



CITY COMMISSION MEETING 11-12-19

Agenda Item

Request Form



ITEM: First reading of Ordinance 2708.1 amending the Future Land Use Map of the City to reflect a land use designation of Urban Residential located at 1102 W 11th St and 1106 W 11th St.

BACKGROUND INFORMATION: The applicant would like to change the land use and zoning to be able to build four 2 story townhouses. The property is currently vacant. Mark Mulligan, Owner and Applicant.

The Planning Board considered this item on October 7, 2019. The request was approved unanimously.

DEPARTMENT HEAD RECOMMENDATION: Conduct a first reading of the ordinance.

ORDINANCE NO. 2708.1

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP OF THE CITY TO REFLECT A LAND USE DESIGNATION OF URBAN RESIDENTIAL FOR A PARCEL OF PROPERTY LOCATED AT 1102 AND 1106 W 11th ST, PANAMA CITY, FLORIDA, PROVIDING FOR A REPEALER, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY, FLORIDA;

WHEREAS, the Legislature adopted Chapter 163, laws of Florida, which requires the City of Panama City to prepare and adopt and enforce a comprehensive plan; and

WHEREAS, the Panama City Planning Board held a Public Hearing to consider Proposed Comprehensive Plan Amendment PB 20-3 on October 7, 2019, and recommended the Amendment be approved by the Panama City Commission for adoption, and

WHEREAS, the City Commission of the City of Panama City held a first reading on November 5, 2019, and a Public Hearing and second reading on November 26, 2019, to adopt Comprehensive Plan Amendment PB 20-3, with due public notice having been provided, and having reviewed and considered all comments received during the public hearing, and having provided for necessary revisions; and,

WHEREAS, in exercise of its authority, the City Commission of the City of Panama City, Florida, finds it necessary and desirable to adopt and does hereby adopt Comprehensive Plan amendment PB 20-3, in order to encourage the most appropriate use of land, water and resources, consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City of Panama City, as follows:

Section 1: Purpose and Intent.

The land use designation of the identified parcel shall be and hereby is changed from a Land Use designation of Residential to Urban Residential as described in Small Scale Amendment PB 20-3, with said property having the following legal description:

Lot 3, Block 7A, Caroline Addition to Panama City, Unit 2, according to plat on file in Plat Book 8, Page 36.

Parcel Identification No.: 18882-000-000

Lot 2, Block 7-A, according to plat of CAROLINE ADDITION TO PANAMA CITY UNIT 2, as per plat on file in the Office of the Clerk of the Circuit Court of Bay County, Florida, in Plat Book 8, Page 36.

Parcel Identification No. : 18882-002-000

For Map of Property see “Exhibit A.”

Section 2: Comprehensive Plan Amendment.

The City of Panama City Comprehensive Plan is hereby amended as set forth in and incorporated herein by reference, and consists of a Future Land Use Map Amendment.

Section 3: Severability.

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance and the City of Panama City Comprehensive Plan shall remain in full force and effect.

Section 4. Copy on File.

An official, true and correct copy of all elements of the Panama City Comprehensive Plan as adopted and amended from time to time shall be maintained by the City Manager or his designee.

Section 5: Effective Date of Amendment.

This amendment shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency (DEO) or the Administration Commission, respectively, issues a final order determining the adopted small scale development amendment is in compliance. (§163.3187, F.S.)

PASSED, APPROVED AND ADOPTED at the regular meeting of the Mayor and City Commission of the City of Panama City, Florida, the 26th day of November, 2019.

**CITY OF PANAMA CITY, FLORIDA
A Municipal Corporation,**

By _____
Greg Brudnicki, Mayor

ATTEST:

T.D. Hachmeister, City Clerk-Treasurer

Exhibit A: Petition to Amend the Comprehensive Plan Future Land Use Map

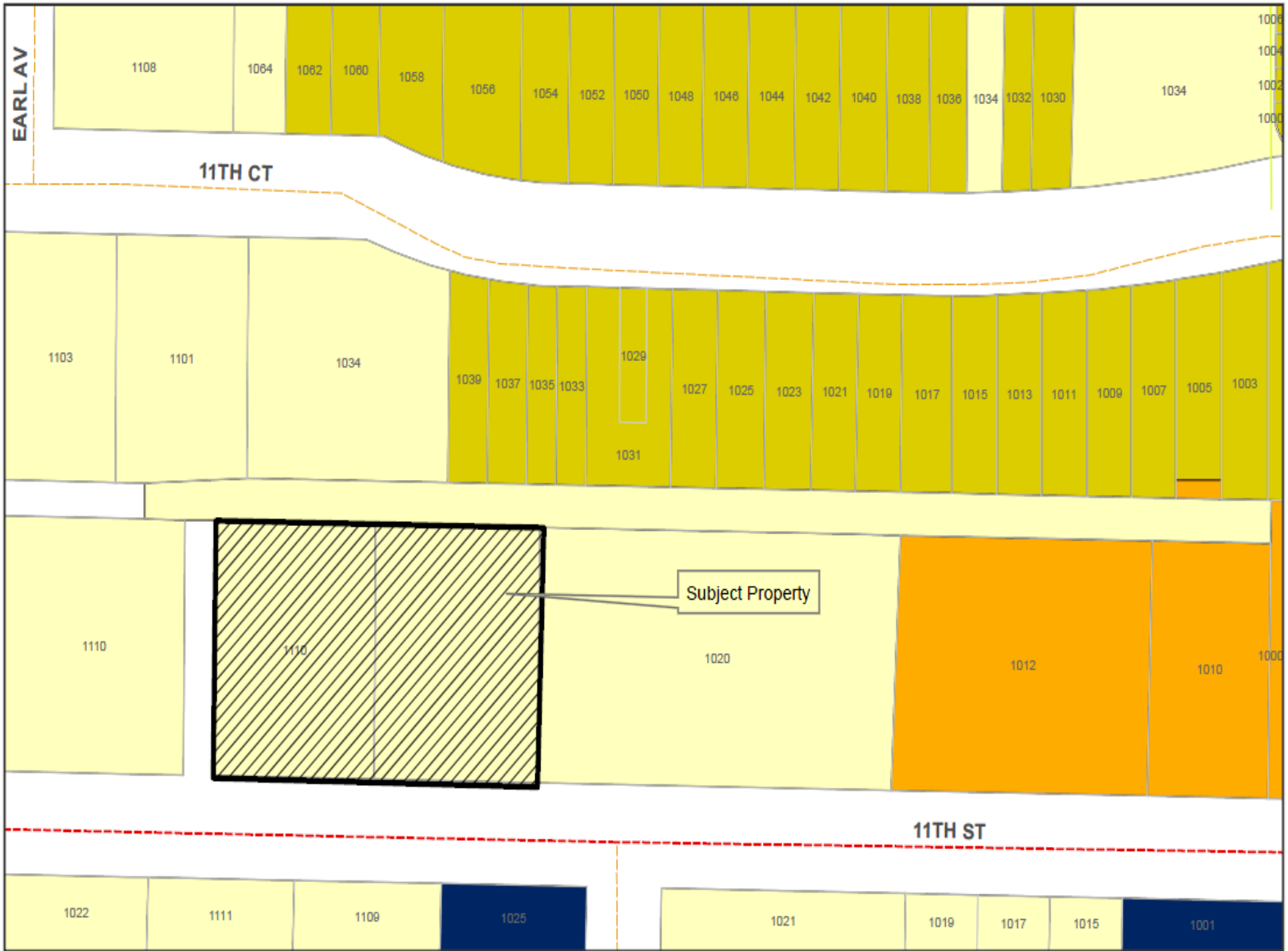


Exhibit A
FLUM
City of Panama City

Legend

Downtown District	Industry	Residential Vested	Ditch
Residential	Mixed Use	Silviculture	Lake
General Commercial	Preservation	Urban Community	Water
Public/Institutional	Recreation	Urban Residential	Parcels
		Bay	



N


1 inch = 83 feet



City of Panama City Planning and Economic Development Department
STAFF REPORT
Planning Board Applications for October 7, 2019

Staff findings of consistency with the pertinent Florida Statutes, the Community Planning and Land Development Regulations (hereafter referred to as the LDRs) and the Comprehensive Plan (hereafter referred to as the Comp Plan) along with the staff recommendations are as follows:

Request Three

Type of Application: SSLUA/Rezone

Case Number: PB 20-3

Applicant/ Owner: Mark Mulligan, Owner and Applicant

Location of Property: 1102 W 11th St and 1106 W 11th St

Parcel ID Numbers: 18882-000-000 and 18882-002-000

Background: The applicant would like to change the land use and zoning to be able to build four 2 story townhouses.

