

**CITY OF PANAMA CITY BEACH
PLANNING BOARD**

MEETING DATE: August 11, 2021
MEETING TIME: 1:00 P. M.
PLACE: City of Panama City Beach City Hall

AGENDA

- ITEM NO. 1** **Call to Order and Roll Call**
- ITEM NO. 2** **Pledge of Allegiance – Mr. Hodges**
- ITEM NO. 3** **Approval of July 14, 2021, Planning Board Meeting Minutes**
- ITEM NO. 4** **Public Comments-Non-Agenda Items Limited to Three Minutes**
- ITEM NO. 5** **St. Joe Company is requesting approval for a Small-Scale Plan Amendment and Rezoning Request for a Future Land Use Map change from Agriculture to a Future Land Use Map designation to Multi-Family and a Rezoning from AR (Agriculture Rural Residential) to R-3 (Multi-Family). The parcel is located at the end of Griffin Boulevard in the Commerce Park and is approximately 9.92 acres.**
- ITEM NO. 6** **Discussion of Land Development Code – Section 5.06.06 Clubs, Lounges, Bars and Civic Centers**
- ITEM NO. 7** **Comprehensive Plan – Private Property Rights Element**
- ITEM NO. 8** **Code Enforcement Update**

All interested persons are invited to attend and to present information for the Board's consideration. Further information may be obtained from the Building & Planning Department at 233-5100. Anyone not appearing in person may submit written comments to the Building & Planning Department at 116 South Arnold Road, Panama City Beach, Florida 32413, any time prior to the stated meeting time. All comments received will be considered before final action is taken. If a person decides to appeal a decision of the Planning Board, a record of the proceedings will be needed. Such person will need to ensure that a verbatim record of the

ITEM NO. 5



DATA AND ANALYSIS

- I. APPLICANT:** St. Joe Company
- II. PROJECT LOCATION:** Approximately 9.92 Acres
- III. REQUEST:** This request is for a Small Scale Plan Amendment and Rezoning for 9.92 acres. The applicant is requesting a change from Agriculture Future Land Use designation to Multi Family and a Rezoning from "AR" Agriculture Rural Residential to "R3" Multi Family.
- IV. REASON FOR REQUEST:** To increase the density from 1 dwelling unit per 10 acres to 40 units per acre to allow for the development of Multi Family units on the subject site.

VI. SITE EVALUATION:

A. IMPACT ON PUBLIC FACILITIES:

1. Transportation Facilities:

Panama City Beach Parkway: According to the Panama City Metropolitan Planning Organization's Congestion Management System Plan, the adjacent segment of Panama City Beach Parkway has an annual average daily traffic volume of 30,000 trips with a maximum allowable volume of 39,800 trips. Committed trips on this segment total 910 therefore this segment has a remaining capacity of 8,890 trips.

The applicant will be required to submit a detailed traffic impact analysis as part of the Development Order review process, which depicts the number of peak hour trips. Impacts to failing roadways as a result of development on the subject site will require a financial contribution to fund future capacity improvements to those impacted roadway segments. It is

anticipated that future development on the subject site will add a minimal amount of traffic to failing sections of PCB Parkway.

2. Sewer:

The City wastewater treatment plant (WWTP) provides Advanced Wastewater Treatment (AWT) quality effluent, with an accompanying wetlands effluent discharge system in a 2,900-acre facility containing 2,000 acres of receiving wetlands. Currently, the operating permit allows 14 mgd maximum monthly average (10 mgd annual average) treatment and disposal capacity. Monthly average plant flows for January 1, 2020 through December 31, 2020 ranged from 4.33 mgd to 10.28 mgd on a monthly average. The City's reclaimed water system has been in operation since 2006 and provided average flows between 1.10 and 4.28 mgd of irrigation water per month in the last calendar year, depending on the time of year and demands, to residential and commercial areas of the City.

Based on previous historic growth rates of wastewater generation, it is anticipated that there will be a 4% yearly growth in wastewater generation within the City's service area (from the Hathaway Bridge to the West Bay Bridge to the Phillips Inlet Bridge). Accordingly, the City has planned for facilities to be upgraded to coincide with the increased demand. A site for a second wastewater treatment facility has been purchased and preliminary planning for development has begun. Once completed, the second facility will provide additional capacity and will be interconnected with the existing system for enhanced reliability and load sharing.

3. Potable Water:

The City has a franchise from Bay County authorizing the City to provide water and sewer service to the incorporated City limits and unincorporated Bay County west of St Andrew Bay, and south of West Bay and the contiguous Intracoastal Waterway. The term of the agreement is through 2042 and states that 26.4 million gallons per day (mgd) was available to the City in 2011 with best efforts by the County to be able to provide increasing amounts each year up to 33.79 mgd in the year 2020.

The City receives the treated County water via two delivery points at bridges crossing St. Andrew Bay and West Bay. That water is stored and re-pumped on demand to meet the City's water needs. The City's current available pumping and transmission capacity is approximately 37.8 mgd. The contract with the County has been designed to increase capacity by approximately 4% per year in order to continue to have capacity available for growth. Additionally, the City has two (2) - 7 million gallon storage

tanks at its West Bay storage and pumping facility, and 2, 4 and 5 million gallon storage tanks at its McElvey Road storage and pumping facility near the St. Andrew Bay delivery point, which gives the City an additional 25 million gallons of working reserve for peak season and fire flow demand.

It is estimated the average citizen consumes 125 gallons per day for planning purposes. Despite the COVID pandemic, daily water demand for January 1, 2020 through December 31, 2020 were comparable with 2019, ranging from 11.08 mgd to 17.04 mgd on a monthly average, with an annual average of 13.43 mgd. The maximum single-day demand was 18.90 mgd. The County's projected available capacity to supply potable water to the City in 2020 is 30.90 mgd, leaving an excess monthly average capacity ranging from mgd to 13.86 mgd with an annual average excess of 17.47 mgd. The excess on the single-day maximum was 12.00 mgd.

The City has also implemented a reclaimed water system that makes highly treated effluent from the wastewater system available for irrigation to new subdivisions and commercial developments. With the implementation of this reclaim system, it is estimated that the 2% of total potable water consumption previously used by similar developments will be replaced by reclaimed water in these new subdivisions.

4. Stormwater:

The City has developed a stormwater master plan. This process involved identifying and correcting existing deficiencies, establishing priorities for drainage facilities and replacement based on an adopted level of service standard. Currently the City regulates the review of drainage plans for new developments and redevelopments. The City adopted a stormwater ordinance in 1994, which regulates the quantity and quality of runoff. The ordinance was updated in 2007 to clarify and strengthen certain sections, though the core principles are unchanged. The level of service for stormwater quantity is: Peak post development runoff shall not exceed peak pre-development runoff rates based upon the 25-year critical duration storm if the development provides a positive direct discharge into either a public stormwater system with sufficient capacity or into estuarine water bodies. It must be proven that the public stormwater system has sufficient capacity in excess of a 25-year critical storm event. Otherwise, attenuation of the 100-year critical duration storm must be taken into account. Most new projects fall within the requirement to attenuate the 100-year critical storm. In addition, many new projects are now located within the Federal Emergency Management Agency (FEMA) Special Flood Hazard Area. As part of being a community within the National Flood Insurance Program (NFIP) all projects within the City limits that are located in these flood zones

must analyze the 100-year storm and establish base flood elevations per their regulations. The City ensures compliance with these regulations. The level of service standard for water quality is: The stormwater treatment systems must provide a level of treatment within 72 hours for the stormwater runoff from the first 1 inch of rainfall for projects and drainage basins of 100 acres or more, or as an option for projects with drainage basins less than 100 acres, the first ½ inch of runoff. The City also falls within the regulation of the Northwest Florida Water Management District (NFWFMD) and therefore is subject to the rules of the Environmental Resource Permit (ERP) process. The more restrictive policy for either process will apply.

During the Development Order Review process, the applicant will be required to submit plans and data to the Public Works Department which meet or exceed all City and other regulating agencies standards.

5. Public Schools:

To ensure adequate capacity for future and current students, City staff and Bay District School's personnel correspond to keep each other up to date on proposed developments, school expansions and student populations. According to Bay County School District publication "2020-2021 Five Year District Facilities Work Program", schools serving Panama City Beach students have the capacity to educate 5,980 students and a current enrollment of 4,495 students. Projections included in the Work Plan also projects 74% school capacity for the 2023-2024 school year. According to Bay County School District staff, the Panama City Beach area may experience capacity issues; however, the district has the ability to transfer shortfalls to adjacent zones to offset this shortfall in capacity and the construction of additional educational facilities are in the planning stages.

6. Solid Waste:

The majority of solid waste generated in Panama City Beach had for many years been incinerated at the Bay County Waste to Energy Facility (WTE), however this facility has been closed. The Steelfield landfill will now receive all of Panama City beach's solid waste. The landfill also recycles scrap metals, primarily appliances that are prohibited by law from being landfilled.

The 620-acre landfill, consisting of 155 acres permitted of which 47 acres are filled, 27 acres are in active use and construction is underway to open an additional 36 acres. The facility has a life expectancy of 16 more years. On average Bay County processes 215,347 tons of material each year.

B. SITE SUITABILITY:

1. Wetlands: According to information supplied by Bay County GIS there does not appear to be wetlands located on the subject site.
2. Plant and Wildlife Resources: Information regarding natural resources is based on information from the Florida Natural Areas Inventory "FNAI", which is a non-profit organization administered by The Florida State University. This group is involved in gathering, interpreting, and disseminating information critical to the conservation of Florida's biological diversity.

According to information supplied by FNAI, there are no rare, threatened or endangered species located on the subject site.

3. Flood Zones:

According to information supplied by FEMA, the site is located in Flood Zone X, which is defined as an area determined to be located outside of the 100 and 500-year floodplains.

