

JESSE NELSON
MAYOR

VICKIE GAINER
CITY MANAGER

KEVIN OBOS
LEGAL COUNSEL



COMMISSIONERS
BRANDON ALDRIDGE
PAT PERNO
JAMIE WARRICK
JUDY TINDER

NOTICE

The public is invited to attend.

SPECIAL CITY COMMISSION MEETING

(One Item Agenda)

FINAL READING OF ORDINANCE 1117

WEDNESDAY, DECEMBER 1, 2021 – 09:00 A.M.

SENIOR ACTIVITY CLUB FACILITY- 905 PENNSYLVANIA AVE

Due to limited Seating during Commission Meeting, and for your convenience, this meeting is also viewable online. Please visit www.cityoflynnhaven.com and select the YouTube OR Live Stream links in the top right corner to listen online. Please note that due to Covid we strongly recommend that you wear a mask if you have not been vaccinated.

AGENDA

1. Call to order.
2. Invocation by Lynn Haven resident and Executive Pastor of Living Water Ministries, Pastor Anthony Grigsby; and the Pledge of Allegiance.

PUBLIC HEARING OPENED: (state time)

3. Final Reading of Ordinance #1117 Amending Section 4.02.01 of the Unified Land Development Code; Minimum Lot Area in the 1911 Historic Plat Overlay District.
(Planning Director)

Public Hearing Comments:

PUBLIC HEARING CLOSED: (state time)

4. Adjourn.

****IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, THEY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. FLORIDA STATE STATUTE 286.0105.**

****IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTES, 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT CITY HALL NO LATER THAN 48 HOURS PRIOR TO THE PROCEEDING AT TELEPHONE 850-265-2121 FOR ASSISTANCE; IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS, (800) 955-8771 (TDD) OR (800) 955-8770 (VOICE) FOR ASSISTANCE.**



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quality of life by providing consistent and
transparent customer service to our
residents.*

PUBLIC PARTICIPATION AT CITY OF LYNN HAVEN COMMISSION MEETINGS

Welcome to the City of Lynn Haven Commission meeting

Any person may request to address the City Commission during any regular City Commission meeting. To facilitate public participation the below rules of procedure shall be observed:

- Upon being **recognized by the Mayor** the speaker will come to the podium and state their name and address for the public record.
- All presentations are limited to **one speaker** at a time.
- During the Public Commentary part of the agenda the public may speak about any **topic that is not already on the agenda.**
- During a **specific agenda item** on the agenda the speaker may only speak about that specific agenda item.
- Public commentary will be limited to **three (3) minutes per speaker.** Speakers shall not be permitted to yield unused time to additional speakers.
- **Timekeeper:** The City Manager & IT Clerk will serve as the official timekeeper. The time that you will have to speak is displayed on a time keeping device located above the minute taker. The time keeping device is a countdown clock that is reset for three (3) minutes at the beginning of each person's turn to speak. A buzzer will sound at the end of the three (3) minutes to notify participants when the allotted speaking time has expired.
- **Disruptive behavior shall not be tolerated.** No person, while attending a meeting of the Commission, shall engage in activities designed primarily to disrupt the meeting. This shall include, but is not limited to, disruptive hand clapping, foot stomping, booing, cheering, operation of noise making devices, fighting or brawling, arguing, or other similar disruptive or distracting activities.
- **Violations:** A Call to Order to a speaker shall be made by the Mayor any time one of the above procedures are breached. Should the speaker not heed the Mayor's call to order the Mayor may request the Sergeant at Arms to remove the speaker from the meeting room.

**COMMISSION
AGENDA REPORT**

Meeting Date: December 1, 2021
Item Number:

3

City of Lynn Haven

From: Development and Planning

Prepared By: Amanda Richard

Subject: Amendment to Unified Land Development Code Section 4.02.01

Ordinance #1117 – Final Reading (Public Hearing)

Staff Recommendations: Staff Recommends Approval

I. Report in Brief:

Overview: Ordinance #1117 consists of amendments to Section 4.02.01 of the City’s Unified Land Development Code, pertaining to the required lot dimensions for properties located in the 1911 Historic Plat Overlay District having a Low Density Residential (LDR) Future Land Use Map designation.

