



# **CITY COMMISSION MEETING**

## **6-8-21 Agenda Item**

### **Request Form**

**ITEM:** First reading of Ordinance 3002.1, amending the Future Land Use Map of the City to reflect a land use designation of Mixed Use for the property located at 700 E 10th St, Panama City, FL.

**BACKGROUND INFORMATION:** The applicant wishes to build houses on this property.

The Planning Board considered this item at its regularly scheduled meeting on May 10, 2021. A motion was made to recommend approval. The Board members voted unanimously to recommend approval.

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

## **ORDINANCE NO. 3002.1**

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP OF THE CITY TO REFLECT A LAND USE DESIGNATION OF MIXED USE FOR PARCELS OF PROPERTY LOCATED AT 700 E 10<sup>th</sup> 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 21-47 on May 10, 2021, 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 June 8, 2021, and a Public Hearing and second reading on June 22, 2021, to adopt Comprehensive Plan Amendment PB 21-47, 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 21-47, 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 General Commercial-2 to Mixed Use-3 as described in Small Scale Amendment PB 21-47 with said property having the following legal description:

Commence at the existing Northwest corner of Lot 9, Block 9, Glenwood Addition to Panama City, Florida, as per plat recorded in Plat Book 4, Page 13, of the Public Records of Bay County, Florida; and run N89°39'31"E along the South R/W line of 10th Street, 67.72 feet to the Point of Beginning; thence continue N89°39'31"E, 97.0 feet to the Northeast corner of Lot 6 of said Block 9; thence S00°02'10"W along the East line of said Lot 6, 50.51 feet to a fence line; thence N89°55'19"W along said fence line 97.03 feet; thence N00°04'41"E, 49.80 feet to the Point of Beginning; said parcel being a portion of Lots 6, 7 and 8, Block 9, of said Glenwood Plat, being located in the Southeast Quarter of Section 4, Township 4 South, Range 14 West, Bay County, Florida.

Parcel Identification Number: **17119-010-000**

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 22nd day of June, 2021.

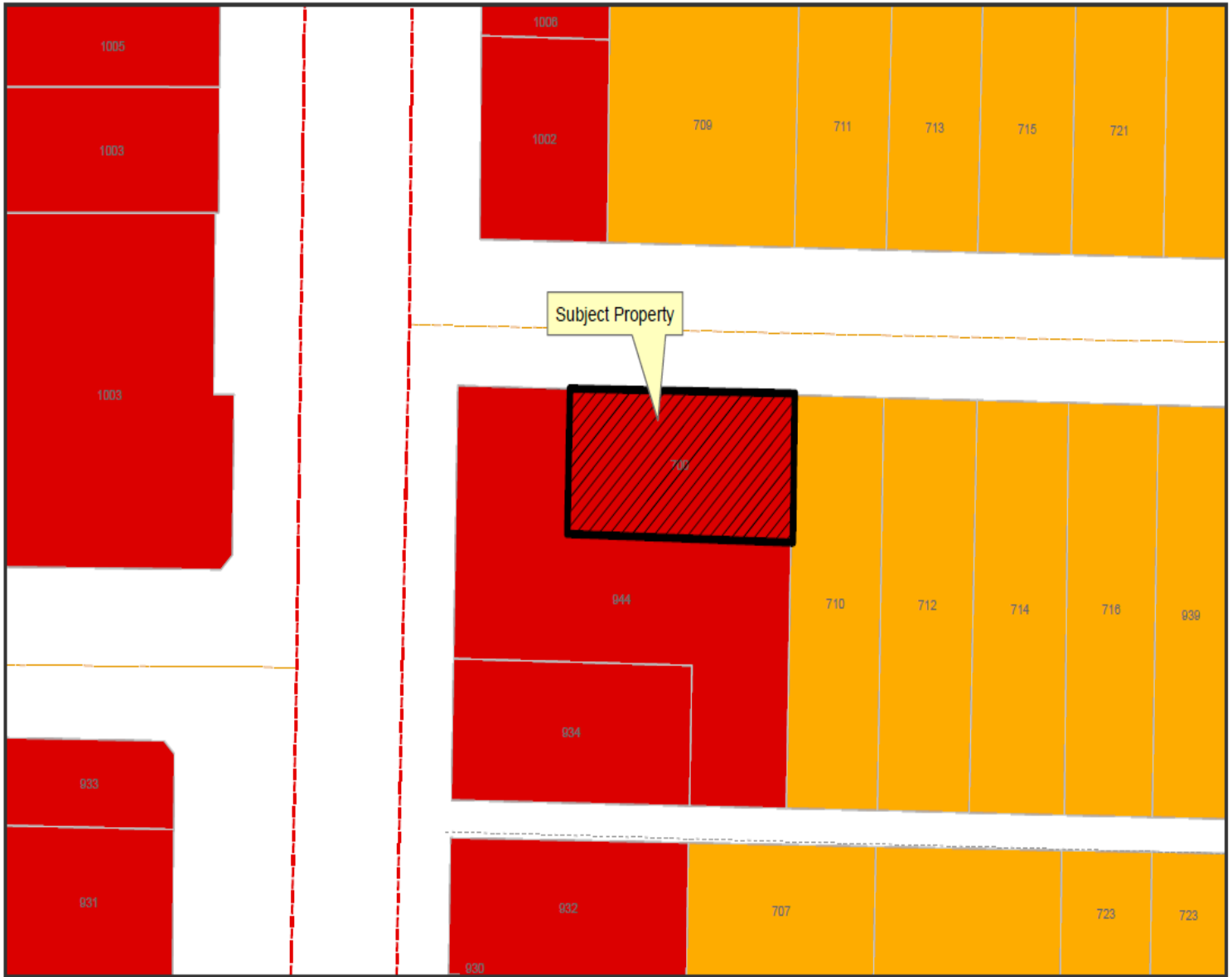
**CITY OF PANAMA CITY, FLORIDA  
A Municipal Corporation,**

