



CITY COMMISSION MEETING

6-8-21 Agenda Item

Request Form



ITEM: First reading of Ordinance 3006.1, amending the Future Land Use Map of the City to reflect a land use designation of Urban Residential for the property located at 1409 Frankford Ave, Panama City, FL.

BACKGROUND INFORMATION: The applicant would like to develop 12 residential units.

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

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

ORDINANCE NO. 3006.1

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 1409 FRANKFORD AVE, 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 21-52 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 21-52, 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 21-52, 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 Mixed Use to Urban Residential as described in Small Scale Amendment PB 21-52 with said property having the following legal description:

Lots Seven (7) and Eight (8), in Block One (1), in the Northeast Quarter of Section One (1), Township Four (4) South, Range Fifteen (15) West, according to plat on file in the Office of the Clerk of the Circuit Court of Bay County, Florida, in Panama City, Florida.

Parcel Identification Number: 29642-000-000

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.

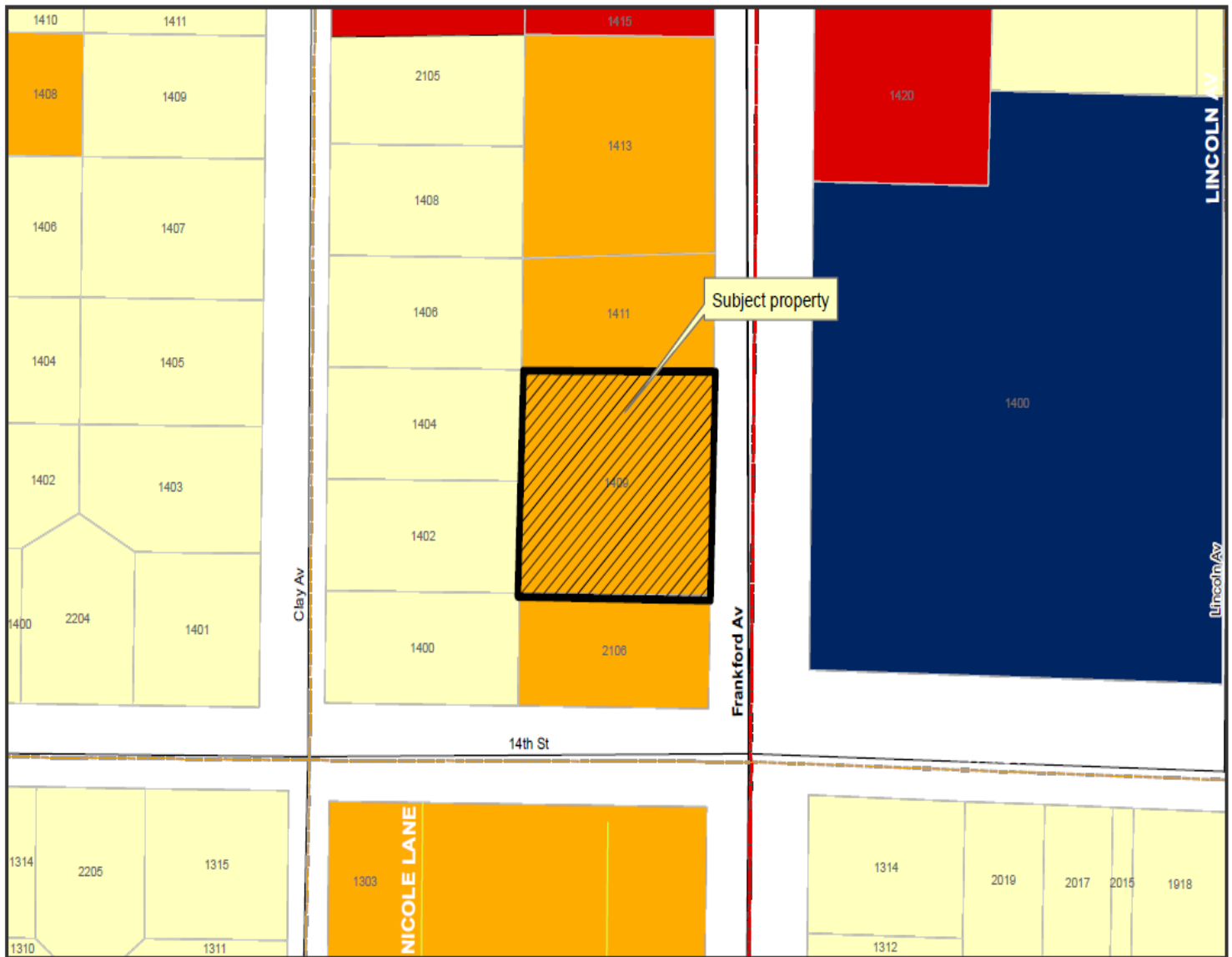
**CITY OF PANAMA CITY, FLORIDA
A Municipal Corporation,**

