



City Council Agenda Form

Meeting Date: 01/10/2022
 Department: Planning
 Public Hearing: Yes No

For Clerk's Use Only
AGENDA ITEM #

	X	
<i>Consent Agenda</i>	<i>Regular Agenda</i>	<i>Closed Session</i>

Presenter: Chris Wallace, AICP, Planning Director

Request Type: Informational Discussion Action Item

Does this item require legal review? Yes No **City Attorney E-Mail attached?** Yes No

Time Required for Request: 5 Minutes

Agenda Item Title: Rufino Ramirez has requested a Zoning Map Amendment (#2022-RZ-01) to amend the Zoning Map from R-1, Single-Family Residential to C-1, Commercial

Attachment(s):

Ordinance Amendment
Staff Report

Brief Summary:

Consider actions for the zoning map amendment for Rufino Ramirez

Action Requested:

Staff respectfully requests motions for the following actions:

1. Approval to conduct a Public Hearing and the 1st Reading of the Draft Rezoning Ordinance

Issue Overview:

Background Information & Issue Summary:

Rufino Ramirez has requested an amendment to the Zoning Map to change the designation from R-1, Single-Family Residential to C-1, Commercial. The subject property is located on Bruce Avenue behind the Fajitas restaurant located at 707 US Highway 331 S (parcel # 25-3N-19-19330-000-107, 25-3N-19-19330-000-102, & 25-3N-19-19330-000-103) and is approximately .75 acres in size. The Future Land Use Map currently designates the property as Commercial, therefore a FLUM amendment is not required.

The Planning Board reviewed this request on December 6, 2021 and voted unanimously to recommend approval.

Financial Impacts:

To be determined.

Staff Recommendations/Comments:

Approval of all actions previously requested.

Ordinance Number - __

**AN ORDINANCE ADOPTING A ZONING MAP AMENDMENT OF THE CITY OF DEFUNIAK SPRINGS LAND DEVELOPMENT CODE; CHANGING THE ZONING DESIGNATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.
(Property located on Bruce Avenue behind 707 Highway 331)**

WHEREAS, the Legislature adopted Chapter 163, laws of Florida, which requires the City of DeFuniak Springs, Florida to prepare, adopt, and enforce a comprehensive plan; AND

WHEREAS, Chapter 163, Part II, Florida Statutes, establishes the Local Government Comprehensive Planning and Land Development Regulation Act; AND

WHEREAS, the City of DeFuniak Springs, Florida adopted Ordinance No. 669, November 13, 2000 (Comprehensive Plan) and Ordinance 793, October 25, 2010 (Evaluation and Appraisal Report), and Ordinance No. 881 on June 26, 2017 (Land Development Code) and;

WHEREAS, Chapter 163, Part II, Florida Statutes, requires local governments desiring to revise their comprehensive plans to prepare and adopt comprehensive plan amendments; AND

WHEREAS, the City of DeFuniak Springs has prepared an amendment to its Official Zoning Map, to be known as Zoning Map Amendment No. 2022-RZ-01; AND

WHEREAS, the City Council of DeFuniak Springs held a Public Hearing to adopt Zoning Map Amendment No. 2022-RZ-01, pursuant to Section 163.3184, Florida Statutes, with due public notice having been provided, and having reviewed and considered all comments received during the public hearing, and having provided for necessary revisions; AND

WHEREAS, in exercise of its authority, the City Council of DeFuniak Springs, Florida finds it necessary and desirable to adopt and does hereby adopt Zoning Map Amendment No. 2022-RZ-01, in order to encourage the most appropriate use of land, water and resources, consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within City of DeFuniak Springs;

NOW, THEREFORE, BE IT ORDAINED by City Council of the City of DeFuniak Springs, Florida, as follows:

SECTION I. PURPOSE AND INTENT.

This Ordinance is hereby enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, as amended.

SECTION II. OFFICIAL ZONING MAP AMENDMENTS.

