

**ORDINANCE NO. 1581**

AN ORDINANCE AMENDING ORDINANCE 1688, KNOWN AS "THE 2021 AMENDED AND RESTATED PANAMA CITY BEACH COMPREHENSIVE GROWTH DEVELOPMENT PLAN"; ACTING UPON THE APPLICATION OF CADH, LLC; DESIGNATING FOR SINGLE FAMILY LAND USE THAT CERTAIN PARCEL OF LAND LYING WITHIN THE CITY OF PANAMA CITY BEACH, FLORIDA, CONSISTING OF APPROXIMATELY 3.4009 ACRES; PARCEL ID 32735-000-000; SAID PARCEL LOCATED AT THE NORTH END OF MOONLIGHT BAY DRIVE, AS MORE PARTICULARLY DESCRIBED IN THE BODY OF THE ORDINANCE; AMENDING THE CITY'S FUTURE LAND USE MAP FOR SINGLE FAMILY LAND USE DESIGNATION FOR THE PARCEL; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY LAW.

WHEREAS, the Panama City Beach Council approved Ordinance No. 1688 (the "2021 Amended and Restated Panama City Beach Comprehensive Growth Development Plan") on November 10, 2021; and

WHEREAS, the City Council desires to amend the Future Land Use Map (the "FLUM") contained within the City of Panama City Beach Comprehensive Growth Development Plan to make a land use designation for a certain parcel of land voluntarily annexed into the City; and

WHEREAS, the owner of the voluntarily annexed parcel, CADH, LLC (the "Applicant"), has requested that the parcel be designated as "Single Family Land Use;" and

WHEREAS, the Panama City Beach Planning Board reviewed the land use change request, conducted a public hearing on February 9, 2022, and recommended approval of the foregoing designation by a vote of 7 - 0; and

WHEREAS, the Applicant and the City have agreed that the parcel should be designated "Single Family Land Use;" and

WHEREAS, the City Council conducted a public hearing and two separate readings of the Applicant's request; and

WHEREAS, on March 10, 2022, the City Council conducted a properly noticed adoption hearing as required by Section 163.3184(11), Florida Statutes, and adopted this Ordinance in the course of that hearing;

WHEREAS, the subject parcel involves a use of fifty (50) acres or less and the cumulative effect of the acreage for all small scale amendments adopted by the City this calendar year, including the subject parcel, does not involve a text change to the goals, policies and objectives of the City's Comprehensive Plan, and the subject parcel otherwise qualifies for a small scale amendment pursuant to Section 163.3187(1), Florida Statutes; and

WHEREAS, all conditions required for the enactment of this Ordinance to amend the 2021 Amended and Restated Panama City Beach Comprehensive Growth Development Plan to make the respective FLUM designations for the subject parcels have been met;

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF

PANAMA CITY BEACH, FLORIDA:

SECTION 1. The following described parcel of real property situated within the municipal limits of the City of Panama City Beach, Florida, is designated for Single Family land use under the City's Comprehensive Plan, to-wit,

SEE EXHIBIT "A" ATTACHED HERETO

and the City's Future Land Use Map is amended accordingly.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. This ordinance shall take effect as provided by law.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 10<sup>th</sup> of March, 2022.

  
\_\_\_\_\_  
Mark Sheldon, Mayor

ATTEST:

  
\_\_\_\_\_  
Lynne Fasone, City Clerk

EXAMINED AND APPROVED by me this 10<sup>th</sup> day of March, 2022.

  
\_\_\_\_\_  
Mark Sheldon, Mayor

PUBLISHED in the Panama City News-Herald on the 28<sup>th</sup> day of February, 2022.

POSTED on pcb.gov.com on the 17<sup>th</sup> day of February 2022.

