

ORDINANCE NO. 21-06

AN ORDINANCE AMENDING ORDINANCE NO. 04-29 ENTITLED "THE BAY COUNTY OFFICIAL ZONING DISTRICT MAP", AS AMENDED; PROVIDING FOR AUTHORITY AND PURPOSE; PROVIDING A SHORT TITLE; PROVIDING FOR CHANGES TO THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Bay County, Florida (the "Board"), approved Ordinance No. 04-29 (the "Bay County Official Zoning District Map") on September 21, 2004;

WHEREAS, the Board has approved other ordinances amending the Bay County Official Zoning District Map (Zoning District Map);

WHEREAS, Alaa Hussein (the "applicant") submitted an application to change the zoning designation of the land described in Exhibit 1 on the Zoning District Map (the "rezoning");

WHEREAS, pursuant to Section 307 of the Bay County Land Development Regulations Staff conducted a technical analysis of the application for rezoning resulting in findings and recommendations;

WHEREAS, pursuant to Section 307 of the Bay County Land Development Regulations and Section 163.3174, F.S. the Planning Commission conducted a public hearing on February 16, 2021, to hear and consider comments from the staff, the applicant, and the public on the rezoning;

WHEREAS, pursuant to Section 307 of the Bay County Land Development Regulations and Section 125.66, F.S. the Board conducted a quasi-judicial public hearing on April 20, 2021, to hear and consider the recommendations of the Planning Commission concerning the rezoning and to hear and consider comments from staff, the applicant, and the public;

WHEREAS, the Board found the proposed rezoning to be generally consistent with the Bay County Comprehensive Plan.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Bay County:

Section 1. Authority and Purpose. This ordinance is adopted pursuant to the authority granted counties in Chapter 125 and is enacted to provide for the health, safety and welfare of the citizens of Bay County, Florida and to implement the Bay County Comprehensive Plan and Bay County Land Development Regulations pursuant to Chapter 163, Part II, Florida Statutes.

Section 2. Short Title. This ordinance shall be known as "Bay County Rezoning ZC 21-005 to the Bay County Official Zoning District Map".

Section 3. Changes to the Zoning District Map. The Zoning District Map is hereby changed as follows and described in Exhibit 1.

<u>Reference</u>	<u>Action Taken</u>	<u>Location</u>
ZC 21-005	Change 0.7 acres from "Residential (R-1)" on the Zoning District Map	See Exhibit 1

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decisions shall not effect the validity of the remaining portions hereof. The Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared illegal, invalid, or unconstitutional, and all ordinances and parts or ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 5. Effective date. This Ordinance shall become effective when the amendment to the Future Land Use Map adopted by Ordinance No. 21-05 becomes effective as provided by law including Section 163.3189, F.S.

PASSED AND ADOPTED this 20th day of April 2021.



BOARD OF COUNTY COMMISSIONERS
OF BAY COUNTY FLORIDA

A handwritten signature in blue ink, appearing to read "R. Carroll", is written over a horizontal line.