The DeFuniak Springs City Council hereby adopts the following amendment to the Official Zoning Map which will be updated consistent with the action of the DeFuniak Springs City Council as set forth in this Ordinance:

1. Application number 2022-RZ-01, Rufino Ramirez's Rezoning request to amend the Official Zoning Map district designations on an amendment area that is approximately .75+/- acres in size.
2. The amendment area is identified as parcel# 25-3N-19-19330-000-107, 25-3N-19-19330-000-102, & 25-3N-19-19330-000-103 and is legally described as:

Parcel # 25-3N-19-19330-000-0107

THE SOUTH 84 FEET OF THE E ½ OF THE W ½ OF LOT 10 EXCEPT 20 FEET EAST AND WEST BY 15 FEET NORTH AND SOUTH IN THE SOUTHWEST CORNER THEREOF, ACCORDING TO RESURVEY OF LOTS 6,7,8, AND 9 OF J. D. NORTON SUBDIVISION OF BLOCK 1915 ACCORDING TO THE MAP OF THE VICINITY OF DEFUNIAK SPRINGS BY W. J. VANKIRK, COPIES OF BOTH MAPS BEING ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF WALTON COUNTY, FLORIDA.

Parcel # 25-3N-19-19330-000-0102

THE WEST ½ OF THE WEST ½ OF EAST ½ OF LOT 10, SUBDIVISION OF BLOCK 1915, ACCORDING TO MAP OF DEFUNIAK SPRINGS, DRAWN BY W. J. VANKIRK, COPY OF BOTH MAPS ON FILE IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF WALTON COUNTY, FLORIDA.

Parcel # 25-3N-19-19330-000-0103

THE EAST ½ OF WEST ½ OF LOT 10, EXCEPT THE SOUTH 84 FEET THEREOF, ACCORDING TO RESURVEY OF LOTS 6,7,8 AND 9 OF J. D. NORTON SUBDIVISION OF BLOCK 1915 ACCORDING TO THE MAP OF THE VICINITY OF DEFUNIAK SPRINGS BY W. J. VANKIRK, COPIES OF BOTH MAPS BEING ON FILE IN THE OFFICE OF THE CLERK OF CIRCUIT COURT OF WALTON COUNTY, FLORIDA.

3. The amendment area is currently designated R-1, Single-Family Residential on the Official Zoning Map adopted within the DeFuniak Springs Land Development Code.
4. Upon the legally effective date of this Ordinance, the Official Zoning Map designation for the amendment area will be designated as C-1, Commercial, as illustrated on Exhibit 1 (attached).
5. Any future development under this amendment will be required to meet all of the standards of the City of DeFuniak Springs Comprehensive Plan and Land Development Code.

SECTION III. CONFLICT WITH OTHER ORDINANCES OR CODES.

All Ordinances or parts of the Code of Ordinances of the City of DeFuniak Springs, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION IV. FILING.

An official, true and correct copy of the zoning amendment shall be filed with the Walton County Clerk and also maintained at the City of DeFuniak Springs Planning Department, which shall be responsible for administration of the Land Development Code.

SECTION V. SEVERABILITY.

Should any word, phrase, sentence or section of this Ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then such shall be severed from this Ordinance, and the remainder of the Ordinance shall remain in full force and effect.

SECTION VI. EFFECTIVE DATE.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining

this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective.

Duly enacted, by the City Council of the City of DeFuniak Springs, Florida at a regularly scheduled public hearing on the 24th of January, 2022.

CITY COUNCIL
DEFUNIAK SPRINGS, FLORIDA

Attest:

Koby Townsend, City Clerk

By: _____
Robert "Bob" Campbell, Mayor

City of DeFuniak Springs
71 US Highway 90 West
DeFuniak Springs, FL
32433



Planning Department
35 US Highway 90 West
DeFuniak Springs, FL
32433

M-E-M-O-R-A-N-D-U-M

TO: City of DeFuniak Springs Planning Board

FROM: Chris Wallace, Planning Director

RE: 2022-RZ-01, Rufino Ramirez's request to amend the Zoning Map.

DATE: December 2, 2021

(Planning Board meeting on Monday, December 6, 2021, 6:00 p.m.)

PART A. GENERAL INFORMATION

1. Owner/Applicant:
Rufino Ramirez
707 US Highway 331 S
DeFuniak Springs, FL 32435
2. Requested Action: Rufino Ramirez is requesting a rezoning from R-1, Single-Family Residential to C-1, Commercial. The subject property is located on Bruce Avenue behind the Fajitas restaurant located at 707 US Highway 331 S (parcel # 25-3N-19-19330-000-107, 25-3N-19-19330-000-102, & 25-3N-19-19330-000-103) and is approximately .75 acres in size.
3. Number of Notices Sent to Property Owners within 1000 feet: There will be 41 notices sent to property owners located within 500 feet of the subject property.
4. Existing Zoning: The subject property is currently zoned R-1, Single-Family Residential as is the adjoining property to the east. The property to the north is zoned C-2 Commercial and the property to the south is zoned C-1, Commercial. Property to the west, across Highway 331 S, is zoned C-2, Commercial. Please refer to Exhibit A – Existing Zoning.
5. Existing Future Land Use Map: The subject property is currently designated on the FLUM as Commercial as is the property to the north, south, and east. Property to the

west, across Highway 331 S, is also designated Commercial. Please Refer to Exhibit B - Future Land Use Map.