Lyrne Fasone  
Lyrne Fasone, City Clerk

## EXHIBIT A

### LEGAL DESCRIPTION

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 16 WEST BAY COUNTY, FLORIDA; THENCE NORTH 00°33'55" EAST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 15 FOR A DISTANCE OF 1319.88 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°29'10" WEST, ALONG THE NORTH LINE OF LOT 19, TRIEST PHASE 2 PLAT BOOK 21, PAGES 95-111, FOR A DISTANCE OF 164.78 FEET TO THE EAST LINE PARCEL B OF TRIESTE PHASE 2, PLAT BOOK 21 PAGES 95-111; THENCE NORTH 0°32'40" EAST ALONG THE EAST LINE OF SAID TRIESTE PHASE 2 PLAT, FOR A DISTANCE OF 903.71 FEET TO THE SOUTHERLY RIGHT OF WAY EXTENSION OF MOOLIGHT BAY DRIVE; THENCE SOUTH 83°17'38" EAST ALONG SAID RIGHT OF WAY LINE FOR A DISTANCE OF 166.40 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF AFOREMENTIONED SECTION 15; THENCE SOUTH 00°35'14" WEST LONG SAID EAST LINE FOR A DISTANCE OF 885.61 FEET TO THE POINT OF BEGINNING. SAID LANDS CONTAINING 3.4009 ACRES, MORE OR LESS.

**CADH, LLC Future Land Use Map Request**



Prepared  
City of P:  
Planning



**CITY OF PANAMA CITY BEACH**  
**Building and Planning Department**  
 116 S. Arnold Road, Panama City Beach, FL 32413  
 850-233-5100 ext. 2313 Fax: 850-233-5049  
 Email: [achester@pcb.gov](mailto:achester@pcb.gov)

**REQUEST FOR ZONING or REZONING – LDC Section 10.02.10**

**Applicant:** CADH, LLC  
 Name(s): Nixon 'Nick' Humble  
 Address: 4116 Highway 231 N  
 City: Panama City State: FL Telephone: 850-814-0266 Fax: \_\_\_\_\_  
 Email: msauls@gaccontractors.com

Name of Acting Agent: \_\_\_\_\_  
 Statement acknowledged before a notary public authorizing the representative to act on behalf of the property owner with regard to the application and associated procedures. Attached to the application.

Parcel Number of Property for Zoning or Rezoning: 32735-000-000  
 (Information from Property Appraiser's Office)

Address/Location of Property for Zoning or Rezoning: \_\_\_\_\_

Please provide a survey obtained no more than two (2) years prior to the filing of the application, containing legal description, land area and existing improvements located on the site. Please submit a total of ten (10) copies.

Small Scale Amendment: \$1500.00 Large Scale Amendment: \$2100.00 Date Collected 1/20/22  
 If a plan amendment is necessary, please provide an analysis of the consistency of the proposed amendment with all requirements of the Comprehensive Plan and LDC.

The procedure for review of application is found in Sections 10.02.01 and 10.02.10 of the LDC.

**Basic Submittal Requirements - LDC Section 10.02.02**

Name: GAC Surveying & Mapping, LLC - Darryl C. Finch, PSM  
 Address: 4116 Highway 231 N. Email Address: mblaylock@gaccontractors.com  
 City: Panama City State: FL Telephone: 850-785-4675 Fax: \_\_\_\_\_

Date of Preparation: 1-19-2022 Date(s) of any modifications: \_\_\_\_\_

Legal Description: (Consistent with the Required Survey) see survey

A vicinity map showing the location of the property.

Present Zoning Designation: Bay County - R1 Requested Zoning Designation: R-1a Future Land Use Map: Residential

Deed Restrictions or Private Covenants apply to this property: \_\_\_ Yes (Please submit a copy)  No

**Applicant's Signature(s):**

Nixon Humble

Print Name of Applicant



Signature

Date: 1-19-2022

Print Name of Applicant

Signature

Date: \_\_\_\_\_

**FEES:**

Rezoning Application Fee: \$900.00 \_\_\_\_\_

Small Scale Amendment Fee: \$1500.00 X Includes the rezoning fee.

Large Scale Amendment Fee: \$2100.00 \_\_\_\_\_ Includes the rezoning fee.