Background: In December of 2012, changes were made to Section 4.02.01(B) of the ULDC via Ordinance 965, to allow property owners to split their parcel into smaller sizes than previously allowed, in order to create smaller buildable lots. Prior to that amendment a buildable lot had to be at least fifteen thousand (15,000) square feet in size, unless a smaller lot had been purchased and recorded as one individual 50’ lot prior to the 1975 tax rolls, or multiple 50’ lots had been purchased prior to 1975 and recorded together, in which instance it was permissible to have a minimum lot area of 11,250 sq. ft. Ordinance 965 allowed lots of 7,500 sq.ft. in size, and the change increased the requests that the City received for Minor Subdivision Applications. Developers purchased corner lots which were one hundred and fifty (150) feet by one hundred (100) feet to split into two (2) seventy-five (75) by one hundred (100) feet lots, thereby meeting the new seventy five hundred (7,500) square feet size requirement. It also meant that owners of multiple lots which were one hundred (100) feet deep, could split their lots into seventy five (75) feet wide buildable lots. During a presentation/workshop given by the Planning Department, the City Commission expressed a desire to revert the changes made in 2021 back to the requirement for the larger lot sizes in the 1911 Historic Plat Overlay District, and requested that staff bring the proposed changes back to them. An amended ordinance was brought back to the City Commission for discussion and adoption. The Planning Commission had made a recommendation that the Commission adopt the changes, but wait a year for such changes to take effect. After some discussion by the Commission, and at their direction, further changes were made to the proposed ordinance, in order to clarify the intent. The attached ordinance, Ordinance 1117, contains the changes requested by the Commission. The amended ordinance went before the Planning Commission on November 2nd, and they recommended that the City Commission go ahead and adopt the ordinance.

Since the proposed ordinance first went before the Planning Commission on August 3rd there have been 16 applications for such parcel splits.

Summary: In 2012 the City Commission amended the ULDC to allow for lots within the 1911 Historic Plat area to be constructed upon as long as they were at least seventy five (75) feet wide and seventy five hundred (7,500) sq. ft. in size. Since this amendment, the City has seen an increase in the number of property owners wishing to split larger lots into two in order to construct homes upon the newly created lots. Staff was tasked with preparing changes to Section 4.02.01(B) Specific Requirements for the 1911 Historic Plat Overlay District (1911 Plat) of the Unified Land Development Code (ULDC) to revert the requirements back to how they were before the 2012 changes.

II. Concurrences: This amended ordinance was heard by the Planning Commission on November 2, 2021, who recommended unanimous approval.

III. Fiscal Impact:

IV. Advertised: Yes **Date:** November 12th, 2021 **Newspaper:** News Herald

V. Affected Parties Notified of Meeting: **Yes:** **Not Required:**

VI. Alternatives:

VII. Attachments: Ordinance #1117 & Ordinance 965 (2012), Historic Plat, Historic Plat Area Sketch

Action Taken by Commission: [] Approved [] Disapproved

[] Continued/Deferred until: _____ Other: _____

ORDINANCE NO. 1117

AN ORDINANCE OF THE CITY OF LYNN HAVEN, FLORIDA, AMENDING SECTION 4.02.01 OF THE LYNN HAVEN UNIFIED LAND DEVELOPMENT CODE RELATED TO MINIMUM LOT AREA IN THE 1911 HISTORIC PLAT OVERLAY DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, Section 4.02.01(B) of the Lynn Haven Unified Land Development Code (the "ULDC") establishes specific additional requirements for residential lots within the 1911 Historic Plat Overlay District (the "1911 Plat"); and

WHEREAS, the City amended such requirements via Ordinance # 965 on December 11th, 2012; and

WHEREAS, the City Commission now desires to repeal certain of those prior requirements;

NOW THEREFORE, BE IT HEREBY ENACTED BY THE PEOPLE OF THE CITY OF LYNN HAVEN, FLORIDA:

SECTION 1. From and after the effective date of this ordinance, Section 4.02.01(B) of the ULDC is amended to read as follows (deleted text, ~~stricken~~; new text, underlined; comments, [*bracketed and italics*]):

B. Specific ~~additional~~-requirements for the 1911 Historic Plat Overlay District (1911 Plat).

The minimum lot area for construction of a dwelling unit within the ~~LDR~~low density residential district in the 1911 Plat is ~~7,500~~15,000 square feet. The minimum lot width for construction of a dwelling unit in the 1911 Plat is 75 feet. For parcels that have property frontage along an alley as shown by the 1911 Plat, the minimum lot area for construction of a dwelling unit shall be 13,500 square feet.

A single-family dwelling may be constructed on a lot parcel with less than a 15,000 square feet or less than 75 feet of lot width if the in the low density residential district within the 1911 Plat under the following conditions:

1. Front and side setbacks for a residential unit shall be met.

2. The parcel consists of any single lot or a combination of an odd number of multiple lots which was platted & recorded in the official records of are contiguous along a single street in a single block as shown on the 1911 Plat.

3. The combined lots were assessed in the County prior to tax rolls as a single parcel or an odd number of contiguous parcels as of January 14, 1975.

~~Please note that the table~~ When all of these conditions apply, the number of dwelling units allowed shall be according to Table 4.02.01(B)(4).

Table 4.02.01(B) 4: 1911 Historic Plat Reconfigurations ~~is stricken in its entirety~~.

<u>Assessed no. of lots as of 1/14/1975</u>	<u>Maximum Buildable Lots</u>	<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>
<u>1</u>	<u>1</u>	<u>7,500</u>	<u>50'</u>
<u>3</u>	<u>2</u>	<u>11,250</u>	<u>75'</u>
<u>5</u>	<u>3</u>	<u>11,250</u>	<u>75'</u>
<u>7</u>	<u>4</u>	<u>11,250</u>	<u>75'</u>
<u>9</u>	<u>5</u>	<u>11,250</u>	<u>75'</u>

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. The appropriate officers and agents of the City are authorized and directed to codify, include, and publish the provisions of this Ordinance within the Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained.

SECTION 4. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2021.

