approved by the City pursuant to the terms hereof, whether in place on the DBO or constructed thereafter; provided, however, the City shall not make any payments hereunder for any Operator Improvements not then in existence at the time of any such cancellation or termination. The price for said improvements shall equal the Operator's

undepreciated Direct Costs for such improvements pursuant to Article XII. For improvements, alterations, or additions in place at the date of this Amendment No. 10, Operator shall depreciate the approved costs of any improvements, alterations, or additions on a straight line basis, commencing with the completion of such installation or construction and extending until September 30, 2032 ~~for 30 years~~. For improvements, alterations, or additions constructed as part of this Amendment No. 10, Operator shall depreciate the approved costs on a straight line basis, commencing with the completion of such installation or construction and extending until September 30, 2049. The Operator's tax depreciation method will have no bearing on computation of this amount.

7. The parties acknowledge and agree to fulfill all obligations respecting required contract provisions in any contract entered into or amended after July 1, 2016, in full compliance pursuant to Section 119.0701, Florida Statutes, and obligations respecting termination of a contract for failure to provide public access to public records. The parties expressly agree specifically that the contracting parties hereto shall comply with the requirements within Attachment "A" attached hereto and incorporated by reference.
8. The purpose of the lease extension is solely to facilitate Operator obtaining financing for the construction of additional hangar facilities. In the event that Operator does not construct additional hangar facilities, with a construction value of at least \$2.9 million, and complete construction within eighteen (18) months of the date of this Amendment No. 10, the lease term extension is void and the term shall revert to September 30, 2032, the expiration date as stated in Amendment No. 6.
9. All other terms and conditions of the Lease Agreement dated December 1, 1997, not amended hereby shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 10 to the Lease Agreement on the date first above written.

ATTEST:

THE CITY OF PENSACOLA, FLORIDA

Ericka Burnett, City Clerk

(City Seal)

By: Grover C. Robinson, IV, Mayor

Pensacola Aviation Center, LLC

By: Member

(SEAL)

(Printed Member's Name)

By: Member

(Printed Member's Name)

Legal in Form and Valid as Drawn:

City Attorney

Approved As To Substance:

Airport Director

Attachment "A"

PUBLIC RECORDS: Consultant/Contractor/Vendor shall comply with Chapter 119, Florida Statutes. Specifically, Consultant/ Contractor/Vendor shall:

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

Failure by Consultant/Contractor/Vendor to comply with Chapter 119, Florida Statutes, shall be grounds for immediate unilateral cancellation of this Agreement by City.

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

EXHIBIT A

Parcel 1

Commence at the Northwest Corner of Fractional Section 17, Township 1 South, Range 29 West, Escambia County, Florida; thence go South 60 degrees 41 minutes 01 seconds East along the North line of said Fractional Section 17 a distance of 6535.80 feet to the Northeast Corner of said Fractional Section 17; thence go South 29 degrees 47 minutes 29 seconds West along the East line of said Fractional Section 17 a distance of 1928.94 feet to the Point of Beginning; Thence go South 11 degrees 37 minutes 56 seconds East a distance of 276.01 feet; thence go South 78 degrees 22 minutes 29 seconds West a distance of 589.30 feet; thence go North 11 degrees 41 minutes 36 seconds West a distance of 785.14 feet; thence go North 78 degrees 16 minutes 52 seconds East a distance of 590.14 feet; thence go South 11 degrees 37 minutes 56 seconds East a distance of 510.09 feet to the Point of Beginning. The above described parcel of land is situated in a portion of Fractional Sections 17 and 16, Township 1 South, Range 29 West, Escambia County, Florida and contains 10.64 acres. *(Described in Original Lease)*

Parcel 2

Commence at the Northwest Corner of Fractional Section 17, Township 1 South, Range 29 West, Escambia County, Florida; thence go South 60 degrees 41 minutes 01 seconds East along the North line of said Fractional Section 17 a distance of 6535.80 feet to the Northeast Corner of said Fractional Section 17; thence go South 29 degrees 47 minutes 29 seconds West along the East line of said Fractional Section 17 a distance of 1748.91 feet to the Point of Beginning; thence go South 11 degrees 34 minutes 54 seconds East a distance of 459.75 feet; thence go South 78 degrees 39 minutes 41 seconds West a distance of 116.49 feet; thence go North 11 degrees 37 minutes 56 seconds West a distance of 728.00 feet; thence go North 78 degrees 39 minutes 35 seconds East a distance of 117.13 feet; thence go South 11 degrees 34 minutes 54 seconds East a distance of 268.25 feet to the Point of Beginning. The above described parcel of land is situated in a portion of Fractional Sections 17 and 16, Township 1 South, Range 29 West, Escambia County, Florida, and contains 1.95 acres. *(Described in Original Lease)*

Parcel 3

Commence at the Northwest Corner of Fractional Section 17, Township 1 South, Range 29 West, Escambia County, Florida; thence go South 60 degrees 41 minutes 01 seconds East along the North line of said Fractional Section 17 a distance of 6535.80 feet to the Northeast Corner of said Fractional Section 17; thence go South 29 degrees 47 minutes 29 seconds West along the East line of said Fractional Section 17 a distance of 1472.27 feet to the Point of Beginning; thence go South 11 degrees 25 minutes 23 seconds East a distance of 139.28 feet; thence go South 79 degrees 09 minutes 11 seconds West a distance of 148.65 feet; thence go North 11 degrees 34 minutes 31 seconds West a distance of 195.23 feet; thence go North 79 degrees 11 minutes 25 seconds East a distance of 149.17 feet; thence go South 11 degrees 25 minutes 23 seconds East a

distance of 55.85 feet to the Point of Beginning. The above described parcel of land is situated in a portion of Fractional Sections 17 and 16, Township 1 South, Range 29 West, Escambia County, Florida and contains 0.67 acres. *(Described in Original Lease)*

Parcel 4

Commence at the Northwest Corner of Fractional Section 17, Township 1 South, Range 29 West, Escambia County, Florida; thence go South 60 degrees 41 minutes 01 seconds East along the North line of said Fractional Section 17 a distance of 55.75 feet to the Easterly right of way line of 12th Avenue (100' R/W); thence go South 03 degrees 03 minutes 57 seconds West along said Easterly right of way line a distance of 929.93 feet; thence departing said right of way line go South 61 degrees 28 minutes 52 seconds East a distance of 212.62 feet to the Point of Beginning; thence continue South 61 degrees 28 minutes 52 seconds East a distance of 174.70 feet; thence go South 31 degrees 40 minutes 37 seconds West a distance of 53.02 feet; thence go North 61 degrees 11 minutes 53 seconds West a distance of 172.04 feet; thence go North 28 degrees 48 minutes 07 seconds East a distance of 52.09 feet to the Point of Beginning. The above described parcel of land is situated in a portion of Fractional Section 17, Township 1 South, Range 29 West, Escambia County, Florida and contains 0.21 acres. *(Described in Original Lease)*

Parcel 5

Commence at the Northwest Corner of Fractional Section 17, Township 1 South, Range 29 West, Escambia County, Florida; thence go South 60 degrees 41 minutes 01 seconds East along the North line of said Fractional 17 for a distance of 6535.80 feet; thence go South 29 degrees 47 minutes 29 seconds West along the East line of the said Fractional Section 17 for a distance of 1793.81 feet; thence go North 11 degrees 36 minutes 58 seconds West for a distance of 523.67 feet to the Point of Beginning; thence continue North 11 degrees 36 minutes 58 seconds West a distance of 293.77 feet; thence go South 78 degrees 17 minutes 08 seconds West for a distance of 293.77 feet; thence go South 11 degrees 39 minutes 38 seconds East for a distance of 287.28 feet; thence go North 79 degrees 15 minutes 04 seconds East for a distance of 385.52 feet to the Point of Beginning. Contains 2.57 acres (112.022.42 square feet) more or less. *(Described in Amendment No. 3 to Lease)*

Parcel 6

Commence at the Northwest Corner of Fractional Section 17, Township 1 South, Range 29 West, Escambia County, Florida; thence go South 60 degrees 41 minutes 01 seconds East along the North line of said Fractional 17 for a distance of 6535.80 feet; thence go South 29 degrees 47 minutes 29 seconds West along the East line of the said Fractional Section 17 for a distance of 1471.79 feet; thence go North 11 degrees 37 minutes 26 seconds West for a distance of 85.49 feet to the Point of Beginning; thence continue North 11 degrees 37 minutes 26 seconds West for a distance of 84.50 feet; thence go South 78 degrees 40 minutes 05 seconds West for a distance of 149.97 feet; thence go

South 11 degrees 32 minutes 47 seconds East for a distance of 84.16 feet; thence go North 78 degrees 48 minutes 00 seconds East for a distance of 150.09 feet to the Point of Beginning. Contains 0.29 acres (12,651.59 square feet) more or less. *(Described in Amendment No. 3 to Lease)*

Parcel 7

The parcel shown on the plat attached hereto as Schedule One and made a part hereof labeled "Additional Area - Paved Approximately 2048 SQ. FT." *(Described in Amendment No. 2 to Lease)*

Parcel 8

Approximately 4292 sq.ft. for the installation and securing of drop boxes for carriers *(Described in Amendment No. 5 to Lease)*

Parcel 9

Commence at the southernmost post of Lot 27, BRITTANY FORGE, a subdivision recorded in Plat Book 13 at page 78 of the public records of Escambia County, Florida; thence go N 64°37'56" W along the Southwesterly line of said subdivision and its northwesterly extension 976. feet; thence go N 15°41'57" W 1109.76 feet to the Point of Beginning; thence continue N 15°41'57" W 200.00 feet; thence go N 74°18'03" E 100.00 feet; thence go S 15°41'57" E 200.00 feet; thence go S 74°18'03" W 100.00 feet to the Point of Beginning. The above described parcel of land contains approximately 0.459 acres. *(Described in Amendment No. 6 to Lease)*

Parcel 10

Commence at the southernmost point of Lot 27, Brittany Forge, a subdivision recorded in Plat Book 13 at Page 78 of the public records of Escambia County, Florida; thence go N 64°37'56" W along the southwestern line of said subdivision and its northwesterly extension 1082.61 feet; thence go N 15°41'22" W 1319.94 feet to the Point of Beginning; thence go S 74°18'38" W 53.50 feet; thence go N 15°41'22" W 128.80 feet; thence go N 74°18'38" E 53.50 feet; thence go S 15°41'22" E 128.80 feet to the Point of Beginning. The above described parcel of land contains approximately 0.158 acres. *(Described and added by Amendment No. 7 to Lease)*

Parcel 11

Commence at the southernmost point of Lot 27, Brittany Forge, a subdivision recorded in Plat Book 13 at Page 78 of the public records of Escambia County, Florida; thence go N 64°37'56" W along the southwestern line of said subdivision and its northwesterly extension 1082.61 feet; thence go N 15°41'22" W 1319.94 feet; thence go S 74°18'38" W 121.85 feet to the Point of Beginning; thence continue S 74°18'38" W 53.50 feet; thence go N 15°41'22" W 64.40 feet; thence go N 74°18'38" E 53.50 feet; thence go S

15°41'22" E 64.40 feet to the Point of Beginning. The above described parcel of land contains approximately 0.079 acres. (*Described and added by Amendment No. 7 to Lease*)



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00460

City Council

10/24/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

INTERLOCAL AGREEMENT FOR HOME INVESTMENT PARTNERSHIPS PROGRAM

RECOMMENDATION:

That City Council approve the HOME Investment Partnerships Program (HOME) interlocal agreement with Escambia County providing for the City of Pensacola's participation in the HOME program. Further, that City Council authorize the Mayor to execute all documents relating to the program's administration.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The Cranston-Gonzalez National Affordable Housing Act of 1990 authorized contiguous local jurisdictions to enter a consortium for purposes of receiving funds and administering activities allowed under the HOME Investment Partnerships Program's regulations. The City of Pensacola and Escambia County entered into the HOME Consortium Agreement on June 22, 1999, which was extended by mutual agreement in May 2017, to assist with the rehabilitation of distressed housing within the City. HOME funds are used to support the Substantial Housing Rehabilitation/Reconstruction program. This program allows for major renovation or reconstruction of a substandard home.

The City of Pensacola is responsible for assuring compliance with all regulatory, statutory, and administrative requirements associated with HOME activities undertaken in the City. Escambia County, as the fiscal agent, provides limited administrative authority for the program's implementation and maintains final approval authority with regard to the expenditure of HOME activity and administrative funds. Both jurisdictions cooperatively develop program policies, procedures, and actions required to implement the program.

PRIOR ACTION:

N/A

FUNDING:

Budget: \$194,100

Actual: \$152,140

FINANCIAL IMPACT:

The difference in the budgeted and actual funding levels is due to the Housing Division not receiving the notice of funding commitment from the U.S. Department of Housing and Urban Development until after the City budget was adopted. The decrease in revenue will be included on the unencumbered carryover resolution.

CITY ATTORNEY REVIEW: Yes

10/4/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Marcie Whitaker, Housing Administrator

ATTACHMENTS:

- 1) Interlocal Agreement for HOME Investment Partnerships Program

PRESENTATION: No

**INTERLOCAL AGREEMENT
FOR HOME INVESTMENT PARTNERSHIPS PROGRAM**

THIS AGREEMENT is made and entered into by and between the **COUNTY OF ESCAMBIA**, a political subdivision of the State of Florida ("**ESCAMBIA COUNTY**"), with an administrative address of 221 Palafox Place, Suite 420, Pensacola, Florida 32502 and the **CITY OF PENSACOLA**, a municipal corporation created and existing under the laws of the State of Florida ("**CITY OF PENSACOLA**"), with an administrative address of 222 West Main Street, Pensacola, Florida 32502, for the purpose of receiving and administering activities in accordance with Title 24, Subtitle A, Part 92, Code of Federal Regulations, regulating funding provided through the federal HOME Investment Partnerships Program (hereinafter referred to as the "HOME Program" or the "Program") and the terms under which the City of Pensacola shall provide HOME Program eligible services and assistance to eligible families residing within the City of Pensacola.

WITNESSETH:

WHEREAS, Escambia County and the City of Pensacola have legal authority to perform general governmental services within their respective jurisdictions; and

WHEREAS, both jurisdictions are authorized by §163.01, Florida Statutes, to enter into interlocal agreements and agreements with State agencies, and thereby cooperatively utilize their powers and resources in the most efficient manner possible; and

WHEREAS, the Cranston-Gonzalez National Affordable Housing Act of 1990 authorizes contiguous local jurisdictions to enter consortia for purposes of receiving funds and administering activities in accordance with the HOME Investment Partnerships Program Regulations found at 24 C.F.R. Part 92 (CFDA # 14.239); and

WHEREAS, after executing the Escambia HOME Consortium Agreement on June 22, 1999, as extended by mutual agreement in May 2017, Escambia County and the City of Pensacola have determined that the provision of **Substantial Housing Rehabilitation/Reconstruction** assistance authorized by 24 C.F.R. §§92.205, 92.250, 92.251, and 92.252 is a high priority need in the City of Pensacola; and

WHEREAS, Escambia County desires to provide necessary limited administrative authority related to the delivery of HOME Program financed activities to the City of Pensacola, where the Pensacola Housing Division shall administer the City of Pensacola's participation in the HOME Program.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein and of the mutual benefits and for other good and valuable consideration, Escambia County and the City of Pensacola agree as follows:

SECTION 1. Purpose of the Agreement.

This Agreement provides the Mayor of the City of Pensacola the authority and concurrent responsibility required to implement Substantial Housing Rehabilitation/Reconstruction activities in the City of Pensacola ("HOME Activities"), as provided for in the **2019** Escambia Consortium HOME Program Description approved by the U.S. Department of Housing and Urban Development ("HUD"), and attached hereto as **EXHIBIT I** of this agreement and incorporated herein by reference. The City of Pensacola shall have direct responsibility for ensuring full and complete compliance with all regulatory, statutory, and administrative requirements associated with the HOME Activities undertaken in the City of Pensacola according to provisions articulated in the National Affordable Housing Act of 1990 (Public Law 101-625), as amended, the HOME Program regulations (24 C.F.R. Part 92), and all HOME Activities related administrative directives as amended and published under authorization of HUD.

SECTION 2. Coordination.

The City of Pensacola agrees to cooperate fully with Escambia County and the Neighborhood Enterprise Division ("NED") of the Escambia County Neighborhood & Human Services Department in all actions related to the HOME Program and related HOME Activities. With regard to HOME Program fiscal matters, the City of Pensacola and its Housing Division, in cooperation with NED, shall provide detailed cost documentation and other information pertaining to the payment of HOME Activities assistance on behalf of eligible clients to the Office of the Clerk of the Circuit Court/Finance Division as required to fully establish the eligibility and validity of Program-funded expenditures.

SECTION 3. HOME Program Policies, Procedures and Requirements.

The City of Pensacola, the Pensacola Housing Division, Escambia County, and NED shall cooperate in the development of the policies, procedures and actions required to implement the HOME Activities in the City of Pensacola, and both parties agree that Escambia County shall have the final local approval authority as designated in the HOME Consortium Agreement currently in effect between the two jurisdictions with regard to the expenditure of HOME Program activity and administrative funds. The City of Pensacola shall ensure that the HOME Activities provided through the HOME Program funding referenced herein are administered in accordance with the governing regulations found at 24 C.F.R. Part 92, which have been provided to the City as evidenced by the acknowledgement included in **EXHIBIT II** of this Agreement and incorporated herein by reference and the Consortium HOME Program Policies and Procedures Manual. The City of Pensacola and Escambia County and their designated agents agree to cooperate and communicate fully with each other during the term of this Agreement to ensure the provision of HOME Activities for qualified lower income families, including the execution of any documents necessary to carry out the purposes of this Agreement.

Escambia County and the City of Pensacola shall adhere to all applicable Federal, State, and County rules, regulations, and policies for the full duration of this Agreement. All parties shall fully conform to the provisions and requirements of the HOME Investment Partnerships Program Regulations. In the event of conflict between the governing regulations, the stricter interpretation shall govern. The City of Pensacola shall fully comply with the uniform administrative, fiscal, and project requirements stipulated in the above cited laws and regulations, and in such laws and regulations as may be referenced therein, to the extent applicable. Specific compliance with applicable provisions of Subpart H and Subpart K of 24 C.F.R. Part 92 shall be required at all times with respect to HOME Program funded aspects of the development. The County assumes Environmental Review obligations under 24 C.F.R. §92.352.

Escambia County and the City of Pensacola agree that all actions related to this Agreement shall be undertaken in accordance with applicable provisions of Federal Laws and Regulations *with regard to HOME Program assisted units*. Such Federal requirements include, but are not limited to: Equal Employment Opportunity, Fair and Equal Access to Housing, Provisions Prohibiting Discrimination, Section 3 Compliance, MBE/WBE Utilization Goals, Affirmative Marketing Measures, Davis-Bacon Labor Standards Provisions (for individual projects exceeding eleven HOME Program-assisted units), Contract Work Hours Act, Lead-Based Paint Inspection and Treatment Requirements, Conflict of Interest Provisions, Anti-Nepotism Provisions, Displacement and Relocation Requirements, Prohibition Against the use of Federally Debarred or Suspended Contractors or Sub-contractors, and Flood Insurance Provisions. In executing this Agreement, the City of Pensacola certifies that it shall take all actions required to fully comply with said provisions of law. Federal Davis-Bacon wage rates and all related payroll reporting and compliance requirements shall not apply to this Agreement as each housing unit will be processed as a single unit.

SECTION 4. Funding.

a) City of Pensacola HOME Activities:

The maximum **2019** HOME Program funding available to provide assistance to documented eligible,

low/moderate income clients through HOME Activities in the City of Pensacola shall be **\$131,344.00**. Said funds are allocated between approved and eligible HOME Activities denoted as follows:

Substantial Rehabilitation/Reconstruction of Homeowner Occupied Substandard Housing	\$131,344.00
--	--------------

Total **\$131,344.00**

EXHIBITS I and II further detail the requirements associated with the project categories cited above, and regulations referenced therein shall at all times govern the expenditure of funds referenced in this Agreement. HOME Activities funds shall be utilized within these designated categories unless the funds are reallocated by formal amendment as mutually approved by Escambia County and the City of Pensacola.

b) City of Pensacola HOME Activities Payment Processing:

Escambia County, through coordination with NED, shall issue HOME Program related payments from the Escambia Consortium HOME Trust Fund (Fund 147) for Pensacola HOME Activities as based upon clear and proper documentation of individual HOME Program client eligibility and of all costs to be paid or reimbursed by Escambia County in support of Pensacola HOME Activities and HOME Program client eligibility. Payments shall either be made directly to the approved vendor by Escambia County or to the City of Pensacola to reimburse costs that are advanced by the City of Pensacola, as based upon voucher and supporting documentation provided to the Clerk of the Circuit Court/Finance Division. The City of Pensacola Housing Division shall be programmatically and fiscally responsible for the accuracy, completeness and proper documentation of Pensacola HOME Activities, the eligibility of clients assisted in the City of Pensacola, and all related payments; and further, the City of Pensacola shall be responsible for the repayment of any disallowed costs related to the Pensacola HOME Activities.

c) City of Pensacola HOME Program Local Match Requirement:

HUD HOME Program regulations require local cash matching in a minimum amount equal to twenty-five percent (25%) of the HOME Program allocation, excluding administrative funds. Based upon the Pensacola HOME Activities funding cited in Section 4(a) above, the City of Pensacola's HOME Activities require a minimum local match of **\$32,836.00** in non-federal funds. The City of Pensacola's local match may be provided through the Escambia/Pensacola State Housing Initiatives Partnership (SHIP) Program as fiscally administered by Escambia County. Said matching funds shall be expended to provide Substantial Housing Rehabilitation/Reconstruction for eligible units completed by the City of Pensacola under the terms and conditions of this Agreement and/or affordable housing for families with incomes at or below 80% of the Pensacola MSA median income adjusted for family size as defined by HUD. Local matching funds shall be expended during the term of this Agreement. Documentation of the expenditure of the required local matching funds shall be maintained by Escambia County through consultation with the City of Pensacola. In the event matching funds are not fully expended prior to the completion or termination of this Agreement, said remaining funds shall be expended in support of affordable housing activities within the City of Pensacola, Florida.

d) HOME Administrative Payments:

In addition to HOME Program Activities funds, the City of Pensacola shall be entitled to payment for HOME Program related administrative services in an amount not to exceed **\$20,796.00**, payable solely from funds currently available under the **2019 Escambia Consortium HOME Grant M-19-DC-12-0225**. Administrative funds shall be paid by Escambia County through the Clerk of the Circuit Court/Finance Division to the City of Pensacola in twelve (12) equal monthly installments beginning with the month following the effective date of this Agreement. The City of Pensacola shall be responsible for ensuring documentation of proper expenditures of such administrative funds.

e) HOME Funding Limitations:

All funding addressed in this Agreement is available solely from the **2019 Escambia Consortium HOME Grant M-19-DC-12-0225** as provided by HUD. Escambia County shall have the right to immediately terminate this Agreement and immediately cease all payments related thereto in the event of termination or cancellation of said funding by HUD. Upon such occurrence, Escambia County and the City of Pensacola shall have no responsibility whatsoever for any payments beyond the costs directly paid or reimbursed by HUD. The Clerk of the Circuit Court/Finance Division shall retain fiscal control concerning the allowability of all payments for HOME Activities and related HOME Program administrative expenditures under this Agreement and shall disburse payments in accordance with the terms and conditions of this Agreement.

f) Program Income:

Any HOME Program Income received by the City of Pensacola will be returned to Escambia County not less than annually. Escambia County will remit the funds to Fund 147 and the HUD Integrated Disbursement and Information System (IDIS). Program Income funds will be utilized and disbursed on the next available eligible City of Pensacola project.

SECTION 5. Administrative Authority.

Upon written authorization of the County Administrator, the City of Pensacola or the Pensacola Housing Division may be authorized to prepare and execute documents and requests required to enter (set-up) and revise City of Pensacola projects in the HUD Integrated Disbursement and Information System (IDIS). However, neither the City of Pensacola nor the Pensacola Housing Division shall be authorized to draw down HOME Program funds from the Escambia Consortium Letter of Credit. Draw down of HOME Program funding from the Escambia Consortium Letter of Credit shall be undertaken solely by personnel authorized by Escambia County to perform such functions.

SECTION 6. Program Records.

The City of Pensacola assumes responsibility for maintaining all records and documentation related to the City of Pensacola HOME Activities associated with this Agreement. Further, such records and necessary HOME Activities information shall be readily available to Escambia County, its representatives or designated agent(s), the U.S. Department of HUD or its authorized representatives, or other duly authorized parties requiring access to such records. The City of Pensacola shall ensure that such records are maintained in accordance with the governing federal regulations, and shall keep all related records in a readily accessible location for a minimum of six (6) years, unless such records are the subject of litigation or audit, in which case they shall be maintained pending the completion of such action. The City of Pensacola shall cooperate with Escambia County to ensure the availability of all records related to this Agreement as may be required for audit, monitoring or reporting purposes.

SECTION 7. Liability.

Subject to any claim of sovereign immunity, each party to this Agreement shall be fully liable for the acts and omissions of its respective employees and agents in the performance of this Agreement to the extent permitted by law. The City of Pensacola shall be directly responsible, legally and fiscally, for all matters related to the HOME Activities assistance provided hereunder including but not limited to compliance with HOME Program Regulations; client intake and eligibility documentation; legal matters involving HOME Activities contracts; forms; certifications; specifications; bidding processes; and other actions in connection with proper implementation of HOME Activities according to **EXHIBITS I and II** hereto.

SECTION 8. Notices.

All notices to be made hereunder shall be in writing and shall be served either personally or by deposit with the U.S. Postal Service, certified mail, return receipt requested or by deposit with Federal Express or

other nationally recognized overnight courier service, postage pre-paid and addressed to the following

Meredith Reeves, Division Manager
Neighborhood Enterprise Division
221 Palafox Place, Suite 200
Pensacola, Florida 32502
Phone: (850) 595-0022
E-mail: mareeves@myescambia

Mayor
City of Pensacola
Pensacola City Hall
P.O. Box 12910
Pensacola, Florida 32521
Phone: (850) 435-1626

City of Pensacola
Housing Division Administrator
420 W. Chase Street
Pensacola, FL 32501
Phone: (850) 858-0350

All notices shall be deemed served when received, except that any notice mailed or deposited in the manner provided in this section shall be deemed served on the postmark date or courier deposit (pickup) date.

SECTION 9. Effective Date, Term, and Termination.

a) This Agreement shall become effective, after being properly executed by the parties, when filed in the Office of the Clerk of the Circuit Court of Escambia County, Florida. Escambia County shall be responsible for such filing.

b) The term of this Agreement shall begin on **October 1, 2019**, and this Agreement shall continue for a term of one (1) year from said date or until all of the subject **2019** HOME Program funds are fully expended and Grant **#M-19-DC-12-0225** is officially closed in the event HUD funds cease to be made available to support the HOME Activities cited in this Agreement as provided in Section 4(e) above.

c) Pursuant to 24 C.F.R. §92.500(d)(1)(B) and CPD Notice 18-10, the City of Pensacola shall endeavor to expend its **2019** HOME funds by **September 30, 2024**. If the City of Pensacola cannot expend its HOME funds by this date, Escambia County reserves the right to re-program funds per the Citizen Participation Plan to other HOME Activities within the Escambia Consortium in order to avoid recapture of funds by HUD.

SECTION 10. Nepotism

The City of Pensacola and Escambia County agree to abide by the provisions of Section 112.3135, Florida Statutes, hereby incorporated by reference, pertaining to nepotism in its performance, under this Agreement.

SECTION 11. Civil Rights and Anti-Discrimination

a) The City of Pensacola agrees to abide by the spirit and intent of the Civil Rights Act of 1964, as amended, and the Civil Rights Act of 1968, as amended, in that its operation under this contract is free of discrimination against their employees, persons, or groups of persons on the basis of race, color, religion,

sex, national origin, pregnancy, age, disability, or familial status, as applicable. Both of the said Civil Rights Acts are incorporated by reference herein.

b) All services associated with this project shall be made available to the public in a non-discriminatory manner. Services and access thereto shall be available without regard to race, sex, color, familial status, disability, religion, or national origin. The City of Pensacola accepts sole responsibility for ensuring such non-discriminatory access to the services provided hereunder by its elected officials and officers, employees, agents, and representatives.

c) The City of Pensacola will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin, pregnancy, age or disability. Such action shall include but not be limited to the following: employment; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training, including apprenticeship. The City of Pensacola agrees to post in a conspicuous place notices setting forth the provision of this Equal Employment Opportunity clause.

SECTION 12. Understanding of Terms.

a) This Agreement is executed in Escambia County, State of Florida, and shall be construed under the laws of the State of Florida, and the parties agree that any action relating to this agreement shall be instituted and prosecuted in the courts of the County of Escambia, State of Florida, and each party waives the right to change of venue. Further, it is mutually understood and agreed that this Agreement shall be governed by the laws of the State of Florida, both as to interpretation and performance.

b) It is understood and agreed by the parties that if any part, term, or provision of this Agreement is held by the Courts to be illegal or in conflict with governing law, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.

c) Each individual executing this Agreement on behalf of a corporate or governmental party represents and warrants that he or she is duly authorized to execute and deliver this Agreement on behalf of said party, in accordance with a duly adopted action of the governing Board of said party in accordance with applicable law, and that this Agreement is binding upon said party in accordance with its terms.

SECTION 13. Public Records.

The parties acknowledge that this Agreement and any related financial records, audits, reports, plans correspondence, and other documents may be subject to disclosure to members of the public pursuant to Chapter 119, Florida Statutes. The parties shall maintain all such public records and, upon request, provide a copy of the requested records or allow the records to be inspected within a reasonable time. The parties shall also ensure that any public records that are exempt or exempt and confidential from disclosure are not disclosed except as authorized by law. Upon the expiration or termination of the Agreement, the parties agree to maintain all public records for a minimum period of five (5) fiscal years in accordance with the applicable records retention schedules established by the Florida Department of State. In the event the City of Pensacola fails to abide by the provisions of Chapter 119, Florida Statutes, Escambia County may, without prejudice to any other right or remedy and after giving seven days written notice, during which period the City of Pensacola still fails to allow access to such documents, terminate the Agreement.

IN WITNESS WHEREOF, the duly authorized representatives of the parties have set their hands and seals this day and year first written above.

ATTEST: Pam Childers
Clerk of the Circuit Court

BY: _____
Deputy Clerk
(S E A L)

**ESCAMBIA COUNTY, a political subdivision
of the State of Florida, BY AND THROUGH
ITS BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA**

By: _____
Lumon J. May, Chairman

BCC Approved: October 3, 2019

Approved as to form and legal sufficiency.

By/Title: Kristin D. Hual, SACA

Date: 09-23-2019

**CITY OF PENSACOLA, a Municipal
corporation chartered in the State of Florida**

ATTEST:

Ericka L. Burnett, City Clerk
(SEAL)

By: _____
Grover C. Robinson, IV, Mayor

APPROVED AS TO CONTENT:

Marcie Whitaker
Marcie Whitaker, Housing Administrator

LEGAL IN FORM AND VALID AS
DRAWN:

City Attorney

EXHIBIT I

2019 ESCAMBIA CONSORTIUM HOME PROGRAM DESCRIPTION

ESCAMBIA CONSORTIUM
2019-2020 HOME INVESTMENT PARTNERSHIPS ACT (HOME)
PROPOSED BUDGET AND ACTIVITIES
FOR MEMBER JURISDICTIONS

ESCAMBIA COUNTY:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$476,122**

Provide assistance for low/moderate income families through Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 4 severely substandard homeowner occupied housing units. Funding may also be used to provide temporary relocation assistance while the unit is being rehabilitated. (Escambia County)

CITY OF PENSACOLA:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$131,344**

Provide assistance for low/moderate income families through Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 1-2 severely substandard homeowner occupied housing units. (City of Pensacola)

SANTA ROSA COUNTY:

SUBSTANTIAL HOUSING REHABILITATION/RECONSTRUCTION **\$93,000**

Provide assistance for low/moderate income families through Deferred Payment Grants/Deferred Payment Loans/Low Interest Loans, or a combination thereof, for the substantial rehabilitation or reconstruction of approximately 1 severely substandard homeowner occupied housing units. Funding may also be used to provide temporary relocation assistance while the unit is being rehabilitated. (Santa Rosa County)

HOMEBUYER ASSISTANCE

\$120,434

Provide down payment/closing cost or second mortgage (gap financing) assistance, through Deferred Payment or Low Interest Loans to enable low/moderate income homebuyers to purchase an affordable home. It is estimated that this funding will assist 12 families. (Santa Rosa County)

JOINT HOME ACTIVITIES (CONSORTIUM-WIDE):

HOUSING DEVELOPMENT (CHDO SET-ASIDE) **\$164,180**

Provide low interest and/or deferred loan assistance to designated Community Housing Development Organizations (CHDO's) for development of affordable single family units (5-10 units) for homeownership or affordable rental units (2 units) either through new construction or acquisition and rehab of substandard units.

ADMINISTRATION/MANAGEMENT (JOINT)

\$109,453

Provides for oversight, management, monitoring and coordination of financial and general administration of the HOME Program in all participating jurisdictions.

2019 HOME Funds Available to the Consortium **\$ 1,094,533**
(HUD Required 25% Local match provided through SHIP funds and carry forward match balance)

TOTAL 2019 HOME FUNDS PROJECTED

\$1,094,533

EXHIBIT II

HOME INVESTMENT PARTNERSHIPS PROGRAM REGULATIONS (24 CFR PART 92)

THIS EXHIBIT CONTAINS PERTINENT EXCERPTS FROM THE HOME INVESTMENT PARTNERSHIPS ACT FINAL RULE AS PUBLISHED BY THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. THIS EXHIBIT IS FOR REFERENCE ONLY. THE ENTIRETY OF THE HOME RULE AT 24 CFR PARTS 92, ALL AMENDMENTS TO THE RULE, AND ANY SUBSEQUENT AMENDMENTS TO THE RULE MUST BE CONSULTED TO DETERMINE PROGRAM COMPLIANCE AND PROCEDURAL REQUIREMENTS. A COMPLETE COPY OF THE TEXT OF 24 CFR PART 92 HAS BEEN PROVIDED TO THE PARTY (IES) WITH RESPONSIBILITY FOR MANAGEMENT AND IMPLEMENTATION OF THIS CONTRACT AS EVIDENCED BY THE ACKNOWLEDGEMENT CONTAINED IN THIS EXHIBIT.

CERTIFICATION REGARDING DRUG-FREE REQUIREMENTS

The **CITY OF PENSACOLA, FLORIDA** will provide a drug-free workplace as follows.

- a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibitions.
- b) Establishing a drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- c) Providing each employee that is engaged in the performance of the grant with a copy of the statement required by paragraph (a).
- d) As a condition of employment under the grant, requiring employees to:
 - (1) Abide by the terms of the statement (referenced in paragraph a)); and
 - (2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.
- (e) Notifying HUD within 10 days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.
- (f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is convicted;
 - (1) taking appropriate personnel action against such an employee, up to and including termination; or
 - (2) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency.
- (g) making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

PLACE OF PERFORMANCE FOR CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

Agency: **CITY OF PENSACOLA, FLORIDA**

Date: 10/4/19

Grant Program Name: HOME INVESTMENT PARTNERSHIPS ACT PROGRAM

Grant Number: M-19-DC-12-0225

CITY OF PENSACOLA, FLORIDA shall insert in the space provided below the site(s) expected to be used for the performance of work under the grant covered by the certification:

ADDRESS: City of Pensacola
Pensacola Housing Division
420 West Chase Street
Pensacola, Florida 32502

Total estimated number of employees expected to be engaged in the performance of the grant at the site(s) noted above: Five (5)

SIGNED: _____

Grover C. Robinson, IV, Mayor
City of Pensacola

ANTI-LOBBYING
CERTIFICATION FOR CONTRACTS, GRANTS, LOANS
AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form To Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature: _____
Certifying Official
Grover C. Robinson, IV, Mayor
City of Pensacola

Date: _____

**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION,
AND OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTIONS**

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Signature: _____

Name: Grover C. Robinson, IV

Title: Mayor

HOME Investment Partnerships Act

(Project Name)

M-19-DC-12-0225

(Project Number)

Firm/Agency: City of Pensacola, Florida

Street Address: City of Pensacola Housing Division
420 West Chase Street
Pensacola, Florida 32502

FR 24.510 & 24 CFR, Part 24, Appendix A

**CERTIFICATION OF RECEIPT
HOME INVESTMENT PARTNERSHIPS PROGRAM REGULATIONS
(24 C.F.R. PART 92)**

I/We hereby certify and affirm that Escambia County has provided the City of Pensacola with a complete copy of the current U. S. HUD HOME Program Regulations (24 C.F.R. Part 92), copies of any amendments to the governing Regulations, and related Federal Laws as may be applicable to the activities to be provided through this Agreement. I/We have reviewed the Regulations and understand the requirements which govern the HUD HOME Program financed activities under this Agreement. I/We also understand that clarification of any uncertainties regarding the Regulations or requirements related thereto should be resolved by contacting the Contract Manager denoted in this Agreement. If the Contract Manager cannot resolve the question, the issue will be submitted to the U. S. Department of Housing and Urban Development (HUD) for review and resolution.

Additionally, I/We have access to a complete copy of the HUD HOME Training Compliance Manual and have reviewed the document to ensure compliance in the implementation of activities provided through this Agreement.

This certification is provided in lieu of including the entire text of 24 C.F.R. Part 92 in this Exhibit. I/We understand that additional copies of the entire text will be promptly provided upon written request directed to the County's designated Contract Manager.

CITY OF PENSACOLA

By: _____
Grover C. Robinson, IV, Mayor

Date: _____



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00464

City Council

10/24/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PURCHASE APPROVAL - HEAVY DUTY VEHICLE LIFTS

RECOMMENDATION:

That City Council approve the purchase and installation of five heavy duty vehicle lifts for the City Garage from ARI Phoenix, Inc. using the National Cooperative Purchasing Alliance (NCPA), Contract Number 05-21 in the amount of \$346,508.29 plus a 5% contingency in the amount of \$17,325.41 for a total amount of \$363,833.70.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The existing heavy-duty vehicle lifts at the City Garage were installed in the 1970's. These lifts are obsolete and need to be replaced with more efficient and environmentally friendly equipment. Staff has found state of the art electronic lifts within the National Cooperative Purchasing Alliance (NCPA) contract to purchase and install. The new lifts will provide additional capability, safety, and improved productivity. The funding for this project is in the approved FY 2020 Budget.

PRIOR ACTION:

None

FUNDING:

Budget: \$370,000.00 (Heavy Truck Lifts)

Actual: \$346,508.29
17,325.41 (5% Contingency)
\$363,833.70 (Total)

FINANCIAL IMPACT:

Funding in the amount of \$370,000 was approved for this purchase in the FY 2020 budget.

CITY ATTORNEY REVIEW: Yes

10/10/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
John Pittman, Director of Sanitation Services & Fleet Management

ATTACHMENTS:

- 1) NCPA Quote

PRESENTATION: No



ARI PHOENIX, INC.
4119 Binion Way
Lebanon, OH 45036 USA
www.ari-hetra.com
info@ari-hetra.com
Toll Free: 800-562-3250
Phone: 513-229-3750
Fax: 703-359-6405

NCPA QUOTE
09/06/2019 10:01 AM
Valid For: 30 Days
Quote Number: ARI14793

Doug Resmondo
Assistant Director Sanitation Services and Fleet Management
Pensacola Fleet Mngmt
2759 N Palafox St
Pensacola, FL 32501

Phone: 850-436-5596
Fax:
Email: dresmondo@cityofpensacola.com

Dear Doug Resmondo:

Thank you for the opportunity to quote you prices on our **ARI-HETRA** equipment. Our products are designed specifically for Heavy Duty applications using technologies that provide ruggedness, quality and long term benefits to your operation. The pricing shown below is pursuant to our **National Cooperative Purchasing Alliance (NCPA) Contract Number 05-21.**

Qty	Product Details	Price	Total	Discount	Total
1	HDXL-902 Surface Mounted Scissor Lift, 50,000 Lb Capacity	\$ 78,093.24	\$ 78,093.24	\$ 15,618.65	\$ 62,474.59
2	HBP-HDML-10-4-AE Unit of 4 - 72,000 Lb Capacity - Hybrid Battery Powered Mobile Lift	\$ 45,859.20	\$ 91,718.40	\$ 13,941.20	\$ 77,777.20
3	XLA-458A Air-Hydraulic Lifting Crosspiece 30,000 Lb. Capacity	\$ 12,546.00	\$ 37,638.00	\$ 6,850.12	\$ 30,787.88
2	HDXL-903 Surface Mounted Scissor Lift, 75,000 Lb Capacity	\$ 99,317.40	\$ 198,634.80	\$ 39,726.96	\$ 158,907.84
1	HDML INSTALL Scissor Lifts Installation	\$ 8,760.78	\$ 8,760.78	\$ 0.00	\$ 8,760.78
1	Electrical Electrical Installation - All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate.	\$ 7,800.00	\$ 7,800.00	\$ 0.00	\$ 7,800.00
			Sub Total	\$ 346,508.29	
			Grand Total		\$ 346,508.29

240V 3-PH (High Leg)

Terms: 1% 10; Net 30
Taxes: Responsibility of Purchaser
Shipping & Handling: **FOB DEST. ALLOWED (Freight is not charged)**
Lease/Purchase Available

Issuance of Purchase Orders & Payments To: **ARI-PHOENIX**

Pensacola Fleet Mngmt

Steve Prince
ARI-PHOENIX

To view our entire product catalog please visit www.ari-hetra.com/catalog

Please send your purchase order referencing this quote number to: Orders@ari-hetra.com

Be sure that your PO includes our correct name and address shown at the top of this quote as we recently changed ownership and have a new corporate address. Our new Tax ID is 47-4503033 and we will provide a W-9 upon request.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00465

City Council

10/24/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PUBLIC HEARING - PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA -
LAND DEVELOPMENT CODE - SECTION 12-2-12 - WATERFRONT REDEVELOPMENT DISTRICT

RECOMMENDATION:

That City Council conduct a Public Hearing on October 24, 2019, to consider the request to amend Section 12-2-12 of the Land Development Code pertaining to the Waterfront Redevelopment District.

HEARING REQUIRED: Public

SUMMARY:

The City has received a request to amend the Waterfront Redevelopment District (WRD) by establishing a subcategory which would become the WRD-1. The proposed WRD-1 would be a standalone section with the intent of optimizing and encouraging a high quality of site planning and architectural design for the future development of the City's Community Maritime Park parcels.

On October 8, 2019, the Planning Board unanimously recommended approval of the proposed amendment.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

10/11/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Keith Wilkins, Deputy City Administrator
Kerrith Fiddler, Assistant City Administrator
Sherry Morris, Planning Services Administrator

ATTACHMENTS:

- 1) WRD - 1 Staff Memo Packet - 10.08.2019
- 2) Planning Board Minutes - 10.08.2019 (DRAFT)
- 3) Proposed Ordinance Draft

PRESENTATION: No

PLANNING SERVICES

MEMORANDUM

TO: Planning Board Members

FROM: Cynthia R. Cannon, AICP, Assistant Planning Services Administrator *CRC*

DATE: September 27, 2019

SUBJECT: Consider Amendment to LDC Section 12-2-12 Creating WRD-1

Staff received a request to modify the Redevelopment Land Use District WRD by establishing a subcategory which would become the WRD-1. The proposed WRD-1 would be a standalone section with the intent of optimizing the future development of the City's Community Maritime Park (CMP) parcels. The intent of the WRD-1 district is to enhance the desired character of the waterfront and encourage a high quality of site planning and architectural design for the Maritime Park parcels. The establishment of the WRD-1 follows the same concept and reasoning behind the establishment of the Gateway Redevelopment District GRD-1 when it was created in order to promote cohesive and orderly development for the Aragon redevelopment area.

Key points:

- The overall park parcel was master planned for stormwater and open space so the increase in lot coverage from 75% to 95% will not result in an overall increase of coverage for the entirety of the CMP.
- The "regulating plan" included in the application represents the master plan for the developer going forward and demonstrates their internal plan for coordinating development efforts with the ECUA site. The overall goal being a cohesive development pattern between neighboring publicly and privately owned land. It isn't included as part of the WRD-1 district.
- Future development on the CMP parcels within the WRD-1 district will continue to be submitted to the Planning Board for aesthetic review.

Attached you will find a modified version of Sec. 12-2-12 with the proposed changes.

MEMORANDUM

From: Gregory T. Stewart, Nabors Giblin & Nickerson, P.A.

To: William D. Wells, Deputy City Attorney

Date: October 2, 2019

Re: Review of WRD-1 Zoning District Proposal

You have requested that I review the proposed creation of a WRD-1 Zoning District within an area of the City of Pensacola (the “City”) and whether there are any potential legal issues relating to the creation of the District. I have been provided various material including the current City Code provisions relating to that area, a map of the District, relevant provisions of the City’s Comprehensive Plan and the September 2, 2019 modified version of the proposed amendment to the District.

Background

Based upon my review of the material, it appears that in 1988, the City created a zoning district designated as the Waterfront Redevelopment District (“WRD”). The provisions governing that District have been amended on several occasions since that time. The WRD consists of approximately one half mile of waterfront property fronting the Pensacola Bay and bounded on the north by Main Street, a key downtown connector thoroughfare. The eastern third of the WMD is fully developed as a park, office, and waterfront residential uses under a long term lease with the City. The western third of the WMD is largely undeveloped at present, with the City currently considering various plans and financing to develop that area as a waterfront park, pavilion, and beach for public use. The middle third of the WMD, which is the focus of the proposal by a local developer, is currently known as the Community Maritime Park. The developer has proposed a new zoning district which would be designated as the WRD-1 District.

