

ORDINANCE NO. 22-64

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, Ronald Dale Carter (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 15, 2022, 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 20, 2022, 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 22-319 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 22-319 | Change 1.78 +/- acres from R-2 Single Family and Duplex Dwellings to C-3 General commercial on the Zoning District Map. | See Exhibit 1 |

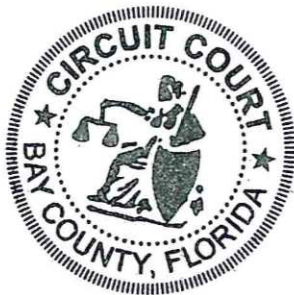
Condition of approval: A minimum 6' privacy fence, in addition to the required landscape buffer, is required for commercial development along property lines adjacent to residential zonings.

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

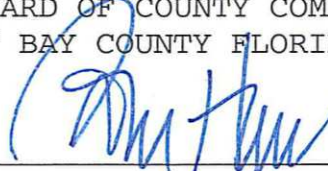
not effect the validity of the remaining portions hereof. The Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared 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 20th day of December, 2022.



BOARD OF COUNTY COMMISSIONERS
OF BAY COUNTY FLORIDA


Tommy Hamm, Chairman

ATTEST:


Clerk



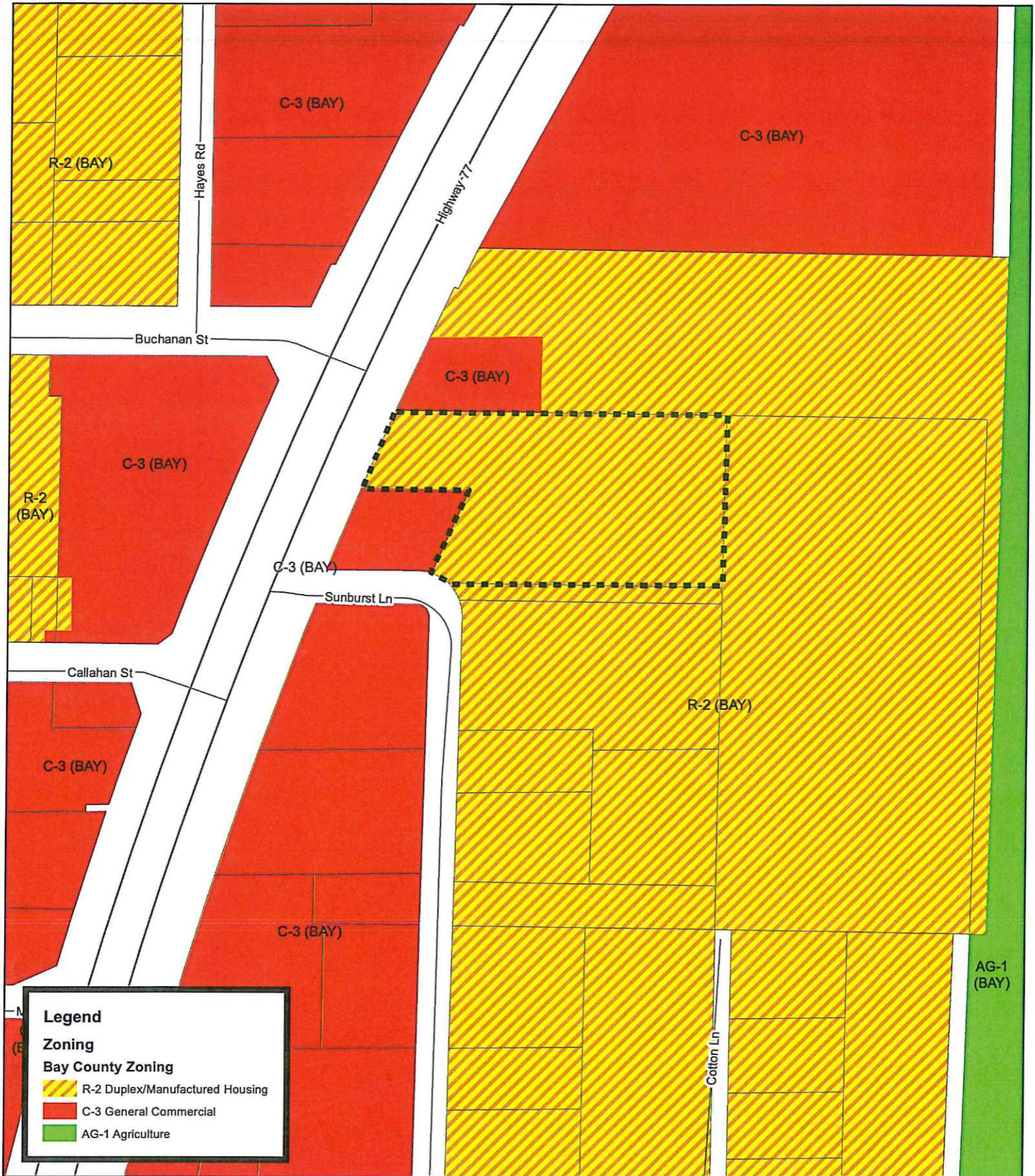
Approved as to correctness of form:


Office of the County Attorney

Brian D. Leebrick

cc: Bay County Property Appraiser

Zoning Map



1 in = 0.03 miles

Prepared by
Bay County
Planning and Zoning



Bay County Board of County Commissioners Agenda Item Summary

PZ22-319 Zone Change - 6840 Hwy 77

DEPARTMENT MAKING REQUEST/NAME:

Community Development Wayne Porter, AICP, Planning Manager

MEETING DATE: 12/20/2022

REQUESTED MOTION/ACTION:

Board to conduct a quasi-judicial public hearing pursuant to Section 307 of the Land Development Regulations to consider a proposed zone change from R-2 "Single Family and Duplex Dwellings" to C-3 "General Commercial." Located just north of 6840 Highway 77, in the Southport area.

AGENDA

Community Development - Public Hearing

BUDGETED ITEM? N/A

BUDGET ACTION:

N/A

FINANCIAL IMPACT SUMMARY STATEMENT:

N/A

BACKGROUND:

On November 15, 2022, the Bay County Planning Commission conducted a public hearing to consider a request from applicant Ronald Dale Carter to change the zoning map designation of an approximately 1.78 acres from R-2 "Single Family and Duplex Dwellings" to C-3 "General Commercial" (**Exhibit 1**). The subject property is located just north of 6840 Highway 77 in the Southport area (**Exhibit 2**). At the conclusion of the public hearing, the Planning Commission voted 4-0 (Commissioner Carter was absent) to find the proposed zoning change consistent with the Bay County Comprehensive Plan and Land Development Regulations.

As provided for by Section 308 of the Bay County Land Development Regulations, this application is being processed concurrently by a request to change the land use designation of the property from Residential to General Commercial (PZ22-318). This zone change would not become effective unless and until the plan amendment becomes effective.

The "C-3" General Commercial zone district allows for neighborhood commercial, commerce parks, recreation, conservation, public/institutional, educational facilities, mini-storage warehousing, public facilities, construction companies, and other similar uses. The proposed zone district implements the proposed General Commercial Comprehensive Plan land use designation as specified in Table 3.1 of the Land Development Regulations.

The property is located on Highway 77 in a corridor where the requested C-3 zoning and uses currently exist. Additionally, Highway 77 is identified as an arterial roadway in the Transportation Element of the Comprehensive Plan. The adjacent properties to the north and south currently carry General Commercial land use designations with the desired C-3 zoning designation. Commercial development will require appropriate buffers as outlined in Bay County's Land Development Regulations for adjacent residential properties.

Although not specifically stated on the application, it is the understanding of staff that the intended use is for a temporary location for a Mobile Home sales lot. Additionally, the small parcel to the immediate south along Highway 77 belongs to the same owner and is intended to be part of future development.

Staff believes that the proposed zone change is appropriate and consistent with land use and zoning of neighboring properties.

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 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 |
|------------|----------|--------|------|----------|
|------------|----------|--------|------|----------|