Date Collected: 1/20/22



**ACKNOWLEDGMENT AND CONSENT**

The Cadh LLC ("Owner") represents unto the City of Panama City Beach, Florida, (i) that it owns all of the property described below, (ii) that the property is or should be assessed in its name upon the latest ad valorem tax rolls of Bay County, Florida, and (iii) that it has requested that the property be annexed into the City of Panama City Beach, to wit,

**SEE ATTACHED LEGAL DESCRIPTION**

FURTHER, Owner consents and agrees that, upon annexation into the City, Owner's Property will be subject to all of the same non ad valorem assessments, including recurring assessments, as have been previously levied or will be levied on other similarly situated/benefited property in the City and waives notice and opportunity of hearing upon the levy of such previous assessments against Owner's property being annexed.

This consent is authorized by and is given pursuant to Section 197.3632(4)(a) Florida Statutes in order to preclude a public hearing necessitated solely by the annexation of Owner's property.

DATED THIS 18<sup>th</sup> DAY OF January, 2022.

**WITNESSES**

[Signature] MATT SAMS  
[Signature] Brad Harris

**OWNER**

Name: [Signature]  
By: NIXON HUNGLO  
It's MARION MENSLEY

## Analysis of Annexation – Florida Statute 171.043

### Character of the Area to be Annexed

(1) The total area to be annexed must be contiguous to the municipality's boundaries at the time the annexation proceeding is begun and reasonably compact, and no part of the area shall be included within the boundary of another incorporated municipality.

- ***Property has City of Panama City Beach property adjacent to the west.***

(2) Part or all of the area to be annexed must be developed for urban purposes. An area developed for urban purposes is defined as any area which meets any one of the following standards:

(a) It has a total resident population equal to at least two persons for each acre of land included within its boundaries;

(b) It has a total resident population equal to at least one person for each acre of land included within its boundaries and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts are 1 acre or less in size; or

(c) It is so developed that at least 60 percent of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60 percent of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size.

- ***Parcel is to be annexed into the City of PCB with the intent of creating single family home lots to meet the City of PCB minimum lot size criteria.***

(3) In addition to the area developed for urban purposes, a municipal governing body may include in the area to be annexed any area which does not meet the requirements of subsection (2) if such area either:

(a) Lies between the municipal boundary and an area developed for urban purposes, so that the area developed for urban purposes is either not adjacent to the municipal boundary or cannot be served by the municipality without extending services or water or sewer lines through such sparsely developed area; or

(b) Is adjacent, on at least 60 percent of its external boundary, to any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (2).

- ***Meets requirement of Subsection 2***



## **DATA AND ANALYSIS**

- I. APPLICANT: CADH, LLC**
- II. PROJECT LOCATION:** Approximately 3.4 acres located at the north end of Moonlight Bay Drive.
- III. REQUEST:** This request is for an Annexation / Small Scale Plan Amendment /zoning designation for approximately 3.4 acres to be assigned a future land use designation of Single Family Residential and a zoning designation of R-1a (10,000 square foot lot minimum). The site currently has a County land use designation of Single Family Residential and a zoning designation of R-1.
- IV. REASON FOR REQUEST:** The application states "...the intent is to create single family home lots to meet the City of PCB minimum lot size criteria".
- V. ANNEXATION REQUIREMENTS:**

- A. GOAL:**

The Fundamental goal of annexations is the efficient provision of urban services to urban places. Annexations are governed by the provisions of Florida's Municipal Annexation and Contraction Act, Chapter 171, F.S. The Act does the following:

- Ensure sound urban development and accommodation to growth.
- Establishes uniform legislative standards throughout the state for the adjustment of municipal boundaries.
- Ensures the efficient provision of urban services to areas that become urban in character; and,
- Ensures that areas are not annexed unless municipal services can be provided to those areas.

**B. CONTIGIOUS AND COMPACT:**

For an annexation to be consistent with Chapter 171, F.S. it must be contiguous and reasonably compact. A parcel is contiguous if a substantial part of a boundary touches the municipality. The definition of "contiguous" in Ch. 171, F.S. states that nothing herein shall be construed to allow local right-of-ways, utility easements, railroad right-of-ways, or like entities to be annexed in a corridor fashion to gain contiguity. The presence of these entities in this manner could be an indication that "contiguity" is not met.

