

ORDINANCE NO. 1417

AN ORDINANCE AMENDING ORDINANCE 1143, KNOWN AS "THE 2009 AMENDED AND RESTATED PANAMA CITY BEACH COMPREHENSIVE GROWTH DEVELOPMENT PLAN"; ACTING UPON THE APPLICATION OF FORTUNA INVESTMENTS LLC TO CHANGE THE FUTURE LAND USE DESIGNATION OF A PARCEL OF LAND FROM CONSERVATION TO TOURIST; DESIGNATING FOR TOURIST LAND USE A CERTAIN PARCEL LYING WITHIN THE CITY OF PANAMA CITY BEACH, FLORIDA, CONSISTING OF APPROXIMATELY 0.293 ACRES; SAID PARCEL LOCATED AT 11500 HUTCHISON BOULEVARD, AS MORE PARTICULARLY DESCRIBED IN THE BODY OF THE ORDINANCE; AMENDING THE CITY'S FUTURE LAND USE MAP FOR TOURIST DESIGNATION FOR THE PARCEL; AMENDING THE CITY'S FUTURE LAND USE ELEMENT TO REMOVE CERTAIN RESTRICTIONS INCONSISTENT WITH THE FUTURE LAND USE MAP AMENDMENT; 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 adopted the "2009 Amended and Restated Panama City Beach Comprehensive Growth Development Plan" (the "Comprehensive Plan") on December 10, 2009, by Ordinance No. 1143; and

WHEREAS, Fortuna Investments LLC (the "Applicant"), submitted an application requesting an amendment to the Comprehensive Plan;

WHEREAS, the Panama City Beach Planning Board reviewed the land use change request, conducted a public hearing on May 8, 2017, and recommended approval of the request (5-2); and

WHEREAS, the Applicant and the City have agreed that the property should be designated "Tourist;" and

WHEREAS, the City Council has conducted two separate readings of this Ordinance as required by the City Charter; and

WHEREAS, the request involves a use of ten (10) 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 exceed one hundred twenty (120) acres, and the subject parcel otherwise qualifies for a small scale amendment pursuant to Section 163.3187(1)(d), Florida Statutes; and

WHEREAS, the request necessitates a text change to the City's Future Land Use Element, which amendment relates directly to the revision of the Future Land Use Map (FLUM) contemplated herein and which is being adopted simultaneously with that FLUM amendment, pursuant to Section 163.3187(c), Florida Statutes;

WHEREAS, on July 13, 2017, the City Council conducted a properly noticed, small scale adoption hearing as required by Section 163.3187(2), Florida Statutes, and adopted this Ordinance in the course of that hearing;

WHEREAS, following the public hearing, the City Council approved the Applicant's request and desires to amend the City's Comprehensive Growth Development Plan pursuant to a small scale amendment as provided in Chapter 163, Florida Statutes, and to change the land use designation of the described parcel from "Conservation" to "Tourist" on the FLUM and amend the relevant policy of the Future Land Use Element; and

WHEREAS, all conditions required for the enactment of an Ordinance to amend the Comprehensive Plan 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 Tourist land use under the Comprehensive Plan, to-wit,

SEE ATTACHED AND INCORPORATED EXHIBIT "A"

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

SECTION 2. Policy 13.3 of the City's Future Land Use Element is amended to read:

SECTION 3

FUTURE LAND USE ELEMENT

B. Plan Amendments

POLICY 13.3: The property legally described in Ordinance 1076 and consisting of approximately 21.79 acres shall be subject to all of the applicable regulations of the City of Panama City Beach, all other applicable governing agencies, and the following:

1. The subject property shall be limited to a maximum residential density of ten (10) dwelling units per acre;
- ~~2. The subject property shall have height limitations as depicted on Exhibit C of the adopted Development Agreement;~~
- ~~3. The twenty five foot buffer along the full length of the easterly property line of the property, as shown on Exhibit C of the adopted Development Agreement, shall be designated as Conservation on the Future Land Use Map. The Future Land Use Map shall be amended to implement this section no later than at the time of EAR based amendments.~~

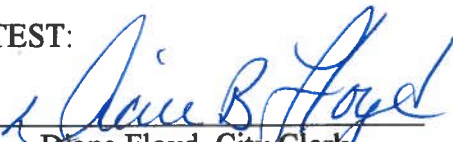
SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. 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 13th of July, 2017.


Mike Thomas, Mayor

ATTEST:


Diane Floyd, City Clerk

EXAMINED AND APPROVED by me this 13th day of July, 2017.


Mike Thomas, Mayor

PUBLISHED in the Panama City News-Herald on the 26th day of June, 2017.

POSTED on pcb.gov.com on the 14th day of July, 2017.


Diane Floyd, City Clerk

EXHIBIT A

LEGAL DESCRIPTION 10 FOOT STRIP

A PARCEL OF LAND LYING AND BEING IN SECTION 26, TOWNSHIP 3 SOUTH, RANGE 16 WEST, BAY COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 16 WEST, BAY COUNTY, FLORIDA AND PROCEED NORTH 89 DEGREES 45 MINUTES 18 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SECTION 26, FOR A DISTANCE OF 1,075.40 FEET; THENCE NORTH 00 DEGREES 06 MINUTES 28 SECONDS WEST, FOR A DISTANCE OF 777.69 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF HUTCHISON BOULEVARD (STATE ROAD 392A - 100 FOOT RIGHT OF WAY); THENCE SOUTHEASTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE AS FOLLOWS: SOUTH 55 DEGREES 39 MINUTES 28 SECONDS EAST, FOR A DISTANCE OF 756.63 FEET; THENCE NORTH 34 DEGREES 20 MINUTES 18 SECONDS EAST, FOR A DISTANCE OF 20.00 FEET; THENCE SOUTH 55 DEGREES 39 MINUTES 42 SECONDS EAST, FOR A DISTANCE OF 50.00 FEET; THENCE SOUTH 34 DEGREES 31 MINUTES 26 SECONDS WEST, FOR A DISTANCE OF 20.00 FEET; THENCE SOUTH 55 DEGREES 39 MINUTES 42 SECONDS EAST, FOR A DISTANCE OF 498.74 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE PROCEED NORTH 00 DEGREES 32 MINUTES 56 SECONDS EAST, (10.00 FOOT WEST OF AND PARALLEL WITH THE WEST BOUNDARY LINE OF EMERALD COAST CLUB PHASE I, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 17, PAGE 27 OF THE PUBLIC RECORDS BAY COUNTY, FLORIDA), FOR A DISTANCE OF 1,272.23 FEET; THENCE SOUTH 89 DEGREES 35 MINUTES 04 SECONDS EAST, FOR A DISTANCE OF 10.00 FEET TO THE NORTHWEST CORNER OF SAID EMERALD COAST CLUB PHASE I; THENCE SOUTH 00 DEGREES 32 MINUTES 56 SECONDS WEST, ALONG THE WEST BOUNDARY LINE OF SAID EMERALD COAST CLUB PHASE I, FOR A DISTANCE OF 1,278.95 FEET TO A POINT ON THE AFORESAID NORTHERLY RIGHT OF WAY LINE OF HUTCHISON BOULEVARD; THENCE NORTH 55 DEGREES 39 MINUTES 42 SECONDS WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, FOR A DISTANCE OF 12.03 FEET TO THE POINT OF BEGINNING. CONTAINING 0.293 ACRES, MORE OR LESS.