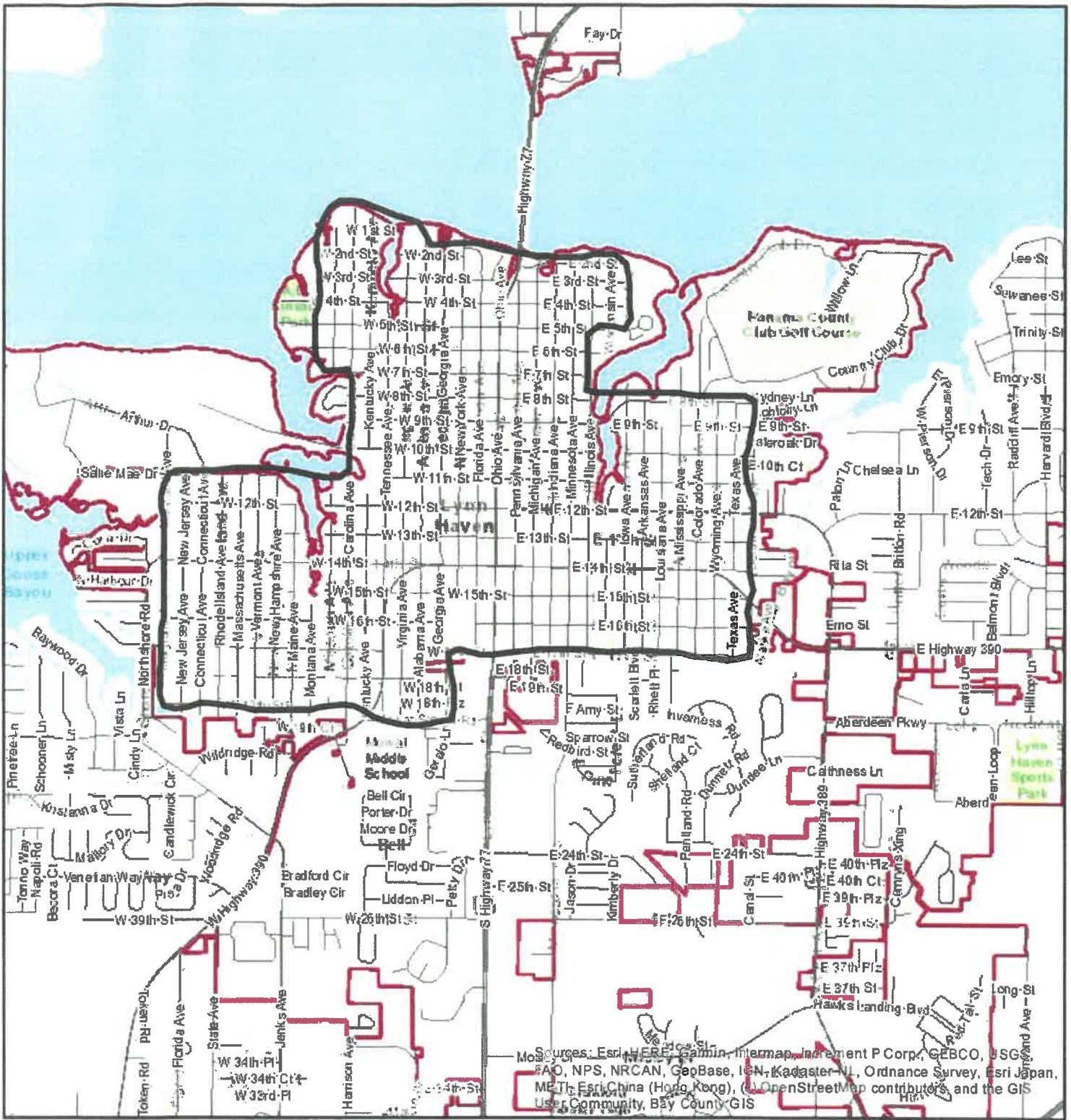
CITY OF LYNN HAVEN,
FLORIDA

BY: _____
Jesse Nelson, Mayor

ATTEST:

Vickie Gainer,
City Manager/Clerk

First Reading: August 10, 2021
Second Reading: _____






Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, Mapbox Contributors, and the GIS User Community, Bay County GIS