By _____
Greg Brudnicki, Mayor

ATTEST:

Brandy Waldron, Interim City Clerk-Treasurer

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



Subject property

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	Urban Residential	Parcels
		Bay	



1 inch = 83 feet



City of Panama City Planning and Economic Development Department

STAFF REPORT

Planning Board Applications for May 10, 2021

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 Eight

Type of Application: SSLUA/Rezone

Case Number: PB 21-52

Applicant/ Owner: Base AE Enterprises Inc, owner and Eloina Aday, applicant

Location of Property: 1409 Frankford Ave

Parcel ID Numbers: 29642-000-000

Background: The applicant wishes to develop the property for residential uses.

Special Treatment Zone: Not in any special treatment zones.

Wetlands: N/A

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

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

Area of Subject Property: .409 +/- acres (*Source: Bay County Property Appraiser*).

	Land Use	Zoning
Change From:	Mixed Use	Mixed Use - 2
Change To:	Urban Residential	Urban Residential-2

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

Proposed Use of the property: The owner would like to develop 12 residential units.

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. 104-30. - Urban Residential -2 (UR-2) zoning district.

The purpose of this zoning district is to provide for the efficient use of land by combining high-density residential development and neighborhood commercial uses within the same development

A. The following bulk regulations shall apply to property zoned as UR-2: the following:

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 (F.A.R.) shall be no greater than 0.75 or 75%.
3. Have a density no greater than 30 dwelling units to the acre.
4. Height. No structure nor any part thereof shall exceed a vertical height of 120 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.
 - i. Height limit exception. The height limit of 120 feet may be exceeded if certain building and construction criteria are met, if recommended by the Board of Architects and approved by the City Commission. Under no circumstances shall the height of the structure exceed 150 feet from the pre-construction ground elevation to the ceiling of the highest habitable unit, plus 25 feet for roof and mechanical elevations.
 - a. Height enhancement criteria shall include the following:
 - (1) 3 feet of height for every one foot of additional side lot setback.
 - (2) Not to exceed 10 feet of height for each public access lane having a minimum width of 10 feet to the estuary, if applicable, plus 5 feet of height, if maintained by the developer in perpetuity and recommended by the Planning Board and approved by the City Commission.
 - (3) 5 feet of height for appropriate use of low water demand plants in all required buffer or landscaped areas.
 - (4) 5 feet of height for the use of drip irrigation or other low water use methods, i.e., wastewater or gray water irrigation.
 - (5) 10 feet of height for projects designed so as to provide a varied skyline to provide for light and wind dynamics on adjacent properties and natural systems.
 - (6) Not to exceed 10 feet of height based on a combination of unusual and unique architectural features; shoulder buildings below the maximum allowable height, public amenities associated with grounds or structures having public accessibility, but only if recommended by the Planning Board and approved by the City Commission.
 - (7) Not to exceed 10 feet of height based on a combination of the following, but only if recommended by the Planning Board and approved by the City Commission:
 - i. Donation of environmentally sensitive lands to the city, subject to a conservation easement in perpetuity;
 - ii. Donation of land of known archeological or historic value to the city, subject to a conservation easement in perpetuity;
 - iii. Dedication of public space; iv. Public landscaping and maintenance off site; and
 - v. Saving champion or heritage trees, or green area dedication to the public.

5. Minimum setbacks.

- i. For those developments with only a residential use shall be:
 - a. 15 feet from the front parcel line.
 - b. 20 feet from the rear parcel line.
 - c. 5 feet from the side parcel lines.
 - d. 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:
 - a. 15 feet from the front parcel line.
 - b. 30 feet from the rear parcel line.
 - c. 12 feet from the side parcel lines.