Robert Carroll, Chairman

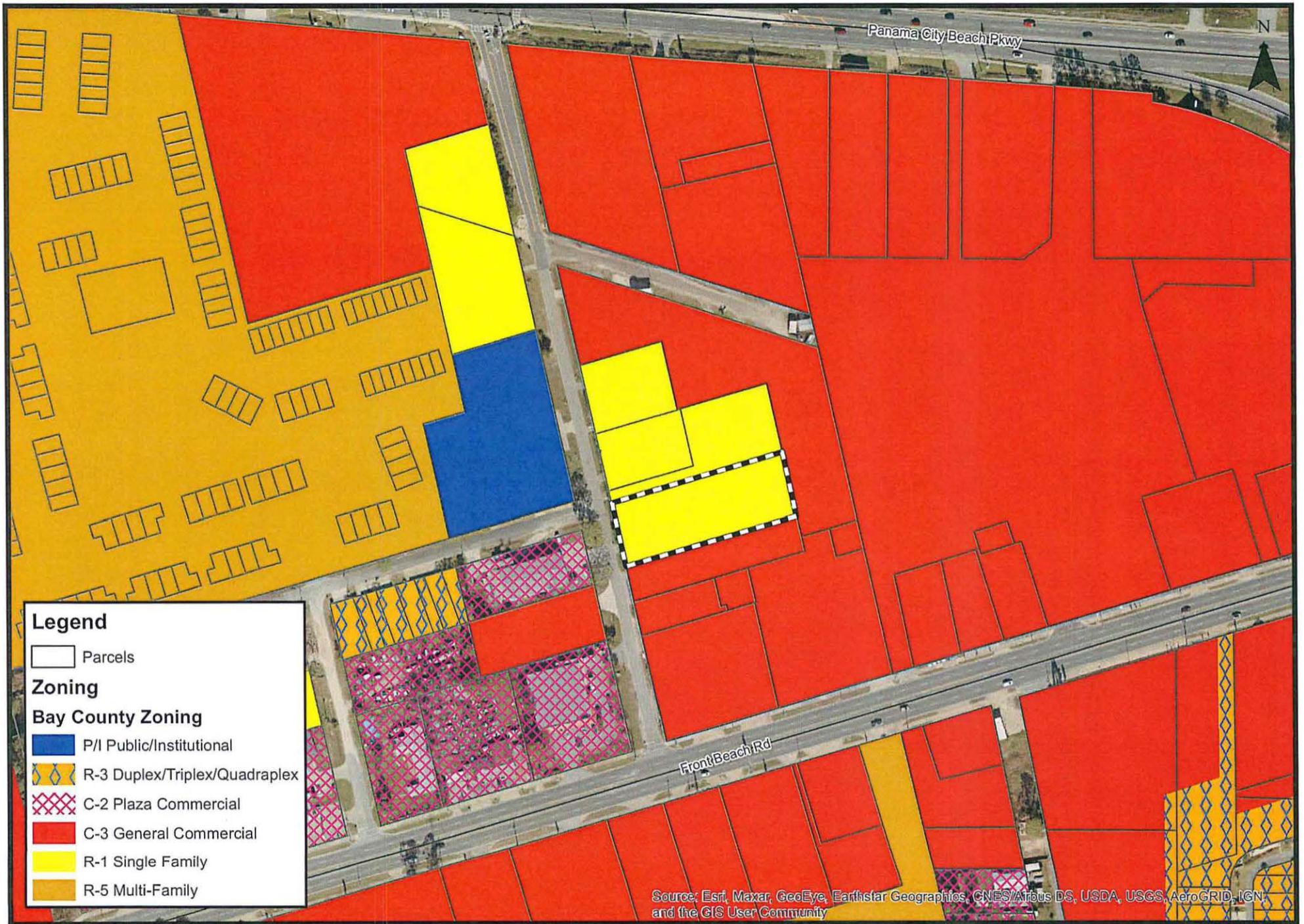
ATTEST:

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Clerk

Approved as to correctness of form:

A handwritten signature in blue ink is written over a horizontal line.
Office of the County Attorney
Brian D. Leebrick

Cc: Property Appraiser



Legend

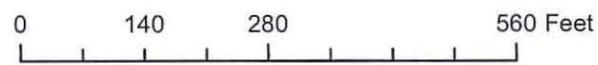
Parcels

Zoning

Bay County Zoning

- P/I Public/Institutional
- R-3 Duplex/Triplex/Quadraplex
- C-2 Plaza Commercial
- C-3 General Commercial
- R-1 Single Family
- R-5 Multi-Family

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Bay County Zoning Map

Zone Change Application PZ21 - 005



**Bay County Board of County Commissioners
Agenda Item Summary**

PZ21-005 1910 Cauley Ave. Zone Change

DEPARTMENT MAKING REQUEST/NAME:

Community Development Department Tim Smith, AICP, PMP, Planning Manager

MEETING DATE: 4/20/2021

REQUESTED MOTION/ACTION:

Board to conduct a quasi-judicial public hearing pursuant to Section 307 of the Land Development Regulations and approve a request to change the zoning of 0.7 acres from the "R-1" Single-Family zone district to the "C-3" General Commercial zone district. Requires a Zone Change. Property is located at 1910 Cauley Avenue (**District V**).

AGENDA

Community Development - Public Hearing

BUDGETED ITEM? N/A

BUDGET ACTION:

None needed.