Special Treatment Zone: Not in any special treatment zones.

Wetlands: N/A

Coastal High Hazard Area / Hurricane Vulnerability Zone: N/A

Flood Zone: Parcel ID# 18882-000-000 is A (Source: 2009 FEMA maps), Parcel ID# 18882-002-000 is A (Source: 2009 FEMA maps) and X (Source: 2009 FEMA maps).

Area of Subject Property: 0.738+/- acres (Source: Bay County Property Appraiser).

	Land Use	Zoning
Change From:	Residential	Residential 1 R-1
Change To:	Urban Residential	Urban Residential 1 UR-1

Current use of the property: The property is currently vacant.

Proposed Use of the property: The owner would like to use this property to construct four 2 story townhomes.

Directors' Report:

Utilities Director: Water is only available from 11th Street. Sanitary sewer is only available behind the property in the alley.

Comprehensive Plan Objectives and Policies:

Future Land Use Element

Policy 1.1.1: The City shall regulate land use through designation of land use districts on a Future Land Use Map. The Future Land Use Map shall be used to determine the location and extent of development within the City consistent with conservation of natural resources, availability of public facilities and services, and compatibility of adjacent land uses. Land Use districts depicted on the Future Land Use Map shall be described as follows. (In the following descriptions of Future Land Use categories, density standards shall apply to residential development and intensity standards shall apply to non-residential development.)

Sec. 104-29. - Urban Residential -1 (UR-1) zoning district.

- a) The purpose of this zoning district is to provide for the efficient use of land by allowing medium-density residential development and neighborhood commercial uses within the same vicinity.
- b) Development on parcels designated as Urban Residential 1 (UR-1) on the zoning map shall:
 - 1) Have a density no greater than fifteen dwelling units to the acre.
 - 2) Locate ingress and egress to minimize traffic impacts to adjacent neighborhoods.
 - 3) No more than 15% of this zoning district, in combination with the UR-2 zoning district, may be used for neighborhood commercial uses. This analysis shall be made on a continuous basis and shall be assessed on a city-wide basis.
 - 4) Provide off-street parking as specified in [chapter 105](#), article V.
 - 5) Conform to the landscaping and buffering requirements as specified in [chapter 105](#), article II.
- c) The following bulk regulations shall apply to property zoned as UR-1:
 - 1) Height: No structure nor any part thereof shall exceed a vertical height of 80 feet from the pre-construction ground elevation of the site to the ceiling of the highest habitable unit, plus 25 feet for roof and mechanical elevations, provided the ground floor elevation is above the base flood elevation as determined by a Florida Registered Surveyor. Where the site has various elevations, the height of the structure shall be measured from the base flood elevation of the site or the averaged site elevation, whichever is greater.
 - 2) The impervious surface ratio shall be no greater than 0.65 of the total parcel area.
 - 3) The floor area ratio shall not exceed 0.75.
 - 4) Minimum setbacks shall be:
 - i. For those developments with only a residential use:
 - 20 feet from the front parcel line.
 - 20 feet from the rear parcel line.
 - 5 feet from the side parcel lines.Side setbacks may be decreased to 0 feet only when there is a common wall between units.
 - ii. For those developments that include a nonresidential use which is adjacent to residential uses shall be:
 - 20 feet from the front parcel line.
 - 30 feet from the rear parcel line.
 - 12 feet from the side parcel lines.

5) Minimum Lot Size.

- i. Single-family detached housing minimum lot size of 4,000 square feet.
- ii. Duplex, triplex, or quadraplex, or other semi-detached row house-type structure with a common wall must have a minimum lot size of 3,000 square feet.