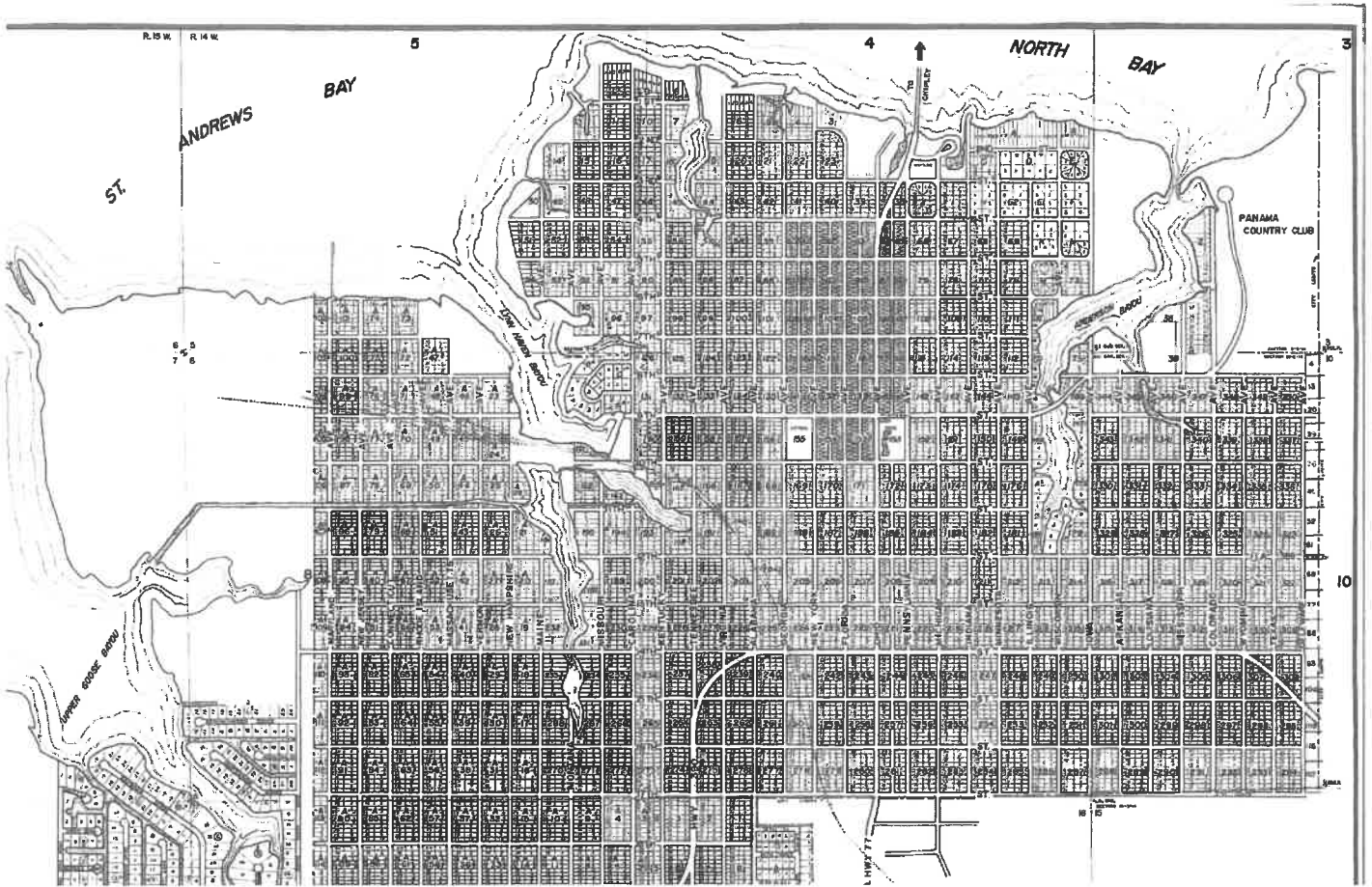


Bay County Web Map



Roads

-  Major Road
-  Minor Road
-  Lynn Haven City Limits



ORDINANCE NO. 965

AN ORDINANCE OF THE CITY OF LYNN HAVEN, FLORIDA, AMENDING SECTION 4.02.01 OF THE LYNN HAVEN UNIFIED LAND DEVELOPMENT CODE RELATED TO MINIMUM LOT AREA IN THE 1911 HISTORIC PLAT OVERLAY DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, Section 4.02.01(B) of the Lynn Haven Unified Land Development Code (the "ULDC") establishes specific additional requirements for residential lots within the 1911 Historic Plat Overlay District (the "1911 Plat"); and

WHEREAS, the City desires to amend such requirements to provide property owners with the opportunity for better utilization of their property in the 1911 Plat, to support the current revitalization projects ongoing in the CRA, Main Street and 1911 Plat areas, and to encourage new development and infill in the 1911 plat;

NOW THEREFORE, BE IT HEREBY ENACTED BY THE PEOPLE OF THE CITY OF LYNN HAVEN, FLORIDA:

SECTION 1. From and after the effective date of this ordinance, Section 4.02.01(B) of the ULDC is amended to read as follows (deleted text, ~~stricken~~; new text, **double underlined and bold**; comments, [*bracketed and italics*]):

B. Specific **additional** requirements for the 1911 Historic Plat Overlay District (1911 Plat).

The minimum lot area within the LDR district in the 1911 Plat is ~~45,000~~ **7,500** square feet. The minimum lot width is 75 feet. A single-family dwelling may be constructed on a lot with less than ~~a 15,000 square-foot in area and less than 75~~ **foot** feet lot width ~~if in any land-use district under the following conditions:~~