Staff has reviewed the proposed annexation and finds the request is contiguous. The subject site touches the existing City limits on its western boundary.

A parcel is reasonably compact if it does not create an enclave, pocket, or finger area in a serpentine pattern. Staff has reviewed the proposed annexation and finds the request does not create an enclave, but minimizes an existing enclave.

**C. EFFICIENT PROVISION OF URBAN SERVICES TO AN URBANIZING AREA:**

The subject site is adjacent to water and sewer lines.

**VI. SITE EVALUATION:**

**A. IMPACT ON PUBLIC FACILITIES:**

**1. Transportation Facilities:**

If the parcel is annexed into the City as Single Family R-1a, the maximum number of potential lots that can be created is approximately 13, which may create 13 peak hour trips.

The applicant will be required to submit a traffic study for the site if the site is subdivided.

**2. Sewer:**

The City wastewater treatment plant (WWTP) provides Advanced Wastewater Treatment (AWT) quality effluent, with an accompanying wetlands effluent discharge system in a 2,900-acre facility containing 2,000 acres of receiving wetlands. Currently, the operating permit allows 14 mgd

maximum monthly average (10 mgd annual average) treatment and disposal capacity. Monthly average plant flows ranged from 4.33 mgd to 10.28 mgd on a monthly average. The City's reclaimed water system has been in operation since 2006 and provided average flows between 1.10 and 4.28 mgd of irrigation water per month in the last calendar year, depending on the time of year and demands, to residential and commercial areas of the City.

Based on previous historic growth rates of wastewater generation, it is anticipated that there will be a 4% yearly growth in wastewater generation within the City's service area (from the Hathaway Bridge to the West Bay Bridge to the Phillips Inlet Bridge). Accordingly, the City has planned for facilities to be upgraded to coincide with the increased demand. A site for a second wastewater treatment facility has been purchased and preliminary planning for development has begun. Once completed, the second facility will provide additional capacity and will be interconnected with the existing system for enhanced reliability and load sharing.

The City has the capacity to handle the potential of 13 new units on the subject site.

### 3. Potable Water:

The City receives treated County water via two delivery points at bridges crossing St. Andrew Bay and West Bay. That water is stored and re-pumped on demand to meet the City's water needs. The City's current available pumping and transmission capacity is approximately 37.8 mgd. The contract with the County has been designed to increase capacity by approximately 4% per year in order to continue to have capacity available for growth. Additionally, the City has two (2) - 7-million-gallon storage tanks at its West Bay storage and pumping facility, and 2, 4 and 5 million gallon storage tanks at its McElvey Road storage and pumping facility near the St. Andrew Bay delivery point, which gives the City an additional 25 million gallons of working reserve for peak season and fire flow demand.

It is estimated the average citizen consumes 125 gallons per day for planning purposes. Daily water demand ranged from 11.08 mgd to 17.04 mgd on a monthly average, with an annual average of 13.43 mgd. The maximum single-day demand was 18.90 mgd. The County's projected available capacity to supply potable water to the City is 30.90 mgd, leaving an excess monthly average capacity ranging from 19.82 mgd to 13.86 mgd with an annual average excess of 17.47 mgd. The excess on the single-day maximum was 12.00 mgd.

The City has also implemented a reclaimed water system that makes highly treated effluent from the wastewater system available for irrigation to new subdivisions and commercial developments. With the implementation of this reclaim system, it is estimated that the 2% of total potable water consumption previously used by similar developments will be replaced by reclaimed water in these new subdivisions.

The City has the capacity to handle the potential of 13 new units on the subject site.

**B. SITE SUITABILITY:**

1. **Wetlands:** According to general mapping information supplied by Bay County GIS, there appears to be the potential for the existence of wetlands on the subject site. Therefore, a wetland delineation will be required. If the site is found to contain wetlands, development of the site will be required to follow City, FDEP and NWFWM District buffering/mitigation requirements.
2. **Plant and Wildlife Resources:** Information regarding natural resources is based on information from the Florida Natural Areas Inventory "FNAI", which is a non-profit organization administered by The Florida State University. This group is involved in gathering, interpreting, and disseminating information critical to the conservation of Florida's biological diversity.