In evaluating the proposal and any potential issues, it is important to consider the extent of changes in relation to the current Comprehensive Plan and the City Code. The Comprehensive Plan provisions governing the WRD area is set forth in the Future Land Use Element, under Policy FLU-1.1.5 governing Redevelopment Districts. The Comprehensive Plan provisions set forth that the purpose of the area is to provide for the orderly development along Pensacola Bay to enhance its visual appearance, preserve shoreline vistas, provide public access to the shoreline and

related purposes. A variety of office, residential, and commercial uses are allowed under the Comprehensive Plan, with residential uses capped at sixty units per acre in the WPD area and commercial uses capped at seventy-five percent occupancy of lot size and height of sixty feet in the WRD Zoning District. The Comprehensive Plan allows for density bonuses that could allow the increase of density within the WRD to a total of sixty-six units per acre which are to be provided subject to the discretion and approval by the City Planning Board.

Under the City's Code, the existing WRD Zoning District allows residential uses ranging from single family units to multi-family units with a maximum density of sixty units per acre. Lot coverage cannot exceed seventy-five percent nor buildings exceed sixty feet in height with a graduated limitation of thirty-five feet in height at thirty feet from the shoreline or bulkhead increasing by one foot in height per each one foot away from the shoreline, to a maximum of sixty feet in height at a distance of sixty feet from the shoreline. The provisions of the existing Code provide that the WMD Zoning District sets forth that its purpose is to promote uses that are compatible with water-related uses that preserve the unique shoreline vista and scenic opportunities that provide public access.

The developer proposed WRD-1 Zoning District would create a new area within the WRD Zoning category. Under the proposed WRD-1 Zoning District, lot coverage limits would be increased from seventy-five percent to ninety-five percent and height requirements would change from sixty feet to six stories with no stated footage limitation. This modification would allow a greater than sixty foot height in that the six story classification would not include any floors that are attributed for parking purposes and would not include the lowest habitable floor elevation. A Comprehensive Plan amendment is not contemplated.

In reviewing the proposal, on particular concern is whether it constitutes "spot zoning." Spot zoning generally consists of the piecemeal rezoning of parcels to use at a greater intensity and density which would adversely impact and create disharmony to the surrounding area. Spot zoning is normally considered as giving preferential treatment to one parcel at the expense of the zoning scheme as a whole. The primary legal impediment to spot zoning is that the modification of the zoning for the parcel constitutes an arbitrary and capricious determination and, as such, unlawful.

There are no specific guidelines to determine what zoning might constitute spot zoning, however there are certain criteria that are frequently reviewed in

determining whether the proposed zoning change is arbitrary and capricious. One of the most significant factors to be considered is whether the proposed change is consistent with the Comprehensive Plan. In this case, the Comprehensive Plan sets forth specific criteria related to lot coverage and height which would be exceeded by the proposal and therefore does not appear to be consistent with those restrictions. Further, the proposal would appear to be inconsistent with the stated goals for the WRD Zoning District. Under both the Comprehensive Plan and the City Code, a significant purpose of these provisions was to enhance the visual appearance of Pensacola Bay, preserve shoreline vistas and provide public access to the shoreline. Arguably, those purposes are not furthered by the proposal.

Additionally, based upon the information that has been provided, it appears that the WRD-1 proposal is a unique and specific land use classification that applies only to this parcel. From a review of the City Code, there currently exists a procedure for the obtaining of a variance from the land development regulations within the WRD upon satisfaction of the specific guidelines and criteria. In the context of evaluating a claim of spot zoning, the creation of a unique and specific land use classification, when there is an available administrative procedure to address the development issues, appears to raise a concern.

Ultimately, in determining whether a zoning category or reclassification is arbitrary and capricious depends on the determination as to whether there has been a valid exercise of the City's police powers, which normally requires a determination as to whether the public health, safety and welfare have been served. Merely maximizing the potential development of a parcel does not in and of itself constitute a valid exercise of police powers and serve a public purpose. Rather, the proposed development and modification of the zoning district needs to be considered in light of the specific needs of the property, whether development of that property is consistent with the provisions and goals of the Comprehensive Plan and the nature and extent of the impact of the reclassification on adjoining properties. Based on my review, I have been unable to identify whether such a public purpose is served and therefore, it appears that there is a potential legal issue that the new WRD-1 classification is arbitrary and capricious and constitutes spot zoning from this rezoning.

Department:	Comments:	Date Rec'd
FIRE	No comments.	9/18/2019
PW/E	PW&F has no issue with the proposed revised language, however, we do not concur with the allowable driveway cut location on Main Street for the west parcel, as indicated in the Regulation Plan. This cut would directly interfere with the bus drop off and potentially conflict (safety-wise) with the left-turn pocket for Reus Street.	9/23/2019
InspSvcs		
ESP	No comments.	9/11/2019
ECUA	No comments.	9/11/2019
GPW	None received.	
ATT	No comments or concerns.	9/6/2019



September 6, 2019

Secretary of the City's Planning Board
222 W. Main St.
Pensacola, FL 32502

Request for Land Development Code Amendment – WRD Regulations

Dear Secretary of the Planning Board,

It is with great excitement for the future of Pensacola's downtown waterfront that we submit this proposed land development amendment to modify the zoning of the City's Maritime Park parcel.

As you know, we have been involved in the modification of Pensacola's zoning regulations for some time, and we are pleased to acknowledge that very few changes are needed to the WRD-1 district to allow Maritime Park to be developed optimally. Those changes are presented herein with the proposed edits to WRD-1.

We are especially grateful to City staff for their collaboration on this effort, both in determining the proper path forward and in helping us to understand the limitations of the current regulations and the ramifications of this proposal. Essentially, we have re-written the intent section of WRD to WRD-1 to be in keeping with the desired character of the waterfront district. Additionally, we have deliberately not sought for changes to the most typical thorny issues, including uses, parking, and height.

Just to recap, this submission is a necessary step in the process to permit plan for the redevelopment of both the Maritime park parcel and the ECUA site adjacent. This plan was developed principally during the week of April 8, 2019 with considerable City and public participation. The ECUA site's zoning is quite permissive, allowing for considerably more development than proposed in the plan; the Maritime Park parcel less so. It is principally with the intention of transferring some of the ECUA parcel's allowed density to the Maritime site that this proposal is submitted. The underlying vision is a vibrant, active waterfront adjacent to a quieter, mostly residential district more in keeping with the scale and character of the Tanyard neighborhood next door.



We include here the following documents:

- 1) An edited version of WRD that we are calling WRD-1 and proposing to only be mapped on the eight (8) Maritime park parcels.
- 2) A Regulation Plan to further guide the implementation of the project that specifies: retail frontages, designated setbacks, curb cut locations, street types and civic space locations.
- 3) An illustrative master plan, as supporting documentation of the intended vision for the site.

We look forward to presenting this to you and hearing your comments.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Marina", with a long, sweeping horizontal line extending from the end of the name.

Marina Khoury
RA CNU LEED
DPZ CoDESIGN

A handwritten signature in black ink, appearing to read "Jeff Speck", with a stylized, circular flourish at the end.

Jeff Speck
AICP CNU-A LEED-AP Hon. ASLA
Speck & Associates LLC

Sec. 12-2-12. - Redevelopment land use district. (Proposed edits: Sept 2, 2019)

The regulations in this section shall be applicable to the gateway and waterfront redevelopment zoning districts: GRD and WRD.

(GD) WRD-1, waterfront redevelopment district-1(Maritime Park Parcel).

- (1) *Purpose of district.* The waterfront redevelopment district-1 is established to promote redevelopment of the city's downtown maritime park waterfront with a compatible mixture of ~~water-dependent and water-related~~ uses which further the goals of downtown Pensacola's Comprehensive Plan, encourage a walkable mixed use urban environment, preserve the unique shoreline ~~vista and~~ scenic opportunities, provide continuous public waterfront access, create a cultural meeting places for the public, ~~preserve the working waterfront activities historically located in the waterfront area~~, and encourage a high quality of site planning and architectural design. Site specific analysis of each development proposal within the district is intended to ensure that the scenic vistas ~~and marine-oriented image~~ of the district are maintained, that the development character of the waterfront is upgraded and that the boundaries of the adjacent special districts are positively reinforced.
- (2) *Uses permitted.*
 - (a) Single-family residential (attached or detached) at a maximum density of seventeen and four-tenths (17.4) units per acre. Multi-family residential at a maximum density of sixty (60) dwelling units per acre.
 - (b) Home occupations, subject to regulations in section 12-2-33.
 - (c) Offices.
 - (d) Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes.
 - (e) Hotels/motels.
 - (f) Marinas.
 - (g) Parking garages.
 - (h) The following retail sales and services:
 1. Retail food and drug stores (including package liquor store).
 2. Personal service shops.
 3. Clothing stores.
 4. Specialty shops.
 5. Banks.
 6. Bakeries whose products are sold at retail on the premises.
 7. Antique shops.
 8. Floral shops.
 9. Health clubs, spa and exercise centers.
 10. Laundromats.
 11. Laundry and dry cleaning pick-up stations.
 12. Restaurants.
 13. Studios.
 14. Art galleries.

15. Sale or rental of sporting goods or equipment including instructions in skiing, sailing, or scuba diving.
 16. Boat rentals waterside only with limited upland storage.
 17. Bars.
 18. Commercial fishing.
 19. Ferry and passenger terminals.
20. Cruise ship operations.
- (i) Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.
- (3) *Procedure for review of plans.*
- (a) Plan submission. Every application to construct a new structure in the waterfront redevelopment district-1 shall be subject to the development plan review and approval procedure established in section 12-2-81. Every application for a new certificate of occupancy or a building permit to erect, construct, demolish, renovate or alter a building or sign, or exterior site work (i.e., paving and landscaping of off-street parking areas), located or to be located in the waterfront redevelopment district-1 shall be accompanied with drawings or sketches with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the building, sign, or exterior work (both before and after the proposed work is done in cases of altering, renovating, demolishing or razing a building or structure) including proposed materials, textures and colors, and the plot plan or site layout including all site improvements or features such as walls, fences, walks, terraces, plantings, accessory buildings, paved areas, signs, lights, awnings, canopies and other appurtenances. All developments within the waterfront redevelopment district-1 must comply with design standards as established in section 12-2-82.
 - (b) Review and approval. All plans shall be subject to the review and approval of the planning board established in Chapter 12-13. At the time of review the board may require that any aspect of the overall site plan which does not meet the standards established in this section be incorporated and brought into compliance within a time limit approved by the board. Review by the planning board of applications for zoning variances shall be as provided for under section 12-13-2(F)(f).
 - (c) Abbreviated review. Sign requests, paint colors, fencing, and emergency repairs which are consistent with the regulations and guidelines set forth in this section, may be approved by letter to the building official from the planning board secretary and the chairman of the board. This provision is made in an effort to save the applicant and the board time for routine approval matters. If agreement cannot be reached as it pertains to such requests by the board secretary and chairman, then the matter will be referred to the board for a decision.
- (4) *Regulations.*
- (a) Signs. The following provisions shall be applicable to signs in the district.
 1. Number of signs. Each parcel shall be limited to one sign per street frontage; provided, however, if there exists more than one establishment on the parcel, there may be one attached sign per establishment. Additionally, retail sales and services may have an A-Frame sign in addition to the one sign per frontage.
 2. Signs extending over public property. Signs extending over public property shall maintain a clear height of nine (9) feet above the sidewalk and no part of such signs shall be closer than eighteen (18) inches to the vertical plane of the curb line or edge of the pavement.

3. Sign size and height limitations.

a. Attached signs:

Size: Ten (10) percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed fifty (50) square feet. Buildings exceeding five (5) stories in height; one attached wall sign or combination of wall signs not to exceed two hundred (200) square feet and mounted on the fifth floor or above.

Height: No sign may extend above the roof line of the building to which it is attached. For the purposes of this section roof surfaces constructed at an angle of sixty-five (65) degrees or more from horizontal shall be regarded as walls.

b. Freestanding signs.

Size: Fifty (50) square feet.

Height: Ten (10) feet (top of sign).

c. A-Frame Sign

Size: Ten (10) square feet.

Height: Forty-Two (42) inches (top of sign).

4. Other permitted signs.

- a. Signs directing and guiding traffic and parking on private property, bearing no advertising matter. Such signs shall not exceed two (2) square feet in size.
- b. Signs advertising the acceptance of credit cards not exceeding two (2) square feet in size and which are attached to buildings or permitted freestanding signs.
- c. Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.

5. Prohibited signs. Refer to section 12-4-7 for a description of prohibited signs. In addition the following signs are prohibited within the district:

- a. ~~Portable signs.~~
- b. Signs which are abandoned or create a safety hazard. Abandoned signs are those advertising a business which becomes vacant and is unoccupied for a period of ninety (90) days or more.
- c. ~~Signs which are not securely fixed on a permanent foundation.~~
- d. ~~Strings of light bulbs, other than holiday decorations, streamers and pennants.~~
- e. Signs that present an optical illusion, incorporated projected images, or emit sound.
- f. Secondary advertising signs (i.e., signs which advertise a brand name product in addition to the name of the business).

6. Temporary signs. The following temporary signs shall be permitted in the district:

- a. Temporary banners indicating that a noncommercial special event such as a fair, carnival, festival or similar happening is to take place, are permitted with the

following conditions: Such banners may be erected no sooner than two (2) weeks before the event and banners extending over street rights-of-way require approval from the mayor.

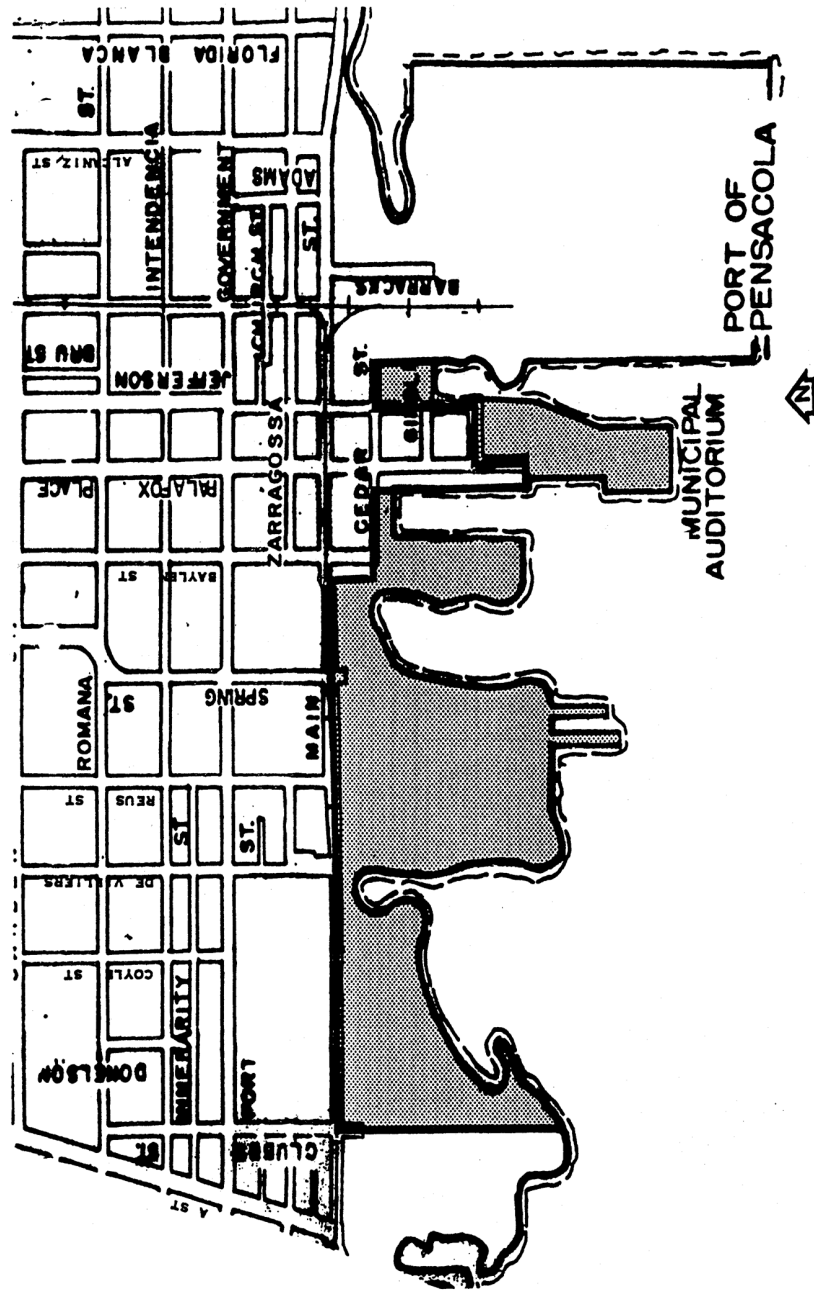
- b. One non-illuminated sign per street frontage advertising the sale, lease or rental of the lot or building upon which the sign is located. Such sign shall not exceed twelve (12) square feet in size, and shall be removed immediately after occupancy.
 - c. One non-illuminated sign not more than fifty (50) square feet in area in connection with new construction work and displayed only during such time as the actual construction work is in progress.
- (b) Off-street parking. The following off-street parking requirement shall apply to all lots, parcels, or tracts in the district: Off-street parking requirements in the waterfront redevelopment district-1 shall be based on the requirements set forth in Chapter 12-3-1(D)(7). The required parking may be provided off-site by the owner/developer as specified in subsection 12-3-1(D). Screening shall be provided along the edges of all parking areas visible from the street rights-of-way. This screening may take the form of:
- A solid wall or fence (chain-link fences are prohibited) with a minimum height of four (4) feet which is compatible in design and materials with on-site architecture and nearby development; or
 - ~~An earth berm~~ Landscaping approximately three (3) feet in height which is landscaped to provide positive screening effective within three (3) years; or
 - A combination of walls or fences and landscape screening, or landscape screening designed to provide positive screening within three (3) years.
- (c) Vehicular access. For each lot, tract or parcel under single ownership, the maximum number of access points shall not exceed two (2) per street frontage.
- (d) Landscaping. Landscaping requirements in the district shall conform to the requirements of Chapter 12-6. All service areas (i.e., trash collection containers, compactors, loading docks) shall be screened with at least seventy-five (75) percent opacity from the street and adjacent buildings by one of the following techniques:
- Fence or wall and gate, six (6) feet high;
 - Vegetation, six (6) feet high (within three (3) years); or
 - A combination of the above.
- (e) Underground utility services. All new building construction or additions of floor area to existing structures shall be required to install underground utilities on the site.
- (f) Lot coverage. The total coverage of the site including all structures, parking areas, driveways and all other impervious surfaces shall not exceed ~~seventy-five (75)~~ ninety-five (95) percent.
- (g) Setback/height requirements. No building shall exceed a maximum height of six (6) stories ~~sixty (60) feet~~ in the waterfront redevelopment district-1, as defined in the CRA Overlay Guidelines.
1. *Shoreline setback/height requirements.* All buildings shall be set back a minimum of thirty (30) feet from the shoreline or the bulkhead line. ~~At this minimum setback line, the building height may not exceed thirty five (35) feet. Above thirty five (35) feet in height, an additional one foot in building height may be permitted for each additional one (1) foot in setback with a maximum building height of sixty (60) feet.~~ The minimum setback from the shoreline may be decreased by the planning board and the council during the review process to permit reuse of existing buildings, structures or foundations with a lesser setback.

2. *Main Street setback/height requirements.* All buildings shall be setback a minimum of sixty (60) feet from the centerline of Main Street. At this minimum setback line, the building height may not exceed ~~sixty (60) feet~~ six stories.

3. All other setbacks shall be as specified on the regulating plan.

- (h) Additional regulations. In addition to the regulations established above in subsections 12-2-12(C)(4)(a) through (g), any permitted use within the WRD-1 zoning district where alcoholic beverages are ordinarily sold is subject to the requirements of Chapter 7-4 of this Code.
- (5) *Regulations.* All developments within the waterfront redevelopment district-1 are encouraged to follow the design guidelines established in subsection 12-2-82(D). In addition, the following site planning guidelines should be taken into consideration in the required development plans.
 - (a) *Site planning.* The integration of site features such as building arrangement, landscaping, parking lot layout, public access points, building orientation, and scenic vantage points is critical in producing a pleasant and functional living or working environment. In reviewing development proposals, the following guidelines shall be taken into consideration:
 1. ~~Maximum-Enhance~~ preservation of waterfront views. Considering the waterfront location of the district, the placement of buildings, signs, service areas, parking and landscaping shall be planned to ~~maximize-enhance~~ the preservation of views of the bay and to protect the waterfront scenic open space character. To prevent the effect of a "wall" of development along the edge of the waterfront and adjacent streets, open space should be encouraged between buildings and under elevated buildings. Pedestrian circulation systems should be designed to form a convenient, interconnected network through buildings, landscaped open spaces and public walkways. The longer side of each building should be sited perpendicular to the water's edge in order to preserve water views from the street.
 2. *Building orientation.* Buildings should be oriented to maximize the waterfront view potential within the district while maintaining quality facade treatment and design on the streetside. Structures should be positioned to provide viewing opportunities of the water and the shoreline edge between buildings. The location of solid waste receptacles, service entrances, loading docks, storage buildings and mechanical and air conditioning equipment and other items typically situated at the backside of buildings should be discouraged within the area between the building and the water's edge.
 3. *Off-street parking and service.* Off-street parking shall be discouraged~~d~~ within the shoreline setback area. Where possible, service areas (i.e., trash collection, loading docks) shall be located to be screened by the building itself; otherwise, walls, fences, landscaping and earth berms shall be used to achieve effective screening.
 - (b) *Aesthetic considerations.* Development projects within the district are not subject to special architectural review and approval, however compliance with the CRA Overlay Standards and Guidelines is encouraged. In lieu of a special separate review procedure, the following general architectural and aesthetic design criteria will be considered to enhance the character of the district:
 1. Buildings or structures within the Maritime Park parcel ~~which are part of a present or future group or complex shall~~ should have a unity of character and design. The relationship of forms and the use, texture, and color of materials shall be such as to create a harmonious whole.
 2. Natural materials such as brick, wood and stucco should be encouraged. Materials such as metal and plastic shall be discouraged on exterior surfaces of buildings.

3. All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls or vegetation.
 4. ~~Proposed developments within the Waterfront Redevelopment District which are located adjacent to a historic district should give special consideration to visual compatibility in scale and architectural design in order to positively reinforce the character of the historic area and provide a buffer and transition.~~
 5. ~~Projects should be encouraged which enhance the setting or provide for adaptive reuse of historic buildings and sites.~~
- (c) Landscaping guidelines. Landscaping should be used to enhance waterfront views and vistas and to screen undesirable features. Low lying plant material should be used in open areas to retain views of the water. Trees should be selectively utilized and carefully located along the waterfront in both public and private developments in order to maintain existing views as much as possible. Plantings should be coordinated near buildings to provide view corridors.
- (d) Sign guidelines.
1. Design/materials. The architectural character of the building to which the sign relates should be reflected in the lettering of the sign, and the materials used for the supporting structure and the sign face.
 2. Lighting. Indirect and internal lighting is encouraged. Neon and exposed fluorescent lighting is ~~not encouraged~~ not permitted.
 3. Copy. The sign copy should be limited to the name, address, and logo of the building complex, the major tenant or the business. The sign should be primarily used for communicating, identifying, and locating the business, not for advertising.
 4. Landscaping. The landscaping and positioning of the sign should complement the overall site plan and landscaping of the development.



Waterfront Development District

(Ord. No. 25-92, § 2, 7-23-92; Ord. No. 6-93, § 9, 3-25-93; Ord. No. 21-93, § 1, 8-16-93; Ord. No. 29-93, §§ 13, 14, 11-18-93; Ord. No. 33-95, §§ 4, 5, 8-10-95; Ord. No. 9-96, § 9, 1-25-96; Ord. No. 45-96, § 3, 9-12-96; Ord. No. 33-98, § 2, 9-10-98; Ord. No. 40-99, §§ 10-13, 10-14-99; Ord. No. 43-99, § 1, 11-18-99; Ord. No. 12-00, § 1, 3-9-00; Ord. No. 50-00, § 3, 10-26-00; Ord. No. 3-01, § 2, 1-11-01; Ord. No. 6-01, §§ 1-3, 1-25-01; Ord. No. 6-02, § 2, 1-24-02; Ord. No. 13-06, § 10, 4-27-06; Ord. No. 17-06, §§ 2, 3, 7-27-06; Ord. No. 16-10, §§ 200-202, 9-9-10; Ord. No. 06-16, §§ 1, 2, 2-11-16)



The following pages contain detailed site regulations for the ECUA Parcel and the Maritime Parcel. The list on the right are the specific elements that are regulated.

Regulating Plan

A map precisely locating the various zoning categories. The Regulating Plan also shows the form and location of the following plan elements as listed below.

Frontages

All frontages that that are along a street or open space are Primary frontages, unless otherwise noted in the Regulating Plan.

Primary Frontage [A-Street]: A pedestrian-friendly street with active uses at grade, held to the highest standard of urban performance. Entrances to parking garages and service bays are prohibited, unless specified on the regulating plan. Curb cuts for alley access may be permitted, according to the Regulating Plan. An A-Street network forms a continuous loop through the thoroughfare network.

Retail Frontage

Some Frontages require further specification. The Regulating Plan prescribes where retail is required and where it is allowed but not required.

Setbacks

All Frontages are assigned Setbacks. Setbacks specify the build-to line of the building façade.

Building Height

Building Height is assigned by Zoning unless indicated otherwise in the Regulating Plan. Where Zoning and the Regulating Plan differ, the Zoning rules.

Vista Termination

Locations where a street aims prominently at a building facade – called a Vista Termination, are identified. Buildings located at Vista Terminations shall respond with a building element of appropriate size and impact to terminate the vista in a meaningful manner.

Open Space

Locations where specific open space types have been calibrated, are identified.

Civic Building

Locations for Civic Structures are suggested in the Regulating Plan and are further restricted in size according to the Open Space Types.

Curb Cut

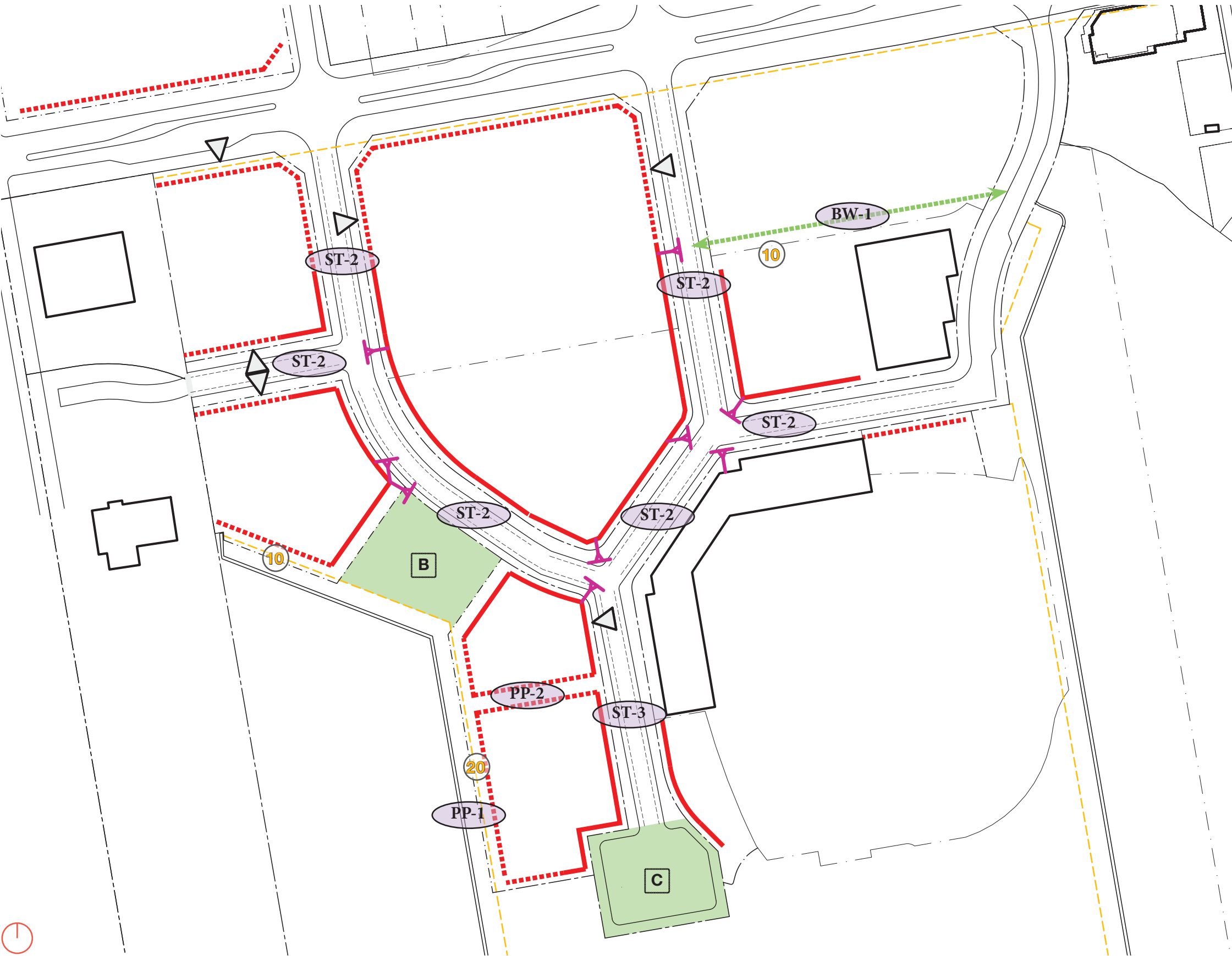
Curb cuts are indicated on the Regulating Plan, and are permitted to be within a 50 foot range from where it is indicated in the Regulating Plan.

Thoroughfares

Thoroughfare assemblies are assigned in the Regulating Plan.

Regulating Plan

Maritime Parcel



- Retail Required
- - - Retail Allowed
- ⊕ Setback
- ⊙ Maximum Building Height (per form standards)
- # Maximum Building Edge Height
- # Tower Location / Maximum Height
- └ Vista Termination
- ⊠ Open Space Type
- ⊠ Civic Structure
- △ Curb Cut Allowed
- XX-# Thoroughfare Designation
- ↔ Pedestrian (Raised) Boardwalk





Review Routing
Project: WRD-1

Meeting: October 8, 2019
Comments Due: September 24, 2019

Department:	Comments:	Date Rec'd
FIRE	No comments.	9/18/2019
PW/E	PW&F has no issue with the proposed revised language, however, we do not concur with the allowable driveway cut location on Main Street for the west parcel, as indicated in the Regulation Plan. This cut would directly interfere with the bus drop off and potentially conflict (safety-wise) with the left-turn pocket for Reus Street.	9/23/2019
InspSvcs		
ESP	No comments.	9/11/2019
ECUA	No comments.	9/11/2019
GPW	None received.	
ATT	No comments or concerns.	9/6/2019

Cynthia Cannon

From: Annie Bloxson
Sent: Wednesday, September 18, 2019 7:39 AM
To: Cynthia Cannon
Subject: RE: Please Review & Comment - Proposed Amendment to WRD Regulations

Good Morning,

I have no issues. Thank you.

Respectfully,

Annie Bloxson

Fire Marshal

Visit us at PensacolaFire.com

475 E. Strong St.

Pensacola, FL 32501

Office: 850.436.5200

abloxson@cityofpensacola.com



Florida has a very broad public records law. As a result, any written communication created or received by City of Pensacola officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

From: Cynthia Cannon <CCannon@cityofpensacola.com>

Sent: Friday, September 06, 2019 1:17 PM

To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Cynthia Cannon <CCannon@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <kellie.simmons@nexteraenergy.com>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris

Cynthia Cannon

From: Derrik Owens
Sent: Monday, September 23, 2019 2:51 PM
To: Cynthia Cannon; Sherry Morris
Subject: RE: Please Review & Comment - Proposed Amendment to WRD Regulations

PW&F has no issue with the proposed revised language, however, we do not concur with the allowable driveway cut location on Main Street for the west parcel, as indicated in the Regulation Plan. This cut would directly interfere with the bus drop off and potentially conflict (safety-wise) with the left-turn pocket for Reus Street.

Thanks

From: Cynthia Cannon
Sent: Monday, September 23, 2019 9:12 AM
To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Cynthia Cannon <CCannon@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <kellie.simmons@nexteraenergy.com>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly(GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>
Subject: FW: Please Review & Comment - Proposed Amendment to WRD Regulations

Good Morning,

Just a reminder that comments are due for this project by the close of business Tuesday, September 24. If you haven't already done so, please take a moment to review and comment on the attached application.

Thank you in advance for your assistance.

Sincerely,

Cynthia Cannon, AICP
Assistant Planning Services Administrator
Visit us at <http://cityofpensacola.com>
222 W Main St.
Pensacola, FL 32502
Office: 850.435-1670
ccannon@cityofpensacola.com



Cynthia Cannon

From: Diane Moore
Sent: Wednesday, September 11, 2019 7:48 AM
To: Cynthia Cannon
Subject: RE: Please Review & Comment - Proposed Amendment to WRD Regulations

Cynthia,
Pensacola Energy has no comment on the Maritime Park LDC amendments.

Thanks,
Diane

Diane Moore | Gas Distribution Engineer
Pensacola Energy | 1625 Atwood Drive, Pensacola, FL 32514
Desk: 850-474-5319 | Cell: 850-324-8004 | Fax: 850-474-5331
Email: dmoore@cityofpensacola.com

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From: Cynthia Cannon <CCannon@cityofpensacola.com>
Sent: Friday, September 6, 2019 1:17 PM
To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Cynthia Cannon <CCannon@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <kellie.simmons@nexteraenergy.com>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>
Subject: Please Review & Comment - Proposed Amendment to WRD Regulations

Good afternoon all!

Cynthia Cannon

From: Andre Calaminus <andre.calaminus@ecua.fl.gov>
Sent: Wednesday, September 11, 2019 3:50 PM
To: Cynthia Cannon
Subject: RE: Please Review & Comment - Proposed Amendment to WRD Regulations

Good afternoon Cynthia,

ECUA has no comments on the proposed amendments to the WRD regulations.

Thanks,

Andre Calaminus | Right of Way Agent | Emerald Coast Utilities Authority |
P.O. Box 17089 | Pensacola, FL 32522-7089 | Web: www.ecua.fl.gov |
Phone: (850) 969-5822 | Fax: (850) 969-6511 |

From: Cynthia Cannon [mailto:CCannon@cityofpensacola.com]
Sent: Friday, September 06, 2019 1:17 PM
To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Cynthia Cannon <CCannon@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <kellie.simmons@nexteraenergy.com>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly(GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>
Subject: Please Review & Comment - Proposed Amendment to WRD Regulations

****WARNING: This is an external email --- DO NOT CLICK links or attachments from unknown senders ****

Good afternoon all!

Please review and comment on the attached Land Development Code amendment to modify the City's Maritime Park parcels with the proposed WRD-1 district. All comments must be received by close of business on **Tuesday, September 24, 2019.**

If you have any questions please let us know.

Thank you,

Cynthia Cannon, AICP
Assistant Planning Services Administrator
Visit us at <http://cityofpensacola.com>
222 W Main St.
Pensacola, FL 32502

Cynthia Cannon

From: SAUERS, BRAD <bs5403@att.com>
Sent: Friday, September 6, 2019 3:02 PM
To: Cynthia Cannon
Subject: FW: Please Review & Comment - Proposed Amendment to WRD Regulations
Attachments: Proposed WRD-1_Maritime Park_Sept 6 2019.pdf

AT&T has no comments or objections at this time.

Brad Sauers
Manager – OSP Plng and Eng
Technology Operations

AT&T
605 W Garden St, Pensacola, FL 32502
o 850.436.1495 | bs5403@att.com

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From: KENNINGTON, STEPHEN
Sent: Friday, September 06, 2019 1:19 PM
To: SAUERS, BRAD <bs5403@att.com>
Subject: FW: Please Review & Comment - Proposed Amendment to WRD Regulations

same

From: Cynthia Cannon [<mailto:CCannon@cityofpensacola.com>]
Sent: Friday, September 06, 2019 1:17 PM
To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Cynthia Cannon <CCannon@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; FENNER, KARL L <kf5345@att.com>; Kellie L. Simmons (Gulf Power) <kellie.simmons@nexteraenergy.com>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; KENNINGTON, STEPHEN <sk1674@att.com>
Subject: Please Review & Comment - Proposed Amendment to WRD Regulations

Good afternoon all!



PLANNING SERVICES

MINUTES OF THE PLANNING BOARD

October 8, 2019

MEMBERS PRESENT: Chairman Paul Ritz, Danny Grundhoefer, Ryan Wiggins, Charletha Powell, Eladies Sampson

MEMBERS ABSENT: Kurt Larson, Laurie Murphy

STAFF PRESENT: Cynthia Cannon, Assistant Planning Services Administrator, Sherry Morris, Planning Services Administrator, Heather Lindsay, Assistant City Attorney, Leslie Statler, Senior Planner, Michael Ziarnek, Transportation Planner-Complete Streets, Gregg Harding, Historic Preservation Planner, Brad Hinote, Engineering, Lawrence Powell, Neighborhoods Administrator, Councilwoman Myers, Councilwoman Hill, Mayor Robinson

OTHERS PRESENT: Andrew Rothfeder, P. Cantavespre, April Skipper, William J. Dunaway, Buddy Page, George Williams, George Biggs, Amir Fooladi, Fred Gunther

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from September 10, 2019.
- **New Business:**
 1. Consider Amendment to LDC Section 12-2-12 Creating WRD-1
 2. Consider Rezoning and Future Land Use Map Amendment for 14 W. Jordan Street
 3. Consider *Preliminary Approval* for 500 E. Gregory Street
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:00pm with a quorum present and explained the procedures of the Board meeting.

Approval of Meeting Minutes

Ms. Sampson made a motion to approve the September 10, 2019 minutes, seconded by Ms. Powell, and it carried unanimously.

New Business

Consider Amendment to LDC Section 12-2-12 Creating WRD-1

Staff received a request to modify the Redevelopment Land Use District WRD by establishing a subcategory which would become the WRD-1. The proposed WRD-1 would be a standalone section with the intent of optimizing the future development of the City's Community Maritime Park (CMP) parcels. The overall park parcel was master planned for stormwater and open space during the final plat approval process in April

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2013. Subsequently, lots 1 and 2 received Planning Board approval for development in 2013. Ms. Cannon advised future development on the CMP parcels within the proposed WRD-1 district would continue to be submitted to the Planning Board for aesthetic review. She advised the applicant and their consultant were available online to give a presentation to the Board.

Mr. Rothfeder, President of Studer Properties, presented to the Board and stated his firm had been asked to submit a master plan for the remaining parcels at the Maritime Park that was cohesive and worked with the 19 acre site across the street. He stated one of the first steps was to hire a market research firm which could confirm the demand for commercial and retail space in the downtown area; they subsequently hired Jeff Speck and Associates along with DPZ CoDESIGN. This process began nine months ago culminating with a week-long charrette involving public input. DPZ then presented the master plan, with the question being whether or not it would fit into the current zoning on the Maritime Park site. He represented to the Board that Ms. Khoury along with DPZ had worked with City staff to address an appropriate solution. He indicated the Studers had invested approximately one half million dollars into this project. He also stated there was a question being asked by a third party law firm about this rezoning, specifically about the purpose of the rezoning which would be addressed later by Mr. Dunaway.

Ms. Khoury then addressed the Board and asserted she had worked with the Planning staff. Her presentation consisted of 20 slides which focused on the Maritime Park parcel, and Mr. Speck was online to answer any questions. They were not aware of the rich history on this site and as such studied previous plans to evaluate lessons learned. The market study was completed before they conducted the charrette. The study demonstrated that there was an opportunity to extend the downtown to the waterfront. Ms. Khoury pointed out that Southtowne was an example of the desire for downtown living and that their study looked at the program for the market over a 15 year timeframe. The 19 acre site could accommodate 1,825 residential units, with the majority designated for rental units and approximately thirty percent designated as condos. She stated that the encouraging fact was that waterfront units could be affordable to people making \$30,000 and up and commercial and retail ranging anywhere from 80,000 to 200,000 sq. ft. and up. She pointed out the charrette was very positive, and residents were excited about what was being proposed. They proposed recreating the blocks with three linear greenways, the Maritime parcel with the parking completely lined, connections to Bruce Beach, and a boardwalk over the stormwater pond creating more of an environment.

WRD zoning permits 60 dwelling units per acre, and the proposed WRD-1 did not change this; the change was from height measured in feet to stories, to have generous floor to ceiling heights and certain commercial uses (still 60 units per acres – 60 sq. ft. to 6 stories). One of the biggest purposes was to change the intent or purpose of the district. They agreed WRD was archaic in the way it was written, and they tried to encourage waterfront activities. They learned the WRD was created as an antidote to the Port Royal gated development. The change does not affect the metrics but encourages development in a better way. They decided not to change things everyone was objecting to; the uses, density and parking remained the same. The height was changed from feet to stories.

The changes included permitting A-frame signage, festival signage and to prohibit illuminated signage. The landscaping would be appropriate for downtown with shrubs and trees. The lot coverage was changed from 75 (seventy-five) percent to 95 (ninety-five) percent on a parcel. The height would be measured in stories, and held to the height criteria outlined in the CRA Urban Overlay design standards.

Previous developers found that the current CMP plan did not ensure that a future developer would adhere to the same development standards. This needed to be addressed in order to develop a stable environment.

Ms. Wiggins addressed item (5) Regulations and why there was a strikethrough on (a) 1. from “maximum” and replaced with “enhance.” Ms. Khoury explained maximum was too subjective of an opinion and that the bay walk had been enhanced since there were buildings up against it. She continued to state that as you

move toward the beach, it was a more active waterfront and that "maximizing" intends to imply a final condition which is hard to judge and that "enhancement" is easier in considering enhancement or optimizing; it is an attempt to provide a more objective way to judge if a building is behaving with the waterfront.

Chairman Ritz pointed out there were several areas dedicated to openness where buildings will not be constructed. Ms. Powell had a problem with blocking the view and felt both "maximum" and "enhance" were both subjective. Chairman Ritz stated even if the document was not changed, projects taking place here come before the Board where there would be a judgment call on what was being presented. It relies on the Board as a body listening to constituents or the developer themselves for process to determine the final consensus. Ms. Wiggins did not feel the WRD needed the change. She also asked why (5) (b) 4. and 5. were a strikethrough. Ms. Khoury stated there was no historic parcel connected to this district. Ms. Powell asked if whatever language the Board agreed to would apply to anyone who wanted to rezone, using this same language and would not just be for Maritime Park. Ms. Khoury stated it might be easier to unstrike this portion. Ms. Lindsay explained when modifying language to a code, the issue is you are setting a precedent for future use and contemplation, so any change you make, you should always be contemplating the long term impact and what incentives are you providing to future changes to the Code. Chairman Ritz explained if someone asked to be included in WRD-1, they would come before the Board to make the decision to incorporate them. Ms. Cannon confirmed they would go through the rezoning process which would be reviewed through the Planning Board. Ms. Powell asked if it was in the Code and the Board had agreed to it, and they are complying with everything in WRD-1, what would be the way the Board could say they could not be allowed in the district when they were complying. Ms. Lindsay advised that was actually what the outside legal opinion was concerned with - if you set the precedent, then you have to anticipate it will be used to expand in the future. The Board would have to decide the legitimate goals so there would be an argument against expansion if that was truly what they wanted to do. Chairman Ritz explained there was some latitude for the Board to determine if the applications were appropriate or not. There is an ebb and flow to a city, and we are not trying to be static but are trying to move forward with the appropriate ideas. Ms. Wiggins asked if there was a need for WRD-1 and could exceptions be made as they applied to these parcels as opposed to changing Code. Ms. Lindsay advised there were other options which Ms. Morris had discussed with DPZ. Ms. Wiggins clarified she was referring to a variance instead of a Code change. Mr. Grundhoefer asked why the changes could not be included the WRD, and Ms. Cannon stated that if that was the proposed amendment then all parcels in the WRD district would be subject to the increased lot coverage and change in height requirements as opposed to just the CMP parcels. She explained the applicants were proposing to raise the design standards and encourage future developments to go through the new CRA Urban Overlay District for consistency and cohesiveness in development with the former ECUA parcel and that the WRD-1 was proposed as an effort to create a strategic development approach to the CMP parcels. Mayor Robinson explained they started looking at how to create something based on what we see new happening in models that would allow us to have these features we would see in our normal historic waterfront. If we had been thinking that way today, we probably would not have built the governmental buildings the way we did. Things changed dramatically in 50 years, and the overall intent was simply if we can create what we want to create, why not create a district which would allow that. The choice was to amend WRD and start over.

Ms. Cannon clarified that the Gregory Stewart memo was emailed to the Board and uploaded to the online agenda center upon receipt. Ms. Lindsay stated the memo addressed some things which the Board might consider so the correct articulations could be made. Mr. Dunaway of Clark Partington was asked to address the memo which was provided as comments to Mr. Wells, Deputy City Attorney. The scope of the review was quite broad, and Mr. Stewart concluded that he was unable to determine whether there was a public purpose and a deliberative process for this planning, and he raised the question of what is the purpose of

this. The Board had heard that this project came because the group came to the City asking how they should best implement this plan – how should they best put it into action. The idea was to follow the pattern they did in the Gateway Redevelopment District with the creation of earlier sections in the Aragon area. He emphasized that Mr. Stewart's memo was absolutely correct to note that all the changes to the LDC must be legally consistent with the Comprehensive Plan. He advised the fundamental land development document for these parcels and others was the Community redevelopment Plan of 2010, which directly addresses this issue on page 33 where the Plan identifies a number of areas within the Urban Core Redevelopment area that should be considered for policy amendments to the City of Pensacola Comprehensive Plan and Land Development Code. It further states the CRA should investigate the existing land use categories and zoning districts to determine if the creation of new policies and new zoning districts should be considered to support the recommendations of and to carry out the redevelopment plan. Mr. Stewart concluded in his memo that he "was unable to identify whether such a public purpose is served and therefore, it appears that there is a potential legal issue that the new WRD-1 classification is arbitrary and capricious and constitutes spot zoning from this rezoning."