C. COMPATABILITY WITH SURROUNDING LAND USES:

Compatibility is generally defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

Surrounding parcels are zoned Agriculture, Conservation and a small amount of the site is located of across a 100' R-O-W from light industrial. With adequate buffering the uses are compatible.

CONCLUSION:

Staff has no objection to the rezoning. However, staff would prefer to see a direct vehicular connection to SR 79 form the project site. According to the City's Transportation Planning Organization's representative, there are no plans to construct a connection to SR 79 at this time.



CITY OF PANAMA CITY BEACH

Building and Planning Department

116 S. Arnold Road, Panama City Beach, FL 32413

850-233-5100 ext. 2313

Fax: 850-233-5049

Email: achester@pcb.gov

REQUEST FOR ZONING or REZONING – LDC Section 10.02.10

Applicant: Catherine McCloy, The St. Joe Company

Name(s):

Address: 130 Richard Jackson Boulevard, Suite 200

City: Panama City Beach State: FL Telephone: 850.231.7402 Fax: _____

Email: catherinemccloy@joe.com

Name of Acting Agent: Raymond W. Greer

Statement acknowledged before a notary public authorizing the representative to act on behalf of the property owner with regard to the application and associated procedures. Attached to the application.

Parcel Number of Property for Zoning or Rezoning: 9.92 Acres of Parcel ID: 35288-000-000.
(Information from Property Appraiser's Office)

Address/Location of Property for Zoning or Rezoning: Located at the end of Griffin Boulevard

Please provide a survey obtained no more than two (2) years prior to the filing of the application, containing legal description, land area and existing improvements located on the site. Please submit a total of ten (10) copies.

Small Scale Amendment: \$1500.00 Large Scale Amendment: \$2100.00 Date Collected _____
If a plan amendment is necessary, please provide an analysis of the consistency of the proposed amendment with all requirements of the Comprehensive Plan and LDC.

The procedure for review of application is found in Sections 10.02.01 and 10.02.10 of the LDC.

Basic Submittal Requirements - LDC Section 10.02.02

Name: Raymond W. Greer (Designated Agent)

Address: 2910 Kerry Forest Parkway D4-126 Email Address: raywgreer@gmail.com

City: Tallahassee State: FL Telephone: 850.545.6503 Fax: _____

Date of Preparation: July 15, 2021 Date(s) of any modifications: _____

Legal Description: (Consistent with the Required Survey) _____

A vicinity map showing the location of the property.

Present Zoning Designation: AR Requested Zoning Designation: R3 Future Land Use Map: AG

Deed Restrictions or Private Covenants apply to this property: ___ Yes (Please submit a copy) X No

Applicant's Signature(s):

Raymond W. Greer

Print Name of Applicant



Signature

Date: **July 15, 2021**

Print Name of Applicant

Signature

Date: _____

FEES:

Rezoning Application Fee: \$900.00 _____

Small Scale Amendment Fee: \$1500.00 Includes the rezoning fee.

Large Scale Amendment Fee: \$2100.00 _____ Includes the rezoning fee.

Date Collected: 7/21/21

City of Panama City Beach
Small Scale Land Use Amendment

St. Joe Company
Griffin Boulevard Land Use Amendment

July 2021

I.	Proposed Changes.....	3
A.	Development Analysis.....	3
II.	Public Facilities and Services.....	3
A.	Potable Water	3
B.	Sanitary Sewer	4
C.	Transportation	4
D.	Stormwater	5
E.	Solid Waste	7
D.	Public Schools.....	7
III.	Environmental Analysis.....	9
A.	Wetlands	9
IV.	Urban Sprawl and Consistency Analyses	12
A.	Urban Sprawl Analysis.....	12
B.	Consistency Analysis	16

Appendix A - Maps

I. Proposed Changes

The proposed amendment changes the land use designation on 9.92 acres from Agricultural to Multi-Family Residential. Existing and proposed Future Land Use Maps can be found in Appendix A: Maps. The site is located north of Panama City Beach Parkway and at the end of Griffin Boulevard on the west side. Please see the location map in Appendix A.

A. Development Analysis

The proposed land use amendment would change the maximum development potential from 1 dwelling unit per 10 acres in the Agriculture Land Use category to 40 units per acre in Multifamily

- Residential Land Use category. The land use change is needed to allow for a multi-family development.
- A reasonable development scenario is used, rather than the maximum development potential. The maximum allowed (40 dwelling units per acre X 9.92 acres) proposed development of 396 dwelling units cannot physically be constructed on the site when the infrastructure required to support the development is considered. This property would not contain all the requirements of stormwater management facilities, parking, landscaping, and lot setbacks/buffers. A proposed reasonable development density of 100 dwelling units was used for the public facilities and services analysis.

II. Public Facilities and Services

The public facilities analysis is based on the increase in density and intensity on the site. Based on the development scenario shown in the above section, the proposed land use change will result in a net increase of 100 multi-family residential dwelling units.

The following analysis is based upon the availability of, and actual and anticipated demand on, facilities and services serving or proposed to serve the subject property. The analysis evaluates the effect of the demands on the level of service standards adopted within the City of Panama City Beach Comprehensive Plan and identifies any anticipated facility improvements. Facilities and services include potable water, sanitary sewer, solid waste, transportation, and school facilities.

A. Potable Water

The City of Panama City Beach provides potable water service to the amendment site. The City's

- 2015 update to the Comprehensive Plan, based upon the updated Water Supply Facilities Work Plan, shows that permitted capacity of the City's facility is projected to be 33.79 Million Gallons per Day (MGD) and the usage rate to be 21.78 MGD. The City uses water from the Deerpoint Lake Reservoir.

The City of Panama City Beach Comprehensive Plan adopted a Potable Water Level of Service (LOS) standard for residential potable water uses of 125 gallons per capita per day (GPD). The average household size for the city of Panama City Beach based on the 2020 U.S. Census data is 2.28 persons per household. The proposed land use change will result in a residential potable water demand of 28,500 GPD (0.0285 MGD). As Table 1 shows, the facility will have adequate capacity to absorb the increase in potable water demand.

Table 1: Potable Water Capacity Analysis

Year	Permitted Capacity (MGD)	Average Demand (MGD)	Project Demand (MGD)	Total Demand (MGD)	Percent Utilized
2020	33.79	21.78	0.0285	21.8085	64.5%

Source: Derived from City of Panama City Beach Comprehensive Plan

B. Sanitary Sewer

Development proposed at the amendment site would send their wastewater to the City of Panama City Beach Wastewater Treatment Facility. The City's Wastewater Treatment Facility has a permitted treatment capacity of 14.0 MGD. The City of Panama City Beach Comprehensive Plan estimates that the usage will be 12.0 MGD in 2021.

The City of Panama City Beach has adopted a Level of Service (LOS) standard for wastewater of 80 gallons per capita per day for residential uses. The average household size for the City of Panama City Beach based on the 2021 U.S. Census data is 2.28 persons per household. The

- proposed land use change will result in a residential wastewater demand of 18,240 gallons per day (0.0182 MGD). As Table 2 shows, the facility will have adequate capacity.

Table 2: Sanitary Sewer Capacity Analysis

Year	Permitted Capacity (MGD)	Average Demand (MGD)	Project Demand (MGD)	Total Demand (MGD)	Percent Utilized
2020	14.0	12.0	0.0182	12.0182	85.8%

Source: Derived from City of Panama City Beach Comprehensive Plan

C. Transportation

Using the development scenario presented in the previous section, the proposed land use change would result in 100 multi-family dwelling units. Traffic volumes generated by the net change in development potential were estimated using the Institute of Transportation Engineers (ITE), Trip Generation Manual – the 10th Edition (2017). The estimated net change daily trip generation is

- 518 vehicles per day (vpd) and the estimated net change in PM peak-hour trip generation is 66 vehicles per hour (vph). Table 3 shows the net change in daily trip generation and Table 4 shows the net change in PM peak-hour trip generation.

Table 3: Net Change in Daily Trip Generation

Scenario	ITE Land Use Category	Variable	Size	Daily Trip Rate/Equation	Daily Enter Split	Daily Exit Split	Daily Trip Totals		
							Total	Enter	Exit
Existing	Single Family Detached Housing - 210	Per Unit	1	$\ln(T) = 0.92 \ln(x) + 2.71$	50%	50%	15	7	8
Proposed	Multi-Family Residential - 220	Per Unit	100	$T = 7.56(X) - 40.86$	50%	50%	533	266	267
Net Change in Potential Trip Generation							518	259	259

Table 4: Net Change in Trip Generation

Scenario	ITE Land Use Category	Variable	Size	Daily Trip Rate/Equation	Daily Enter Split	Daily Exit Split	Daily Trip Totals		
							Total	Enter	Exit
Existing	Single Family Detached Housing - 210	Per Unit	14	$\ln(T) = 0.94 \ln(x) + 0.34$	64%	36%	1	1	0
Proposed	Multi-Family Residential - 220	Per Unit	85	$T = 0.66(X) + 1.41$	59%	41%	67	40	27
Net Change in Potential Trip Generation							66	39	27

SR 30A (US 98) is a four-lane undivided roadway with an adopted level-of-service standard of D. As shown in Table 5, Based on the development intensities assumed for the amendment, the new amendment traffic is not anticipated to create any transportation deficiencies beyond those created by background traffic. A detailed traffic analysis will need to be prepared at the time of the site plan application when actual development intensities are known.

