

Small Scale Annexation, Future Land Use Amendment and Rezoning Applicant's Development Guide

Development Services Department – Planning & Zoning Division
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All applications, materials, plans, documents and fees are required to be submitted electronically via the Development Services Department's online application portal. Submission via e-mail will not be considered. Ownership and Applicant Authorization Forms will need to be submitted electronically.

THE COMPREHENSIVE PLAN

Pursuant to Chapter 163, Part II of the Florida Statutes, the Comprehensive Plan contains the long-range policy structure for the City of Panama City. The Comprehensive Plan contains elements that address future land use, housing, transportation, utilities, coastal management, conservation, recreation, and open space, intergovernmental coordination, and capital improvements. All new development must be consistent with the goals, objectives, policies and maps in the Comprehensive Plan. If a development proposal is not consistent with the Future Land Use Map, an amendment may be required, even if it's consistent with the property's zoning classification.

COMPREHENSIVE PLAN CONSISTENCY PREREQUISITE

Any and all amendments to the Official Zoning Map (rezoning) are required by law to be consistent with the Comprehensive Plan's Future Land Use Map. An amendment of the Comprehensive Plan Future Land Use Map shall be required in those instances where the proposed zoning district would otherwise be inconsistent with the Comprehensive Plan's Future Land Use Map. A completed application must be filed with the City of Panama City Development Services Department. All applications, materials, plans, documents and fees are required to be submitted electronically via the Development Services Department's online application portal. Submission via e-mail will not be considered.

REZONING REVIEW APPLICATION PROCESS

Application Submittal

The applicant will be required to submit an application for rezoning review to the Development Services Department. The filing fees for rezoning are included in this information and application packet. The appropriate fee must be paid at the time of application submittal.

FEE SCHEDULE

Request*	Application Fee	Review Fee	Total Fee
Annexation (an individual single-family residential lot/parcel)	\$0.00	\$0.00	\$0.00
Annexation (less than 5 acres)	\$500	N/A	\$500
Annexation (more than 5 acres and less than 10 acres)	\$1,500	N/A	\$1,500
Annexation (greater than 10 acres)	\$2,500	N/A	\$2,500
Small Scale Future Land Use Amendment	\$1,500	N/A	\$1,500
Rezoning	\$1,000	N/A	\$1,000
Initial Planned Unit Development (PUD) Submittal	\$3,000	N/A	\$3,000
Planned Unit Development (PUD) Revisions	\$1,000	N/A	\$1,000

*ALL annexations require a Future Land Use Amendment change and a rezoning.

Planning Board Review and Public Noticing

The land use amendment and rezoning requests require public notice in accordance with the City of Panama City Unified Land Development Code and Florida Statutes.

The Development Services Department will advertise the request for review by the Planning Board no less than 10 days prior to the next available Planning Board Public Hearing. This includes running legal advertisements, posting signs and mailing out notices to all property owners within 300 feet of the subject property. The Planning Board, at the Public Hearing, may continue the application to a specific time for further review, or may vote to recommend approval or denial. The Planning Board recommendation will be forwarded, along with the Development Services Department staff analysis (in the form of an agenda item), to the City of Panama City Commission for final approval.

Quasi-Judicial Proceedings

Certain matters that come before the Panama City Planning Board (“Board”) are quasi-judicial proceedings, meaning that the Board will hear evidence and render a decision regarding this matter based upon the evidence received. The parties before the Board and the public are entitled to present evidence (documents, witnesses, etc.) and cross-examine witnesses. All witnesses are under oath and the entire proceedings are recorded. However, if you need a verbatim record you must hire your own court reporter.

The Board is not bound by the strict Rules of Evidence and may consider any evidence which it deems relevant and trustworthy. Furthermore, any member of the Board may ask questions of the parties or the witnesses.

Since quasi-judicial proceedings are legal in nature, everyone is expected to adhere to proper courtroom decorum and etiquette. Do not argue with a witness or the opposing party and direct any comments or objections to the Chairman.

The burden of proof in a quasi-judicial proceeding rests with the Applicant, therefore, the Applicant has the opportunity to address the Board last, after all Public Participation and before the Board deliberates.

The following is the procedure which the Board will follow during quasi-judicial hearings.

- I. Public Hearing announced. Introduction of Application by Staff
- II. Ex parte communication disclosure by Board members.
- III. Identification of Applicant and Affected Parties* that intend to participate in the hearing (Affected Parties that only intend to make a statement may do so at the Public Participation part of the agenda)

*An “affected party” means any person or entity that will suffer an adverse effect to an interest protected or furthered by the ULDC, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, and environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons.

- IV. Swearing of witnesses.
- V. Applicant’s presentation of witnesses* or other evidence. (10 minutes)
- VI. Affected Parties’ statement of standing, presentation of witnesses* or other evidence. (5 minutes each if only giving testimony and or documentary evidence; 10 minutes each if presenting a witness(es). Please do not be repetitive of other Affected Parties. Affected Parties are encouraged to coordinate their presentations and may seek more time for presentation at the discretion of the Board but may not yield time to other Affected Parties.)

- VII. Staff=s presentation of witnesses** or other evidence. (10 minutes)
- VIII. Public Participation. Please do not be repetitive of another speaker. Each speaker is allotted 3 minutes. Speakers may not yield time to another speaker.
- IX. Rebuttal by Applicant and or Staff (if necessary). (15 minutes)
- X. Close of Evidence and Public Hearing. Deliberation and action by the Board.

witnesses may be cross examined by opposing party if the opposing party so desires

After the close of the evidence and during the deliberation by the Board, members of the public are prohibited from commenting. Anyone violating this rule will be asked to leave the room after a warning.

City Commission Public Hearing

The City of Panama City Commission conducts its public hearings to consider applications to amend the Future Land Use and Official Zoning Maps involving land located in incorporated City of Panama City. The City Commission may vote at those public hearings to approve, deny or continue the request to a date and time certain. The City Commission public hearings are conducted in the Bay County Commission Chambers at the Bay County Government Center, 840 W 11th St, Panama City, FL 32401 the 2nd Tuesday at 8: 00 AM and 4th Tuesday at 4:00 PM of each month unless otherwise noted. Interested parties may contact the Development Services Department for information regarding the City Commission public hearing schedule.

Standards to be Applied

Section 102-41(E) of the City of Panama City Unified Land Development Code 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. 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 four (4) criteria:

- Not degrade the established level of services in the Comprehensive Plan or the minimum concurrency requirements.
- In harmony with the general intent of the Comprehensive Plan. (Goals listed as applicable.)
- Not exceed traffic limitations, create a fire hazard, or a hazard to the public health, welfare and safety.
- Compatible with adjacent land uses and districts, and not create a potential nuisance.

Application Submittal Checklist

The application for a change or amendment to the Official Future Land Use and/or Zoning Map shall include the following:

Checklist Items	Applicant Verification	Staff Verification
Completed Application to be submitted to the Development Services Department.		
Planning Unit Developments: Applicants petitioning the City for a PUD rezoning will need to submit a document addressing all provisions Article IIA, Planned Unit Development, within the Unified Land Development Code		
Fees. Payment of all applicable fees. Fees cannot be waived and are non-refundable.		
Copy of Deed or Legal Description.		
Survey and/or Site Plan, drawn to scale, depicting:		

• Location of surrounding physical features, waterbodies, streets, railroads, etc.		
• Exact size of the site in acres &/or square feet, including linear dimensions;		
• Plan for general development of the site including residential density or commercial intensity;		
• Any existing structures showing setbacks from the property line; and		
• The height of the structure & impervious surface ratios, when applicable.		

