

ORDINANCE NO. 23-29

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, Saiyid R. Wahid, (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 August 15, 2023, to hear and consider comments from the public;

WHEREAS, the Board conducted a public hearing on September 19, 2023, 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 23-177 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 23-177	Change 8 ± acres from "Residential" to "West Bay Center" 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.

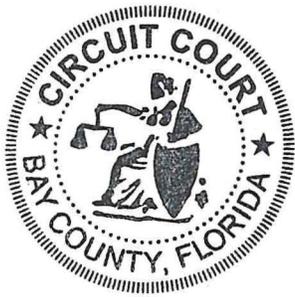
Section 5. Effective Date. The Small-Scale Amendment approved by this Ordinance shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, the Small-Scale Amendment approved by this Ordinance shall not become effective until the state land planning agency or 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 19<sup>th</sup> day of September, 2023.

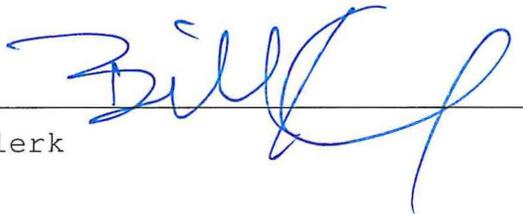
BOARD OF COUNTY COMMISSIONERS  
OF BAY COUNTY FLORIDA



Tommy Hamm, Chairman



ATTEST:



Clerk



Approved as to correctness of form:



Office of the County Attorney  
**Brian D. Leebrick**

cc: Bay County Property Appraiser

# Future Land Use Map



1 in = 0.08 miles

Prepared by  
 Bay County  
 Planning and Zoning



## Bay County Board of County Commissioners Agenda Item Summary

PZ 23-177/178 Small Scale Amendment & Zone Change - 7928 Highway 388

**DEPARTMENT MAKING REQUEST/NAME:**

Community Development Wayne Porter, AICP, Planning Manager

**MEETING DATE:** 9/19/2023

**REQUESTED MOTION/ACTION:**

Board to conduct a quasi-judicial public hearing and approve a proposal of a Small-Scale Amendment to the Bay County Comprehensive Plan, Future Land Use Map from Residential to West Bay Center, and to approve a proposed zone change from "R-2" Single-Family & Duplex Dwellings to "WBC" West Bay Center. Located at 7928 Highway 388, in the West Bay area.

**AGENDA**

Community Development - Public Hearing

**BUDGETED ITEM?** N/A

**BUDGET ACTION:**

N/A

**FINANCIAL IMPACT SUMMARY STATEMENT:**

N/A

**BACKGROUND:**

On August 15, 2023, the Bay County Planning Commission conducted a public hearing to consider a request from applicant Saiyid R. Wahid to change the Future Land Use Map designation of approximately 8 acres from Residential to West Bay Center, and to change the zoning designation of the property from "R-2" Single-Family & Duplex Dwellings to "WBC" West Bay Center (**Exhibit 1**). The subject property is located at 7928 Highway 388, in the West Bay area (**Exhibit 2**). At the conclusion of the public hearing, the Planning Commission voted 3-0 (Commissioners Carter and Hairman were absent) to find the proposed land use and zone changes consistent with the Bay County Comprehensive Plan and Land Development Regulations.

The West Bay Center land use designation and accompanying "WBC" zone district allows for residential uses, neighborhood, plaza, and general commercial uses, light industrial uses, water dependent uses, public facilities and utilities, public/institutional uses, parks and open spaces, civic and other similar uses..."

Table 12A of the Comprehensive Plan allows the West Bay Center land use category in the Bay-Walton Sector Plan. The purpose of the designation is to "provide for a wide-range of large-scale commercial and service related and mixed uses important to the development of the West Bay community. Provide a place for commercial, residential, office, hotel and industrial land uses with a more regional market base..."

The property is located within the Bay-Walton Sector Plan in an area where West Bay Center future land use and zoning currently exists. There are existing WBC Center land use designations located directly to the north, west, and south of the subject property. Highway 388 is classified as an arterial road in the Transportation Element of the Comprehensive Plan.

Notice of this public hearing was published 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 ordinances (**Exhibit 3**).

**ATTACHMENTS:**

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

**REVIEWERS:**

Department	Reviewer	Action	Date	Comments
Community Development	Crelling, Ian	Approved	8/30/2023 - 1:42 PM	AnswerNotes
Budget Office	Money, Phillip	Approved	8/31/2023 - 11:59 AM	AnswerNotes
Human Resources	Adamson, Stacey	Approved	8/31/2023 - 12:01 PM	AnswerNotes
IT & GIS Department	Fox, Chris	Approved	8/31/2023 - 12:16 PM	AnswerNotes
Emergency Services	Morrison, David	Approved	8/31/2023 - 12:26 PM	AnswerNotes