

**PLANNING AND ZONING BOARD**  
**December 19, 2022**  
**4:00 PM**

**Old City Hall Commission Room**  
**2895 Jefferson Street**  
**Marianna, FL 32446**

**1. Call To Order**

**2. Minutes**

2.A. Minutes

Documents:

[MINUTES.PDF](#)

**3. Land Use/Zoning Changes**

3.A. SSA 2023-02 Ordinance 1140

Documents:

[SSA2023.02.PDF](#)  
[ORD1140.PDF](#)

3.B. Zoning Change - Ordinance 1141

Documents:

[ZONINGSR.PDF](#)  
[ORD1141.PDF](#)

**4. Other Business**

**5. Adjournment**

The City of Marianna is an Equal Opportunity Employer and a Drug-Free Workplace. In accordance with the adopted Section 504 Policy, the City will take affirmative steps to reasonably accommodate the disabled and ensure their needs are equitably represented in City programs and activities. Pursuant to Title VI and the Civil Rights Act of 1964, the City will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, language, income, handicap, genetics or familial status. For assistance with EEO, Title VI or Section 504 matters contact Julie Chance at 850-482-4353. The City also has a Fair Housing Ordinance. For assistance with Fair Housing matters contact Kay Dennis at 850-482-4353. In accordance with the

Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact the City Clerk's Office at 850-482-4353 no later than three days prior to the meeting. City Hall is located at 2898 Green Street, Marianna, Florida.



**CITY OF MARIANNA  
PLANNING & ZONING BOARD  
REGULAR MEETING  
December 19, 2022**

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**November 28, 2022  
MINUTES**

**MEMBERS & STAFF PRESENT**

**Jonathan Fuqua**, Chairman - Present

**Diane Pate** – Present

**Dr. Matt Payne** – Present

**Ann Jones**- Present

**William Long**- Present

**Matt Fuqua**, City Attorney-Present

**Jim Dean**, City Manager - Present

**Kay Dennis**, Municipal Development  
Director - Present

**Chierstin Rasmussen** – Administrative  
Assistant to Municipal Development  
Director - Present

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**I. Call to Order**

The meeting was called to order at 4 pm by Chairman Jonathan Fuqua.

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**II. Reading and Approval of the Minutes**

Mrs. Pate moved to approve the minutes of October 24, 2022. Mr. Long seconded this motion, and the minutes were approved with a 5:0 vote.

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**III. SSA 2023-01—Future Land Use Change**

Chairman Jonathan Fuqua recognized Mrs. Kay Dennis, who apprised the Board of a request for a Future Land Use Change on parcel #19-5N-09-0000-0050-0031. The parcel currently holds a Future Land Use of City of Marianna Industrial, and City of Marianna Commercial is being proposed. After a brief discussion, Mr. Long moved to recommend approval for the Future Land Use Change. Mrs. Pate seconded this motion, which carried 5:0 in favor of approval.

**IV. Zoning Designation**

Chairman Fuqua recognized Mrs. Kay Dennis, who relayed to the Board a request to establish a zoning designation of City of Marianna Commercial on parcel #19-5N-09-0000-0050-0031. After a brief discussion, Mrs. Pate made a motion to recommend approval of the zoning designation. Dr. Payne seconded this motion, which carried 5:0 in favor of recommending approval.

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**V. Major Development Order—Yamato**

Chairman Fuqua recognized Mrs. Kay Dennis, who informed the Board of a Major Development Order request to construct a 3,432 square foot restaurant building for Yamato, located on parcel #03-4N-10-0346-0000-0890 and parcel #03-4N-10-0346-0000-0900. The site is currently zoned as Commercial and is in the Downtown Special Treatment Area. After a brief discussion, Mr. Long moved to recommend approval of the development order request. Dr. Payne seconded this motion, which carried 5:0 in favor of approval.

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**VI. Major Development Order—Medical Marijuana Dispensary**

Chairman Fuqua recognized Mrs. Kay Dennis, who apprised the Board of a Conditional-Use Major Development Order request to renovate the existing structure on parcel #04-4N-10-0000-0710-0000 for a medical marijuana dispensary. The property is currently zoned as Mixed-Use and is located within the overlay districts of Mixed-Use Special Treatment Area and Historic Special Treatment Area. The Conditional Use Major Development Order is needed because pharmacies are a conditional use within the Mixed-Use District. After a brief discussion, Dr. Payne moved to recommend approval of the Condition-Use Major Development Order request. Mrs. Jones seconded this motion which carried 5:0 in favor of recommending approval.