Mr. Dunaway advised that staff, Mr. Rothfeder and Ms. Khoury, along with actions from this Board and the City Council, can supply that information which he believed Mr. Stewart did not have. He further advised that the 2010 CRA plan on page 3 "establishes the framework for transformative policies and investments in the CRA." Within that context, the plan provides policy, programmatic and fiscal direction for the CRA as Pensacola reshapes its urban landscape and waterfront. The purpose of the plan is to define the strategic framework, concepts, themes, goals and objectives for the future of Pensacola's urban core. He explained that because a zoning section exists in the Code, does not necessarily mean that other parcels get to take advantage of that. All parcels within the City are zoned with their own zoning, and there is a process where zoning can be changed, only if it is consistent with the Comprehensive Plan and other comprehensive documents. The reason for not using a variance was because they require statutory criteria, specifically that the problem was not self-created. Changing the zoning was the appropriate process for this development and was a step forward in the ultimate goal of fulfilling the public purpose and vision by the decades of public planning for this CMP site.

Ms. Wiggins asked who had hired the outside attorney for this legal opinion, and Ms. Lindsay advised that Legal had asked for that opinion to do their due diligence for the sake of transparency because they anticipated the public could have questions, and they wanted to make sure the Board had answers.

Mr. Gunther stated that he was under the impression that DPZ was hired by the developer, and Chairman Ritz confirmed that. Mr. Gunther explained if the CRA had hired DPZ to make changes in zoning, that would make sense, but this was not the case here. He was opposed to a higher lot coverage ratio and more height along the water. He did not blame the developer for asking, but it did allow for taller and wider buildings. The citizens had spent millions on site development to maximize the connection to the water, but when you build a wider building, it creates a wall effect along the water. He explained that when planning is done right, the shorter buildings are along the water.

Ms. Wiggins stated this was also her concern with removing the term "maximize" from the document. Chairman Ritz advised he appreciated the work by DPZ and as a designer, he preferred the 6 stories language to 60 feet. Open spaces are not a reason for people to go there, but if you place something there, it connects people to the water. To correct some statements, Ms. Khoury explained they were not adding additional height, and most of the buildings would be 4 and 5 stories. Also, the reason for writing the WRD-1 was that the WRD was archaic, and they wanted it to reflect what the CRA encouraged, and they also heard from the community that they wanted to see more redevelopment.

Mr. Speck added it was important to make a distinction between rural beach development, as in Santa Rosa Beach, and urban beach developments like Portofino and Venice. Those are examples of other urban

waterfronts as they are models where spaces are well shaped by buildings, and he further explained that too many spaces between buildings actually cause you to not feel comfortable in public places.

Ms. Powell asked if the WRD was archaic, why not just modify the WRD. Chairman Ritz explained the applicant did not want to speak for the other WRD property owners; they were just considering the properties they control. Ms. Powell pointed out (c) of the landscaping guidelines that the "shoreline vistas" were more than just a view. The ability to see would be constricted by the buildings. Chairman Ritz advised the building code would regulate the height of the buildings. Ms. Cannon explained per the CRA overlay district, the heights for the ground story floor were beginning at 16', 20' and 24' and the maximum aboveground story heights were 14' so with the highest at 24' ground floor and 14' for the other stories, the potential would be a 94' building height. Ms. Khoury added that 24' on the ground floor was for retail only. Ms. Wiggins was concerned with parking becoming unaffordable, citing Southtowne as the most expensive parking lot and believed parking would also become restricted and expensive. Ms. Morris advised that parking requirements in the CRA were greatly reduced based on land use in 2013 by Council and the Planning Board, and any future development would have to address the off-street parking, but there were other methods in the Code which allow for off-site parking through shared use agreements to provide flexibility. These future developments would be required to handle and address the required off-street parking to support the developments, and that would come before this Board when the developments apply for permitting. She also stated they had changed how we measure building height as the first habitable floor and tried to incentivize parking underneath instead of surface parking.

Mr. Grundhoefer addressed 5. (b) regarding CRA Overlay standards being "encouraged." Ms. Morris further explained the CRA Overlay is applicable to any district within the three CRAs in the downtown area not within a review district, anything not subjected to additional review beyond standard permitting. While this property is within the CRA Overlay boundary, it does not fall under the Overlay since it is protected by the WRD. They referred to the CRA Overlay guidelines and encouraged them, and the Board could recommend as part of their oversight some components of the CRA Overlay for the applicants to consider.

Regarding parking, Mr. Rothfeder stated currently as it is developed, it could be arranged with parking garages, and the market would determine what gets developed there. He stated the goals of this development were to connect the commercial core with the west side, to take this underutilized land and develop it in a way that accomplishes the goals of attracting and retaining our talent, and produces a wide array of housing that meets the market's demand and allows units which permit people to live in the project earning \$30,000 a year. He asked Ms. Khoury if there was anything that would be different if they had asked this development be done for them, the CRA, or a public entity, and Ms. Khoury indicated there would not. They were opening views to the waterfront and keeping with the character of the area, and for anyone else, it would still be very similar to this. She advised Mr. Studer did not direct any of this, but that the market study and prior plans, along with Civicon speakers, all supported the ideas presented.

Ms. Cannon explained the motion of the Board would be to "recommend" to the City Council. Ms. Morris advised this item would be presented at the Council's November 14th meeting. Mr. Grundhoefer suggested not striking the historic language, and he had no problem with the 60 feet versus the six (6) story language and was also not concerned with the 95 (ninety-five) percent lot coverage because of who the developer is.

Mr. Grundhoefer made a motion to approve a recommendation to the Council. Chairman Ritz clarified the historic language of (5) (b) 4. and 5. was to remain.

Ms. Powell was not confident if they kept the 95% going forward that it would not impact other things. **Ms. Wiggins wanted to remove "enhance" retain "maximum" and "maximize" in (5) (a) 1. and Mr. Grundhoefer accepted. Ms. Wiggins seconded the motion, and it carried unanimously.**

Consider Rezoning and Future Land Use Map Amendment for 14 W. Jordan Street

Millwood Terrace, Inc. is requesting a Zoning Map and Future Land Use Map (FLUM) Amendment for the property located at 14 W. Jordan Street and identified by parcel number 00-05-00-9010-001-124. The property currently has split zoning with C-2 on the southeastern portion and R-2 on the western portion; the Future Land Use Map (FLUM) is consistent with Commercial and Office designations. The applicants are proposing to amend the zoning district to C-1 Commercial zoning district and the FLUM to Commercial.

Mr. Page presented to the Board and stated the purpose was to have all the buildings zoned consistently. He said they originally thought to pursue R-2 to be consistent along Palafox Street, but staff recommended the C-1 category because it was less intense than C-2. Currently, the line separating the C-2 from R-2 runs through several of the buildings by several feet. He explained they had met with Councilwoman Cannada-Wynn onsite since she represents that district. Chairman Ritz was favorable with the C-1 classification transitioning into the neighborhood, noting his home is also in a C-1 designation. Mr. Page explained the existing uses were physicians' offices with the right corner being a pharmacy.

Mr. Gunther advised he owned the building to the north of the property and was concerned with street parking and any plans to reduce the existing parking. Chairman Ritz pointed out the Board could not make decisions on what might be. Mr. Page explained there were no plans to make any adjustments in development but more an opportunity to make sure the financing entities were satisfied that all of the buildings could be used under one category. **Ms. Wiggins made a motion for approval, seconded by Ms. Sampson.** Mr. Grundhoefer asked about the parcels, and Mr. Page further explained the survey showed the zoning line currently splits the pharmacy space. **The motion then carried unanimously.**

Consider Preliminary Approval for 500 E. Gregory Street

George Williams, AIA, Goodwyn Mills Cawood, is requesting *preliminary* approval for site improvements for a new (replacement) building for the adult entertainment business "Sammy's" located in the Gateway Review District (GRD). The new building will substantially increase the conformity of the project to the Land Development Code by improving parking, open space, landscaping and overall site design. Chairman Ritz noted this was the first consideration which was formerly within the Gateway Review Board purview.

Mr. Williams, a representative of Goodwyn Mills Cawood, presented to the Board and stated this project had been ongoing for well over a year. After evaluating the existing building and what was necessary to bring it up to Code, it became clear that would be quite expensive. They stepped back to consider a new building in lieu of the existing building, since there were certain criteria financial and otherwise that prohibited them from closing the existing building, demolishing it, and building a new one. They tried to be creative in locating a new building onsite, realizing there were certain criteria to be met in the Gateway District, and the new building could not be larger than the existing building. The basic request involved the location of the new building, and aesthetics would return to the Board. He pointed out the parking spaces to the west were leased from the City and were included in the car count. The variance for the rear of the building would go away. He pointed out the GRD district requires 25% pervious land area, and currently they have 24.5% of pervious surface in the redevelopment plan which was still a tremendous enhancement. Additionally, the parking requires one space for each 75 sq. ft. with a total parking requirement of 74 spaces; the plan presents 70 parking spaces, and they are 3 spaces deficient based on the City's criteria. He explained this plan would require an FDOT review since they were relocating a driveway on Gregory Street which was less than the standard.

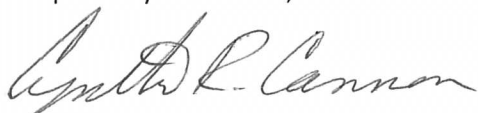
Regarding the Gateway guidelines, Ms. Cannon referred the Board to Sec. 12-2-81 (C) for the contents of the preliminary plan which asks for general information at this point. She explained when the applicant returned, the Board would be looking at another list of requirements for the final phase. Chairman Ritz noted the layout reminded him of Publix with parking on the less intent street, and the building closer to the busier street giving it more edge. He pointed out the applicant had met the preliminary requirements, and he could support the project. **Ms. Wiggins made a motion to approve, seconded by Ms. Sampson.** Mr.

Grundhoefer questioned stormwater, and Mr. Williams stated they had engaged Rebol Battle since the site has 4,300 sq. ft. of pervious surface, and they were doubling that number. He indicated they would comply with whatever the stormwater requirements of the City might be and would return with the aesthetics. **The motion then carried unanimously.**

Open Forum – Chairman Ritz explained there had been a request to change the time of the October 24th Tree Ordinance workshop to 3pm-5pm to accommodate Council members who wanted to participate. Ms. Wiggins was concerned with the changed time that the public would not have a chance to weigh in after working hours. Ms. Cannon suggested there could be a second workshop not scheduled on a Council meeting night, and Ms. Wiggins appreciated that the public would then have a chance to participate. Chairman Ritz pointed out that it will likely take more than one workshop since this was very far reaching for many constituents. Ms. Cannon advised she would look for future dates on non-Council nights going forward to January and would present those at the November meeting of the Board and notify by email as well.

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 3:48 pm.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Cynthia Cannon".

Cynthia Cannon
Secretary to the Board

PROPOSED
ORDINANCE NO. 34-19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 12-2-12 REDEVELOPMENT
LAND USE DISTRICT; CREATING SECTION (D) WATERFRONT
REDEVELOPMENT DISTRICT-1 (WRD-1) OF THE CODE OF THE
CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY;
REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-2-12 of the Code of the City of Pensacola, Florida are hereby amended to add the underlined language and delete the stricken language with the currently codified language reproduced below for context or shown as omitted where appropriate "[...]":

Sec. 12-2-12. – Redevelopment Land Use District.

The regulations in this section shall be applicable to the gateway and waterfront redevelopment zoning districts: GRD and WRD. "[...]"

(D) WRD-1, Waterfront Redevelopment District-1.

(1) Purpose of district. The waterfront redevelopment district is established to promote redevelopment of the city's downtown waterfront with a compatible mixture of uses which further the goals of downtown Pensacola's Comprehensive Plan, encourage a walkable mixed use urban environment, preserve the unique shoreline scenic opportunities, provide continuous public waterfront access, create a cultural meeting places for the public, and encourage a high quality of site planning and architectural design. Site specific analysis of each development proposal within the district is intended to ensure that the scenic vistas of the district are maintained, that the development character of the waterfront is upgraded and that the boundaries of the adjacent special districts are positively reinforced.

(2) Uses permitted.

(a) Single-family residential (attached or detached) at a maximum density of seventeen and four-tenths (17.4) units per acre. Multi-family residential at a maximum density of sixty (60) dwelling units per acre.

(b) Home occupations, subject to regulations in section 12-2-33.

(c) Offices.

(d) Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes.

(e) Hotels/motels.

(f) Marinas.

(g) Parking garages.

(h) The following retail sales and services:

1. Retail food and drug stores (including package liquor store).

2. Personal service shops.

3. Clothing stores.

4. Specialty shops.

5. Banks.

6. Bakeries whose products are sold at retail on the premises.

7. Antique shops.

8. Floral shops.

9. Health clubs, spa and exercise centers.

10. Laundromats.

11. Laundry and dry cleaning pick-up stations.

12. Restaurants.

13. Studios.

14. Art galleries.

15. Sale or rental of sporting goods or equipment including instructions in skiing, sailing, or scuba diving.

16. Boat rentals waterside only with limited upland storage.

17. Bars.

18. Commercial fishing.

19. Ferry and passenger terminals.

20. Cruise ship operations.

(i) Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.

(3) Procedure for review of plans.

(a) Plan submission. Every application to construct a new structure in the waterfront redevelopment district-1 shall be subject to the development plan review and approval procedure established in section 12-2-81. Every application for a new certificate of occupancy or a building permit to erect,

construct, demolish, renovate or alter a building or sign, or exterior site work (i.e., paving and landscaping of off-street parking areas), located or to be located in the waterfront redevelopment district-1 shall be accompanied with drawings or sketches with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the building, sign, or exterior work (both before and after the proposed work is done in cases of altering, renovating, demolishing or razing a building or structure) including proposed materials, textures and colors, and the plot plan or site layout including all site improvements or features such as walls, fences, walks, terraces, plantings, accessory buildings, paved areas, signs, lights, awnings, canopies and other appurtenances. All developments within the waterfront redevelopment district must comply with design standards as established in section 12-2-82.

(b) Review and approval. All plans shall be subject to the review and approval of the planning board established in Chapter 12-13. At the time of review the board may require that any aspect of the overall site plan which does not meet the standards established in this section be incorporated and brought into compliance within a time limit approved by the board. Review by the planning board of applications for zoning variances shall be as provided for under section 12-13-2(F)(f).

(c) Abbreviated review. Sign requests, paint colors, fencing, and emergency repairs which are consistent with the regulations and guidelines set forth in this section, may be approved by letter to the building official from the planning board secretary and the chairman of the board. This provision is made in an effort to save the applicant and the board time for routine approval matters. If agreement cannot be reached as it pertains to such requests by the board secretary and chairman, then the matter will be referred to the board for a decision.

(4) Regulations.

(a) Signs. The following provisions shall be applicable to signs in the district.

1. Number of signs. Each parcel shall be limited to one sign per street frontage; provided, however, if there exists more than one establishment on the parcel, there may be one attached sign per establishment. Additionally, retail sales and services may have an A-Frame sign in addition to the one sign per frontage.

2. Signs extending over public property. Signs extending over public property shall maintain a clear height of nine (9) feet above the sidewalk and no part of such signs shall be closer than eighteen (18) inches to the vertical plane of the curb line or edge of the pavement.

3. Sign size and height limitations.

a. Attached signs:

Size: Ten (10) percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed fifty (50) square feet. Buildings exceeding five (5) stories in height; one attached wall sign or combination of wall signs not to exceed two hundred (200) square feet and mounted on the fifth floor or above.

Height: No sign may extend above the roof line of the building to which it is attached. For the purposes of this section roof surfaces constructed at an angle of sixty-five (65) degrees or more from horizontal shall be regarded as walls.

b. Freestanding signs.

Size: Fifty (50) square feet.

Height: Ten (10) feet (top of sign).

c. A-Frame Sign

Size: Ten (10) square feet.

Height: Forty-Two (42) inches (top of sign).

4. Other permitted signs.

- a. Signs directing and guiding traffic and parking on private property, bearing no advertising matter. Such signs shall not exceed two (2) square feet in size.
- b. Signs advertising the acceptance of credit cards not exceeding two (2) square feet in size and which are attached to buildings or permitted freestanding signs.
- c. Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.

5. Prohibited signs. Refer to section 12-4-7 for a description of prohibited signs. In addition the following signs are prohibited within the district:

- a. Signs which are abandoned or create a safety hazard. Abandoned signs are those advertising a business which becomes vacant and is unoccupied for a period of ninety (90) days or more.
- b. Signs that present an optical illusion, incorporated projected images, or emit sound.
- c. Secondary advertising signs (i.e., signs which advertise a brand name product in addition to the name of the business).

6. Temporary signs. The following temporary signs shall be permitted in the district:

- a. Temporary banners indicating that a noncommercial special event such as a fair, carnival, festival or similar happening is to take place, are

permitted with the following conditions: Such banners may be erected no sooner than two (2) weeks before the event and banners extending over street rights-of-way require approval from the mayor.

- b. One non-illuminated sign per street frontage advertising the sale, lease or rental of the lot or building upon which the sign is located. Such sign shall not exceed twelve (12) square feet in size, and shall be removed immediately after occupancy.
- c. One non-illuminated sign not more than fifty (50) square feet in area in connection with new construction work and displayed only during such time as the actual construction work is in progress.
- (b) Off-street parking. The following off-street parking requirement shall apply to all lots, parcels, or tracts in the district: Off-street parking requirements in the waterfront redevelopment district-1 shall be based on the requirements set forth in Chapter 12-3-1(D)(7). The required parking may be provided off-site by the owner/developer as specified in subsection 12-3-1(D). Screening shall be provided along the edges of all parking areas visible from the street rights-of-way. This screening may take the form of:

 - A solid wall or fence (chain-link fences are prohibited) with a minimum height of four (4) feet which is compatible in design and materials with on-site architecture and nearby development; or
 - Landscaping approximately three (3) feet in height which is landscaped to provide positive screening effective within three (3) years; or
 - A combination of walls or fences and landscape screening, or landscape screening designed to provide positive screening within three (3) years.
- (c) Vehicular access. For each lot, tract or parcel under single ownership, the maximum number of access points shall not exceed two (2) per street frontage.
- (d) Landscaping. Landscaping requirements in the district shall conform to the requirements of Chapter 12-6. All service areas (i.e., trash collection containers, compactors, loading docks) shall be screened with at least seventy-five (75) percent opacity from the street and adjacent buildings by one of the following techniques:

 - Fence or wall and gate, six (6) feet high;
 - Vegetation, six (6) feet high (within three (3) years); or
 - A combination of the above.
- (e) Underground utility services. All new building construction or additions of floor area to existing structures shall be required to install underground utilities on the site.
- (f) Lot coverage. The total coverage of the site including all structures, parking areas, driveways and all other impervious surfaces shall not exceed ninety-five (95) percent.

(g) Setback/height requirements. No building shall exceed a maximum height of six (6) stories in the waterfront redevelopment district-1, as defined in Section 12-2-25 Community Redevelopment Area (CRA) Urban Design Overlay District.

1. Shoreline setback/height requirements. All buildings shall be set back a minimum of thirty (30) feet from the shoreline or the bulkhead line. The minimum setback from the shoreline may be decreased by the planning board and the council during the review process to permit reuse of existing buildings, structures or foundations with a lesser setback.

2. Main Street setback/height requirements. All buildings shall be setback a minimum of sixty (60) feet from the centerline of Main Street. At this minimum setback line, the building height may not exceed six stories.

3. All other setbacks shall be as specified on the regulating plan.

(h) Additional regulations. In addition to the regulations established above in subsections 12-2-12(C)(4)(a) through (g), any permitted use within the WRD-1 zoning district where alcoholic beverages are ordinarily sold is subject to the requirements of Chapter 7-4 of this Code.

(5) Regulations. All developments within the waterfront redevelopment district-1 are encouraged to follow the design guidelines established in subsection 12-2-82(D). In addition, the following site planning guidelines should be taken into consideration in the required development plans.

(a) Site planning. The integration of site features such as building arrangement, landscaping, parking lot layout, public access points, building orientation, and scenic vantage points is critical in producing a pleasant and functional living or working environment. In reviewing development proposals, the following guidelines shall be taken into consideration:

1. Maximum preservation of waterfront views. Considering the waterfront location of the district, the placement of buildings, signs, service areas, parking and landscaping shall be planned to maximize the preservation of views of the bay and to protect the waterfront scenic open space character. To prevent the effect of a "wall" of development along the edge of the waterfront and adjacent streets, open space should be encouraged between buildings and under elevated buildings. Pedestrian circulation systems should be designed to form a convenient, interconnected network through buildings, landscaped open spaces and public walkways. The longer side of each building should be sited perpendicular to the water's edge in order to preserve water views from the street.

2. Building orientation. Buildings should be oriented to maximize the waterfront view potential within the district while maintaining quality facade treatment and design on the streetside. Structures should be positioned to provide viewing opportunities of the water and the shoreline edge between buildings. The location of solid waste receptacles, service entrances, loading docks, storage buildings and mechanical and air

conditioning equipment and other items typically situated at the backside of buildings should be discouraged within the area between the building and the water's edge.

3. Off-street parking and service. Off-street parking shall be discourage within the shoreline setback area. Where possible, service areas (i.e., trash collection, loading docks) shall be located to be screened by the building itself; otherwise, walls, fences, landscaping and earth berms shall be used to achieve effective screening.

(b) Aesthetic considerations. Development projects within the district are not subject to special architectural review and approval, however compliance with the CRA Overlay Standards and Guidelines as defined in Section 12-2-25 Community Redevelopment Area (CRA) Urban Design Overlay District is encouraged. In lieu of a special separate review procedure, the following general architectural and aesthetic design criteria will be considered to enhance the character of the district:

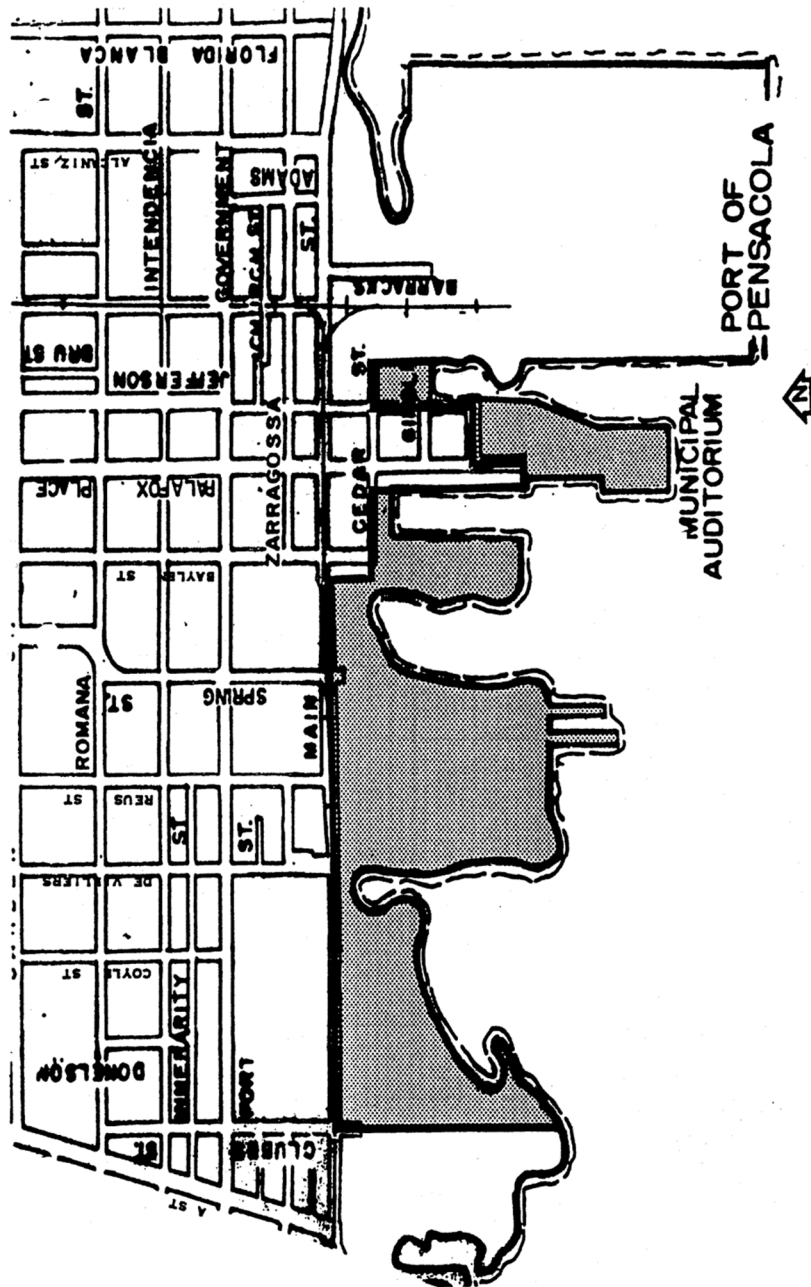
1. Buildings or structures should have a unity of character and design. The relationship of forms and the use, texture, and color of materials shall be such as to create a harmonious whole.
2. Natural materials such as brick, wood and stucco should be encouraged. Materials such as metal and plastic shall be discouraged on exterior surfaces of buildings.
3. All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls or vegetation.
4. Proposed developments within the Waterfront Redevelopment District-1 which are located adjacent to a historic district should give special consideration to visual compatibility in scale and architectural design in order to positively reinforce the character of the historic area and provide a buffer and transition.
5. Projects should be encouraged which enhance the setting or provide for adaptive reuse of historic buildings and sites.

(c) Landscaping guidelines. Landscaping should be used to enhance waterfront views and vistas and to screen undesirable features. Low lying plant material should be used in open areas to retain views of the water. Trees should be selectively utilized and carefully located along the waterfront in both public and private developments in order to maintain existing views as much as possible. Plantings should be coordinated near buildings to provide view corridors.

(d) Sign guidelines.

1. Design/materials. The architectural character of the building to which the sign relates should be reflected in the lettering of the sign, and the materials used for the supporting structure and the sign face.

2. Lighting. Indirect and internal lighting is encouraged. Neon and exposed fluorescent lighting is not permitted.
3. Copy. The sign copy should be limited to the name, address, and logo of the building complex, the major tenant or the business. The sign should be primarily used for communicating, identifying, and locating the business, not for advertising.
4. Landscaping. The landscaping and positioning of the sign should complement the overall site plan and landscaping of the development.



Waterfront Development District

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 34-19

City Council

10/24/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 34-19 - PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE - SECTION 12-2-12 - WATERFRONT REDEVELOPMENT DISTRICT

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 34-19 on first reading:

AN ORDINANCE AMENDING SECTION 12-2-12 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE WATERFRONT REDEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The City has received a request to amend the Waterfront Redevelopment District (WRD) by establishing a subcategory which would become the WRD-1. The proposed WRD-1 would be a standalone section with the intent of optimizing and encouraging a high quality of site planning and architectural design for the future development of the City's Community Maritime Park parcels.

On October 8, 2019, the Planning Board unanimously recommended approval of the proposed amendment.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

10/11/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Keith Wilkins, Deputy City Administrator
Kerrith Fiddler, Assistant City Administrator
Sherry Morris, Planning Services Administrator

ATTACHMENTS:

- 1) Proposed Ordinance No. 34-19
- 2) WRD-1 Staff Memo Packet - 10.08.2019
- 3) Planning Board Minutes - 10.08.2019 (DRAFT)

PRESENTATION: No

PROPOSED
ORDINANCE NO. 34-19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 12-2-12 REDEVELOPMENT
LAND USE DISTRICT; CREATING SECTION (D) WATERFRONT
REDEVELOPMENT DISTRICT-1 (WRD-1) OF THE CODE OF THE
CITY OF PENSACOLA, FLORIDA; PROVIDING FOR SEVERABILITY;
REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-2-12 of the Code of the City of Pensacola, Florida are hereby amended to add the underlined language and delete the stricken language with the currently codified language reproduced below for context or shown as omitted where appropriate "[...]":

Sec. 12-2-12. – Redevelopment Land Use District.

The regulations in this section shall be applicable to the gateway and waterfront redevelopment zoning districts: GRD and WRD. "[...]"

(D) WRD-1, Waterfront Redevelopment District-1.

(1) Purpose of district. The waterfront redevelopment district is established to promote redevelopment of the city's downtown waterfront with a compatible mixture of uses which further the goals of downtown Pensacola's Comprehensive Plan, encourage a walkable mixed use urban environment, preserve the unique shoreline scenic opportunities, provide continuous public waterfront access, create a cultural meeting places for the public, and encourage a high quality of site planning and architectural design. Site specific analysis of each development proposal within the district is intended to ensure that the scenic vistas of the district are maintained, that the development character of the waterfront is upgraded and that the boundaries of the adjacent special districts are positively reinforced.

(2) Uses permitted.

(a) Single-family residential (attached or detached) at a maximum density of seventeen and four-tenths (17.4) units per acre. Multi-family residential at a maximum density of sixty (60) dwelling units per acre.

(b) Home occupations, subject to regulations in section 12-2-33.

(c) Offices.

(d) Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes.

(e) Hotels/motels.

(f) Marinas.

(g) Parking garages.

(h) The following retail sales and services:

1. Retail food and drug stores (including package liquor store).

2. Personal service shops.

3. Clothing stores.

4. Specialty shops.

5. Banks.

6. Bakeries whose products are sold at retail on the premises.

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18. Commercial fishing.

19. Ferry and passenger terminals.

20. Cruise ship operations.

(i) Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.

(3) Procedure for review of plans.

(a) Plan submission. Every application to construct a new structure in the waterfront redevelopment district-1 shall be subject to the development plan review and approval procedure established in section 12-2-81. Every application for a new certificate of occupancy or a building permit to erect,

construct, demolish, renovate or alter a building or sign, or exterior site work (i.e., paving and landscaping of off-street parking areas), located or to be located in the waterfront redevelopment district-1 shall be accompanied with drawings or sketches with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the building, sign, or exterior work (both before and after the proposed work is done in cases of altering, renovating, demolishing or razing a building or structure) including proposed materials, textures and colors, and the plot plan or site layout including all site improvements or features such as walls, fences, walks, terraces, plantings, accessory buildings, paved areas, signs, lights, awnings, canopies and other appurtenances. All developments within the waterfront redevelopment district must comply with design standards as established in section 12-2-82.

(b) Review and approval. All plans shall be subject to the review and approval of the planning board established in Chapter 12-13. At the time of review the board may require that any aspect of the overall site plan which does not meet the standards established in this section be incorporated and brought into compliance within a time limit approved by the board. Review by the planning board of applications for zoning variances shall be as provided for under section 12-13-2(F)(f).

(c) Abbreviated review. Sign requests, paint colors, fencing, and emergency repairs which are consistent with the regulations and guidelines set forth in this section, may be approved by letter to the building official from the planning board secretary and the chairman of the board. This provision is made in an effort to save the applicant and the board time for routine approval matters. If agreement cannot be reached as it pertains to such requests by the board secretary and chairman, then the matter will be referred to the board for a decision.

(4) Regulations.

(a) Signs. The following provisions shall be applicable to signs in the district.

1. Number of signs. Each parcel shall be limited to one sign per street frontage; provided, however, if there exists more than one establishment on the parcel, there may be one attached sign per establishment. Additionally, retail sales and services may have an A-Frame sign in addition to the one sign per frontage.

2. Signs extending over public property. Signs extending over public property shall maintain a clear height of nine (9) feet above the sidewalk and no part of such signs shall be closer than eighteen (18) inches to the vertical plane of the curb line or edge of the pavement.

3. Sign size and height limitations.

a. Attached signs:

Size: Ten (10) percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed fifty (50) square feet. Buildings exceeding five (5) stories in height; one attached wall sign or combination of wall signs not to exceed two hundred (200) square feet and mounted on the fifth floor or above.

Height: No sign may extend above the roof line of the building to which it is attached. For the purposes of this section roof surfaces constructed at an angle of sixty-five (65) degrees or more from horizontal shall be regarded as walls.

b. Freestanding signs.

Size: Fifty (50) square feet.

Height: Ten (10) feet (top of sign).

c. A-Frame Sign

Size: Ten (10) square feet.

Height: Forty-Two (42) inches (top of sign).

4. Other permitted signs.

- a. Signs directing and guiding traffic and parking on private property, bearing no advertising matter. Such signs shall not exceed two (2) square feet in size.
- b. Signs advertising the acceptance of credit cards not exceeding two (2) square feet in size and which are attached to buildings or permitted freestanding signs.
- c. Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.

5. Prohibited signs. Refer to section 12-4-7 for a description of prohibited signs. In addition the following signs are prohibited within the district:

- a. Signs which are abandoned or create a safety hazard. Abandoned signs are those advertising a business which becomes vacant and is unoccupied for a period of ninety (90) days or more.
- b. Signs that present an optical illusion, incorporated projected images, or emit sound.
- c. Secondary advertising signs (i.e., signs which advertise a brand name product in addition to the name of the business).

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- a. Temporary banners indicating that a noncommercial special event such as a fair, carnival, festival or similar happening is to take place, are

permitted with the following conditions: Such banners may be erected no sooner than two (2) weeks before the event and banners extending over street rights-of-way require approval from the mayor.

- b. One non-illuminated sign per street frontage advertising the sale, lease or rental of the lot or building upon which the sign is located. Such sign shall not exceed twelve (12) square feet in size, and shall be removed immediately after occupancy.
- c. One non-illuminated sign not more than fifty (50) square feet in area in connection with new construction work and displayed only during such time as the actual construction work is in progress.
- (b) Off-street parking. The following off-street parking requirement shall apply to all lots, parcels, or tracts in the district: Off-street parking requirements in the waterfront redevelopment district-1 shall be based on the requirements set forth in Chapter 12-3-1(D)(7). The required parking may be provided off-site by the owner/developer as specified in subsection 12-3-1(D). Screening shall be provided along the edges of all parking areas visible from the street rights-of-way. This screening may take the form of:

 - A solid wall or fence (chain-link fences are prohibited) with a minimum height of four (4) feet which is compatible in design and materials with on-site architecture and nearby development; or
 - Landscaping approximately three (3) feet in height which is landscaped to provide positive screening effective within three (3) years; or
 - A combination of walls or fences and landscape screening, or landscape screening designed to provide positive screening within three (3) years.
- (c) Vehicular access. For each lot, tract or parcel under single ownership, the maximum number of access points shall not exceed two (2) per street frontage.
- (d) Landscaping. Landscaping requirements in the district shall conform to the requirements of Chapter 12-6. All service areas (i.e., trash collection containers, compactors, loading docks) shall be screened with at least seventy-five (75) percent opacity from the street and adjacent buildings by one of the following techniques:

 - Fence or wall and gate, six (6) feet high;
 - Vegetation, six (6) feet high (within three (3) years); or
 - A combination of the above.
- (e) Underground utility services. All new building construction or additions of floor area to existing structures shall be required to install underground utilities on the site.
- (f) Lot coverage. The total coverage of the site including all structures, parking areas, driveways and all other impervious surfaces shall not exceed ninety-five (95) percent.

(g) Setback/height requirements. No building shall exceed a maximum height of six (6) stories in the waterfront redevelopment district-1, as defined in Section 12-2-25 Community Redevelopment Area (CRA) Urban Design Overlay District.

1. Shoreline setback/height requirements. All buildings shall be set back a minimum of thirty (30) feet from the shoreline or the bulkhead line. The minimum setback from the shoreline may be decreased by the planning board and the council during the review process to permit reuse of existing buildings, structures or foundations with a lesser setback.

2. Main Street setback/height requirements. All buildings shall be setback a minimum of sixty (60) feet from the centerline of Main Street. At this minimum setback line, the building height may not exceed six stories.

3. All other setbacks shall be as specified on the regulating plan.

(h) Additional regulations. In addition to the regulations established above in subsections 12-2-12(C)(4)(a) through (g), any permitted use within the WRD-1 zoning district where alcoholic beverages are ordinarily sold is subject to the requirements of Chapter 7-4 of this Code.

(5) Regulations. All developments within the waterfront redevelopment district-1 are encouraged to follow the design guidelines established in subsection 12-2-82(D). In addition, the following site planning guidelines should be taken into consideration in the required development plans.

(a) Site planning. The integration of site features such as building arrangement, landscaping, parking lot layout, public access points, building orientation, and scenic vantage points is critical in producing a pleasant and functional living or working environment. In reviewing development proposals, the following guidelines shall be taken into consideration:

1. Maximum preservation of waterfront views. Considering the waterfront location of the district, the placement of buildings, signs, service areas, parking and landscaping shall be planned to maximize the preservation of views of the bay and to protect the waterfront scenic open space character. To prevent the effect of a "wall" of development along the edge of the waterfront and adjacent streets, open space should be encouraged between buildings and under elevated buildings. Pedestrian circulation systems should be designed to form a convenient, interconnected network through buildings, landscaped open spaces and public walkways. The longer side of each building should be sited perpendicular to the water's edge in order to preserve water views from the street.

2. Building orientation. Buildings should be oriented to maximize the waterfront view potential within the district while maintaining quality facade treatment and design on the streetside. Structures should be positioned to provide viewing opportunities of the water and the shoreline edge between buildings. The location of solid waste receptacles, service entrances, loading docks, storage buildings and mechanical and air

conditioning equipment and other items typically situated at the backside of buildings should be discouraged within the area between the building and the water's edge.

3. Off-street parking and service. Off-street parking shall be discourage within the shoreline setback area. Where possible, service areas (i.e., trash collection, loading docks) shall be located to be screened by the building itself; otherwise, walls, fences, landscaping and earth berms shall be used to achieve effective screening.

(b) Aesthetic considerations. Development projects within the district are not subject to special architectural review and approval, however compliance with the CRA Overlay Standards and Guidelines as defined in Section 12-2-25 Community Redevelopment Area (CRA) Urban Design Overlay District is encouraged. In lieu of a special separate review procedure, the following general architectural and aesthetic design criteria will be considered to enhance the character of the district:

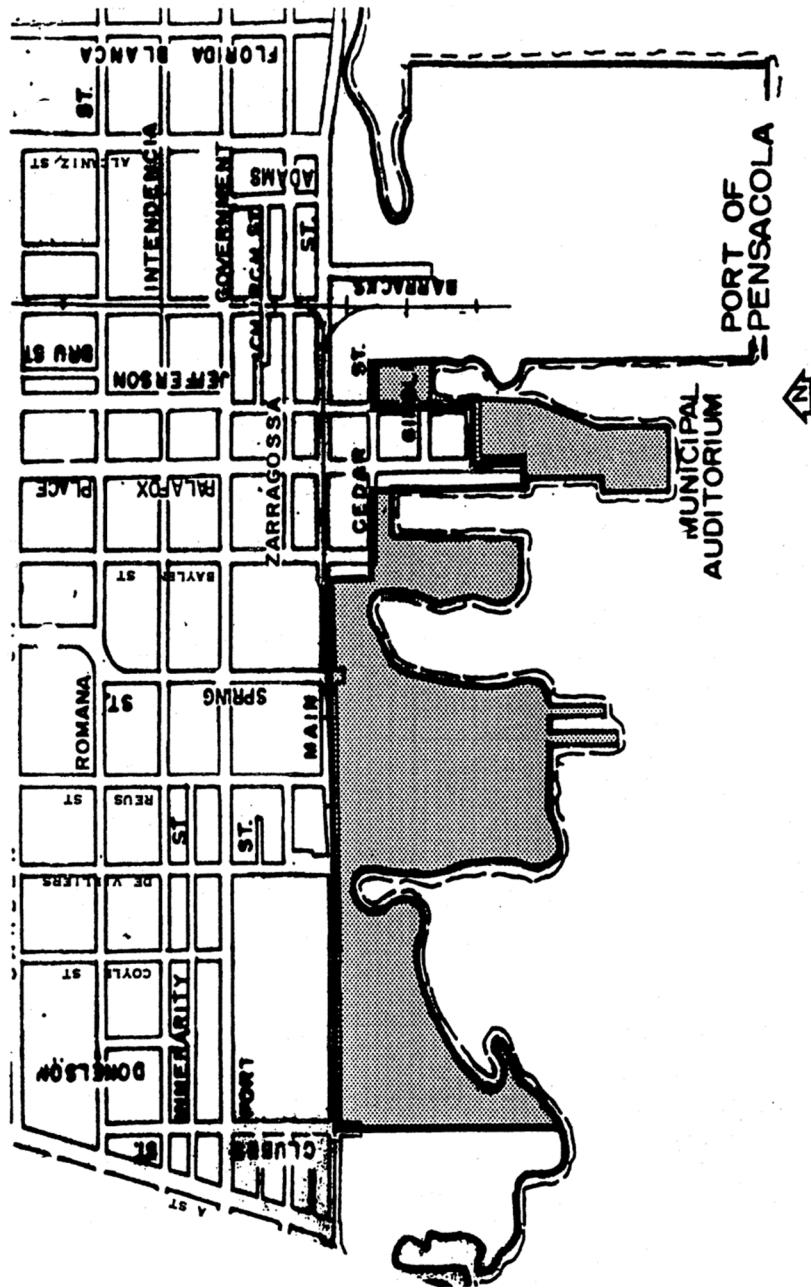
1. Buildings or structures should have a unity of character and design. The relationship of forms and the use, texture, and color of materials shall be such as to create a harmonious whole.
2. Natural materials such as brick, wood and stucco should be encouraged. Materials such as metal and plastic shall be discouraged on exterior surfaces of buildings.
3. All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls or vegetation.
4. Proposed developments within the Waterfront Redevelopment District-1 which are located adjacent to a historic district should give special consideration to visual compatibility in scale and architectural design in order to positively reinforce the character of the historic area and provide a buffer and transition.
5. Projects should be encouraged which enhance the setting or provide for adaptive reuse of historic buildings and sites.

(c) Landscaping guidelines. Landscaping should be used to enhance waterfront views and vistas and to screen undesirable features. Low lying plant material should be used in open areas to retain views of the water. Trees should be selectively utilized and carefully located along the waterfront in both public and private developments in order to maintain existing views as much as possible. Plantings should be coordinated near buildings to provide view corridors.

(d) Sign guidelines.

1. Design/materials. The architectural character of the building to which the sign relates should be reflected in the lettering of the sign, and the materials used for the supporting structure and the sign face.

2. Lighting. Indirect and internal lighting is encouraged. Neon and exposed fluorescent lighting is not permitted.
3. Copy. The sign copy should be limited to the name, address, and logo of the building complex, the major tenant or the business. The sign should be primarily used for communicating, identifying, and locating the business, not for advertising.
4. Landscaping. The landscaping and positioning of the sign should complement the overall site plan and landscaping of the development.



Waterfront Development District

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk

PLANNING SERVICES

MEMORANDUM

TO: Planning Board Members

FROM: Cynthia R. Cannon, AICP, Assistant Planning Services Administrator *CRC*

DATE: September 27, 2019

SUBJECT: Consider Amendment to LDC Section 12-2-12 Creating WRD-1

Staff received a request to modify the Redevelopment Land Use District WRD by establishing a subcategory which would become the WRD-1. The proposed WRD-1 would be a standalone section with the intent of optimizing the future development of the City's Community Maritime Park (CMP) parcels. The intent of the WRD-1 district is to enhance the desired character of the waterfront and encourage a high quality of site planning and architectural design for the Maritime Park parcels. The establishment of the WRD-1 follows the same concept and reasoning behind the establishment of the Gateway Redevelopment District GRD-1 when it was created in order to promote cohesive and orderly development for the Aragon redevelopment area.

Key points:

- The overall park parcel was master planned for stormwater and open space so the increase in lot coverage from 75% to 95% will not result in an overall increase of coverage for the entirety of the CMP.
- The "regulating plan" included in the application represents the master plan for the developer going forward and demonstrates their internal plan for coordinating development efforts with the ECUA site. The overall goal being a cohesive development pattern between neighboring publicly and privately owned land. It isn't included as part of the WRD-1 district.
- Future development on the CMP parcels within the WRD-1 district will continue to be submitted to the Planning Board for aesthetic review.

Attached you will find a modified version of Sec. 12-2-12 with the proposed changes.

MEMORANDUM

From: Gregory T. Stewart, Nabors Giblin & Nickerson, P.A.

To: William D. Wells, Deputy City Attorney

Date: October 2, 2019

Re: Review of WRD-1 Zoning District Proposal

You have requested that I review the proposed creation of a WRD-1 Zoning District within an area of the City of Pensacola (the “City”) and whether there are any potential legal issues relating to the creation of the District. I have been provided various material including the current City Code provisions relating to that area, a map of the District, relevant provisions of the City’s Comprehensive Plan and the September 2, 2019 modified version of the proposed amendment to the District.

Background

Based upon my review of the material, it appears that in 1988, the City created a zoning district designated as the Waterfront Redevelopment District (“WRD”). The provisions governing that District have been amended on several occasions since that time. The WRD consists of approximately one half mile of waterfront property fronting the Pensacola Bay and bounded on the north by Main Street, a key downtown connector thoroughfare. The eastern third of the WMD is fully developed as a park, office, and waterfront residential uses under a long term lease with the City. The western third of the WMD is largely undeveloped at present, with the City currently considering various plans and financing to develop that area as a waterfront park, pavilion, and beach for public use. The middle third of the WMD, which is the focus of the proposal by a local developer, is currently known as the Community Maritime Park. The developer has proposed a new zoning district which would be designated as the WRD-1 District.

In evaluating the proposal and any potential issues, it is important to consider the extent of changes in relation to the current Comprehensive Plan and the City Code. The Comprehensive Plan provisions governing the WRD area is set forth in the Future Land Use Element, under Policy FLU-1.1.5 governing Redevelopment Districts. The Comprehensive Plan provisions set forth that the purpose of the area is to provide for the orderly development along Pensacola Bay to enhance its visual appearance, preserve shoreline vistas, provide public access to the shoreline and

related purposes. A variety of office, residential, and commercial uses are allowed under the Comprehensive Plan, with residential uses capped at sixty units per acre in the WPD area and commercial uses capped at seventy-five percent occupancy of lot size and height of sixty feet in the WRD Zoning District. The Comprehensive Plan allows for density bonuses that could allow the increase of density within the WRD to a total of sixty-six units per acre which are to be provided subject to the discretion and approval by the City Planning Board.