By \_\_\_\_\_  
Greg Brudnicki, Mayor

**ATTEST:**

\_\_\_\_\_  
Brandy Waldron, Interim City Clerk-Treasurer

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



**Exhibit A**

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**FLUM**  
City of Panama City

**Legend**

<p><b>Future Landuse</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #800000; border: 1px solid black; margin-right: 5px;"></span> Downtown District</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700; border: 1px solid black; margin-right: 5px;"></span> Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FF0000; border: 1px solid black; margin-right: 5px;"></span> General Commercial</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #C0C0C0; border: 1px solid black; margin-right: 5px;"></span> Industry</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FFA500; border: 1px solid black; margin-right: 5px;"></span> Mixed Use</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #008000; border: 1px solid black; margin-right: 5px;"></span> Preservation</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #000080; border: 1px solid black; margin-right: 5px;"></span> Public/Institutional</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #00FF00; border: 1px solid black; margin-right: 5px;"></span> Recreation</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFF00; border: 1px solid black; margin-right: 5px;"></span> Residential Vested</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #8B4513; border: 1px solid black; margin-right: 5px;"></span> Silviculture</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #4B0082; border: 1px solid black; margin-right: 5px;"></span> Urban Community</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FFD700; border: 1px solid black; margin-right: 5px;"></span> Urban Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #0000FF; border: 1px solid black; margin-right: 5px;"></span> Bay</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ADD8E6; border: 1px solid black; margin-right: 5px;"></span> Ditch</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #00CED1; border: 1px solid black; margin-right: 5px;"></span> Lake</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ADD8E6; border: 1px solid black; margin-right: 5px;"></span> Water</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; margin-right: 5px;"></span> Parcels</li> </ul>
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N

1 inch = 50 feet



City of Panama City Planning and Economic Development Department

**STAFF REPORT**

**Planning Board Applications for May 10, 2021**

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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 21-47

