



Agenda
Special Meeting
of the Mary Esther Local Planning Agency
December 9, 2024 - 5:00 PM

195 Christobal Road – North, Mary Esther, FL 32569

1. **INVOCATION**
2. **CALL TO ORDER**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL**
5. **ADMINISTRATION OF OATH TO THOSE PERSONS TESTIFYING**
6. **ITEMS FOR CONSIDERATION**
 - 6.1. **Ordinance No. 2024-05 and No. 2024-06, Consider a Small-Scale Future Land Use Map Amendment from Commercial (Com) to Low Density Residential (LDR) and a Rezone from C-2 General Commercial to R-1 Single Family Residential for approximately 1.15 acres. (Damian Curtis, Applicant) (Tyler Reed, Community Development Director)**
7. **ADJOURN**

******* PLEASE TURN OFF OR SILENCE ALL CELL PHONES *******

VIEWING ONLINE

To watch the meetings virtually, citizens may log onto the city's website (www.cityofmaryesther.com), click the "Public Meetings" section, and select the meeting they would like to watch.

NOTES:

- 1) *Adjournment with continuation on the following day at 6:00 PM may be called if the meeting proceeds past 6:00 PM.*
- 2) *The City does not keep verbatim minutes as a matter of record. If a person decides to appeal any decision made by the Local Planning Agency with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. See Florida Statute 286.0105*
- 3) *Any invocation that may be offered before the official start of the Local Planning Agency meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Local Planning Agency. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Local Planning Agency, and the Local Planning Agency is not allowed by law to endorse the religious beliefs or views of this or any other speaker.*

Agenda Memorandum

To: Local Planning Agency

Prepared By: Tyler Reed

Date: December 9, 2024

Subject: Ordinance No. 2024-04 and No. 2024-05, Consider a Small-Scale Future Land Use Map Amendment from Commercial (Com) to Low Density Residential (LDR) and a Rezone from C-2 General Commercial to R-1 Single Family Residential for approximately 1.15 acres. (Damian Curtis, Applicant) (Tyler Reed, Community Development Director)

Introduction: This is a request to consider amending the City's Official Future Land Use Map (FLUM) to change approximately one point fifteen (1.15) acres from Commercial (Com) to Low Density Residential (LDR) and rezone from C-2 General Commercial to R-1 Single Family Residential. The property is located on the south side of US Highway 98 and approximately three hundred and seventy-five feet (375') west of Windy Lane. A location map is provided in Exhibit A of the attached Supporting Inventory Data and Analysis. The Applicant is Damian Cutrtis.

Per Comprehensive Plan Section 2.01, the Local Planning Agency (LPA) shall review any Land Development regulations, codes, and amendments and decide as to their consistency with the comprehensive plan. Per Land Development Code (LDC) Section 4.02, the LPA shall conduct their public hearing and public meetings on any matter, affording the opportunity for public participation and make recommendations to the City Council. Per LDC Section 4.03, City Council shall conduct a public hearing, affording opportunity for public participation, regarding the recommendations from the LPA and shall have final approval authority of the proposed ordinances.

The subject property is one parcel currently comprised of two existing single-family homes and one duplex with the plan to demolish all three structures. A demolition permit has been submitted for the single-family residence located on the south end of the property. The applicant plans to split the parcel to three lots and rebuild three single family homes.

Discussion:

When considering a comprehensive plan amendment request, at a minimum, the following is considered:

- A. Consistency with the goals, objectives, and policies of the Comprehensive Plan and the Future Land Use Map Series.
- B. Impact on established and projected levels of service.
- C. Compatibility with existing and proposed land use.

- D. Funding commitments for required improvements.
- E. Impact on natural resources.
- F. Impacts on public schools.
- G. Consistency with the Intent, Goals, and Strategies of the Mary Esther Vision Plan.

Staff evaluated the proposed future land use map amendment per the Comprehensive Plan and the Vision Plan. Staff's findings are summarized below:

The proposed Low Density Residential future land use designation is consistent with the City's Comprehensive Plan Land Use and the Vision Plan strategies and goals in providing redevelopment for housing opportunities per Housing policy 9.A.1.1. Per FLU Policy 7.A.1.2.c, the proposed future land use designation requested is compatible with pre-existing adjacent and current land uses.

The proposed change is not anticipated to result in any significant changes in demand for transportation, water, sewer, stormwater, and solid waste facilities and services. A detailed analysis of land use compatibility and the potential impacts to public facilities and services is provided in the attached Supporting Data Inventory and Analysis.

The City Attorney reviewed the proposed Ordinances and offered no objections.

Budget Impact: There are no anticipated budgetary impacts as a result of adoption of the proposed small scale comprehensive plan future land use map amendment and rezone.

Recommendation: Staff requests the Local Planning Agency recommend to City Council adoption of an Ordinance enacting a Small-Scale Future Land Use Map Amendment from Commercial (Com) to Low Density Residential (LDR) and a Rezone from C-2 (General Commercial) to R-1 (Single Family Residential) zoning district for approximately one point fifteen (1.15) acres, located on the south side of US Highway 98 and approximately three hundred and seventy five feet (375') west of Windy Lane.

- Attachment(s):
1. Location Map
 2. Supporting Data, Inventory, and Analysis
 3. Ordinances 2024-04 and 2024-05

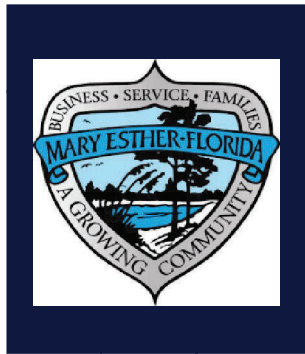


Location Map Sudduth Circle LLC

2024

CITY OF MARY ESTHER, FLORIDA

Comprehensive Plan Land Development Code Vision Plan



Comprehensive Plan Small Scale Future Land Use Map Amendment & Rezone

Ordinance No. 2024-04

Ordinance No. 2024-05

Supporting Data & Analysis

LPA

Dec. 9, 2024

City Council Adoption Public Hearing

Dec. 9, 2024

Application Type: Future Land Use Map (FLUM) Amendment and Rezone Request

Owner: Damian Curtis

Owner Authorization: N/A

Requested Change: Amending the City's Official Future Land Use Map (FLUM) to change approximately one point fifteen (1.15) acres from Commercial (Com) to Low Density Residential (LDR) and rezone from C-2

General Commercial to R-1 Single Family Residential.

i. General Location of Property:

The property is located on the south side of US Highway 98 and on the west side of Windy Lane on approximately one point fifteen (0.15) acres.

ii. Okaloosa County Property Appraiser Parcel ID Numbers:

17-2S-24-0000-0008-0000

II. PURPOSE AND INTENT

The purpose and intent of this report is to ensure compatibility with the Comprehensive Plan, Land Development Code and Vision Plan through an analysis of the existing conditions and proposed land use changes and to provide rationale for the proposed amendments.

III. RATIONALE

The current zoning district for the subject property is "split zoned" with C-2 (General Commercial), and R-1 (Single Family Residential). The C-2 zoning district does not allow for single family homes, which is being proposed for the site.

Because the property is "split zoned", meaning it has two different zoning districts, and two different future land use designations, staff made the recommendation to the applicant to put the entire property under one zoning district and one future land use that will allow the applicant to move forward with his proposal of three single family homes on three separate lots. The mechanism to do this is through the City's rezone/future land use map amendment process. Because the rezone is changing to a different land use category (i.e. R-1), a Future Land Use Map Amendment to LDR (Low Density Residential) is required to ensure compatibility with the zoning district.

Summary chart of the existing in FLU designation and maximum density and intensity are shown in Table 1 below.

Table 1
Existing Mary Esther LDR FLU Maximum Density/Intensity

Okaloosa County Property Appraiser Parcel ID Number	Parcel Size (acres)	Parcel Size (square feet)	Current FLU	Max Density/Intensity allowed (DU/AC, FAR)
17-2S-24-0000-0008-0000	1.15	50,094 sf	COM/LDR	1.92 FAR, 5.51 DU/AC

IV. PROPERTY PROFILE

- i. Existing Use: Multi family/Single Family
- ii. Current Future Land Use: Commercial (Com)/ Low Density Residential (LDR)
- iii. Proposed Future Land Use: LDR (Low Density Residential)
- iv. Existing Zoning: C-2 (General Commercial)/R-1 (Single Family Residential)
- v. Proposed Zoning: R-1 (Single Family Residential)
- vi. Total Area: Approximately one point fifteen (1.15) acres
- vii. Area of Proposed Amendment: Approximately one point one five (1.15) acres

V. COMPREHENSIVE PLAN POLICY ANALYSIS

A. Consistency with the Goals, Objectives, and Policies of the Comprehensive Plan and the Future Land Use Map Series

i. Supporting Goals, Objectives, and Policies:

The City of Mary Esther Comprehensive Plan was evaluated in order to ensure the compatibility of this requested change of future land use map designation with the City’s Plan. This evaluation concludes that the following applicable objectives and policies of the Land Use Element of the City of Mary Esther Comprehensive Plan are compatible with the requested change of future land use designation:

7.A.1.2	9.A.1.1
7.A.1.3	
7.A.2.2	
7.A.3.1	
7.A.3.2	
7.A.3.3	
7.A.3.4	
7.A.4.5	

ii. Conflicting Goals, Objectives, and Policies:

None of the applicable goals, objectives, and/or policies from the City of Mary Esther Comprehensive Plan conflicts with this request for a future land use map amendment.

B. Impact on Established and Projected Levels of Service

1. Recreation: Per Comprehensive Plan Policy 12.A.3.2, the analysis for recreation services impact is based on one (1) acre per one thousand (1000) population (1 ac/1,000 pop.). The population estimate (3,982 pop.) is based on the average household size of the 2020 Census multiplied by the maximum number of units (based on 2020 Census). The average household size in Mary Esther is 2.1 persons. The proposed lots will have no impact on levels of service for recreation.
2. Solid Waste: Per Comprehensive Plan Policy 10.B.1.5, the analysis for solid waste impact is one hundred (100) gallons per capita daily. The Public Works department determines adequate capacity for solid waste.
3. Potable Water and Sewer: Per Comprehensive Plan Policy 10.D.1.1, the levels of service is one hundred (100) gallons per capita daily. The Public Works department determines adequate capacity for potable water and sewer.
4. Drainage: Drainage impact is determined on a site-by-site basis and development shall comply with the City's drainage level of standards.
5. Transportation: Traffic generation was not completed for this project, but it is not anticipated that the proposed single family homes will have a significant trip generation.

Compatibility with Existing and Proposed Land Uses

Table 4 Adjacent Land Use

Direction	FLU Designation	Zoning District	Existing Land Use
North:	Public Lands (PL)	PL (Public Lands)	US HWY 98/Live Oak Park
South:	N/A	N/A	Santa Rosa Sound
East:	Commercial (COM)/ Low Density Residential (LDR)	C-2 (General Commercial) / R-1 (Single Family Residential)	Single-Family Residential
West:	Commercial (COM)	C-2 (General Commercial)	Single-Family Residential

The proposed FLU designation is compatible with the adjacent FLU designations, zoning districts and existing uses and will not change the character of the area.

D. Funding Commitments for Required Improvements

No additional capital improvements beyond what has already been approved within the City’s Comprehensive Plan will result because of the proposed request for a FLU map amendment. Therefore, no funding commitments for capital improvement projects are required of the Applicant at this time.

E. Impact on Natural Resources

- iii. Wetlands: According to the Okaloosa County Wetlands Map, there are no existing wetlands on the property.
- iv. Floodplain: According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) of Okaloosa County, a sizeable portion of the southern part of the property adjacent to the cove is located within Zone AE (areas determined to have a 1% annual chance of flooding), while the majority of the property is located within Zone X (areas determined to be within the 0.2% annual chance floodplain).

4. Endangered Species: N/A

5. Soil Conditions: N/A

VI. OTHER CONSIDERATIONS

- 1. There are no public-health, safety, and/or welfare issues associated with this FLU map and rezone amendment request.

F. Impact on Schools

There are no impacts to Schools as a result of this FLU Map amendment and rezone request.

G. Consistency with the City of Mary Esther Vision Plan

The proposed single family residential redevelopment aligns with the Vision Plan Goal of providing housing opportunities to serve the broad needs of the community.

Note: Adoption of a FLU map amendment and rezone does not reserve or guarantee capacity in water, sewer, transportation, drainage, recreation, or solid waste facilities, nor does it guarantee maximum density or intensity in a land use designation can be achieved.

VII. STAFF RECOMMENDATION

Staff recommends adoption of these Ordinances based on the findings presented in this report.

EXHIBITS

- EXHIBIT A Location Map
- EXHIBIT B Existing Future Land Use Map
- EXHIBIT C Current Zoning Map



Location Map Sudduth Circle LLC 2024

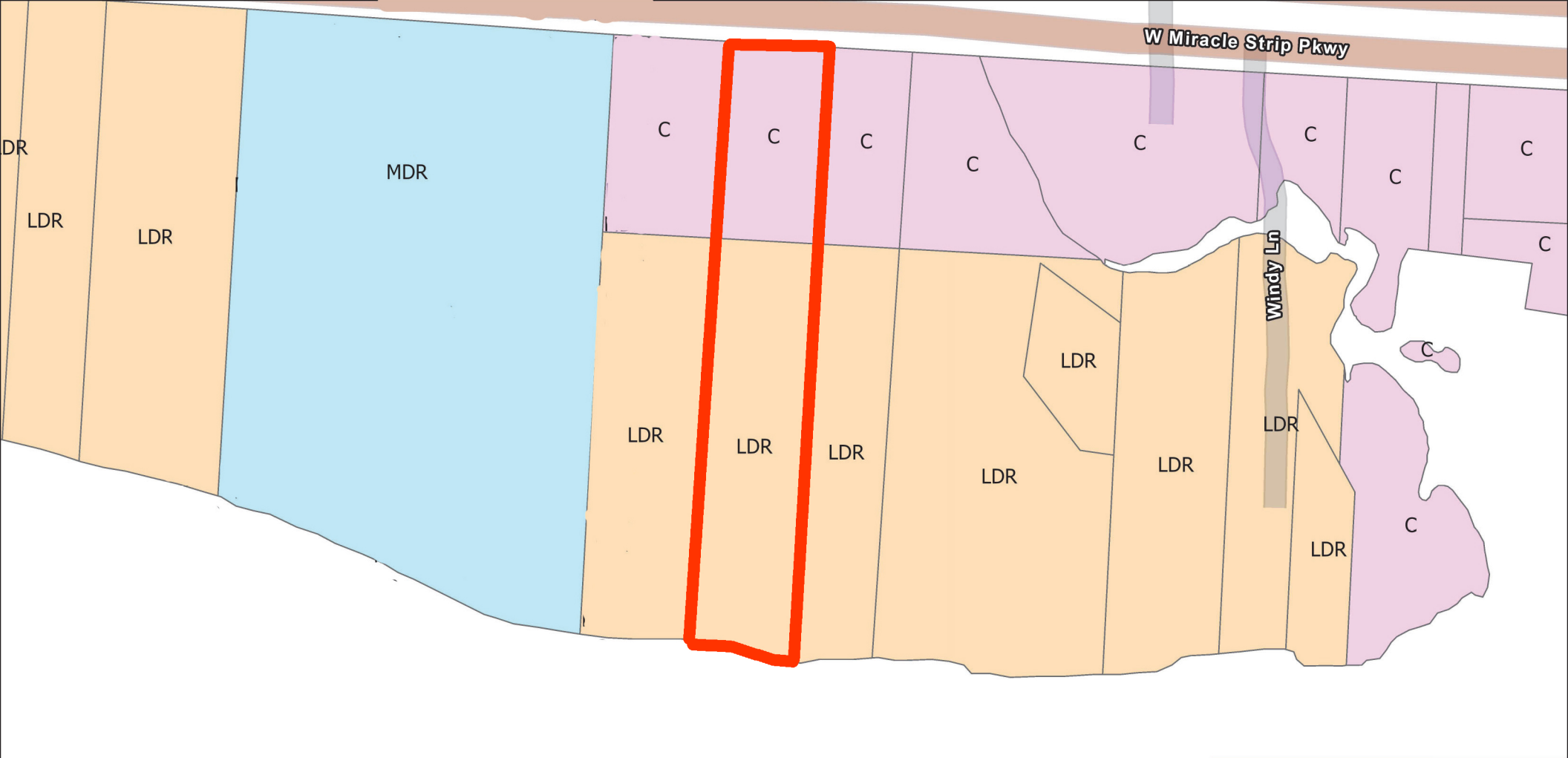


Exhibit B: Existing Future Land Use

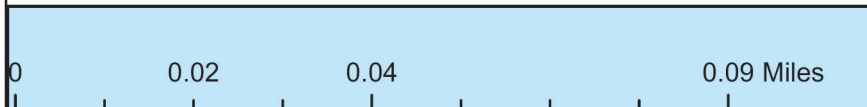
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Legend