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**VII. Other Business**

Chairman Fuqua recognized Mrs. Kay Dennis, who requested the December Planning and Zoning Meeting be held on December 19<sup>th</sup> as opposed to December 26<sup>th</sup> in observance of the Christmas holiday. After a brief discussion, Mrs. Pate moved to recommend approval for this request. Mr. Long seconded this motion, which carried 5:0 in favor of approval.

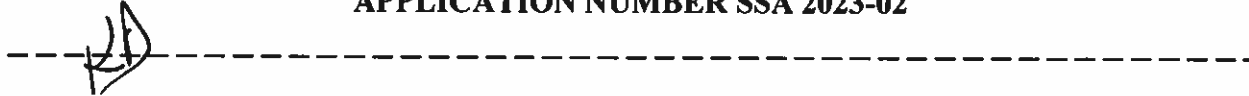
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**VIII. Adjournment**

With no further business for discussion, the meeting was adjourned.

**STAFF REVIEW OF PROPOSED AMENDMENT TO THE  
CITY OF MARIANNA COMPREHENSIVE PLAN  
FUTURE LAND USE MAP SERIES**

**APPLICATION NUMBER SSA 2023-02**



**I. APPLICATION SUMMARY**

**A. Owner's Names and Mailing Addresses:**

Randal Y. and Patricia W. Jacobs  
517 Westmoreland Ave  
Colonia Beach, FL 22443

**B. Property Description:**

1. General Location: The parcel is located at 4441 Marion Street (Parcel Tax Id #03-4N-10-0346-0000-0620; Latitude/Longitude 30.77207085339339, - 85.22586426247025).
2. Total Site Acreage: The parcel totals approximately 0.21 acres in size with approximately 80 feet of roadway frontage on Marion Street and 118 feet of frontage on Madison Street.
3. Current Land Utilization: The building on the parcel was constructed in 1925 for residential use (Jackson County Property Appraiser's website). The most previous use was for an ice cream/real estate business. It has been vacant for several years.

**C. Future Land Use Map Category**

Existing Future Land Use Category: *Commercial*– The Commercial Future Land Use Category was formed to direct areas for retail, wholesale, office and similar uses (*City of Marianna Comprehensive Plan, Future Land Use Element, Policy 4-1.7(c)*).

Proposed Land Use Category: *Mixed-Use*– The Mixed-Use Future Land Use Category was created for mix of residential and neighborhood commercial uses (*City of Marianna Comprehensive Plan, Future Land Use Element, Policy 1.1.4 (b)*).

## II. PUBLIC NOTICE REQUIREMENTS

As required by *Marianna City Code, Land Development Code, Sec. 2-6.7*, a “Public Notice” informational sign was placed on the affected property on November 15, 2022. Pursuant to *Florida Statutes 166.041*, display ads with maps appeared in the Jackson County Times on December 1, 2022, December 15, 2022 and January 19, 2022.

## III. STAFF REVIEW

### A. Natural Features Analysis

1. Topography: The elevation of the site slopes to the northwest and is approximately 73 feet above mean sea level (*U.S.G.S. Quad. Map, Marianna, FL, 11/08/2022, [www.usgs.gov](http://www.usgs.gov), Onsite Visual Inspection, and Soil Survey of Jackson County*).
2. Soils: The parcel contains Faceville Loamy Fine Sand with eight to twelve percent slopes. The slopes are generally smooth on this well-drained soil. The soil has moderate permeability and the runoff is very rapid. Land shaping is needed for new developments (*Soil Survey of Jackson County, United States Department of Agriculture Soil Conservation Service & University of Florida Institute of Food and Agricultural Sciences and Agricultural Experiment Stations Soil Science Department*).
3. Flood Zone Designation: The site is located in Zone “X,” which is defined as “[a]reas determined to be outside the 500-year flood plain” (*Federal Emergency Management Agency (FEMA) Federal Insurance Rate Map (FIRM) Panels 12063C0313D, Portal.nwfwmdfloodmaps.com*).
4. Wetlands: The site does not contain wetlands (*City of Marianna Wetlands Map, Florida Game & Fresh Water Fish Commission, Vegetative Cover Data Derived from 1985-1989 Landsat Thematic Mapper Imagery*).
5. Wildlife Habitat: The site is likely to harbor wildlife one might see in a rural town setting (*on-site visual inspection*).