According to information supplied by FNAI, there are no rare, threatened or endangered species located on the subject site.

3. **Flood Zones:**

According to information supplied by FEMA, the site is located in a Flood Zone. Development of the site will be required to meet FEMA, Florida Building Code and the floodplain management standards addressed in our Land Development Code.

**C. COMPATABILITY WITH SURROUNDING LAND USES:**

Compatibility is generally defined as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.

Surrounding parcels are zoned County R-1, County R-3 and City R-1a. The proposed use appears to be compatible with the surrounding parcels.

**CONCLUSION:**

Staff has no objections to the annexation.



Prepared by The  
City of Panama City Beach  
Planning Department





**CITY OF PANAMA CITY BEACH**  
**Building and Planning Department**  
 116 S. Arnold Road, Panama City Beach, FL 32413  
 850-233-5054, ext. 2313 Fax: 850-233-5049  
 Email: [achester@pcb.gov](mailto:achester@pcb.gov)

**PETITION OF ANNEXATION**

Date: 1-18-22

Payment Fee:  \$800 Annexation

**Property Owner(s)**

Name(s): CADH, LLC

Property Address: Moonlight Bay Drive - Bay County Parcel # 32735-000-000

City: Panama City Beach State: FL Telephone: 850-814-8607 Fax: \_\_\_\_\_

Email: MSauls@gaccontractors.com

Name of Acting Agent: \_\_\_\_\_

Statement acknowledged before a notary public authorizing the representative to act on behalf of the property owner with regard to the application and associated procedures. Attached to the application.

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Please provide a property survey obtained no more than two (2) years prior to the filing of the application, containing legal description, land area and existing improvements located on the site. **All Site Plans and Plats shall be drawn to scale.** (The procedure for review of the application is found in Section 10.02.09 of the LDC.)

**REQUIREMENTS**

- ✓ 1. The applicant shall submit an analysis of the annexation criteria set forth in Chapter 171, Florida Statutes.
- ✓ 2. Petition of Annexation signed by all owners of the property proposed to be annexed. Petition must be witnessed and notarized.
- ✓ 3. Title evidence demonstrating that the Petition of Voluntary Annexation bears the signatures of all owners of the property proposed to be annexed.
- ✓ 4. A boundary survey of the property proposed to be annexed. (10 Copies)
- ✓ 5. A complete legal description of the property proposed to be annexed.
- ✓ 6. An excerpt of the City's Official Zoning Map, with the property proposed to be annexed depicted.
- ✓ 7. Stormwater acknowledgement consent.



**PETITION OF ANNEXATION**

This Petition is presented under the provisions of Section 171.044 Florida Statutes for the purpose of requesting that the real property described below be annexed to the City of Panama City Beach:

(SEE ATTACHED EXHIBIT "A")

The property described above is contiguous to the municipal boundaries of the City of Panama City Beach.

The property is owned in its entirety by:

Cadh, LLC

which, by his/her execution of this Petition, consents to this proposed annexation.

Dated this 17<sup>th</sup> day of January, 2022.

Signed, sealed and delivered in the presence of:

BA - Brad Harris  
WITNESS

BY: [Signature]

[Signature] - Matt Savel  
WITNESS

WITNESS

BY: \_\_\_\_\_

WITNESS

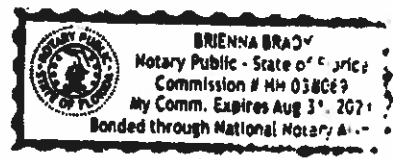
STATE OF FLORIDA  
COUNTY OF BAY

The a foregoing instrument was acknowledged before me this 17<sup>th</sup> day of January, 2022, by  
Person "Nick" Humble

- who is personally known to me.
- who produced \_\_\_\_\_ as identification.