6. Existing Land Use: The subject property currently contains a small parking lot. An existing building on the property facing Bruce Ave. was recently demolished. The property to the east contains a single-family home. There are commercial uses to the north and south. The property to the west, across US Highway 331 S. also contains commercial uses.
7. Traffic: In 2019, the average daily traffic at this location on Highway 331 S was 21,000 vehicles per day. This represents a 23% increase since 2015. A detailed traffic analysis evaluating future traffic impacts is not required as part of this request.

PART B: LAND DEVELOPMENT CODE EXCERPTS

Sec. 18-45. - "C-1" Commercial restricted district.

District purpose. The commercial restricted district is intended to apply to a retail shopping area which includes offices, clinics, and businesses catering to personal needs and desiring adjacent off-street parking for their customers, clients, and patients. It is designed to prohibit retail establishments requiring large land area for storage or display of heavy equipment as well as retail establishments with obnoxious accessory uses.

(1) Uses allowed without review.

- a. Banks, trust companies, savings institutions, finance corporations.
- b. Professional and business offices and office buildings.
- c. Retail stores.
- d. Barber shops, beauty parlors.
- e. Repair shops—Shoe, hat, electric appliance, radio and television, watch and clock.
- f. Restaurants, tea rooms, cafeterias (excluding dancing and entertainment).
- g. Studios—Photography, art, music and dancing.
- h. Laundry or dry cleaning pickup stations only.
- i. Governmental buildings.
- j. Motion picture theaters.
- k. Motels or hotels.
- l. Other similar enterprises or businesses which are not more obnoxious or detrimental to the welfare of the particular community than the enterprises or businesses herein enumerated.
- m. Any commercial use allowed without review in an r-2 district.
- n. Antique shops.
- o. Antique malls.

(2) Use exceptions allowed upon special approval.

- a. Drive-in eating and refreshment establishments.
- b. Bed and breakfast establishments.

- c. Bars or taverns.
 - d. Bus, train or taxi terminals.
 - e. Shopping centers.
 - f. Service stations.
- (3) Prohibited uses.
- a. Plant nurseries.
 - b. Business using outdoor displays or sheds.
 - c. Used car lots.
 - d. Fortune tellers or clairvoyants.
 - e. Cemeteries.
 - f. Trailer camps or courts.
 - g. Laundries—Automobile, commercial, cleaning and dyeing plants.
 - h. Wholesale food markets.
 - i. Wholesale and warehouse establishments.
 - j. Storage yards—Building supply, contractors, plumbing, lumber, petroleum products, coal and wood, stone and junk.
 - k. Ice plants.
 - l. Beverage—Liquor distributors.
 - m. Sales from stands, wagons, trucks, etc., on vacant property or parked on or adjacent to streets, highways or roads
 - n. Repair establishments—Automobile, plumbing, bicycle, motorcycle, battery, engine.
 - o. Shops—Carpenter, sheet metal, paint, machine, sign painting, silver plating, soldering, upholstery, umbrella, bicycle or motorcycle rental, exterminating, flea markets, feed, tire vulcanizing, live bait, picture framing, taxidermy.
 - p. Manufacturing, fabricating, and/or processing activities, or other similar enterprises or businesses which are deemed to be equally obnoxious or detrimental to the central business district and to the safety of pedestrians.
- (4) Minimum yard setback. In substantial conformity with front yards of buildings within one hundred fifty (150) feet on each side. Front yard of twenty-five (25) feet if no buildings within one hundred fifty (150) feet on each side.
- (5) Maximum floor area ratio. The maximum floor area ratio shall be 1.0. However, a minimum of ten (10) percent of the site must be preserved as open space and landscaped with native species in accordance with the city's landscape ordinance.