Table 5: Capacity Analysis

Road Name and Segment	Adopted LOS		Service Volume		Existing Traffic		Project Traffic		Total Traffic		Volume to Capacity Ratio		Exceeds LOS?
	LOS Std	Lanes	Daily	PM Peak	Daily	PM Peak	Daily	PM Peak	Daily	PM Peak	Daily	PM Peak	
SR 30A (US 98)	D	4	36700	3560	39500	2837	518	66	40018	2903	1.09	0.82	No

D. Stormwater

City of Panama City Beach has adopted Level of Service (LOS) standards within the Comprehensive Plan that apply to water quantity and water quality for evaluating impacts associated with developments. The LOS standards for water quantity indicate that post-development runoff shall be no greater than predevelopment runoff based upon either the 25-year critical duration storm (if the public system has capacity to accommodate the project’s stormwater) or the 100-year critical duration storm (if the public system does not have capacity to accommodate the project’s stormwater). Appendix A: Maps contains a map of the floodplain located on the subject site.

The following policies contain the City’s standards for stormwater management:

Utilities Element, Stormwater Drainage Sub-Element

Policy 2.1: Stormwater discharge facilities shall be designed to achieve the water quantity and quality standards outlined below. A stormwater discharge facility means the designed features of the property which collect, convey, channel, hold, inhibit or divert the movement of stormwater. Water quantity and quality standards may be achieved by utilization of stormwater discharge facilities which include approved swales, landscape buffers, detention basins, filtration systems, or retention basins to ensure that the following standards are achieved. Stormwater treatment facilities shall be evaluated by the Florida Department of Environmental Regulation prior to approval of development permits by the City.

A. Level of Service Standards

1. Water Quantity

All development not exempt from the requirements of Chapter 26, Stormwater Management of the City Code of Ordinances, shall provide for flood attenuation as follows:

- (a) At a minimum, facilities shall be provided to attenuate a 25-year frequency storm event of critical duration so that the post development stormwater peak discharge rate shall not be greater than the predevelopment peak discharge rate. In addition, development which cannot demonstrate a positive, direct discharge into a receiving wetland or a public easement or right-of-way, each with sufficient capacity to accept stormwater runoff from a 100-year frequency storm event of critical duration without adversely affecting other development or property, shall attenuate a 100-year frequency storm event of critical duration. The critical duration shall be defined as the storm event that when routed through the proposed facility results in the greatest post-development discharge rate. The FDOT 1-hour, 2-hour, 4-hour, 8-hour and 24-hour rainfall distribution shall be used to determine the critical duration. Off-site contributions shall be exempt from the foregoing attenuation requirements, provided that they are conveyed through the site and discharged at the same location as prior to development. The analysis of pre-development run-off shall presume the site to be in a natural and undeveloped condition, except that the analysis of pre-development run-off for a public roadway redevelopment project shall use the current site conditions. A public roadway redevelopment project is a roadway project proposed by a governmental entity, or a non-governmental entity if the roadway project is required as an off-site improvement by a development order or permit, that involves the redevelopment of an existing roadway classified as a principal or minor arterial or an urban or rural collector.
- (b) For those developments located within the basin of a regional stormwater plan, the stormwater facility shall consider the critical duration for the regional stormwater plan basin. The post-development discharge for the stormwater facility shall not exceed the pre-development rate for the event equal in duration to the critical event for the regional stormwater plan basin.
- (c) All stormwater discharge facilities shall have sediment controls and skimming devices.
- (d) Off-site discharge flows shall be limited to non-erosion velocities.

2. Water Quality

All development not exempt from the requirements of Chapter 26, Stormwater Management of the City Code of Ordinances, shall provide for stormwater treatment as follows:

- (a) At a minimum, the first one-half inch of stormwater runoff shall be retained within drainage areas less than one hundred (100) acres. For areas one hundred (100) acres or more, the runoff from one inch (1") of rainfall shall be retained with the runoff coefficient being no less than 0.5. The total volume retained must percolate within seventy-two (72) hours.
- (b) The retention and detention of a greater amount of stormwater may be acquired in areas of special concern as designated by the City.

- (c) Except as described in paragraph b, all drainage and stormwater management systems shall comply with requirements of the Northwest Florida Water Management District as set forth in Chapter 62-346, FAC.
- (d) All stormwater discharge facilities shall have sediment controls and skimming devices.
- (e) Off-site discharge flows shall be limited to non-erosion velocities.
- (f) Drainage and stormwater management systems which directly discharge to surface waters within Ecosystem Management Areas or Outstanding Florida Waters (OFW) shall include an additional fifty percent (50%) of treatment criteria specified in Section 62-25.035(1)(b) or Section 62-25.040 or Section 62-25.042, FAC (OFW standards).

Policy 2.2: The City shall use the level of service standard for evaluating facility capacity and for issuance of Development Permits. The level of service standard shall be applied to each application for development approval as outlined above to make certain that adequate facility capacity exists to serve proposed development concurrent with the impacts of each development.

- Development of the amendment site will comply with the stormwater quality and quantity protection requirements set forth in the City of Panama City Beach Comprehensive Plan and Land Development Code.

E. Solid Waste

The City of Panama City Beach uses the Steelfield Landfill for solid waste disposal. The Steelfield landfill had an estimated capacity of 46 years for Class I (ash) waste and 23 years for Class II (non-burnable) waste.

The City adopted a residential level of service standard for solid waste of 5.5 pounds per person per day. The proposed land use change will result in a residential solid waste demand of 1,254 pounds per day. The landfill has a 23-year capacity; there will be adequate capacity to serve the proposed development.

D. Public Schools

The amendment site is located within the Beaches, Arnold High School Concurrency Service Area of the County. The numbers of students that will be generated by the proposed amendment were calculated using the methodology outlined in the Public School Facilities Element of the Comprehensive Plan and the Public School Facilities Element Data and Analysis. The following table (Table 6) shows the numbers of students generated by the proposed development using the student generation rate for each residential development type.

Table 6: Estimated Numbers of Students Generated by the Proposed Amendment

Residential Development Type	Number of Dwelling Units	Generation Rate Per Dwelling Unit	Number of Students Generated
Multi-Family Residential	100	0.2706	28

Residential Development Type	Number of Dwelling Units	Generation Rate Per Dwelling Unit	Number of Students Generated
Total	100		28

Source: Panama City Beach Comprehensive Plan

The proposed land use amendment would generate a total of 28 students. To determine the number of students for each school type (elementary, middle, and high), the percentages of each group of students in the Bay County School District were calculated from numbers taken from the annual update to the Public School Facilities Element Data and Analysis. Table 7 below, shows the projected numbers of students for each school type.

Table 7: Projected Number of Students by School Type due to the Proposed Amendment

School Type	Total Number of Students Generated	County Percentage by School Type	Number of Students by School Type
Elementary (PreK-5)	28	50%	14
Middle (6-8)	28	21%	6
High (9-12)	28	29%	8
Total		100%	28

The proposed Future Land Use Map amendment for the subject site would create an additional 28 students based on the aforementioned methodology. Table 8, demonstrates that there is adequate capacity in the Arnold Family School Zone to serve the proposed amendment.

Table 8: Bay County School District Available Capacity 2020-2021

School Type	Fish Capacity ¹	Projected Enrollment	Available Capacity	Proposed Amendment	Surplus (+)/ Deficiency (-)
Elementary	438	325	113	14	99
Middle	1,005	792	213	6	207
High	2,143	1,518	625	8	617
Total	3,586	2,635	951	28	923

FISH = Florida Inventory of School Houses

III. Environmental Analysis

The entirety of the site is within a vacant site that is previously undeveloped. Wetlands and any sensitive habitats that may be present on the site will be delineated and identified prior to development of the site. Please see Appendix A: Maps for a map of estimated wetlands on the subject site.

A. Wetlands

The site does not appear to contain any wetlands. Please see the Wetlands Map in Appendix A. Wetlands are protected by the following policies within the Conservation Element of the Comprehensive Plan:

OBJECTIVE 5: Through implementation of the Land Development Regulations, the City shall include provisions for conservation and protection of fisheries, wildlife habitat and marine habitat in the development review and approval process. The City will continue to protect and conserve wetlands, seagrasses and shorelines and ensure that there will be no net losses of wetlands and seagrass areas as they existed on January 1, 1990.

POLICY 5.2: The City shall protect and conserve the natural functions of existing soils, wetlands, marine resources, wildlife habitat, flood zones, and estuaries by using the following guidelines to establish standards in its Land Development Regulations.

POLICY 5.3: Soils: All grading, filling, excavation, storage or disposal of soil and earth materials associated with development activities shall be undertaken so as to reduce the potential for soil erosion and sedimentation of water bodies or drainageways. Erosion control measures shall be required for all such activities. As part of the development review process, a developer shall include, but not be limited to the following:

- A. Calculations of maximum runoff based on the 25-year, critical duration storm event;
- B. A description of, and specifications for, sediment retention devices;

C. A description of, and specifications for, surface runoff and erosion control devices;

D. A description of vegetative measures;

E. A map showing the location of all items listed in (a) through (d) in this paragraph.

A developer may propose the use of any erosion and sediment control techniques provided such techniques represent the best management practices and are certified by a registered professional engineer. Once development activity begins the developer shall maintain in good order all erosion and sediment control measures specified in the Erosion and Sediment Control Plan regardless of whether the development project is completed or not.

POLICY 5.4: Wetlands and seagrass areas within the City shall be deemed environmentally sensitive, in recognition of their many natural functions and values, and shall be protected from incompatible land uses. The City shall afford protection to all these resources including prohibition of any portion of a septic tank system or other alternative individual household domestic waste treatment systems (hereafter referred to as septic tanks) within a wetland or seagrass area.

POLICY 5.5: The definition of wetlands to be used for regulatory purposes by the City shall be as defined in subsection 373.019(25), F.S., and as further described by the delineation methodology in Section 373.4211, F.S.