FLU_Zoning71524	MDR
FLU_Pro	C
	LDR
	MDR
	PL
	REC
	REC,CON
	<all other values>

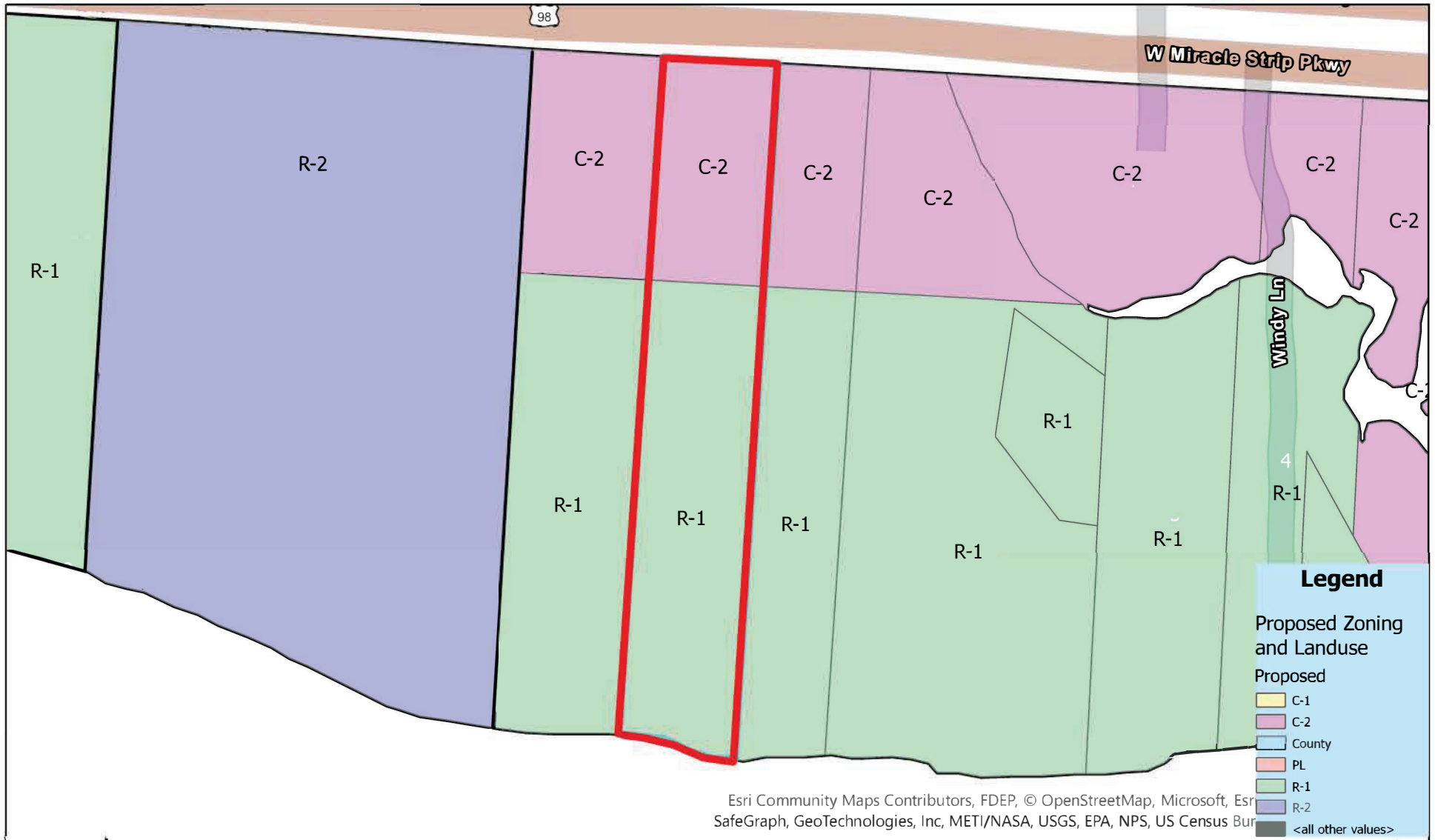


FLU Existing 191 Miracle Strip



2024

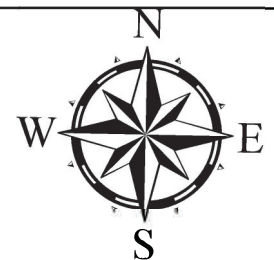




Current Zoning for 191 Miracle Strip

0 90 180 360 Feet

2024



ORDINANCE NO. 2024- 04

AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF APPROXIMATELY ONE POINT FIFTEEN (1.15) ACRES OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF US HIGHWAY NINETY EIGHT (US HWY 98) AND THE WEST SIDE OF WINDY LANE: FROM LOW COMMERCIAL (COM) TO LOW DENSITY RESIDENTIAL; PROVIDING FOR LEGISLATIVE INTENT, IMPLEMENTING ACTIONS, A SAVINGS PROVISION, SCRIVENER'S ERRORS, CONFLICTS, AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the real property which is the subject of this Ordinance is located on one point fifteen (1.15) acres of land generally located on the south side of US Highway Ninety Eight (US HWY 98) and the west side of Windy Lane; and

WHEREAS, the City of Mary Esther's Local Planning Agency (LPA) held a public hearing on December 09, 2024, to consider amending the Future Land Use Map of the Future Land Use Element of the *City of Mary Esther Comprehensive Plan* and recommended approval of the proposed Future Land Use Map amendment to the *Comprehensive Plan* for the subject property as requested by the property owner; and

WHEREAS, Section 163.3187, *Florida Statutes*, relates to the amendment of adopted local government comprehensive plans and sets forth certain requirements relating to small scale amendments which are related to proposed small scale development activities and provides, among other things, that such amendments may be approved without regard to any limits on the frequency of consideration of amendments to the *City of Mary Esther Comprehensive Plan*;

WHEREAS, the amendment proposed by this ordinance does not involve a text change to the goals, policies, and objectives of the *City of Mary Esther Comprehensive Plan*, but only proposes a land use change to the Future Land Use Map for a site-specific small scale development activity; and

WHEREAS, the City of Mary Esther has complied with all requirements and procedures of Florida law in processing this amendment to the *City of Mary Esther Comprehensive Plan* including, but not limited to, Section 163.3187, *Florida Statutes*.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF MARY ESTHER, FLORIDA, AS FOLLOWS:

SECTION 1. Legislative Findings and Intent.

(a). The foregoing recitals are hereby incorporated by this reference as a material part of this ordinance and together with the City staff report represent administrative findings with respect to the actions taken herein.

(b) The City of Mary Esther has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(c). This Ordinance is internally consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Mary Esther*.

(d). The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

SECTION 2. Implementing Administrative Actions. The City Manager is hereby authorized and directed to take such actions as he may deem necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employee(s) as deemed effectual and prudent.

SECTION 3. Savings. The prior actions and activities of the City of Mary Esther relating to the comprehensive planning and land development regulatory programs and actions of the City are hereby ratified and affirmed.

SECTION 4. Scrivener's Errors. The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

SECTION 5. Conflicts. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

SECTION 6. Severability. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 7. Effective Date. The small-scale amendment to the City's *Comprehensive Plan* as set forth herein shall not become effective, in accordance with Section 163.3187(5)(c), *Florida Statutes*, until thirty-one (31) days after the enactment of this Ordinance. If challenged within thirty (30) days after enactment, the small-scale amendment set forth in this Ordinance shall not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining that the subject small-scale amendment is in compliance with controlling State law.

So Done this ____ day of _____, 2024.

By: _____
Chris Stein, Mayor
City of Mary Esther, Florida

ATTEST:

Dillon Morris
City Clerk

1st Reading:
Published:
2nd Reading:

Exhibit A: Legal Description

(AS- RECORDED):

(O.R. BOOK 3623, PAGE 2463)

PARCEL 1:

COMMENCING AT HIGH WATER MARK ON SANTA ROSA SOUND, AT A POINT 390 FEET WEST OF THE EAST LINE OF SECTION 17, TOWNSHIP 2 SOUTH OF RANGE 24 WEST, THENCE NORTH PARALLEL TO SAID EAST LINE TO THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 10, THENCE WEST ALONG SAID SOUTH RIGHT OF WAY LINE 90 FEET, THENCE SOUTH PARALLEL WITH SAID EAST LINE OF SECTION 17 TO HIGH WATER MARK ON SANTA ROSA SOUND, THENCE FOLLOWING THE MEANDERINGS OF SAID SOUND AT HIGH WATER MARK EASTERLY TO POINT OF BEGINNING, IT BEING THE INTENTION OF THE PARTIES TO CONVEY THE LANDS HERETOFORE OCCUPIED BY L.I . SMITH AT HIS HOME, BETWEEN THE EAST AND WEST BOUNDARIES AS ESTABLISHED BY HIS FENCES, TOGETHER WITH ALL OF THE RIPARIAN RIGHTS APPERTAINING THERETO, LESS AND EXCEPT RIGHT OF WAY PREVIOUSLY CONVEYED TO FLORIDA STATE ROAD DEPARTMENT, LYING SOUTH OF AND WITHIN 50 FEET OF THE SURVEY LINE OF STATE ROAD NO. 30 (U.S. HIGHWAY 98) ACCORDING TO DEED RECORDED IN OFFICIAL RECORDS BOOK 238 AT PAGE 787 OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.

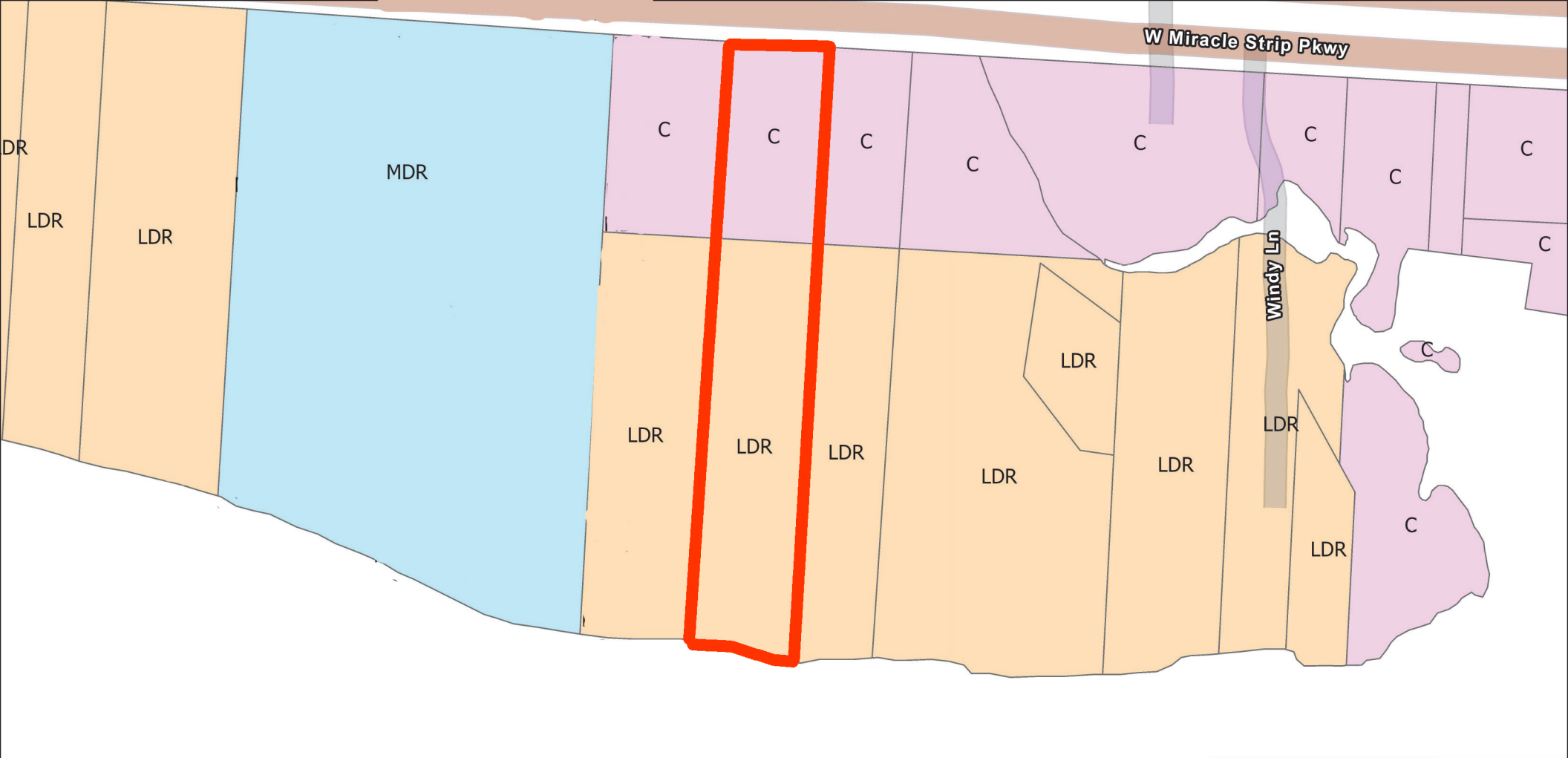


Exhibit B: Existing Future Land Use

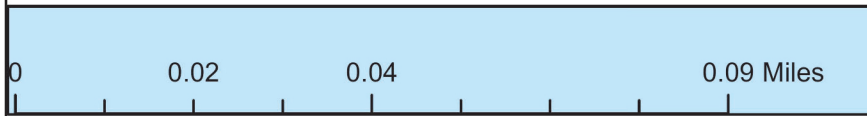
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Legend