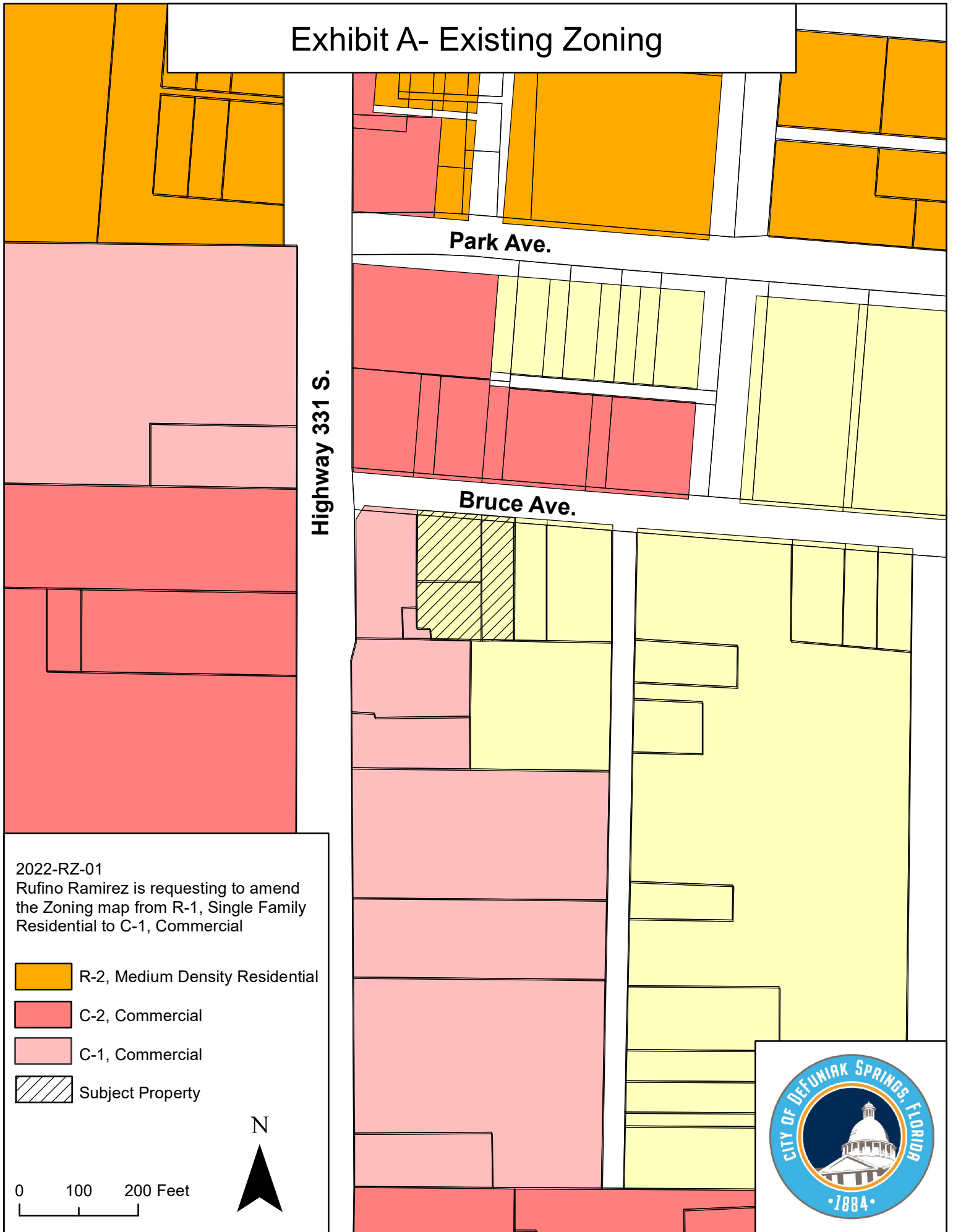
PART C. ANALYSIS

The applicant currently operates Fajitas restaurant located at 707 US Highway 331 S. He has acquired the subject property with the intent of adding an outdoor dining area and expanded parking. A site plan will be required prior to making the improvements.





The C-1, Commercial designation allows a wide variety of uses including restaurants, retail establishments, and hotels among others. This C-1 designation is consistent with the zoning of other property located south along Highway 331.

The Land Development Code requires a vegetative buffer when incompatible zoning districts adjoin one another. In this instance, if approved, the newly designated C-1 Commercial District will abut an R-1, Single-family Residential District to the east. This will necessitate a Level 3 buffer which requires a 20' vegetative buffer. The type of trees and the amount required are regulated by the Code as well as the quantity of shrubs required. This buffer may be reduced to 15' if a wall or fence is constructed within the buffer. In addition to the buffer, other landscaping will be required on the site including a 5' landscaped area between the developed portion of the site and the property line that faces a public street.