The following uses are allowed in the UR-1 zoning district; all other uses are prohibited:

1. Single-family detached dwellings on individual parcels;
2. Community residential homes shall be allowed when six (6) or fewer residents are located in a single-family, residential dwelling provided that such homes are not located within 1,000 feet of one another and when the location of such homes does not substantially alter the nature and character of the area. Such use must be licensed by a state agency as listed in F.S. § 419.001(1)(b).
3. Public and private schools grades K—12.
4. Public or non-commercial private recreation.
5. Accessory uses or structures as set forth in chapter 104, articles IV and V.
6. Public utilities customarily found in residential areas.
7. Family day care homes pursuant to F.S. § 125.0109.
8. Bed and Breakfast Inns, not to exceed six rental rooms;
9. Attached dwellings;
10. Multi-family structures up to 15 dwelling units per acre;
11. Neighborhood-scale commercial uses, not to exceed 20,000 square feet of heated and cooled space in size per parcel. Such uses may include: i. Professional office and personal services. ii. Private child care or day care for children. iii. Commercial recreational facilities. iv. Grocery and convenience retail including, but not limited to, beauty parlor, barber shop, laundromat, dry cleaner, and other retail establishments meant to serve the immediate vicinity. v. Athletic clubs, dance or music studios. vi. Food establishments without a drive-through window. vii. Other similar uses serving the neighborhood area.

Land Development Regulations:

Section 102-82(e)

Stipulates that a land use change requires the Planning Board to determine a positive finding for the proposed Comprehensive Plan Amendment and/or rezoning request on the following four (4) criteria:

1. *Not degrade the established level of services in the Comprehensive Plan or the minimum concurrency requirements.*

This impact is de minimis, which is not subject to concurrency review.

2. *In harmony with the general intent of the Comprehensive Plan. (Goals listed as applicable.)*

The goal of the Future Land Use Element of the Comprehensive Plan (Goal 1A) is to establish a defined pattern of land use guiding the provisions of public facilities and providing predictability in managing development. This request fits within the general intent of this Element.

The goal of the Utilities Element, Sanitary Sewer Sub-Element (Goal 4A) is to provide adequate sewage capacity and collection facilities to accommodate anticipated population demand.

The goal of the Utilities Element, Solid Waste Sub-Element (Goal 4B) is to ensure that adequate and efficient solid waste collection is available for the City.

The goal of the Utilities Element, Potable Water Sub-Element (Goal 4D) is to provide adequate, safe and sanitary water distribution capability to accommodate existing and future demand.

No level of service standards will be exceeded by this Future Land Use map amendment.

3. *Not exceed traffic limitations, create a fire hazard, or a hazard to the public health, welfare and safety.*

This impact is de minimis, which is not subject to concurrency review

4. *Compatible with adjacent land uses and districts, and not create a potential nuisance.*

The development is located in an area with single family homes, townhouses, duplexes, and commercial properties with surrounding land uses and zoning that match the Urban Residential land use. The proposed Land Use amendment/zoning change will not create a nuisance.

Pursuant to Section 102-82(e):

The Planning Board shall not recommend approval of a plan amendment unless it makes a positive finding, based on competent evidence, on each of the following:

- (1) The proposed plan amendment will not degrade level of service standards established in the comprehensive plan, or minimum concurrency requirements;
- (2) The proposed plan amendment is in harmony with the general intent of the comprehensive plan;
- (3) The proposed plan amendment will not exceed traffic limitations, cause a fire hazard, or create a hazard to the public health, welfare and safety;
- (4) Changes in land use designations or districts must be compatible with adjacent land uses and districts, and one that will not become a potential nuisance.

Summary of Findings:

The request will not result in any deficiencies in concurrency standards. Existing development on the site is compatible with the development standards pertinent to the proposed Land Use and zoning designations. The request meets all requirements of the Comprehensive Plan and the Land Development Regulations.