**Applicant/ Owner:** Michael Johnson, applicant and City of Panama City, owner

**Location of Property:** 700 E 10<sup>th</sup> St

**Parcel ID Numbers:** 17119-010-000

**Background:** The applicant wishes to build houses on this property

**Special Treatment Zone:** Downtown North CRA

**Wetlands:** N/A

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

**Flood Zone:** X (*Source: 2009 FEMA maps*)

**Area of Subject Property:** .111 acres (*Source: Bay County Property Appraiser*).

	<b>Land Use</b>	<b>Zoning</b>
<b>Change From:</b>	General Commercial-2	General Commercial-2 (GC-2)
<b>Change To:</b>	Mixed Use-3	Mixed Use-3 (MU-3)

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

**Proposed Use of the property:** The applicant wishes to build houses on this property

**Directors' Report:**

Utilities Director: Utilities has no comment.

## **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. 104-38. – Mixed Use-3 (MU-3) zoning district.**

The purpose of this zoning district is to provide areas for medium- to high-density residential development, in combination with professional offices, educational, and low-intensity, neighborhood commercial uses.

A. The following bulk regulations shall apply to property zoned as MU-3:

1. The impervious surface ratio (ISR) shall be no greater than 0.75 (or 75%) of the total parcel area.
2. The floor area ratio shall be not to exceed 0.75 or 75%.
3. Have a density no greater than 20 dwelling units to the acre.
4. All structures shall a maximum height limitation of 65 feet above base flood elevation (BFE) or the crown of the road whichever is higher.
5. Minimum setbacks shall be:
  - i. 15 feet from the front parcel line.
  - ii. 20 feet from the rear parcel line.
  - iii. 5 feet from the side parcel lines.
  - iv. Side setbacks may be decreased to 0 feet only when there is a common wall between units.
6. Properties adjacent to an R-1 or R-2 zoning district shall be setback a minimum shall be setback a minimum of:
  - i. 15 feet from the front parcel line.
  - ii. 30 feet from the rear parcel line.
  - iii. 12 feet from the side parcel lines.

B. The following uses are allowed in the MU-3 zoning district; all other uses are prohibited:

1. Single-family detached dwellings on individual parcels;

2. Community residential homes shall be allowed when 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 Section 419.001(1)(b) Florida Statutes.

3. Public and private schools grades K-12.

4. Public or noncommercial private recreation.

5. Accessory uses or structures as set forth in Chapter 104, Article IV and V.

6. Public utilities customarily found in residential areas;

7. Family day care homes pursuant to Section 125.0109, Florida Statutes;

8. Bed and Breakfast Inns;

9. Attached dwellings, up to 5 units attached.

10. Multi-family structures up to 20 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.

12. Uses with drive-through structural components, except

for those uses associated with a restaurant business.

13. Retail business.

### C. Additional Requirements.

1. No more than 70% of this zoning district, in combination with the MU-3 zoning districts, may be used for commercial, and 50% for low density residential uses. This analysis shall be made on a continuous basis and shall be assessed district wide. Individual projects that contain a mix of two or more uses shall be exempt from the percentages.

2. Locate ingress and egress points to minimize traffic impacts to adjacent neighborhoods.

3. Provide off-street parking as specified in Chapter 108.

4. Conform to the landscaping and buffer requirements as specified in Chapter 107.

## **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 site is located adjacent to other commercial and densely zoned properties.

