

ORDINANCE NO. 21-27

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, David Chapman (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 July 20, 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 November 16, 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 PZ 21-124 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>
PZ 21-124	Change 9.6 +/- acres from	See Exhibit 1
	"Seasonal Resort Residential (SR-1)" to "Seasonal Resort Mixed Use (SR-1A)" on the Zoning District Map.	

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 as provided by law.

PASSED AND ADOPTED this 16<sup>th</sup> day of November, 2021.



BOARD OF COUNTY COMMISSIONERS  
OF BAY COUNTY, FLORIDA

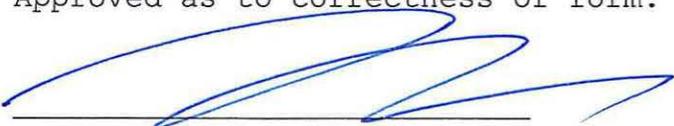
  
\_\_\_\_\_  
Robert Carroll, Chairman

ATTEST:

  
\_\_\_\_\_  
Clerk



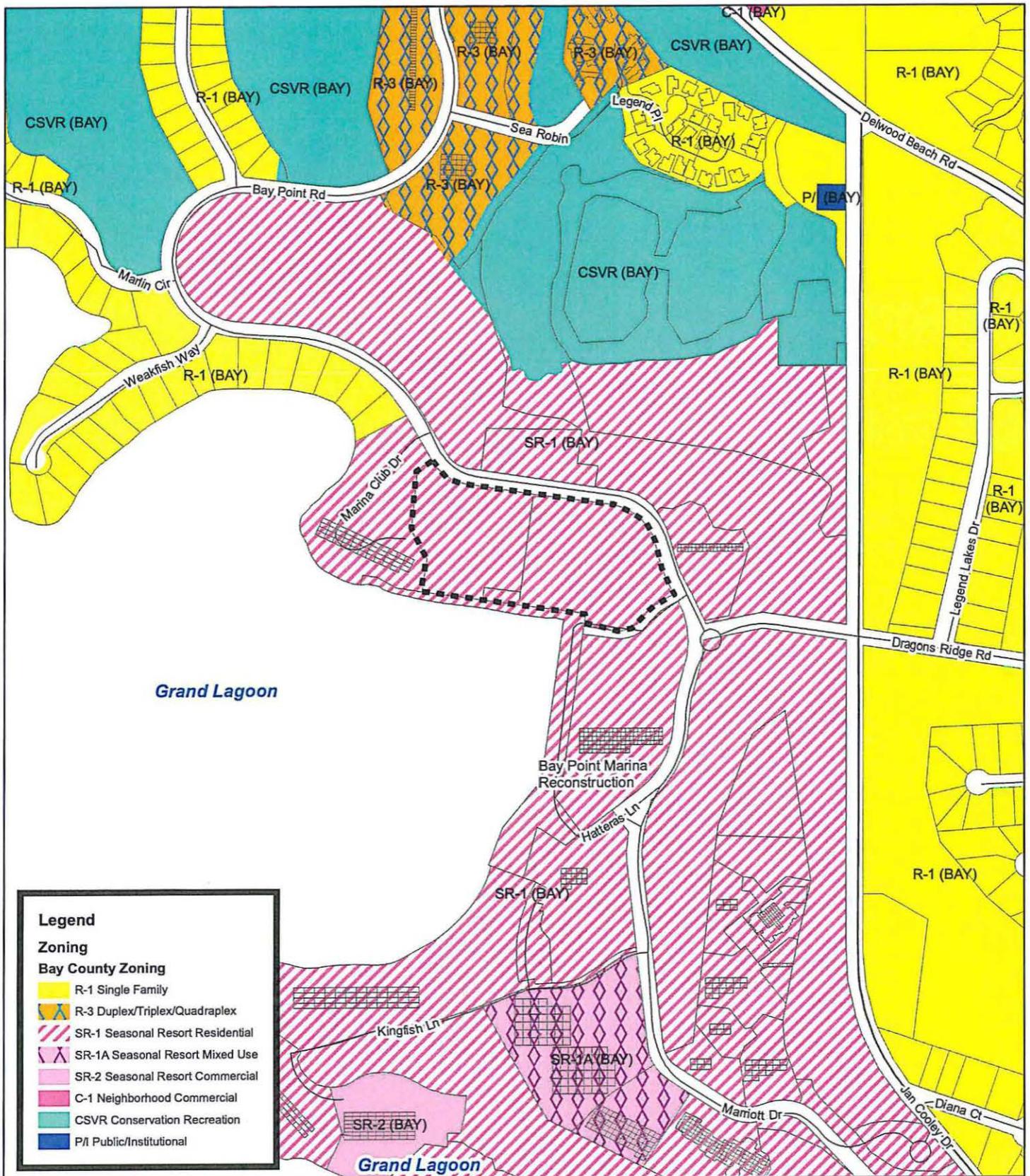
Approved as to correctness of form:

  
\_\_\_\_\_  
Office of the County Attorney

**Brian D. Leebrick**

cc: Bay County Property Appraiser

# Zoning Map



1 in = 0.09 miles

Prepared by  
Bay County  
Planning and Zoning



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

PZ 21-124 Bay Point DRI Zone Change - SR-1 to SR-1A

<b>DEPARTMENT MAKING REQUEST/NAME:</b> Community Development Wayne Porter, Planning Manager	<b>MEETING DATE:</b> 11/16/2021
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**REQUESTED MOTION/ACTION:**  
Board to conduct a quasi-judicial public hearing pursuant to Section 307 of the Land Development Regulations and approve a proposed zone change from "SR-1" Seasonal Resort Residential to "SR-1A" Seasonal Resort Mixed Use, Application No. PZ 21-124. Located at 4700 and 4720 Bay Point Road, in the unincorporated Panama City Beach area.

<b>AGENDA</b> Community Development - Public Hearing	<b>BUDGETED ITEM? N/A</b> BUDGET ACTION: None needed. FINANCIAL IMPACT SUMMARY STATEMENT: N/A
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**BACKGROUND:**  
On July 20, 2021, the Bay County Planning Commission conducted a public hearing to consider a request from applicant David Chapman to change the zoning designation of an approximately 9.6 acres from "SR-1" Seasonal Resort Residential to the "SR-1A" Seasonal Resort Mixed Use zone (**Exhibit 1**). The subject property is located at 4700 and 4700 Bay Point Road, in the unincorporated Panama City Beach area. 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.

This application was preceded by a Large Scale Text Amendment to the Comprehensive Plan to change the latest approved Bay Point DRI Development Order and Map H of the DRI. The applicants intended purpose is to develop a mixed use condominium project.

The Seasonal Resort zones are designed to provide areas for a functional mix of compatible seasonal resort land uses where such uses are predominately seasonal and the clientele are visitors and tourists. The Seasonal Resort Mixed Use zone designation allows the same residential uses as allowed by the Seasonal Resort Residential zone while also allowing the commercial uses allowed in the C-1 Neighborhood Commercial and C-2 Plaza Commercial zone designations. This allowed mixed use is provided to encourage interaction between the residential and commercial components of a development. SR-1 and SR-1A share the same density requirements and setbacks. SR-1A does allow a higher impervious surface ratio at 75% instead of 60%, it also allows a 100 foot maximum height, an increase of the 60 foot maximum height allowed by the current SR-1 zoning. The applicant is proposing a development with a maximum of 145 dwelling units, a 100 foot height limitation, and all the other applicable standards of the SR-1A zone designation.

The zone change is consistent with Table 3.1 of the Land Development Regulations in that "SR-1A" implements the Seasonal Resort land use category of the Comprehensive Plan. Staff finds that this proposal does not constitute "spot" zoning and proposes a logical and consistent location for the SR-1A zone designation given the similarities with the SR-1 zoned parcels in the area. The mixed use nature of SR-1A is also consistent with the overall nature and goals of the Bay Point Development of Region-al Impact Development Order.

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

Staff agrees with the Planning Commission and recommends the Board conduct a public hearing, approve the proposed amendment, with conditions, and adopt the attached ordinance (**Exhibit 2**).

**ATTACHMENTS:**

Description	Type
<a href="#">Exhibit 1 - Application</a>	Exhibit
<a href="#">Exhibit 2 - Ordinance</a>	Exhibit
<a href="#">Exhibit 3 - Map</a>	Exhibit

**REVIEWERS:**

Department	Reviewer	Action	Date	Comments
Community Development	Crelling, Ian	Approved	11/8/2021 - 10:13 AM	AnswerNotes