Under the City's Code, the existing WRD Zoning District allows residential uses ranging from single family units to multi-family units with a maximum density of sixty units per acre. Lot coverage cannot exceed seventy-five percent nor buildings exceed sixty feet in height with a graduated limitation of thirty-five feet in height at thirty feet from the shoreline or bulkhead increasing by one foot in height per each one foot away from the shoreline, to a maximum of sixty feet in height at a distance of sixty feet from the shoreline. The provisions of the existing Code provide that the WMD Zoning District sets forth that its purpose is to promote uses that are compatible with water-related uses that preserve the unique shoreline vista and scenic opportunities that provide public access.

The developer proposed WRD-1 Zoning District would create a new area within the WRD Zoning category. Under the proposed WRD-1 Zoning District, lot coverage limits would be increased from seventy-five percent to ninety-five percent and height requirements would change from sixty feet to six stories with no stated footage limitation. This modification would allow a greater than sixty foot height in that the six story classification would not include any floors that are attributed for parking purposes and would not include the lowest habitable floor elevation. A Comprehensive Plan amendment is not contemplated.

In reviewing the proposal, on particular concern is whether it constitutes "spot zoning." Spot zoning generally consists of the piecemeal rezoning of parcels to use at a greater intensity and density which would adversely impact and create disharmony to the surrounding area. Spot zoning is normally considered as giving preferential treatment to one parcel at the expense of the zoning scheme as a whole. The primary legal impediment to spot zoning is that the modification of the zoning for the parcel constitutes an arbitrary and capricious determination and, as such, unlawful.

There are no specific guidelines to determine what zoning might constitute spot zoning, however there are certain criteria that are frequently reviewed in

determining whether the proposed zoning change is arbitrary and capricious. One of the most significant factors to be considered is whether the proposed change is consistent with the Comprehensive Plan. In this case, the Comprehensive Plan sets forth specific criteria related to lot coverage and height which would be exceeded by the proposal and therefore does not appear to be consistent with those restrictions. Further, the proposal would appear to be inconsistent with the stated goals for the WRD Zoning District. Under both the Comprehensive Plan and the City Code, a significant purpose of these provisions was to enhance the visual appearance of Pensacola Bay, preserve shoreline vistas and provide public access to the shoreline. Arguably, those purposes are not furthered by the proposal.

Additionally, based upon the information that has been provided, it appears that the WRD-1 proposal is a unique and specific land use classification that applies only to this parcel. From a review of the City Code, there currently exists a procedure for the obtaining of a variance from the land development regulations within the WRD upon satisfaction of the specific guidelines and criteria. In the context of evaluating a claim of spot zoning, the creation of a unique and specific land use classification, when there is an available administrative procedure to address the development issues, appears to raise a concern.

Ultimately, in determining whether a zoning category or reclassification is arbitrary and capricious depends on the determination as to whether there has been a valid exercise of the City's police powers, which normally requires a determination as to whether the public health, safety and welfare have been served. Merely maximizing the potential development of a parcel does not in and of itself constitute a valid exercise of police powers and serve a public purpose. Rather, the proposed development and modification of the zoning district needs to be considered in light of the specific needs of the property, whether development of that property is consistent with the provisions and goals of the Comprehensive Plan and the nature and extent of the impact of the reclassification on adjoining properties. Based on my review, I have been unable to identify whether such a public purpose is served and therefore, it appears that there is a potential legal issue that the new WRD-1 classification is arbitrary and capricious and constitutes spot zoning from this rezoning.

Department:	Comments:	Date Rec'd
FIRE	No comments.	9/18/2019
PW/E	PW&F has no issue with the proposed revised language, however, we do not concur with the allowable driveway cut location on Main Street for the west parcel, as indicated in the Regulation Plan. This cut would directly interfere with the bus drop off and potentially conflict (safety-wise) with the left-turn pocket for Reus Street.	9/23/2019
InspSvcs		
ESP	No comments.	9/11/2019
ECUA	No comments.	9/11/2019
GPW	None received.	
ATT	No comments or concerns.	9/6/2019



September 6, 2019

Secretary of the City's Planning Board
222 W. Main St.
Pensacola, FL 32502

Request for Land Development Code Amendment – WRD Regulations

Dear Secretary of the Planning Board,

It is with great excitement for the future of Pensacola's downtown waterfront that we submit this proposed land development amendment to modify the zoning of the City's Maritime Park parcel.

As you know, we have been involved in the modification of Pensacola's zoning regulations for some time, and we are pleased to acknowledge that very few changes are needed to the WRD-1 district to allow Maritime Park to be developed optimally. Those changes are presented herein with the proposed edits to WRD-1.

We are especially grateful to City staff for their collaboration on this effort, both in determining the proper path forward and in helping us to understand the limitations of the current regulations and the ramifications of this proposal. Essentially, we have re-written the intent section of WRD to WRD-1 to be in keeping with the desired character of the waterfront district. Additionally, we have deliberately not sought for changes to the most typical thorny issues, including uses, parking, and height.

Just to recap, this submission is a necessary step in the process to permit plan for the redevelopment of both the Maritime park parcel and the ECUA site adjacent. This plan was developed principally during the week of April 8, 2019 with considerable City and public participation. The ECUA site's zoning is quite permissive, allowing for considerably more development than proposed in the plan; the Maritime Park parcel less so. It is principally with the intention of transferring some of the ECUA parcel's allowed density to the Maritime site that this proposal is submitted. The underlying vision is a vibrant, active waterfront adjacent to a quieter, mostly residential district more in keeping with the scale and character of the Tanyard neighborhood next door.



We include here the following documents:

- 1) An edited version of WRD that we are calling WRD-1 and proposing to only be mapped on the eight (8) Maritime park parcels.
- 2) A Regulation Plan to further guide the implementation of the project that specifies: retail frontages, designated setbacks, curb cut locations, street types and civic space locations.
- 3) An illustrative master plan, as supporting documentation of the intended vision for the site.

We look forward to presenting this to you and hearing your comments.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Marina", with a long, sweeping horizontal line extending from the end of the name.

Marina Khoury
RA CNU LEED
DPZ CoDESIGN

A handwritten signature in black ink, appearing to read "Jeff Speck", with a stylized, circular flourish at the end.

Jeff Speck
AICP CNU-A LEED-AP Hon. ASLA
Speck & Associates LLC

Sec. 12-2-12. - Redevelopment land use district. (Proposed edits: Sept 2, 2019)

The regulations in this section shall be applicable to the gateway and waterfront redevelopment zoning districts: GRD and WRD.

(GD) WRD-1, waterfront redevelopment district-1(Maritime Park Parcel).

- (1) *Purpose of district.* The waterfront redevelopment district-1 is established to promote redevelopment of the city's downtown maritime park waterfront with a compatible mixture of ~~water-dependent and water-related~~ uses which further the goals of downtown Pensacola's Comprehensive Plan, encourage a walkable mixed use urban environment, preserve the unique shoreline ~~vista and~~ scenic opportunities, provide continuous public waterfront access, create a cultural meeting places for the public, ~~preserve the working waterfront activities historically located in the waterfront area,~~ and encourage a high quality of site planning and architectural design. Site specific analysis of each development proposal within the district is intended to ensure that the scenic vistas ~~and marine-oriented image~~ of the district are maintained, that the development character of the waterfront is upgraded and that the boundaries of the adjacent special districts are positively reinforced.
- (2) *Uses permitted.*
 - (a) Single-family residential (attached or detached) at a maximum density of seventeen and four-tenths (17.4) units per acre. Multi-family residential at a maximum density of sixty (60) dwelling units per acre.
 - (b) Home occupations, subject to regulations in section 12-2-33.
 - (c) Offices.
 - (d) Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes.
 - (e) Hotels/motels.
 - (f) Marinas.
 - (g) Parking garages.
 - (h) The following retail sales and services:
 1. Retail food and drug stores (including package liquor store).
 2. Personal service shops.
 3. Clothing stores.
 4. Specialty shops.
 5. Banks.
 6. Bakeries whose products are sold at retail on the premises.
 7. Antique shops.
 8. Floral shops.
 9. Health clubs, spa and exercise centers.
 10. Laundromats.
 11. Laundry and dry cleaning pick-up stations.
 12. Restaurants.
 13. Studios.
 14. Art galleries.

15. Sale or rental of sporting goods or equipment including instructions in skiing, sailing, or scuba diving.
 16. Boat rentals waterside only with limited upland storage.
 17. Bars.
 18. Commercial fishing.
 19. Ferry and passenger terminals.
20. Cruise ship operations.
- (i) Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.
- (3) *Procedure for review of plans.*
- (a) Plan submission. Every application to construct a new structure in the waterfront redevelopment district-1 shall be subject to the development plan review and approval procedure established in section 12-2-81. Every application for a new certificate of occupancy or a building permit to erect, construct, demolish, renovate or alter a building or sign, or exterior site work (i.e., paving and landscaping of off-street parking areas), located or to be located in the waterfront redevelopment district-1 shall be accompanied with drawings or sketches with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the building, sign, or exterior work (both before and after the proposed work is done in cases of altering, renovating, demolishing or razing a building or structure) including proposed materials, textures and colors, and the plot plan or site layout including all site improvements or features such as walls, fences, walks, terraces, plantings, accessory buildings, paved areas, signs, lights, awnings, canopies and other appurtenances. All developments within the waterfront redevelopment district-1 must comply with design standards as established in section 12-2-82.
 - (b) Review and approval. All plans shall be subject to the review and approval of the planning board established in Chapter 12-13. At the time of review the board may require that any aspect of the overall site plan which does not meet the standards established in this section be incorporated and brought into compliance within a time limit approved by the board. Review by the planning board of applications for zoning variances shall be as provided for under section 12-13-2(F)(f).
 - (c) Abbreviated review. Sign requests, paint colors, fencing, and emergency repairs which are consistent with the regulations and guidelines set forth in this section, may be approved by letter to the building official from the planning board secretary and the chairman of the board. This provision is made in an effort to save the applicant and the board time for routine approval matters. If agreement cannot be reached as it pertains to such requests by the board secretary and chairman, then the matter will be referred to the board for a decision.
- (4) *Regulations.*
- (a) Signs. The following provisions shall be applicable to signs in the district.
 1. Number of signs. Each parcel shall be limited to one sign per street frontage; provided, however, if there exists more than one establishment on the parcel, there may be one attached sign per establishment. Additionally, retail sales and services may have an A-Frame sign in addition to the one sign per frontage.
 2. Signs extending over public property. Signs extending over public property shall maintain a clear height of nine (9) feet above the sidewalk and no part of such signs shall be closer than eighteen (18) inches to the vertical plane of the curb line or edge of the pavement.

3. Sign size and height limitations.

a. Attached signs:

Size: Ten (10) percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed fifty (50) square feet. Buildings exceeding five (5) stories in height; one attached wall sign or combination of wall signs not to exceed two hundred (200) square feet and mounted on the fifth floor or above.

Height: No sign may extend above the roof line of the building to which it is attached. For the purposes of this section roof surfaces constructed at an angle of sixty-five (65) degrees or more from horizontal shall be regarded as walls.

b. Freestanding signs.

Size: Fifty (50) square feet.

Height: Ten (10) feet (top of sign).

c. A-Frame Sign

Size: Ten (10) square feet.

Height: Forty-Two (42) inches (top of sign).

4. Other permitted signs.

- a. Signs directing and guiding traffic and parking on private property, bearing no advertising matter. Such signs shall not exceed two (2) square feet in size.
- b. Signs advertising the acceptance of credit cards not exceeding two (2) square feet in size and which are attached to buildings or permitted freestanding signs.
- c. Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.

5. Prohibited signs. Refer to section 12-4-7 for a description of prohibited signs. In addition the following signs are prohibited within the district:

- a. ~~Portable signs.~~
- b. Signs which are abandoned or create a safety hazard. Abandoned signs are those advertising a business which becomes vacant and is unoccupied for a period of ninety (90) days or more.
- c. ~~Signs which are not securely fixed on a permanent foundation.~~
- d. ~~Strings of light bulbs, other than holiday decorations, streamers and pennants.~~
- e. Signs that present an optical illusion, incorporated projected images, or emit sound.
- f. Secondary advertising signs (i.e., signs which advertise a brand name product in addition to the name of the business).

6. Temporary signs. The following temporary signs shall be permitted in the district:

- a. Temporary banners indicating that a noncommercial special event such as a fair, carnival, festival or similar happening is to take place, are permitted with the

following conditions: Such banners may be erected no sooner than two (2) weeks before the event and banners extending over street rights-of-way require approval from the mayor.

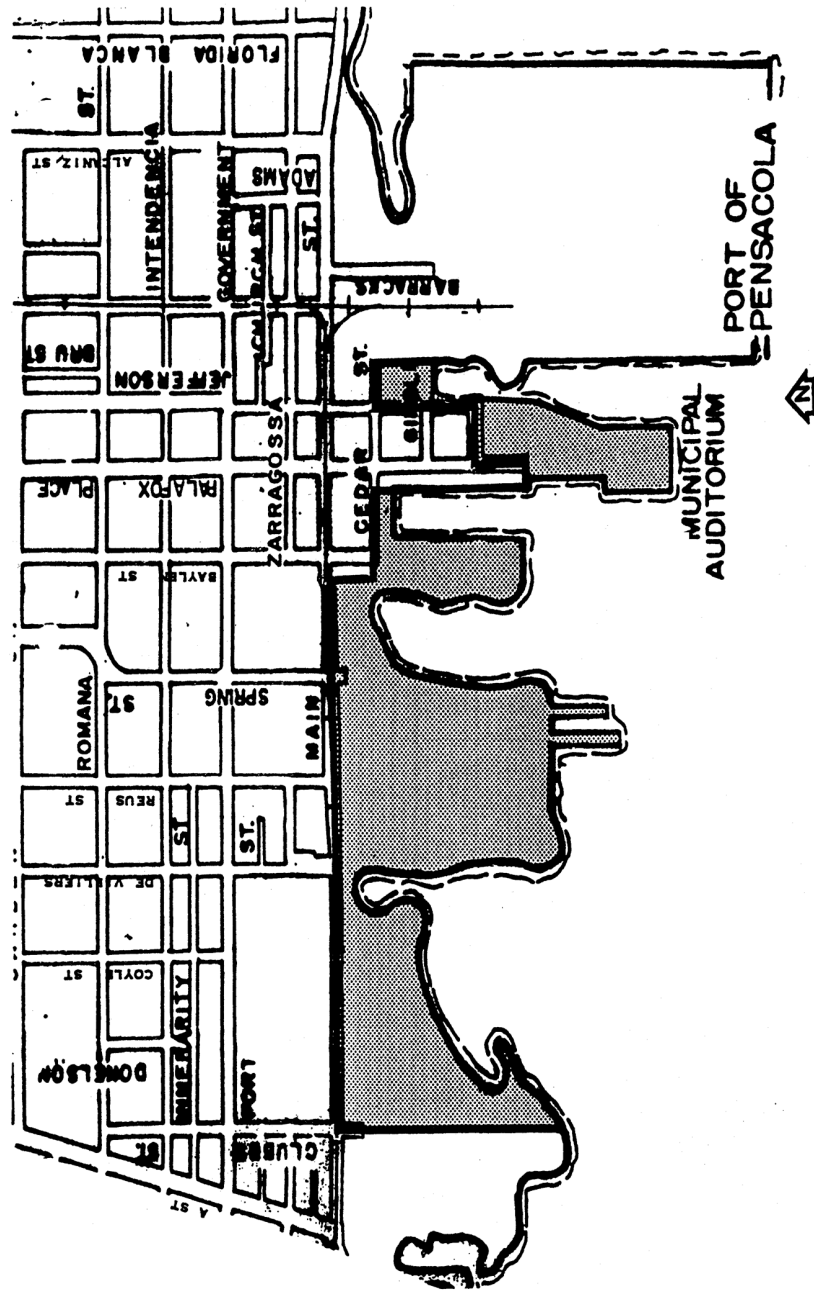
- b. One non-illuminated sign per street frontage advertising the sale, lease or rental of the lot or building upon which the sign is located. Such sign shall not exceed twelve (12) square feet in size, and shall be removed immediately after occupancy.
 - c. One non-illuminated sign not more than fifty (50) square feet in area in connection with new construction work and displayed only during such time as the actual construction work is in progress.
- (b) Off-street parking. The following off-street parking requirement shall apply to all lots, parcels, or tracts in the district: Off-street parking requirements in the waterfront redevelopment district-1 shall be based on the requirements set forth in Chapter 12-3-1(D)(7). The required parking may be provided off-site by the owner/developer as specified in subsection 12-3-1(D). Screening shall be provided along the edges of all parking areas visible from the street rights-of-way. This screening may take the form of:
- A solid wall or fence (chain-link fences are prohibited) with a minimum height of four (4) feet which is compatible in design and materials with on-site architecture and nearby development; or
 - ~~An earth berm~~ Landscaping approximately three (3) feet in height which is landscaped to provide positive screening effective within three (3) years; or
 - A combination of walls or fences and landscape screening, or landscape screening designed to provide positive screening within three (3) years.
- (c) Vehicular access. For each lot, tract or parcel under single ownership, the maximum number of access points shall not exceed two (2) per street frontage.
- (d) Landscaping. Landscaping requirements in the district shall conform to the requirements of Chapter 12-6. All service areas (i.e., trash collection containers, compactors, loading docks) shall be screened with at least seventy-five (75) percent opacity from the street and adjacent buildings by one of the following techniques:
- Fence or wall and gate, six (6) feet high;
 - Vegetation, six (6) feet high (within three (3) years); or
 - A combination of the above.
- (e) Underground utility services. All new building construction or additions of floor area to existing structures shall be required to install underground utilities on the site.
- (f) Lot coverage. The total coverage of the site including all structures, parking areas, driveways and all other impervious surfaces shall not exceed ~~seventy-five (75)~~ ninety-five (95) percent.
- (g) Setback/height requirements. No building shall exceed a maximum height of six (6) stories ~~sixty (60) feet~~ in the waterfront redevelopment district-1, as defined in the CRA Overlay Guidelines.
1. *Shoreline setback/height requirements.* All buildings shall be set back a minimum of thirty (30) feet from the shoreline or the bulkhead line. ~~At this minimum setback line, the building height may not exceed thirty five (35) feet. Above thirty five (35) feet in height, an additional one foot in building height may be permitted for each additional one (1) foot in setback with a maximum building height of sixty (60) feet.~~ The minimum setback from the shoreline may be decreased by the planning board and the council during the review process to permit reuse of existing buildings, structures or foundations with a lesser setback.

2. *Main Street setback/height requirements.* All buildings shall be setback a minimum of sixty (60) feet from the centerline of Main Street. At this minimum setback line, the building height may not exceed ~~sixty (60) feet~~ six stories.

3. All other setbacks shall be as specified on the regulating plan.

- (h) Additional regulations. In addition to the regulations established above in subsections 12-2-12(C)(4)(a) through (g), any permitted use within the WRD-1 zoning district where alcoholic beverages are ordinarily sold is subject to the requirements of Chapter 7-4 of this Code.
- (5) *Regulations.* All developments within the waterfront redevelopment district-1 are encouraged to follow the design guidelines established in subsection 12-2-82(D). In addition, the following site planning guidelines should be taken into consideration in the required development plans.
 - (a) *Site planning.* The integration of site features such as building arrangement, landscaping, parking lot layout, public access points, building orientation, and scenic vantage points is critical in producing a pleasant and functional living or working environment. In reviewing development proposals, the following guidelines shall be taken into consideration:
 1. ~~Maximum~~ Enhance *preservation of waterfront views.* Considering the waterfront location of the district, the placement of buildings, signs, service areas, parking and landscaping shall be planned to ~~maximize~~ enhance the preservation of views of the bay and to protect the waterfront scenic open space character. To prevent the effect of a "wall" of development along the edge of the waterfront and adjacent streets, open space should be encouraged between buildings and under elevated buildings. Pedestrian circulation systems should be designed to form a convenient, interconnected network through buildings, landscaped open spaces and public walkways. The longer side of each building should be sited perpendicular to the water's edge in order to preserve water views from the street.
 2. *Building orientation.* Buildings should be oriented to maximize the waterfront view potential within the district while maintaining quality facade treatment and design on the streetside. Structures should be positioned to provide viewing opportunities of the water and the shoreline edge between buildings. The location of solid waste receptacles, service entrances, loading docks, storage buildings and mechanical and air conditioning equipment and other items typically situated at the backside of buildings should be discouraged within the area between the building and the water's edge.
 3. *Off-street parking and service.* Off-street parking shall be discouraged~~d~~ within the shoreline setback area. Where possible, service areas (i.e., trash collection, loading docks) shall be located to be screened by the building itself; otherwise, walls, fences, landscaping and earth berms shall be used to achieve effective screening.
 - (b) *Aesthetic considerations.* Development projects within the district are not subject to special architectural review and approval, however compliance with the CRA Overlay Standards and Guidelines is encouraged. In lieu of a special separate review procedure, the following general architectural and aesthetic design criteria will be considered to enhance the character of the district:
 1. Buildings or structures within the Maritime Park parcel ~~which are part of a present or future group or complex shall~~ should have a unity of character and design. The relationship of forms and the use, texture, and color of materials shall be such as to create a harmonious whole.
 2. Natural materials such as brick, wood and stucco should be encouraged. Materials such as metal and plastic shall be discouraged on exterior surfaces of buildings.

3. All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls or vegetation.
 4. ~~Proposed developments within the Waterfront Redevelopment District which are located adjacent to a historic district should give special consideration to visual compatibility in scale and architectural design in order to positively reinforce the character of the historic area and provide a buffer and transition.~~
 5. ~~Projects should be encouraged which enhance the setting or provide for adaptive reuse of historic buildings and sites.~~
- (c) Landscaping guidelines. Landscaping should be used to enhance waterfront views and vistas and to screen undesirable features. Low lying plant material should be used in open areas to retain views of the water. Trees should be selectively utilized and carefully located along the waterfront in both public and private developments in order to maintain existing views as much as possible. Plantings should be coordinated near buildings to provide view corridors.
- (d) Sign guidelines.
1. Design/materials. The architectural character of the building to which the sign relates should be reflected in the lettering of the sign, and the materials used for the supporting structure and the sign face.
 2. Lighting. Indirect and internal lighting is encouraged. Neon and exposed fluorescent lighting is ~~not encouraged~~ not permitted.
 3. Copy. The sign copy should be limited to the name, address, and logo of the building complex, the major tenant or the business. The sign should be primarily used for communicating, identifying, and locating the business, not for advertising.
 4. Landscaping. The landscaping and positioning of the sign should complement the overall site plan and landscaping of the development.



Waterfront Development District

(Ord. No. 25-92, § 2, 7-23-92; Ord. No. 6-93, § 9, 3-25-93; Ord. No. 21-93, § 1, 8-16-93; Ord. No. 29-93, §§ 13, 14, 11-18-93; Ord. No. 33-95, §§ 4, 5, 8-10-95; Ord. No. 9-96, § 9, 1-25-96; Ord. No. 45-96, § 3, 9-12-96; Ord. No. 33-98, § 2, 9-10-98; Ord. No. 40-99, §§ 10-13, 10-14-99; Ord. No. 43-99, § 1, 11-18-99; Ord. No. 12-00, § 1, 3-9-00; Ord. No. 50-00, § 3, 10-26-00; Ord. No. 3-01, § 2, 1-11-01; Ord. No. 6-01, §§ 1-3, 1-25-01; Ord. No. 6-02, § 2, 1-24-02; Ord. No. 13-06, § 10, 4-27-06; Ord. No. 17-06, §§ 2, 3, 7-27-06; Ord. No. 16-10, §§ 200-202, 9-9-10; Ord. No. 06-16, §§ 1, 2, 2-11-16)



The following pages contain detailed site regulations for the ECUA Parcel and the Maritime Parcel. The list on the right are the specific elements that are regulated.

Regulating Plan

A map precisely locating the various zoning categories. The Regulating Plan also shows the form and location of the following plan elements as listed below.

Frontages

All frontages that are along a street or open space are Primary frontages, unless otherwise noted in the Regulating Plan.

Primary Frontage [A-Street]: A pedestrian-friendly street with active uses at grade, held to the highest standard of urban performance. Entrances to parking garages and service bays are prohibited, unless specified on the regulating plan. Curb cuts for alley access may be permitted, according to the Regulating Plan. An A-Street network forms a continuous loop through the thoroughfare network.

Retail Frontage

Some Frontages require further specification. The Regulating Plan prescribes where retail is required and where it is allowed but not required.

Setbacks

All Frontages are assigned Setbacks. Setbacks specify the build-to line of the building façade.

Building Height

Building Height is assigned by Zoning unless indicated otherwise in the Regulating Plan. Where Zoning and the Regulating Plan differ, the Zoning rules.

Vista Termination

Locations where a street aims prominently at a building facade – called a Vista Termination, are identified. Buildings located at Vista Terminations shall respond with a building element of appropriate size and impact to terminate the vista in a meaningful manner.

Open Space

Locations where specific open space types have been calibrated, are identified.

Civic Building

Locations for Civic Structures are suggested in the Regulating Plan and are further restricted in size according to the Open Space Types.

Curb Cut

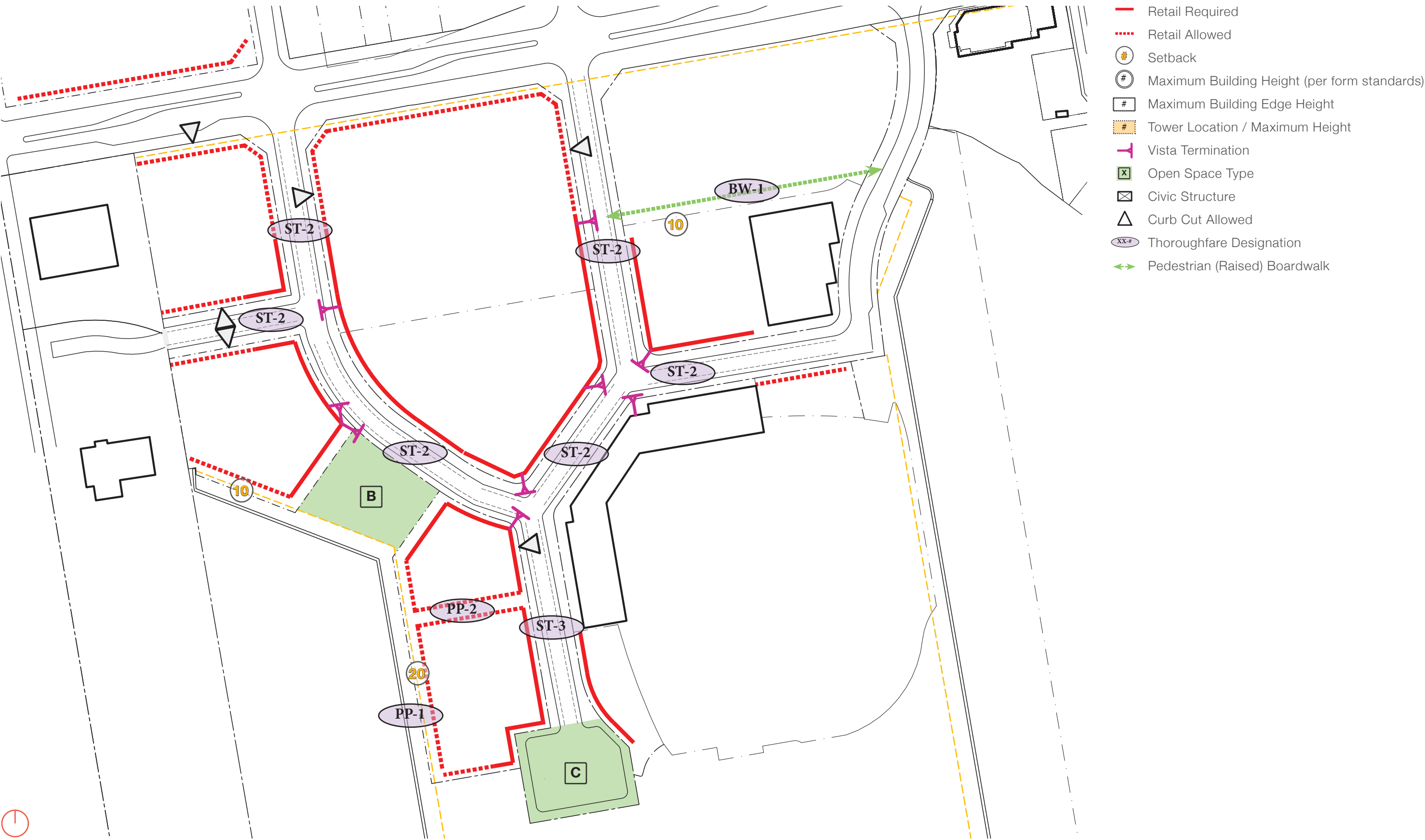
Curb cuts are indicated on the Regulating Plan, and are permitted to be within a 50 foot range from where it is indicated in the Regulating Plan.

Thoroughfares

Thoroughfare assemblies are assigned in the Regulating Plan.

Regulating Plan

Maritime Parcel





Review Routing
Project: WRD-1

Meeting: October 8, 2019
Comments Due: September 24, 2019

Department:	Comments:	Date Rec'd
FIRE	No comments.	9/18/2019
PW/E	PW&F has no issue with the proposed revised language, however, we do not concur with the allowable driveway cut location on Main Street for the west parcel, as indicated in the Regulation Plan. This cut would directly interfere with the bus drop off and potentially conflict (safety-wise) with the left-turn pocket for Reus Street.	9/23/2019
InspSvcs		
ESP	No comments.	9/11/2019
ECUA	No comments.	9/11/2019
GPW	None received.	
ATT	No comments or concerns.	9/6/2019

Cynthia Cannon

From: Annie Bloxson
Sent: Wednesday, September 18, 2019 7:39 AM
To: Cynthia Cannon
Subject: RE: Please Review & Comment - Proposed Amendment to WRD Regulations

Good Morning,

I have no issues. Thank you.

Respectfully,

Annie Bloxson

Fire Marshal

Visit us at PensacolaFire.com

475 E. Strong St.

Pensacola, FL 32501

Office: 850.436.5200

abloxson@cityofpensacola.com



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From: Cynthia Cannon <CCannon@cityofpensacola.com>

Sent: Friday, September 06, 2019 1:17 PM

To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Cynthia Cannon <CCannon@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <kellie.simmons@nexteraenergy.com>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris

Cynthia Cannon

From: Derrik Owens
Sent: Monday, September 23, 2019 2:51 PM
To: Cynthia Cannon; Sherry Morris
Subject: RE: Please Review & Comment - Proposed Amendment to WRD Regulations

PW&F has no issue with the proposed revised language, however, we do not concur with the allowable driveway cut location on Main Street for the west parcel, as indicated in the Regulation Plan. This cut would directly interfere with the bus drop off and potentially conflict (safety-wise) with the left-turn pocket for Reus Street.

Thanks

From: Cynthia Cannon
Sent: Monday, September 23, 2019 9:12 AM
To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Cynthia Cannon <CCannon@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <kellie.simmons@nexteraenergy.com>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly(GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>
Subject: FW: Please Review & Comment - Proposed Amendment to WRD Regulations

Good Morning,

Just a reminder that comments are due for this project by the close of business Tuesday, September 24. If you haven't already done so, please take a moment to review and comment on the attached application.

Thank you in advance for your assistance.

Sincerely,

Cynthia Cannon, AICP
Assistant Planning Services Administrator
Visit us at <http://cityofpensacola.com>
222 W Main St.
Pensacola, FL 32502
Office: 850.435-1670
ccannon@cityofpensacola.com



Cynthia Cannon

From: Diane Moore
Sent: Wednesday, September 11, 2019 7:48 AM
To: Cynthia Cannon
Subject: RE: Please Review & Comment - Proposed Amendment to WRD Regulations

Cynthia,
Pensacola Energy has no comment on the Maritime Park LDC amendments.

Thanks,
Diane

Diane Moore | Gas Distribution Engineer
Pensacola Energy | 1625 Atwood Drive, Pensacola, FL 32514
Desk: 850-474-5319 | Cell: 850-324-8004 | Fax: 850-474-5331
Email: dmoore@cityofpensacola.com

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From: Cynthia Cannon <CCannon@cityofpensacola.com>
Sent: Friday, September 6, 2019 1:17 PM
To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Cynthia Cannon <CCannon@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <kellie.simmons@nexteraenergy.com>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>
Subject: Please Review & Comment - Proposed Amendment to WRD Regulations

Good afternoon all!

Cynthia Cannon

From: Andre Calaminus <andre.calaminus@ecua.fl.gov>
Sent: Wednesday, September 11, 2019 3:50 PM
To: Cynthia Cannon
Subject: RE: Please Review & Comment - Proposed Amendment to WRD Regulations

Good afternoon Cynthia,

ECUA has no comments on the proposed amendments to the WRD regulations.

Thanks,

Andre Calaminus | Right of Way Agent | Emerald Coast Utilities Authority |
P.O. Box 17089 | Pensacola, FL 32522-7089 | Web: www.ecua.fl.gov |
Phone: (850) 969-5822 | Fax: (850) 969-6511 |

From: Cynthia Cannon [mailto:CCannon@cityofpensacola.com]
Sent: Friday, September 06, 2019 1:17 PM
To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Cynthia Cannon <CCannon@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; Karl Fenner (AT&T) <KF5345@att.com>; Kellie L. Simmons (Gulf Power) <kellie.simmons@nexteraenergy.com>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly(GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; Stephen Kennington (AT&T) <sk1674@att.com>
Subject: Please Review & Comment - Proposed Amendment to WRD Regulations

****WARNING: This is an external email --- DO NOT CLICK links or attachments from unknown senders ****

Good afternoon all!

Please review and comment on the attached Land Development Code amendment to modify the City's Maritime Park parcels with the proposed WRD-1 district. All comments must be received by close of business on **Tuesday, September 24, 2019.**

If you have any questions please let us know.

Thank you,

Cynthia Cannon, AICP

Assistant Planning Services Administrator

Visit us at <http://cityofpensacola.com>

222 W Main St.

Pensacola, FL 32502

Cynthia Cannon

From: SAUERS, BRAD <bs5403@att.com>
Sent: Friday, September 6, 2019 3:02 PM
To: Cynthia Cannon
Subject: FW: Please Review & Comment - Proposed Amendment to WRD Regulations
Attachments: Proposed WRD-1_Maritime Park_Sept 6 2019.pdf

AT&T has no comments or objections at this time.

Brad Sauers
Manager – OSP Plng and Eng
Technology Operations

AT&T
605 W Garden St, Pensacola, FL 32502
o 850.436.1495 | bs5403@att.com

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From: KENNINGTON, STEPHEN
Sent: Friday, September 06, 2019 1:19 PM
To: SAUERS, BRAD <bs5403@att.com>
Subject: FW: Please Review & Comment - Proposed Amendment to WRD Regulations

same

From: Cynthia Cannon [<mailto:CCannon@cityofpensacola.com>]
Sent: Friday, September 06, 2019 1:17 PM
To: Amy Hargett <ahargett@cityofpensacola.com>; Andre Calaminus (ECUA) <andre.calaminus@ecua.fl.gov>; Annie Bloxson <ABloxson@cityofpensacola.com>; Bill Kimball <bkimball@cityofpensacola.com>; Brad Hinote <bradhinote@cityofpensacola.com>; Brian Cooper <bcooper@cityofpensacola.com>; Chris Mauldin <CMauldin@cityofpensacola.com>; Cynthia Cannon <CCannon@cityofpensacola.com>; Derrik Owens <DOwens@cityofpensacola.com>; Diane Moore <DMoore@cityofpensacola.com>; Jonathan Bilby <JBilby@cityofpensacola.com>; FENNER, KARL L <kf5345@att.com>; Kellie L. Simmons (Gulf Power) <kellie.simmons@nexteraenergy.com>; Leslie Statler <LStatler@cityofpensacola.com>; Miriam Woods <MWoods@cityofpensacola.com>; Paul A Kelly (GIS) <PAKelly@cityofpensacola.com>; Robbie Weekley <rweekley@cityofpensacola.com>; Ryan J. Novota <RNovota@cityofpensacola.com>; Sherry Morris <SMorris@cityofpensacola.com>; KENNINGTON, STEPHEN <sk1674@att.com>
Subject: Please Review & Comment - Proposed Amendment to WRD Regulations

Good afternoon all!



PLANNING SERVICES

MINUTES OF THE PLANNING BOARD

October 8, 2019

MEMBERS PRESENT: Chairman Paul Ritz, Danny Grundhoefer, Ryan Wiggins, Charletha Powell, Eladies Sampson

MEMBERS ABSENT: Kurt Larson, Laurie Murphy

STAFF PRESENT: Cynthia Cannon, Assistant Planning Services Administrator, Sherry Morris, Planning Services Administrator, Heather Lindsay, Assistant City Attorney, Leslie Statler, Senior Planner, Michael Ziarnek, Transportation Planner-Complete Streets, Gregg Harding, Historic Preservation Planner, Brad Hinote, Engineering, Lawrence Powell, Neighborhoods Administrator, Councilwoman Myers, Councilwoman Hill, Mayor Robinson

OTHERS PRESENT: Andrew Rothfeder, P. Cantavespre, April Skipper, William J. Dunaway, Buddy Page, George Williams, George Biggs, Amir Fooladi, Fred Gunther

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from September 10, 2019.
- **New Business:**
 1. Consider Amendment to LDC Section 12-2-12 Creating WRD-1
 2. Consider Rezoning and Future Land Use Map Amendment for 14 W. Jordan Street
 3. Consider *Preliminary Approval* for 500 E. Gregory Street
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:00pm with a quorum present and explained the procedures of the Board meeting.

Approval of Meeting Minutes

Ms. Sampson made a motion to approve the September 10, 2019 minutes, seconded by Ms. Powell, and it carried unanimously.

New Business

Consider Amendment to LDC Section 12-2-12 Creating WRD-1

Staff received a request to modify the Redevelopment Land Use District WRD by establishing a subcategory which would become the WRD-1. The proposed WRD-1 would be a standalone section with the intent of optimizing the future development of the City's Community Maritime Park (CMP) parcels. The overall park parcel was master planned for stormwater and open space during the final plat approval process in April

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2013. Subsequently, lots 1 and 2 received Planning Board approval for development in 2013. Ms. Cannon advised future development on the CMP parcels within the proposed WRD-1 district would continue to be submitted to the Planning Board for aesthetic review. She advised the applicant and their consultant were available online to give a presentation to the Board.

Mr. Rothfeder, President of Studer Properties, presented to the Board and stated his firm had been asked to submit a master plan for the remaining parcels at the Maritime Park that was cohesive and worked with the 19 acre site across the street. He stated one of the first steps was to hire a market research firm which could confirm the demand for commercial and retail space in the downtown area; they subsequently hired Jeff Speck and Associates along with DPZ CoDESIGN. This process began nine months ago culminating with a week-long charrette involving public input. DPZ then presented the master plan, with the question being whether or not it would fit into the current zoning on the Maritime Park site. He represented to the Board that Ms. Khoury along with DPZ had worked with City staff to address an appropriate solution. He indicated the Studers had invested approximately one half million dollars into this project. He also stated there was a question being asked by a third party law firm about this rezoning, specifically about the purpose of the rezoning which would be addressed later by Mr. Dunaway.

Ms. Khoury then addressed the Board and asserted she had worked with the Planning staff. Her presentation consisted of 20 slides which focused on the Maritime Park parcel, and Mr. Speck was online to answer any questions. They were not aware of the rich history on this site and as such studied previous plans to evaluate lessons learned. The market study was completed before they conducted the charrette. The study demonstrated that there was an opportunity to extend the downtown to the waterfront. Ms. Khoury pointed out that Southtowne was an example of the desire for downtown living and that their study looked at the program for the market over a 15 year timeframe. The 19 acre site could accommodate 1,825 residential units, with the majority designated for rental units and approximately thirty percent designated as condos. She stated that the encouraging fact was that waterfront units could be affordable to people making \$30,000 and up and commercial and retail ranging anywhere from 80,000 to 200,000 sq. ft. and up. She pointed out the charrette was very positive, and residents were excited about what was being proposed. They proposed recreating the blocks with three linear greenways, the Maritime parcel with the parking completely lined, connections to Bruce Beach, and a boardwalk over the stormwater pond creating more of an environment.

WRD zoning permits 60 dwelling units per acre, and the proposed WRD-1 did not change this; the change was from height measured in feet to stories, to have generous floor to ceiling heights and certain commercial uses (still 60 units per acres – 60 sq. ft. to 6 stories). One of the biggest purposes was to change the intent or purpose of the district. They agreed WRD was archaic in the way it was written, and they tried to encourage waterfront activities. They learned the WRD was created as an antidote to the Port Royal gated development. The change does not affect the metrics but encourages development in a better way. They decided not to change things everyone was objecting to; the uses, density and parking remained the same. The height was changed from feet to stories.

The changes included permitting A-frame signage, festival signage and to prohibit illuminated signage. The landscaping would be appropriate for downtown with shrubs and trees. The lot coverage was changed from 75 (seventy-five) percent to 95 (ninety-five) percent on a parcel. The height would be measured in stories, and held to the height criteria outlined in the CRA Urban Overlay design standards.

Previous developers found that the current CMP plan did not ensure that a future developer would adhere to the same development standards. This needed to be addressed in order to develop a stable environment.

Ms. Wiggins addressed item (5) Regulations and why there was a strikethrough on (a) 1. from “maximum” and replaced with “enhance.” Ms. Khoury explained maximum was too subjective of an opinion and that the bay walk had been enhanced since there were buildings up against it. She continued to state that as you

move toward the beach, it was a more active waterfront and that "maximizing" intends to imply a final condition which is hard to judge and that "enhancement" is easier in considering enhancement or optimizing; it is an attempt to provide a more objective way to judge if a building is behaving with the waterfront.

Chairman Ritz pointed out there were several areas dedicated to openness where buildings will not be constructed. Ms. Powell had a problem with blocking the view and felt both "maximum" and "enhance" were both subjective. Chairman Ritz stated even if the document was not changed, projects taking place here come before the Board where there would be a judgment call on what was being presented. It relies on the Board as a body listening to constituents or the developer themselves for process to determine the final consensus. Ms. Wiggins did not feel the WRD needed the change. She also asked why (5) (b) 4. and 5. were a strikethrough. Ms. Khoury stated there was no historic parcel connected to this district. Ms. Powell asked if whatever language the Board agreed to would apply to anyone who wanted to rezone, using this same language and would not just be for Maritime Park. Ms. Khoury stated it might be easier to unstrike this portion. Ms. Lindsay explained when modifying language to a code, the issue is you are setting a precedent for future use and contemplation, so any change you make, you should always be contemplating the long term impact and what incentives are you providing to future changes to the Code. Chairman Ritz explained if someone asked to be included in WRD-1, they would come before the Board to make the decision to incorporate them. Ms. Cannon confirmed they would go through the rezoning process which would be reviewed through the Planning Board. Ms. Powell asked if it was in the Code and the Board had agreed to it, and they are complying with everything in WRD-1, what would be the way the Board could say they could not be allowed in the district when they were complying. Ms. Lindsay advised that was actually what the outside legal opinion was concerned with - if you set the precedent, then you have to anticipate it will be used to expand in the future. The Board would have to decide the legitimate goals so there would be an argument against expansion if that was truly what they wanted to do. Chairman Ritz explained there was some latitude for the Board to determine if the applications were appropriate or not. There is an ebb and flow to a city, and we are not trying to be static but are trying to move forward with the appropriate ideas. Ms. Wiggins asked if there was a need for WRD-1 and could exceptions be made as they applied to these parcels as opposed to changing Code. Ms. Lindsay advised there were other options which Ms. Morris had discussed with DPZ. Ms. Wiggins clarified she was referring to a variance instead of a Code change. Mr. Grundhoefer asked why the changes could not be included the WRD, and Ms. Cannon stated that if that was the proposed amendment then all parcels in the WRD district would be subject to the increased lot coverage and change in height requirements as opposed to just the CMP parcels. She explained the applicants were proposing to raise the design standards and encourage future developments to go through the new CRA Urban Overlay District for consistency and cohesiveness in development with the former ECUA parcel and that the WRD-1 was proposed as an effort to create a strategic development approach to the CMP parcels. Mayor Robinson explained they started looking at how to create something based on what we see new happening in models that would allow us to have these features we would see in our normal historic waterfront. If we had been thinking that way today, we probably would not have built the governmental buildings the way we did. Things changed dramatically in 50 years, and the overall intent was simply if we can create what we want to create, why not create a district which would allow that. The choice was to amend WRD and start over.

Ms. Cannon clarified that the Gregory Stewart memo was emailed to the Board and uploaded to the online agenda center upon receipt. Ms. Lindsay stated the memo addressed some things which the Board might consider so the correct articulations could be made. Mr. Dunaway of Clark Partington was asked to address the memo which was provided as comments to Mr. Wells, Deputy City Attorney. The scope of the review was quite broad, and Mr. Stewart concluded that he was unable to determine whether there was a public purpose and a deliberative process for this planning, and he raised the question of what is the purpose of

this. The Board had heard that this project came because the group came to the City asking how they should best implement this plan – how should they best put it into action. The idea was to follow the pattern they did in the Gateway Redevelopment District with the creation of earlier sections in the Aragon area. He emphasized that Mr. Stewart's memo was absolutely correct to note that all the changes to the LDC must be legally consistent with the Comprehensive Plan. He advised the fundamental land development document for these parcels and others was the Community redevelopment Plan of 2010, which directly addresses this issue on page 33 where the Plan identifies a number of areas within the Urban Core Redevelopment area that should be considered for policy amendments to the City of Pensacola Comprehensive Plan and Land Development Code. It further states the CRA should investigate the existing land use categories and zoning districts to determine if the creation of new policies and new zoning districts should be considered to support the recommendations of and to carry out the redevelopment plan. Mr. Stewart concluded in his memo that he "was unable to identify whether such a public purpose is served and therefore, it appears that there is a potential legal issue that the new WRD-1 classification is arbitrary and capricious and constitutes spot zoning from this rezoning."

