

ORDINANCE NO. 22-34

ORDINANCE NO. 09-36 ENTITLED "AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONER OF BAY COUNTY, FLORIDA", 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, Arthur Kineard (the "applicant") submitted an application to request 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 June 21, 2022, to hear and consider comments from the public;

WHEREAS, the Board conducted a public hearing on July 19, 2022, to hear and consider comments from the public as well as the recommendations of the Planning Commission concerning the amendment request;

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 22-136 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>
SSA 22-136	Change 8.37 +/- acres from "Agricultural" and "Residential" to "General Commercial" 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 19th day of July 2022.

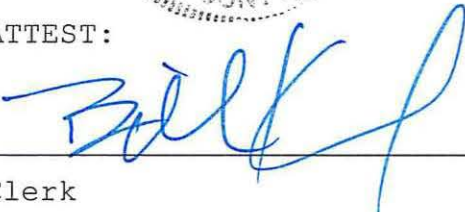
BOARD OF COUNTY COMMISSIONERS
OF BAY COUNTY, FLORIDA



Robert Carroll, Chairman



ATTEST:



Clerk



Approved as to correctness of form:

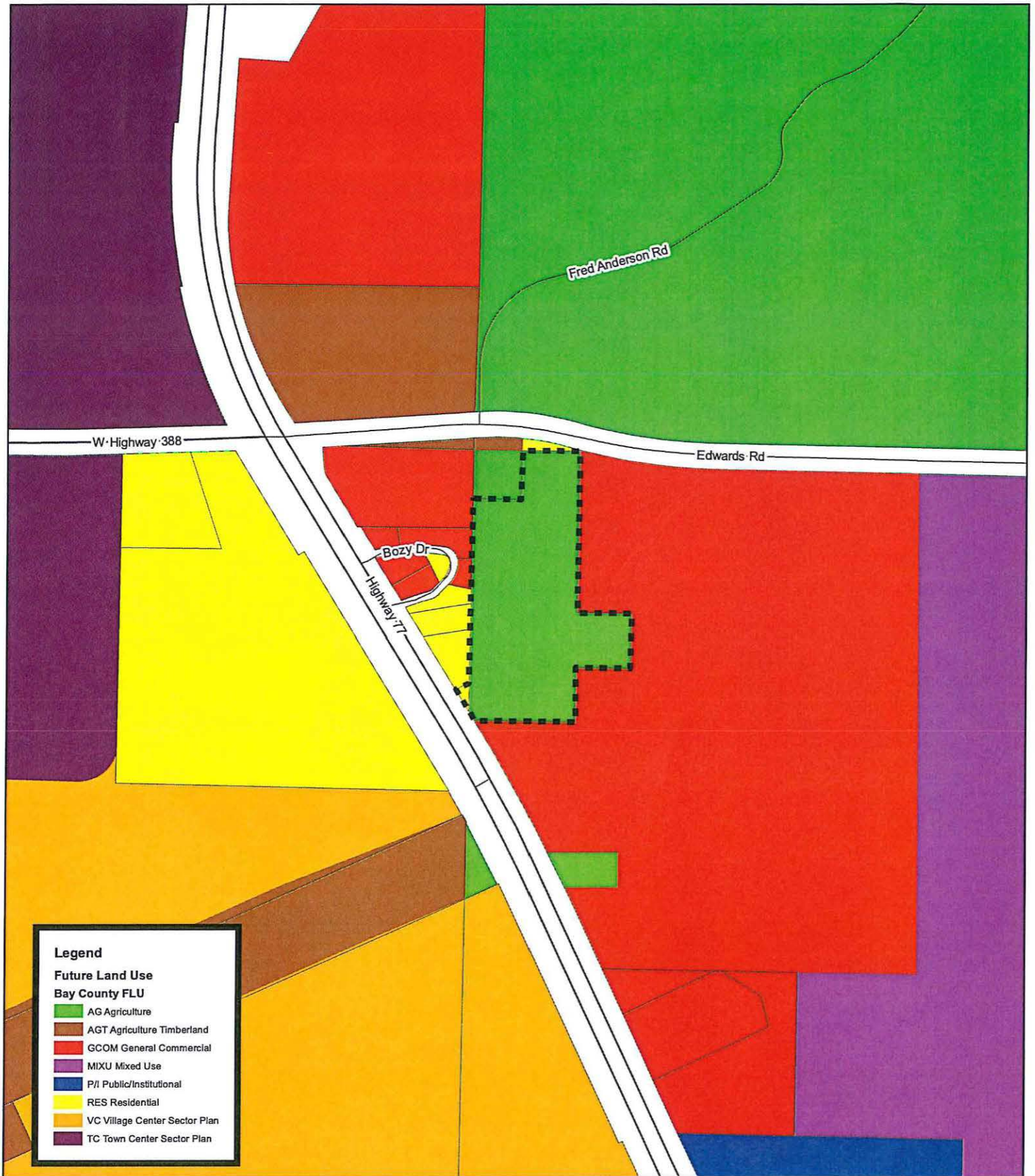


Office of the County Attorney

Brian D. Leebrick

Cc: Property Appraiser

Future Land Use Map



1 in = 0.09 miles

Prepared by
Bay County
Planning and Zoning



Bay County Board of County Commissioners Agenda Item Summary

PZ22-136 - Small Scale Amendment - 9322 Highway 77

DEPARTMENT MAKING REQUEST/NAME:

Community Development Wayne Porter, AICP, Planning Manager

MEETING DATE: 7/19/2022**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. PZ22-136 located at 9322 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 June 21, 2022 the Bay County Planning Commission conducted a public hearing to consider a request from applicant Gortemoller Engineering, Authorized Agent for Arthur Kineard to change the land use designation of an approximately 8.37 acres from Agricultural and Residential to General Commercial (**Exhibit 1**). The subject property is located at 9322 Highway 77, Southport, FL 32409 near the intersection of Highway 77 and Edwards Road (**Exhibit 2**). At the conclusion of the public hearing, the Planning Commission voted 4-0 (Commissioner Hunnicutt was absent) to find the proposed land use change consistent with the Bay County Comprehensive Plan.

The General Commercial land use designation and accompanying "C-3" 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.

Table 3A of the Comprehensive Plan allows the General Commercial land use category in the Suburban Service Area. The purpose of the designation is to "provide areas for the continuation, expansion, and creation of business enterprise".

The subject parcel currently has a "split" future land use and zoning designation and is bordered by a mix of commercial and residential use to the west and vacant commercial to the east. Commercial land use and zoning to the immediate west is developed by the electric co-operative. Across Edwards Road to the north, property is developed by the electric co-operative and by Bay County for use as the North Bay Wastewater Treatment Facility. Property to the east includes undeveloped commercially zoned parcels. Considering that Highway 77 is a commercial corridor and there is existing General Commercial land use designations located immediately to the east, west, and south of the subject property, staff believes that the proposed land use is appropriate and consistent with land use of neighboring properties.

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

Exhibit

Exhibit

Exhibit

REVIEWERS:**Department****Reviewer****Action****Date****Comments**

Community Development

Crelling, Ian

Approved

7/11/2022 - 11:33 AM

AnswerNotes

Budget Office

Griffin, Maranda

Approved

7/11/2022 - 11:38 AM

AnswerNotes

Human Resources

Pierce, Terri

Approved

7/11/2022 - 10:48 AM

N/A

IT & GIS Department

Fox, Chris

Approved

7/11/2022 - 5:19 PM

AnswerNotes