6. Minimum Lot Size of 3,000 square feet.

B. The following uses are allowed in UR-2 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 30 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.

C. Additional Requirements.

1. Provide off-street parking as specified in Chapter 108.
2. Conform to the landscaping and buffering requirements as specified in Chapter 107.
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. Locate ingress and egress to minimize traffic impacts to adjacent neighborhoods.

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 residential development. The proposed Land Use amendment/zoning change is not expected to create a nuisance to nearby homeowners.

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.



Tina Scibelli
Planner II

April 13, 2021
Date

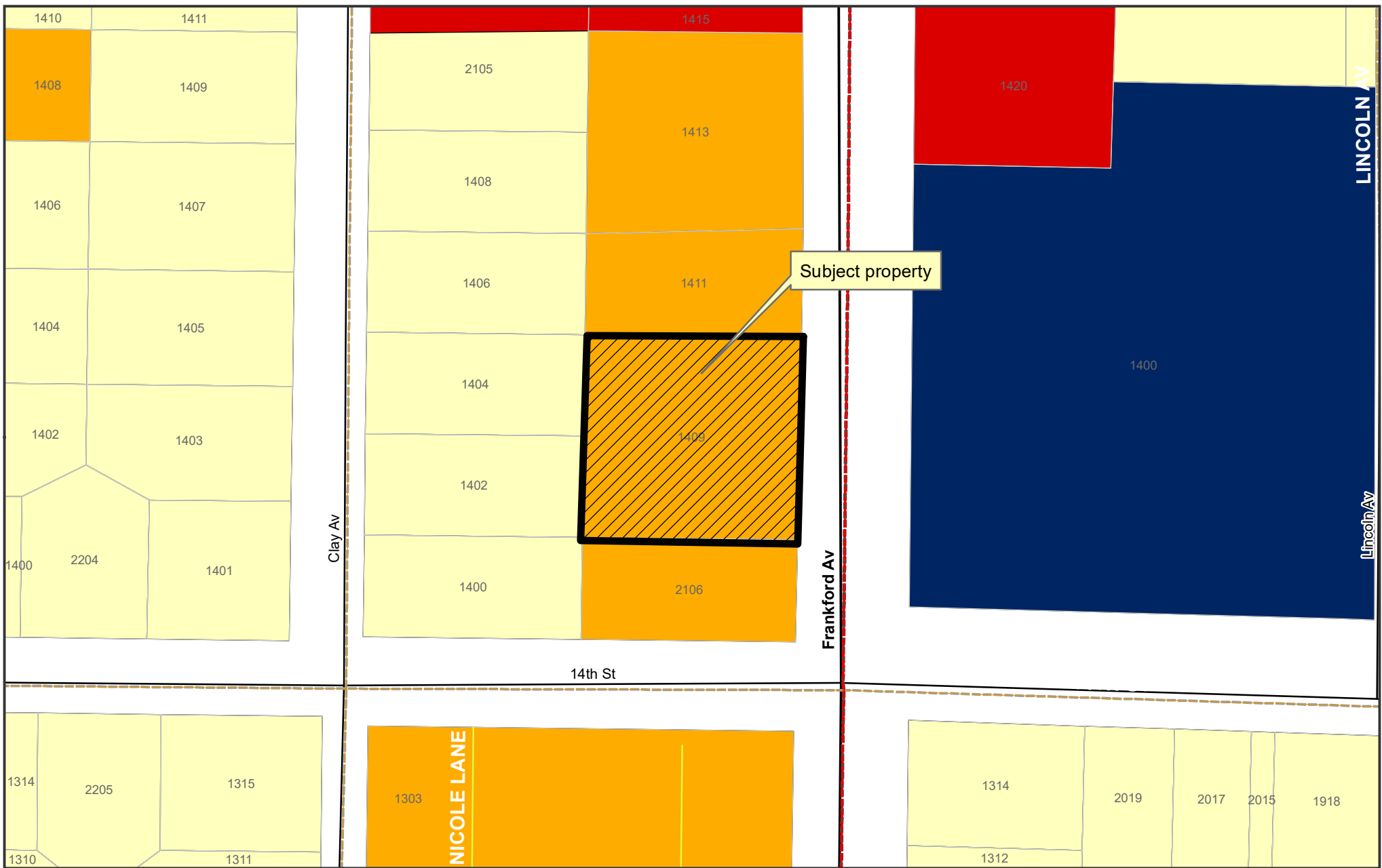


Exhibit A

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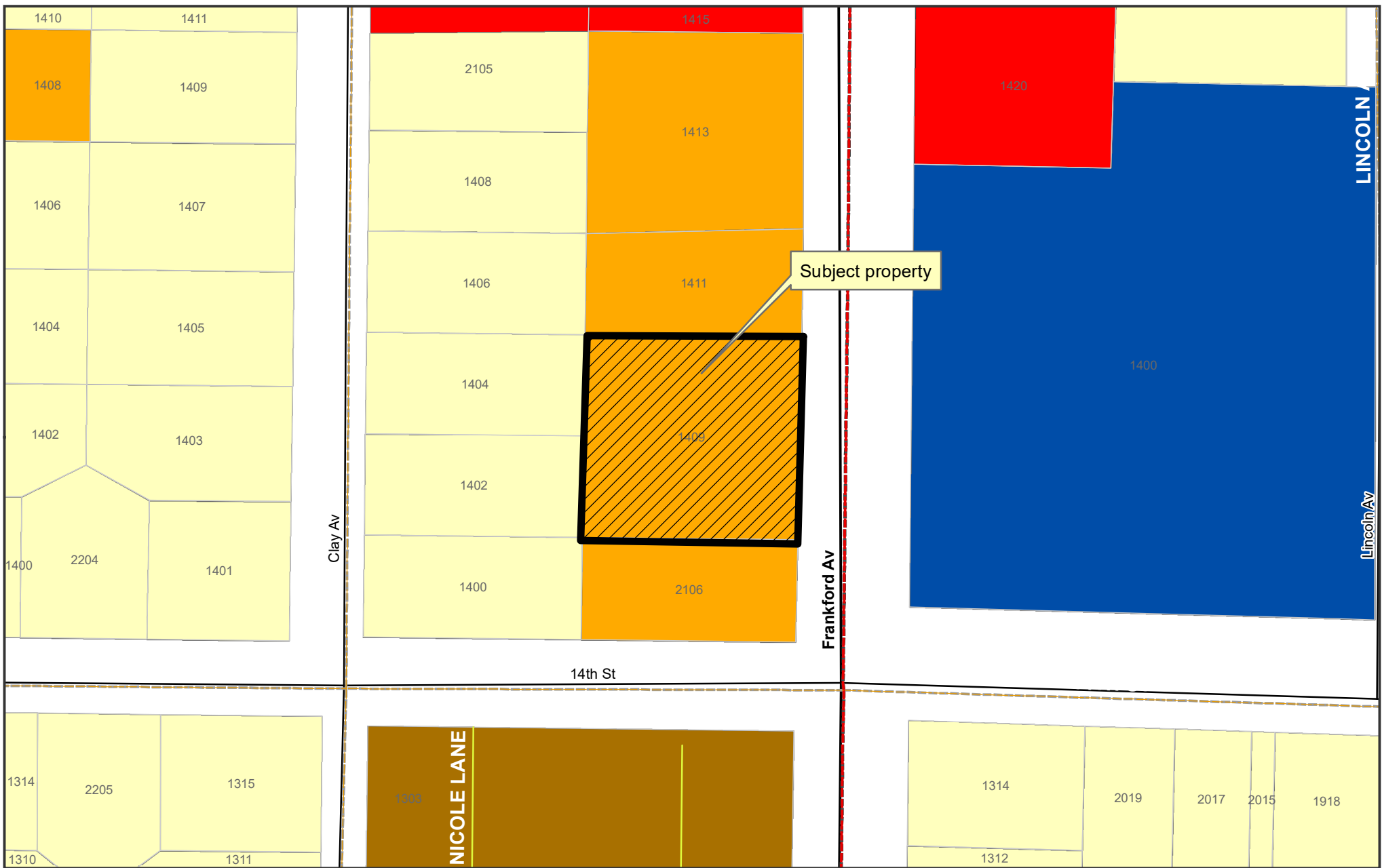


Exhibit A

Zoning Map City of Panama City

Legend

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

- Recreation
- Residential - 1
- Residential - 2
- Silviculture
- Urban Residential 1
- Urban Residential 2

- Urban Residential 3
- Shoreline
- Water
- NOT ZONED
- Parcels



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