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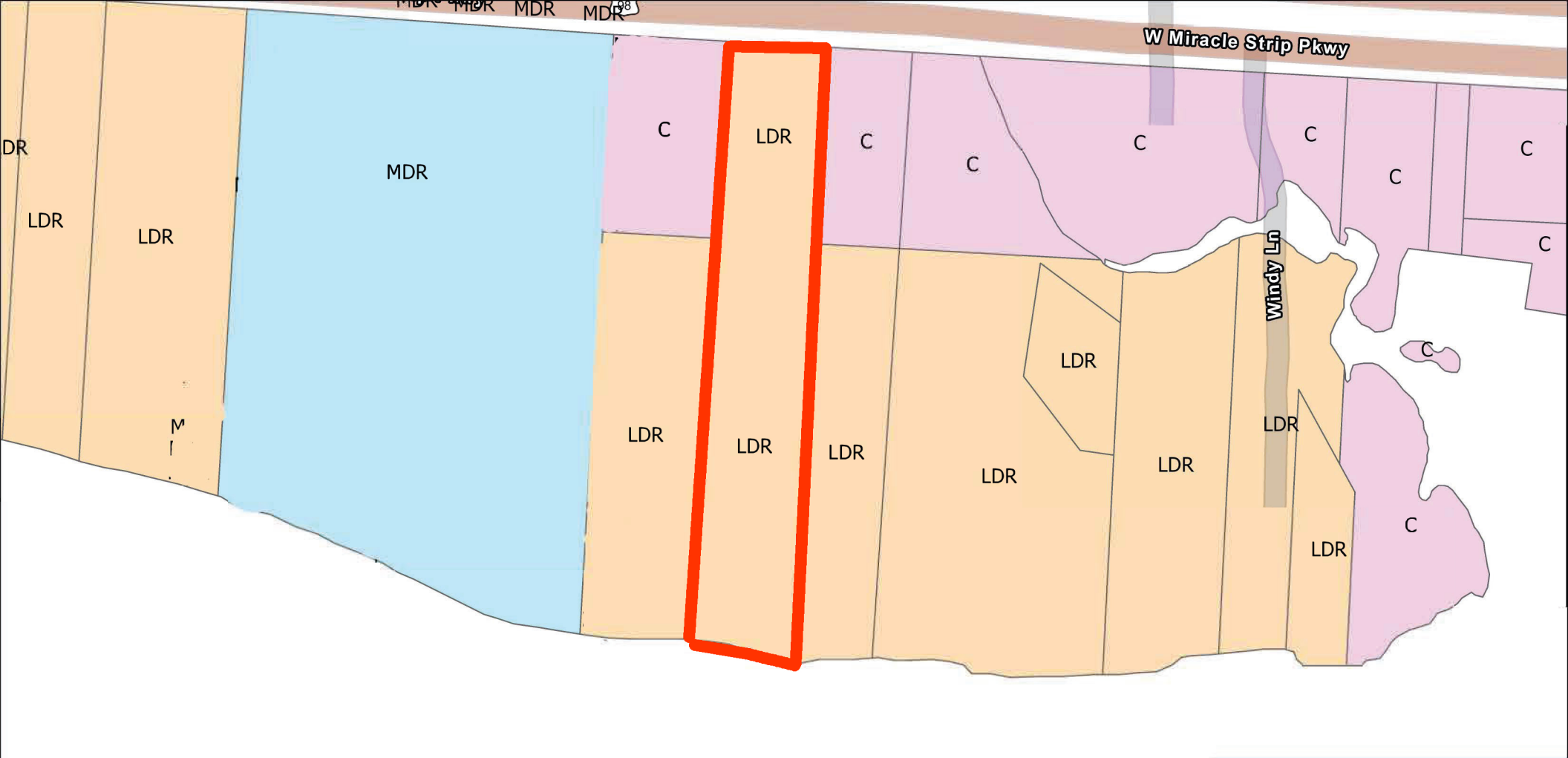


FLU Existing 191 Miracle Strip



2024





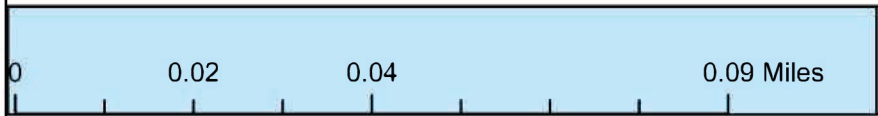
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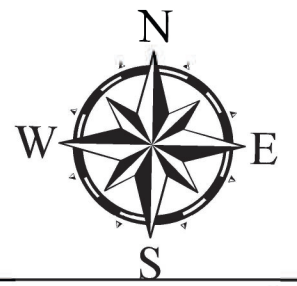
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FLU Proposed 191 Miracle Strip



2024



ORDINANCE NO. 2024-03

AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA, AMENDING THE ZONING MAP OF APPROXIMATELY ONE POINT FIFTEEN (1.15) ACRES OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF US HIGHWAY NINETY EIGHT (US HWY 98) AND THE WEST SIDE OF WINDY LANE: FROM C-2 (GENERAL COMMERCIAL) TO R-1 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT; PROVIDING FOR LEGISLATIVE INTENT, IMPLEMENTING ACTIONS, A SAVINGS PROVISION, SCRIVENER'S ERRORS, CONFLICTS, AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF MARY ESTHER, FLORIDA, AS FOLLOWS:

SECTION 1. Legislative Findings and Intent.

- (a). The City of Mary Esther has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.
- (b). This Ordinance is internally consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Mary Esther*.
- (c). The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

SECTION 2. Adoption of the Amendment to the Official Zoning Map.

- (a). In exercise of its authority, the City Council of the City of Mary Esther, Florida finds it necessary and desirable to adopt and does hereby adopt this amendment and update to the City of Mary Esther's zoning map, attached hereto as Exhibit "D" in order to encourage the most appropriate use of land, water, and resources, consistent with the public interest; and to deal effectively with future problems that may result from the use and development of land within City of Mary Esther, Florida.
- (b). All exhibits to this Ordinance are incorporated into the text and substance of this Ordinance as if fully set forth herein verbatim.

SECTION 3. Implementing Administrative Actions. The City Manager is hereby authorized and directed to take such actions as he may deem necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

SECTION 4. Savings. The prior actions and activities of the City of Mary Esther relating to the comprehensive planning and land development regulatory programs and actions of the City are hereby ratified and affirmed.

SECTION 5. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

SECTION 6. Conflicts. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

SECTION 7. Severability. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective immediately upon adoption.

SO DONE this _____ day of _____, 2024.

By: _____
Chris Stein, Mayor
City of Mary Esther, Florida

ATTEST:

Dillon Morris
City Clerk

1st Reading:
Published:
2nd Reading:

Exhibit A: Legal Description

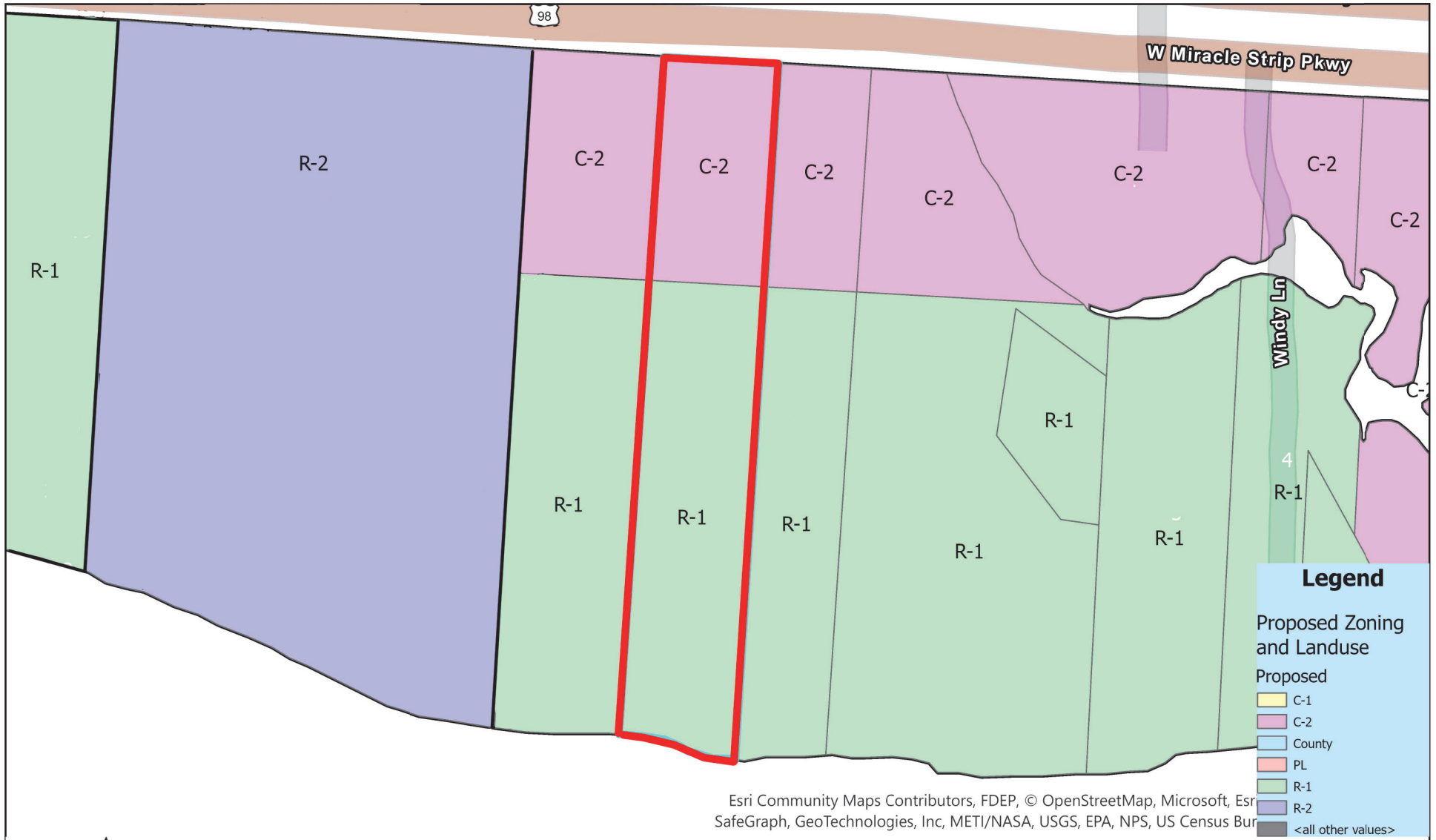
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(O.R. BOOK 3623, PAGE 2463)

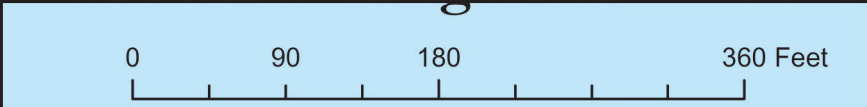
PARCEL 1:

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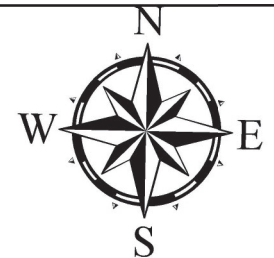
Exhibit B: Current Zoning Map

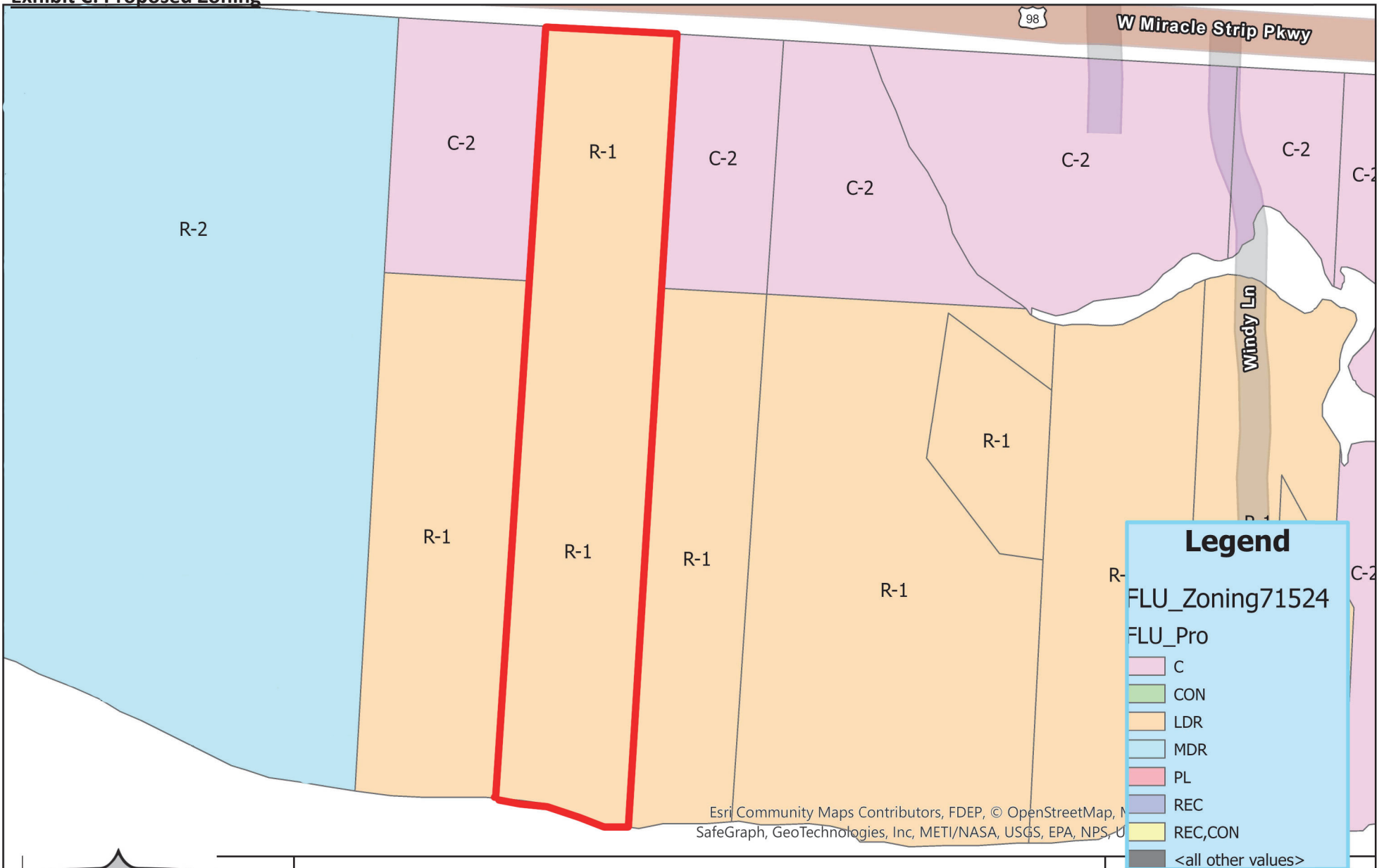


Current Zoning for 191 Miracle Strip

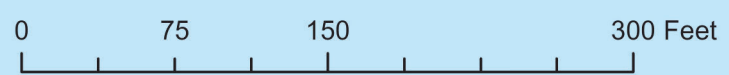


2024





Proposed Zoning For 191 Miracle Strip



2024





CITY OF MARY ESTHER COMMUNITY DEVELOPMENT DEPARTMENT
195 Christobal Road N. Mary Esther, Florida 32569
Telephone (850) 243-3566 Ext.10 Fax (850) 243-0736
Email: Code@Cityofmaryesther.com
www.CityofMaryEsther.com