Mr. Dunaway advised that staff, Mr. Rothfeder and Ms. Khoury, along with actions from this Board and the City Council, can supply that information which he believed Mr. Stewart did not have. He further advised that the 2010 CRA plan on page 3 "establishes the framework for transformative policies and investments in the CRA." Within that context, the plan provides policy, programmatic and fiscal direction for the CRA as Pensacola reshapes its urban landscape and waterfront. The purpose of the plan is to define the strategic framework, concepts, themes, goals and objectives for the future of Pensacola's urban core. He explained that because a zoning section exists in the Code, does not necessarily mean that other parcels get to take advantage of that. All parcels within the City are zoned with their own zoning, and there is a process where zoning can be changed, only if it is consistent with the Comprehensive Plan and other comprehensive documents. The reason for not using a variance was because they require statutory criteria, specifically that the problem was not self-created. Changing the zoning was the appropriate process for this development and was a step forward in the ultimate goal of fulfilling the public purpose and vision by the decades of public planning for this CMP site.

Ms. Wiggins asked who had hired the outside attorney for this legal opinion, and Ms. Lindsay advised that Legal had asked for that opinion to do their due diligence for the sake of transparency because they anticipated the public could have questions, and they wanted to make sure the Board had answers.

Mr. Gunther stated that he was under the impression that DPZ was hired by the developer, and Chairman Ritz confirmed that. Mr. Gunther explained if the CRA had hired DPZ to make changes in zoning, that would make sense, but this was not the case here. He was opposed to a higher lot coverage ratio and more height along the water. He did not blame the developer for asking, but it did allow for taller and wider buildings. The citizens had spent millions on site development to maximize the connection to the water, but when you build a wider building, it creates a wall effect along the water. He explained that when planning is done right, the shorter buildings are along the water.

Ms. Wiggins stated this was also her concern with removing the term "maximize" from the document. Chairman Ritz advised he appreciated the work by DPZ and as a designer, he preferred the 6 stories language to 60 feet. Open spaces are not a reason for people to go there, but if you place something there, it connects people to the water. To correct some statements, Ms. Khoury explained they were not adding additional height, and most of the buildings would be 4 and 5 stories. Also, the reason for writing the WRD-1 was that the WRD was archaic, and they wanted it to reflect what the CRA encouraged, and they also heard from the community that they wanted to see more redevelopment.

Mr. Speck added it was important to make a distinction between rural beach development, as in Santa Rosa Beach, and urban beach developments like Portofino and Venice. Those are examples of other urban

waterfronts as they are models where spaces are well shaped by buildings, and he further explained that too many spaces between buildings actually cause you to not feel comfortable in public places.

Ms. Powell asked if the WRD was archaic, why not just modify the WRD. Chairman Ritz explained the applicant did not want to speak for the other WRD property owners; they were just considering the properties they control. Ms. Powell pointed out (c) of the landscaping guidelines that the "shoreline vistas" were more than just a view. The ability to see would be constricted by the buildings. Chairman Ritz advised the building code would regulate the height of the buildings. Ms. Cannon explained per the CRA overlay district, the heights for the ground story floor were beginning at 16', 20' and 24' and the maximum aboveground story heights were 14' so with the highest at 24' ground floor and 14' for the other stories, the potential would be a 94' building height. Ms. Khoury added that 24' on the ground floor was for retail only. Ms. Wiggins was concerned with parking becoming unaffordable, citing Southtowne as the most expensive parking lot and believed parking would also become restricted and expensive. Ms. Morris advised that parking requirements in the CRA were greatly reduced based on land use in 2013 by Council and the Planning Board, and any future development would have to address the off-street parking, but there were other methods in the Code which allow for off-site parking through shared use agreements to provide flexibility. These future developments would be required to handle and address the required off-street parking to support the developments, and that would come before this Board when the developments apply for permitting. She also stated they had changed how we measure building height as the first habitable floor and tried to incentivize parking underneath instead of surface parking.

Mr. Grundhoefer addressed 5. (b) regarding CRA Overlay standards being "encouraged." Ms. Morris further explained the CRA Overlay is applicable to any district within the three CRAs in the downtown area not within a review district, anything not subjected to additional review beyond standard permitting. While this property is within the CRA Overlay boundary, it does not fall under the Overlay since it is protected by the WRD. They referred to the CRA Overlay guidelines and encouraged them, and the Board could recommend as part of their oversight some components of the CRA Overlay for the applicants to consider.

Regarding parking, Mr. Rothfeder stated currently as it is developed, it could be arranged with parking garages, and the market would determine what gets developed there. He stated the goals of this development were to connect the commercial core with the west side, to take this underutilized land and develop it in a way that accomplishes the goals of attracting and retaining our talent, and produces a wide array of housing that meets the market's demand and allows units which permit people to live in the project earning \$30,000 a year. He asked Ms. Khoury if there was anything that would be different if they had asked this development be done for them, the CRA, or a public entity, and Ms. Khoury indicated there would not. They were opening views to the waterfront and keeping with the character of the area, and for anyone else, it would still be very similar to this. She advised Mr. Studer did not direct any of this, but that the market study and prior plans, along with Civicon speakers, all supported the ideas presented.

Ms. Cannon explained the motion of the Board would be to "recommend" to the City Council. Ms. Morris advised this item would be presented at the Council's November 14th meeting. Mr. Grundhoefer suggested not striking the historic language, and he had no problem with the 60 feet versus the six (6) story language and was also not concerned with the 95 (ninety-five) percent lot coverage because of who the developer is.

Mr. Grundhoefer made a motion to approve a recommendation to the Council. Chairman Ritz clarified the historic language of (5) (b) 4. and 5. was to remain.

Ms. Powell was not confident if they kept the 95% going forward that it would not impact other things. **Ms. Wiggins wanted to remove "enhance" retain "maximum" and "maximize" in (5) (a) 1. and Mr. Grundhoefer accepted. Ms. Wiggins seconded the motion, and it carried unanimously.**

Consider Rezoning and Future Land Use Map Amendment for 14 W. Jordan Street

Millwood Terrace, Inc. is requesting a Zoning Map and Future Land Use Map (FLUM) Amendment for the property located at 14 W. Jordan Street and identified by parcel number 00-05-00-9010-001-124. The property currently has split zoning with C-2 on the southeastern portion and R-2 on the western portion; the Future Land Use Map (FLUM) is consistent with Commercial and Office designations. The applicants are proposing to amend the zoning district to C-1 Commercial zoning district and the FLUM to Commercial.

Mr. Page presented to the Board and stated the purpose was to have all the buildings zoned consistently. He said they originally thought to pursue R-2 to be consistent along Palafox Street, but staff recommended the C-1 category because it was less intense than C-2. Currently, the line separating the C-2 from R-2 runs through several of the buildings by several feet. He explained they had met with Councilwoman Cannada-Wynn onsite since she represents that district. Chairman Ritz was favorable with the C-1 classification transitioning into the neighborhood, noting his home is also in a C-1 designation. Mr. Page explained the existing uses were physicians' offices with the right corner being a pharmacy.

Mr. Gunther advised he owned the building to the north of the property and was concerned with street parking and any plans to reduce the existing parking. Chairman Ritz pointed out the Board could not make decisions on what might be. Mr. Page explained there were no plans to make any adjustments in development but more an opportunity to make sure the financing entities were satisfied that all of the buildings could be used under one category. **Ms. Wiggins made a motion for approval, seconded by Ms. Sampson.** Mr. Grundhoefer asked about the parcels, and Mr. Page further explained the survey showed the zoning line currently splits the pharmacy space. **The motion then carried unanimously.**

Consider Preliminary Approval for 500 E. Gregory Street

George Williams, AIA, Goodwyn Mills Cawood, is requesting *preliminary* approval for site improvements for a new (replacement) building for the adult entertainment business "Sammy's" located in the Gateway Review District (GRD). The new building will substantially increase the conformity of the project to the Land Development Code by improving parking, open space, landscaping and overall site design. Chairman Ritz noted this was the first consideration which was formerly within the Gateway Review Board purview.

Mr. Williams, a representative of Goodwyn Mills Cawood, presented to the Board and stated this project had been ongoing for well over a year. After evaluating the existing building and what was necessary to bring it up to Code, it became clear that would be quite expensive. They stepped back to consider a new building in lieu of the existing building, since there were certain criteria financial and otherwise that prohibited them from closing the existing building, demolishing it, and building a new one. They tried to be creative in locating a new building onsite, realizing there were certain criteria to be met in the Gateway District, and the new building could not be larger than the existing building. The basic request involved the location of the new building, and aesthetics would return to the Board. He pointed out the parking spaces to the west were leased from the City and were included in the car count. The variance for the rear of the building would go away. He pointed out the GRD district requires 25% pervious land area, and currently they have 24.5% of pervious surface in the redevelopment plan which was still a tremendous enhancement. Additionally, the parking requires one space for each 75 sq. ft. with a total parking requirement of 74 spaces; the plan presents 70 parking spaces, and they are 3 spaces deficient based on the City's criteria. He explained this plan would require an FDOT review since they were relocating a driveway on Gregory Street which was less than the standard.

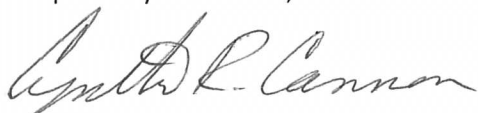
Regarding the Gateway guidelines, Ms. Cannon referred the Board to Sec. 12-2-81 (C) for the contents of the preliminary plan which asks for general information at this point. She explained when the applicant returned, the Board would be looking at another list of requirements for the final phase. Chairman Ritz noted the layout reminded him of Publix with parking on the less intent street, and the building closer to the busier street giving it more edge. He pointed out the applicant had met the preliminary requirements, and he could support the project. **Ms. Wiggins made a motion to approve, seconded by Ms. Sampson.** Mr.

Grundhoefer questioned stormwater, and Mr. Williams stated they had engaged Rebol Battle since the site has 4,300 sq. ft. of pervious surface, and they were doubling that number. He indicated they would comply with whatever the stormwater requirements of the City might be and would return with the aesthetics. **The motion then carried unanimously.**

Open Forum – Chairman Ritz explained there had been a request to change the time of the October 24th Tree Ordinance workshop to 3pm-5pm to accommodate Council members who wanted to participate. Ms. Wiggins was concerned with the changed time that the public would not have a chance to weigh in after working hours. Ms. Cannon suggested there could be a second workshop not scheduled on a Council meeting night, and Ms. Wiggins appreciated that the public would then have a chance to participate. Chairman Ritz pointed out that it will likely take more than one workshop since this was very far reaching for many constituents. Ms. Cannon advised she would look for future dates on non-Council nights going forward to January and would present those at the November meeting of the Board and notify by email as well.

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 3:48 pm.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Cynthia Cannon".

Cynthia Cannon
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00399

City Council

10/24/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council President Andy Terhaar

SUBJECT:

REQUEST TO NAME THE NORTH ENTRANCE TO BAYVIEW PARK THE "JULIAN OLSEN WAY"

RECOMMENDATION:

That City Council name the north entrance to Bayview Park the, "Julian Olsen Way." Further that a plaque and bust be placed in a prominent location.

HEARING REQUIRED: No Hearing Required

SUMMARY:

A request has been made to name the new Bayview Community Resource Center after former Parks and Recreation Director Julian "Ole" Olsen. Following City Code Section 2-3-3 - Naming City Property, this item was reviewed by the Parks and Recreation Board at their April 18, 2019 meeting.

At the June 20, 2019 Parks and Recreation Board meeting, the following motions were made and approved to be forwarded to City Council for consideration:

1-The Parks and Recreation Board does not recommend renaming the Bayview Community Resource Center, and that the name, "Bayview Community Resource Center" should be retained into perpetuity.

2-The Board consider the naming of something significant within Bayview Park after Julian "Ole" Olsen.

At the August 5, 2019 Council Agenda Conference, a presentation was made regarding this item. At the Agenda Conference, this item was referred back to the Parks and Recreation Board seeking a recommendation on what item of significance should be named after Mr. Olsen.

At the September 19, 2019 Parks and Recreation Board meeting, the Board made the following recommendation to be forwarded to City Council:

"To make the north entrance to the Centers the "Julian Olsen Way," and to place a plaque and bust

[of Mr. Olsen] in a prominent location.”

According to Mrs. Betty Douglas and Dr. Ole Olsen (Julian Olsen’s grandson), Mr. Julian Olsen was the first Parks and Recreation Director for the City of Pensacola. He was a pioneer who established many programs that affected many areas. He served as the President of the FRPA (Florida Recreation and Parks Association) for two years and also received an Achievement Award from the FRPA for outstanding service to his community and the State of Florida. He was active in the National Parks Association.

Mr. Olsen helped develop Bayview Park, starting a swimming program there. He helped establish many youth centers including Sanders Beach, Fricker Resource Center and Bayview Community Center. He created “tot lots” to provide recreation places for the children in the area, developed a softball league, and set up the first lifeguards on the beach. Mr. Olsen also set up things such as boxing matches and square dances.

PRIOR ACTION:

April 18, 2019 - Parks and Recreation Board Meeting
June 20, 2019 - Parks and Recreation Board Meeting
August 5, 2019 - City Council Agenda Conference (Presentation)
September 19, 2019 - Parks and Recreation Board Meeting

FUNDING:

Budget: \$ 0

Actual: \$ TBD

FINANCIAL IMPACT:

The Cost of street signs, a plaque and a bust.

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) September 19, 2019 Parks & Recreation Board Minutes

PRESENTATION: No

**City of Pensacola****Parks and Recreation Board****Unapproved Meeting Minutes**

September 19, 2019

8:00 am

Whibbs Conference Room

Members Present: Paul Epstein (Chairperson), Antonio Bruni, Alejandra Escobar-Ryan, David Forte (in at 8:10, left at 8:45), Gabriela Garza, Rand Hicks, Maranda Sword

Members Absent: David Del Gallo, and Leah Harrison

City Staff Present: Brian Cooper (Parks and Recreation Director), Lawrence Powell (City Neighborhoods Administrator), Heidi Thorsen (Assistant to the Director), and Michael Ziarnek (Transportation planner – Complete Streets)

Others Present: Betty Douglas, and Krista Hobgood

CALL TO ORDER – 8:01 am

ROLL CALL – An oral roll call was taken.

APPROVAL OF MINUTES

Member Sword made a motion to approve the minutes of the August 15, 2019 meeting. Member Bruni seconded. The minutes were approved.

NEW BUSINESS (None)

DIRECTOR/STAFF REPORTS, CORRESPONDENCE, PROJECT UPDATES

Director Cooper brought the following updates:

- The budget for the new fiscal year was passed by Council last night.
- The Bayview Community Center construction is underway, hopefully we will be opening by August 2020 or possibly July.
- The Bayview Senior Center renovations are moving faster than expected. We are hoping to be opening before December.
- The playground at Legion Field is being installed today. It will take a couple of weeks to remove the old one and install the new one, then hopefully add a splash pad, T-Ball field, and rebuild the press box.
- We are working with the folks from Magee Field. We have a nice design concept, now looking for funding for the project. It will probably cost around \$800,000.00. Hopefully we will be able to do this project in phases.
- We have had a ribbon cutting at Morris Court. He thanked member Hicks for attending.
- Superintendent Carmody is working with Housing on getting a federal grant for redoing the playground at Kiwanis Park.
- Tierra Verde Park will be getting a new playground soon.

- Several different groups showed up to Woodland Heights for their performing arts night. We are working on getting some feedback and hoping to get children involved.
- The YMCA programs at Vickrey are going really well. We have had one phone-in complaint that has been resolved.
- We are working on getting a demo plan for the old YMCA building at Hitzman Park. We are waiting on permitting, and then we will get bids for the job. The plan is to begin demolishing the building as soon as soccer is complete (Nov. 15). Member Escobar-Ryan suggested getting some information out concerning the plans to keep the public informed. Once the design is complete, the City will put up a sign that will include a website with the plans. The soccer parents have been updated, but the Neighborhood Association has not sent out an update yet.

OLD BUSINESS

Julian Olsen naming update

Chairperson Epstein mentioned that Director Cooper emailed a list of naming options to the Board that were put together by him and Mrs. Douglas. Mrs. Douglas ordered the list as follows:

1. Naming the Bayview Resource Center in honor of Mr. Olsen
2. Having a Julian Olsen Way (a road close to Bayview Park named after him)
3. "The Julian Olsen Event Center" within the Bayview Center
4. A nice bronze plaque inside the building recognizing his legacy and commitment to the Bayview Park and Center.

The Board has previously decided that the name of the Bayview Resource Center will always remain the Bayview Resource Center, so the first option will not be used. Chairperson Epstein asked if there might be other suggestions in addition to the remaining three. Member Hicks suggested having a bronze bust and plaque at the top of the hill in conjunction with naming the walkway/bike path "Julian Olsen Way", or naming the Amphitheater after Mr. Olsen. Mrs. Douglas really liked his first idea. Further, member Hicks believes that the plaque should include the fact that Mr. Olsen was instrumental in the careers of people such as Cobb, Vickrey, Fricker, Hitzman, etc. Member Hicks asked that Chairperson Epstein be present when the language for the plaque is drafted.

Discussion followed in regards to which paved path or street should be named "Julian Olsen Way". Member Hicks believes it should be the walkway/bike path so that people can stop and reflect on his contributions, and read the plaque, instead of just driving by on the way into the Park. Other members believe that the road from 20th Ave. that goes between the Senior Center and the Dog Park should receive the honor of being called "Julian Olsen Way". The entrance is between Lee and Blount streets. (A Google map is included in the last page of the Minutes showing the proposed location.)

Discussion followed as to where to put the bust and plaque. Some members seem to agree it should be close to the walkway/bike path so that people who walk the park can stop and read the plaque. Director Cooper mentioned that he would be sure it is in the

right location, he will check with Mrs. Douglas, member Hicks, and the Board prior to installation.

Member Forte made the following motion: "That we name that stretch that is north of Lee that connects to the parking lot, as 'Julian Olsen Way', and add a bust and plaque recognizing him for his service, in a prominent location." Member Escobar-Ryan seconded the motion. Discussion followed. Director Cooper verified with Streets that that street currently does not have a name. Information is not readily available to figure out where the bust should be placed.

The motion as agreed upon is as follows:

That we make the north entrance to the Centers "Julian Olsen Way", and place a plaque and bust in a prominent location.

All of the members present except for Member Hicks agreed with the motion. The motion passed 6:1.

Park Restrooms

Director Cooper put together a list of restrooms (mainly in regional parks) including their condition, and when they are cleaned. Henry Wyer Park is the only neighborhood park that has a restroom. Most of the restrooms on the list are usually opened and closed when the Centers are opened (9-5), or regular business hours.

We are working on putting the restroom information on our website. One of the Board members suggested also including whether or not the restrooms are ADA accessible, and if they have diaper changing stations.

Some discussion followed regarding replacing the bathrooms at Hitzman with port-o-lets until the new soccer fields are complete. It was mentioned that the restrooms look better now than they have in the past five years. Ms. Hobgood mentioned that she prefers the current restrooms instead of port-o-lets.

New restrooms will be included when the upgrades are made to Magee Field. Periodic updates on Magee Field will be provided as the project progresses.

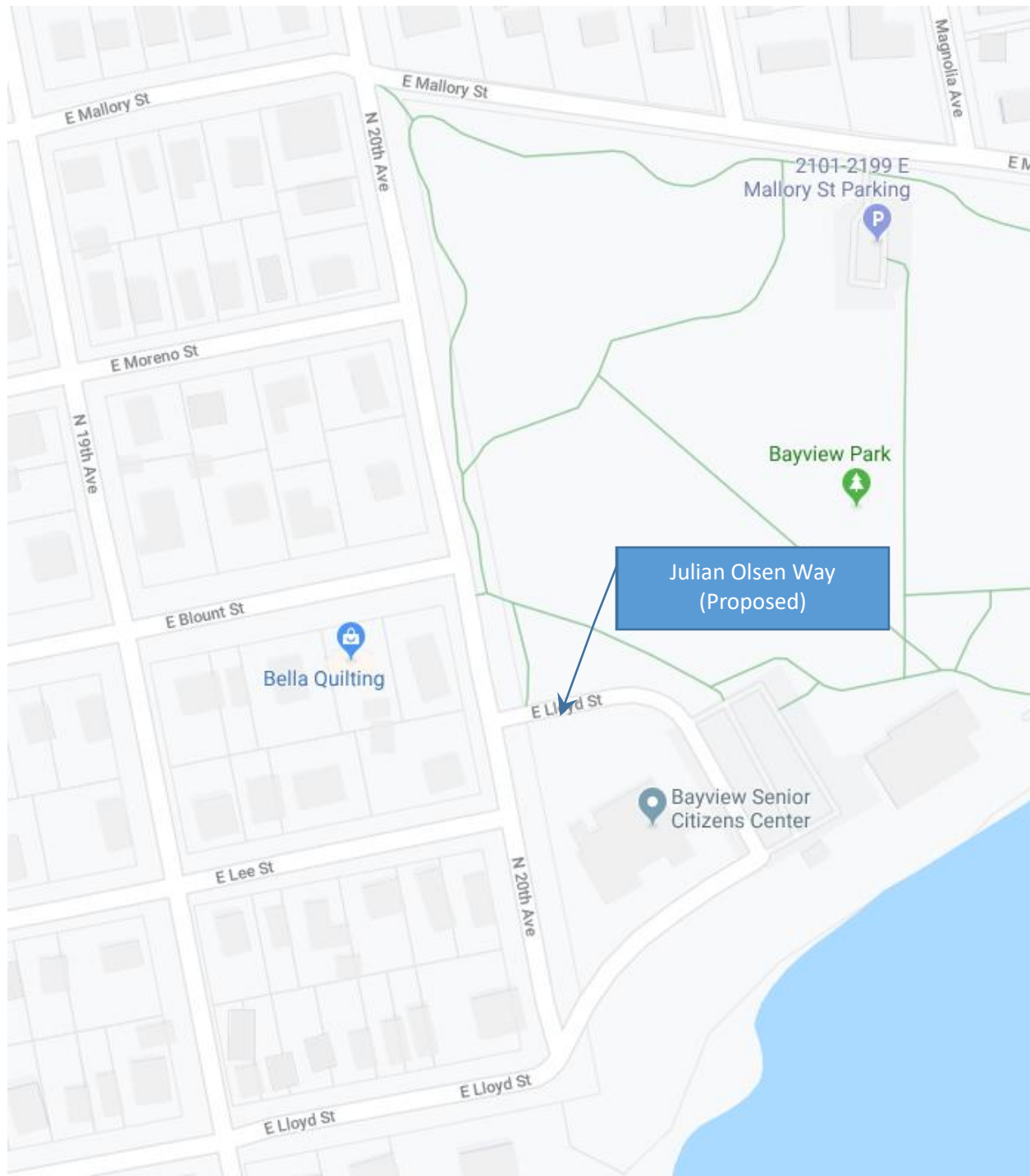
Board Member Park Visitation Program

The following parks were presented: Georgia Square, Miranda Square, Long Hollow, Granada Subdivision Park, Pineglades Park, and Dunmire Park.

OPEN FORUM

- Ms. Hobgood mentioned that she likes the sign idea for Hitzman Park to keep the neighborhood informed. She feels that the neighborhood should have a say in the design of the soccer fields. She wants everything that is discussed in the soccer workgroup publicized, even if the information is incomplete.

ADJOURNMENT – 9:25 am



(Printed from Google Maps)



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00454

City Council

10/24/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Sherri Myers

SUBJECT:

RECOMMENDATION FROM THE ENVIRONMENTAL ADVISORY BOARD REGARDING THE USE OF CHEMICALS FOR THE SPRAYING OF ATHLETIC FIELDS

RECOMMENDATION:

That City Council forward to the Mayor's Office the following recommendation from the Environmental Advisory Board (EAB):

To propose a moratorium on the spraying of youth athletic fields and parks within the City limits until the City provides a comprehensive list of chemicals and the application schedule for the EAB to review.

HEARING REQUIRED: No Hearing Required

SUMMARY:

At the City Council's meeting of July 18, 2019, the Council approved a referral to the EAB with the following recommendation:

That the City Council refer to the Environmental Advisory Board a request for the Board to examine the chemicals used on athletic fields and parks in the City of Pensacola and report the findings to City Council with recommendations on how to improve the safety of playing fields and parks.

As the EAB is gathering information and continuing their review and analysis, the above recommendation was approved by the EAB.

Since this is an operational request, the City Council is forwarding the recommendation to the Mayor's Office for potential action.

PRIOR ACTION:

July 18, 2019 - Referral to the EAB from the City Council

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Unapproved September 5, 2019 EAB Meeting Minutes
- 2) 2016-2017 School IPM Strategic Plan
- 3) IPM Institute of North America National School IPM
- 4) Beyond Pesticides - Child Safe Playing Field Act
- 5) Sports Field Management - Managing pest pressure

PRESENTATION: No

**CITY OF PENSACOLA
ENVIRONMENTAL ADVISORY BOARD
MEETING MINUTES**

Thursday, September 5, 2019 ~ 2:00 p.m.

Members Present: Neil Richards, Chair, Bob Bennett, Vice Chair, Michael Lynch, Dr. Gloria Horning, Calvin Avant, Katie Fox, Kyle Kopytchak

Members Absent: Blase Butts

1. Call to Order/Quorum: The meeting was called to order by Chair Richards. A Quorum was established.
2. Approval of Meeting Minutes—August 1, 2019

Motion made by Member Kopytchak to approve the minutes, seconded by Member Bennett and was unanimously carried.

3. Board Member Comments/Updates:
 - a) 12th Avenue Tree Replacement and No Parking Enforcement—Kyle Kopytchak
Member Kopytchak had no information to provide about the no parking signs. Chair Richards commented on the impact on trees due to compacting of earth surrounding them in the root zone.
 - b) Perdido Pensacola Bay Estuary Program—Michael Lynch
Member Lynch provided an update on the Perdido Pensacola Bay Estuary Program. New Director, Jim Trifilio is getting settled in. They have formed some technical committees and are starting to get their management plan together. They have advertised for a couple of positions and are looking for office space. They are currently sharing space with the County.

Member Horning inquired what was EAB's charge from the City to do with this program. Chair Richards stated it was the protection of the watershed. Member Lynch stated that is important and is why he is following up on the program. The estuary doesn't follow county or city lines. The Program has expressed an interest in having the EAB have a role, if possible. Member Fox indicated that the focus is on those bodies. There has been an Estuary Program developed to assess the water body conditions and ultimately come up with a plan to restore or do whatever they want to propose to do with it. It is in the best interest, at minimum, to follow the process as projects come down the line. Member Horning indicated that she felt the focus should be on stormwater runoff. Member Avant also expressed concerns about Marcus Bayou, Crescent Lake, all of the toxins from Wedgewood are going into that Bayou and Crescent Lake.

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September 5, 2019

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c) Criteria for Tree Fund Grant Proposals

Chair skipped update on this item. To be considered with Tree Ordinance item.

d) Environmental Justice/Injustice—Calvin Avant

Member Avant inquired about what Council districts were affected with the clear cutting of trees. Member Bennet indicated that it mostly occurred in District 2 and District 5. Member Horning also indicated that the Tanyard neighborhood was also affected.

e) Water Quality of Bay/Gulf—Blaise Butts, Katie Fox

Member Fox indicated that Quite Water Beach has experienced some water quality issues lately.

f) Sanders Beach and Bruce Beach Stormwater Drainage, Flooding/Toxin Issues in Tanyard—Gloria Horning

Member Horning reported that the last storms had water over the curbs at Sanders Beach and Bruce Beach, expressed concerns about the amount of grass cuttings, trash and debris that clog the stormwater drains in that area and other areas of Pensacola. She has reported her concerns about the debris to the City's 311 system. The City is not maintaining the stormwater drains. Chair Richards inquired about whether there was any progress being made at the superfund site at Sanders Beach area. Member Horning expressed her concerns about the amount of industrial pollution that is occurring along Main Street and Government Street and the lack of environmental impact assessments on the new homes that are being built in the area. EPA has handed off the site to the Florida DEP.

g) Environmental Impacts on Disenfranchised Communities—Gloria Horning

h) Renewable Energy Sources—Neil Richards, Robert Bennett

Member Bennett reported that the Solar Together Florida Power and Light hearing is now scheduled for October 15 and they claim they will have something done by November 22.

i) Stormwater Management—Katie Fox

Member Fox has nothing new to report. Chair Richards indicated that it might be something to look into with regard to debris removal prior to storms, etc. Member Fox volunteered to reach out to the City's Public Works department to obtain any information the Board may be interested in getting. Member Bennett also reported that the Blue Green Algae Task Force meeting was canceled/postponed due to the hurricane.

4. Old Business:

a) Referral from City Council—Amendment to the Code of the City of Pensacola - Land Development Code, Section 12-6 Tree/Landscape Regulations (See August 1, Agenda for attachment)

Chair Richards opened discussion on the proposed amendment to the Land Development Code, Section 12-6 Tree/Landscape Regulations, asking the Board

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September 5, 2019

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to pay particular attention to page 19, Section (C) Tree planting trust fund of the draft and that is the neighborhood associations requesting grants for planting of trees within their scope. What's been talked about is how to process that request, either the dollar amount or scope of that recommendation. Member Bennett suggested striking the language of other appropriate landscape vegetation, since trees are what's wanted, not vegetation. Chair Richards indicated that what precipitated the Council moratorium on the tree planting trust fund was the funds were used to purchase irrigation supplies, equipment, trucks, etc. Member Kopytchak asked if there was discussion included in the proposed ordinance to provide for the mitigation money that goes into the trust fund to be used in the same district where the trees were removed. He felt very strongly that the funds should be allocated to the districts where the trees were removed.

Also, a suggestion was made to make the grant program language into Section (D). Further discussion by Board members on the grant program involved community organizations. What types of community organizations, clubs, neighborhood associations, civic organizations, registered as a 501c(3), organizations recognized by the City, etc. could apply. Who would have responsibility of maintaining the trees/landscaping. Have a list of approved trees, that the recommendation can be made from that list. Having the right tree at the right place at the right time. Placement of trees is critical, especially when you are dealing with power lines.

The Board also discussed power grids, lines and underground utilities as they relate to trees and how they are trimmed and the value of trees vs. maintaining power lines.

Member Bennett distributed a proposal for Sec. 12.6.2.- Applicability (d) Heritage Trees for the Board to review and consider at the next meeting.

b) Referral from City Council—Examine Chemicals Used on Athletic Fields and Parks in the City of Pensacola (See August 1, 2019 Agenda for attachment)

Member Fox reviewed information she received from the City on spray dates for the athletic fields in the city limits and also material safety data sheets for each of the chemicals they apply. There is also a spray schedule for insect, pest and lawn control as well as photos at Sanders Beach and a schedule for spring. They are also trying to get the records from Wallace Company. Bill Kimball with the Parks and Recreation Department provided the information and he is open to whatever the Environmental Advisory Board has to suggest. The Pensacola Youth

MINUTES OF THE ENVIRONMENTAL ADVISORY BOARD

September 5, 2019

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Soccer organization is also in support of addressing any issues with spraying youth athletic fields.

Chair Richards also reported that the Council Executive has sent a request for information to both Brian Cooper and Derrick Owens.

Member Fox also discussed articles she found on Integrated Pest Management vs. Organic Land Management. (copy attached.)

Member Horning indicated that the use of pesticides and fertilizers also affects stormwater runoff that will ultimately land in the bay.

Member Fox indicated that a comprehensive review of the practice needs to be made.

Member Kopytchak stated that the EAB was tasked to examine the chemicals that are being used. The Board requested this information and that they be identified. Until the Board gets that information, we request that they stop spraying where children are playing. It could be detrimental to the children.

Member Fox made a motion to proposed a moratorium on spraying of the youth athletic fields within the City limits that are occupied during the season until we have received the data requested and have had an opportunity to review it. Member Horning seconded the motion.

Member Kopytchak suggested asking for an all inclusive list and the schedule. Further discussion occurred on listing athletic programs, including parks, and researching organic uses. Member Fox indicated that Bill Kimball relayed that 95% of the City's parks are not sprayed with chemicals.

Member Fox restated and revised the motion to propose a moratorium on spraying youth athletic fields and parks within the City limits until the City provides a comprehensive list of chemicals and the application schedule for the EAB to review. Member Horning seconded the motion.

Christian Wagley offered a suggestion that the Board specify pesticides, herbicides, and fungicides. Those are the three chemicals typically applied to lawns. Fertilizers are typically not a public health issue. He also suggested doing a couple of fields as a trial with the organics to see what would work and what wouldn't.

Vote was taken and unanimously carried.

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5. New Business

Chair Richards announced that Keep Pensacola Beautiful, Inc. is launching a campaign to take over the purchase of the old Coca-Cola Bottling Plant on North Palafox Street and convert it into a non-profit environmental study center.

6. Reports and Announcements

Member Lynch reported that the Pensacola & Perdido Bays Estuary Technical Committee would be having a meeting on September 19, 2019 at 1:30 p.m. at the Central Escambia County Central Office Complex, followed by the Education Committee at 4 p.m.

7. Public Comments—Open Forum

Chris Mauldin with the City Engineering/Public Works Department reported that the FDOT beautification grant is due in October. The City passed on the beautification grant and is going to do the joint participation grant with FDOT. The beautification grant was limited to \$100,000. The joint participation grant would go up to about \$400,000 and would do larger projects and include better plants and vegetation.

Christian Wagley provided information on the reduction in stormwater clean-out crews, the City staff initiated green house gas emissions study done this summer, utilizing an intern, nothing official from the elected officials has happened on some of the Climate Task Force recommendations.

As relates to the tree discussion, he agrees that trees should be planted, not shrubs and also getting rid of the hospital exemption. Money has to be allocated to maintain the trees. Also commented on the grant programs. The Mayor has control over spending money on those tree projects. The Mayor has had conversations with Council Member Myers on where to plant trees. The Council still has to free up the Tree Trust Fund.

He recommended inviting Derrick Owens, the City's Public Works Director to address the Board on the City's Stormwater Plan.

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Member Bennett commented that the businesses along "L" Street, north of Fairfield have taken it upon themselves to clean the stormwater drains and since they have, that area has not flooded once.

8. Adjourn

There being no further business to come before the Board, the meeting was adjourned at 3:54 p.m.



Strategic Plan for School Integrated Pest Management

Federal Fiscal Years 2016-2017

**Biopesticides and Pollution Prevention Division
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention**

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Statement of Concern

Protecting children's health is a top priority for the U.S. Environmental Protection Agency. More than 53 million children and 6 million adults in this country spend a significant portion of their days in more than 120,000 public and private schools. These children face risks arising from the unnecessary exposure to pests and pesticides. They may contract diseases vectored by biting insects, suffer asthma attacks caused by allergens or triggers from cockroach and rodent infestations, and be exposed to unnecessary pesticide applications in schools. Only a relatively modest percentage of U.S. K-12 schools are currently using a smart, sensible, and sustainable approach to managing pests called Integrated Pest Management, or IPM, that can significantly reduce these risks. EPA aims to help schools across the nation implement sustainable pest management practices to create a healthier environment for our children and teachers.

Vision and Mission

EPA's vision is that all of the nation's students attend schools with verifiable and ongoing IPM programs. Our mission is to build partnerships and collaborations to promote and support school IPM, demonstrate its value, and provide information on the tools available to schools interested in establishing new or improving existing IPM programs.

Verifiable school IPM is an ongoing activity that includes these documentable elements:

- Understanding your pests
- Setting action thresholds for key pests
- Monitoring for pests, their locations and populations
- Removing conditions that allow pest infestation
- Using pest control tactics including sanitation, structural maintenance, and nonchemical methods in combination with pesticides

Objectives

The objectives of the Agency relative to school IPM are to:

- Increase demand for School IPM
- Supply what schools need to succeed
- Reward Success
- Grow and effectively leverage the stakeholder network
- Align School IPM with other EPA school programs
- Strengthen relationships with federal partners

Background

EPA's mission is to protect human health and safeguard the environment. In 2010, the various EPA Offices made specific commitments to the Agency's Administrator in support of children's health protection. Out of these commitments, the Office of Chemical Safety and Pollution Prevention (OCSPP) launched an initiative to achieve greater adoption of Integrated Pest Management (IPM) in schools as part of its obligation to protect children's health.

IPM is a sustainable approach to managing pests that combines biological, cultural, mechanical, physical and chemical tools in a way that minimizes economic, health and environmental risks. IPM creates a safer and healthier learning environment by effectively managing pests and reducing the unnecessary exposure of

students, teachers, and staff to pesticides. An effective IPM program uses common sense, prevention-based strategies to reduce sources of food, water, and shelter for pests in school buildings and grounds.

While IPM is a smart, sensible, and sustainable approach to managing pests, it is estimated that a relatively modest percentage of U.S. K-12 schools currently have verifiable IPM programs. Federal law, US Code at Title 5 Section 136r-1, provides the Agency with a mandate to "...support the adoption of IPM". EPA's vision and recommendation is for all students to attend schools with verifiable, ongoing IPM programs.

In support of its mission, the federal mandate on IPM, and its vision for school IPM, OCSPP committed to working with partners both inside and outside of the Agency, including EPA's Headquarters and Regional Offices, other federal agencies, states, tribes, universities, pest management industry, and non-governmental organizations to significantly increase the implementation of IPM in schools.

EPA Assistant Administrator Jim Jones has noted that *"many schools are stuck on a treadmill of never-ending pesticide applications, without addressing the underlying issues that make schools attractive to pests. If we can make it so pests aren't attracted in the first place, the need for pesticides in schools would be greatly reduced."*

EPA Invests in School IPM

Since 1996, EPA has invested \$3.6 million in extramural resources to support over 50 demonstration, outreach, and educational projects on school IPM. This investment has yielded many successes, beginning with the Monroe Model for school IPM and expanding to school IPM coalitions throughout the country involving many stakeholders including university extension, pest management professionals, health departments and other IPM supporters.

In the mid-1990's, the Monroe County Community School Corporation (MCCSC) developed an IPM program with the support of Indiana University. The multi-step program was piloted at three elementary schools and relied on communication, partnership, and sound pest management. It aimed to effectively control pests, reduce pesticides used in schools, educate staff and students about pests in their schools, and demonstrate the IPM concept.

The success of their pilot program led MCCSC - using two EPA grants - to expand the program district-wide. With the IPM program, known as the *Monroe Model*, in place, MCCSC saw a 90 percent reduction in pesticide use, pest problems, and pest control costs. Money saved from reduced pesticide use enabled MCCSC to hire a district-wide pest management coordinator. MCCSC's work became a model for many schools seeking to adopt IPM programs and has positively impacted over 1 million children nationwide as it has been more broadly adopted.

MCCSC's work has become a model not only for Indiana school districts, but for the nation's many schools seeking to adopt IPM programs.

Through an EPA grant in 2008, the IPM Institute of North America led an effort to initiate and reinvigorate school IPM coalitions throughout the nation. The project increased coordination and engagement of school professionals to incorporate IPM in their professional roles and organizations. In conjunction with this effort, four regional school IPM working groups were established to lead demonstrations in new states and create self-expanding coalitions in more experienced states. Each of these working groups initiated a coalition within some of their states. These coalitions included diverse stakeholders, such as university extension, state agencies, and pest management professionals. The project reported many successes and impacted some 3 million students and staff through sound IPM programs.

In late 2011, the Agency made a significant shift in internal resources to provide greater protection for children's health by employing IPM as a pollution prevention tool. OCSPP staffing resources in the Regions were redirected to school IPM and there was a commitment to create a Center of Expertise for School IPM. This shift was a reflection of OCSPP's increased attention to, and support of school IPM efforts. This redirection took shape in 2012 and into 2013 as staffing the Center of Expertise for School IPM took place and engagement with the Regional School IPM Coordinators took shape.

In 2012, the Agency provided over \$1 million in funding to support school IPM coalition-building efforts in several states, including Colorado, Illinois, Indiana, Oregon, Utah, and Washington. This funding also advanced efforts to increase IPM adoption within more limited geographic areas and through mechanisms other than coalition-building in Florida, Louisiana, and Wisconsin. To date, these coalitions have realized varying levels of success and sustainability but all have advanced IPM implementation in their states' schools.

In 2014, the Agency shifted the focus of the majority of its external investments to support projects with broad, national implications. This shift better aligned the resource investments with the program's focus on wholesale infusion of IPM into schools across the nation. Through two grants, totaling \$0.5 million, the Agency is supporting the development of a central, Internet-based hub for materials that will give school districts ready access to the information they need to start or refine their IPM program. In addition, a training and certification program is being developed for school staff to include everyone from custodians to kitchen staff to the school administrators.

EPA's School IPM Program

The 2011 launch of the Agency's initiative to promote the expanded use of IPM in schools and increase the number of schools with verifiable IPM programs saw a focus on accelerating the move from demonstration to implementation in EPA's efforts. The ultimate goal is to ensure that the millions of students in our nation's schools benefit from the protection afforded by the adoption of smart, sensible, and sustainable pest control practices as part of IPM programs. The Agency recognizes that its strategic goal cannot be met by acting alone. EPA must also utilize its resources to assist and enable strategic partners to promote increased adoption of school IPM.

Going forward, EPA is interested in sustaining and increasing the national results for school IPM. In keeping with ongoing efforts, EPA is launching a renewed outreach effort to promote national partnerships for school IPM. The broad goal of this outreach effort is to institutionalize IPM in schools, nationally.

EPA is working to create the circumstances where the adoption of IPM by schools is more likely – enrolling advocates and allies to help spread the word and develop tools; compiling existing tools for easy access; filling gaps where tools or information do not exist; assessing the human health benefits provided by IPM implementation; creating the business case for school IPM adoption, whereby school districts can easily evaluate the fiscal considerations of program implementation; and encouraging schools to adopt IPM. In addition the Agency will recognize those school districts that demonstrate a commitment to IPM.

The ability to evaluate and accurately determine the level of adoption and robustness of a school IPM program is important in assessing the program's impact. Defining IPM and its verifiable elements creates a basis upon which any school can be evaluated. The Agency recognizes that IPM is practiced along a continuum and that positive results are attributable through other similarly positive changes in behavior.

Organizational Involvement

Biopesticides and Pollution Prevention Division / Environmental Stewardship Branch

The Biopesticides and Pollution Prevention Division's (BPPD) Environmental Stewardship Branch provides leadership and oversight of the Agency's school IPM efforts.

Structure

The Environmental Stewardship Branch Chief reports to the BPPD Director who, in turn, reports to the Director of the Office of Pesticide Programs. The branch is currently comprised of eight staff, five of whom comprise the Center of Expertise for School IPM.

Roles and Responsibilities

- Set program direction and policies
- Provide program leadership and guidance
- Oversee the Center of Expertise for School IPM
- Administer national competitions and assistance agreements

Center of Expertise for School IPM

The Center of Expertise for School IPM provides leadership and expertise to effectuate the goal of ensuring that millions of students in our nation's schools benefit from IPM practices and verifiable IPM programs.

Structure

The Center is organizationally part of the Office of Pesticide Programs, Biopesticides and Pollution Prevention Division, Environmental Stewardship Branch but is physically located in the EPA Region 6 office in Dallas, Texas. The Center is comprised of one senior position, designated the Center Lead, and four staff positions. EPA Headquarters (BPPD) provides leadership and oversight.

Roles and Responsibilities

The Center of Expertise will focus on a wide range of school IPM activities including:

- Contributing to the development and refinement of national program direction
- Providing input and assistance to the Regions on regional strategies and projects to help achieve national goals
- Providing technical support to the Regions and the school community
- Developing/maintaining web-based resources in conjunction with EPA grantees
- Providing IPM information for the school community through webinars, blogs, articles, listerv, and other outreach vehicles
- Hosting a toll-free line (844-EPA-SIPM) and email box (school.ipm@epa.gov) for receiving inquiries from the school community and public
- Managing publications and outreach materials while relying on existing materials, to the extent possible, and identifying and filling gaps as necessary
- Coordinating with other EPA national programs including: SHIELDS, Clean, Green and Healthy Schools; and Environmental Justice

Regional School IPM Coordinators

School IPM Coordinators in each EPA Region play a key role in encouraging schools to adopt IPM practices and verifiable, and sustainable IPM programs. The Regional Coordinators are well positioned to provide a visible and approachable field presence to schools within their Regions. They draw on existing relationships with school IPM advocates, states, and tribes in their Region. Coordinators in each Region also allow school IPM activities to be tailored to address regional concerns yet focused on the national goal for implementation.

Structure

Each EPA Regional Office is provided one full-time equivalent (FTE) by the Office of Chemical Safety and Pollution Prevention to support their school IPM efforts. These Regional School IPM Coordinators report directly to their respective Regional managers who, in turn, work collaboratively with OPP on school IPM through the Biopesticides and Pollution Prevention Division. Some Regions supplement their school IPM activities using personnel from the EPA Senior Environmental Employment (SEE) Program.

Roles and Responsibilities

The Regional Coordinators maintain close communication and coordination with each other and Headquarters. This allows ideas, outreach materials, and coordination opportunities to be shared. Regularly scheduled conference calls facilitate communication and continuity. The Regions also provide input on national assistance agreement selections by participating on review committees.

The Regions will focus on school IPM activities including:

- Increasing the demand for school IPM programs by drawing upon and expanding the influence of key stakeholders including state departments of education, health, and environment/agriculture. Regional experience has shown collaborations with these organizations can provide opportunities for the expansion of school IPM in states that do not have legislative mandates to drive adoption
- Creating partnerships with stakeholders including the state associations of school facility/plant managers, school nurses, environmental health professionals, school business officials, and school administrators
- Seeking opportunities to engage state PTAs, state structural pest control boards, and the local Service Employees International Unions
- Conducting outreach activities, training sessions, coalition events, and school IPM assessments
- Providing school districts with information resources and references including model documents and templates for IPM policy development, pest inspections, record keeping, pest logs, etc.
- Participating in internal and external school IPM meetings/calls
- Responding to technical assistance calls/requests
- Coordinating outreach opportunities at the Regional level with other EPA school programs for delivery to school districts including a range of human health issues in schools and the business case for addressing these issues
- Efficiently engaging the largest school districts within their states with an emphasis on those in close physical proximity to the Regional Offices
- Contributing to the development of an annual Regional school IPM workplan
- Reporting monthly on school IPM activities, outputs, and outcomes to the Center of Expertise

Strategic Approach

EPA will lead national school IPM efforts, in collaboration with other EPA school-related programs, federal agencies, states, universities, and non-governmental organizations. EPA's efforts will be led by the Biopesticides and Pollution Prevention Division's Environmental Stewardship Branch in the Office of Pesticide Programs. To reach our desired state of widespread adoption of IPM in schools we have to: (1) increase the demand for IPM in schools, (2) supply what schools need to implement and sustain an IPM program, and (3) recognize and reward success.