### B. Land Use Analysis

1. Current Future Land Use Map Development Potential: The current Future Land Use designation was a good fit for the previously ice cream and real estate businesses. The owner plans to renovate the existing building and reuse it for apartments (*City of Marianna Comprehensive Plan, Future Land Use Element, Policy 1.1.4 (c) and City of Marianna Future Land Use Map*).
2. Proposed Future Land Use Map Development Potential: The Mixed-Use Future Land Use Category was created to provide areas for residential and

neighborhood commercial activities (*City of Marianna Comprehensive Plan, Future Land Use Element, Policy 1.1.4 (b)*). The City of Marianna Mixed-Use designation will make available to the owner the ability to use the site for either residential or commercial development.

3. General Analysis of Existing and Surrounding Land Uses and Site Characteristics: Immediately south and east of the site are vacant lots. The north side of the property has office buildings, and the west side has residential properties. The Future Land Use on the eastern and southern sides of the property is Mixed-Use. The remaining sides hold a Future Land Use of Commercial. The proposed Mixed-Use Future Land Use category appears to be compatible.

#### **C. Public Facilities and Services Analysis**

1. Potable Water Concerns: City water is available (*City of Marianna Code, Land Development Code, Sections 3-3, 3-4 & 3-5*).
2. Sanitary Sewer: City sewer is available (*City of Marianna Code, Land Development Code, Sections 3-3, 3-4 & 3-5*).
3. Natural Gas: City natural gas is available.
4. Traffic Circulation: The site is currently accessed by Marion and Madison Street. Additional driveways are unwarranted at this time.
5. Drainage: The property slopes precipitously to the south. However, there are no known drainage issues at this time.
6. Solid Waste: Solid Waste disposal is available through Waste Pro.

#### **D. Special Designated Areas Analysis:**

1. Apalachicola River Basin Surface Water Improvement and Management (SWIM) Area: The site of the proposed amendment is within the Apalachicola River Basin SWIM study area and watershed. The site will need to be analyzed during the development order approval process (*Apalachicola River and Bay System Management Plan*).
2. State Park Area: The site of the proposed amendment is about 0.5 miles away from a state-owned park.
3. Conservation Area: The site of the proposed amendment is about 0.5 miles away from a conservation area.

4. Historic and Archeological Preserves or Sites: The site is not within the Historic Special Treatment Area, on the Federal Historic Register or listed in the Jackson County Survey of Historically Significant Sites. No known archeological findings have been discovered at the location.
5. Known Endangered Species Habitat: The site has a residential structure. Being within 2.5 miles of the Florida Caverns State Park and 0.5 miles of the Chipola River, it is possible to see endangered or wildlife species on the site or in the area. It is unlikely that endangered or threatened species have habitats on the site (*On-site visual inspection; Strategic Habit Conservation Areas Map; Listed Species Occurrences Map (FGFWFC & FNAI)*).
6. Outstanding Florida Waters: The parcel is approximately 0.5 miles from the Chipola River. There are no outstanding Florida Waters on the site and the existing residential structure should not pose any direct negative effects to the Chipola River.
7. Flora and Fauna: The site was previously developed. A survey of native vegetative communities is unwarranted.

**E. Consistency with the Comprehensive Plan:** The proposed amendment changing from Commercial to Mixed Use appears to be consistent and in harmony with the *Goals, Policies and Objectives* of the adopted *City of Marianna Comprehensive Plan*.

**Staff Recommendation:** Staff recommends approval of Small-Scale Map Amendment #2023-02 to the Future Land Use Map, as submitted.