REZONE/FUTURE LAND USE MAP AMENDMENT

REQUIRED ATTACHMENTS

INITIAL INTAKE

- Application
- Application fee
- Ownership Disclosure form (Additional documentation required if the property owner is a trust or corp.)
- Owner Authorization Form (Required if the applicant and/or consultant is not the property owner)
- Detailed narrative of amendment (PUD/PMDD Substantial/Minor revisions only)
- Legal Description of Subject Property
- Property Deed
- Signed and sealed boundary survey
- Copy of Restrictive Covenants (if applicable)
- List of All property owners within a 300' radius of the subject property certified by the Okaloosa County Property Appraiser
- Aerial Photograph (in Color, 8.5" X 11")

FINAL SUBMITTALS

- Attachment "A" and all supporting documents (Future Land Use Amendments only)
- ~~Traffic Impact~~ Analysis (Projects generating 50 or more peak hour trips)
- ~~Draft~~ Developer's Commitment Agreement in Microsoft Word format (PUD/PMDD Final Development Plan only)
- ~~Draft Preliminary~~ Development Order in Microsoft Word format
- ~~Preliminary~~ Master Plan including a preliminary utilities plan shown on the Master Plan in a table with supporting data provided separately (PUD/PMDD Rezone & Master Plan only)

DELIVERY METHODS

Completed forms and all the above required attachments may be sent via:

- **E-mail:** Code@cityofmaryesther.com
- **Hand delivery:** City of Mary Esther, 195 Christobal Rd, N, Mary Esther, Florida 32569
- **Mail:**

CITY OF MARY ESTHER
PROJ. #: _____
COMMUNITY DEVELOPMENT DIVISION
ATTN: LESLIE WRIGHT
195 CHRISTOBAL RD, NORTH
MARY ESTHER, FLORIDA 32569

PROJECT

PROJECT NAME:	SUDDUTH CIRCLE LLC		
PARCEL ID #(S):	17-25-24-0000-0008-0000		
LOCATION:	191 MIRACLE STRIP PKWY MARY ESTERZ		
EXISTING USE(S):	MULTI FAMILY	PROPOSED USE(S):	
TOTAL ACREAGE:	1.15		
WATER PROVIDER:	MARY ESTERZ	SEWER PROVIDER:	MARY ESTERZ
CURRENT ZONING:	C-2	PROPOSED ZONING:	R-1
CURRENT FUTURE LAND USE:	SINGLE FAMILY	PROPOSED FUTURE LAND USE:	SINGLE FAMILY

APPLICANT

NAME:	DAMIAN CURTIS	COMPANY:	SUDDUTH CIRCLE LLC
ADDRESS:	216 HOSPITAL DRIVE NE		
CITY:	FT. WALTON BEACH	STATE:	FL ZIP: 32546
PHONE:	850-244-7120	EMAIL:	DAMIAN@DLCURTISCONSTRUCTION.COM

CONSULTANT

NAME:	COMPANY:		
ADDRESS:			
CITY:	STATE:	ZIP:	
PHONE:	EMAIL:		

CONTRACTOR (If known at time of application)

NAME:	COMPANY:		
ADDRESS:			
CITY:	STATE:	ZIP:	
PHONE:	EMAIL:		

OWNERS

(INCLUDE NOTARIZED OWNER'S AUTHORIZATION FORM)

NAME(S):	SAME AS APPLICANT ABOVE		
ADDRESS:			
CITY:	STATE:	ZIP:	
PHONE:	EMAIL:		

Affidavit of Understanding

I DAMIAN CURTIS, owner of 191 WEST MIRAGE S. hereby acknowledge that my signature hereto is a solemn affirmation that the information in this application is not only true but also accurate to the best of my knowledge. I am fully aware that any deliberate misrepresentation of this information could lead to the denial or reversal of the application, and even the revocation of any approval based on this application.

By signing this document, I grant the City/County staff the authority to access the subject property at their discretion for the purpose of investigating and reviewing this request. I also agree to display a public notice sign (placard), if deemed necessary, on the subject property at a location(s) determined by the City staff.

I hereby acknowledge that the City of Mary Esther Staff may not defend any challenge to my proposed Future Land Use Amendment/Rezoning and related development approvals and that it may be my sole obligation to defend any and all actions and approvals that authorize the use or development of the subject property. Submission of this form initiates a process by the City and will be considered at the earliest available Public Hearing after all requirements by this application and Florida Statutes are met and does not imply approval by the City of Mary Esther, Okaloosa County, or any of its boards, commissions, councils, or staff.

I hereby acknowledge that any fees must be paid to the City prior to the application being processed, and once the application has been processed, the fees are non-refundable. I acknowledge that all costs of advertisement are the responsibility of the applicant/owner and that I will comply with all provisions of City Ordinance 21-16, 21-17, and the advertising/notice requirements as stated within the application.


I hereby acknowledge that should the City require a consultant to review and provide an analysis of the application in its entirety, the applicant/owner shall be responsible for the costs incurred by the City and the City may refuse to make any decision on the matter until all fees and costs have been paid.

I hereby acknowledge that payment of any fees or costs does not guarantee adoption or approval of the request by the City or State Governments.

I hereby acknowledge that analysis may be required on issues such as wetlands, soil, traffic, water and sewer availability, wildlife, flood zones, land cover, infrastructure impacts, archeological and historical impacts, solid waste, fire protection, affected roadways, stormwater, and compatibility.

I further acknowledge that I have read the information contained in this application pertaining to proposed amendments to the official Zoning map, official Future Land Use map and/or Comprehensive Plan and have had sufficient opportunity to inquire regarding matters set forth therein and, accordingly, understand all applicable procedures and issues relating to this application.

I hereby represent that I have the lawful right and authority to file this application.



SIGNATURE OF OWNER/AUTHORIZED AGENT
(PROOF OF PROPERTY OWNER'S AUTHORIZATION IS REQUIRED
IF SIGNED BY SOMEONE OTHER THAN THE PROPERTY OWNER)

9/16/24

DATE

Narrative of Amendment

City Of Mary Esther
Community Development Division
ATTN: Tyler Reed
195 Christobal RD, North
9/9/2024


Mr. Reed

Our property at 191 Mircale Strip Pkwy, Mary Esther, FL has 4 dwellings on it.

- Dwelling 1 single family 3 bedroom, 2 baths, 3400 SF, built in 1950
- Dwelling 2 single family 2 bedroom, 1 bath, 1091 SF, built in 1950
- Dwelling 3 Single family 2 bedrooms, 2 baths, 1880 SF built 1955

Roughly 175 ft of the northern part of our property is zoned commercial C-2, the remaining 375 ft of the property is zoned R-1, single family. The northern portion of our property that is zoned C-2 includes Dwellings 2 & 3.

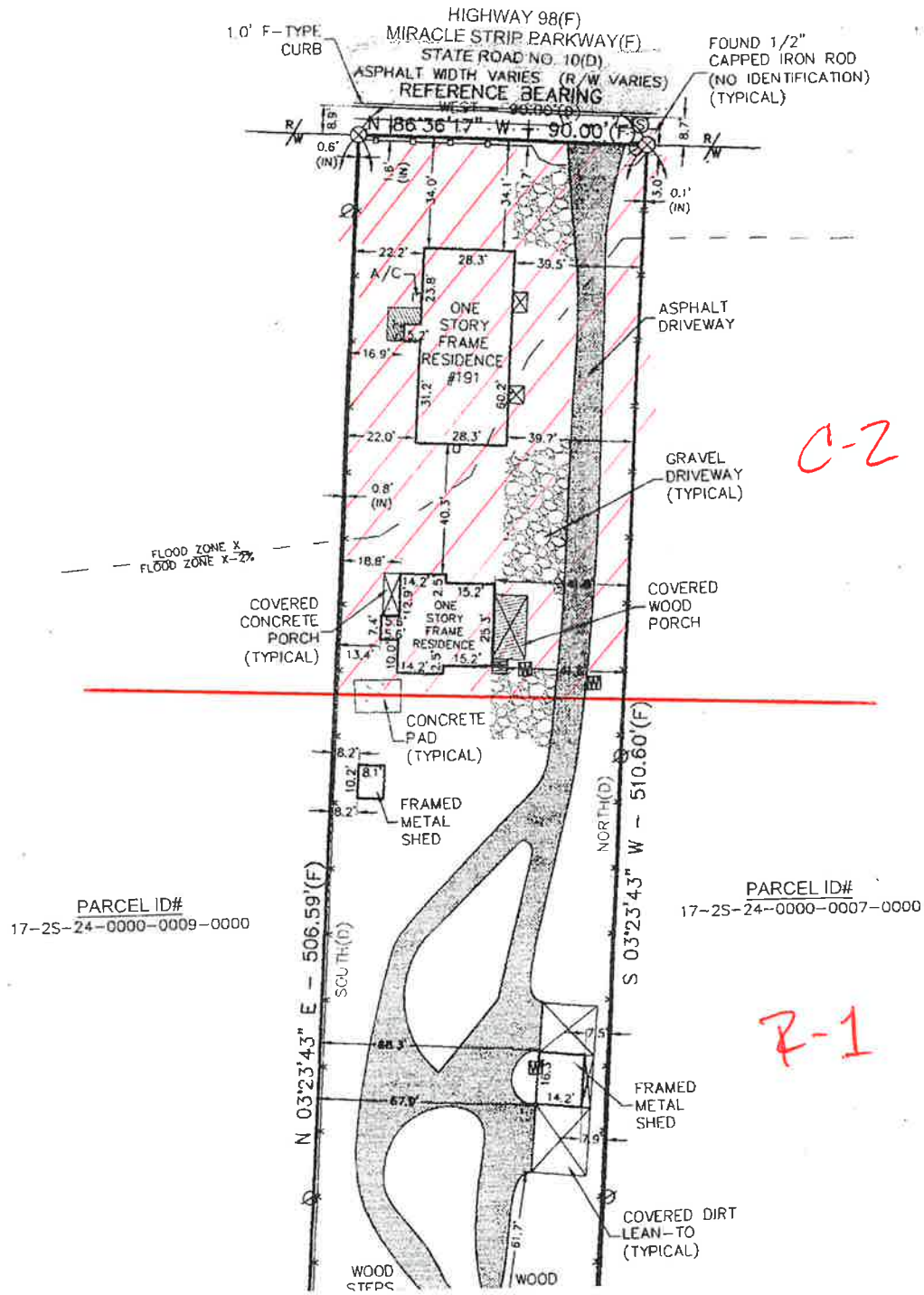
The future land use (FLU) is now commercial we are requesting to amend the entire parcel to low density residential (LDR)



Damian L Curtis Sudduth Circle LLC



9/9/2024



PREPARED BY:

DC ASecrist
JD Peacock II Clerk of Circuit Court Okaloosa County, FL

MEAD LAW & TITLE

24 Walter Martin Road NE
Fort Walton Beach, Florida 32548

File No: 44878AT

Property Appraiser's Parcel I.D. # 17-2S-24-0000-0008-0000

24090215
\$1,000,000.00

This **WARRANTY DEED** made the 20th day of August, A.D. 2024, by

Charles H. Van Diver, III as Co-Trustee of the Van Diver Joint Revocable Trust dated April 21, 2022 and Angela R. Van Diver, as Co-Trustee of the Van Diver Joint Revocable Trust dated April 21, 2022

whose post office address is: 1222. Emerald Bay Dr, Destin, FL 32541
hereinafter called the grantor to

Sudduth Circle, LLC, a Florida limited liability company

whose post office address is: 25 Walter Martin Rd., Fort Walton Beach, Florida 32548
hereinafter called the grantee

(wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Okaloosa County, Florida, viz:

COMMENCING at High Water Mark on Santa Rosa Sound at a point 390 feet West of the East line of Section 17, Township 2 South, Range 24 West; thence North parallel to said East line to the South right of way line of State Road No. 10; thence West along said South right of way line 90 feet; thence South parallel with said East line of Section 17 to High Water Mark on Santa Rosa Sound; thence following the meanderings of said Sound at high water mark Easterly to POINT OF BEGINNING, it being the intention of the parties to convey the lands heretofore occupied by L. F. Smith at his home, between the East and West boundaries as established by his fences, together with all of the riparian rights appertaining thereto, LESS AND EXCEPT right of way previously conveyed to Florida State Road Department, lying South of and within 50 feet of the survey line of State Road No. 30 (U.S. Highway 98) according to deed recorded in Official Records Book 238 at Page 787 of the Public Records of Okaloosa County, Florida.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) nor any members of the household of Grantor(s) reside thereon.

This conveyance is made subject to covenants, conditions, reservations, restrictions and easements of record, if any, which may now affect the above described property, but this provision shall not operate to reimpose the same. Also subject to applicable zoning regulations and ordinances, governmental authorities' restrictions, and to real estate taxes.

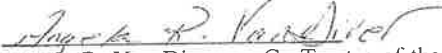
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anyway appertaining.

To Have and to Hold, the same in fee simple forever.

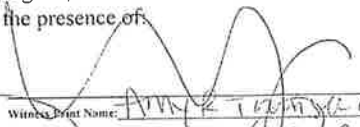
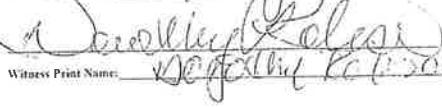
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2023.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.


