

ORDINANCE NO. 21-35

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, Gwendolyn E. Sellars (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 November 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 December 21, 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 21-228 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 21-228	Change 4.93 +/- acres from "R-1 (Single Family Residential)" to "R-3 (Duplex, Triplex, Quadraplex)" on the Zoning District Map.	See Exhibit 1

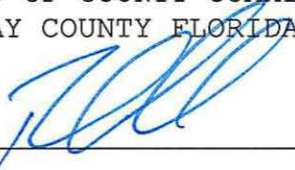
Section 4. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decisions shall not effect the validity of the remaining portions hereof. The 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.

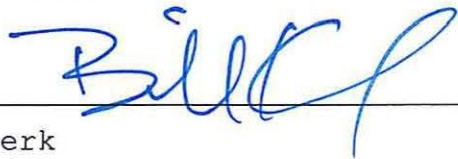
Section 5. Effective date. This Ordinance shall become effective as provided by law.

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

BOARD OF COUNTY COMMISSIONERS
OF BAY COUNTY FLORIDA

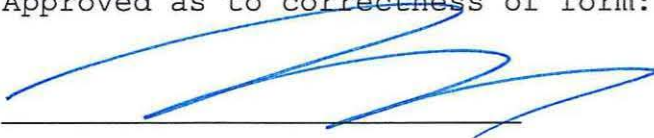

Robert Carroll, Chairman

ATTEST:


Clerk



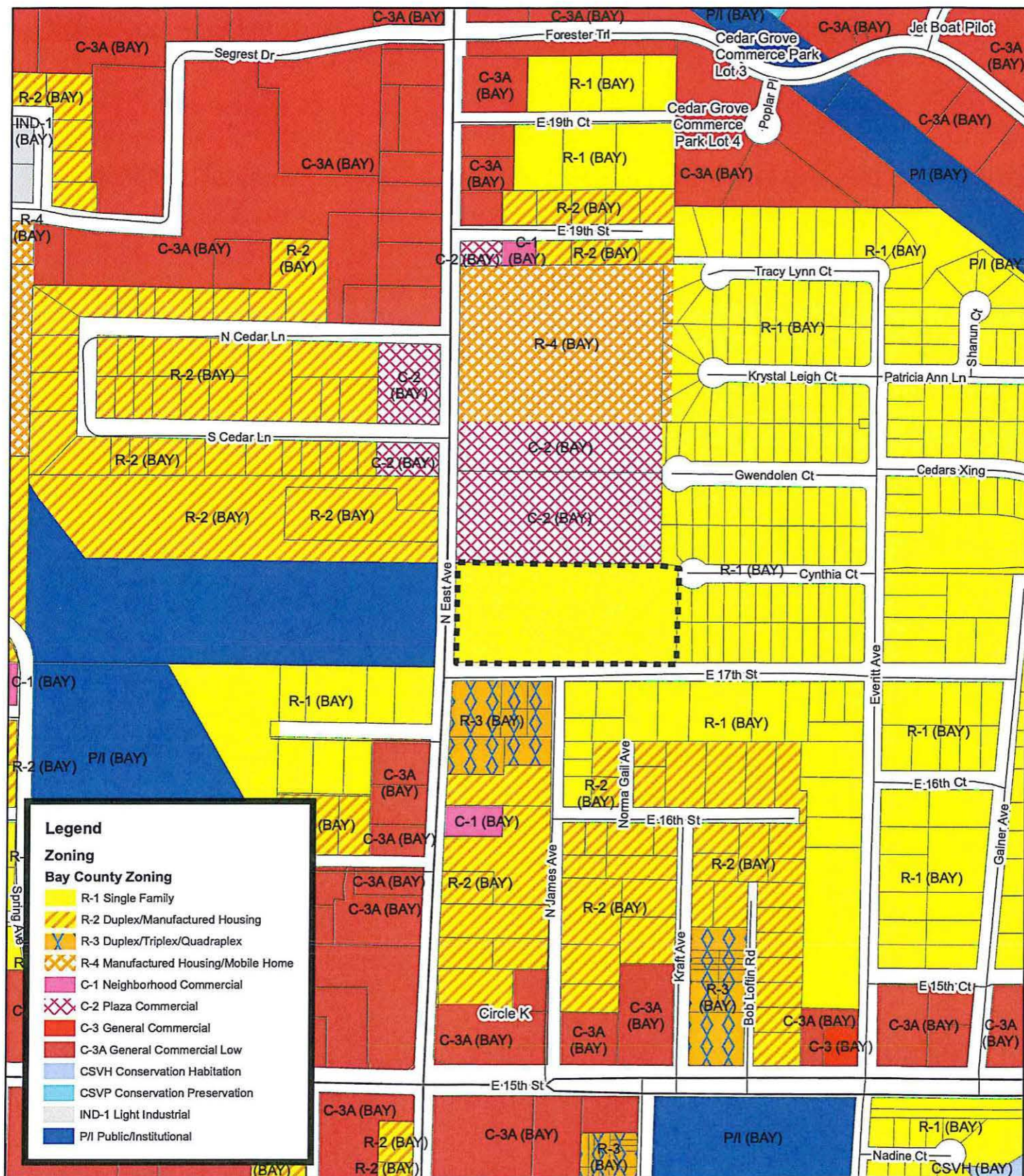
Approved as to correctness of form:


Office of the County Attorney

Brian D. Leebrick

cc: Bay County Property Appraiser

Zoning Map



1 in = 0.08 miles

Prepared by
Bay County
Planning and Zoning



Bay County Board of County Commissioners Agenda Item Summary

PZ21-228 Zone Change (NE Corner of N. East Ave and 17th St.)

DEPARTMENT MAKING REQUEST/NAME:
Community Development Wayne Porter, Planning Manager

MEETING DATE: 12/21/2021

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 "R-1" Single Family to "R-3" Duplex, Triplex, and Quadraplex. Application PZ21-228. Located at the northeast corner of N. East Ave and 17th Street.

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 Gwendolyn E. Sellars to change the zoning designation of an approximately 4.93 acres from "R-1" Single Family to "R-3" Duplex, Triplex, and Quadraplex. (**Exhibit 1**). The subject property is located at northeast corner of N. East Ave and 17th Street (**Exhibit 2**). At the conclusion of the public hearing, the Planning Commission voted 3-0 to find the proposed zone change consistent with the Bay County Comprehensive Plan and Land development regulations. Not voting due to absence were council members Mr. Hughes and Mr. Carter.

The "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. As opposed to eight (8) dwelling units per acre for the current "R-1" single family zoning. As provided for by Section 406 of Bay County's Land Development Regulations, "R-3" zoning would allow developers to build multi family housing up to quadraplex units. The property has a single family home that is not currently being used.

This zone change is one of three related items. In addition to this request, the applicant is requesting a Small-Scale Amendment (PZ21-229) 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 an area that currently has R-3 zoning directly to the south. Staff feels that the requested zone change is compatible and consistent with the surrounding area.

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 3**).

ATTACHMENTS:

Description	Type
Exhibit 1 - Application	Exhibit
Exhibit 2 - Map	Exhibit
Exhibit 3 - Ordinance	Exhibit

REVIEWERS:

Department	Reviewer	Action	Date	Comments
Community Development	Crelling, Ian	Approved	12/15/2021 - 10:44 AM	AnswerNotes
Budget Office	Griffin, Maranda	Approved	12/15/2021 - 10:52 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