

# Variance Applicant's Development Guide

Development Services Department – Planning & Zoning Division

City of Panama City, City Hall, 501 Harrison Avenue, 2<sup>nd</sup> Floor, Room 217, Panama City, FL 32401

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| Fee Item              | Application Fee | Review Fee | Total Fee |
|-----------------------|-----------------|------------|-----------|
| Residential < 5 units | \$500           | N/A        | \$500     |
| Residential 5 + Units | \$1,000         | N/A        | \$1,000   |
| Commercial            | \$1,000         | N/A        | \$1,000   |

**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.**

Any person desiring to undertake a development activity that does not comply with this Unified Land Development Code may apply for a variance to the bulk regulations. All variances are subject to review and approval by the Planning Board so long as the variance does not require an amendment to the comprehensive plan, is not expressly prohibited and is not a use variance. In addition, it is not contrary to the public health, safety, and welfare, and is granted due to an unnecessary hardship to the property owner. The city cannot act upon any variance request that would allow a use that is specifically or by inference prohibited in any zoning district classification, including an increase in the maximum density allowed within the zoning district or apply to any provisions for which the code specifically prohibits waiver or modification.

## Application Submittal Checklist

| Checklist Items   | Applicant Verification | Staff Verification |
|---|------------------------|--------------------|
| Completed Application.  |                        |                    |
| Payment of all applicable fees. Fees cannot be waived and are non-refundable.   |                        |                    |
| Copy of Deed or Legal Description.  |                        |                    |
| A site plan of sufficient detail to clearly identify the variance request   |                        |                    |
| Signed and Sealed Survey (s) clearly identifying the request to scale, depicting:   |                        |                    |
| <ul style="list-style-type: none"><li>Location of surrounding physical features, waterbodies, streets, railroads, etc.</li></ul>  |                        |                    |
| <ul style="list-style-type: none"><li>Exact size of the site in acres &amp;/or square feet, including linear dimensions;</li></ul>  |                        |                    |
| <ul style="list-style-type: none"><li>Any existing structures showing setbacks from the property lines.</li></ul>   |                        |                    |
| <ul style="list-style-type: none"><li>Any existing structures showing setbacks from the property lines.</li></ul>   |                        |                    |
| <ul style="list-style-type: none"><li><b>Variance Criteria:</b> An explanation of how the variance is in accordance with the criteria of the Unified Land Development Code by demonstrating that the criteria provided below (1 through 5) have been satisfied:</li><li>1. That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the City;</li><li>2. That the requested variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community;</li></ul> |                        |                    |

|  |  |  |
|--|--|--|
| <ul style="list-style-type: none"> <li>• 3. That the requested variance is consistent with, and in furtherance of, the goals, objectives and policies of the adopted Comprehensive Plan, as amended from time to time, and all other similar plans adopted by the City;</li> <li>• 4. That the plight of the petitioner is due to unique circumstances of the property or petitioner which would render conformity with the strict requirements of the subject regulations unnecessarily burdensome;</li> <li>• 5. That the variance requested is the minimum variance that is necessary to afford relief to the petitioner, while preserving the character, health, safety and welfare of the community;</li> </ul> |  |  |
| Completed and notarized City of Panama City Ownership and Applicant/Application's Agent/Representative Authorization Form is required. No other authorization letters, lease agreements, contracts, forms etc. will be accepted.   |  |  |

Variance requests that satisfy the criteria of section 102-42D are authorized from the following regulations and standards:

- Height;
- Yards;
- Off-street parking and loading;
- Landscaping and buffers;
- Separation of uses;
- Lot coverage;
- Such other provisions of the code which do not specifically prohibit such requests.

**1. Explain the Request in Detail**

**2. Variance Criteria:** An explanation of how the variance is in accordance with the criteria of the Unified Land Development Code by demonstrating that the criteria provided below (1 through 5) have been satisfied (Attach a separate sheet to answer the questions if necessary):

1. That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the City;

**Applicant Response:**

2. That the requested variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community;

**Applicant Response:**

3. That the requested variance is consistent with, and in furtherance of, the goals, objectives and policies of the adopted Comprehensive Plan, as amended from time to time, and all other similar plans adopted by the City;

**Applicant Response:**

4. That the plight of the petitioner is due to unique circumstances of the property or petitioner which would render conformity with the strict requirements of the subject regulations unnecessarily burdensome;

**Applicant Response:**

5. That the variance requested is the minimum variance that is necessary to afford relief to the petitioner, while preserving the character, health, safety and welfare of the community;

**Applicant Response:**

**PLEASE NOTE THE FOLLOWING:**

- The Planning Board will hold a public hearing and, after consideration of the staff recommendation and public input. The Planning Board may deny, approve or approve with conditions the application for variance, based upon its determination that the petitioner has demonstrated that the above criteria (1-5) have been satisfied.
- In granting any variance, the Planning Board may prescribe conditions and safeguards intended to mitigate potential adverse impacts from the variance and to ensure that the intent and purpose of the code is maintained. Violation of such conditions and safeguards shall be deemed a violation of the Unified Land Development Code. A variance can supersede or abrogate the requirements of flood damage prevention, or the requirements of the National Flood Insurance Program.
- A variance shall run with land once established (i.e., not expired or revoked). Whenever the planning board has denied a variance, the same shall not consider any further substantially equivalent request for variance on any part of the same property for a period of 12 months from the date of such action (or date of any final court order upholding denial of the variance), unless this restriction is waived by a unanimous vote of the members of the planning board present at the time of the vote.
- Approval of a variance request does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are being waived or otherwise approved. The project will be required to comply with the development review approval process in addition to obtain all necessary building permits for on-site structures.