Charles H. Van Diver, III as Co-Trustee of the Van Diver Joint Revocable Trust dated April 21, 2022


Angela R. Van Diver, as Co-Trustee of the Van Diver Joint Revocable Trust dated April 21, 2022

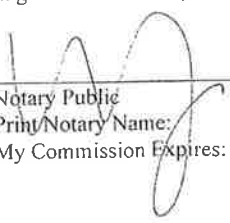
Signed, sealed and delivered in the presence of:


Witness Print Name: Amy R. Townsend

Witness Print Name: Carol Lynn Chase

24 Walter Martin Rd
Fort Walton Beach, FL 32548
Address of Witness
24 Walter Martin Rd
Fort Walton Beach, FL 32548
Address of Witness

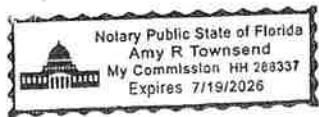
STATE OF FLORIDA
COUNTY OF OKALOOSA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 20th day of August, 2024, by Charles H. Van Diver, III as Co-Trustee of the Van Diver Joint Revocable Trust dated April 21, 2022 and Angela R. Van Diver, as Co-Trustee of the Van Diver Joint Revocable Trust dated April 21, 2022


Notary Public
Print/Notary Name:
My Commission Expires:

(affix notary seal)

Personally known to me _____
Produced FL DL as identification



LEGAL DESCRIPTION (AS RECORDED):
(O.R. BOOK 3623, PAGE 2463)

PARCEL 1:

COMMENCING AT HIGH WATER MARK ON SANTA ROSA SOUND, AT A POINT 390 FEET WEST OF THE EAST LINE OF SECTION 17, TOWNSHIP 2 SOUTH OF RANGE 24 WEST, THENCE NORTH PARALLEL TO SAID EAST LINE TO THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 10, THENCE WEST ALONG SAID SOUTH RIGHT OF WAY LINE 90 FEET, THENCE SOUTH PARALLEL WITH SAID EAST LINE OF SECTION 17 TO HIGH WATER MARK ON SANTA ROSA SOUND, THENCE FOLLOWING THE MEANDERINGS OF SAID SOUND AT HIGH WATER MARK EASTERLY TO POINT OF BEGINNING, IT BEING THE INTENTION OF THE PARTIES TO CONVEY THE LANDS HERETOFORE OCCUPIED BY L.I. SMITH AT HIS HOME, BETWEEN THE EAST AND WEST BOUNDARIES AS ESTABLISHED BY HIS FENCES, TOGETHER WITH ALL OF THE RIPARIAN RIGHTS APPERTAINING THERETO, LESS AND EXCEPT RIGHT OF WAY PREVIOUSLY CONVEYED TO FLORIDA STATE ROAD DEPARTMENT, LYING SOUTH OF AND WITHIN 50 FEET OF THE SURVEY LINE OF STATE ROAD NO. 30 (U.S. HIGHWAY 98) ACCORDING TO DEED RECORDED IN OFFICIAL RECORDS BOOK 238 AT PAGE 787 OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.

Parcel Id	OwnerName	Address	City	State	Zip
17-2S-24-0000-0003-0000	CURRENT RESIDENT	171 MIRACLE STRIP PKWY	MARY ESTHER	FL	32569
17-2S-24-0000-0004-0000	CURRENT RESIDENT	250 W HOLLYWOOD BLVD	MARY ESTHER	FL	32569
17-2S-24-0000-0005-0000	CURRENT RESIDENT	141 MIRACLE STRIP PKWY	MARY ESTHER	FL	32569
17-2S-24-0000-0006-0000	CURRENT RESIDENT	161 W MIRACLE STRIP PKWY	MARY ESTHER	FL	32569
17-2S-24-0000-0007-0000	CURRENT RESIDENT	181 MIRACLE STRIP PKWY	MARY ESTHER	FL	32569
17-2S-24-0000-0008-0000	CURRENT RESIDENT	191 MIRACLE STRIP PKWY	MARY ESTHER	FL	32569
17-2S-24-0000-0009-0000	CURRENT RESIDENT	199 W MIRACLE STRIP PKWY	MARY ESTHER	FL	32569
17-2S-24-0000-0012-0000	CURRENT RESIDENT	US HWY 98	MARY ESTHER	FL	32569
17-2S-24-0000-0013-0000	CURRENT RESIDENT	US HWY 98	MARY ESTHER	FL	32569
17-2S-24-0000-0014-0000	CURRENT RESIDENT	HWY 98	MARY ESTHER	FL	32569
17-2S-24-038J-0000-0000	CURRENT RESIDENT	209 MIRACLE STRIP PKWY		FL	
17-2S-24-038J-0000-A101	CURRENT RESIDENT	209 MIRACLE STRIP PKWY A101	MARY ESTHER	FL	32569
17-2S-24-038J-0000-A102	CURRENT RESIDENT	209 MIRACLE STRIP PKWY A102	MARY ESTHER	FL	32569
17-2S-24-038J-0000-A103	CURRENT RESIDENT	209 MIRACLE STRIP PKWY A103	MARY ESTHER	FL	32569
17-2S-24-038J-0000-A104	CURRENT RESIDENT	209 MIRACLE STRIP PKWY A104	MARY ESTHER	FL	32569
17-2S-24-038J-0000-A201	CURRENT RESIDENT	209 W MIRACLE STRIP PKWY A201	MARY ESTHER	FL	32569
17-2S-24-038J-0000-A202	CURRENT RESIDENT	209 MIRACLE STRIP PKWY A202	MARY ESTHER	FL	32569
17-2S-24-038J-0000-A203	CURRENT RESIDENT	209 MIRACLE STRIP PKWY A203	MARY ESTHER	FL	32569
17-2S-24-038J-0000-A204	CURRENT RESIDENT	209 MIRACLE STRIP PKWY A204	MARY ESTHER	FL	32569
17-2S-24-038J-0000-A301	CURRENT RESIDENT	209 MIRACLE STRIP PKWY A301	MARY ESTHER	FL	32569
17-2S-24-038J-0000-A302	CURRENT RESIDENT	209 MIRACLE STRIP PKWY A302	MARY ESTHER	FL	32569
17-2S-24-038J-0000-A303	CURRENT RESIDENT	209 MIRACLE STRIP PKWY A303	MARY ESTHER	FL	32569
17-2S-24-038J-0000-A304	CURRENT RESIDENT	209 MIRACLE STRIP PKWY A304	MARY ESTHER	FL	32569
17-2S-24-038J-0000-B101	CURRENT RESIDENT	209 MIRACLE STRIP PKWY B101	MARY ESTHER	FL	32569
17-2S-24-038J-0000-B102	CURRENT RESIDENT	209 MIRACLE STRIP PKWY B102	MARY ESTHER	FL	32569
17-2S-24-038J-0000-B103	CURRENT RESIDENT	209 MIRACLE STRIP PKWY B103	MARY ESTHER	FL	32569
17-2S-24-038J-0000-B104	CURRENT RESIDENT	209 MIRACLE STRIP PKWY B104	MARY ESTHER	FL	32569
17-2S-24-038J-0000-B201	CURRENT RESIDENT	209 MIRACLE STRIP PKWY B201	MARY ESTHER	FL	32569
17-2S-24-038J-0000-B202	CURRENT RESIDENT	209 MIRACLE STRIP PKWY B202	MARY ESTHER	FL	32569
17-2S-24-038J-0000-B203	CURRENT RESIDENT	209 MIRACLE STRIP PKWY B203	MARY ESTHER	FL	32569
17-2S-24-038J-0000-B204	CURRENT RESIDENT	209 MIRACLE STRIP PKWY B204	MARY ESTHER	FL	32569
17-2S-24-038J-0000-B301	CURRENT RESIDENT	209 MIRACLE STRIP PKWY B301	MARY ESTHER	FL	32569
17-2S-24-038J-0000-B302	CURRENT RESIDENT	209 MIRACLE STRIP PKWY B302	MARY ESTHER	FL	32569
17-2S-24-038J-0000-B303	CURRENT RESIDENT	209 MIRACLE STRIP PKWY B303	MARY ESTHER	FL	32569
17-2S-24-038J-0000-B304	CURRENT RESIDENT	209 MIRACLE STRIP PKWY B304	MARY ESTHER	FL	32569
17-2S-24-038J-0000-C101	CURRENT RESIDENT	209 MIRACLE STRIP PKWY C101	MARY ESTHER	FL	32569
17-2S-24-038J-0000-C102	CURRENT RESIDENT	209 MIRACLE STRIP PKWY C102	MARY ESTHER	FL	32569
17-2S-24-038J-0000-C103	CURRENT RESIDENT	209 MIRACLE STRIP PKWY C103	MARY ESTHER	FL	32569
17-2S-24-038J-0000-C104	CURRENT RESIDENT	209 MIRACLE STRIP PKWY C104	MARY ESTHER	FL	32569
17-2S-24-038J-0000-C105	CURRENT RESIDENT	209 MIRACLE STRIP PKWY C105	MARY ESTHER	FL	32569
17-2S-24-038J-0000-C106	CURRENT RESIDENT	209 MIRACLE STRIP PKWY C106	MARY ESTHER	FL	32569
17-2S-24-038J-0000-C107	CURRENT RESIDENT	209 MIRACLE STRIP PKWY C107	MARY ESTHER	FL	32569
17-2S-24-038J-0000-C108	CURRENT RESIDENT	209 MIRACLE STRIP PKWY C108	MARY ESTHER	FL	32569
17-2S-24-038J-0000-C201	CURRENT RESIDENT	209 MIRACLE STRIP PKWY C201	MARY ESTHER	FL	32569
17-2S-24-038J-0000-C202	CURRENT RESIDENT	209 MIRACLE STRIP PKWY C202	MARY ESTHER	FL	32569
17-2S-24-038J-0000-C203	CURRENT RESIDENT	209 MIRACLE STRIP PKWY C203	MARY ESTHER	FL	32569

17-2S-24-038J-0000-J301

CURRENT RESIDENT

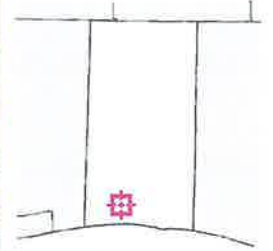
209 MIRACLE STRIP PKWY J301

MARY ESTHER FL

32569



Overview



Legend

- Parcels
- Roads
- Water
- City Labels

<p>Parcel ID 17-25-24-0000-0008-0000</p> <p>Acres (GIS) 1.15</p> <p>Property Class MULTI-FAMILY</p> <p>Taxing District 5</p>	<p>Physical Address</p> <p>Mailing Address</p>	<p>191 MIRACLE STRIP PKWY</p> <p>MARY ESTHER SUDDUTH CIRCLE LLC</p> <p>25 WALTER MARTIN RD</p> <p>FT WALTON BEACH, FL 32548</p>	<p>Land Value \$471,351</p> <p>Ag Land Value \$0</p> <p>Building Value \$211,614</p> <p>Misc Value \$6,750</p> <p>Just Value \$689,715</p> <p>Assessed Value \$689,715</p> <p>Exempt Value \$0</p> <p>Taxable Value \$689,715</p>	<p>Last 2 Sales</p> <table border="0"> <tr> <th>Date</th> <th>Price</th> </tr> <tr> <td>8/20/2024</td> <td>\$1000000</td> </tr> <tr> <td>4/21/2022</td> <td>\$100</td> </tr> </table>	Date	Price	8/20/2024	\$1000000	4/21/2022	\$100	<p>Reason</p> <p>QUAL/DEED EXAMINATION</p> <p>UNQUAL/TRANSACT U OF AFFILIATION</p>	<p>Qual</p> <p>Q</p> <p>U</p>
Date	Price											
8/20/2024	\$1000000											
4/21/2022	\$100											

Date created: 9/11/2024
Last Data Uploaded: 9/11/2024 7:15:00 AM

Developed by Schneider
GEO SPATIAL

Attachment A

Text Section Application for Future Land Use Map Amendment to The City of Mary Esther Comprehensive Plan

Proposed amendments to the City's Future Land Use Map are reviewed against the goals, objectives, and policies of the City of Mary Esther Comprehensive Plan. The future land use map itself is a graphic representation of the policies contained within the Plan. Proposed amendments are also reviewed for compatibility with adjacent land uses, sufficient public facility resources to serve any change in the demand for services, appropriate timing and location of the amendment, potential environmental impacts, and for internal Plan consistency. The impact on regional resources, facilities, and policies as well as upon specially designated areas within the City is included in this review. City Staff also evaluate proposed amendments for consistency with the City of Mary Esther Vision Plan.

Attachment A Sections:

STANDARDS OF REVIEW FOR ALL FUTURE LAND USE MAP AMENDMENTS

Sec. 1: Identification of Proposed Future Land Use Map Designation and Zoning Classification

Sec. 2: Assessment of Consistency with Comprehensive Plan Goals, Objectives, and Policies

- a. Demonstrate the Compatibility with Adjacent Land Uses
- b. Demonstrate the Changes in Character to the Surrounding Area (if applicable)
- c. Demonstrate the Support and Furthering of City Comprehensive Plan Goals, Objectives, and Policies

Sec. 3: Assessment of Consistency with the City of Mary Esther Vision Plan (<https://www.cityofmaryesther.com/vision>)

Sec. 4: Completion of Data and Analysis Requirements- Concurrency

- a. Facility Capacity Impact Assessments
 - i. Transportation Assessment
 - ii. Utility Assessments
 - iii. School Capacity Assessment

STANDARDS OF REVIEW FOR ALL FUTURE LAND USE MAP AMENDMENTS

The City shall use the standards described below in evaluating all applications for amendments to the Future Land Use Map of the City of Mary Esther Comprehensive Plan found here: <https://cityofmaryesther.com/documentcenter> - Comprehensive Plan folder.

All submissions are included in the official file for the project and will become a part of staff memoranda for public, Council and State Agency review.

***ALL APPLICABLE INFORMATION MUST BE PROVIDED*
INCOMPLETE SUBMITTALS SHALL BE RETURNED TO THE APPLICANT**

Sec. 1: Identification of Proposed Future Land Use Map Designation and Zoning Classification

- 1.a. OWNER/APPLICANT NAME: DAMIAN CURTS
 1.b. PROJECT NAME: 191 HOME
 1.c. IDENTIFICATION OF PARCELS PROPOSED FOR AMENDMENT AND FLU OF ADJACENT PARCELS

(List the parcel number of each parcel proposed for amendment)

THERE IS ONLY 1 PARCEL # 17-25-24-0000-0008-0000

Note: If proposing an amendment to Mixed Use, a concurrent rezoning application to Planned Unit Development (PUD) or Planned Mixed Development District (PMDD) must be submitted with this map amendment application.

Sec. 2: Assessment of Consistency with Comprehensive Plan Goals, Objectives, and Policies

2.a. Complete the following identification of the future land use designation(s) of parcels adjacent to the proposed parcel or grouping of proposed parcels.