## **ORDINANCE NO. 1140**

AN ORDINANCE AMENDING ORDINANCE 812, WHICH ADOPTED THE CITY OF MARIANNA COMPREHENSIVE PLAN AND ORDINANCE 1138, WHICH AMENDED THE CITY OF MARIANNA COMPREHENSIVE PLAN AND FUTURE LAND USE MAP TO PROVIDE FOR THE ADOPTION OF A CERTAIN SMALL-SCALE FUTURE LAND USE MAP AMENDMENT (SSA 2023-01) TO THE CITY OF MARIANNA COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY AND FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREFORE**, the City Commission of Marianna, Florida has previously enacted Ordinance No. 812, which adopted the City of Marianna Comprehensive Plan, and Ordinance No. 1138, which amended the City of Marianna Comprehensive Plan and Future Land Use Map Series;

**WHEREAS**, Chapter 166, Florida Statutes empowers the City Commission of the City of Marianna to prepare and enforce comprehensive plans for the development of the City;

**WHEREAS**, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Commission of the City of Marianna to (a) plan for the City's future development and growth; (b) adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City' (c) implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations; and (d) establish, support and maintain administrative instruments and procedures to carry out the provisions and purposes of the Act;

**WHEREAS**, all amendments to the Comprehensive Plan must be adopted in accordance with detailed procedures which must be strictly followed;

**WHEREAS**, the City of Marianna has held all duly required public hearings prior to submission of the amendments to the Comprehensive Plan to the State Department of Economic Opportunity in accordance with Chapter 163, Florida Statutes;

**WHEREAS**, the City Commission of the City of Marianna desires to adopt the revised amendments with its current Comprehensive Plan to guide and control the future development of the City, and preserve and protect the public's health, safety and welfare; and

**WHEREAS**, the City Commission of Marianna, Florida desires to amend Ordinance No. 812 and No. 1138 to adopt a future land use amendment (SSA 2023-02) to the City of Marianna Comprehensive Plan Future Land Use Map as shown on the attached Exhibit B.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARIANNA, FLORIDA, THAT:**

1. Authority and Purpose. Ordinance No. 812 and No. 1138 (including all revisions through the effective date of this ordinance) is amended for the adoption of a certain future land use amendment (SSA-2023-02) to the City of Marianna Comprehensive Plan Future Land Use Map, to provide for a change of the land use designation on real property described in Exhibit A from Commercial (*City of Marianna Comprehensive Plan, Future Land Use Element, Policy 1.1.4 (c)*) to Mixed-Use (*City of Marianna Comprehensive Plan, Future Land Use Element, Policy 1.1.4 (b)*).
2. SEVERABILITY: If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is held for any reason, to be unconstitutional, void, or invalid, the validity of the remaining portion of the ordinance shall not be affected thereby.
3. REPEALER: All other ordinances or portions of ordinances in force at the time this ordinance becomes effective which are in conflict with any provisions hereof shall be deemed to have been repealed to the extent of any such conflict, otherwise to remain in full force and effect.
4. EFFECTIVE DATE: This ordinance shall take effect as provided by law.

**PRESENTED AND READ TO THE CITY COMMISSION OF THE CITY OF MARIANNA, FLORIDA ON THE PRESENTED AND READ TO THE CITY COMMISSION OF THE CITY OF MARIANNA,FLORIDA ON THE 3rd DAY OF JANUARY 2023.**

**THE FORGOING ORDINANCE WAS PASSED AND ADOPTED BY A VOTE OF \_\_\_\_\_ TO \_\_\_\_\_ BY THE CITY COMMISSION OF MARIANNA, FLORIDA ON THIS 7TH DAY OF FEBRUARY, 2023.**

ATTEST:

CITY OF MARIANNA

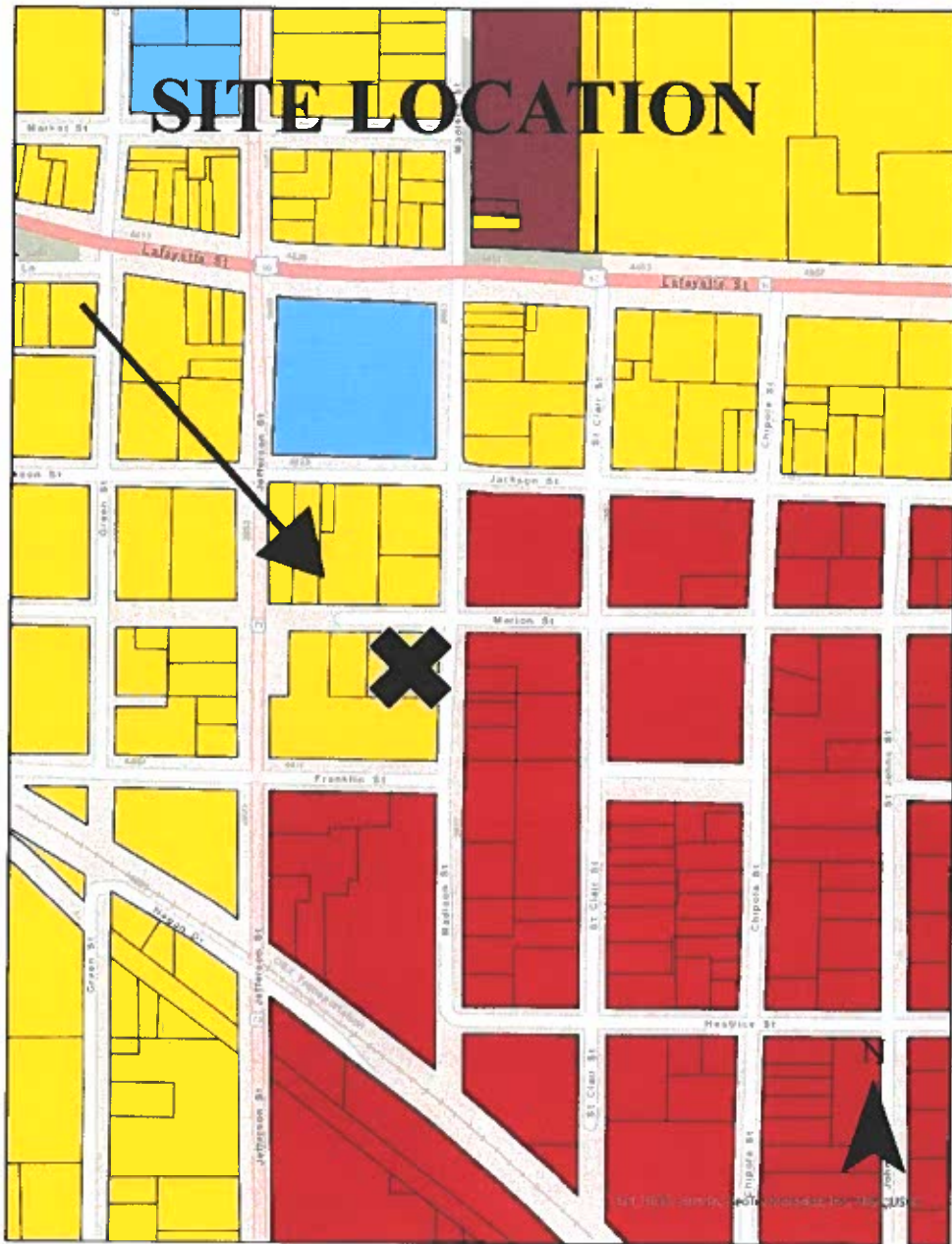
\_\_\_\_\_  
**Kimberly J. Applewhite, City Clerk**

\_\_\_\_\_  
**Kenneth Hamilton, Mayor/Commissioner**

Exhibit A

Lot No. 62, less and except the South 100 feet thereof, and the East 66 feet of Lot 63, according to the original plan of the Town of Marianna, Florida. Said property lying and being in Jackson County, Florida.

Exhibit B



**STAFF REVIEW OF PROPOSED CHANGE TO THE  
CITY OF MARIANNA ZONING MAP**

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**APPLICATION SUMMARY**

**A. Owner's Names and Mailing Addresses:**

Randal Y. and Patricia W. Jacobs  
517 Westmoreland Ave  
Colonia Beach, FL 22443

**B. Property Description:**

1. General Location: The parcel is located at 4441 Marion Street (Parcel Tax Id #03-4N-10-0346-0000-0620; Latitude/Longitude 30.77207085339339, -85.22586426247025).
2. Total Site Acreage: The parcel totals approximately 0.21 acres in size with approximately 80 feet of roadway frontage on Marion Street and 118 feet of frontage on Madison Street.
3. Current Land Utilization: The structure on the parcel was constructed in 1925 for residential use (Jackson County Property Appraiser). The most previous use was for an ice cream/real estate business. It has been vacant for several years. The building is located in the Historic District Special Treatment Area, but is not listed as a contributing structure to the City's Historic District (Federal Historic Register and Jackson County Survey of Historically Significant Sites

**C. Zoning District**

1. Existing Zoning District: *City of Marianna Commercial.* The existing district is intended to provide for a mix of retail, wholesale, office, and related uses. but only allows for residential uses above businesses in the Downtown Special Improvement District (*City of Marianna Code, Land Development Code, 4-1.7 (5)*).
2. Proposed Zoning District: *City of Marianna Mixed Use.* The proposed district is intended to provide areas for a mix of residential and neighborhood commercial uses (*City of Marianna Code, Land Development Code, 4-1.7 (4)*).