FINANCIAL IMPACT SUMMARY STATEMENT:

N/A

BACKGROUND:

On February 16, 2021, the Bay County Planning Commission conducted a public hearing to consider a request from Alaa Hussein to change the zoning of 0.7 acres from the "R-1" Single-Family zone district to the "C-3" General Commercial zone district. (**Exhibit 1**) The parcel is located at 1910 Cauley Avenue, in the unincorporated Panama City Beach area (**District V**).

As with the associated Small Scale Amendment, the applicant is requesting approval to rezone the 0.7 acres from "R-1" (Single-Family) to "C-3" (General Commercial) in order to comply with the Special Magistrate's Order, which was initiated by a Code Enforcement case involving the property.

In accordance with Section 307.3 Findings Guidelines, of the Bay County Land Development Regulations (LDR), the presiding commission shall consider the following guidelines when making its decisions, however, use of these guidelines does not preclude discovery of additional relevant findings based upon evidence presented during the hearing.

- a. The application for zone change complies with the procedural requirements set forth herein.
- b. The application for zone change is consistent with the Comprehensive Plan. To be consistent means: that the zone change is within the proper land use category shown on the Comprehensive Plan Future Land Use Map and complies with all standards and criteria associated with that category, and; the application for zone change is not inconsistent or in conflict with the Comprehensive Plan, Policy 3.2.1 of the Future Land Use Element as follows:
 - i. Potential for threat to the health, safety, and welfare of the general public;
 - ii. Potential to create public nuisance(s);
 - iii. Site suitability;
 - iv. Compatibility between zones;
 - v. Consistency with the Comprehensive Plan;
 - vi. Availability of infrastructure facilities and services;
 - vii. Would not create "spot" zoning, and;
 - viii. Criteria specified in Table 3A of the Comprehensive Plan.
- c. Whether or not the application for zone change represents a logical and consistent extension of present uses in the general area of the property involved.
- d. Granting the application for zone change will not adversely affect other properties in the general vicinity of the property involved.
- e. The impact of the rezoning to the environment or natural resources, and the impact upon concurrency issues and requirements.
- f. Granting the application for zoning change will not interfere, contradict, or conflict with infrastructure improvement plans of Bay County or any other governmental agency, or otherwise create a physical or financial burden for Bay County.

The allowable uses for the requested zoning can be found in LDR Section 605.

Under the given circumstances, approval of the requested change to "C-3" (General Commercial) is appropriate.

As referenced with the Small Scale Amendment request, a letter received from a nearby property owner concerning the property and drainage issues was discussed in the meeting. **(Exhibit 2)**

At the conclusion of the public hearing, the Planning Commission voted 5-0 to find the proposed zone change consistent with the Bay County Comprehensive Plan and Land Development Regulations.

Staff agrees with the findings of the Planning Commission.

It is therefore recommended the Board conduct a quasi-judicial public hearing pursuant to Section 307 of the Land Development Regulations, then approve the proposed zone change as requested by the applicant and adopt the attached ordinance. **(Exhibit 3)**

This item has been noticed as a public hearing in accordance with Section 206 of the Land Development Regulations.

ATTACHMENTS:

Description	Type
Exhibit 1 - Application and Map	Exhibit
Exhibit 2 - Public Comment	Exhibit
Exhibit 3 - Ordinance	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date	Comments
Community Development	Crelling, Ian	Approved	3/9/2021 - 12:00 PM	AnswerNotes
Budget Office	Stukey, Ashley	Approved	3/17/2021 - 11:17 AM	AnswerNotes
Human Resources	Cooper, Amy	Approved	3/17/2021 - 11:15 AM	n/a
IT & GIS Department	Fox, Chris	Approved	3/17/2021 - 12:16 PM	AnswerNotes
Emergency Services	Monroe, Brad	Approved	3/17/2021 - 12:17 PM	AnswerNotes
Risk Management	Tooley, Eve	Approved	3/17/2021 - 12:32 PM	AnswerNotes
Purchasing Office	Grindle, Karen	Approved	3/17/2021 - 12:38 PM	AnswerNotes
Public Information	Williamson, Angela	Approved	3/23/2021 - 9:21 AM	AnswerNotes
County Attorney	Leebrick, Brian	Approved	3/30/2021 - 11:42 AM	AnswerNotes
Administration	Williamson, Angela	Approved	4/15/2021 - 4:47 PM	AnswerNotes