To achieve greater adoption of IPM practices and verifiable school IPM programs, EPA will establish and strengthen partnerships both inside and outside of the Agency. This includes partnerships with other EPA Offices and school programs -- Children's Health Protection, Air and Radiation (SHIELDS and Center for Asthma), Pollution Prevention and Toxics (lead, asbestos and PCBs), Regional Offices -- other federal agencies, state agencies, local governmental entities, tribes, universities, industry, and NGOs dedicated to IPM adoption. Alignment and coordination within the Agency will be critical to the success of this effort. School IPM activities will be integrated with the Office of Children's Health Protection (OCHP) Clean, Green and Healthy Schools efforts, State School Environmental Health Program Guidelines, Tools for Schools, and the Model Healthy School Guidance.

Given the challenges school systems face in adopting IPM, including budgetary considerations, EPA will work on several fronts to help meet the needs of schools nationally. EPA will compile existing information and tools into a single, accessible location for school officials looking to adopt an IPM program. Current and previous grant outcomes will serve as demonstrations to lead other school districts to implement IPM. We will also draw upon existing partnerships through the Pesticide Environmental Stewardship Program and the stakeholder-led school IPM working groups while developing partnerships with new entities in the school arena and pest management industry.

EPA will maximize a wholesale approach toward school IPM implementation by enrolling larger influential school organizations, states, universities, and non-governmental organizations to advocate for school IPM and help school systems with adoption. EPA will minimize retail approach efforts that involve working directly with individual schools, stakeholders to provide small-scale training, assessments, etc. However, a small number of pilot school districts may be used to build successes and demonstrate approaches and the value of school IPM to those schools.

EPA is broadening its list of stakeholders considered to be key influencers in the school community by identifying national and federal organizations involved with the business and administration of schools, children's health, and pest management, whose mission reflect improving education by protecting children's health and ensuring safe and healthy school environments. Formalizing stakeholders into a working network will help increase and sustain national results. Working together, EPA and the network of stakeholders can recruit and enroll new schools and large influencing organizations to join the network so that increased adoption of school IPM will be realized.

Strategies

Strategies for each of the six school IPM objectives are presented below. EPA will place an emphasis on wholesale strategies that create demand for school IPM programs, provide the information and tools schools need to start and grow their IPM programs, leverage resources, and expand our school IPM allies. In the wholesale approach, EPA will enroll larger organizations, states, universities, and non-governmental organizations to advocate for school IPM and help school systems with IPM adoption. EPA will minimize retail approach efforts that involve working directly with individual schools and stakeholders to provide small-scale

training, assessments, etc. Because school IPM is a collaborative effort, partnering and coordination with other entities results in the biggest gains when it comes to getting schools to adopt IPM practices and verifiable, sustainable IPM programs.

Strategies included in this plan are intended to allow the Regions flexibility within the national framework as they develop their Regional workplans. EPA recognizes that school IPM is at different levels of execution in each state and tribe. Regions will need to combine their knowledge of individual state progress with the flexibility this plan provides to design activities that will most effectively further the program objectives. Some states currently have little to no school IPM activities occurring. Other states have many ongoing activities or have already adopted school IPM guidance and/or legislation with varying levels of supportive infrastructure. Some states have a strong stakeholder base and recognized change agents while others do not. These varying situations require EPA's approach to implementation to remain flexible enough to meet the needs of the states.

Note: Parenthesis below indicate the organizational unit(s) primarily responsible for this activity.

(HQ = Headquarters; CoE = Center of Expertise for School IPM; Region = Regional Office; Grantee = Assistance Agreement Recipient)

Objective 1: Increase Demand for School IPM

Primary Strategies

- Convene a school IPM roundtable that will bring together entities with strong credentials to lend their support for school IPM. *(HQ)*
 - This will include representatives from the public health community.
 - Joining them will be national organizations with influence within the school community (administrators, business officials, facility managers, nurses, teachers, and parents) to pledge their support for the IPM approach and to spread that message throughout their membership.
 - Also participating will be select experts in school IPM implementation to provide a hands-on perspective of the difference IPM can make in a school district.
- Work in partnership with national organizations to build the case for school administrators and business officials that IPM can benefit them by:
 - Providing a healthier school environment where there are fewer pests to vector human diseases, less unnecessary pesticide use, and generally improved indoor air quality;
 - Fewer student absences due to asthma triggered by pests like cockroaches and rodents; and
 - Increasing school revenue with fewer student absences. *(HQ, CoE)*
- Motivate teachers, school staff, and parents to demand IPM-based pest management. *(HQ, CoE)*

Supplemental Strategies

- Work with state chapters of the school IPM roundtable to facilitate the flow of IPM information from the national level through the state chapters to the local membership. *(Regions)*

Objective 2: Supply What Schools Need to Succeed

Primary Strategies

- Provide a virtual *IPM Backpack for Schools* filled how-to information for schools including publications such as the *Business Case for School IPM* and *Model Pesticide Safety and IPM Guidance Policy for School Districts*, monthly webinars, and model school IPM contract guidance. *(CoE)*
- Provide, in early 2016, a compelling case on the human health benefits of IPM implementation in schools. *(HQ, CoE)*
- Support an assessment of the economics of school IPM that will provide schools with accurate information on the costs and benefits associated with implementing an IPM program. *(HQ, CoE)*

- Cooperate with the University of Arizona, an EPA grantee, to complete and make available IPM training for all segments of the school community (*Univ. of Arizona, CoE, HQ*)
- Cooperate with Texas A&M AgriLife, an EPA grantee, to provide easily accessible online information repository. (*CoE, HQ, Grantee*)
- Update the EPA IPM website to provide resources that describe the business and human health cases supportive of school IPM. Information should be in multiple formats and available to the public, teachers, institutions, etc. (*CoE*)
- Provide marketing materials compiled and developed by the Center of Expertise explaining the business and human health cases for school IPM. (*CoE, HQ, Regions*)
- Coordinate the delivery of the business and human health case for school IPM with other EPA school programs to leverage their resources. (*CoE, HQ, Regions*)
- Maintain a list of experts who may provide direct technical assistance to schools developing and implementing IPM programs. (*CoE, Regions*)
- Continue and refine development of online school IPM resources and tools for easy, no-cost access by school officials. This would include sample documents on verifiable IPM, best practices for working with pest management professionals, pest presses, etc. (*CoE, Grantee*)
- Advertise the availability of information, tools, and webinars through listservs, emails, mailings, web postings, conferences, and trainings. (*HQ, CoE*)
- Serve an advisory role on the stakeholder-led National School IPM Working Group. (*HQ, CoE*)
- Participate in stakeholder-led Regional IPM Working Groups: (*Regions, CoE*)
 - Region 1, 2, and 3 plus the CoE* will serve on the Northeast School IPM Working Group
 - Regions 4 and 6 plus the CoE* will serve on the Southern School IPM Working Group
 - Regions 5, 7, and 8 plus the CoE* will serve on the North Central School IPM Working Group
 - Regions 6, 8, 9 and 10 plus the CoE* will serve on the Western School IPM Working Group

**CoE participation will be to keep the Center abreast of Regional issues and developments*
- Participate in national and regional stakeholder meetings with an emphasis on opportunities requiring little or no travel. (*Regions, CoE*)
- Develop coalitions with state and tribal health departments, state school nurses associations, state PTAs, universities, and state children's health and school organizations. (*Regions*)
- Manage and provide cooperative input into school IPM assistance agreements. (*HQ, CoE*)

Supplemental Strategies

- Work with stakeholder community on efforts to assess the adoption of verifiable IPM practices in K-12 public and Tribal schools. (*CoE, Regions*)
- Administer national competitions for school IPM assistance agreements, as funding permits. (*HQ*)
- Participate in coalition demonstration projects funded through the stakeholder-led Working Groups. (*Regions*)
- Participate in face-to-face National stakeholder-led working group meetings, coalition trainings, and meetings affiliated with the National stakeholder-led school IPM Working Group. (*CoE*)
- Compile and distribute to partners and school districts a compendium of past EPA grants that demonstrate successful and verifiable school IPM programs. (*CoE*)
- Develop support packets and fact sheets on pilot projects to disseminate by mail to rural school districts with limited resources and travel. (*CoE, Regions*)
- Provide training and technical assistance to school districts primarily through coalition events or other wholesale mechanisms (in consideration of travel funds). (*Regions*)
- Initiate and participate in outreach opportunities with school district staff, school boards, PTA organizations, parents, and students to increase awareness among the school community. (*Regions*)
- Assist school districts with site implementation, evaluation, and reporting within the Agency's overall wholesale approach. (*Regions*)

- Coordinate, fund, and manage regional school IPM grants based on the availability of funding at the Region level. *(Regions)*
- Participate in assistance agreement review panels, as needed. *(HQ, CoE, Regions)*

Objective 3: Reward Success

Primary Strategies

- Complete development of and launch a school IPM incentive programs to recognize and encourage school districts to continue with and expand their IPM programs. *(HQ, CoE, Regions)*
- Obtain appropriate clearances through the Information Collection Request process with the Office of Management and Budget necessary to gather information from the incentive program applicants. *(HQ, CoE)*
- Finalize and implement a communications strategy for the awards program. *(HQ, CoE)*
- Seek opportunities to provide a public forum for award recipients if budgetary considerations preclude an independent school IPM awards ceremony. *(HQ, Regions)*

Supplemental Strategies

- Share with the Regions information on the school districts seeking and obtaining recognition for their IPM programs. *(HQ, CoE)*

Objective 4: Grow and Effectively Leverage the Stakeholder Network

Primary Strategies

- Continue to refine a list of, and initiate contact with states, universities, and NGOs with whom EPA can collaborate with on school IPM efforts. *(HQ and CoE with Regional input)*
- Maintain a national database of key school IPM contacts. *(CoE with Regional input)*
- Establish partnerships with national and state school-related organizations, such as those representing facility managers, nurses, administrators, teachers, and PTAs/PTOs to ensure a wholesale approach to selling school IPM. *(HQ and CoE for national organizations; Regions for regional and state organizations)*
- Support regional meetings with state and local officials as well as other stakeholders to create and encourage collaboration and supportive networks for healthy schools within the Regions. *(Regions)*
- Create a set of outreach messages on the business case to help further engage the business sector, change agents, and stakeholders. This will draw on published literature and from the results of Agency-sponsored assistance agreement. Finalize a brochure that would appeal to school officials. *(CoE)*

Supplemental Strategies

- Create a platform or mechanism to gather feedback, case studies, and real life scenarios on school IPM implementation. *(CoE)*
- Develop a list of and initiate contact with state and local entities that serve schools. *(Regions)*
- Participate in conferences located near their Regional Office cities, webinars, and exhibits at strategically important outreach events. *(Regions, CoE)*
- Support and strengthen existing state and tribal programs. *(Regions)*
- Foster regional events and information sharing that convenes stakeholders and are tailored to address regional needs. *(Regions)*

Objective 5: Align School IPM with Other EPA School Programs

Primary Strategies

- Collaborate with the Office of Children's Health Protection (OCHP) and their Clean, Green and Healthy Schools efforts. This will allow EPA to build outreach through OCHP's leadership, promote school IPM adoption through OCHP's networks, and create special partnerships. *(CoE, HQ)*
 - OPP will continue to participate on the OCHP workgroup for Clean, Green and Healthy Schools which includes representation from the various EPA programs with school-related elements such as SHIELDS, SunWise, and Energy Star. *(HQ)*
- Engage, as appropriate, other EPA school-related programs (e.g., SHIELDS, asthma, asbestos, lead, PCBs) for collaboration on IPM efforts. *(CoE, HQ)*

Supplemental Strategies

- Regions will engage and participate in Office of Children's Health Protection activities and events in their respective states and tribes. *(Regions)*
- Cross-train staff in other EPA school programs to effectively deliver information on school IPM in the course of their contact with school-related organizations. *(CoE, Regions)*
- Alignment with OCHP and other EPA Healthy School Programs will continue to evolve. With additional funds from both the Regions and Headquarters, joint conferences could be sponsored and educational brochures with One EPA consistent messaging could be developed. *(CoE)*

Objective 6: Strengthen Relationships with Federal Partners

Solid relationships with our federal partners are key to ensuring coordination of efforts, maximizing opportunities to leverage resources, and effectively utilizing the strengths of each organization. Relationships need to be cultivated and strengthened with several relevant federal partners including Centers for Disease Control and Prevention, Department of Agriculture, Indian Health Services, Bureau of Indian Affairs, Department of Defense, Department of Education, Bureau of Indian Education, Department of Health and Human Services, and Department of Housing and Urban Development.

Primary Strategies

- Maintain contact with other federal agencies and explore collaborative opportunities on school IPM efforts. *(HQ)*
- Remain open to future opportunities created by the Green Ribbon Schools Program to develop a stronger relationship with the Department of Education as we work together for healthier schools. *(HQ)*
- Participate in meetings of the Federal IPM Coordinating Committee as a means of garnering and leveraging support for school IPM efforts. *(HQ)*

Supplemental Strategies

- Participate in meetings of the Regional IPM Center-sponsored school IPM Working Groups. *(Regions, CoE)*
- Participate in meetings of the Regional IPM Center steering/advisory committees and grant review panels. *(Regions, CoE)*
- Participate in state or local level school IPM trainings and meetings. *(Regions)*
- Leverage the federal workgroups to make progress on healthy school environments and school IPM. *(CoE, HQ)*

Quality Control

Quality control is a set of prevention-based activities, such as analysis and inspection, to ensure quality in products. The Agency will utilize the following strategies to ensure quality deliverables from our school IPM program.

Primary Strategies

- Capture and report on metrics related to the school IPM webinar series including attendees, organizations represented, participant feedback, etc. *(CoE)*
- In accordance with federal and Agency protocols on the management of assistance agreement, conduct regular reviews of ongoing assistance agreements to ensure compliance with requirements and progress toward stated objectives. *(HQ)*
- Assist the Regions in reporting on monthly and annual bases, their school IPM activities, including interactions with school districts. *(CoE)*
- Maintain a system for tracking requests for CoE assistance received through the Center email box and toll-free line. *(CoE)*
- Create lists of school and school district contacts as well as EPA school IPM webinar participants. *(Regions, CoE)*
- Track subscription metrics for the School IPM Listserv. *(CoE)*
- Summarize, on an annual basis, outputs and outcomes of School IPM efforts at the Regional, Center, and national levels. *(CoE, HQ)*
- Report on activity-based measures (Appendix) for FY2016-2017 that aim to increase the percentage of school districts that adopt IPM practices and verifiable school IPM programs. *(HQ, CoE, Regions)*

Supplemental Strategies

- Include activities related to regional assistance agreements on progress lists. *(Regions)*
- Include activities related to national assistance agreements on progress lists. *(CoE)*

Quality Assurance

Quality assurance is a program for the systematic monitoring and evaluation of the various aspects of a project or service to ensure that quality standards are being met. The Agency will implement the following strategies to ensure quality results are attained from our school IPM program.

Primary Strategies

- In compliance with EPA's Quality System and OPP's Quality Management Plan, develop project objectives, quality measures, and acceptance criteria for products, assess data quality, and appropriately use data. *(HQ, CoE)*
- Identify opportunities to utilize electronic tools (e.g., spreadsheets, GIS, databases, share drives, web-based tools) to improve efficiency. *(HQ, CoE, Regions)*
- Use project management tools to maintain an accurate schedule for projects, track progress and work products, and tracks resource projections and divestitures. *(HQ, CoE)*

Supplemental Strategies

- Ensure EPA Project Officers involved with school IPM assistance agreements are trained and maintain current certification in the proper stewardship of Federal assistance activities, critical roles and responsibilities of the EPA Project Officer, and EPA policies, regulations and Orders related to assistance agreements. *(CoE, HQ)*

- Ensure EPA Contracting Officer's Representatives and Contracting Officer's Task Order Representatives receive training and maintain current certification in accordance with federal and Agency guidelines, including the EPA Acquisition Guide. *(CoE, HQ)*

Appendix – National Program Manager Measures for School IPM Success

The National Program Manager (NPM) Guidances set forth the strategies and actions the EPA and its state and tribal partners will undertake to protect human health and the environment. The NPM Guidances provide the linkage from the FY 2014-2018 EPA Strategic Plan and annual budget by providing implementation direction to EPA regional offices, states and tribes. Taken together, the NPM Guidances serve as a national framework for regional offices to use as they tailor their approaches and strategies for engaging with states and tribes. Beginning with FY 2016-2017, the EPA will implement a new two-year cycle for the NPM Guidance process, which was developed collaboratively with our state and tribal partners.

School IPM has been identified as one of five OCSPP National OPP Areas of Focus for Regional Offices in FY2016-2017. The goal of this activity is to decrease exposure of children in public and tribal schools (grades K-12) to pests, pesticides, and diseases vectored by pests through increased adoption of verifiable and sustainable IPM programs. Activities to support school IPM support Goal 4 of the Agency's Strategic Plan by protecting human health from pesticide risk. This activity also supports the agency's children's health and environmental justice goals.

FY2016-2017 Regional ACS Measure

Number of activities conducted, consistent with the EPA's "Strategic and Implementation Plan for School Integrated Pest Management," to provide outreach, education, and/or assistance to public and tribal schools at the kindergarten through high school levels to adopt verifiable and sustainable IPM practices.

- This measure is a non-commitment measure for FY 2016-2017 to allow regions the flexibility to direct their efforts where they are most needed, and to select the activities and level of effort appropriate for the needs of their region.
- Regional offices must provide a brief description and the number of each type of activity that were conducted in their region in the comment field during mid- and end-of-year ACS reporting. Activities are defined as substantial increments of work with one or more internal or external stakeholder(s) or development of program capacity such as databases or educational resources to advance IPM in schools. In order to keep a wide range of activities somewhat comparable, each reported activity should generally include: 1) preparation, 2) substantive participation, and 3) follow-up actions, as needed.

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National School IPM

A group of stakeholders working together towards widespread adoption and implementation of integrated pest management in all US schools.

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School IPM 2020 is a long-term collaborative initiative working to reduce pest problems and pesticide hazards in U.S. schools.

We aim to educate school administrators, facility managers, maintenance, custodial and grounds staff, teachers, parents and anyone involved in improving environmental quality for children about the benefits of [Integrated Pest Management](#), a low-risk discipline of proactive, preventative, common sense pest management. We seek to reduce pest problems and improve pest management practices in all of our nation's schools.

Please see [here](#) for the latest version of the **School IPM 2020 Pest Management Strategic Plan**, our living roadmap to achieving high-level IPM in all US schools.

We hold regular calls with the [National School IPM Steering and Advisory Committee](#) which is made up of two leaders from each of four regional school IPM working groups ([Northeast](#), [North Central](#), [Southern](#), and [Western](#)) and steers the implementation of the *School IPM 2020 Pest Management Strategic Plan* in the regions. Members of the regional working groups are representatives from each state within the region.

The [North Central School IPM Working Group](#) has worked to increase IPM adoption in schools in the North-Central region since 2008. Find out who the working group [members](#) are and what we currently [work on](#). Members include Integrated Pest Management professionals, scientists, researchers and experts from land grant university IPM programs, government, private industry, and nonprofit representatives.

[Contact us](#) if you are interested in joining the Working Group or [sign up for our newsletter](#) to stay in touch!

The Pest Defense for Healthy Schools – Free Online IPM Training for School Staff

The Pest Defense for Healthy Schools, formerly known as *Stop School Pests*, is one of School IPM 2020's signature projects. *The Pest Defense* is a free online training designed for school who are a part of improving environmental health for students through the safe and effective management of pests. IPM is a team effort and it is important that everyone working in schools knows they play a role in the process. Only by working together can IPM programs reach their full potential!

The project is part of a national, multi-agency collaboration with a common goal of reducing risks associated with pests and pest management practices in schools. The team chose to focus on one of the earliest steps involved in the IPM implementation effort–IPM education.

The full training course is available at no cost at <http://pestdefenseforhealthyschools.com/>. In-person training materials are available for download on eXtension [here](#). For questions or feedback on the training, please contact schoolipm@ipminstitute.org.

The coordination of the National School IPM Steering Committee is supported by funding of the USDA North Central IPM Center

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Child Safe Playing Field Act Signed into Law by New York Governor

(Beyond Pesticides, May 21, 2010) Governor Patterson of New York signed the *Child Safe Playing Field Act* into law on Tuesday, marking a huge victory for grassroots environmental and human health groups. The law helps to protect children by banning the use of pesticides on school playing fields and play grounds. Schools will have one year to comply with the regulations. In New York and across the country, schools routinely apply pesticides and "weed and feed" products (pesticides mixed with chemical fertilizers), which are linked to cancer, endocrine disruption, learning disabilities, asthma and other problems. Strong opposition from the pesticide industry had led to a previous version of the bill being defeated nine times. While the earlier versions of the legislation included all outdoor school grounds, the scope was narrowed to include only playgrounds and playing fields to help ensure passage. In addition, over 8,000 letters were sent to legislators in favor of the bill and over 18,000 people signed a petition, according to [Citizens Campaign for the Environment](#).

The *Child Safe Playing Field Act* requires that all schools, preschools, and day care centers both public and private to stop using pesticides on any playgrounds or playing fields. The law does allow for emergency application of pesticides for infestations if the County Health Department, the Commissioner of Health, the Commissioner of Environmental Conservation or the school board deems it an emergency. Containerized nonvolatile bait stations are also permitted for insect and rodent control. "The archaic practice of poisoning children's play grounds is coming to an end in New York State. We will now raise a generation of healthier, safer children because of this legislation," said Adrienne Esposito, Executive Director, Citizens' Campaign for the Environment.

While opponents of the bill argued that current pesticide regulations offer adequate protection to humans and the environment, many studies have shown that human health is increasingly at risk from pesticide exposure. Children are particularly in need of protection from pesticides, because their organ systems are still developing. They also have a faster rate of metabolism than adults meaning that with respect to body weight they take in more pesticides from food they eat and the air they breathe. Most recently, a [new report](#) has linked everyday pesticide usage to ADHD in children.

Many conventional pest control providers and chemical companies opposed the bill, arguing that pesticide free turf management will be much more expensive. In response, Grassroots Environmental Education along with organic horticulturalist Chip Osborne produced a [report](#) comparing the relative cost of chemical intensive and organic turf management. Their report showed that while expenses may be higher the first two years after switching to organic turf management, after the third year annual costs are anywhere from 7 to 25 percent lower than with chemical intensive management.

Across the country, state and local governments are instituting new policies in response to citizens' demands for stricter pesticide regulations. In [Massachusetts](#) carcinogenic pesticides or products that contain EPA List 1, Inerts or Toxicological Concern can no longer be applied to school grounds, and no pesticides can be applied for purely aesthetic reasons. In Connecticut pesticides cannot be used on day care center turf, or on school grounds for kindergarten through 8th grade. In [Branford, CT](#) all of the town's playing fields, parks, and public green spaces are managed without the use of pesticides. For a more extensive list of examples see [Beyond Pesticides activists tools pages](#).

Take Action: It is time for a national policy that would protect every child in the United States from pesticide exposure at school. Federal legislation, the *School Environment Protection Act of 2009* (SEPA), has been introduced by Rep. Rush Holt and would protect school children from pesticides used both indoors and on all school grounds nationwide. The legislation also bans the use of synthetic fertilizers. To learn more about this legislation and help its passage, see [Beyond Pesticides' SEPA webpage](#).

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Post Views: 5,342

This entry was posted on Friday, May 21st, 2010 at 9:23 am and is filed under [Children/Schools](#), [Lawns/Landscapes](#). You can follow any responses to this entry through the [RSS 2.0 feed](#). You can skip to the end and leave a response. Pinging is currently not allowed.

2 Responses to "Child Safe Playing Field Act Signed into Law by New York Governor"

1. 1
[grass hopper](#) Says:
Synthetic fertilizer need to be banned from our children's grassed play areas. It just is not needed.
October 29th, 2010 at 7:19 pm
2. 2
[Lorena Fuerst](#) Says:
This is absolutely the best news I've heard all day. I'll be printing it out to show our local school board. Maybe Michigan will be next..
May 24th, 2011 at 9:26 pm

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Managing pest pressure

Preventing Pest Problems

Always use all the best cultural management practices at your disposal to provide an environment for turf to become well-established and dense. These practices include:

- selecting the correct grass for the situation
- using recommended varieties that are resistant to diseases
- aerifying compact soils to improve aeration and drainage
- overseeding high use areas frequently to reduce weed pressure
- mowing properly to improve turf density
- applying proper amounts of fertilizer and water to improve turf health

Remember, a dense healthy turf is the best defense against pest pressure.

Follow Integrated Pest Management (IPM) Steps

IPM is a decision-making process that strives to make best use of all available management tools, including cultural, biological, mechanical, environmental and chemical methods. IPM is effective, economical and minimizes risk to the environment and human health. IPM is also known as integrated turfgrass management, best management practices or plain old common sense. IPM is also the basis of a good organic program, even though synthetic chemical pesticides are not included in those programs.

Start with:

- assessing the situation (what is the scope/severity of the problem)
- identifying the pest
- establishing thresholds (how much can be tolerated before taking action)
- taking a course of action that can manage the pest while protecting health of humans and the environment.

Pesticide Use on School and Day Care Center Grounds

In 2010, New York State Education and Social Service laws were amended to **essentially prohibit the use of pesticides** on playing fields, playgrounds, and turf at schools and day care centers. This law is commonly referred to the **Child Safe Playing Fields Act** (CSPFA) which only allows specific pesticide products to be use on these sites. More information on this law can be found by [downloading the final guidance document](#) produced by the NYS Department of Environmental Conservation.

Emergency Applications are possible

Under the law, a public school can seek permission for an emergency application from their school board. Non-public schools and day care centers ask the Department of Health (DOH) in the case of emergencies that threaten public health, or the NYSDEC for those significantly affecting the environment. The law does not indicate what might be construed as an "emergency".

[Download the Request for Determination for Emergency Pesticide Application.](#)

Keep in mind that the NYSDEC Guidance advises that the NYSDEC, DOH and SED, in consultation with OCFS, identified the following situations that these agencies generally would not consider to warrant an emergency pesticide application determination:

- Routine or repetitive problems
- Pests which can be managed with allowed pesticides or alternative practices
- When the pesticide application would be for purely aesthetic purposes

Using Pesticides Properly

Safety is always a priority when using any pesticide. If you have the option to use pesticides as a management tool and conditions warrant the use of pesticides, keep in mind that you must be a NYS certified pesticide applicator. Only recommended materials should be used and applied according to label directions. Always use the latest [Cornell Turf Pest Management Guidelines for Insect, Disease and Weed Management](#) when developing pest management strategies.

Another Pest Management Tool: Using Growing Degree Days for more precision

We cannot accurately predict plant and insect growth based on calendar dates since the weather is sure to differ from season to season. However, from years of collecting data and making observations, scientists have found that a more precise way to note plant and insect growth and development is to relate it to temperature. Growing Degree Days (GDD) units can be used to

predict the likelihood of weed germination, 1st instar of an insect, seedhead emergence, etc.

GDDs represent the accumulation of "heat units" based on temperature and are recorded daily over the growing season. GDDs are calculated by taking the average of the daily low and high temperatures and subtracting the base temperature (50°). Although the base temperature can vary depending on the plant or organism, the most common base temperature used is 50°. Each day's GDD is added to the previous days and a cumulative total is kept.

Growing Degree Day information can add precision to your pest management program.

In the example below the daily high temperature was 70° and the daily low temperature was 50°.

Growing degree days = $70^{\circ} + 50^{\circ} = 60^{\circ}$ (average daily temp) - 50° (base temp) = 10 GDD were 2 accumulated

The below chart shows that 63 GDD were accumulated in the first week of April.

Calendar date	Apr 1	Apr 2	Apr 3	Apr 4	Apr 5	Apr 6	Apr 7
Daily average temp °F	55	65	63	50	48	60	70
Base temperature °F	50	50	50	50	50	50	50
Daily GDD	5	15	13	0	0	10	20
Cumulative GDD	5	20	33	33	33	43	63

When calculating GDD, remember that the base temperature of 50° is used throughout the season and there are no negative GDD. For example on April 5th the daily average temperature was 48°, no heat units were accumulated so the GDD for that day is 0.

Growing Degree Day information can be found at [Northeast Regional Climate Center Forecast](#) site. For a practical example of using GDD to fine tune your crabgrass management strategy click here. 3.31.14

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City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 2019-60

City Council

10/24/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Sherri Myers

SUBJECT:

RESOLUTION NO. 2019-60 - REQUESTING THE MAYOR DIRECT STAFF TO PROVIDE NOTICE PRIOR TO THE APPLICATION OF PESTICIDES AND HERBICIDES TO PARKS AND RECREATIONAL OUTDOOR FACILITIES; THAT NOTICE BE POSTED IN A CONSPICUOUS LOCATION AND THAT THE INFORMATION ALONG WITH LINKS TO THE SAFETY DATA SHEET BE PLACED ON THE PARKS AND RECREATION WEBPAGE.

RECOMMENDATION:

That City Council adopt Resolution No. 2019-60:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA REQUESTING THE MAYOR DIRECT HIS STAFF TO PROVIDE PUBLIC NOTICE TWO (2) DAYS PRIOR TO THE APPLICATION OF PESTICIDES AND HERBICIDES TO PARKS AND RECREATIONAL OUTDOOR FACILITIES; THAT THE NOTICE BE POSTED IN A CONSPICUOUS LOCATION AND INCLUDE A TELEPHONE NUMBER AND LINK TO THE WEBSITE WHERE THE CHEMICALS ARE LISTED; AND THAT THE NAME OF THE PRODUCT AND LINK TO THE MATERIAL SAFETY DATA SHEET BE PLACED ON THE PARKS AND RECREATION WEBPAGE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The City of Pensacola practices Integrated Pest Management (IPM) in city parks and outdoor recreational facilities in order to promote a safe and healthy environment for children and visitors. As part of the IPM full and timely disclosure of pesticides and herbicides, need to be made available to city patrons.

As part of this disclosure, the information regarding what products are being applied to city parks, athletic fields and outdoor recreational facilities should be posted prior to the application in a conspicuous location that can be seen and viewed by patrons as well as being placed on the Parks and Recreation webpage.

This Resolution requests that the Mayor direct his staff in such a way that promotes this full disclosure and notice.

PRIOR ACTION:

July 18, 2019 - Referral to the EAB from the City Council

September 5, 2019 - EAB meeting making a recommendation to City Council

FUNDING:

N/A

FINANCIAL IMPACT:

None at this time

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Resolution No. 2019-60
- 2) Sports Field Management - Managing pest pressure
- 3) Beyond Pesticides - Child Safe Playing Field Act

PRESENTATION: No

RESOLUTION
NO. 2019-60

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PENSACOLA, FLORIDA REQUESTING THE MAYOR DIRECT HIS STAFF TO PROVIDE PUBLIC NOTICE TWO (2) DAYS PRIOR TO THE APPLICATION OF PESTICIDES AND HERBICIDES TO PARKS AND RECREATIONAL OUTDOOR FACILITIES; THAT THE NOTICE BE POSTED IN A CONSPICUOUS LOCATION AND INCLUDE A TELEPHONE NUMBER AND LINK TO THE WEBSITE WHERE THE CHEMICALS ARE LISTED; AND THAT THE NAME OF THE PRODUCT AND LINK TO THE MATERIAL SAFETY DATA SHEET BE PLACED ON THE PARKS AND RECREATION WEBPAGE.

WHEREAS, the City of Pensacola practices Integrated Pest Management in city parks and recreational outdoor facilities to promote a safe and healthy environment for children and visitors; and

WHEREAS, the City of Pensacola is committed to full and timely disclosure of pesticides and herbicides that are used as part of an Integrated Pest Management program; and

WHEREAS, disclosure and safety information of products being applied should be readily visible to City patrons in a timely fashion and prior to such products being applied; and

WHEREAS, this is an operational issue under the purview of the Office of the Mayor.

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

Section 1. That the City Council of the City of Pensacola requests that the Mayor direct his staff to provide public notice two (2) days prior to the application of pesticides and herbicides to parks and recreational outdoor facilities.

Section 2. That the notice be placed in a conspicuous location and include a telephone number and a link to the website where the chemicals are listed.

Section 3. That the name of the product and link to the material safety data sheet be placed on the Parks and Recreation webpage.

Section 4. 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

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Child Safe Playing Field Act Signed into Law by New York Governor

(Beyond Pesticides, May 21, 2010) Governor Patterson of New York signed the *Child Safe Playing Field Act* into law on Tuesday, marking a huge victory for grassroots environmental and human health groups. The law helps to protect children by banning the use of pesticides on school playing fields and play grounds. Schools will have one year to comply with the regulations. In New York and across the country, schools routinely apply pesticides and "weed and feed" products (pesticides mixed with chemical fertilizers), which are linked to cancer, endocrine disruption, learning disabilities, asthma and other problems. Strong opposition from the pesticide industry had led to a previous version of the bill being defeated nine times. While the earlier versions of the legislation included all outdoor school grounds, the scope was narrowed to include only playgrounds and playing fields to help ensure passage. In addition, over 8,000 letters were sent to legislators in favor of the bill and over 18,000 people signed a petition, according to [Citizens Campaign for the Environment](#).

The *Child Safe Playing Field Act* requires that all schools, preschools, and day care centers both public and private to stop using pesticides on any playgrounds or playing fields. The law does allow for emergency application of pesticides for infestations if the County Health Department, the Commissioner of Health, the Commissioner of Environmental Conservation or the school board deems it an emergency. Containerized nonvolatile bait stations are also permitted for insect and rodent control. "The archaic practice of poisoning children's play grounds is coming to an end in New York State. We will now raise a generation of healthier, safer children because of this legislation," said Adrienne Esposito, Executive Director, Citizens' Campaign for the Environment.

While opponents of the bill argued that current pesticide regulations offer adequate protection to humans and the environment, many studies have shown that human health is increasingly at risk from pesticide exposure. Children are particularly in need of protection from pesticides, because their organ systems are still developing. They also have a faster rate of metabolism than adults meaning that with respect to body weight they take in more pesticides from food they eat and the air they breathe. Most recently, a [new report](#) has linked everyday pesticide usage to ADHD in children.

Many conventional pest control providers and chemical companies opposed the bill, arguing that pesticide free turf management will be much more expensive. In response, Grassroots Environmental Education along with organic horticulturalist Chip Osborne produced a [report](#) comparing the relative cost of chemical intensive and organic turf management. Their report showed that while expenses may be higher the first two years after switching to organic turf management, after the third year annual costs are anywhere from 7 to 25 percent lower than with chemical intensive management.

Across the country, state and local governments are instituting new policies in response to citizens' demands for stricter pesticide regulations. In [Massachusetts](#) carcinogenic pesticides or products that contain EPA List 1, Inerts or Toxicological Concern can no longer be applied to school grounds, and no pesticides can be applied for purely aesthetic reasons. In Connecticut pesticides cannot be used on day care center turf, or on school grounds for kindergarten through 8th grade. In [Branford, CT](#) all of the town's playing fields, parks, and public green spaces are managed without the use of pesticides. For a more extensive list of examples see [Beyond Pesticides activists tools pages](#).

Take Action: It is time for a national policy that would protect every child in the United States from pesticide exposure at school. Federal legislation, the *School Environment Protection Act of 2009* (SEPA), has been introduced by Rep. Rush Holt and would protect school children from pesticides used both indoors and on all school grounds nationwide. The legislation also bans the use of synthetic fertilizers. To learn more about this legislation and help its passage, see [Beyond Pesticides' SEPA webpage](#).

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This entry was posted on Friday, May 21st, 2010 at 9:23 am and is filed under [Children/Schools](#), [Lawns/Landscapes](#). You can follow any responses to this entry through the [RSS 2.0 feed](#). You can skip to the end and leave a response. Pinging is currently not allowed.

2 Responses to "Child Safe Playing Field Act Signed into Law by New York Governor"

1. 1
[grass hopper](#) Says:
Synthetic fertilizer need to be banned from our children's grassed play areas. It just is not needed.
October 29th, 2010 at 7:19 pm
2. 2
[Lorena Fuerst](#) Says:
This is absolutely the best news I've heard all day. I'll be printing it out to show our local school board. Maybe Michigan will be next..
May 24th, 2011 at 9:26 pm

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City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00469

City Council

10/24/2019

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Jewel Cannada-Wynn

SUBJECT:

AFFORDABLE HOUSING TASK FORCE - FLORIDA HOUSING COALITION AS TECHNICAL CONSULTANT

RECOMMENDATION:

That City Council authorize the establishment of an Affordable Housing Task Force; further that the City enter into a contract with the Florida Housing Coalition to serve as a technical consultant to the Affordable Housing Task Force.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The Florida Housing Coalition has provided a proposal to serve as a technical consultant to the Affordable Housing Task Force. The Florida Housing Coalition is an organization that is recognized as an industry subject matter expert; provides training and technical assistance to the Florida Housing Finance Corporation; and is a sole source provider under the homeless training program for DEO. Through the acceptance of this proposal, the Florida Housing Coalition will act as a technical consultant, assist with education on affordable housing tools, and assist in convening the task force sessions.

Currently within the City of Pensacola, the affordable housing inventory is deficient. The intent of this item is to establish an Affordable Housing Task Force with the ultimate goal of increasing the housing inventory by 500 within 5 years.

The goal of the Task Force is to create housing solutions for the development of additional workforce housing with the City. The Task Force would be asked to create an action plan for the building of 500 workforce housing structures within five (5) years after the completion of the Task Force Report. The City, County and State are experiencing an affordable housing crisis. The current housing opportunities are not meeting the needs of the community when families are cost burdened in trying to maintain a home as well as other concerns in purchasing a home. It would be a further goal of the Task Force to focus on home ownership. However, housing solutions other than homeownership could be needed to resolve a persistent housing problem.



*Delivering Results for
Affordable Housing.*

Florida Housing Coalition

1367 E. Lafayette Street
Suite C, Tallahassee, FL 32301

Phone | 850.878.4219

Website | FLhousing.org

TO: **City of Pensacola**
Marcie Whitaker, Housing Administrator
420 W. Chase St.
Pensacola, FL 32502
Office: 850-858-0323
Email: mwhitaker@cityofpensacola.com

FROM: **Florida Housing Coalition**
Jaimie Ross, President & CEO
1367 E Lafayette Street, Suite C
Tallahassee, FL 32301
Mobile : 850.212.0587
Email: ross@flhousing.org

RE: **City of Pensacola Housing Task Force**

DATE: September 23, 2019

Ms. Whitaker:

The Florida Housing Coalition (the Coalition) is pleased to submit this proposal to the City of Pensacola (Client) to serve as the technical consultant to the City as it forms a Housing Task Force to conduct a citywide housing needs assessment and formulate a comprehensive approach to address those needs.

The Coalition is a statewide nonprofit with over 30 years of experience. We are recognized as Florida's foremost authority on affordable housing training and technical assistance, serving as the state of Florida's sole source provider of training and technical assistance under the Catalyst Program at FHFC and sole source provider under the homeless training program at DEO. We also provide consulting services to local governments in the areas of ending homelessness, affordable housing development and preservation, nonprofit development and capacity building, community land trusts, and Consolidated Planning and fair housing planning for HUD entitlement jurisdictions.

The Coalition's approach to this project involves utilizing our team of experts that have vast experience ensuring that persons from all backgrounds - ranging from persons experiencing homeless to those in need of moderate-income workforce housing, have access to quality housing. Our professional staff is comprised of experts in growth management, land use laws, housing laws and policies, affordable housing development and finance, fair housing, and homelessness.

The Coalition team is committed to completing top quality deliverables on time and on budget. The Coalition is highly respected in the affordable housing field and we pride ourselves on having never missed a project deadline. We have deep experience completing the proposed deliverables and have a long and successful history of partnering with local government partners to develop effective, meaningful, and evidence-based housing tools.

We are excited to be a part of this initiative and believe the City will find that we are uniquely qualified to serve as a trusted partner on this important project. Thank you for this opportunity.

For questions specific to this proposal, please do not hesitate to contact me at (850) 212-0587. We look forward to exceeding your expectations on this project.

Sincerely,

A handwritten signature in blue ink that reads "Jaimie Ross". The signature is fluid and cursive, with the first name "Jaimie" and last name "Ross" clearly legible.

Jaimie Ross, President & CEO
Florida Housing Coalition

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Project Description & Deliverables

The Florida Housing Coalition proposes to serve as Technical Consultant to the City of Pensacola as it forms its Housing Task Force in early 2020. The Coalition's approach to the work will begin with an analysis of all relevant housing data for the City of Pensacola. This analysis will include a survey of the City's land use planning documents and its current housing policies and programs to identify any potential barriers to affordable housing development. The Coalition will use these analyses to craft a framework for the Housing Task Force to utilize as it creates a plan to improve the City's affordable housing stock.

The Coalition will assist the Housing Task Force with education on affordable housing tools and assist in convening the Task Force's sessions.

Our proposed Work Plan includes four (4) main components. Individual components may be added to or removed from the Work Plan at the Client's request.

1. PREPARATION AND RESEARCH. The Florida Housing Coalition team will hold a kickoff meeting with Client representatives to discuss the scope and timeline of the project. In preparation for the Task Force meetings, Coalition staff will work with Client to become familiar with the issues to be addressed by the Task Force, and will review relevant affordable housing planning documents.

Coalition staff will hold a 90 minute webinar on the basics of affordable housing available to Task Force members, and will be available to answer questions and provide information for Task Force members in advance of the first Task Force session. The webinar will be recorded so that Task Force members have access at their convenience.

2. PREPARATION AND FACILITATION OF TASK FORCE SESSIONS. Coalition staff will work with the Client to schedule each of the four in-person Task Force sessions (2 hours each). In advance of each session, Coalition staff will research issues to be discussed and will prepare materials for Task Force members, including handouts and PowerPoint presentations. At the first Task Force session, Coalition staff will discuss common affordable housing concepts and terminology, and will ensure that all Task Force members have a common understanding of the concepts and terms discussed.

The content of the Task Force sessions will address the broad issues and goals as identified by the Client in coordination with Coalition. However, in the interest of maintaining the Task Force's focus on overarching affordable housing issues, discussion of specific affordable housing development or rehabilitation projects will be kept limited. Between Task Force sessions, Coalition staff will assist Client as needed to follow up on issues raised in each session.

After each Task Force session, Coalition staff will hold a 2-hour telephonic debrief with Client representatives to discuss the progress of the previous meeting and prepare for the next meeting. Client representatives will identify issues that should be addressed at the next Task Force session, if applicable, and will raise any concerns about the trajectory of the previous Task Force

discussion. The Coalition strongly believes that the Task Force sessions will be most productive and focused if Coalition staff and Client representatives communicate (debrief) after each session.

3. AFFORDABLE HOUSING PLAN PREPARATION. Coalition staff will compile the Task Force recommendations into a written Affordable Housing Plan for Pensacola. This Plan will include the results of the Coalition's analysis of the City's housing policies and relevant housing data, a set of recommendations based on best practices for housing policies and tools/strategies to increase and preserve affordable housing, and an implementation plan/timeline. Client representatives and Task Force members will have an opportunity to review and comment on a draft of the Plan before it is finalized by the Coalition for Client approval.

This Plan will make recommendations and offer guidelines for an approach to affordable housing/redevelopment that: a) maximizes coordination and collaboration of government entities and the private sector, both for profit and nonprofit; 2) emphasizes robust and effective land use planning and design, both for the residents of the housing and the community at large; 3) embraces innovative housing solutions to improve and increase the continuum of housing stock needed to help end homelessness and provide housing opportunities for the income eligible populations, targeting resources based upon the analysis that results from this Task Force work.

4. PRESENTATION OF HOUSING PLAN: Coalition staff, at Client's request, will assist City staff with presentation of the Housing Plan to the Council at a meeting in late August, 2020. Coalition staff will be on-site to answer questions from the Council members, if any.

Relevant Experience

The Coalition's technical expertise and local knowledge of affordable housing issues across the state is unparalleled. Our consultants will be lending their expertise to the completion of the project and will be part of our Consultant Team. The primary team consists of members that will be direct contacts to the City of Pensacola. The primary team includes: Jaimie Ross, President and CEO of the Coalition; Kody Glazer, Legal Director; and Michael Chaney and Blaise Denton, Technical Advisors.

Affordable Housing Experience

The Coalition is the premier provider of training and technical assistance on affordable housing and related issues in Florida. We help our local government partners to leverage their resources, apply the most effective strategies to meet local need, and improve the quality and availability of affordable housing in their jurisdiction. We take great pride in excelling. We are a mission driven organization; and when we are providing consulting services for local governments our mission is to help that local government achieve its goals. The Coalition has a strong reputation for superior quality consulting and technical assistance and the Coalition Team is proficient in all areas related to this proposal.

Annually, the Coalition publishes the *Home Matters for Florida* report which provides an overview of affordable housing needs for low- and moderate-income Floridians as evidenced by the rate of housing cost burden and homelessness. The statewide Home Matters report also highlights the benefits of affordable housing on the economy as well as the health and education benefits to low-income Florida households. The Coalition has also developed local Home Matters reports modeled on the statewide report for several jurisdictions including Palm Beach County, Sarasota County, Escambia County, St. John's County, and most recently, the City of Jacksonville.

The research and data collection that the Coalition conducts for the Home Matters Report as well as our experience in working with jurisdictions to identify the best strategies to address the unique housing needs in their communities has led to the Coalition conducting housing forums in numerous localities. The purpose of these housing forums is to educate elected officials, local government staff, housing providers, and other stakeholders about affordable housing needs and strategies to overcome the barriers to the development and preservation of affordable housing. The housing forums the Coalition facilitates are one-day sessions that are tailored to each community and where residents and interested parties have an opportunity to share their experiences and hear about potential solutions to the affordable housing crisis including inclusionary zoning, surplus land policies, accessory dwelling units, and community land trusts.