### **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:**

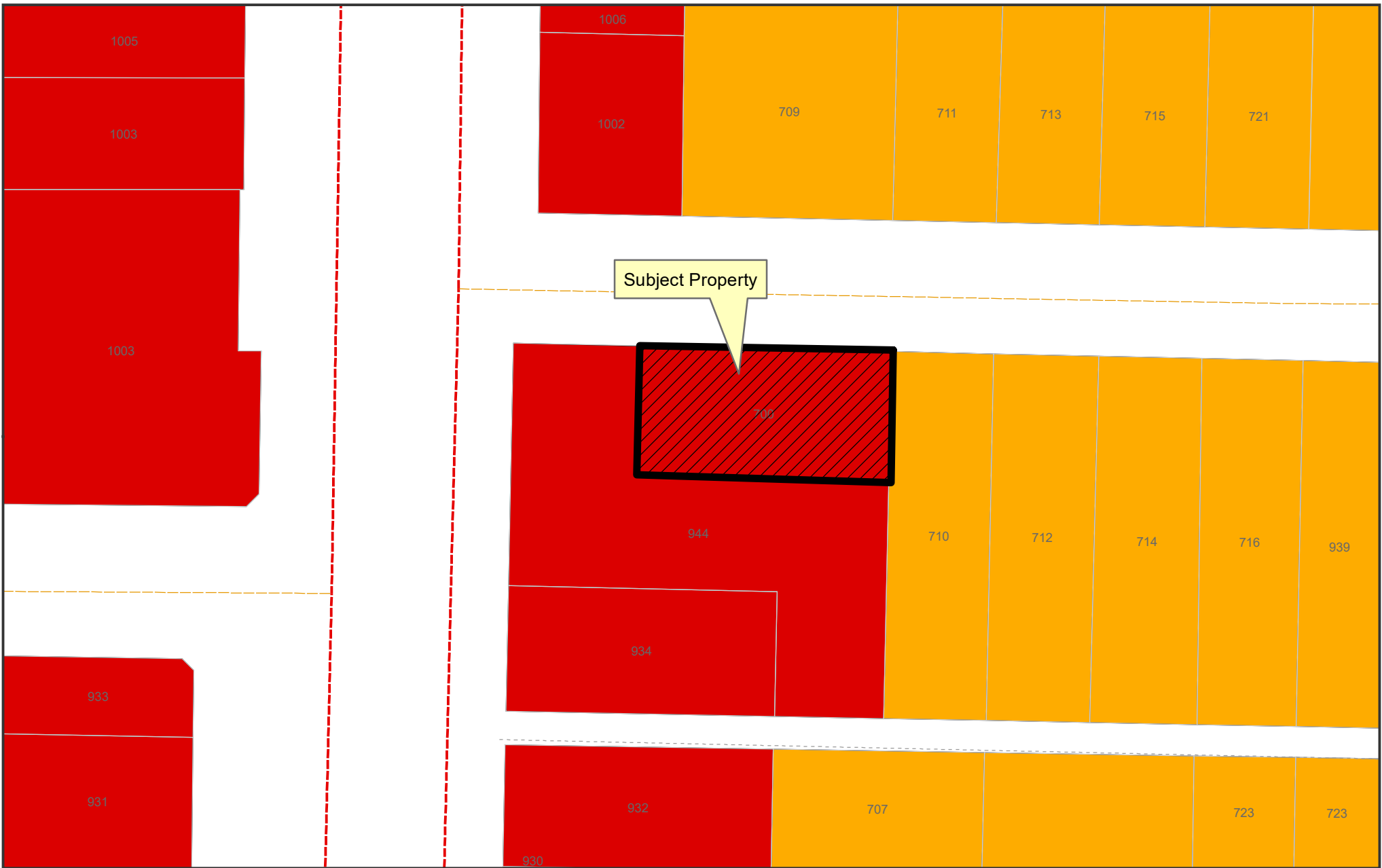
The request will not result in any deficiencies in concurrency standards. Proposed development on the site is compatible with the development standards pertinent to the proposed Land Use and zoning designations. The request meets all requirements of the Comprehensive Plan and the Land Development Regulations.