Exhibit A- Existing Zoning



2022-RZ-01
Rufino Ramirez is requesting to amend
the Zoning map from R-1, Single Family
Residential to C-1, Commercial

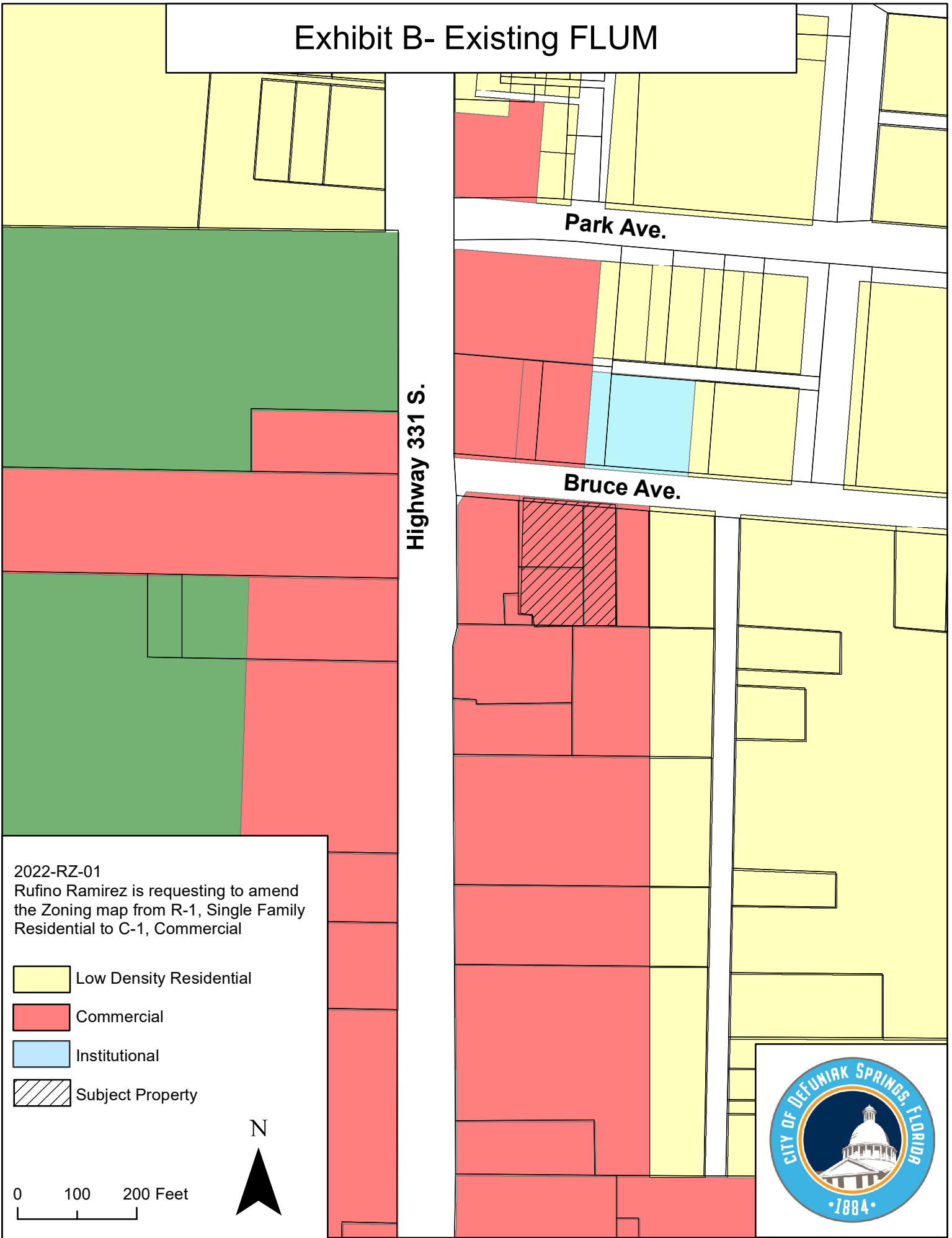
-  R-2, Medium Density Residential
-  C-2, Commercial
-  C-1, Commercial
-  Subject Property

N

0 100 200 Feet



Exhibit B- Existing FLUM





Highway 331 S.

Park Ave.

Bruce Ave.