Other recent projects completed by the Coalition that are similar in nature to this proposed project include, the Sarasota County Blueprint for Workforce Housing – an Action Plan for the County and City of Sarasota which included a detailed listing of immediately actionable and long-term strategies based on thorough review and analysis of existing planning documents, land development regulations, current housing data, and stakeholder interviews. The Coalition also recently completed the Manatee County Community Land Trust Feasibility Study – an assessment to determine the applicability and feasibility of a community land trust in Manatee County focusing on an analysis of housing need, a report on the history of CLTs and the value of this strategy for permanent affordability, and a review of options and costs associated with establishing a CLT.

The Consultant Team



Michael Chaney is a Technical Advisor for the Florida Housing Coalition. He has 21 years of experience providing technical assistance to local government, nonprofit housing professionals, and consumers throughout Florida. Chaney offers training and technical assistance to the advisors implementing Florida's Hardest Hit foreclosure prevention program. He also serves as a trainer for the Coalition's Housing Workshops, where his focus includes monitoring

Michael Chaney
TECHNICAL ADVISOR

nonprofit sponsors, enhancing rehabilitation strategies, and general housing program administration. Michael is certified by NeighborWorks for both Homebuyer Counseling and Foreclosure Prevention and served as a NeighborWorks instructor for Florida-based 5-day certification trainings for housing counselors. He has written several articles for the Coalition's journal on topics related to foreclosure prevention, SHIP and housing for people with disabilities. Mr. Chaney holds a Bachelor's degree from Loyola University in New Orleans and a Masters of Social Work Administration from Florida State University, where he has served as an adjunct faculty member of the housing department.



Blaise Denton
TECHNICAL ADVISOR

Blaise Denton is a Technical Advisor for the Florida Housing Coalition. He has years of experience working with state and local government focusing on affordable housing, transportation-oriented development, historic preservation, and special populations issues. Prior to joining the Coalition, Blaise worked as a training and policy specialist at the Florida Department of Elder Affairs, where he designed E-Learning courses used to train hundreds of adult day care administrators, created budgeting systems to help manage over two million federal grant dollars, and provided planning and policy services. He has facilitated stakeholder meetings while researching transportation-oriented development and community safety issues in Tallahassee, Orlando, and nationally. Previously he has worked with the Florida Main Street Program, where he provided local communities with access to research, marketing, and ArcGIS services. Blaise specializes in ArcGIS, land use planning and practices, community stakeholder engagement, technical writing, and training services across the spectrum of the Coalition's work. Blaise holds a Master's Degree in Urban and Regional Planning and a dual Bachelors in Literature and Religion from Florida State University.



Kody Glazer is the Legal Director of the Florida Housing Coalition. He graduated Magna Cum Laude from the Florida State University College of Law and has experience with local and state governmental affairs, fair housing, land use, and environmental law. Prior to joining the Coalition, Kody clerked for the National Fair Housing Alliance in Washington D.C. where he gained valuable insight into federal funding mechanisms and discrimination laws that affect affordable housing and opportunity. Kody has also clerked for the Leon County Attorney's Office and Hopping Green & Sams P.A. where he specialized in land use and environmental law focusing on the land development process of various local governments and

Kody Glazer
LEGAL DIRECTOR

other processes that affect the makeup of the human environment. Kody was a member of the Florida State University Law Review, the Journal of Land Use & Environmental Law, and in 2019, was chosen to represent the FSU College of Law as an outstanding law student by the City, County and Local Government Section of the Florida Bar.



Jaimie Ross
PRESIDENT & CEO

Jaimie Ross is the President and CEO of the Florida Housing Coalition. Jaimie has more than 30 years of affordable housing expertise as a land use, real estate, and public interest lawyer. In 1991, she initiated the broad-based coalition that successfully advocated the passage of the William E. Sadowski Affordable Housing Act, providing a dedicated revenue source for affordable housing in Florida. Jaimie continues to facilitate the Sadowski Coalition to ensure funding for Florida's state and local housing programs. Her work includes all forms of legislative and administrative advocacy and education related to the planning and financing of affordable housing. Jaimie is a frequent keynote speaker within Florida and nationally and has authored numerous articles on the planning and financing of affordable housing and smart growth tools for producing and preserving affordable housing. With funding from the Rockefeller Foundation, she conducted the primary research that led to the production of best practices for inclusionary housing programs and the founding of the Florida Community Land Trust Institute in January 2000. She is the past chair of the Affordable Housing Committee for the Florida Bar. Nationally, Jaimie serves on the Executive Committee of the Grounded Solutions Network Board. She is a nationally recognized expert in avoiding and overcoming Not in My Back Yard (NIMBY) opposition to affordable housing.

Project Timeframe and Compensation

The dates in the timeline shown will be modified as appropriate prior to contract execution between the Florida Housing Coalition and the Client.

Task	Tentative Completion Dates	Cost
Kickoff meeting, document review	1/15/2020	\$4,000
Produce and present 90-minute Webinar for Taskforce	1/30/2020	\$1,500
Preparation and facilitation of four (4) Task Force sessions; includes four (4) pre-and post-session debriefs with Client	8/1/2020	\$18,000
Draft and deliver Affordable Housing Plan (including layout; client will provide printing)	8/1/2020	\$ 6,000
Presentation of Housing Plan to City Council	9/1/2020	\$3,000
Total		\$32,500

The time for completion of the project is anticipated to be 10 months from the date of contract. The final timeline will be determined at project kickoff.

In the event the City determines additional services are needed, the Coalition will provide those services at a rate of \$150.00 per hour.



Florida Housing Coalition

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Suite C, Tallahassee, FL 32301

Phone | 850.878.4219

Website | FLhousing.org





City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 31-19

City Council

10/24/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 31-19 - PROPOSED AMENDMENT TO THE CODE OF THE CITY OF PENSACOLA - LAND DEVELOPMENT CODE - SECTION 12-2-31 - ACCESSORY USES AND STRUCTURE STANDARDS

RECOMMENDATION:

That City Council adopt Proposed Ordinance No. 31-19 on second reading:

AN ORDINANCE AMENDING SECTION 12-2-31 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE ACCESSORY USES AND STRUCTURE STANDARD; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Staff received a request for modifications to the exterior requirements of detached vending and transaction machines, specifically ice machines. The proposed changes would allow metal as an exterior finish, for alternative screening materials for rooftop mechanical equipment to be allowed if approved by the Planning Board, and for a maximum advertising area of 25% per street front elevation.

On July 9, 2019, the Planning Board unanimously recommended denial of the request.

On August 13, 2019, Mayor Robinson requested reconsideration of the request. The Planning Board unanimously denied without prejudice in order for Mayor Robinson to request additional information from the vendor regarding questions from the Board.

On September 10, 2019, the Planning Board unanimously recommended approval of the proposed amendments.

PRIOR ACTION:

October 10, 2019 - City Council voted to approve Ordinance No. 31-19 on first reading.

FUNDING:

N/A

FINANCIAL IMPACT:

None

CITY ATTORNEY REVIEW: Yes

9/23/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Keith Wilkins, Deputy City Administrator
Kerrith Fiddler, Assistant City Administrator
Sherry Morris, Planning Services Administrator

ATTACHMENTS:

- 1) Proposed Ordinance No. 31-19
- 2) Ice Machines Staff Memo Packet - 09.10.2019
- 3) Planning Board Minutes - 07.09.2019
- 4) Planning Board Minutes - 08.13.2019
- 5) Planning Board Minutes - 09.10.2019 (DRAFT)

PRESENTATION: No

PROPOSED
ORDINANCE NO. 31-19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 12-2-31 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE ACCESSORY USES AND STRUCTURES STANDARD; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-2-31 of the Code of the City of Pensacola, Florida is hereby amended to read as follows:

Sec. 12-2-31. – Accessory uses and structure standards.

In addition to the principal uses which are designated herein as being permitted within the several zoning districts established by this title, it is intended that certain uses which are customarily and clearly accessory to such principal uses, which do not include structures or structural features inconsistent with the principal uses, and which are provided electrical and plumbing service from the main building service shall also be permitted.

For the purposes of this chapter, therefore, each of the following uses is considered to be a customary accessory use, and as such, may be situated on the same lot with the principal use or uses to which it serves as an accessory.

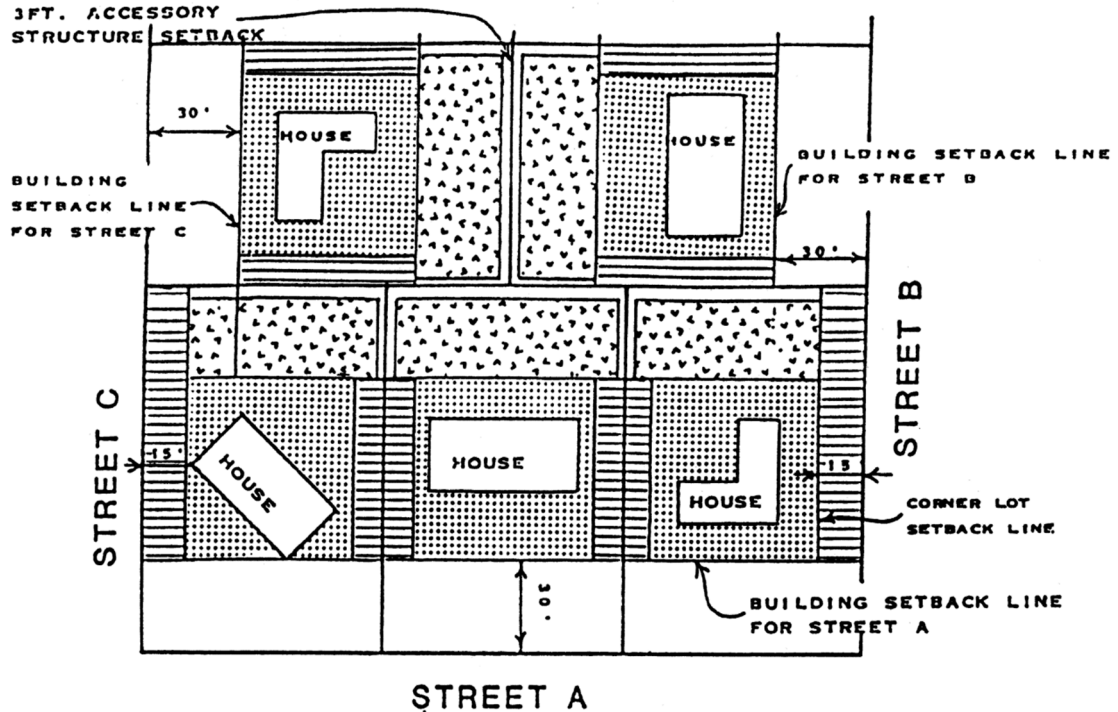
(A) *Uses and structures customarily accessory to dwellings.*

- (a) Private garage.
- (b) Open storage space or parking area for motor vehicles provided that such space shall not be used for more than one (1) commercial vehicle licensed by the State of Florida as one (1) ton or more in capacity per family residing on the premises.
- (c) Shed or building for the storage of equipment.
- (d) Children's playhouse.
- (e) Private swimming pool, bathhouse or cabana, tennis courts, and private recreation for tenants of principal buildings.
- (f) Structures designed and used for purposes of shelter in the event of manmade or natural catastrophes.
- (g) Noncommercial flower, ornamental shrub or vegetable greenhouse.

- (h) Television antenna or satellite TV receiving dish.
 - (i) Attached or detached, uncovered decks.
 - (j) Solar panels.
 - (k) Screened enclosures.
- (B) *Uses customarily accessory to multi-family residential, retail business, office uses, and commercial recreation facilities.*
- (a) Completely enclosed building not to exceed forty-nine (49) percent of the floor area of the main structure for the storage of supplies, stock, merchandise or equipment for the principal business.
 - (b) Lounge as an accessory use to a package liquor store, not to exceed forty-nine (49) percent of the floor area of the package store.
 - (c) Lounge as an accessory use to a restaurant, not to exceed forty-nine (49) percent of the floor area of the restaurant.
 - (d) Car wash as an accessory use to a service station not to exceed forty-nine (49) percent of the square footage of the total site.
 - (e) Restaurants, cafes, coffee shops and small scale retail uses are permitted as an accessory use in multifamily developments over twenty (20) units in size, and office buildings over four thousand (4,000) square feet, Such accessory uses shall be clearly subordinate to the principal use, shall be located on the first floor within the multi-family or office structure, and shall not exceed ten (10) percent of the gross floor area of the structure in which it is located.
 - (f) Standards for accessory structures shall be as follows:
 - 1) The use shall be clearly incidental to the use of the principal building, and shall comply with all other city regulations. No accessory structure shall be used for activities not permitted in the zoning district except as noted above.
 - 2) No insignia or design of any kind may be painted or affixed to an accessory use or structure except such signs as are permitted in the provisions of Chapter 12-4.
 - 3) Detached vending and transaction machines shall meet the following restrictions:
 - a. Placement must be outside required landscape islands and stormwater management systems.
 - b. Anchoring to trees, traffic signs, fire hydrants, fire connectors, lift stations or other site infrastructure is prohibited.
 - c. Dispensers and service machines placed in parking lots shall have a finished exterior of brick, stucco, stone, metal or stained wood ~~or similar materials~~ and shall not contain windmills or similar objects.

- d. A sloped roof with a peak or parapet roof is ~~required~~ preferred to be affixed to dispensers placed in parking lots with shingle, tile or other roof material in accordance with Florida Building Codes. Screened mechanical rooftops, and other screening or railings with no more than 50% openings, may be used subject to approval by the Planning Board.
 - e. ~~Advertising, Signage advertising the products being dispensed or service being provided other than minimal signage with the logo and name of the item being dispensed or service provided is prohibited.~~ allowed. Advertising may not exceed 25% of the proposed street elevation.
- (C) *Uses customarily accessory to cemeteries.* A chapel is an accessory use to a cemetery.
- (D) *Residential accessory structures standards.*
- (a) Accessory structures shall not be permitted in any required front or required side yard except as exempted in this section. Accessory structures shall be permitted in a required rear yard. Figure 12-2.3 shows permitted locations for residential accessory structures.

FIGURE 12-2.3
PERMITTED LOCATION OF RESIDENTIAL ACCESSORY STRUCTURES



BUILDABLE AREA



REQUIRED REAR YARD



REQUIRED SIDE YARD

1. Permitted only in shaded areas noted as buildable area or required rear yard as shown above.
2. Shall occupy not more than twenty-five (25) percent of required rear yard area. For purposes of calculating this percentage in a corner lot rear yard, the yard shall be measured from the interior side lot line to the street right-of-way line.
3. Except for corner lots, accessory structures shall not be located closer than three (3) feet from a property line in a required rear yard.
4. No part of an accessory structure may be located any closer than four (4) feet to any part of the main dwelling unit. An open covered walkway no more than six (6) feet wide may connect the main structure to the accessory structure.
5. Maximum height shall be determined as follows:
 - (a) Accessory structures located within three (3) feet of the side and rear property lines shall have a maximum allowed height of fifteen (15) feet.
 - (b) Accessory structures exceeding fifteen (15) feet must meet the side yard setback requirements of the principal dwelling unit. For every additional one (1) foot that an accessory dwelling unit is setback from the rear property line above and beyond five (5) feet, an additional one (1) foot in height shall be

allowed up to a maximum allowed height of twenty (20) feet as measured at the roof peak.

6. Accessory dwelling units must meet the requirements set forth in section 12-2-52.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk



PLANNING SERVICES

MEMORANDUM

TO: Planning Board Members

FROM: Cynthia Cannon, Assistant Planning Services Administrator *CC*

DATE: September 3, 2019

SUBJECT: Modifications to Detached Vending & Transaction Machines
LDC Amendment – Sec. 12-2-31, Accessory Structures

Staff received a request for modifications to the exterior requirements of detached vending and transaction machines, specifically ice machines. The proposed changes would allow metal as an exterior finish, lattice as an acceptable screening for rooftop mechanical equipment, and advertising to be applied to the sides.

Attached you will find a modified version of Sec. 12-2-31 with the proposed changes.

Sec. 12-2-31. - Accessory uses and structure standards.

In addition to the principal uses which are designated herein as being permitted within the several zoning districts established by this title, it is intended that certain uses which are customarily and clearly accessory to such principal uses, which do not include structures or structural features inconsistent with the principal uses, and which are provided electrical and plumbing service from the main building service shall also be permitted.

For the purposes of this chapter, therefore, each of the following uses is considered to be a customary accessory use, and as such, may be situated on the same lot with the principal use or uses to which it serves as an accessory.

(A) *Uses and structures customarily accessory to dwellings.*

- (a) Private garage.
- (b) Open storage space or parking area for motor vehicles provided that such space shall not be used for more than one (1) commercial vehicle licensed by the State of Florida as one (1) ton or more in capacity per family residing on the premises.
- (c) Shed or building for the storage of equipment.
- (d) Children's playhouse.
- (e) Private swimming pool, bathhouse or cabana, tennis courts, and private recreation for tenants of principal buildings.
- (f) Structures designed and used for purposes of shelter in the event of manmade or natural catastrophes.
- (g) Noncommercial flower, ornamental shrub or vegetable greenhouse.
- (h) Television antenna or satellite TV receiving dish.
- (i) Attached or detached, uncovered decks.
- (j) Solar panels.
- (k) Screened enclosures.

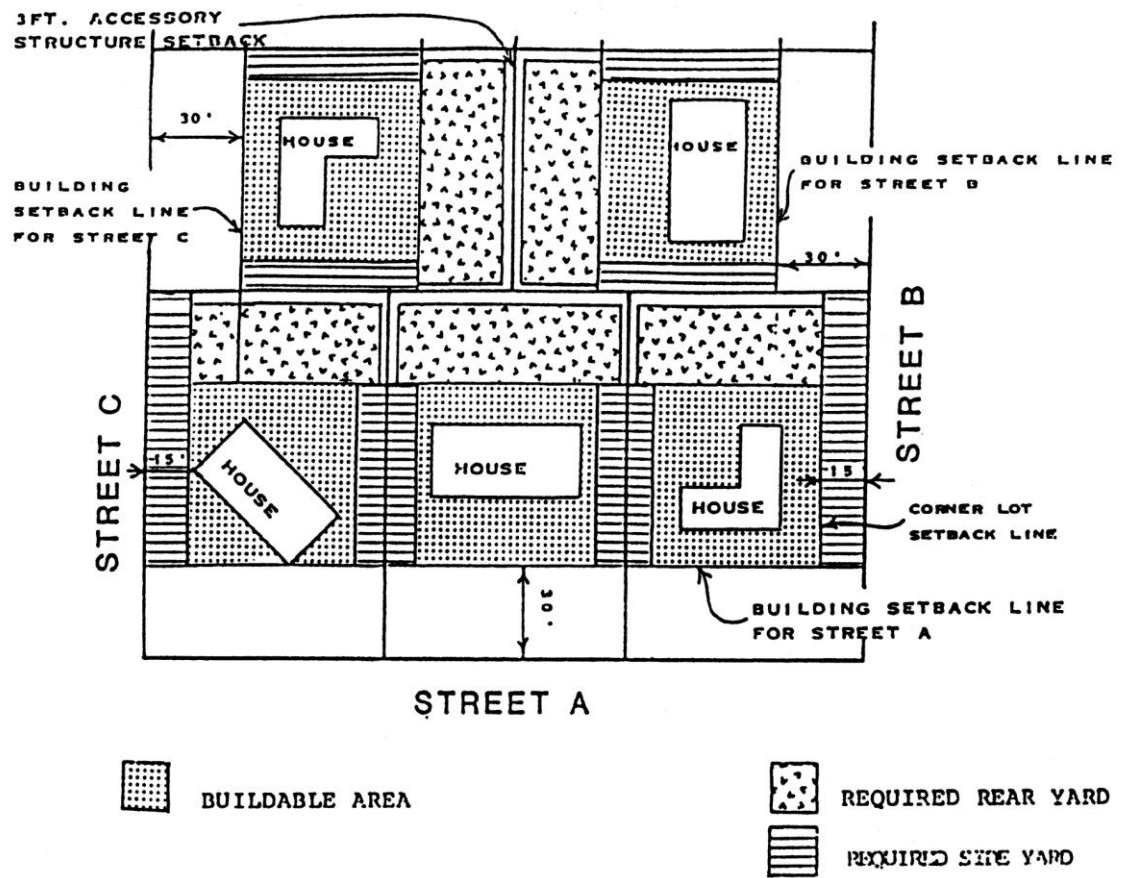
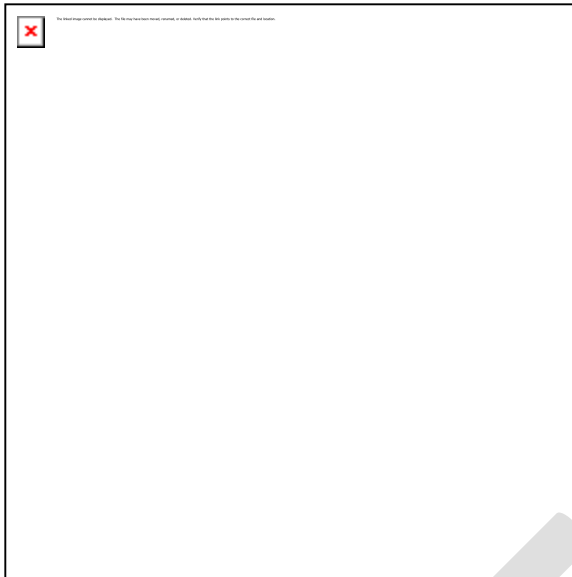
(B) *Uses customarily accessory to multi-family residential, retail business, office uses, and commercial recreation facilities.*

- (a) Completely enclosed building not to exceed forty-nine (49) percent of the floor area of the main structure for the storage of supplies, stock, merchandise or equipment for the principal business.
- (b) Lounge as an accessory use to a package liquor store, not to exceed forty-nine (49) percent of the floor area of the package store.
- (c) Lounge as an accessory use to a restaurant, not to exceed forty-nine (49) percent of the floor area of the restaurant.
- (d) Car wash as an accessory use to a service station not to exceed forty-nine (49) percent of the square footage of the total site.
- (e) Restaurants, cafes, coffee shops and small scale retail uses are permitted as an accessory use in multifamily developments over twenty (20) units in size, and office buildings over four thousand (4,000) square feet. Such accessory uses shall be clearly subordinate to the principal use, shall be located on the first floor within the multi-family or office structure, and shall not exceed ten (10) percent of the gross floor area of the structure in which it is located.
- (f) Standards for accessory structures shall be as follows:

- 1) The use shall be clearly incidental to the use of the principal building, and shall comply with all other city regulations. No accessory structure shall be used for activities not permitted in the zoning district except as noted above.
 - 2) No insignia or design of any kind may be painted or affixed to an accessory use or structure except such signs as are permitted in the provisions of Chapter 12-4.
 - 3) Detached vending and transaction machines shall meet the following restrictions:
 - a. Placement must be outside required landscape islands and stormwater management systems.
 - b. Anchoring to trees, traffic signs, fire hydrants, fire connectors, lift stations or other site infrastructure is prohibited.
 - c. Dispensers and service machines placed in parking lots shall have a finished exterior of brick, stucco, stone, metal, stained wood or similar materials and shall not contain windmills or similar objects.
 - d. A sloped roof with a peak or parapet roof is ~~required~~ preferred to be affixed to dispensers placed in parking lots with shingle, tile or other roof material in accordance with Florida Building Codes. Lattice may be used to shield rooftop mechanical units.
 - e. Advertising, other than minimal signage with the logo and name of the item being dispensed or service provided is ~~prohibited~~ allowed; such advertising may not exceed 50% of the proposed elevation.
- (C) *Uses customarily accessory to cemeteries.* A chapel is an accessory use to a cemetery.
- (D) *Residential accessory structures standards.*
- (a) Accessory structures shall not be permitted in any required front or required side yard except as exempted in this section. Accessory structures shall be permitted in a required rear yard. Figure 12-2.3 shows permitted locations for residential accessory structures.

FIGURE 12-2.3

PERMITTED LOCATION OF RESIDENTIAL ACCESSORY STRUCTURES



1. Permitted only in shaded areas noted as buildable area or required rear yard as shown above.
2. Shall occupy not more than twenty-five (25) percent of required rear yard area. For purposes of calculating this percentage in a corner lot rear yard, the yard shall be measured from the interior side lot line to the street right-of-way line.
3. Except for corner lots, accessory structures shall not be located closer than three (3) feet from a property line in a required rear yard.

4. No part of an accessory structure may be located any closer than four (4) feet to any part of the main dwelling unit. An open covered walkway no more than six (6) feet wide may connect the main structure to the accessory structure.
5. Maximum height shall be determined as follows:
 - (a) Accessory structures located within three (3) feet of the side and rear property lines shall have a maximum allowed height of fifteen (15) feet.
 - (b) Accessory structures exceeding fifteen (15) feet must meet the side yard setback requirements of the principal dwelling unit. For every additional one (1) foot that an accessory dwelling unit is setback from the rear property line above and beyond five (5) feet, an additional one (1) foot in height shall be allowed up to a maximum allowed height of twenty (20) feet as measured at the roof peak.
6. Accessory dwelling units must meet the requirements set forth in section 12-2-52.

(Ord. No. 6-93, § 11, 3-25-93; Ord. No. 13-06, § 11, 4-27-06; Ord. No. 45-07, § 1, 9-13-07; Ord. No. 40-13, § 2, 11-14-13)



PLANNING SERVICES

THE UPSIDE *of* FLORIDA

MINUTES OF THE PLANNING BOARD

July 9, 2019

MEMBERS PRESENT: Chairman Paul Ritz, Kurt Larson, Nathan Monk, Danny Grundhoefer, Laurie Murphy

MEMBERS ABSENT: Ryan Wiggins, Nina Campbell

STAFF PRESENT: Leslie Statler, Planner, Greg Harding, Historic Preservation Planner, Heather Lindsay, Assistant City Attorney, Jonathan Bilby, Building Official

OTHERS PRESENT: Councilwoman Sherri Myers, Diane Mack, Sarah O'Neill, John Connell, Dottie Dubuisson, Renee Foret, Sam Lundy, John & Jonathan Connell, Steve Geci, Barbara Mayall, Michael Carro, Don Redhead, Tia Queyquep, Ann Hill, Ron Helms, Justin Beck

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from May 14, 2019.
- **New Business:**
 1. Preliminary Plat Review – “Whispering Creek” subdivision
 2. Rezoning Request – 3200 BLK Seville Drive
 3. Amendment to Conditional Use Permit – 501 S. Palafox Street (Al Fresco)
 4. Aesthetic Review – 501 S. Palafox Street (Al Fresco)
 5. Review of Gateway Review Board
 6. LDC Amendment – Ice Machines
 7. Comprehensive Plan Amendment – Density Transfer
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:02 pm with a quorum present and explained the Board procedures to the audience.

Approval of Meeting Minutes

Ms. Murphy made a motion to approve the May 14, 2019 minutes, seconded by Mr. Larson, and it carried unanimously.

New Business

Preliminary Plat Review – “Whispering Creek” subdivision

Chairman Ritz reviewed some of the comments received regarding this project and asked Mr. Geci to address the Board. Mr. Geci advised there were no real issues with the corrections to be made. In the previous phase of the subdivision, they constructed a stormwater pond which would also handle new

EVERYTHING THAT'S GREAT ABOUT FLORIDA IS BETTER IN PENSACOLA.

property, and there would be no new stormwater pond added. Water and sewer are available. Deeded access is being provided through the Target shopping center. He has some questions to staff regarding the comments asking for everything to be on one sheet. He also stated there will be two parking spaces per lot, and in most cases three or four.

Ms. Murphy stated she was an active member of the restoration crew for Carpenters Creek located behind the property and noted this plat was heavily forested, and she had several concerns since this property would empty into Carpenters Creek. She asked if they planned to raise the property up since at one point there was a 10' grade difference. She pointed out the stormwater pond for the Whispers subdivision had not worked well and asked how the runoff would be handled for the new development after clearcutting all the trees. Mr. Geci stated there was a tremendous slope from north to south, so they would cut one end and fill the other with retaining walls at each end to grade it out, and it would be difficult to save any trees. Once the site was developed with the inlets and pipes to control it all, there wouldn't be any flow down the bank. He explained currently there was sheet flow into the pond which had caused problems over time. Ms. Murphy pointed out the water did not flow toward the stormwater pond; Mr. Geci advised none of the water would flow onto the adjacent property.

Chairman Ritz clarified that the agenda item was the preliminary plat review which normally did not cover sheet flow, and Mr. Geci's answers were acceptable at this point since the Board had certain criteria for preliminary plat review. While important for the City of Pensacola, in the rules for preliminary review, it might not be an item on which you could accept or reject the plat. Mr. Geci advised they would address all the details with construction plans reviewed by the City and water management district. Ms. Murphy pointed out there were no Conifer trees listed on the tree list; Chairman Ritz explained the City had a list of protected trees, and the trees not listed were not protected. Mr. Geci advised the tree survey was prepared in accordance with the City ordinance, and they would comply with it.

Mr. Monk advised his concern with preliminary reviews involved a lot of steps he would want to know had been taken before any review. Once something was stamped and approved, it became very difficult to stop it down the line. He pointed out there was probably someone living on the property, there were runoff issues, tree issues and community issues. Whenever he was told the issues would be handled down the line, sometimes they never were, and there should be a fix to this portion of the process. Chairman Ritz explained that someone living on the property was a legal issue and not a part of the Board's decision making process. Mr. Geci pointed out this was a preliminary plat and discussed the steps up to the preliminary plat. Beyond this stage, there were construction plans, permits from the City and the utility authority; this stage was not designed to address all the details. Mr. Monk felt the Board had the obligation to ask these questions. Chairman Ritz explained that they needed to balance the questions they asked with what was required by the agenda item as a preliminary plat. Mr. Grundhoefer asked about the development, and Mr. Geci stated it was single-family detached. Ms. Murphy asked how long it would take to develop the 20 homes, and Mr. Connell advised they would begin immediately with construction as soon as the roads were finished. He explained the reason for not going through the Whispers was because they left a parcel which connected to this property which was intended to have an extension of the Whispers in the next phase; through the course of engineering and legalities, that parcel was thrown into the homeowners' association instead of being retained by the developer as owners. He also stated there were two holding ponds in the Whispers, and those holding ponds were to be maintained by the City. He explained no water would flow into the Target parking lot or the existing Whispers location. The new phase would be compatible to the Whispers subdivision. He also pointed out the homeless situation is all over the City of Pensacola and not just in this area. He clarified that they would adhere to any City ordinance or requirement concerning this project.

Ms. O'Neill wanted to know how many protected trees were being removed; she was also concerned with the homeless and the wildlife in this location. She was also concerned that the project was being pushed

through quickly. Chairman Ritz explained according to the LDC, private property owners can clear cut trees by right, and protected trees have been allowed to be removed from residential property. He emphasized the Board was trying to stay with the agenda item, and discussions brought forth deal with other legislative issues which might be addressed by the City Council in a different forum. He clarified the preliminary plat deals with a proper drawing showing the delineation of the properties, roadways, setbacks and other particular features.

Ms. Mack asked if the number of parcels was included in the preliminary plat and was this the maximum of parcels allowed. Ms. Statler advised this was not the maximum the developer could build since this parcel was zoned C-2 with a very dense allowance. Chairman Ritz explained that cumulative zoning means we are allowed to use this zoning and other zoning designations below it such as C-1, and the R designations to determine what can be built there. Ms. Mack suggested since the developer had already seen the value of having fewer lots in the allowed area, given the current real estate market, there was an opportunity to have fewer lots, noting how much retaining trees adds to the value of each parcel and each developed single family home. Regarding climate change, the most effective thing we could do and the least expensive way would be to re-forest the planet.

Mr. Grundhoefer asked if there was another option rather than building retaining walls as a possibility for not building up a site and clear cutting. Mr. Geci stated they had looked at condominiums but decided on the less dense subdivision. Because of the slope of the site, to have building pads that were level, they were limited; they were cutting the north end and filling the south end and then leveling it out.

Ms. Dubuisson cautioned the Board, the developer and the City to stop and look at the ripple effect of every change that this particular development would cause. She pointed out our Mayor emphasized neighborhoods, and the neighbors have made known they do not wish for this activity at the current rate currently being discussed. She explained everything she was hearing was about reversing the natural order and trying to countermand the normal drainage of the property. It was noted the City had acquired responsibility for a privately developed stormwater pond serving the first development. She did not know how they could have anticipated the second development would be covered if they did not even know how many buildings were going in the new development. She suggested the Board table the item until all the questions raised by staff and the public could be addressed. She advised when the Board could slow the process down to answer any questions, she encouraged them to do so.

Councilwoman Meyers addressed the Board with a great concern for this project, and that the existing stormwater pond was the worst she had seen in the City of Pensacola. She explained the erosion was not coming from the land the developer wanted to clear cut but coming straight down the street through the Whispers and eroding it to the point you cannot drive into the pond to maintain it. She stated she had many conversations with Derrik Owens about the maintenance of the pond, and the pond was not sufficient for the Whispers and definitely would not be adequate for any additional impervious surfacing. She pointed out the City had spent a lot of resources trying to rehabilitate this pond. She stated Carpenters Creek was not a whispering creek but has been viewed as a conveyer of stormwater and was not designed for that much stormwater from impervious surfacing. She observed there was tremendous bank erosion along that creek because it was not designed to take on all that water from impervious surfaces. The new development would contribute to not only the demise of the stormwater pond, but would put more water into the creek, resulting in more erosion. She suggested using more pervious surfacing so the water would not enter the stormwater pond. She urged the Board not to approve the item until it had all the facts.

Mr. Monk made a motion to table the item, seconded by Ms. Murphy. Mr. Grundhoefer suggested the motion include information on what the Board was looking for. He also thought the Board needed more comfort that the stormwater system and the pond could take this development, and if not, return with a less impervious development and keeping the more natural terrain, something the Board could see was a positive statement. Mr. Monk and Ms. Murphy accepted this amendment. Chairman Ritz clarified the

added information of addressing stormwater during the tabling time. Mr. Monk also understood the motion to include lot size and the possibility of reducing the effect on the environment; Ms. Murphy added green stormwater structure with bio swales and other options available to give the Board more information and more items to look at to make a better decision. Mr. Monk agreed, and the motion carried unanimously.

Rezoning Request – 3200 BLK Seville Drive

Ms. Statler explained the zoning change would not change the uses permitted, but would simply change the minimum lot size and the front and rear setbacks which would be consistent with the properties to the north.

Mr. Beck presented to the Board and advised the current zoning prevented them from building anything on the property, and it was the only parcel on Bayou Texar with that zoning. He stated they had no intention of selling this lot at this time, and the rezoning would allow them to place a pool house on it. **Mr. Larson made a motion to approve as presented, seconded by Mr. Monk, and it carried unanimously.**

Amendment to Conditional Use Permit – 501 S. Palafox Street (Al Fresco)

Mr. Sallis presented to the Board and stated he was addressing the ordinance and as a developer and wanted to go through the proper procedures. Mr. Carro had met with the Mayor to talk about the retail for this project which was not currently in the ordinance. Mr. Sallis explained they wanted the Board's support for retail in this development and to obtain approval of the aesthetics. He explained the developer was working with them to create a cover for the airstreams to shelter them from weather events so they could have successful businesses year round. He stated the idea was to have an old building which looked like Al Fresco was added later; he hoped the current rendering had the bones of a warehouse which housed the outdoor retail market. He stated Mr. Bilby informed him there still might be issues because of the flood design manuals for the City. He confirmed the property was clearly in a flood zone, and to build, they would have to comply with flood management. They would need to completely elevate the site and build it up to around 4.5' with a 40' ramp and steps, which was a cost not worth pursuing. The other method was to use FEMA standards for flood proof construction - a wall around the development to withhold water for several hours - which was not a sensible effort in construction. He explained they wanted to leave the airstreams as they are; the documents provided illustrated mobile restaurant units made from shipping containers, but they were no longer going to pursue that. They preferred to leave the airstreams where they were, moving one of the airstreams to allow an open flow underneath the proposed covering. They would be anchored in the same method of a mobile home, but this was no longer acceptable according to Mr. Bilby. He asked that they be allowed to keep the airstreams as they are but move one of them and anchor it in the similar method the others have been in the past and construct the overhead structure.

Chairman Ritz stated in the intervening years of the original airstream decision, he had heard both pros and cons especially as it related to what is considered a prominent corner in Pensacola. He explained the bank across the street had to build up because of the flood zone. He personally had received more negative comments than positive on the airstreams. He did like the current aesthetic presentation because it fit in the "building that has been there" mentality. He referred to the conditional use permit issue and the aesthetic review as being two separate agenda items.

Mr. Grundhoefer confirmed moving the one airstream was the main issue. Mr. Sallis explained the Board was first tasked to allow retail as a part of the ordinance and discussed the methods of anchoring; they were hoping to use the helical design for the mobile units. Mr. Grundhoefer appreciated the new design and stated he would support it and thought retail was appropriate in this situation. Mr. Bilby explained the flood ordinance gave two conditions in new construction to either to elevate 3' or to anchor to resist flood loads and to flood proof. He was not sure why the existing airstreams were allowed the way there were, but the

existing ordinance would not allow them to be placed in that manner. Recreational vehicles are covered but only up to 180 days before they must be removed. He loved this concept and explained the helical anchors were fine but they would need to flood proof up to that 3' elevation above base flood elevation along with the anchor. They could flood proof each individual shipping container, anchor them, and the development would go through with no problem. He clarified the basic flood regulations were out of the National Flood Insurance Program adopted by Pensacola. Mr. Monk felt Al Fresco helped to develop downtown to what it currently is and wanted to find a way to be safe and to find an answer.

Chairman Ritz advised with the conditional use, he did not have a problem with retail, and this project brings life and a higher people count through more hours of the day. Ms. Statler explained this conditional use had changed today, and staff had just been made aware of it at the same time the Board was made aware. In discussions with Legal and the Planning Director, it was not something that could be voted on today. She advised the site plan had changed, and basically the conditional use packet that would move forward was not what was in front of the Board. Mr. Sallis voiced his frustration since there is now not a change to the site plan. Chairman Ritz clarified that the current packet was not advertised and the site plan would be different from the one the citizens of Pensacola had seen. Mr. Grundhoefer felt the conditional use didn't have to do with the way the site was configured. Ms. Statler further explained the conditional use itself is site specific and deals with the orientation of the structures on the site, and the aesthetics would be considered under Item 4. Mr. Monk asked if the Board could not approve the language of the containers themselves but the option for retail, and Ms. Statler stated that was acceptable. Chairman Ritz pointed out with other business owners having high stakes in the game, public notice needed to be considered. Mr. Sallis stated their May submittal was not in time for the Board's consideration and was then delayed, and they missed June because of the proper advertising. Mr. Carro stated they did not miss June, and the Board had expected to see them in June; the City did not perform the proper notification, even as they were making the changes the Board requested. Mr. Sallis explained the flood comments were received in the last week regarding the current submittal and was the reason for the changes to keep what they currently have and cover it.

Ms. Statler clarified the application deadline for conditional use is 30 days and not 21; when this project was initially submitted for May, staff did not have a full, complete packet 30 days prior to the meeting. Staff agreed to let it come forward as a discussion item. This item was submitted in a timely manner with the conditional use application with all specifications and met the deadline for this meeting. The procedures for a conditional use are different and based on a development plan submitted with the application. The reason the Board could not vote on this was because the development plan submitted with the application had changed; it doesn't matter if it was a minor or a major change. Relative to the flood proofing, there was a Development Review meeting attended by Mr. Carro where that requirement was fully discussed several months ago.

Chairman Ritz pointed out he had no problem with retail, but the language in the conditional use application had changed and was in line with the advice of Legal and staff. He was hesitant to tell one applicant they have to provide above and beyond for their one item and then with a little bit more of a cavalier attitude allow a change that someone may complain to City Council that they didn't see. Ms. Statler advised the Board should postpone to a date certain and staff would expect revisions to present to the Board in August. She stated the 30-day deadline would be this Friday, with the actual Planning Board deadline on July 23 for the August 13 meeting. Mr. Sallis stated they would submit plans by this Friday showing the existing airstreams remaining, with the anchoring details worked out with Mr. Bilby for the building code requirements. Ms. Statler advised the Board could proceed with the review of the aesthetic and provide comments on design to allow them to move forward. Chairman Ritz offered the Board should table until the August meeting.

Mr. Larson made a motion to table Item 3, seconded by Ms. Murphy, and it carried unanimously.

Aesthetic Review – 501 S. Palafox Street (Al Fresco)

Mr. Sallis appreciated the support of the Board and appreciated staff working with them on the very specific and detailed conditional use ordinance, and the current design was intentional to create the plaza called for in the ordinance. Mr. Carro stated he had four to six tenants who are affected by the weather. Since he cannot charge additional rent, he could prevent turnover in giving them more hours and more days in which to operate. He was also more pleased with the wood design.

Ms. Mack stated the most charming feature of Al Fresco is that it is open air and open light. She would like to see the light coming through perhaps through a green roof. Mr. Carro did not disagree; however, the entrance would be open air with four palm trees, and at least three sides would be open air with natural light. Mr. Sallis stated there were two cupolas on the roof to allow for good airflow and light which were designed to create interest in the structure. Chairman Ritz agreed this was a better approach for the roof, and Mr. Monk also liked the design which gives reprieve in the hot and cold temperatures. Adding the retail was important since he felt it would become a hub of activity. Ms. Murphy understood the importance of tenant turnover and thought the design was a great idea to help retain the businesses there. Mr. Larson stated it reminded him of the old warehouse district and appreciated the effort in design changes. Mr. Grundhoefer asked if approved, would the design go to Council before the conditional use, and Ms. Statler explained it would not. **Mr. Grundhoefer made a motion to approve the aesthetic design, seconded by Mr. Larson, and it carried unanimously.**

Review of Gateway Review Board (to eliminate the Gateway Review Board)

Chairman Ritz explained if approved, this would place slightly more work on the Planning Board for items in the Gateway Review Board purview. Ms. Statler explained signage is now handled through an abbreviated review process and would not be reviewed by the Board unless the chairman determined it should be. Mr. Grundhoefer asked why this Board and not the ARB. Ms. Statler clarified that ARB covers the historic areas, and Planning Board does have purview over aesthetics. The Gateway Redevelopment District is under the same section as the Waterfront Redevelopment District, which is under the Planning Board purview. Mr. Larson stated with the new bridge and waterfront development, there would be some changes which will demand review. **Mr. Larson made a motion to approve because its well within the scope of what the City has asked us to do, seconded by Mr. Monk, and it carried unanimously.**

LDC Amendment – Ice Machines

Chairman Ritz advised the issue was with the aesthetics and appearance of the vending machines. Ms. Dubuisson pointed out this was not only a vending machine issue but a traffic-originating and noise issue and has an impact on everything around it not only in aesthetics but in an access point of view – not just how it looks but how it functions. Mr. Grundhoefer clarified what they are tasked with is not whether you can put these ugly boxes in a parking lot; it has to do with can we change it to make it uglier. Mr. Monk agreed this was a bad idea, and the few he did see around town were unattractive and problematic in a lot of ways and did not see any reason to vote for this. Ms. Murphy noted the request was included screening rooftop mechanical equipment with lattice and allowing advertising on the sides. Mr. Grundhoefer asked who sponsored the item, and Ms. Statler stated it was a request presented to the Mayor's office. **Mr. Larson made a motion to deny, seconded by Mr. Monk, and it carried unanimously.**

Comprehensive Plan Amendment – Density Transfer

Ms. Statler advised that like density bonuses, density transfers will be required to be approved by the Planning Board and not at a staff level. The review process was not as technical as for the platting process where you have a staff review with comments issued. Chairman Ritz offered that the language presented

was far less restrictive than with some items with a checklist. Ms. Statler explained if this was approved for the Comprehensive Plan, they would come back and draft the conditions and procedures to obtain the transfer. Ms. Murphy asked how long the units stayed affordable. Chairman Ritz advised with the language not written, that was to be determined. Mr. Monk stated most affordable housing was done through granting, and almost all of them have a 30-year retention period; if it was set at 20 or 30 years, it would meet the national standard. Chairman Ritz pointed out there are legal requirements if a developer chooses to go affordable, depending on which funding sources are followed. If we, as the Board, believe the City should develop rules and regulations for density transfers, we would vote they should; the language would then be crafted and approved. If the Board did not think the City should pursue density transfers, the language would not be developed. Ms. Murphy had a problem with gentrification of neighborhoods. Ms. Statler explained this was step one to get this into the Comprehensive Plan in order to move forward. Step two would be to return to the Board to get the language into the LDC; staff would draft the language, and the Board would make modifications. Chairman Ritz stated the Board had conducted workshops outside of the Board's meetings to work on the specific language. Ms. Murphy agreed public input would be beneficial. Chairman Ritz explained the language could be drafted, but it was controlled by the Florida legislature. Ms. Murphy asked if the City received financial incentives for these bonuses or transfers, and Chairman Ritz advised that would be illegal. Ms. Murphy wanted to know what the incentive was, and Ms. Statler stated there had been some discussions in general regarding the fact that if someone had common ownership of a property, they could transfer density from one lot they were not going to develop to a maximum density onto to their other lot which would have more density. Other municipalities have both bonuses and density transfers, but Pensacola does not. She pointed out we deal with developers who come in and have a vision of what they want to do, and sometimes the zoning district does not allow for the density they need, so something like this could help those developers in that they would not have to go through a rezoning which might be contentious. She clarified they were not changing the land use but allowing for more density with the understanding there was a tradeoff. The language has been drafted as and/or – redevelopment and/or affordable housing. She explained there might be an environmental issue where the property is deemed wasteland, but they have density, and another piece of property might be suitable for more development with something with more density. **Ms. Murphy made a motion to approve, seconded by Mr. Grundhoefer, and it carried unanimously.**

Open Forum – Ms. Dubuisson thanked the Board for their service and encouraged them to be conscious of every step taken to move something farther and the end game; the good reasoning the Board had may not be present in the later steps.