[Signature]  
Signature of Notary Public  
Commission # HH 038089  
Expires Aug. 31, 2024

[Seal]





**CITY OF PANAMA CITY BEACH**  
**Building and Planning Department**  
 116 S. Arnold Road, Panama City Beach, FL 32413  
 850-233-5100 ext. 2313 Fax: 850-233-5049  
 Email: [achester@pcb.gov](mailto:achester@pcb.gov)

**REQUEST FOR ZONING or REZONING – LDC Section 10.02.10**

**Applicant:** CADH, LLC  
 Name(s): Nixon 'Nick' Humble  
 Address: 4116 Highway 231 N  
 City: Panama City State: FL Telephone: 850-814-0266 Fax: \_\_\_\_\_  
 Email: msauls@gaccontractors.com

Name of Acting Agent: \_\_\_\_\_  
 Statement acknowledged before a notary public authorizing the representative to act on behalf of the property owner with regard to the application and associated procedures. Attached to the application.

Parcel Number of Property for Zoning or Rezoning: 32735-000-000  
 (Information from Property Appraiser's Office)

Address/Location of Property for Zoning or Rezoning: \_\_\_\_\_

Please provide a survey obtained no more than two (2) years prior to the filing of the application, containing legal description, land area and existing improvements located on the site. Please submit a total of ten (10) copies.

Small Scale Amendment: \$1500.00 Large Scale Amendment: \$2100.00 Date Collected 1/20/22  
 If a plan amendment is necessary, please provide an analysis of the consistency of the proposed amendment with all requirements of the Comprehensive Plan and LDC.

The procedure for review of application is found in Sections 10.02.01 and 10.02.10 of the LDC.

**Basic Submittal Requirements - LDC Section 10.02.02**

Name: GAC Surveying & Mapping, LLC - Darryl C. Finch, PSM  
 Address: 4116 Highway 231 N. Email Address: mblaylock@gaccontractors.com  
 City: Panama City State: FL Telephone: 850-785-4675 Fax: \_\_\_\_\_

Date of Preparation: 1-19-2022 Date(s) of any modifications: \_\_\_\_\_

Legal Description: (Consistent with the Required Survey) see survey

A vicinity map showing the location of the property.

Present Zoning Designation: Bay County - R1 Requested Zoning Designation: R-1a Future Land Use Map: Residential

Deed Restrictions or Private Covenants apply to this property: \_\_\_ Yes (Please submit a copy)  No

**Applicant's Signature(s):**

*Nixon Humble*

Print Name of Applicant



Signature

Date: 1-19-2022

Print Name of Applicant

Signature

Date: \_\_\_\_\_

**FEES:**

Rezoning Application Fee: \$900.00 \_\_\_\_\_

Small Scale Amendment Fee: \$1500.00 X Includes the rezoning fee.

Large Scale Amendment Fee: \$2100.00 \_\_\_\_\_ Includes the rezoning fee.

Date Collected: 1/20/22

**ACKNOWLEDGMENT AND CONSENT**

The Cadh, LLC ("Owner") represents unto the City of Panama City Beach, Florida, (i) that it owns all of the property described below, (ii) that the property is or should be assessed in its name upon the latest ad valorem tax rolls of Bay County, Florida, and (iii) that it has requested that the property be annexed into the City of Panama City Beach, to wit,



**SEE ATTACHED LEGAL DESCRIPTION**

FURTHER, Owner consents and agrees that, upon annexation into the City, Owner's Property will be subject to all of the same non ad valorem assessments, including recurring assessments, as have been previously levied or will be levied on other similarly situated/benefited property in the City and waives notice and opportunity of hearing upon the levy of such previous assessments against Owner's property being annexed.


This consent is authorized by and is given pursuant to Section 197.3632(4)(a) Florida Statutes in order to preclude a public hearing necessitated solely by the annexation of Owner's property.

DATED THIS 18<sup>th</sup> DAY OF January, 2022.

WITNESSES

 Matt Sines  
 Brad Harris

OWNER

Name:   
By: NIXON HUMBLE  
It's MARIONA MURPHY