

ORDINANCE NO. 21-33

AN ORDINANCE AMENDING ORDINANCE NO. 09-36
ENTITLED "AN ORDINANCE ADOPTING THE BAY
COUNTY COMPREHENSIVE PLAN", AS AMENDED;
PROVIDING FOR AUTHORITY; PROVIDING A SHORT
TITLE; REVISING THE FUTURE LAND USE MAP;
PROVIDING FOR SEVERABILITY; PROVIDING AN
EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Bay County, Florida (the "Board"), approved Ordinance No. 09-36 (the "Bay County Comprehensive Plan") on October 20, 2009;

WHEREAS, the Board has approved other ordinances amending the Bay County Comprehensive Plan;

WHEREAS, Jason Oakes, (the "applicant"), requested a small-scale amendment to the Bay County Comprehensive Plan (the "application");

WHEREAS, the requested amendment is to change the land described in Exhibit 1 on the Future Land Use Map;

WHEREAS, Staff conducted a technical analysis of the application resulting in findings and recommendations;

WHEREAS, the Planning Commission conducted a public hearing on November 16, 2021, to hear and consider comments from the public;

WHEREAS, the Board conducted a public hearing on December 21, 2021, to hear and consider comments from the public as well as the recommendations of the Planning Commission concerning the amendment requests;

WHEREAS, the Board found the proposed amendment 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 the 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 Small Scale Plan Amendment PZ 21-229 to the Bay County Comprehensive Plan".

Section 3. Change to the Comprehensive Plan. The Bay County Comprehensive Plan including the Future Land Use Map (FLUM) is hereby changed as follows, and described in Exhibit 1.

<u>Reference</u>	<u>Action Taken</u>	<u>Location</u>
PZ 21-229	Change 4.383 ± acres from "Commercial" to "Residential" on the FLUM.	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. The Small-Scale Amendment approved by this Ordinance shall not become effective until 31

days after adoption. If challenged within 30 days after adoption, the Small-Scale Amendment approved by this Ordinance shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order that determines that this Small-Scale Amendment is "in compliance", as that term is defined by law. Any noncompliant plan amendment shall not delay or otherwise influence the effective date of any compliant amendments.


PASSED AND ADOPTED this 21st day of December, 2021.



BOARD OF COUNTY COMMISSIONERS
OF BAY COUNTY FLORIDA


Robert Carroll, Chairman

ATTEST:


Clerk



Approved as to correctness of form:



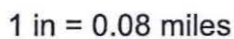
Office of the County Attorney
Brian D. Leebrick

cc: Bay County Property Appraiser

Legend

Future Land Use
Bay County FLU

- CSV Conservation
- GCOM General Commercial
- IND Industrial
- P/I Public/Institutional
- REC Recreation
- RES Residential



**Prepared by
Bay County
Planning and Zoning**



Bay County Board of County Commissioners Agenda Item Summary

PZ21-229 Small Scale Land Use (1716 N. East Ave)

DEPARTMENT MAKING REQUEST/NAME:

Community Development Wayne Porter, Planning Manager

MEETING DATE: 12/21/2021**REQUESTED MOTION/ACTION:**

Board to conduct a public hearing and approve a proposal of a Small-Scale Amendment to the Bay County Comprehensive Plan, Future Land Use Map, Application No. PZ 21-229. Located 1716 N. East Ave. just north of 17th St.

AGENDA

Community Development - Public Hearing

BUDGETED ITEM? N/A**BUDGET ACTION:**

None needed.

FINANCIAL IMPACT SUMMARY STATEMENT:

N/A

BACKGROUND:

On November 16, 2021, the Bay County Planning Commission conducted a public hearing to consider a request from applicant Doug Crook to change the Future Land Use Map designation of an approximately 4.4 acres from General Commercial to Residential (**Exhibit 1**). The subject property is located at 1716 N. East Avenue about .25 miles north of 17th street (**Exhibit 2**). At the conclusion of the public hearing, the Planning Commission voted 3-0 to find the proposed land use change consistent with the Bay County Comprehensive Plan. Not voting due to absence were council members Mr. Hughes and Mr. Carter.

The Residential land use designation and the requested "R-3" zone district allows for duplex, triplex, and quadraplex residential housing at a density of 15 dwelling units per acre in the urban service area.

This land use change is one of three related items. In addition to this request, the applicant is requesting a zone change amendment (PZ21-228) along with a zone change (PZ21-230) to the land use and zoning designations of the adjacent property to accommodate future residential development. The intent is to change the land use designation from General Commercial to residential and seek a "R-3" zoning for the adjacent residential property. Developers plan to combine the two properties in order to develop a multi-family housing complex. The property is located in area that is predominately designated as residential. Staff feels that the requested land use is compatible and consistent with the surrounding area.

Notice of this public hearing was published in a local newspaper 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 3**).

ATTACHMENTS:**Description**[Exhibit 1 - Application](#)[Exhibit 2 - Map](#)[Exhibit 3 - Ordinance](#)**Type**

Cover Memo

Exhibit

Cover Memo

REVIEWERS:

Department	Reviewer	Action	Date	Comments
Community Development	Crelling, Ian	Approved	12/15/2021 - 10:36 AM	AnswerNotes
Budget Office	Griffin, Maranda	Approved	12/15/2021 - 10:50 AM	AnswerNotes
Human Resources	Pierce, Terri	Approved	12/15/2021 - 9:58 AM	N/A
IT & GIS Department	Fox, Chris	Approved	12/15/2021 - 11:02 AM	AnswerNotes
Emergency Services	Morrison, David	Approved	12/15/2021 - 11:02 AM	AnswerNotes
Risk Management	Farrill, Joey	Approved	12/15/2021 - 11:07 AM	AnswerNotes
Purchasing Office	Grindle, Karen	Approved	12/15/2021 - 11:56 AM	AnswerNotes
Public Information	Santiago, Gabriela	Approved	12/15/2021 - 12:15 PM	AnswerNotes
County Attorney	Leebrick, Brian	Approved	12/15/2021 - 12:51 PM	AnswerNotes