Tina Scibelli
Planner I

August 30, 2019
Date

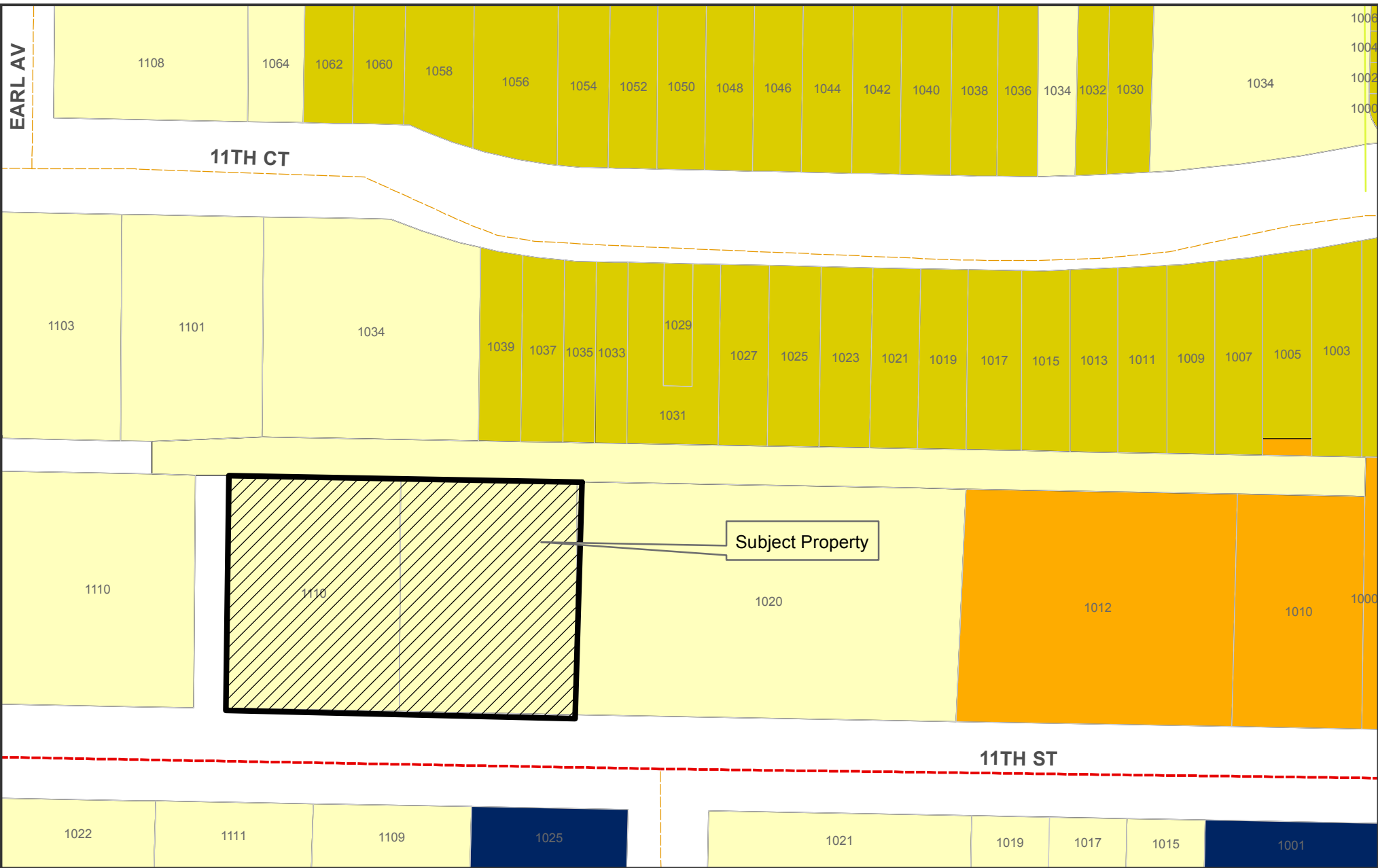


Exhibit A

**FLUM
City of Panama City**

Legend

- | | | | |
|--------------------|----------------------|--------------------|---------|
| Downtown District | Industry | Residential Vested | Ditch |
| Residential | Mixed Use | Silviculture | Lake |
| General Commercial | Preservation | Urban Community | Water |
| Recreation | Public/Institutional | Urban Residential | Parcels |
| | Bay | | |