## **II. PUBLIC NOTICE REQUIREMENTS**

As required by *Marianna City Code, Land Development Code, Sec. 2-6.7*, a “Public Notice” informational sign was placed on the affected property on November 15, 2022. Pursuant to *Florida Statutes 166.041*, display ads with maps appeared in the Jackson County Times on December 1, 2022, December 15, 2022 and January 19, 2022.

## **III. STAFF REVIEW**

### **A. Consistency with the Comprehensive Plan**

The proposed district designation, if approved, will be consistent with the Goals, Objectives and Policies of the Future Land Use Element of the City of Marianna Comprehensive Plan.

### **B. Compatibility with Surrounding Land Uses**

There are no known compatibility issues.

## **IV. STAFF EVALUATION**

The proposed zoning designation, if approved, will be consistent with intentions of the *City of Marianna Comprehensive Plan* and *City of Marianna Land Development Code*.

## **V. STAFF RECOMMENDATION**

Approval of requested zoning designation of Mixed Use to the City of Marianna Zoning Map.

## **ORDINANCE NO. 1141**

**AN ORDINANCE AMENDING ORDINANCE NO. 815, WHICH ADOPTED THE CITY OF MARIANNA LAND DEVELOPMENT REGULATIONS AND ORDINANCE 113, WHICH AMENDED THE CITY OF MARIANNA LAND DEVELOPMENT REGULATIONS TO PROVIDE FOR A ZONING DISTRICT CHANGE TO THE ADOPTED ZONING DISTRICT MAP OF THE CITY OF MARIANNA, FLORIDA; PROVIDING FOR SEVERABILITY AND FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREFORE**, the City Commission of Marianna, Florida has previously enacted Ordinance No. 815, which adopted the City of Marianna Land Development Regulations (LDR) on December 1, 1991; and

**WHEREAS**, the City Commission of Marianna, Florida desires to amend Ordinance No. 815 and Ordinance No. 1139 to enact a change to the adopted Zoning District Map of the City of Marianna, Florida as shown on attached Exhibit B.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARIANNA, FLORIDA, THAT:**

1. Ordinance No. 815 (including all revisions through the effective date of this ordinance) is amended for a change in the Zoning District Map of the City of Marianna, Florida, to establish a Zoning District of Mixed-Use on real property described in Exhibit A.
2. **SEVERABILITY**: If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is held for any reason, to be unconstitutional, void, or invalid, the validity of the remaining portion of the ordinance shall not be affected thereby.
3. **REPEALER**: All other ordinances or portions of ordinances in force at the time this ordinance becomes effective which are in conflict with any provisions hereof shall be deemed to have been repealed to the extent of any such conflict, otherwise to remain in full force and effect.
4. **EFFECTIVE DATE**: This ordinance shall take effect as provided by law.

**PRESENTED AND READ TO THE CITY COMMISSION OF THE CITY OF MARIANNA,  
FLORIDA ON THE 3rd DAY OF JANUARY, 2023.**

**THE FORGOING ORDINANCE WAS PASSED AND ADOPTED BY A VOTE OF \_\_\_\_\_  
TO \_\_\_\_\_ BY THE CITY COMMISSION OF MARIANNA, FLORIDA ON THIS 7th DAY  
OF FEBRUARY....., 2023.**

**ATTEST:**

**CITY OF MARIANNA**

\_\_\_\_\_  
**Kimberly J. Applewhite, City Clerk**

\_\_\_\_\_  
**Kenneth Hamilton, Mayor/Commissioner**



Exhibit A

Lot No. 62, less and except the South 100 feet thereof, and the East 66 feet of Lot 63, according to the original plan of the Town of Marianna, Florida. Said property lying and being in Jackson County, Florida.

Exhibit B