POLICY 5.6: The location of wetlands on a development site shall be accurately identified at the time of site development review. The City shall not issue a development order or permit for a parcel until all wetlands on that parcel have been identified.

POLICY 5.7: Buffers will be created between development and wetlands, surface water bodies and upland areas adjacent to these resources. The purpose of the buffer is to protect natural resources from the activities and impacts of development. The buffer shall function to:

- A. Provide protection to the water bodies, wetlands and adjacent upland natural resources used by wildlife in association with the water bodies, and wetlands, from intrusive activities and impacts of development. The negative impacts of the uses upon each other must be minimized or, preferably, eliminated by the buffer such that the long-term existence and viability of the natural resources, including wildlife populations, are not threatened by such impacts and activities. In other words, incompatibility between the uses is eliminated or minimized and the uses may be considered compatible (which means a condition in which land uses or conditions can co-exist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition).
- B. Types of buffers: The buffer may be a landscaped natural barrier; a natural barrier; or, where the natural barrier has been altered or no longer exists because of past lawful activities, a landscaped or natural barrier supplemented with fencing or other manmade barriers, so long as the function of the buffer and intent of this policy are

fulfilled. Fencing can be used to supplement the buffer requirements but may not be used as a replacement to the buffering requirements.

POLICY 5.8: The City shall protect and conserve the natural functions of wetlands and water bodies through wetland and shoreline protection buffers. High quality wetlands shall be buffered from development by uplands or low-quality wetlands. Except at permitted road crossings, upland or low-quality wetland buffers adjacent to high quality wetlands shall be an average of 50 feet wide, with a minimum 30-foot width for each individual project area. All buffers, whether upland or wetland, will be preserved and maintained in a natural condition, except for the construction of boardwalks for dock access, roads, utilities, recreational crossings, on-grade trails, similar crossings, and an attendant ten (10) foot wide cleared path through the buffer for purposes of providing access to such encroachments. Buffers may be enhanced or restored to a more natural condition. Application of fertilizers, herbicides and pesticides is prohibited within all buffer areas. As used herein, "low quality wetlands" shall mean all jurisdictional areas defined by FDEP, which are in silviculture, including ditches and typically including hydric pine plantations. "High quality wetlands" shall mean all other jurisdictional areas, typically including cypress domes, strands, bay and gallberry swamps, harvested cypress swamp areas, titi monocultures, and hypericum bogs. Properties within the Ecosystem Management Agreement and the Regional General Permit shall provide a wetland setback as required by that agreement and permit. The number of such encroachments shall be minimized by co-location of utilities, roads, and other crossings. The wetlands protection buffer shall begin at the Florida Department of Environmental Protection jurisdictional line. The buffer zones shall consist of preserved native vegetation, including canopy, understory and ground cover. If there is no native vegetation on the site, a planted vegetated buffer shall be required as part of the site development.

POLICY 5.16: Performance standards to minimize the impacts to wetlands are as follows: Dredging or filling of wetlands shall be allowed only where it is demonstrated to be necessary to the public interest, and the applicant has demonstrated that such activity will not negatively impact water quality, oyster beds, natural functions, or endangered species habitat. Receipt of a permit from the U.S. Army Corps of Engineers and/or the FDEP and/or the Northwest Florida Water Management District authorizing all dredge and fill activities shall constitute demonstration of compliance with these standards for purposes of this section.

- A. Clearing or removal of native vegetation only be permitted when necessary to permit allowable encroachments identified in Policy 5.8 of this Section. Such clearing or removal shall be the minimum area necessary to construct such improvements. Buildings must be built as required by the Building Code, FDEP, and/or the USACOE.
- B. Septic tanks, drainfields, and greywater systems shall be located outside of the wetland and not within 75 feet of the wetland.
- C. Development is designed and located in such a manner that there are no impacts to the following:
 - 1. The habitat, abundance, diversity, and food sources of fish, wildlife and listed species.
 - 2. The water quality of the wetland.

3. The flood storage and flood conveyance capabilities of the wetland.
4. Any historic resources, including those listed on the Master Site File List of the Florida Department of State.

IV. Urban Sprawl and Consistency Analyses

A. Urban Sprawl Analysis

Chapter 163.3177(6)(a)9.a., Florida Statutes, provides a thirteen-point list of indicators to help in the evaluation of whether a proposed FLU change would constitute urban sprawl. An analysis of the thirteen points as applied to the City of Panama City Beach Comprehensive Plan amendment is provided below:

163.3177(6)(a)9.a(I): Promotes, allows or designates for development of substantial areas of the jurisdiction to develop as low-intensity, low density, or single-use development or uses in excess of demonstrated need.

The proposed amendment is located within the urbanized area of the City of Panama City Beach and will provide for a compact multi-family residential use within an area with urban services. Therefore, the proposed amendment will not promote, allow or designate for development of substantial areas of the jurisdiction to develop as low-intensity, low density, or single-use development or uses in excess of demonstrated need.

163.3177(6)(a)9.a(II): Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.

The proposed amendment does not promote, allow or designate significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development. The proposed amendment is located within an urbanized area of the City of Panama City Beach and is a vacant parcel.

163.3177(6)(a)9.a(III): Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban development.

The proposed amendment does not promote, allow, or designate urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban development. The proposed development would fill a vacant parcel surrounded by developed parcels.

163.3177(6)(a)9.a(IV): As a result of premature or poorly planned conversion of rural land or other uses, fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer

recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

The proposed amendment is not located within a rural area and does not fail to adequately protect and conserve natural resources. The amendment site does not contain any wetlands and will develop according to the wetlands policies contained within the Comprehensive Plan. The proposed amendment will also require treatment of stormwater to remove pollutants before it becomes runoff into the surface water system.

163.3177(6)9a)9.a(V): Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.

The amendment site is located within the incorporated and urbanized area of the City of Panama City Beach and does not consist of any significant agriculture or silvicultural areas. The subject site is utilized for agriculture purposes. Therefore, the proposed amendment does not fail to adequately protect adjacent agricultural areas and activities. Increasing the density and intensity on the site will provide for more residential opportunities within an urbanized area that can reduce the need within the unincorporated areas of the County.

163.3177(6)9a)9.a(VI): Fails to maximize use of existing public facilities and services.

The proposed amendment does not fail to maximize the use of existing public facilities and services. The amendment area is within the urbanized area of the City and has adequate capacities to serve the site over the next planning horizon. Furthermore, allowing development on the site will allow the property to be develop in a more efficient and sustainable pattern.

163.3177(6)(a)9.a(VII): Fails to maximize use of future public facilities and services.

The proposed amendment will provide for the use of a vacant parcel that is surrounded by already-developed commercial uses that are served by public facilities. Therefore, the proposed amendments will not fail to maximize future public facilities and services by developing an area that is already in proximity to existing public facilities infrastructure.

163.3177(6)(a)9.a(VIII): Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

The proposed map amendment does not allow for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services. Municipal services are available to the proposed amendment area including,

roads, central potable water and sewer services, law enforcement, education, health care, fire and emergency response, and general government of the City. The vacant parcel is surrounded by already developed land and will maximize public facilities and enhance the urban fabric.

163.3177(6)(a)9.a(IX): Fails to provide clear separation between rural and urban uses.

As previously mentioned, the proposed amendment area is located within the urbanized area of the City of Panama City Beach. The City's Comprehensive Plan was established to promote efficient use of utilities and development, while preserving rural and low-density land uses of the County. The subject site is infill development whose construction will relieve growth pressures in other areas of the City and County.

163.3177(6)(a)9.a(X): Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

The City of Panama City Beach provides for increased development standards within the urbanized areas to try and discourage urban sprawl while providing areas for residents to work, shop and live in a relatively compact area. Therefore, the proposed amendments will provide needed opportunity for infill development and will not impede redevelopment of existing neighborhoods and communities.

163.3177(6)(a)9.a(XI): Fails to encourage an attractive and functional mix of uses.

As mentioned above, the proposed amendment is located within a developed area of the City. Therefore, the proposed amendment does not fail to encourage an attractive and functional mix of uses.

163.3177(6)(a)9.a(XII): Results in poor accessibility among linked or related land uses.

The proposed land use change does not result in poor accessibility among linked or related land uses. The proposed amendment is a vacant parcel that is surrounded by already developed parcels and future planned areas. Developing the parcel increase accessibility and create links to the existing and planned development around it.

163.3177(6)(a)9.a(XIII): Results in loss of significant amounts of functional open space.

The proposed amendment is located within the City of Panama City Beach and will not result in the loss of significant amounts of functional open space. Promoting and encouraging higher densities and intensities within the urbanized and/or incorporated areas of the City will result in the preservation of large tracts of open space that will enable the unincorporated area to maintain its rural character.

In addition to 163.3177(6)(a)9.a., F.S., Chapter 163.3177(6)(a)9.b. of the Florida Statutes provides an eight-point list of development patterns and urban forms. If the proposed amendment incorporates four or more of the development patterns or urban forms, it is determined to discourage the proliferation of urban sprawl. The four patterns and/or forms that best describes the proposed amendment are listed below.

163.3177(6)(a)9.b(I): Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

The proposed amendment does not have an adverse impact on natural resources and ecosystems. Development of the site will not impact any environmentally sensitive areas such as wetlands or protected and endangered species.

163.3177(6)(a)9.b(II): Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

The proposed map amendment promotes the efficient and cost-effective provision or extension of public infrastructure and services. Municipal services are available to the proposed amendment area as well as the existing community including roads, central potable water and sewer services, stormwater management facilities, law enforcement, education, health care, fire and emergency response, and general government of the City.

163.3177(6)(a)9.b(III): Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

The proposed development of the amendment site would promote walkable and connected communities and would provide for compact development. The development of the site will also help support a mix of housing choices and promote connections to a multimodal transportation system, including walking and biking.