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Tina Scibelli  
Planner II

Date April 7, 2021



## Exhibit A

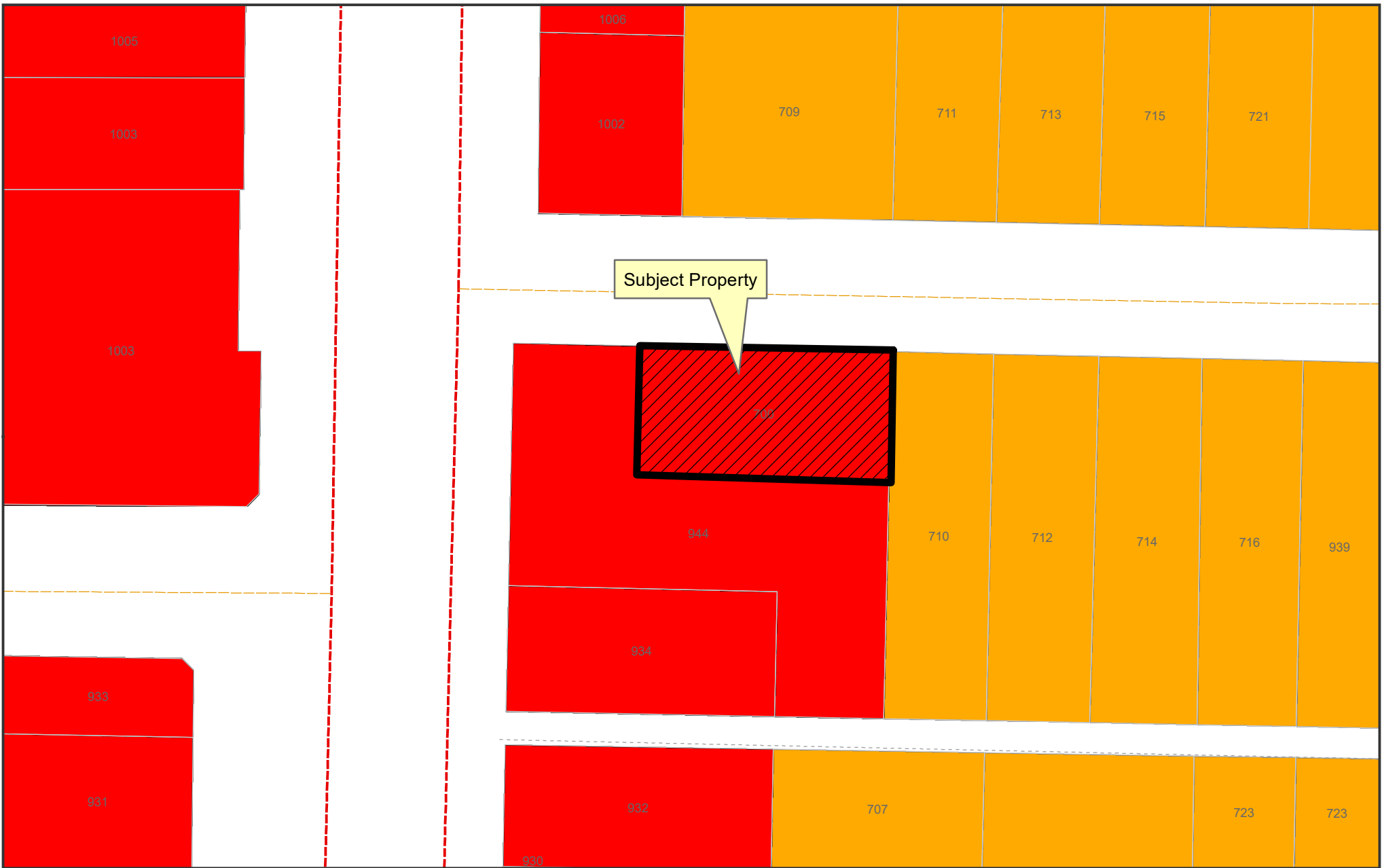
# FLUM City of Panama City

### Legend

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



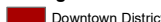


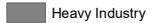
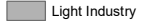
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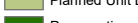




## Exhibit A


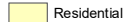
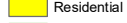
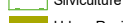


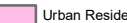
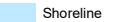
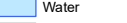
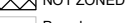

# Zoning Map City of Panama City

### Zoning Districts

-  Downtown District
-  General Commercial - 1
-  General Commercial - 2
-  Heavy Industry
-  Light Industry

-  Mixed Use - 1
-  Mixed Use - 2
-  Mixed Use - 3
-  Planned Unit Development (PUD)
-  Preservation
-  Public/Institutional

### Legend

-  Recreation
-  Residential - 1
-  Residential - 2
-  Siiviculture
-  Urban Residential 1
-  Urban Residential 2
-  Urban Residential 3
-  Shoreline
-  Water
-  NOT ZONED
-  Parcels



1 inch = 50 feet