FLU Designation to the NORTH of subject property(ies)	PL
FLU Designation to the SOUTH of subject property(ies)	N/A
FLU Designation to the EAST of subject property(ies)	C-2 / R-1
FLU Designation to the WEST of subject property(ies)	C-2 / R-1

2.d. Demonstrate the Support and Furthering of City Comprehensive Plan Goals, Objectives and Policies In the following table, the Applicant shall check which of the following Comprehensive Plan policies will be supported and/or furthered by the proposed amendment. (NOTE: The descriptions below for each policy may be a summation of the policy. For the Full policy and regulations please see the City of Mary Comprehensive Plan and Land Development Code.)

Objectives or Policies of The Comp. Plan Supported or Furthered by Proposed Application	<i>Check if 'YES'</i>
FLU Policy 7.A.1.2- Provide for compatibility with adjacent land uses, Open Space, protect potable water wellfields and sources, protect environmentally sensitive lands, regulate signage, ensure adequate, safe, and convenient on-site parking and traffic flow.	
FLU Policy 7.A.1.3- Provide for low impact mixed use developments.	
FLU Policy 7.A.1.4- Buffering for incompatible uses.	
FLU Policy 7.A.2.2- New development shall utilize existing water, sewer and solid waste collection systems in order to discourage urban sprawl and encourage commercial re-development.	
FLU Policy 7.A.2.3- New development will be located in conformance with the categories shown on the Future Land Use Map (Figure 7-1) and with the following standard: <ul style="list-style-type: none"> a. New commercial development shall be located on arterial roadways and along Hollywood Boulevard, West. 	
FLU Policy 7.A.3.1- Eliminate expansion of non-conforming land uses which are inconsistent with the Future Land Use Map or the City's Zoning Ordinance.	
FLU Policy 7.A.3.2- Ensure that all future development is consistent with accepted planning practices and principles as well as natural area limitations. The provisions (regulations) will address items such as conservation of resources, efficiency of use and development, aesthetic appeal, short- and long-term impacts of proposed development plans.	
FLU Policy 7.A.3.3- Expansion or replacement of land uses which are inconsistent or incompatible with the Future Land Use Map shall be prohibited (also, see Policies 7.A.1.3 and 7.A.2.3).	
FLU Policy 7.A.3.4 – Limitations shall be placed on non-conforming uses of buildings, non-conforming uses of land, changes in use classifications in districts, and restoration and occupancy of damaged buildings as delineated in Chapter 21 of the City Code as a means to eliminate expansion of non-conforming land uses which are inconsistent with the Future Land Use Map.	
FLU Policy 7.A.4.1- Promote the natural functions of identified wetlands and wetlands enhancement projects will be encouraged or required where appropriate.	
FLU Policy 7.A.4.2- Control the extraction of natural resources and such extraction shall be permitted only when in conjunction with construction projects. Such extractions shall be conducted so as to retain the resource upon completion of the construction. Note: The extent of resource retention will be defined within the approved development orders or development permits issued to any particular project or site.	
FLU Policy 7.A.4.4 - Identification and preservation of significant archeological and/or historic sites or structures within the City.	

FLU Policy 7.A.5.1 - Population density shall be limited to those limitations reflected on the Future Land Use Map (Figure 7-1) and as described in Policy 7.A.1.3.	
FLU Policy 7.A.6.2 - Rehabilitation and reuse of governmental facilities, structures and buildings as the preferred alternative to new construction (reference Policy 14.A.1.3 of this Ordinance).	
FLU Policy 7.A.8.1 - Use of the planned unit development (PUD) and Planned Mixed Development Districts (PMDD) (FLU Pol. 7.A.8.2.e) technique enacted within Chapter 21 of the City Code.	
FLU Policy 7.A.8.2 - Use of Sight and sound buffers between residential uses and more intensive uses, PUD and PMDD are encouraged to include local or neighborhood convenience facilities within such developments.	
TCF Policy 8.A.1.2 - All new developments, including but not limited to, PUDs, shopping centers, multi-family residential projects and other projects with internal circulation and parking needs shall be required to provide safe and convenient on-site traffic flow, labor intensive transportation facilities and sufficient vehicular parking to accommodate the needs of the development. Said provisions shall be delineated within the LDC (reference Policy 7.A.1.1).	
TCF Policy 8.A.1.3 - Installation of signage, striping of roadways, widening of shoulders, installation of bike racks, installation of sidewalks, installation of bicycle and wheelchair ramps at intersections with curb reveal of two (2) inches or more and the like.	
TCF Policy 8.A.1.5 - Coordinated access routes (service roads) shall be encouraged for developments adjacent to major roadways within the City. All developments adjacent to major roadways will be encouraged, through the plan review process, to provide coordinated access routes.	
TCF Policy 8.A.3.2 - Link residential areas with recreational and commercial areas in a safe manner (reference Policies 8.A.1.2 and 8.A.1.3).	
HSN Policy 9.A.2.2 - Elimination of substandard housing.	
HSN Policy 9.A.2.3 - The removal of housing stock with structural deficiencies.	
HSN Policy 9.A.2.4 – Requirement for landscaping and open space for new development so that aesthetic improvements in residential areas can be achieved.	
HSN Policy 9.A.3.2 - Prohibit the connection of facilities described in Objective 9.A.3 to septic systems and require the connection of said facilities to the central sewage system (reference Policy 11.B.2.3).	
HSN Policy 9.A.3.4 - Housing for low- and moderate-income families	
HSN Policy 9.A.4.1 - Conservation or rehabilitation of housing may be achieved and extend the useful life of the existing housing stock and stabilize or improve existing neighborhoods, including the aesthetic appeal of such neighborhoods.	

HSN Policy 9.A.5.1 - Preservation of historic structures.	
Water Policy 10.C.2.1 - Installation of drainage facilities made necessary by new development shall be the responsibility of the developer (reference Policy 14.A.4.2).	
CMC Policy 11.B.2.6 - Use of xeriscape landscaping, water saving devices, use of native plants, to reduce water use and save energy	
CMC Policy 11.B.3.6 - Preserve and protect native plants and trees	
OSR Policy 12.A.1.2 - Open space by private development when such development is a planned unit development, a multifamily development, a mixed-use commercial area or other similar types of developments where relatively large land areas are involved.	
OSR Policy 12.A.1.4 - New parks and open spaces shall be required to provide barrier-free access.	
OSR Policy 12.A.3.5 – Requirement for recreational facilities and open space in any private sector development	
<i>List here other Plan goals, objectives or policies felt to be applicable:</i>	

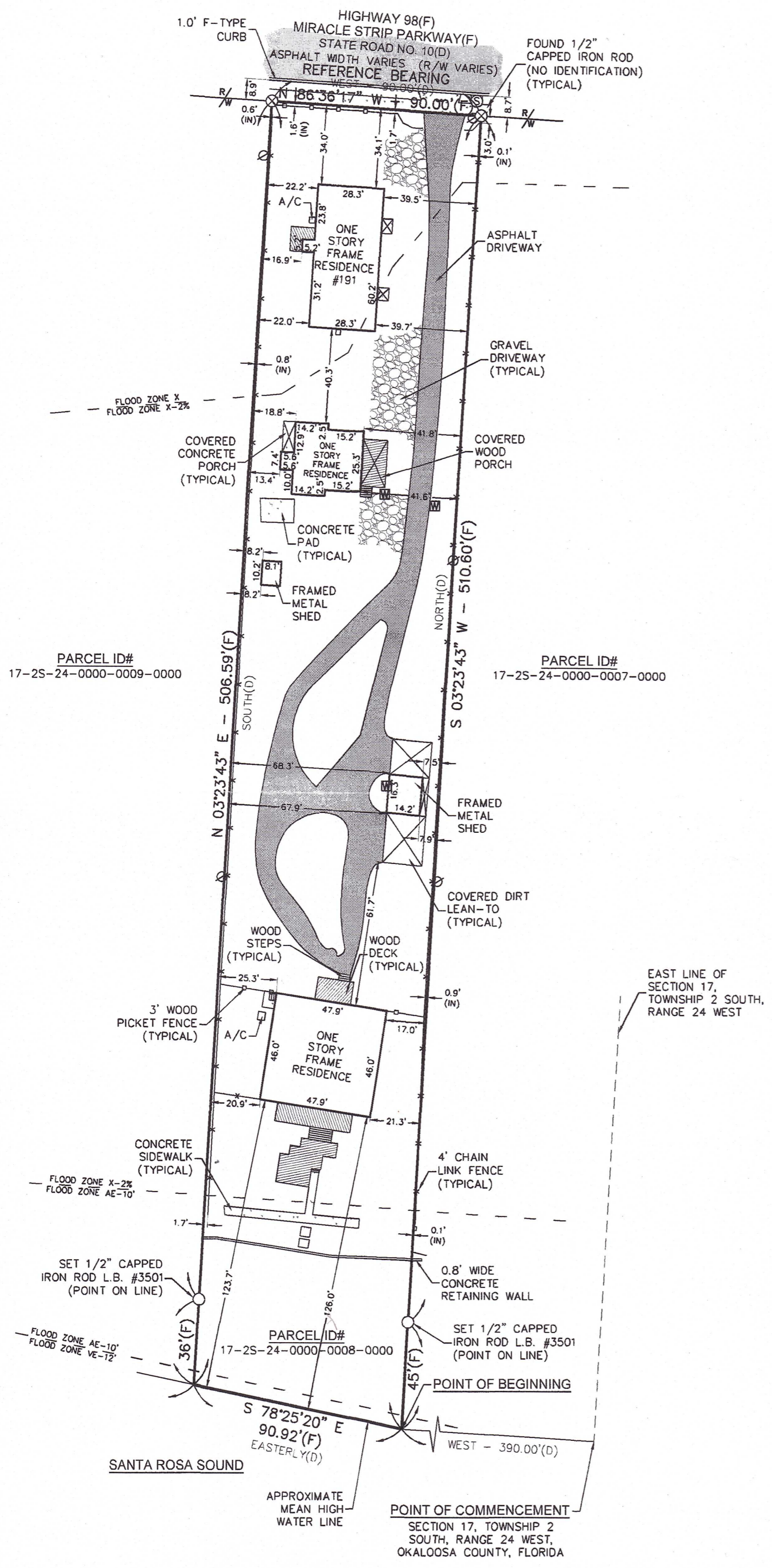
Sec. 3: Assessment of Consistency with the City of Mary Esther Vision Plan

Applicants shall identify how the proposed project meets the intent, goals, and strategies of the Mary Esther Vision Plan.

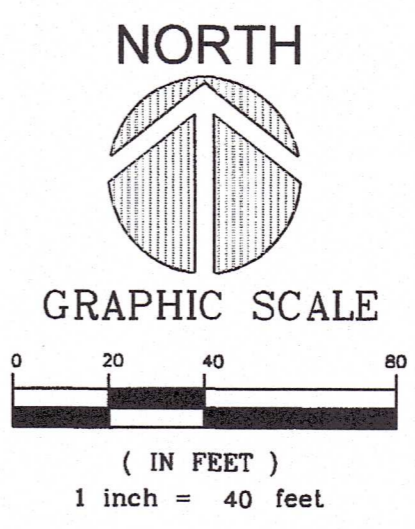
Vision Plan Goal	Vision Plan Objectives
1. Vibrant Town Center	<ul style="list-style-type: none"> • Right Use of Mixes and Forms • Recognizable regional attraction • Provide services and housing choice • Public spaces to gather- Central green space as focal point • Maximize pedestrian activity and interest • Establish connections
2. Central Gathering Space and Vibrant Neighborhood Parks where all members of the community may gather for events, festivities, and recreation	<ul style="list-style-type: none"> • Serve the entire community, all ages and abilities • provided places to exercise, play, socialize, participate in group activities, explore and relax in nature
3. Housing Opportunities, to serve the broad needs of the community across their lifetimes and household configurations; and	<ul style="list-style-type: none"> • Redeveloping land in the center of the city with the intent of providing additional housing • Missing middle housing- small lot single family, manor houses, townhouses, stacked flat apartment buildings and within mixed use buildings
4. Become a Walking and Biking City with a connected network of sidewalks, greenways, and multi-use trails.	<ul style="list-style-type: none"> • Relocating the driveway for Mary Esther Elementary from the Miracle Strip to Hollywood Boulevard with a generous carpool queuing lane • Provide Street trees
5. Transportation & Mobility	<ul style="list-style-type: none"> • Create strategies to develop a multimodal transportation system, including sidewalks, bicycle lanes, bicycle parking facilities, multiuse paths, transit stops and shelters (as appropriate) pedestrian amenities such as benches, signalized and clearly defined pedestrian crossings, and median design improvements.
6. Parks & Branding	<ul style="list-style-type: none"> • Develop a central green, preferably anchored by mixed use development, that can be the place where the community comes together for events, festivities and recreation. • Ensure that pedestrian and bike connections from new development to nearby parks are included or contemplated in private development plans. • Develop a citywide branding implementation plan that includes wayfinding signage, gateway signage, landscaping and pedestrian scaled street lighting.