163.3177(6)(9)(b)(VII): Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

The proposed land use designation would allow for a mix of uses to be developed within proximity to each other. This mix will allow for a balance of land uses to meet the demands of the City's population.

B. Consistency Analysis

The proposed FLUM amendment is consistent with the Future Land Use Element and other affected elements of the City of Panama City Beach Comprehensive Plan. The following is a specific description of how the proposed FLUM amendment is consistent with the significant subject areas of Future Land Uses, Natural Resources, and Public Facilities and Services of the Comprehensive Plan:

FUTURE LAND USE ELEMENT

OBJECTIVE 7: Future development will be directed into urban service areas shown on Exhibit 7-A to discourage the proliferation of urban sprawl.

Map 7-A shows the urban services area which includes the subject site.

POLICY 7.1: The City shall maintain land use districts and densities as appropriate to promote infill of vacant areas.

The subject site is a vacant parcel surrounded by developed parcels and will be infill development located north of the existing Beach Commerce Park, west of the Ward Creek Detail Specific Area Plan and east of the future West Laird Detail Specific Area Plan located within the Bay-Walton Sector Plan.

POLICY 7.2: New and existing development shall be required to connect to central water and central sewer systems when such services are available. As used in this Policy, the term "available" shall mean that distribution or collection (including forechains) lines are adjacent to or within usual and customary distances from the parcel under consideration. Availability shall not affect concurrency requirements.

Development on the subject site will connect to the City's central water and sewer systems.

POLICY 8.2: All new and existing land uses shall be adequately served by facilities and services at the level of service established in this Comprehensive Plan. All Development Orders and Development Permits shall be approved pursuant to the Concurrency Management System outlined in Section 1 of this Plan.

As shown in the above Public Facilities Analysis, there is adequate capacity to serve the proposed development.

TRANSPORTATION ELEMENT

POLICY 1.4: The City shall review all proposed developments for consistency with the level of service standards adopted by this Plan to maintain concurrency as specified in the Concurrency Management System.

As shown in the above Public Facilities Analysis, there is adequate capacity to serve the proposed development.

HOUSING ELEMENT

OBJECTIVE 1: Assist, through a favorable regulatory environment, the Private sector to provide new dwelling units of various types, sizes and costs to meet the housing needs of the City.

The proposed land use amendment would allow for housing to meet the housing needs of the City.

SCHOOL FACILITIES ELEMENT

Policy 13.2: In reviewing petitions for future land use, rezoning, or Planned Unit Developments (PUD) for residential development that may affect student enrollment or school facilities, the City will consider the following:

- A. Providing school sites and facilities within planned neighborhoods;**
- B. Insuring the compatibility of land uses adjacent to existing schools and reserved school sites;**
- C. The co-location of parks, recreation and community facilities with school sites.**
- D. The linkage of schools, parks, libraries and other public facilities with bikeways, trails, and sidewalks;**
- E. Insuring the development of traffic circulation plans to serve schools and the surrounding neighborhood;**
- F. Providing off-site signalization, signage, access improvements and sidewalks to serve all schools;**
- G. The inclusion of school bus stops and turnarounds in new developments;**
- H. Innovative solutions proposed by the private sector;**
- I. School Board staff comments and findings of available school capacity for comprehensive plan amendments and other land-use decisions;**
- J. Available school capacity or planned improvements to increase school capacity; and**
- K. Whether the proposed location is consistent with school design and planning policies.**

The proposed development will comply with the requirements of this policy and will ensure that the traffic circulation plan will consider schools and the surrounding neighborhoods. There appears to be adequate school capacity to serve the proposed development.

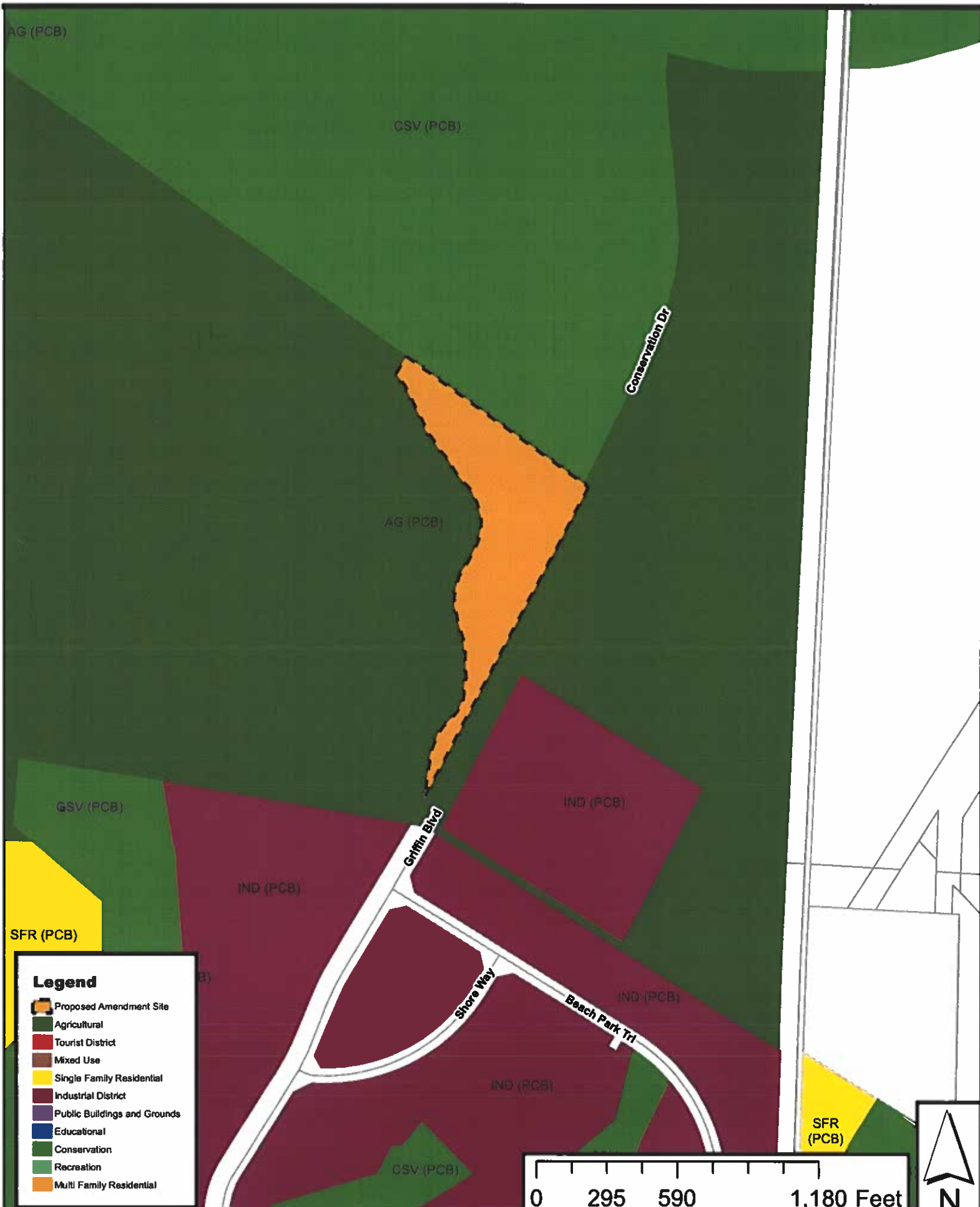
Appendix A:

Maps

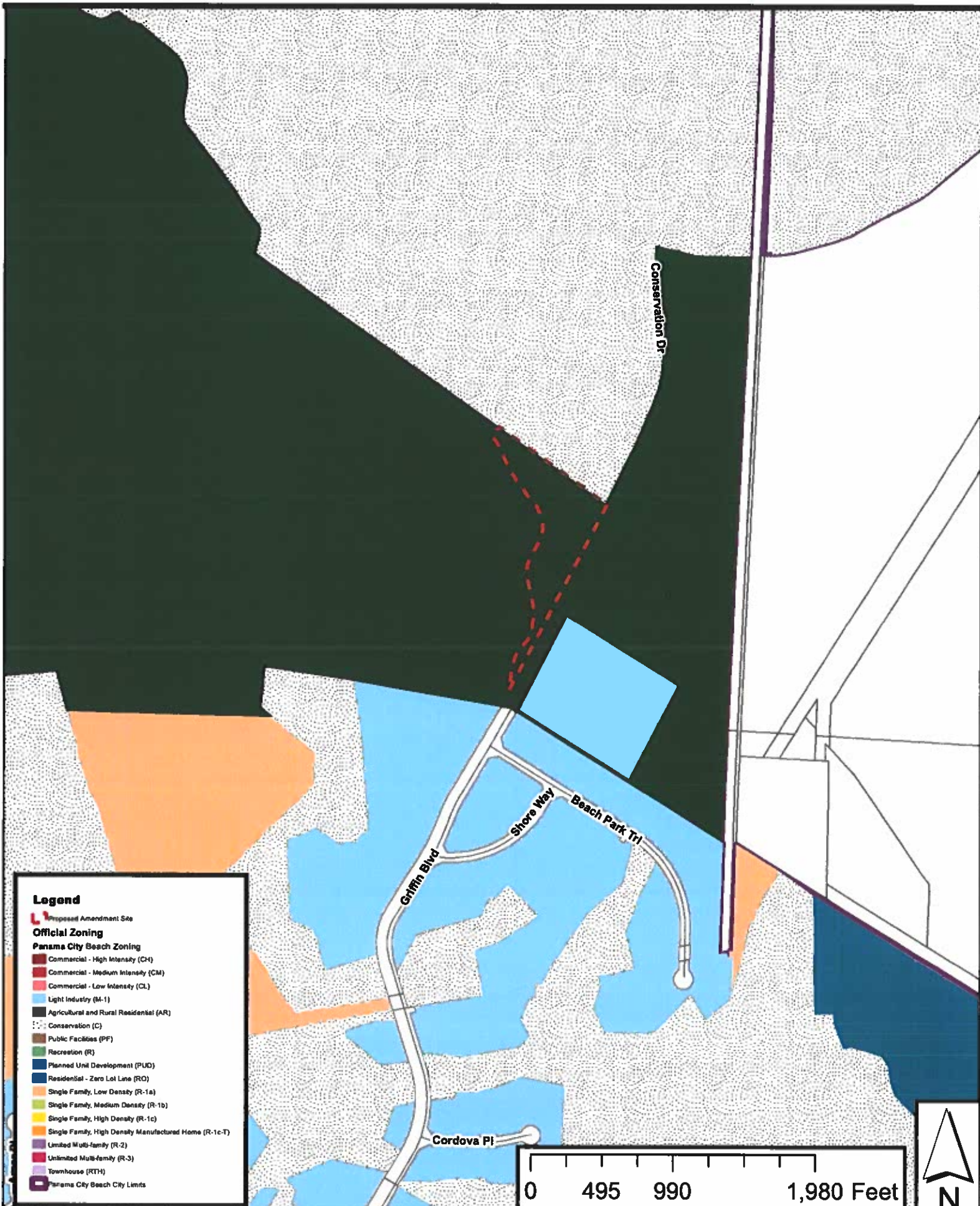
General Location Map



Proposed Panama City Beach Future Land Use Map



Existing Panama City Beach Zoning Map



Legend

Proposed Amendment Site

Official Zoning

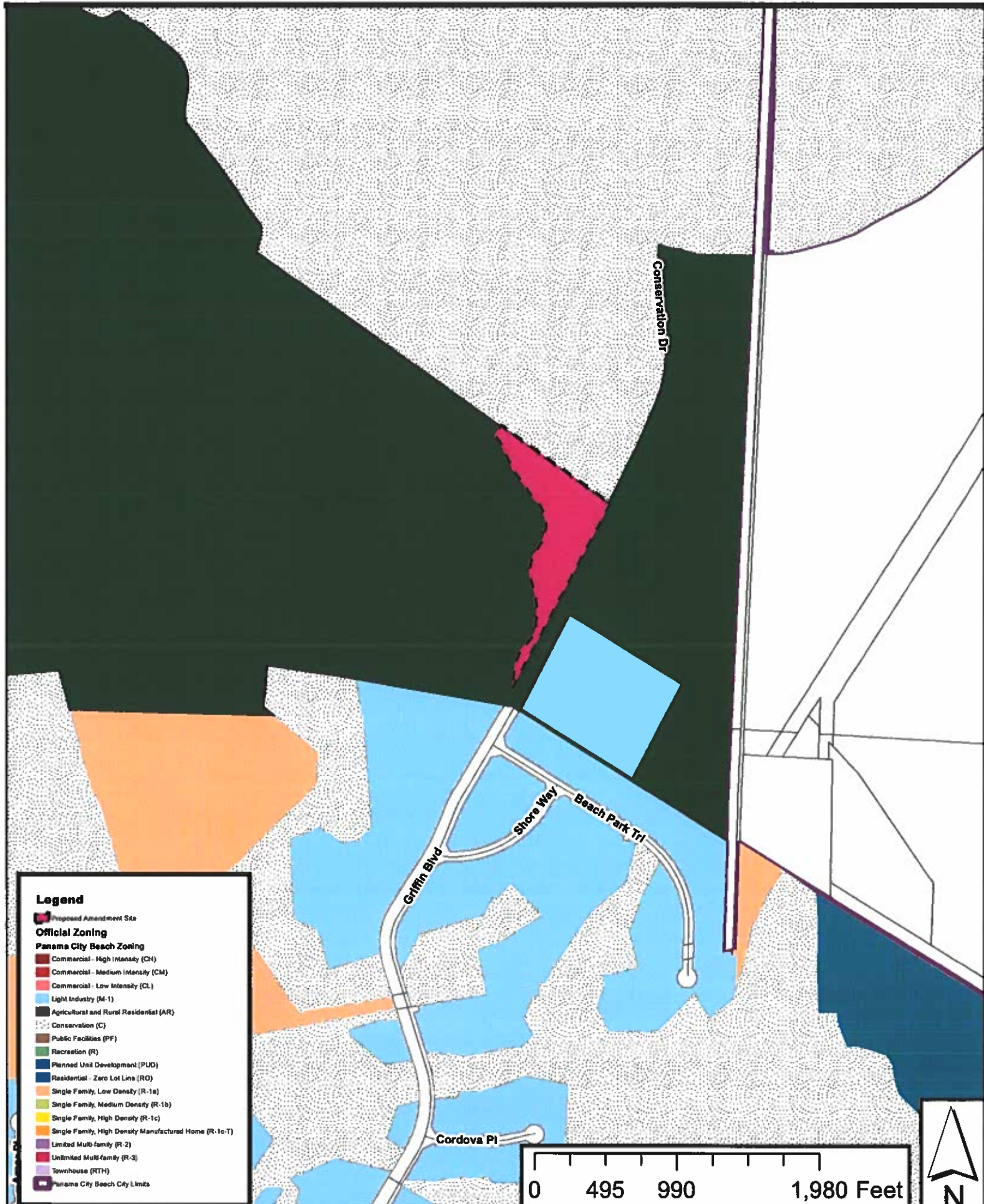
Panama City Beach Zoning

- Commercial - High Intensity (CH)
- Commercial - Medium Intensity (CM)
- Commercial - Low Intensity (CL)
- Light Industry (M-1)
- Agricultural and Rural Residential (AR)
- Conservation (C)
- Public Facilities (PF)
- Recreation (R)
- Planned Unit Development (PUD)
- Residential - Zero Lot Line (RD)
- Single Family, Low Density (R-1a)
- Single Family, Medium Density (R-1b)
- Single Family, High Density (R-1c)
- Single Family, High Density Manufactured Home (R-1c-T)
- Limited Multi-family (R-2)
- Unlimited Multi-family (R-3)
- Townhouse (RTH)
- Panama City Beach City Limits