Mr. Monk advised he had rescinded his application to serve on the Board because of time restraints. He would not be able to attend at the rate necessary. He felt the Board had accomplished a lot and he had enjoyed the process; however, this was the right decision for him. The Board appreciated his service and wished him well.

The Board then commended Ms. Statler on her assistance in the meeting. It was noted Ms. Campbell had resigned, and the Board would need another Planning Board member sitting on the ARB.

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 4:19 pm.

Respectfully Submitted,



Leslie Statler

Secretary to the Board

PLANNING SERVICES

MINUTES OF THE PLANNING BOARD

August 13, 2019

MEMBERS PRESENT: Chairman Paul Ritz, Danny Grundhoefer, Laurie Murphy, Ryan Wiggins, Charletha Powell

MEMBERS ABSENT: Kurt Larson, Eladies Sampson

STAFF PRESENT: Leslie Statler, Planner, Cynthia Cannon, Assistant Planning Services Administrator, Gregg Harding, Historic Preservation Planner, Heather Lindsay, Assistant City Attorney, Brad Hinote, Inspections

OTHERS PRESENT: Mayor Grover Robinson, Councilwoman Sherri Myers, Jonathan Connell, John Connell, Renee Foret, Sam Lundy, Steve Geci, Dottie Dubuisson, Rand Hicks

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from July 9, 2019.
- **New Business:**
 1. **Amendment to Conditional Use Permit – 501 S. Palafox Street (Al Fresco)**
 2. **Aesthetic Review – 501 S. Palafox Street (Al Fresco)**
 3. **Preliminary Plat Review – “Whispering Creek” subdivision**
 4. **Reconsideration of LDC Amendment – Ice Machines**
 5. **Appointment of Planning Board’s Representative to the ARB**
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:02 pm with a quorum present and stated the new Board would be sworn in by Ms. Tice of the City Clerk’s office. **Ms. Wiggins made a motion that the Board observe a moment of silence for the passing of Councilman Wingate, seconded by Mr. Grundhoefer, and it carried unanimously.**

Chairman Ritz explained he would be glad to serve as Chairman of the Board should no one else be interested. **Mr. Grundhoefer made a motion to elect Mr. Ritz as Chairman, seconded by Ms. Wiggins, and it carried unanimously. Mr. Grundhoefer made a motion for Mr. Larson to continue as Vice Chairman, seconded by Ms. Wiggins, and it carried unanimously.**

Approval of Meeting Minutes

Ms. Murphy made a motion to approve the July 9, 2019 minutes, seconded by Mr. Grundhoefer, and it carried unanimously.

New Business – Chairman Ritz asked that the reconsideration of the LDC Amendment for ice machines be moved forward since Mayor Robinson had another meeting to attend. **Ms. Wiggins made a motion to move the item to the front of the agenda, seconded by Ms. Murphy, and it carried unanimously.**

Reconsideration of LDC Amendment – Ice Machines – Ms. Statler reminded the Board this item was unanimously denied at the last Board meeting. Mayor Robinson explained that the Code in a lot of ways discouraged mixed use and thought there were some weaknesses within it, one of which was dealing with the ice machines. He advised people were driving all over for cheap ice from the vending side, and we were denying them the opportunity to be present in other places. He understood the cosmetics and other issues, but pointed out one of the ice machines was in the expensive area of Pensacola Beach, which had not brought down the value of the area in any way and in fact it was actually a compliment to the surrounding area. Ms. Wiggins stated the concern last month was the advertisement, the colors and the locations. Mayor Robinson explained C-1 was multiple use, and the person operating the ice machine on 9th Ave. stated the structure came as is, and he could not modify it. Ms. Wiggins pointed out the ice machine in East Hill was very busy, and the advertising on the side told what the machine was for; she had no problem with it. Chairman Ritz also agreed that many of the customers appreciated it, but understood it was a vending machine. It was also designated for C-1 and would not go into a residential neighborhood with the exception of a neighborhood located in a C-1 district. It was determined the machine was currently non-compliant because of the lattice. Mayor Robinson explained if we allowed the lattice at the top, advertising, and the metal, it would become compliant. The current machines were grandfathered in, but if they were removed, they would not be able to return. Chairman Ritz stated what was built at that time was in compliance. Mr. Grundhoefer did not have a problem with placing these ice machines in certain areas and was not opposed to allowing them in the city. He was in favor of retaining some dignity and aesthetic restrictions to these and not allowing them to become billboards. Mayor Robinson was not looking for a change in the sign ordinance but trying to meet the demand of citizens. Ms. Statler confirmed the vending machines were not protected by the sign ordinance. Ms. Murphy pointed out the importance of looking at the long term maintenance of the lattice, and if we were going to have something long term, it should be sustainable and attractive. She asked if there was a compromise where the Board could look at the aesthetics. Mayor Robinson stated railing would be fine, but the question came down to the issue related to the coverage, and if that was the case, maybe the item should be tabled to research the amount of that coverage since the advertising is already displayed on the machine.

Ms. Dubuisson advised when this issue came up previously, there was a debate on whether this was light manufacturing because it was being made at the moment or a vending machine because a product was being loaded into it. She cautioned that there were now several things which could be included in vending, so if the Board changed the aesthetics, it should be noted we could be bringing negative things to neighborhoods which have to overcome negative architectural elements already. Chairman Ritz advised his home was in a C-1 zoning, and a vending machine could be placed in this location.

Ms. Wiggins made a motion to deny without prejudice, seconded by Ms. Powell, and it carried unanimously.

Amendment to Conditional Use Permit – 501 S. Palafox Street (Al Fresco)

Ms. Statler commended the applicants for meeting with staff on several occasions after the last Board meeting, and the project did comply with the conditional use requirements as cited in the LDC; it had met with the notice requirements as well. The following was the aesthetic review which was a formality since the kiosk design had changed since the July 2019 meeting, and staff brought the entire package to the Board for review.

Mr. Sallis presented to the Board and gave a background on the project for new Board members. He explained that in order to ensure everything was in compliance aesthetically with the LDC, they had relocated one of the Airstream trailers. He further explained this was an effort to build an open cover for the existing food markets on the corner of Palafox and Main. He then presented a video illustrating the project.

Chairman Ritz had reviewed the additional comments received, and there were very little comments directed toward the project, and those that were made were addressed during the submittal of final drawings and permitting. He explained in the Conditional Use Permit, they were looking to allow for the placement of mobile restaurants downtown at this corner on private property; for this particular installation, the mobile restaurants and kiosks were being proposed for review. Their existence was covered under a previous Conditional Use Permit, and to place roofing over the trailers would improve comfort for them and customers. He also appreciated the aesthetic changes made. Mr. Sallis explained they had met with the City and confirmed they would be able to maintain the type of anchoring they have for the Airstream trailers, and the retail kiosks would be moveable on casters for emergency plans. **Mr. Grundhoefer made a motion to approve the Conditional Use Permit, seconded by Ms. Wiggins, and it carried unanimously.**

Aesthetic Review – 501 S. Palafox Street (Al Fresco)

Chairman Ritz asked for any comments on the aesthetic side of the project. With no additional speakers, **Mr. Grundhoefer made a motion for aesthetic approval, seconded by Ms. Powell, and it carried unanimously.**

Preliminary Plat Review – “Whispering Creek” subdivision

Ms. Statler presented to the Board and advised this was a 20-lot subdivision for residential use, and the development had self-imposed setbacks since the zoning did not have setback requirements; the project also had the minimum required parking spaces. She also pointed out revisions had been made according to the Board’s comments, and a letter from Mark Norris was submitted stating for the most part the surveying comments had been addressed. Chairman Ritz pointed out that it was indicated anything further could be worked out prior to the final plat approval. He then opened the floor for Board comments.

Ms. Murphy advised during the previous meeting, there was some discussion about going back and making a few changes to possibly save vegetation, to create some type of stormwater infrastructure, and some type of mindful development since it is along an impaired water body. She also remembered Mr. Grundhoefer suggested reducing the number of lots, and when reviewing the packet, she noticed there were no changes on the physical components to the plat. She explained in the Comprehensive Plan and the City Code of Ordinances, the plat review should also encourage the discussion of the health and vitality of impaired water bodies, including the City taking advantage of obtaining easements along Carpenters Creek which had yet to be done, to protect wildlife habitats, and she felt the developer had not gone above and beyond to try to work with the Board to reduce the impacts to the wildlife habitat especially regarding Carpenters Creek. Even though she did receive a copy of the agreement between the City and the developer donating the easement to allow stormwater mitigation for the Whispers, she did not feel it was land donated as an environmental easement but donated as a requirement for development of the Whispers. She explained she could not support the project until there were some protections in place.

Mr. Connell advised this project was just a continuation of the Whispers. He stated the existing holding pond was in good shape and pointed out that in the 2014 flooding event, it did not flood into Carpenters Creek. He emphasized this zoning was C-2 which allows 135 units per acre, and they were only proposing 20, which was the most conservative use to be found. He also pointed out the animals would always have

access to the creek. He indicated if the holding pond needed attention, they would consult the City when developing the engineering drawings.

Ms. Murphy pointed out she was the one who gets the phone calls when residents get flooded. When you clear cut vegetation and remove trees of that size, you remove nature's way of handling sheet flow. We keep doing the same thing over and over and keep getting the same results. She advised when you build a new subdivision and use the same stormwater pond while removing the vegetation, the water will impact the neighbors. Mr. Connell stated they had not received any phone calls from the Whispers, Target had not been flooded out, the holding pond was sufficient, and they had met all the criteria for the City.

Councilwoman Myers, who represents District 2, stated the reason the stormwater pond looked as good as it did today was because of her complaints filed with Code Enforcement. She indicated the pond had to be restored several times, and Carpenters Creek would be negatively impacted by another subdivision. She pointed out she got numerous flooding complaints from Whispers, Cordova Regency and Ellison Place. She emphasized this property could be developed in a way that was more environmentally friendly to the creek. She indicated Fairhope developed houses in harmony with the environment, but she did not see that happening here. She suggested looking at the LDC and asking if this project was keeping with the LDC, especially the conservation part of it; she would love for the area to be developed responsibly.

Mr. Hicks, President of the Pineglades subdivision, was concerned with the water flow that carried debris into the creek to the point that it was nearly dead. They asked that maximum restraint be exercised in further development to avoid any further damage to that creek. He indicated the engineer for the City advised that all the water would be poured into the holding tank and would not escape to the creek. If there were creative ideas on how to reform this project, he would encourage that. He wanted to see a constructive conversation between developers and citizens to work in harmony.

Mr. Geci designed the previous pond and the pond for this development and wished every pond worked as well as this one, and he did not see an issue at all. He explained the State put a drag line in the creek under the mosquito control program which drastically changed the area. Mr. Grundhoefer reminded Mr. Geci that the Board had requested that they consider other practices with bio swales and things that would be environmentally friendly, but they basically came back with the same thing which involved clear cutting. Mr. Geci advised the land could not be developed without cutting down the trees. The only other way would be to go mid-rise, going straight up or reducing the lots. Ms. Murphy explained when they clear cut the lots, the sheet flow would go in all directions.

Ms. Wiggins indicated she grew up playing in Carpenters Creek but was not sure the Florida Statute allowed the Board to tell a developer what they could do on private property. Chairman Ritz asked staff what the Board could or could not do under this statute. Ms. Statler advised with the final plat approval a lot more of these concerns would be addressed. She read from the LDC, Section 12-8-8, Appendix B, regarding the preliminary plat requirements. Chairman Ritz agreed the Board should operate under the Code for preliminary plat approval. Ms. Powell pointed out it would be good for people to know that the Board had heard their concerns and asked was there an olive branch the developer could extend to the Board. Mr. Connell stated at this point they had not done any design work, but advised that they abide by the rules and go over the final plat with City Engineering staff. Derrik Owens had advised that the pond was good, and they would get his final approval before they could move forward. They asked the Board to let them take the first step up the ladder.

Ms. Dubuisson stated she had heard a lot of good innovative thoughts put out by the Board and thought that the developers were embracing those thoughts and would come back and cooperate with what they could. What she heard in today's meeting was that this was it, and this is all we can do. She explained that was not what the community had hoped for in regards to long range development, nor was it what was required in the Code because if in that Code you are to protect the surrounding areas and the environment, then they should meet the minimum Code, it down with any of the Board members who have ideas or ask

for any advice outside of the current staff working on it since our City engineers cannot design for them. She encouraged the developers to meet in a creative spirit with someone who sees opportunity that currently has not been presented, because she believed there was a solution which would work for them. She also pointed out with every storm, we are finding we have a weaker and weaker infrastructure that is not capable of responding to the increasing frequency with which we have rainfall. She stressed this was a prime site and could be one of the premiere developments to come out of our community in a while.

Ms. Wiggins asked if this piece of property was anywhere else, what would be the role of the Board – to make sure they followed the Code and to approve if they followed the Code. She did not feel the Board could tell a developer they had met the Code, but because of this location, they should go above and beyond. Mr. Grundhoefer pointed out the Board could not just ignore the things around the development and the community which the Board represents. Ms. Murphy believed the Board was put together to utilize creativity and represent the public and allow people to speak, and she felt it was the Board's opportunity to intercept at this point before it proceeded to Council. The bottom line was did the developer come back with a better plan to indicate they were willing to work with the City.

Chairman Ritz explained if the developer was allowed 135 units, and they were only putting in 20, they had already come down off the Code, and if the Board suggested 18, he believed that was legislating. Ms. Statler read the requirements for a subdivision plat subsection (F), but advised basically staff reviewed the plans for compliance with the Code and the Board would subsequently assess staff's review. She also pointed out that this project would return to the Board for final plat approval and then proceed to Council. In this review, Engineering would be taking a deeper look into their drainage calculations and drainage plan which was not a requirement of this preliminary plat review. If the Board voted to deny the preliminary plat, it would be required to furnish the applicant detailed reasons for rejection (**Section 12-8-8-A thru N**).

Mr. Grundhoefer asked the applicant if there was a way to implement some of these suggestions. Mr. Connell advised he would work with the Board and the community after the preliminary plat approval. Chairman Ritz emphasized that the applicant was also a citizen of the community. Ms. Powell asked if the Board would be able to submit Mr. Grundhoefer's drawing and suggestions before the next Board review, and was it worth holding up the process since the Board would have another review. Chairman Ritz explained the Board was approving the layout, and if it rejected the preliminary plat review, a list would have to be furnished to the applicant telling them what they needed to do. Ms. Statler confirmed the final plat would return to the Board. Mr. Connell asked if rejected, that the Board come back with engineering data and calculations they could go by. Ms. Statler pointed out for the developer to do any further work on the site and to possibly incorporate some of the ideas the Board would like to see, this would be the first step in that process.

Ms. Wiggins made a motion to approve the preliminary plat, seconded by Ms. Powell, and it carried 3 to 2 with Ms. Murphy and Mr. Grundhoefer dissenting.

Appointment of Planning Board's Representative to the ARB – Chairman Ritz explained one of the Board members was required to be on the ARB per the City's requirements. Ms. Statler advised that person would be a voting member who would also be approved by Council. She also explained the functions and districts covered by the ARB. Ms. Wiggins volunteered; **Ms. Murphy made a motion to appoint Ms. Wiggins to the ARB, seconded by Ms. Powell, and it carried unanimously.**

Open Forum – Ms. Dubuisson thanked the Board for their service and for thinking about the community as well as the applicants coming forward. She asked that the Board carry from each level of their decision making the memory of why certain things happen so that we can be corrective anywhere along the process to bring the best forward.

Chairwoman Myers thanked the Board for the very difficult decision and for a very thoughtful and respectful discussion even though she would have liked the vote to be different. She felt the vote was correct in her opinion legally but was hoping moving forward, the Board could come up with some ideas based on facts and the requirements of the law to address the issue of what has been done to Carpenters Creek. She advised if it was not for Ms. Murphy's cleanup, there would still be 30,000 pounds of trash in that creek which is impacted by these developments. She explained the City was not doing enough to protect the natural resources that we have, and they are quickly vanishing in District 2 and District 1. She asked if the Board could think of ways to improve the LDC to protect the environment, it would be greatly appreciated. Ms. Powell explained that the Board was in the position where it could not make the difference they wanted to make, but in the next phase where the applicant must give specifics, the Board would be in a better position to make those suggestions. Chairman Ritz reminded the Board of the Sunshine Law. Ms. Wiggins suggested submitting emails to Ms. Statler as an option to ensure all Board members were aware of the information before the next Board meeting.

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 4:17 pm.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Cynthia Cannon".

Cynthia Cannon
Secretary to the Board

PLANNING SERVICES

MINUTES OF THE PLANNING BOARD
September 10, 2019

MEMBERS PRESENT: Chairman Paul Ritz, Danny Grundhoefer, Laurie Murphy, Ryan Wiggins, Charletha Powell, Kurt Larson, Eladies Sampson

MEMBERS ABSENT: None

STAFF PRESENT: Cynthia Cannon, Assistant Planning Services Administrator, Sherry Morris, Planning Services Administrator, Heather Lindsay, Assistant City Attorney

OTHERS PRESENT: Mayor Grover Robinson, Councilwoman Sherri Myers, Diane Mack, Steve Corbae

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from August 13, 2019.
- **New Business:**
 1. **Reconsideration of LDC Amendment – Ice Machines**
 2. **Discussion on Procedure for Planning Board's Review of the Proposed Amendment to the Tree Ordinance**
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:00 pm with a quorum present. Mr. Larson and Ms. Sampson were sworn in by the Clerk's office.

Approval of Meeting Minutes

Ms. Wiggins made a motion to approve the August 13, 2019 minutes, seconded by Mr. Larson, and it carried unanimously.

New Business

Reconsideration of LDC Amendment – Ice Machines

Ms. Cannon advised this item was a request from the Mayor for modifications to the exterior requirements of detached vending and transaction machines, specifically ice machines. The proposed changes would allow metal as an exterior finish, lattice as an acceptable screening for rooftop mechanical equipment, and advertising to be applied to the sides. This item was unanimously denied without prejudice in order for Mayor Robinson to request additional information from the vendor regarding questions from the Board. A modified version of Sec. 12-2-31 with the proposed changes was given to the Board.

Ms. Morris advised the Mayor was not present but wanted to attend the meeting, and the Board might want to proceed to the next item. **Mr. Larson made a motion to postpone the item until the Mayor was able to**

attend. The motion was seconded by Ms. Wiggins and then carried unanimously.

Discussion on Procedure for Planning Board's Review of the Proposed Amendment to the Tree Ordinance

On July 18, 2019 the City Council referred a proposed amendment to Section 12-6 of the City's Land Development Code, Tree and Landscape regulations, to the Planning Board and Environmental Advisory Board for review and recommendation. It has been requested that this item begin as a discussion item in order to establish a review timeline for the proposed amendment and to ensure the best process for community engagement. A modified version of Sec. 12-6 with the proposed changes was provided to the Board.

Chairman Ritz indicated this item was for discussion only, and no action would be taken other than to ascertain the best way to move forward. Ms. Murphy's organization, Emerald Coastkeeper, put the ordinance together over a period of time, meeting with Mayor Robinson in January of 2019 for review of the ordinance. They took his concerns and slightly revamped the original ordinance and submitted it to the Environmental Advisory Board (EAB) for review. Ms. Murphy stated that the EAB liked the ordinance as it was. Ms. Murphy gave a formal presentation at the Council Agenda Conference. The ordinance was then turned over to the Planning Board. Since she helped write the ordinance, and after speaking with staff, it was her opinion she should recuse herself from the voting process. Chairman Ritz clarified that would be the scenario if this was an action item or if she would obtain financial gain from this item. Ms. Murphy emphasized she wanted input from a variety of stakeholder groups, and it was important to set the precedent that she was not going to utilize herself as a voting person in order to maintain the decorum throughout the ordinance revision process.

Mr. Larson questioned the minimum height above a city street, and Ms. Murphy stated the ordinance indicated it could not impede emergency exists and using common sense when planting considering what the vegetation would look like in 20 years. Mr. Larson gave the example of a tree in the middle of the street at Southtowne and wanted to make sure that was not implemented in the future. Chairman Ritz stressed since this was not an action item at this meeting and because the Board was looking for public input, today's outcome would be a plan to move forward for allowing that input which could possibly involve a workshop format.

Ms. Wiggins asked about the protected tree list in the ordinance, and Ms. Murphy indicated the current revised ordinance was developed through numerous sources like the cities of Portland, Dallas, and heavily from Gainesville, Florida, aimed at restoring native species and eliminating invasive species. Chairman Ritz pointed out there was also verbiage dealing with stormwater requirements. Ms. Murphy stated as part of the workshop, she would be contacting developers and landscape architects to involve a very diverse group during the workshop and to allow an online comment area for people to comment to the Board. Chairman Ritz then explained the rules followed in a workshop and asked for the Board's preference. Ms. Wiggins preferred a workshop not on a Board meeting day. Ms. Sampson asked about the time element involved. Chairman Ritz explained the Board would not be meeting as a quorum, and a Board member could be present for a portion of the workshop. He indicated the workshop would take place, discussions and information would be presented, with the true deliberations as an agenda item happening inside a regular Board meeting.

Mr. Larson recommended a workshop within the next 60 days before the holiday season. Ms. Morris indicated staff could look at the availability of meeting dates and spaces which could be sent to the Board for a consensus. She also clarified that a workshop would be livestreamed with a video available to the public. Councilwoman Myers pointed out that the culture of Pensacola needed to change. She used Fairhope, Alabama, as an example of embracing heritage trees. She was hoping the tree ordinance would possibly incentivize citizens to not cut down our trees. She advised the Council was not in a hurry but wanted a good product to be applied with a lot of public input.

Mr. Corbae, a certified arborist, felt the workshop would be a good collaboration. He also explained he chose to live in Pensacola because of the heritage trees. He pointed out with larger trees, the less you need to consider rainwater since they work together with the environment.

Chairman Ritz indicated the Board would wait for input from staff for availability of rooms for the workshop and would respond accordingly.

(The Board then returned to Item 1.)

Mayor Robinson stated leaving the advertising at 25% of the proposed elevation was acceptable to the Twice the Ice clients. They also had no problem with the railing. He pointed out the equipment came with metal siding which seemed to be the real issue. It was determined 3) e. should read "proposed street elevation." Mr. Grundhoefer suggested "screening of mechanical rooftop units is required" and then add "the sloped roof with a peak or parapet roof is preferred" and "other attractive screening may be used subject to approval by the Planning Board." Mayor Robinson wanted to make sure there wasn't too much subsection and the verbiage was consistent.

Ms. Mack submitted a handout to the Board and addressed the language "detached vending and transaction machines" which was not just ice vending. She also pointed out there was no language in the LDC for what a detached vending and transaction machine actually is. She felt the proliferation this was going to invite was a step back into the "uglyfication" of Pensacola. She addressed 3) c. with "shall" have a finished exterior which indicates mandatory, "should" is directed but not mandatory, and the word "may" is permissive. She pointed out "shall" in this case is the wrong word unless we are dictating people shall do metal. She proposed different language for 3) e. regarding advertising. She suggested "signage advertising the product being dispensed or service being provided may not exceed 25% of the surface area of the machine." Chairman Ritz explained vending machines could apply to various functions even though ice vending was being considered. Mr. Grundhoefer explained "shall" explained the materials had to be one of the five listed in 3) e. Ms. Wiggins addressed the dog wash and the possibility of placing brick around it, and advised the language should be carefully stated. Mr. Grundhoefer agreed with the signage language provided by Ms. Mack. Ms. Wiggins made a motion to accept the language from Ms. Mack. Chairman Ritz asked that the motion be held until further discussion.

Ms. Cannon clarified the language specifically striking the "Advertising" on 3) e. and changing that to "Signage" and to revise "such advertising of the item being dispensed or service provided may not exceed 25% of the proposed street project elevation."

Mr. Grundhoefer's suggestion for 3) d. was "screening of mechanical rooftop is required and other attractive screening, with no more than 50% openings, may be used subject to approval by the Planning Board."

Chairman Ritz offered certain materials would have to meet the building code (lattice, chicken wire).

Ms. Powell addressed the railings and being specific with the materials required. Chairman Ritz indicated 3) c. already limited this with "brick, stucco, stone, metal, stained wood or similar materials and no windmills." The Board agreed to strike "or similar materials" and "or similar objects." Chairman Ritz clarified the sloped roof and parapet is really for mechanical units on top, pointing out that the dog wash unit did not contain a roof.

Staff read back 3) d. as "the screening of mechanical rooftop units, other attractive screening with no more than 50% openings and must meet building code and subject to Planning Board approval." Chairman Ritz stated "parapet roof is preferred" and explained "screening" was the technical term for "hide."

Ms. Cannon restated Mr. Grundhoefer's version that "a sloped roof with a peak or parapet roof is preferred to be affixed to dispensers placed in parking lots with shingle, tile or other roof materials in accordance with Florida Building Codes." "Screening either may or must be used to shield rooftop mechanical units with no more than 50% opening and subject to Planning Board approval." The Board agreed that "must" be used.

Chairman Ritz clarified the Board would be dealing with machines with mechanical units and not a dog wash, etc., with no rooftop equipment. What few items installed within city limits would come to this Board. The word "preferred" was acceptable in being the City's primary goal of a peak or parapet roof. The Board was trying to accomplish what the Mayor had requested. Mr. Grundhoefer offered this might encourage the clients to screen the mechanical units and do less advertising which would make them a little more attractive.

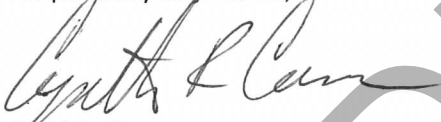
Mr. Grundhoefer made a motion to approve the ordinance as revised, seconded by Ms. Wiggins, and it carried unanimously. Mayor Robinson asked for clarification on what passed. Chairman Ritz explained the Board had revised items 3) c. d. and e., beginning with 3) e. at 25% signage advertising the products being dispensed or service being provided; they removed "lattice" as a possibility and inserted "railing" and no more than 50% openings; if it is screened rooftop mechanical units, it would become a Planning Board agenda item, but only for screening mechanical items. 3) c. "dispensers and service machines placed in parking lots shall have a finished exterior of brick, stucco, stone, metal, stained wood and shall not contain windmills or similar objects." "Similar materials" was removed and "metal" was added to the materials for the exterior.

Open Forum – Ms. Cannon informed the Board that Whispering Creek had not resubmitted at this time and was not aware of any specific time for resubmittal.

Chairman Ritz explained he would not be at the Board's October meeting, and Mr. Larson would be chairing that Board meeting.

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 3:19 pm.

Respectfully Submitted,



Cynthia Cannon
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 33-19

City Council

10/24/2019

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 33-19 - PROPOSED AMENDMENT TO TITLE 7 LICENSES AND BUSINESS REGULATIONS, CHAPTER 7-14, FEES, OF THE CODE OF THE CITY OF PENSACOLA

RECOMMENDATION:

That the City Council adopt Proposed Ordinance No. 33-19 on second reading.

AN ORDINANCE AMENDING TITLE 7, LICENSES AND BUSINESS REGULATIONS, CHAPTER 7-14, FEES, SECTIONS 7-14-2, 7-14-3, 7-14-5, 7-14-12, AND 7-14-13 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE ADMINISTRATIVE APPLICATION FEES; AMENDING PERMIT FEES; AMENDING FIELD INSPECTION FEES; ADDING A LIEN SEARCH REQUEST FEE; AMENDING PROVISION FOR REFUNDS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

HEARING REQUIRED: No Hearing Required

SUMMARY:

The services provided by the City of Pensacola include the use of updated technology to more efficiently implement and enforce the Florida Building Code, and the costs have risen for the City of Pensacola in its efforts to carry out its responsibilities in enforcing the Florida Building Code. In reviewing the Code, proposed changes are made to ensure that fees imposed are consistent with the actual labor and administrative costs incurred by the City to ensure compliance with the Florida Building Code. As part of that effort, certain fees are increased, others are reduced and a new proposed fee is added. Some changes are to promote clarity and consistency within the Section. Regarding the proposed new fee, the City of Pensacola is permitted to charge a search fee, in an amount commensurate with the research and time costs incurred for identifying building permits for each unit or subunit assigned by the governing body to a particular tax parcel identification number. The City of Pensacola is authorized by Home Rule and permitted under statutory law to impose the proposed fees.

PRIOR ACTION:

October 10, 2019 - City Council voted to approve Ordinance No. 33-19 on first reading.

September 22, 2011 - City Council adopted Ordinance No. 26-11 amending Planning/Zoning and Building Permit Fees.

FUNDING:

N/A

FINANCIAL IMPACT:

The increase in Permit Application Fee from \$27 for residential and \$34 for commercial permits, to \$40 for both residential and commercial projects, will generate approximately \$73,600 in additional fees each year. This increase in revenue will be used to offset the costs of implementing new software for permitting and inspections.

The new \$25 lien search fee will generate approximately \$32,500 in additional revenue and will cover the cost for staff to perform the research. This will ensure that building permit fees are not utilized to cover the cost of this service, and will keep the City in compliance with 553.80, Florida Statutes.

CITY ATTORNEY REVIEW: Yes

9/30/2019

STAFF CONTACT:

Christopher L. Holley, City Administrator
Jonathan Bilby, Inspection Services Administrator

ATTACHMENTS:

- 1) Proposed Ordinance No. 33-19

PRESENTATION: No

PROPOSED
ORDINANCE NO. 33-19

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING TITLE 7, LICENSES AND BUSINESS REGULATIONS, CHAPTER 7-14, FEES, SECTIONS 7-14-2, 7-14-3, 7-14-5, 7-14-12, AND 7-14-13 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; AMENDING THE ADMINISTRATIVE APPLICATION FEES; AMENDING PERMIT FEES; AMENDING FIELD INSPECTION FEES; ADDING A LIEN SEARCH REQUEST FEE; AMENDING PROVISION FOR REFUNDS; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the services provided by the City of Pensacola include the use of updated technology to more efficiently implement and enforce the Florida Building Code; and

WHEREAS, the costs of certain building inspection services have changed for the City of Pensacola in its efforts to carry out its responsibilities in enforcing the Florida Building Code; and

WHEREAS, the City of Pensacola has determined that the proposed adjustments in fees reflect the actual labor and administrative costs incurred for plans review, inspections, and allowable activities to ensure compliance with the Florida Building Code;

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

SECTION 1. Section 7-14-2 is hereby amended to read as follows:

Sec. 7-14-2. - Permit fees.

The following permit fees to be charged by the city for buildings, signs, manufactured buildings, mobile homes, swimming pools, television and radio antennas, roofing, moving or demolition of buildings or structures, electrical, plumbing, gas, mechanical, fire suppression and alarm system installations, penalties for starting work without a permit, and field inspection for business license certificate of occupancy shall be collected by the building inspection division for all work done within the city, as outlined below, and said fees shall be paid before the beginning of any construction or alteration as hereinafter set forth:

The applicant for any permit shall pay an administrative application fee of ~~twenty-seven dollars (\$27.00) for residential and thirty-four dollars (\$34.00) for commercial~~

~~purposes~~ forty dollars (\$40.00) in addition to the building, electrical, gas, mechanical, fire protection/prevention, and plumbing permit fees specified below. Fences, tents, temporary signs and banners shall be exempt from this fee.

(a) *Building permit fees:*

- (1) The applicant for a permit for any new building or structure, for any additions to an existing building or structure or portion thereof, shall, at the time of having made application and issuance of the permit, pay for each and every building or structure ~~ten-fifteen~~ cents (\$0.10-0.15) per square foot based on the square footage of gross floor area of such work. Minimum permit fees will also be based upon the number of required inspections times the minimum inspection fee of fifty dollars (\$50.00) when the square footage is such that the square footage cost will not cover the cost of inspections.
- (2) For remodeling, repairs or modifications of existing buildings or structures for which a gross floor area cannot be measured and for which a specific fee is not indicated, the fee shall be at the rate of seven dollars fifty cents (\$7.50) per one thousand dollars (\$1,000.00) of the estimated total cost of labor and materials for the work for which the permit is requested, i.e., excluding only subcontractor work that will be permitted separately.
- (3) Antennas, dish and tower, roof and ground installations:
 - a. Residential, including amateur "ham" units \$50.00
 - b. Commercial: Fee to be calculated in accordance with subsection 7-14-2(a)(2).
- (4) Window and door installation:
Fee to be calculated in accordance with subsection 7-14-2(a)(2).
- (5) Demolition of buildings or structures 100.00
Plus one dollar (\$1.00) for each one hundred (100) square feet of total gross floor space, or portion thereof, over five thousand (5,000) square feet.
- (6) Fences and tents 35.00
- (7) Manufactured buildings and mobile homes:
 - a. For plan review, foundation rough-in and final inspection, per unit 140.00

- b. Each additional inspection 50.00
- (8) Moving of buildings or structures:
 - a. From one (1) location to another within the city limits: Two hundred dollars (\$200.00) plus twenty dollars (\$20.00) for each mile within the city in excess of five (5) miles.
 - b. From outside the city limits to a location inside the city: Two hundred fifty dollars (\$250.00) plus twenty-five dollars (\$25.00) for each mile within the city in excess of five (5) miles.
 - c. For moving a building or structure through the city or from the city: Two hundred dollars (\$200.00) plus twenty dollars (\$20.00) for each mile within the city in excess of five (5) miles.
- (9) Siding or residing structures including pre-inspection 100.00
Structural, electrical, mechanical and plumbing work required in conjunction with siding installation shall be permitted and fees charged in accordance with appropriate subsections of this chapter.
- (10) Roofing, re-roofing:
 - a. Residential . . . \$100.00
Plus fifty (\$50.00) for each additional; inspection in excess of two (2) inspections.
 - b. Commercial, 140.00
Plus fifty (\$50.00) for each additional; inspection in excess of two (2) inspections.
- (11) Signs (including plan review):
 - a. Accessory . . . 100.00
 - b. Non-accessory--Billboard-type signs, including pre-inspection . . . 210.00
 - c. Temporary--Portable signs and banners . . . 35.00
- (12) Swimming pools/spas:
 - a. Residential . . . 150.00
 - b. Commercial . . . 300.00

Plus fifty (\$50.00) for each inspection in excess of three (3).

(13) Minimum permit fee ~~50.00~~ 35.00

(14) Penalty fee for work which commences prior to securing the appropriate permit or permits computed in accordance with section 7-14-6.

(b) *Electrical permit fees:*

(1) Temporary or construction pole service . . . 50.00

(2) Minimum fee, per inspection unless noted otherwise . . . 50.00

(3) Electrical service: (residential and commercial, including signs, generators, and service changes:

0--100 amperes . . . 90.00

101--200 amperes . . . 95.00

201--400 amperes . . . 125.00

401--600 amperes . . . 175.00

601--800 amperes . . . 275.00

801--1,000 amperes . . . 375.00

1,001--1,200 amperes . . . 475.00

1,201--1,600 amperes . . . 675.00

1,601--2,000 amperes . . . 875.00

2,001--2,400 amperes . . . 1075.00

Over 2,401 amperes . . 1275.00

Plus fifty cents (\$0.50) per ampere over two thousand four hundred one (2,401)

~~(4) For new construction five cents (\$0.05) per gross square foot. Group S (warehouse and storage buildings) shall be exempt from square foot computation with fee based upon service size.~~

- (54) For sub-meters derived from main service, per meter 50.00
 - (65) For swimming pools, spas and hot tubs 100.00
 - (76) Commercial computer and communications systems including fire/security alarm systems ("system" defined as detection devices connected to a control panel), including alterations:
 - a. Base fee (includes two (2) inspections) 100.00
 - b. Each additional inspection 50.00
 - (87) Residential fire and security systems 50.00
 - (98) Penalty fee for work which commences prior to securing the appropriate permit or permits computed in accordance with section 7-14-6.
- (c) *Gas installation permit fees:* The following fees shall be charged for both natural and liquid petroleum gas installations:
- (1) Permit fee based upon number of inspections, per inspection . . . 50.00
 - (2) Penalty fee for work which commences prior to securing the appropriate permit or permits computed in accordance with section 7-14-6.
- (d) *Mechanical permit fees:*
- (1) For heating, ventilation, air conditioning, and refrigeration systems: Fifty dollars (\$50.00) per inspection plus three dollars (\$3.00) for each ton or fraction thereof in excess of fifteen (15) tons.
 - (2) All other mechanical work, including, but not limited to, installation, replacement or alteration of duct work, hydraulic lifts, pumps, air compressors, refrigeration equipment, high-pressure washers, medical gas systems, extractors, boilers, incinerators etc., for each inspection . . . 50.00
 - (3) Penalty fee for work which commences prior to securing the appropriate permit or permits computed in accordance with section 7-14-6.
- (e) *Fire protection/prevention permit fees:*
- (1) Fire sprinkler systems (includes plan review):
 - a. Residential (one- or two-family dwelling . . . 170.00
 - b. Commercial; small, six (6) heads or less . . . 170.00
 - Large . . . 500.00

- (2) Fire suppression systems (includes plan review):
 - a. Small, single hazard area . . . 35.00
 - b. Large . . . 210.00
 - (3) Fire alarm systems (includes plan review):
 - a. New installation, one (1) pull . . . 35.00
 - b. New installation, multi-pull . . . 85.00
 - c. Fire alarm inspection; small, six (6) or fewer initiating devices . . . 90.00
 - d. Fire alarm inspection; large . . . 250.00
 - (4) Installation of pollutant/hazardous material storage tanks:
 - a. Aboveground . . . 250.00
 - b. Underground . . . 250.00
 - (5) Removal of pollutant/hazardous material storage tank . . . 100.00
 - (6) Penalty fee for work which commences prior to securing the appropriate permit or permits computed in accordance with section 7-14-6.
- (f) *Plumbing permit fees:*
- (1) Base fee (includes final, inspection) . . . 50.00

Plus:

 - a. Additional fee for each outlet, fixture, floor drain or trap in excess of ten (10) . . . 2.00
 - b. Each additional inspection . . . 50.00
 - c. Sewer connection, in conjunction with new single-family dwelling . . . 50.00
 - All others . . . 50.00
 - (2) Plumbing permit fees for manufactured buildings/factory-built housing:
 - a. Base fee (including final inspection) . . . 50.00
 - b. Sewer connection (each) . . . 50.00
 - c. Rough-in for joining together of all components, including stack-out, for each inspection required . . . 50.00

- (3) Lawn sprinkler system installation fees:
 - a. Installation of valves, vacuum breakers and/or back-flow preventers and sprinkler heads to a maximum of fifty (50) . . . 50.00
 - b. For each head in excess of fifty (50) add . . . 2.00
 - c. Each additional inspection . . . 50.00
- (4) Solar heating system . . . 50.00
- (5) Penalty fee for work which commences prior to securing the appropriate permit or permits computed in accordance with section 7-14-6.

SECTION 2. Section 7-14-3 is hereby amended to read as follows:

Sec. 7-14-3. - Renewal of expired permits.

- (a) A permit once issued, expires if work is not commenced within one hundred eighty (180) days of issuance or if construction or work is suspended or abandoned for a period of one hundred eighty (180) days at any time after work is commenced. To avoid permit expiration, a progress report (showing progress toward the permit) needs to be submitted in writing or an extension request needs to be submitted in writing showing justifiable cause to extend the permit prior to one hundred eighty (180) days of inactivity, otherwise the permit will expire. Extensions may be granted for one hundred eighty (180) days. The fee for renewal of expired permits shall be seventy-five (75) percent of the original fee paid if the fee is paid within thirty (30) days of the expiration date. After thirty (30) days, the full original fee is due. ~~Minimum renewal fee is sixty-six dollars (\$66.00).~~ Beginning with the second permit renewal and subsequent renewals a five hundred dollars (\$500.00) penalty will be assessed in addition to permit fees due for renewal.

SECTION 3. Section 7-14-5 is hereby amended to read as follows:

Sec. 7-14-5. - Field inspection fees.

- (1) Reinspection fee \$50.00
- (2) Inspection for temporary power prior to final inspection (includes electrical and mechanical) 50.00 for one- and two-family dwellings, and 95.00/100.00 for commercial and multi-family dwellings.
- (3) Special inspection conducted outside of normal working hours . . . 200.00
- (4) Contractor assistance: Fifty dollars (\$50.00).

- (5) Reinspection of temporary and construction electrical services . . . 50.00
- (6) Pre-inspection survey service . . . 50.00
- (7) Partial certificate of occupancy inspection . . . \$100.00 for 30 day Temp C.O.
- (8) Business certificate of occupancy inspection . . . 100.00
- (9) A fifty dollar (\$50.00) permit fee shall be charged for tree removal and/or tree trimming in the public right-of-way or canopy road tree protection zones.
- (10) Engineering "as-built" inspection fee four hundred dollars (\$400.00) plus one hundred dollars (\$100.00) per acre in the development site. Each fractional acre shall count as an acre. When an as-built inspection fails because improvements do not comply with approved engineering plans a re-inspection fee of one-half (1/2) the initial fee shall be paid. When an erosion control compliance inspection fails because erosion control measures do not comply with approved plans a re-inspection fee of two hundred fifty dollars (\$250.00) shall be paid.
- (11) Zoning compliance inspection fees:
 - (a) Zoning compliance inspection fee for one- and two-family dwellings shall be one hundred dollars (\$100.00).
 - (b) Zoning compliance inspection fee for accessory structures and buildings and additions to existing single family dwellings shall be fifty dollars (\$50.00).
 - (c) Zoning compliance inspection fee for all other developments shall be four hundred fifty dollars (\$450.00) plus three hundred dollars (\$300.00) per acre in the development site. Each fractional acre shall count as an acre.
 - (d) When a zoning compliance inspection of landscaping, signage, parking, building features, and similar improvements fails because improvements do not comply with approved plans a re-inspection fee of two hundred fifty dollars (\$250.00) shall be paid.

- (12) Overgrown lot inspection (to be added to lot cutting fee) . . . \$30.00

SECTION 4. Section 7-14-12 is hereby amended to read as follows:

Sec. 7-14-12. - Miscellaneous other fees.

- (1) A three dollar (\$3.00) fee shall be charged for each document notarized.

- (2) The fee for processing lien search requests for building permit information, building code violations, and demolition liens shall be twenty-five dollars (\$25.00) per tax parcel identification number.

SECTION 5. Section 7-14-13 is hereby amended to read as follows:

Sec. 7-14-13. - Refunds.

- (1) All fees will be refunded if a permit is issued in error by the inspection department. Otherwise, the maximum refund will exclude an amount equal to all plan review fees, an administrative fee of ~~twenty four~~ forty dollars (~~\$20.00~~ 40.00), plus a ~~thirty five~~ fifty dollar (~~\$35.00~~ 50.00) fee for each completed inspection.
- (2) There will be a ten (10) percent service charge on all materials such as maps which are returned in useable condition within five (5) working days of purchase. No refunds on materials after five (5) working days.
- (3) Refunds will be made by check and will not be credited toward purchase of new permit or material.
- (4) No refund will be made without a receipt.

SECTION 6. 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 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00470

City Council

10/24/2019

DISCUSSION ITEM

FROM: City Council Member Sherri Myers

SUBJECT:

DISCUSSION ITEM - AMENDMENT TO SECTION 3.01 - ELECTION OF OFFICERS, OF THE CITY COUNCIL RULES AND PROCEDURES.

SUMMARY:

Currently Section 3.01 of Council Rules and Procedures states in part:

Nominations for the offices of President and Vice President of the City Council shall be submitted in writing to the City Clerk by individual members in November each year no later than five (5) days prior to the Council meeting held to elect those officers as provided in the City Charter....A member may nominate himself or herself...If more than one member is nominated, voting shall be by written ballot and if one member does not receive the affirmative vote of a majority of the existing membership of Council, the member receiving the lowest number of votes shall be eliminated and balloting shall continue until the officer is elected by such a majority.

Section 4.03 (e) of the City Charter - President, Vice President of City Council - states in part:

The City Council shall elect one of its Members as president and another as vice president on the fourth Tuesday in November of each year....

There is a desire to have a discussion about amending the process of selection of the President and Vice President to a rotational basis by district.

The City Attorney has opined as follows:

I've looked at the information you provided and the common definitions of the term "elect" in both Black's Law Dictionary and Merriam-Webster Dictionary. In Black's, the term "elect" means "to select a choice from among more than one" and "to select someone to hold an office or position." In Merriam-Webster, the term means "to select by vote for an office, position, or membership" and "to make a selection of; to choose." Based on those definitions, and the language of the Charter requiring an election for the positions of president and vice-president for City Council, I interpret the Charter to require a selection of someone to be president (and vice-president) from an option of candidates. Thus I am of the opinion that a pre-determined rotation system improperly removes the

act of electing someone to fulfill those positions from the process. I don't believe a rotation system is permissible under the current Charter.

However, this discussion item will address the possibilities of amendment without violating the City Charter.

PRIOR ACTION:

2010 - City Charter approved by referendum

February 14, 2019 - Council Rules and Procedures amended and approved in total

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1) None

PRESENTATION: No



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 19-00471

City Council

10/24/2019

DISCUSSION ITEM

FROM: City Council Member Sherri Myers

SUBJECT:

DISCUSSION ITEM-AMENDMENT TO SECTION 1.09 - COUNCIL MEMBER INPUT - OF THE CITY COUNCIL RULES AND PROCEDURES

SUMMARY:

Currently Section 1.09 - Council Member Input states:

For any item or subject, Council Members shall have a total of three (3) opportunities to speak and shall limit each opportunity to three (3) minutes. Members shall speak no more than once so long as any member who has not spoken desires to speak. So long as a member does not object, the President may choose not to enforce these limitations. These limitations may be waived or suspended for a time certain by a majority vote of the existing membership of the Council. The requirements of this Section shall not apply to workshops.

This discussion item seeks to discuss amending Section 1.09 by leaving the opportunities the same, at three (3) and amending each opportunity to be five (5) minutes, three (3) minutes and three (3) minutes.

PRIOR ACTION:

February 14, 2019 - City Council approved an amended version of the Rules and Procedures

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

1) None

PRESENTATION: No