	SR 30 (US 98) from Hurlburt Field to city limits (East) - LOS D All other arterials and collector roads- Level of Service D (ref Comp Plan policy 8.A.2.1)	
LDC 15.02.02 Sanitary Sewer	100 gal/capita daily (ref Comp Plan policy 10.A.1.3)	
LDC 15.02.03 Solid Waste	5.0 lbs./capita daily (ref Comp Plan policy 10.B.1.5)	
LDC 15.02.04 Drainage	A. Retain the first one inch of runoff on site for a twenty-five (25) year storm event and B. Post development run-off shall not exceed the pre-development run-off rate for a 25-year storm event, up to and including an event with a 24-hour duration (reference Comp Plan Policy 10.C.2.3)	
LDC 15.02.05 Potable Water	100 gal/ capita daily (ref Comp Plan policy 10.D.1.2)	
LDC 15.02.06 Recreation and Open Space	1 acre per 1000 population (ref Comp Plan Policy 12.A.3.2)	
<p><i>Comp Plan Policy 16.A.4.2</i>—The City shall take into consideration the School District's comments and findings of available [or] adequate school capacity when considering the decision to approve Plan amendments and other land use decisions as provided for in § 163.3177(6)(a), F.S. This will be accomplished during the public hearing process at the LPA level through participation by the District on the LPA.</p>		

E:\METES_AND_BOUNDS\RANGE 24 WEST\SECTION 17\191 W MIRACLE STRIP PKWY 17-25-24-0000-0008-0000\220684.01 BOUNDARY AS-BUILT\DWG\191 WEST MIRACLE STRIP PKWY 220684_BNDY_ABDWG.C 10/26/2022 7:36am landerson



- LEGEND:**
- # OR NO. = NUMBER
 - = DISTANCE NOT TO SCALE
 - L.B. = LICENSED BUSINESS
 - L.S. = LICENSED SURVEYOR
 - P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER
 - O.R. = OFFICIAL RECORDS
 - ± = MORE OR LESS
 - R/W = RIGHT OF WAY
 - F = FIELD
 - D = DEED
 - A/C = AIR CONDITIONER
 - NAD = NORTH AMERICAN DATUM
 - IN = INSIDE PROPERTY
 - OUT = OUTSIDE PROPERTY
 - ⊗ = WATER METER
 - ⊙ = SANITARY SEWER MANHOLE
 - ⊘ = POWER POLE



SURVEY REPORT:

1. NO SEARCH OF THE PUBLIC RECORDS WAS DONE BY GUSTIN, COTHERN & TUCKER, INC. VISIBLE EVIDENCE OF EASEMENTS WILL BE SHOWN HEREON, BUT NO CERTIFICATION IS GIVEN THAT EASEMENTS, DEED OVERLAPS, UNDERGROUND IMPROVEMENTS OR APPARENT USES DO NOT EXIST.
2. NO ENVIRONMENTAL JURISDICTIONAL LINES HAVE BEEN DETERMINED BY GUSTIN, COTHERN & TUCKER, INC.
3. APPARENT USES ARE AS SHOWN.
4. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.
5. BEARINGS SHOWN HEREON ARE REFERENCED TO N 86°36'17" W, AS ESTABLISHED ON STATE PLANE COORDINATES, FLORIDA NORTH ZONE (0903), NAD 1983.
6. THE DISTANCES SHOWN HEREON ARE IN U.S. SURVEY FEET.
7. FLOOD STATEMENT: PANEL NO. 12091C0441 J, DATED 03/09/2021, FLOOD ZONE X, FLOOD ZONE X-2%, FLOOD ZONE AE-10' AND FLOOD ZONE VE-12'.
8. THE SURVEY DEPICTED HEREON WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS AS DEFINED IN CHAPTER 5J-17.051 OF THE FLORIDA ADMINISTRATIVE CODE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.008 AND SECTION 472.027 OF THE FLORIDA STATUTES.
9. NOTICE OF LIABILITY: THIS SURVEY IS CERTIFIED TO THOSE INDIVIDUALS SHOWN ON THE FACE THEREOF. ANY OTHER USE, BENEFIT OR RELIANCE BY ANY OTHER PARTY IS STRICTLY PROHIBITED AND RESTRICTED. SURVEYOR IS RESPONSIBLE ONLY TO THOSE CERTIFIED AND HEREBY DISCLAIMS ANY OTHER LIABILITY AND HEREBY RESTRICTS THE RIGHTS OF ANY OTHER INDIVIDUAL OR FIRM TO USE THIS SURVEY, WITHOUT EXPRESS WRITTEN CONSENT OF THE SURVEYOR.

LEGAL DESCRIPTION (AS RECORDED):
(O.R. BOOK 3623, PAGE 2463)

PARCEL 1:
COMMENCING AT HIGH WATER MARK ON SANTA ROSA SOUND, AT A POINT 390 FEET WEST OF THE EAST LINE OF SECTION 17, TOWNSHIP 2 SOUTH OF RANGE 24 WEST, THENCE NORTH PARALLEL TO SAID EAST LINE TO THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 10, THENCE WEST ALONG SAID SOUTH RIGHT OF WAY LINE 90 FEET, THENCE SOUTH PARALLEL WITH SAID EAST LINE OF SECTION 17 TO HIGH WATER MARK ON SANTA ROSA SOUND, THENCE FOLLOWING THE MEANDERINGS OF SAID SOUND AT HIGH WATER MARK EASTERLY TO POINT OF BEGINNING, IT BEING THE INTENTION OF THE PARTIES TO CONVEY THE LANDS HERETOFORE OCCUPIED BY L.I. SMITH AT HIS HOME, BETWEEN THE EAST AND WEST BOUNDARIES AS ESTABLISHED BY HIS FENCES, TOGETHER WITH ALL OF THE RIPARIAN RIGHTS APPERTAINING THERETO, LESS AND EXCEPT RIGHT OF WAY PREVIOUSLY CONVEYED TO FLORIDA STATE ROAD DEPARTMENT, LYING SOUTH OF AND WITHIN 50 FEET OF THE SURVEY LINE OF STATE ROAD NO. 30 (U.S. HIGHWAY 98) ACCORDING TO DEED RECORDED IN OFFICIAL RECORDS BOOK 238 AT PAGE 787 OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.

#191 MIRACLE STRIP PARKWAY WEST, A PARCEL OF LAND LYING IN SECTION 17 TOWNSHIP 2 SOUTH, RANGE 24 WEST, OKALOOSA COUNTY, FLORIDA

Gustin, Cothern & Tucker, Inc.
Land Surveying
121 Hart Street Niceville, FL 32578 (850) 678-5141
Fax: (850) 729-2460 L.B. No. 3501
www.gctsurveying.com

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
© G.C.T., INC. 2022 DRAWN BY: T.A.

Joshua P. Wood
JOSHUA P. WOOD, P.S.M. No. 6960
DATE 10/26/2022

REVISIONS	
1	
2	
3	
4	

SURVEY FOR:	CHARLIE VANDRIVER
DATE OF SURVEY:	10/20/2022
FIELD BOOK:	22-19/38-41
TYPE SURVEY:	BOUNDARY/AS-BUILT
HORIZONTAL DATUM:	NAD 1983
VERTICAL DATUM:	NOT APPLICABLE

220684
MAP NO.
220684.01
PAGE 1 OF 1

ORDINANCE NO. 2024- 05

AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF APPROXIMATELY ONE POINT FIFTEEN (1.15) ACRES OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF US HIGHWAY NINETY EIGHT (US HWY 98) AND THE WEST SIDE OF WINDY LANE: FROM LOW COMMERCIAL (COM) TO LOW DENSITY RESIDENTIAL; PROVIDING FOR LEGISLATIVE INTENT, IMPLEMENTING ACTIONS, A SAVINGS PROVISION, SCRIVENER'S ERRORS, CONFLICTS, AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the real property which is the subject of this Ordinance is located on one point fifteen (1.15) acres of land generally located on the south side of US Highway Ninety Eight (US HWY 98) and the west side of Windy Lane; and

WHEREAS, the City of Mary Esther's Local Planning Agency (LPA) held a public hearing on December 09, 2024, to consider amending the Future Land Use Map of the Future Land Use Element of the *City of Mary Esther Comprehensive Plan* and recommended approval of the proposed Future Land Use Map amendment to the *Comprehensive Plan* for the subject property as requested by the property owner; and

WHEREAS, Section 163.3187, *Florida Statutes*, relates to the amendment of adopted local government comprehensive plans and sets forth certain requirements relating to small scale amendments which are related to proposed small scale development activities and provides, among other things, that such amendments may be approved without regard to any limits on the frequency of consideration of amendments to the *City of Mary Esther Comprehensive Plan*;

WHEREAS, the amendment proposed by this ordinance does not involve a text change to the goals, policies, and objectives of the *City of Mary Esther Comprehensive Plan*, but only proposes a land use change to the Future Land Use Map for a site-specific small scale development activity; and

WHEREAS, the City of Mary Esther has complied with all requirements and procedures of Florida law in processing this amendment to the *City of Mary Esther Comprehensive Plan* including, but not limited to, Section 163.3187, *Florida Statutes*.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF MARY ESTHER, FLORIDA, AS FOLLOWS:

SECTION 1. Legislative Findings and Intent.

(a). The foregoing recitals are hereby incorporated by this reference as a material part of this ordinance and together with the City staff report represent administrative findings with respect to the actions taken herein.

(b) The City of Mary Esther has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(c). This Ordinance is internally consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Mary Esther*.

(d). The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

SECTION 2. Implementing Administrative Actions. The City Manager is hereby authorized and directed to take such actions as he may deem necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employee(s) as deemed effectual and prudent.

SECTION 3. Savings. The prior actions and activities of the City of Mary Esther relating to the comprehensive planning and land development regulatory programs and actions of the City are hereby ratified and affirmed.

SECTION 4. Scrivener's Errors. The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

SECTION 5. Conflicts. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

SECTION 6. Severability. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 7. Effective Date. The small-scale amendment to the City's *Comprehensive Plan* as set forth herein shall not become effective, in accordance with Section 163.3187(5)(c), *Florida Statutes*, until thirty-one (31) days after the enactment of this Ordinance.

If challenged within thirty (30) days after enactment, the small-scale amendment set forth in this Ordinance shall not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining that the subject small-scale amendment is in compliance with controlling State law.

So Done this ____ day of _____, 2024.

By: _____

Chris Stein, Mayor
City of Mary Esther, Florida

ATTEST:

Dillon Morris
City Clerk

1st Reading:
Published:
2nd Reading:

Exhibit A: Legal Description

(AS- RECORDED):

(O.R. BOOK 3623, PAGE 2463)

PARCEL 1:

COMMENCING AT HIGH WATER MARK ON SANTA ROSA SOUND, AT A POINT 390 FEET WEST OF THE EAST LINE OF SECTION 17, TOWNSHIP 2 SOUTH OF RANGE 24 WEST, THENCE NORTH PARALLEL TO SAID EAST LINE TO THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 10, THENCE WEST ALONG SAID SOUTH RIGHT OF WAY LINE 90 FEET, THENCE SOUTH PARALLEL WITH SAID EAST LINE OF SECTION 17 TO HIGH WATER MARK ON SANTA ROSA SOUND, THENCE FOLLOWING THE MEANDERINGS OF SAID SOUND AT HIGH WATER MARK EASTERLY TO POINT OF BEGINNING, IT BEING THE INTENTION OF THE PARTIES TO CONVEY THE LANDS HERETOFORE OCCUPIED BY L.I . SMITH AT HIS HOME, BETWEEN THE EAST AND WEST BOUNDARIES AS ESTABLISHED BY HIS FENCES, TOGETHER WITH ALL OF THE RIPARIAN RIGHTS APPERTAINING THERETO, LESS AND EXCEPT RIGHT OF WAY PREVIOUSLY CONVEYED TO FLORIDA STATE ROAD DEPARTMENT, LYING SOUTH OF AND WITHIN 50 FEET OF THE SURVEY LINE OF STATE ROAD NO. 30 (U.S. HIGHWAY 98) ACCORDING TO DEED RECORDED IN OFFICIAL RECORDS BOOK 238 AT PAGE 787 OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.

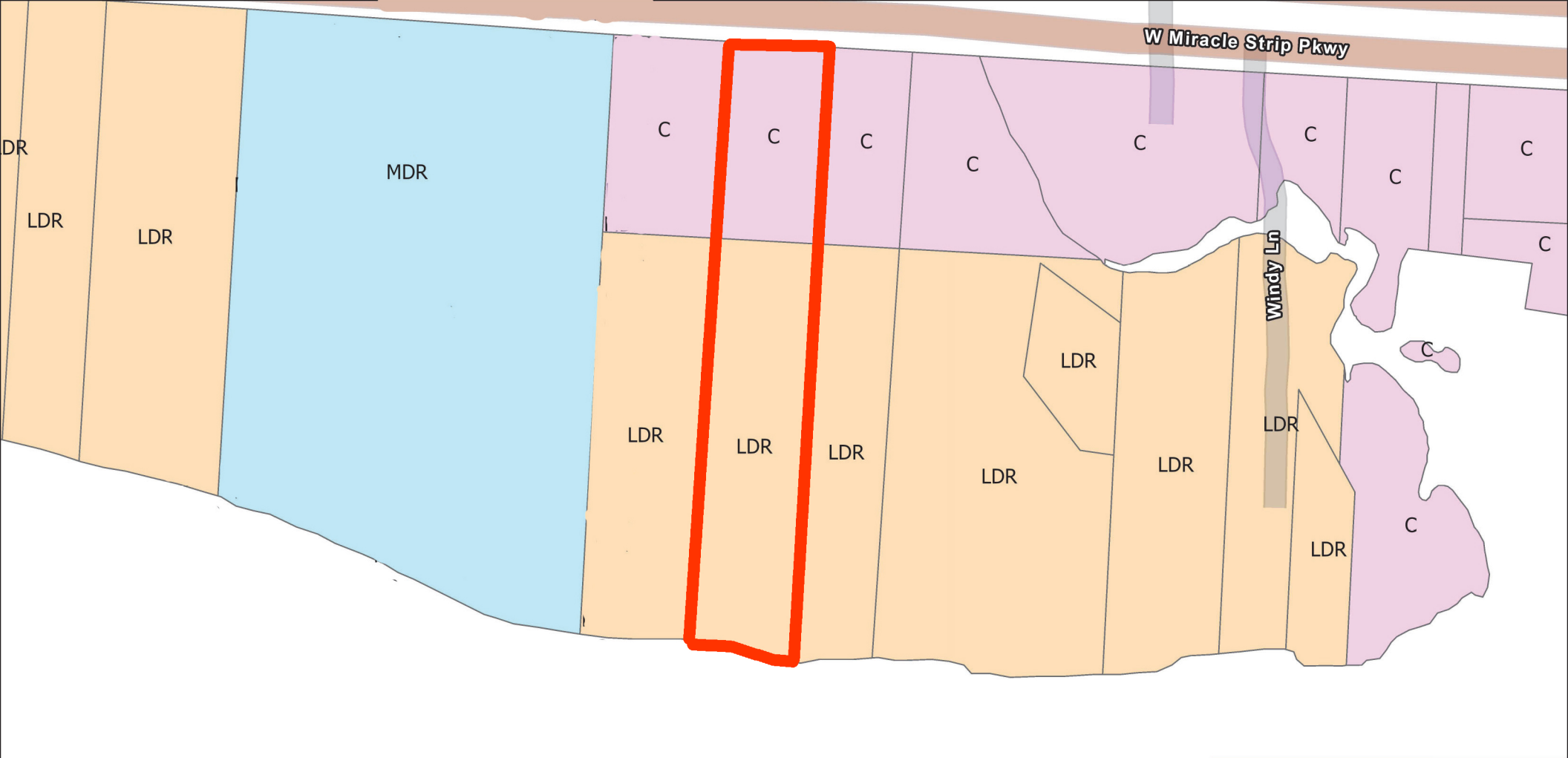


Exhibit B: Existing Future Land Use

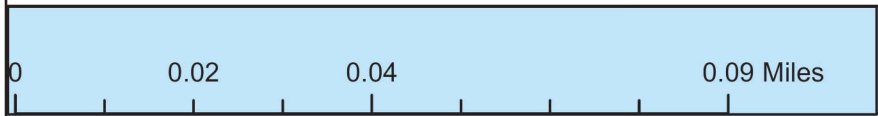
Esri Community Maps Contributors, FDEP, © OpenStreetMap, GeoTechnologies, Inc, METI/NASA, USGS