0 495 990 1,980 Feet



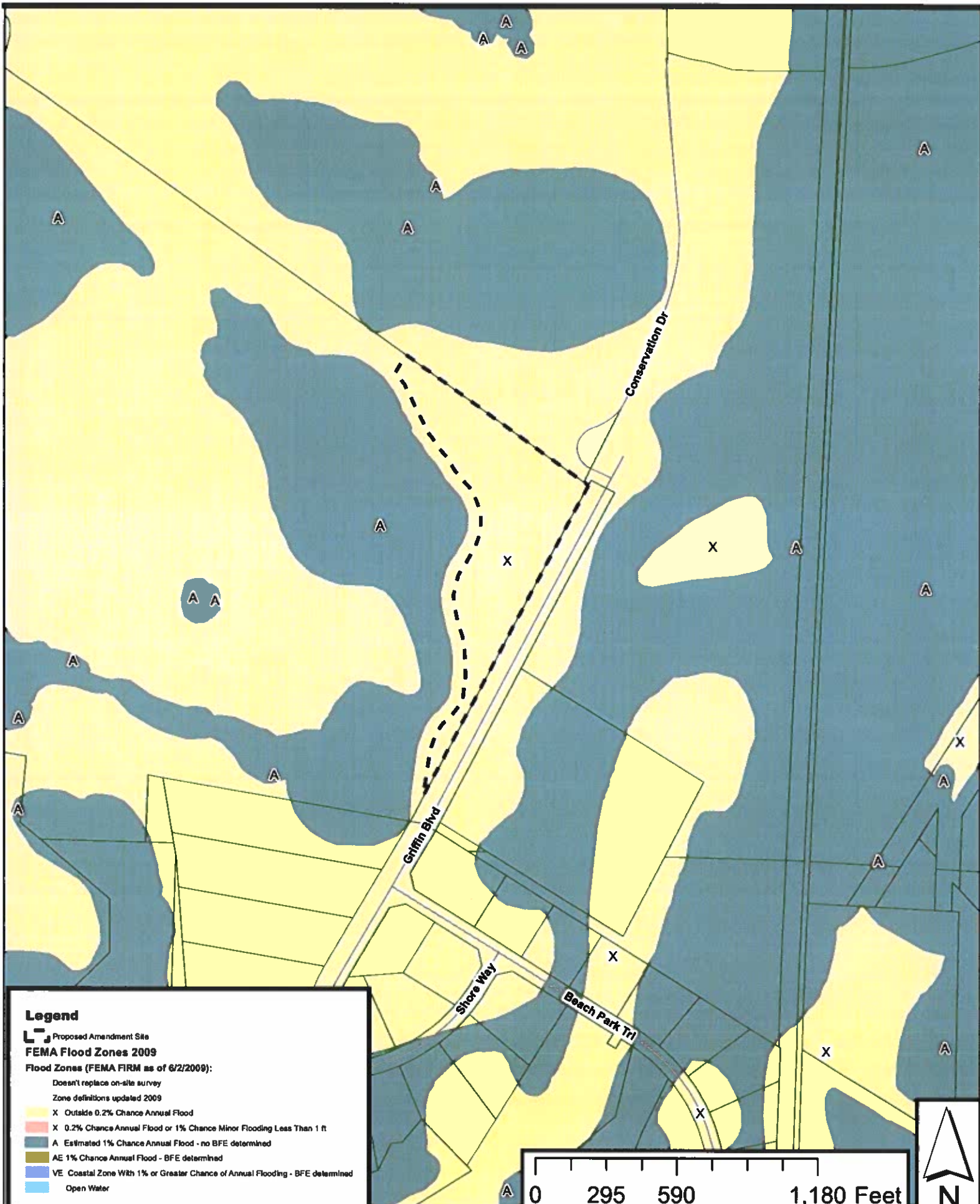
Proposed Panama City Beach Zoning Map



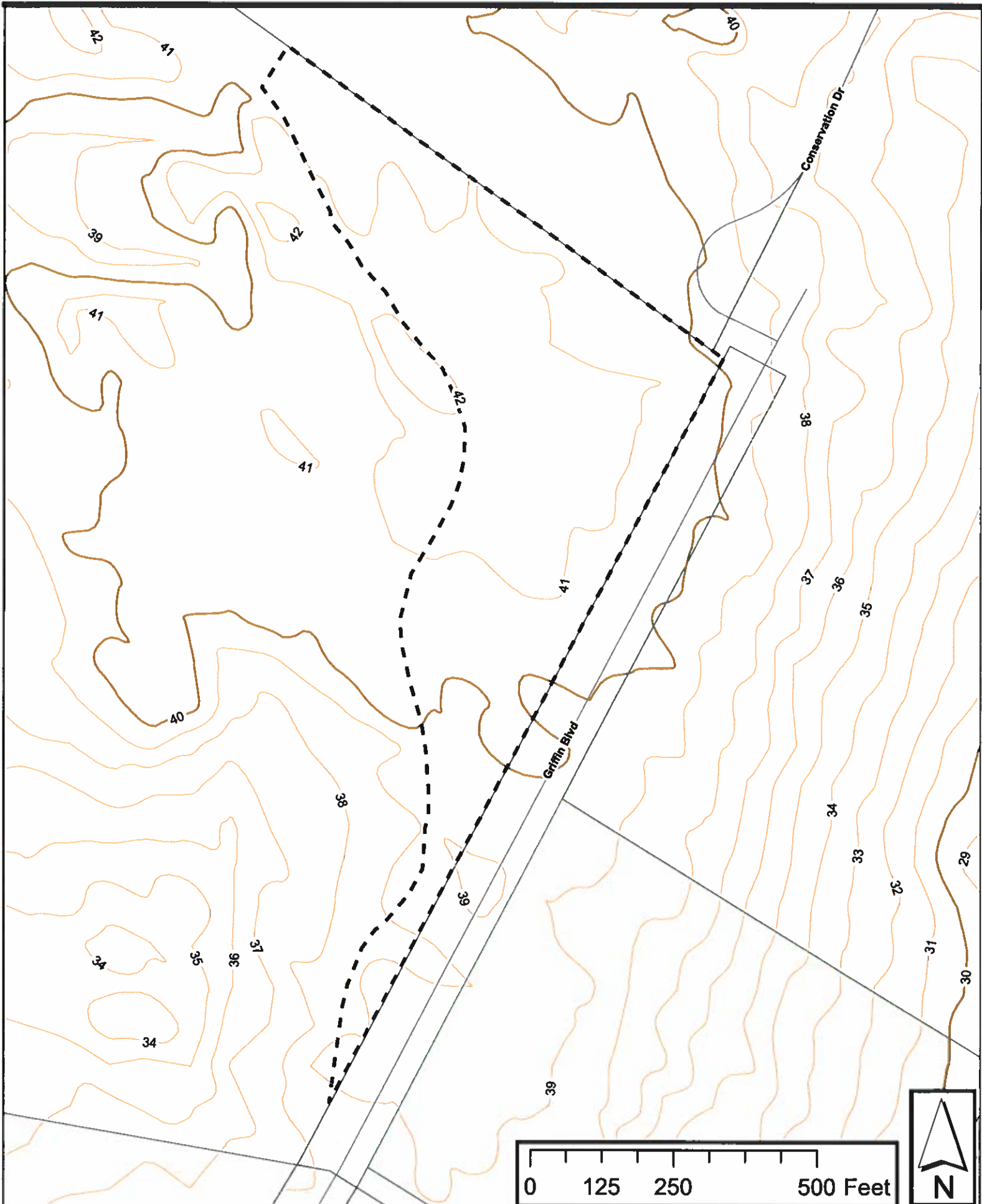
Panama City Beach Wetlands Map



Panama City Beach Flood Zones Map



Panama City Beach Contours Map



ITEM NO. 6



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

Building & Planning Department / Charles Silky

2. MEETING DATE:

August 11, 2021

3. REQUESTED MOTION/ACTION:

Consider additional Conditional Use Standards for LDC Section 5.06.06, Clubs, Lounges, Bars and Civic Centers.

4. AGENDA

- PRESENTATION
- PUBLIC HEARING
- CONSENT
- REGULAR

- 5. IS THIS ITEM BUDGETED (IF APPLICABLE)?** Yes No N/A
 DETAILED BUDGET AMENDMENT ATTACHED Yes No N/A

6. IDENTIFY STRATEGIC PRIORITY

- Financial Health
- Economic Development
- Quality of Life
- Public Safety
- Transportation
- Attractive Community
- N/A

7. BACKGROUND: WHY IS THE ACTION NECESSARY? WHAT GOAL WILL BE ACHIEVED?

Staff has been directed to research and recommend additional Conditional Use standards to mitigate potential nuisances and public safety issues associated with Clubs, Lounges, Bars and Civic Centers.

**Additional Conditional Use Standards for
Clubs, Lounges, Bars and Civic Centers.**

Items to consider assembled by legal staff:

1. Consider increased distance standards.
2. Size of dance floor/standing crowd area near stage limited to max square footage.
3. Structure soundproofed. Absorption panels in ceilings and floor. Give them 1 year to rebuild walls with sound blocking materials, and use high-quality acoustic fabric wall coverings in interim.
4. Exterior doors to remain closed except to provide ingress and egress.
5. Prevent loitering in parking lots.
6. No outside sales or temp use permits.
7. No outdoor tables or seats.
8. Entertainment limited to indoors, recorded music, unless special event permit is obtained asserting plan to control parking, crowds in parking lots in anticipation and following entertainment event, lighting, noise.
9. Limiter required for all sound sources/amplifiers/speakers, to cap decibel level at [].
10. Amplified sound prohibited on premises between midnight and 7am.
11. Must close at midnight, 2am?
12. One security guard for every 50 patrons. Certified in some way?
13. Is there a stage? Absorption panels or insulation required.
14. Fences required for live theaters, but not sure that's wanted in a high-crime area like this.
15. Contract with taxi businesses to ensure transportation available to break up crowds?

Planning staff recommends the consideration of items 3,4,5,8 and 12. The Board may also want to consider item 1 with an increased separation from residentially zoned property of 100' to 250'.

- B. Access shall be on an **Arterial** or **Collector Street**.
- C. The number of **Shrubs**, small trees and large trees otherwise required in the buffer shall be increased by thirty (30) percent.
- D. The property shall be enclosed with:
 - 1. A **Vegetative Fence**; or
 - 2. A **Solid Faced** masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height, unless a **Solid Faced** fence is prohibited by State or federal law. The decorative side of the fence shall face outward.
- E. Buildings shall be at least thirty (30) feet from all property lines.

→ **5.06.06 Clubs, Lounges, Bars and Civic Centers**

Clubs, lounges, bars and civic centers may be allowed in a CH or M-1 zoning district subject to conditional use approval. The **Use, Accessory Buildings** and **Vehicular Use Areas** must be located no closer than twenty-five (25) feet from a property zoned for **Single Family Residential**.

5.06.07 Reserved

(Ord. #1413, 5/25/17; Ord. #1492, 6/20/19)

5.06.08 Community Centers

Community Centers may be allowed in the R zoning district, subject to conditional use approval. The Planning Board must determine that sufficient land in the area will remain for use as public parks, playgrounds and **Open Spaces** serving local, community and regional needs.

5.06.09 Golf Courses

Golf courses may be allowed in any R-1 district and the RO, RTH, R-2, R-3, CL and CM districts subject to conditional use approval provided that they are associated with a **Residential Development** of at least ten (10) acres and that all buildings must be set back at least two-hundred feet from any **Residential** property line.

5.06.10 Live Theaters

Live theaters (performing arts) may be allowed in the CM district subject to conditional use approval and compliance with the following conditions:

- A. Live Theaters (Performing Arts) are allowable in the CM zoning district, subject to the standards of that district and the standards of this section.
- B. Access shall be on an **Arterial** or **Collector Street**.
- C. The number of **Shrubs**, small trees and large trees otherwise required in the buffer shall be increased by thirty (30) percent.
- D. The property shall be enclosed with:
 - 1. A **Vegetative Fence**; or

ITEM NO. 7



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

Planning Division/ Mel Leonard

2. MEETING DATE:

August 11, 2021

3. REQUESTED MOTION/ACTION:

It is requested the Planning Board consider the creation of an additional section to the Comprehensive Plan that addresses private property rights.

4. AGENDA

- PRESENTATION
- PUBLIC HEARING
- CONSENT
- REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)?

- Yes No N/A
 DETAILED BUDGET AMENDMENT ATTACHED YES NO N/A

6. IDENTIFY STRATEGIC PRIORITY

- Financial Health
- Economic Development
- Quality of Life
- Public Safety
- Transportation
- Attractive Community
- N/A

7. BACKGROUND: WHY IS THE ACTION NECESSARY? WHAT GOAL WILL BE ACHIEVED?

The State of Florida now requires all local governments to adopt a new section to their comprehensive plan that supports private property rights. The State has provided template language that they require and is shown on the attachment. If a local government does not adopt the new section with the template language, the State will not process any plan amendments from that local government.

Staff recommends the Planning Board recommend the new section of the Comprehensive Plan to be considered by the City Council and then be transmitted to the State Department of Economic Opportunity for further review.