2022-RZ-01
Rufino Ramirez is requesting to amend
the Zoning map from R-1, Single Family
Residential to C-1, Commercial

-  Low Density Residential
-  Commercial
-  Institutional
-  Subject Property

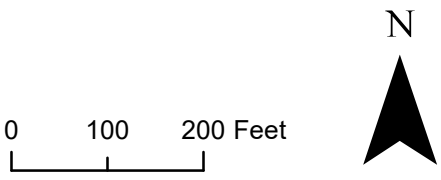
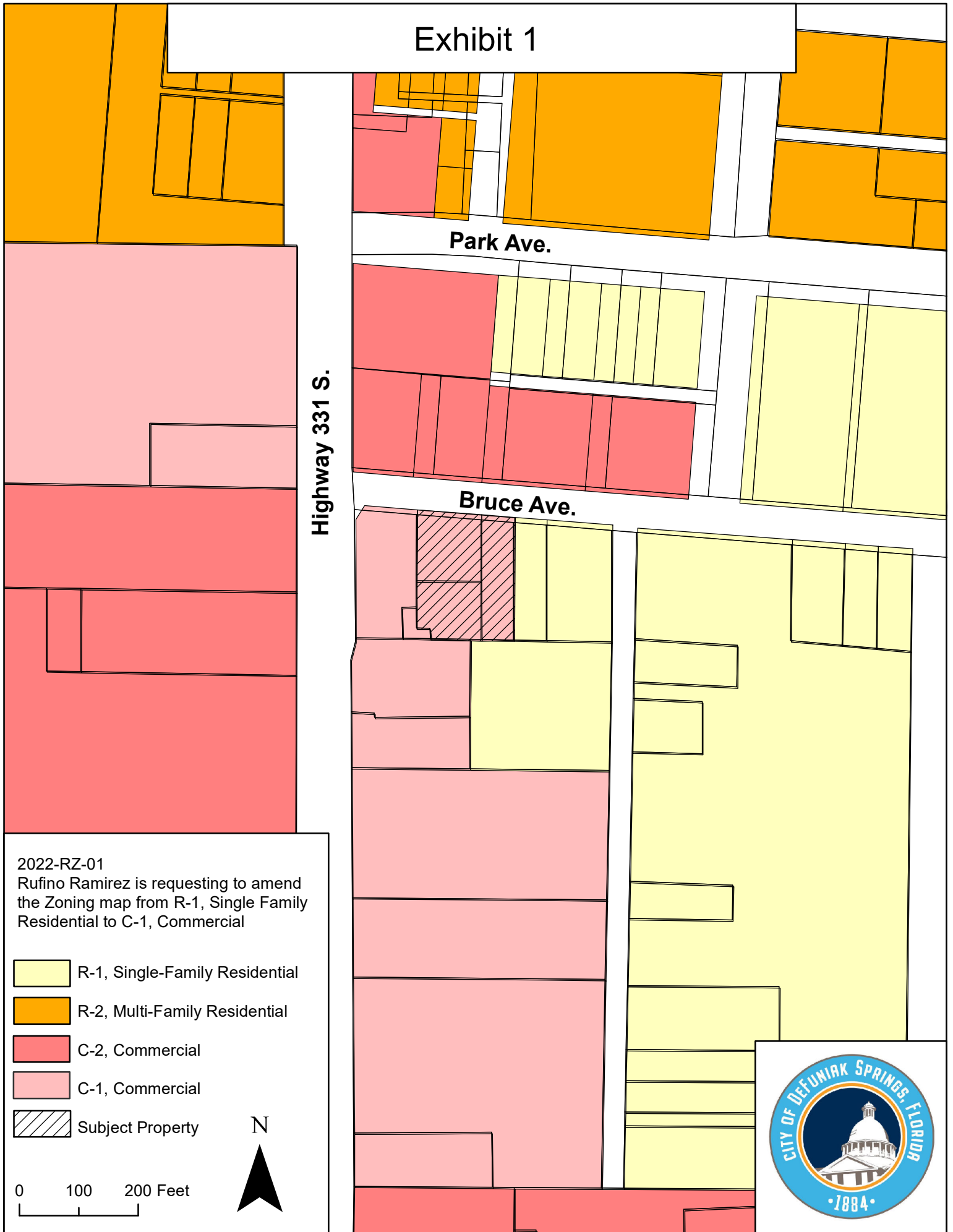







Exhibit 1



2022-RZ-01
Rufino Ramirez is requesting to amend
the Zoning map from R-1, Single Family
Residential to C-1, Commercial

-  R-1, Single-Family Residential
-  R-2, Multi-Family Residential
-  C-2, Commercial
-  C-1, Commercial
-  Subject Property

0 100 200 Feet