1 inch = 83 feet

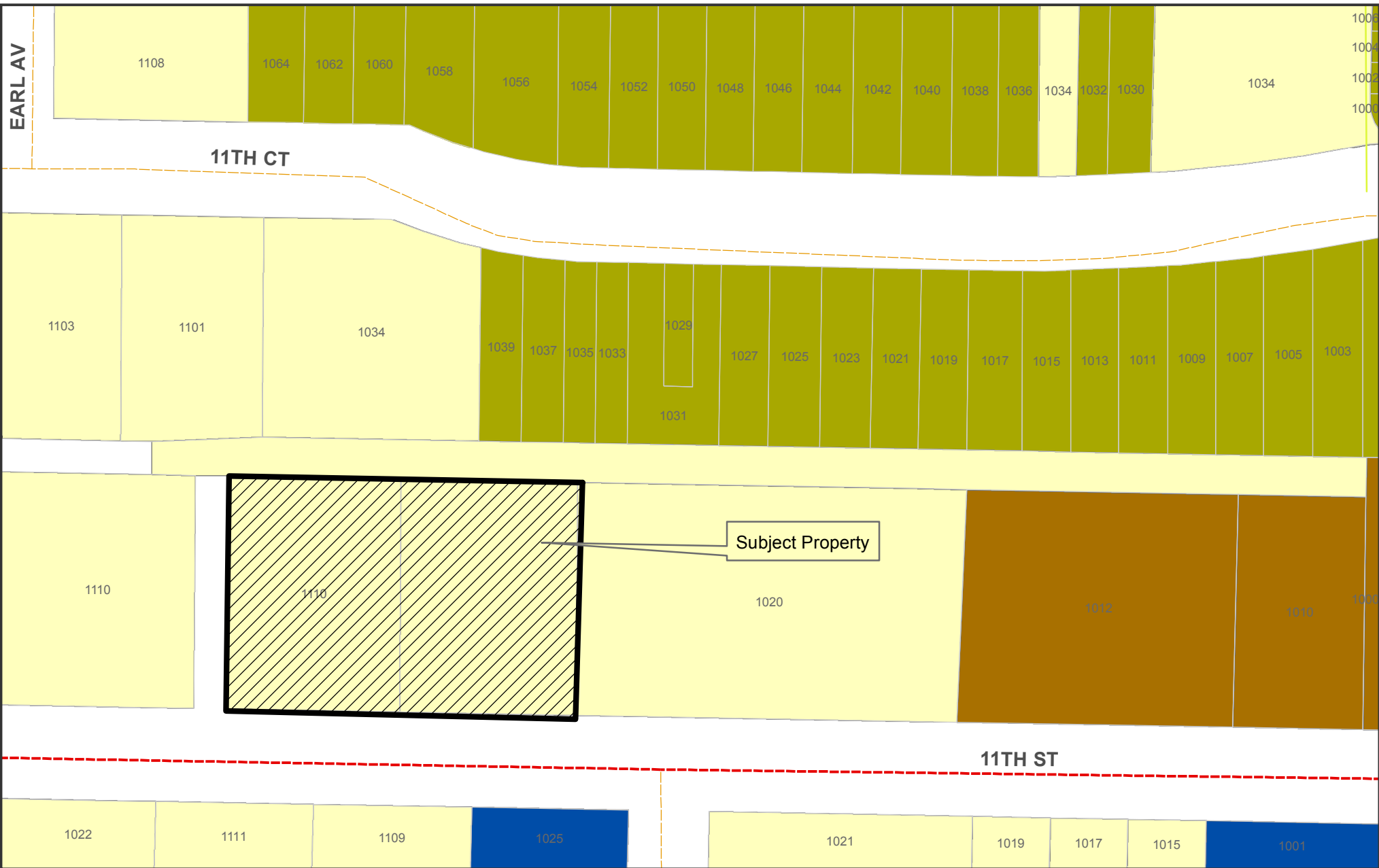


Exhibit A

Zoning Change City of Panama City

Legend

Zoning Districts

- | | | | |
|------------------------|--------------------------------|---------------------|-------------------|
| Downtown District | Mixed Use - 1 | Recreation | Urban Residential |
| General Commercial - 1 | Mixed Use - 2 | Residential - 1 | Shoreline |
| General Commercial - 2 | Mixed Use - 3 | Residential - 2 | Water |
| Heavy Industry | Planned Unit Development (PUD) | Silviculture | NOT ZONED |
| Light Industry | Preservation | Urban Residential 1 | Parcels |
| | Public/Institutional | Urban Residential 2 | |



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