SECTION 14

PRIVATE PROPERTY RIGHTS ELEMENT

GOAL: Protect private property rights by considering such rights in local decision making.

OBJECTIVE 1: In accordance with the legislative intent expressed in ss. 163.3161 (10) and 187.101 (3) that governmental entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision making.

POLICY 1: The following rights shall be considered in local decision making:

- A. The right of a property owner to physically possess and control his or her interests in the property, including or subject to any easements, leases, or mineral rights.
- B. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
- C. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- D. The right of a property owner to dispose of his or her property through sale or gift.

By the Committees on Judiciary; and Community Affairs; and
Senator Perry

590-02867-21

2021496c2

1 A bill to be entitled
2 An act relating to growth management; amending s.
3 163.3167, F.S.; specifying requirements for certain
4 comprehensive plans effective, rather than adopted,
5 after a specified date and for associated land
6 development regulations; amending s. 163.3177, F.S.;
7 requiring local governments to include a property
8 rights element in their comprehensive plans; providing
9 a statement of rights which a local government may
10 use; requiring a local government to adopt a property
11 rights element by the earlier of its adoption of its
12 next proposed plan amendment initiated after a certain
13 date or the next scheduled evaluation and appraisal of
14 its comprehensive plan; prohibiting a local
15 government's property rights element from conflicting
16 with the statement of rights contained in the act;
17 amending s. 163.3237, F.S.; providing that the consent
18 of certain property owners is not required for
19 development agreement changes under certain
20 circumstances; providing an exception; amending s.
21 380.06, F.S.; authorizing certain developments of
22 regional impact agreements to be amended under certain
23 circumstances; providing retroactive applicability;
24 providing a declaration of important state interest;
25 providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Subsection (3) of section 163.3167, Florida

590-02867-21

2021496c2

30 Statutes, is amended to read:

31 163.3167 Scope of act.—

32 (3) A municipality established after the effective date of
33 this act shall, within 1 year after incorporation, establish a
34 local planning agency, pursuant to s. 163.3174, and prepare and
35 adopt a comprehensive plan of the type and in the manner set out
36 in this act within 3 years after the date of such incorporation.
37 A county comprehensive plan is controlling until the
38 municipality adopts a comprehensive plan in accordance with this
39 act. A comprehensive plan for a newly incorporated municipality
40 which becomes effective ~~adopted~~ after January 1, 2016 ~~2019~~, and
41 all land development regulations adopted to implement the
42 comprehensive plan must incorporate each development order
43 existing before the comprehensive plan's effective date, may not
44 impair the completion of a development in accordance with such
45 existing development order, and must vest the density and
46 intensity approved by such development order existing on the
47 effective date of the comprehensive plan without limitation or
48 modification.

49 Section 2. Paragraph (i) is added to subsection (6) of
50 section 163.3177, Florida Statutes, to read:

51 163.3177 Required and optional elements of comprehensive
52 plan; studies and surveys.—

53 (6) In addition to the requirements of subsections (1)-(5),
54 the comprehensive plan shall include the following elements:

55 (i)1. In accordance with the legislative intent expressed
56 in ss. 163.3161(10) and 187.101(3) that governmental entities
57 respect judicially acknowledged and constitutionally protected
58 private property rights, each local government shall include in

590-02867-21

2021496c2

59 its comprehensive plan a property rights element to ensure that
60 private property rights are considered in local decisionmaking.
61 A local government may adopt its own property rights element or
62 use the following statement of rights:

63
64 The following rights shall be considered in local
65 decisionmaking:

66
67 1. The right of a property owner to physically possess
68 and control his or her interests in the property,
69 including easements, leases, or mineral rights.

70
71 2. The right of a property owner to use, maintain,
72 develop, and improve his or her property for personal
73 use or the use of any other person, subject to state
74 law and local ordinances.

75
76 3. The right of the property owner to privacy and to
77 exclude others from the property to protect the
78 owner's possessions and property.

79
80 4. The right of a property owner to dispose of his or
81 her property through sale or gift.

82
83 2. Each local government must adopt a property rights
84 element in its comprehensive plan by the earlier of its adoption
85 of its next proposed plan amendment that is initiated after July
86 1, 2021, or the next scheduled evaluation and appraisal of its
87 comprehensive plan pursuant to s. 163.3191. If a local

590-02867-21

2021496c2

88 government adopts its own property rights element, the element
89 may not conflict with the statement of rights provided in
90 subparagraph 1.

91 Section 3. Section 163.3237, Florida Statutes, is amended
92 to read:

93 163.3237 Amendment or cancellation of a development
94 agreement.—A development agreement may be amended or canceled by
95 mutual consent of the parties to the agreement or by their
96 successors in interest. A party or its designated successor in
97 interest to a development agreement and a local government may
98 amend or cancel a development agreement without securing the
99 consent of other parcel owners whose property was originally
100 subject to the development agreement, unless the amendment or
101 cancellation directly modifies the allowable uses or
102 entitlements of such owners' property.

103 Section 4. Paragraph (d) of subsection (4) of section
104 380.06, Florida Statutes, is amended to read:

105 380.06 Developments of regional impact.—

106 (4) LOCAL GOVERNMENT DEVELOPMENT ORDER.—

107 (d) Any agreement entered into by the state land planning
108 agency, the developer, and the local government with respect to
109 an approved development of regional impact previously classified
110 as essentially built out, or any other official determination
111 that an approved development of regional impact is essentially
112 built out, remains valid unless it expired on or before April 6,
113 2018, and may be amended pursuant to the processes adopted by
114 the local government for amending development orders. Any such
115 agreement or amendment may authorize the developer to exchange
116 approved land uses, subject to demonstrating that the exchange

590-02867-21

2021496c2

117 will not increase impacts to public facilities. This paragraph
118 applies to all such agreements and amendments effective on or
119 after April 6, 2018.

120 Section 5. The Legislature finds and declares that this act
121 fulfills an important state interest.

122 Section 6. This act shall take effect July 1, 2021.

ITEM NO. 8



CODE ENFORCEMENT

July 2021

June 26 - July 25, 2021



July Violation Status

Code	Description	Closed	Open	Total
12-4	Garbage & trash: prohibited practices	1	1	2
14-2	Failure to pay btr 1%	2	1	3
14-28	Penalty for violation btr 1%	5		5
14-6	Each person to have separate btr	1		1
7-9	Animals prohibited on beach	8		8
8-7	Work without a permit		1	1
4.02.04, LDC	Performance standards		1	1
4.08.01, LDC	Land clearing without a permit			
Section 10.01.02, LDC	Local development orders and building permits required	1	1	2
12-6	Litter		1	1
12-7	Requirement to keep property free of litter	4	5	9
8-6	Construction site management	1		1
12-8	Residential collection service required		2	2
14-28	Penalty for violations	10	6	16
5.07.03,	Signs exempted from permitting		2	2
15-18, 15-17 (3)	Abandoned material/detrimental conditions	3	8	11
15-18, 15-17 (6)	Excessive grass or vegetation	31	61	92

(Continued to next page)



July Violation Status

Code	Description	Closed	Open	Total
22-47	Prohibited, nuisance declared		2	2
7-11 (a)	No fire permit	3		3
4-17	Permit required for special vent	1		1
7-10 (b)	No holes on the beach	16		16
7-101	Driving on the beach prohibited	1		1
7-2	No glass on the beach	94		94
2.03.02, LDC	Land uses for zoning districts	1	2	3
5.02.03, LDC	Fences and walls	1	4	5
5.02.04, LDC	Dumpsters/solid waste containers		1	1
5.02.09 (b), LDC	Portable storage units		1	1
5.03.01, LDC	Temporary uses and structures		1	1
5.07.05, LDC	General sign standards		2	2
15-18, 15-17(5)	Uses causing threat to public health and safety	2	4	6
TOTAL		181	108	289
TOTAL FEES COLLECTED: CITATIONS AND LIENS - \$20,057.18				

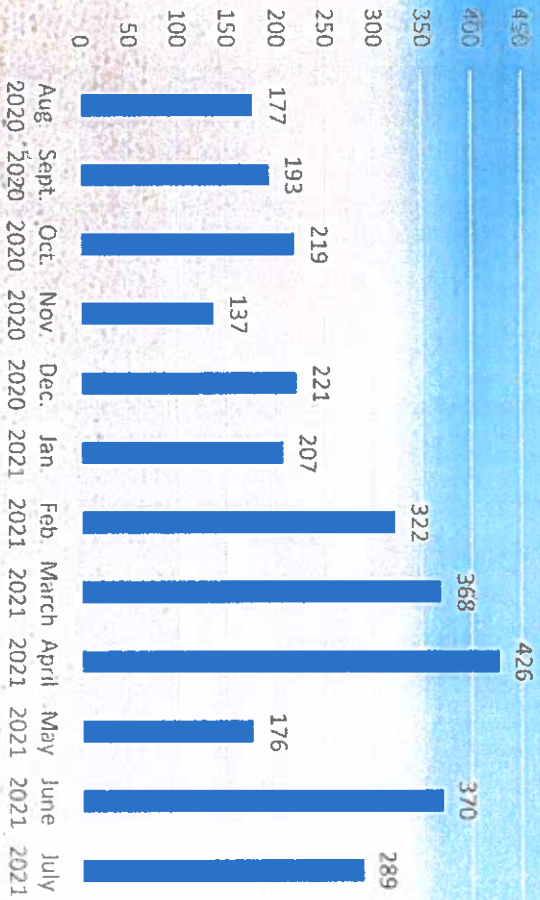
(Continued from previous page)



Violation Summary

In July 2021, the Code Enforcement Division continued its efforts to maintain and improve the quality of the throughout the residential and business community. Over the course of the month, the Division issued 289 violations.

Total Violations



ROW Sign Violations