~~1. Front and side setbacks for a residential unit shall be met. 2. If the parcel consists of any a single lot or any odd number of lots which are contiguous & in a particular block and which were was platted & recorded in the official records of the County prior to January 14, 1975, & which were assessed in the County tax rolls as a single lot or an odd number of~~

~~contiguous lots as of January 14, 1975, based on the reconfiguration of odd numbers of lots as shown in Table 4.02.01(B)4.~~

~~3. Lots within the 1911 Plat that have property frontage along an alley shall have a minimum lot area of 13,500 square feet.~~

[Please note that the table "Table 4.02.01(B)4): 1911 Historic Plat Reconfigurations" is stricken in its entirety]

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. The appropriate officers and agents of the City are authorized and directed to codify, include, and publish the provisions of this Ordinance within the Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained.

SECTION 4. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED, AND ADOPTED this ___ day of _____, 2012.

CITY OF LYNN HAVEN,
FLORIDA

BY: _____
Walter T. Kelley, Mayor

ATTEST:

John B. Lynch,
City Manager/Clerk

First Reading: _____

Second Reading: _____

COPY

ORDINANCE NO. 965

AN ORDINANCE OF THE CITY OF LYNN HAVEN, FLORIDA, AMENDING SECTION 4.02.01 OF THE LYNN HAVEN UNIFIED LAND DEVELOPMENT CODE RELATED TO MINIMUM LOT AREA IN THE 1911 HISTORIC PLAT OVERLAY DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, Section 4.02.01(B) of the Lynn Haven Unified Land Development Code (the "ULDC") establishes specific additional requirements for residential lots within the 1911 Historic Plat Overlay District (the "1911 Plat"); and

WHEREAS, the City desires to amend such requirements to provide property owners with the opportunity for better utilization of their property in the 1911 Plat, to support the current revitalization projects ongoing in the CRA, Main Street and 1911 Plat areas, and to encourage new development and infill in the 1911 plat;

NOW THEREFORE, BE IT HEREBY ENACTED BY THE PEOPLE OF THE CITY OF LYNN HAVEN, FLORIDA:

SECTION 1. From and after the effective date of this ordinance, Section 4.02.01(B) of the ULDC is amended to read as follows:

B. Specific additional requirements for the 1911 Historic Plat Overlay District (1911 Plat).

The minimum lot area within the LDR district in the 1911 Plat is 7,500 square feet. The minimum lot width is 75 feet. A single-family dwelling may be constructed on a lot with less than a 75 foot lot width if the parcel consists of any single lot which was platted & recorded in the official records of the County prior to January 14, 1975.

[Please note that the table "Table 4.02.01(B)(4): 1911 Historic Plat Reconfigurations" is stricken in its entirety]

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. The appropriate officers and agents of the City are authorized and directed to codify, include, and publish the provisions of this Ordinance within the Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained.

SECTION 4. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED, AND ADOPTED this 11th day of December, 2012.

CITY OF LYNN HAVEN,
FLORIDA

BY: Walter T. Kelley
Walter T. Kelley, Mayor

ATTEST:

John B. Lynch
John B. Lynch,
City Manager/Clerk

First Reading: 11-12-12
Second Reading: 12-11-12

Ordinance that was included in the agenda packets.

Ms. Richard stated this item is being presented to the Planning Commission as the City Commission considers the recommendations from the Planning Commission.

Ms. Richard introduced Mr. Bobby Baker, Infrastructure Director, and Mr. Chris Lightfoot, Public works Director. Mr. Baker stated the City is currently using the twenty-five (25) year storm event, and in the past few years, the City has had four (4) 100 year storm events. Mr. Baker stated this code will be more restrictive for City stormwater design standards. He stated in the past, the Florida Department of Transportation (FDOT) decided to use the 100 year storm event requirement; and that it would be good for the City to use the 100 year storm event requirement. Mr. Baker stated in his opinion that the weather is going to continue to produce severe events.

Mr. Whitworth asked what the general cost will be for contractors with this new requirement. Mr. Baker stated the pond sizes will be larger, and piping will be the same.

Mr. Parron asked if this will be required of individual homeowners. Mr. Baker stated no. There was discussion about the new required base flood elevations for single family homes and the impact on existing older homes. Mr. Baker stated building code requirements for new construction is that drainage is to discharge away from neighboring homes to the right of way.

There were no public comments.

Board Member, Mr. Knuckles, made a motion to approve the Amendment to the Unified Land Development Code; Section 6.06.03 Stormwater Standards, as presented,

Second to motion: Mr. Snyder,

On vote:	Waddell:	aye
	Knuckles:	aye
	Parron:	aye
	Jones:	aye
	Snyder:	aye
	Whitworth:	aye

Motion passed: 6-0

6. Unified Land Development Code (ULDC) Chapter 4, Section 4:02.01: Related to Minimum Lot Area in the 1911 Historic Plat Overlay District

Ms. Richard stated the City of Lynn Haven City Commission is proposing to amend Section 4.02.01 of the ULDC to revert the minimum lot area requirements in the Low Density Residential Future Land Use map district located within the 1911 Historic Plat Area back to how they were prior to changes that were made by Ordinance #965 in December 2012.

Ms. Richard stated the proposed amendment is to Section 4.02.01(B) of the ULDC, specifically

and can be seen in the strikethrough version of the proposed Ordinance that was included in the agenda packets. The amendment removes the ability for people to split two (2) 50x150' lots into two (2) 75' x 100' lots, thereby creating two (2) 7,500 sq.ft. buildable lots. Prior to Ordinance #965, a buildable lot had to be at least 15,000 sq.ft. in size, unless it had been recorded as an individual 50' lot prior to 1975, or there had been an uneven number of lots purchased and recorded, in which case the number of dwelling units that could be constructed were identified in Table 4.02.01(B) 4., 1911 Historic Plat Reconfigurations.

This item came before the Planning Commission on August 3rd, and the Board's recommendation was passed on to the City Commission on August 10th. The City Commission have been deliberating over the proposed changes and requested that there be a clarification of some of the ordinance content, following which the ordinance should be brought back to the Planning Board for recommendation.

Ms. Richard stated the Planning Board recommendation for a one-year moratorium was considered by the City Commission, however, the City Commission wanted clearer language for the ordinance. She stated a meeting was held with citizens, and the City Attorney was tasked with clarifying the language in the ordinance.

Mr. Obos stated some clarity was needed for odd number lots contiguous on the same street side, as some people may own even number of lots, but have three (3) lots on one side of the street and the other lots on the backside of the street.

Mr. Rich Walker, 1106 Michigan Avenue stated his concerns about this being done on regular streets and not just corner lots, as houses were built across the street from his home and asked, "what is different now."

Ms. Jody Moore stated she wasn't sure what the difference is from 2012 to now.

Ms. Richard stated the Ordinance in 2012 was to help homeowners split a parcel into two (2) lots so a family member could build on one lot, or the lot sold to financially help the homeowner. Developers then started buying the corner lots and developing them. Ms. Richard stated the City Commission made the decision at that time about the smaller lots.

Board Member, Mr. Knuckles, made a motion to approve the Amendment to Unified Land Development Code-Minimum Lot Area in 1911 Historic Plat as presented,

Second to motion: Mr. Snyder,

On vote:	Waddell:	aye
	Knuckles:	aye
	Parron:	aye
	Jones:	aye

Snyder: aye
Whitworth: aye

Motion passed: 6-0

6. City Planner Report

Ms. Richard thanked everyone for attending the meeting and stressed the importance of their attendance for having a quorum. She stated the City Commission considers the Planning Board's recommendations and takes the recommendations seriously. Planning Department has received some submittals, so there should be a December meeting.

With there being no further business or discussion, the meeting adjourned at 5:58pm.

Jerry Whitworth, Chairman

prepared by Vicki Harrison