Legend

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FLU_Pro	C
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	MDR
	PL
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	REC,CON
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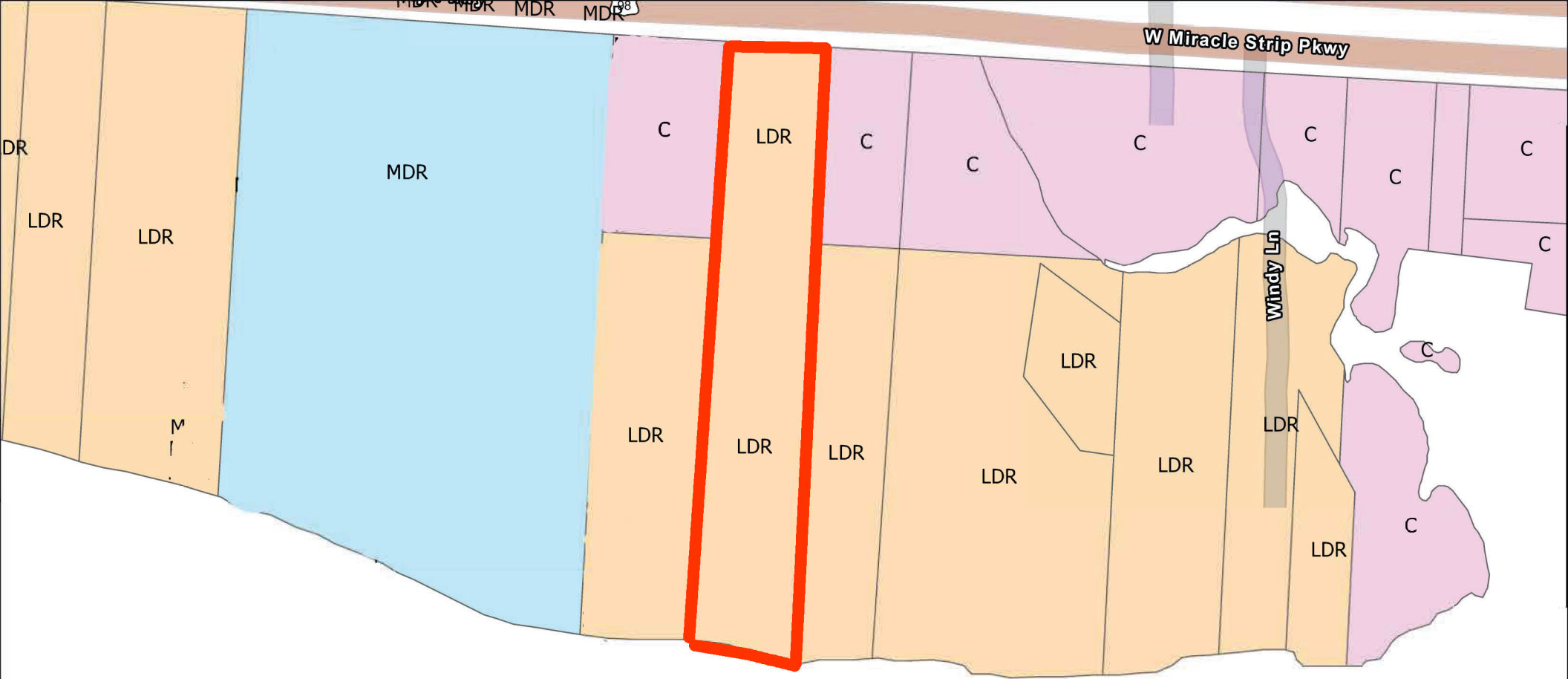


FLU Existing 191 Miracle Strip



2024





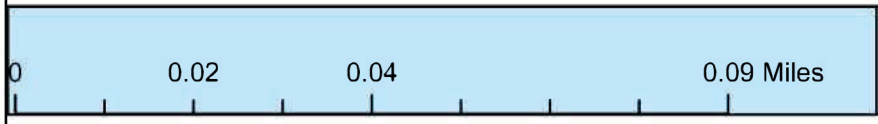
Esri Community Maps Contributors, FDEP, © OpenStreetMap, GeoTechnologies, Inc, METI/NASA, USGS

Legend

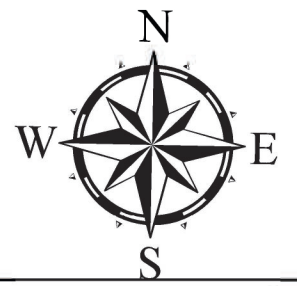
FLU_Zoning71524	MDR
FLU_Pro	C
	CON
	LDR
	PL
	REC
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FLU Proposed 191 Miracle Strip



2024



ORDINANCE NO. 2024-06

AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA, AMENDING THE ZONING MAP OF APPROXIMATELY ONE POINT FIFTEEN (1.15) ACRES OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF US HIGHWAY NINETY EIGHT (US HWY 98) AND THE WEST SIDE OF WINDY LANE: FROM C-2 (GENERAL COMMERCIAL) TO R-1 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT; PROVIDING FOR LEGISLATIVE INTENT, IMPLEMENTING ACTIONS, A SAVINGS PROVISION, SCRIVENER'S ERRORS, CONFLICTS, AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF MARY ESTHER, FLORIDA, AS FOLLOWS:

SECTION 1. Legislative Findings and Intent.

- (a). The City of Mary Esther has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.
- (b). This Ordinance is internally consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Mary Esther*.
- (c). The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

SECTION 2. Adoption of the Amendment to the Official Zoning Map.

- (a). In exercise of its authority, the City Council of the City of Mary Esther, Florida finds it necessary and desirable to adopt and does hereby adopt this amendment and update to the City of Mary Esther's zoning map, attached hereto as Exhibit "D" in order to encourage the most appropriate use of land, water, and resources, consistent with the public interest; and to deal effectively with future problems that may result from the use and development of land within City of Mary Esther, Florida.
- (b). All exhibits to this Ordinance are incorporated into the text and substance of this Ordinance as if fully set forth herein verbatim.

SECTION 3. Implementing Administrative Actions. The City Manager is hereby authorized and directed to take such actions as he may deem necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

SECTION 4. Savings. The prior actions and activities of the City of Mary Esther relating to the comprehensive planning and land development regulatory programs and actions of the City are hereby ratified and affirmed.

SECTION 5. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

SECTION 6. Conflicts. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

SECTION 7. Severability. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 8. Effective Date. This Ordinance shall become effective immediately upon adoption.

SO DONE this _____ day of _____, 2024.

By: _____
Chris Stein, Mayor
City of Mary Esther, Florida

ATTEST:

Dillon Morris
City Clerk

1st Reading:
Published:
2nd Reading:

Exhibit A: Legal Description

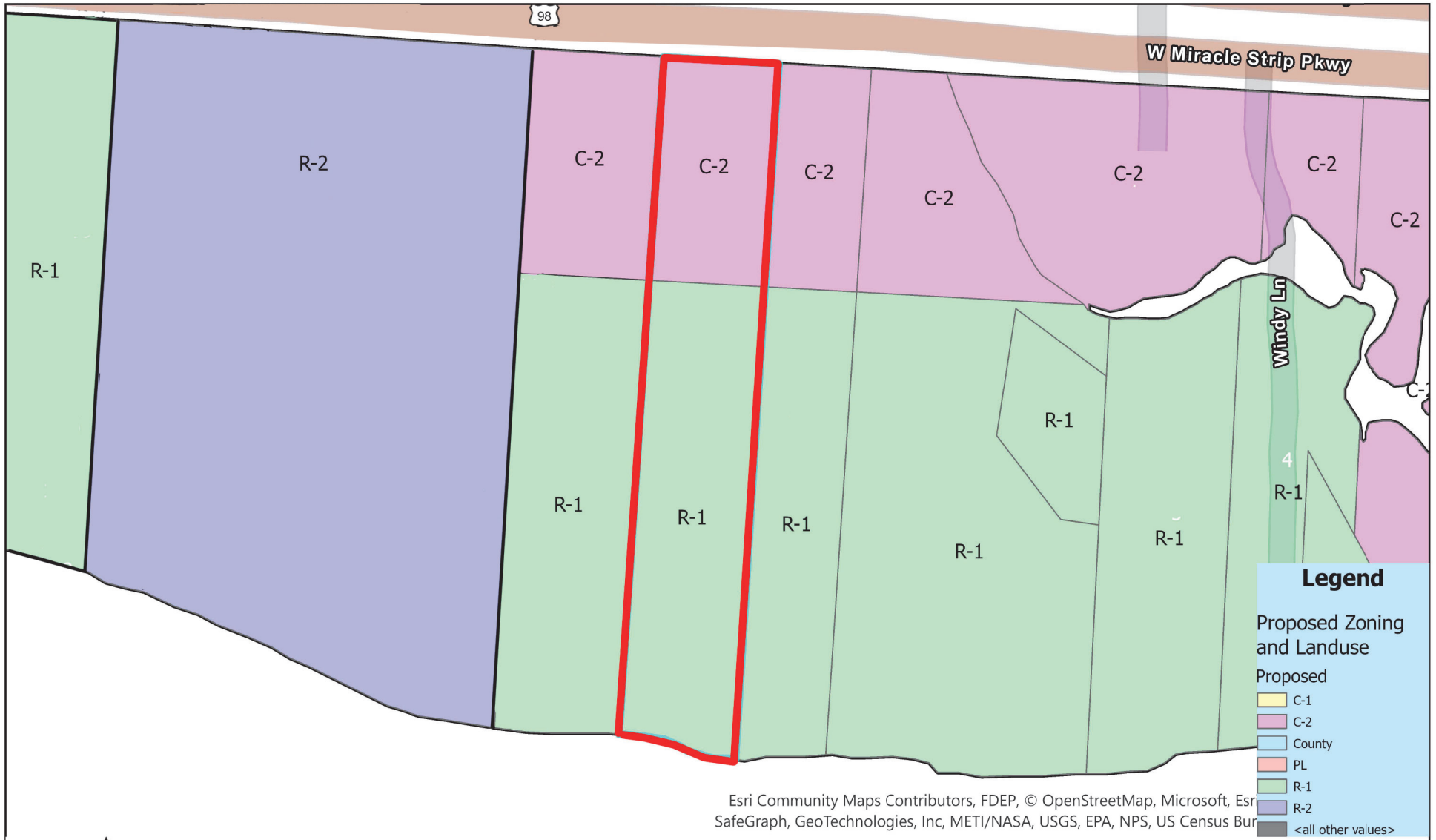
(AS- RECORDED):

(O.R. BOOK 3623, PAGE 2463)

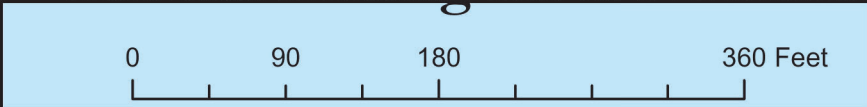
PARCEL 1:

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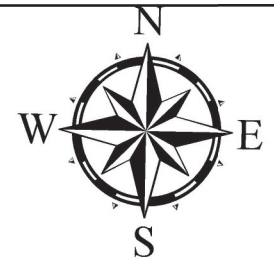
Exhibit B: Current Zoning Map

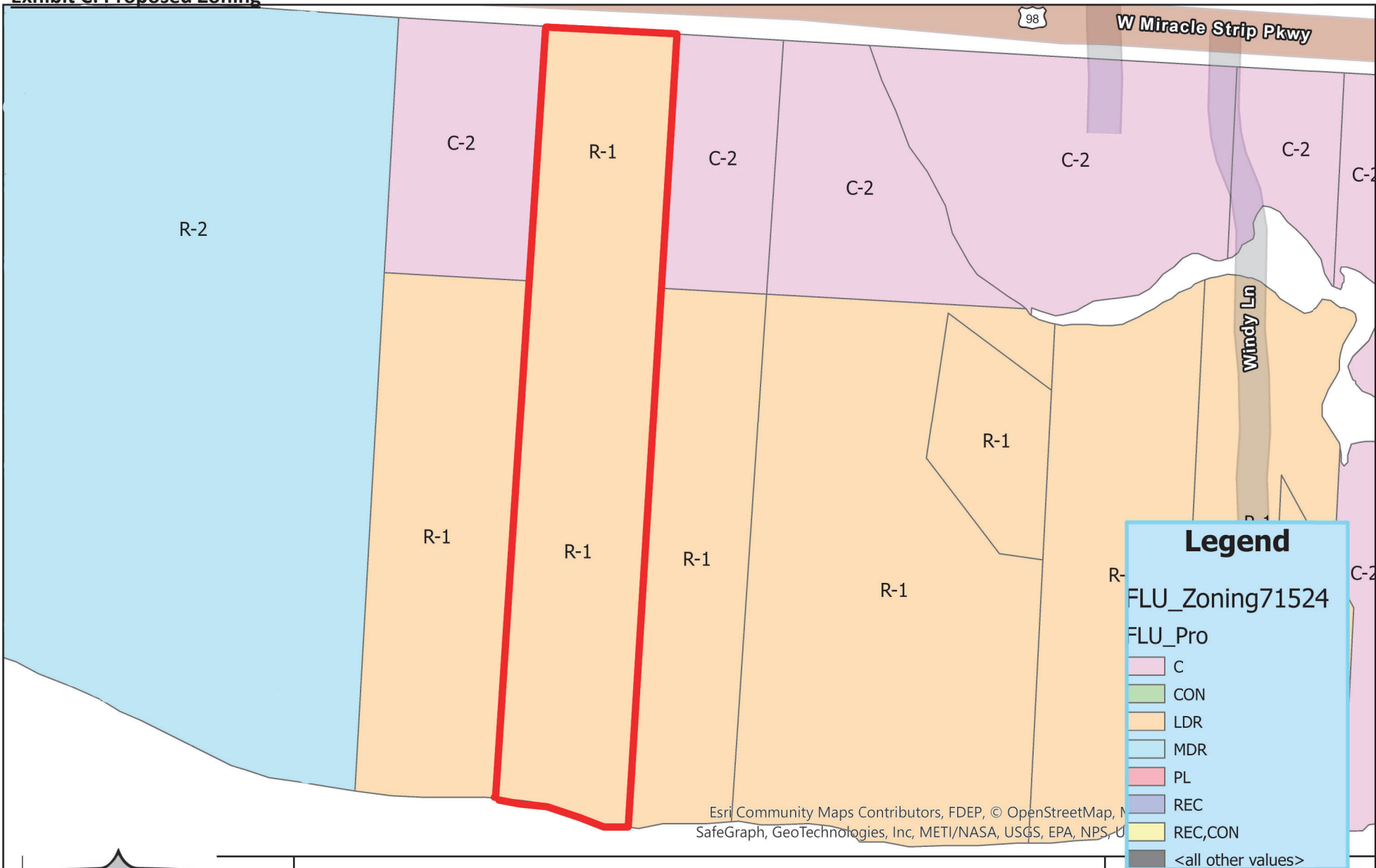


Current Zoning for 191 Miracle Strip

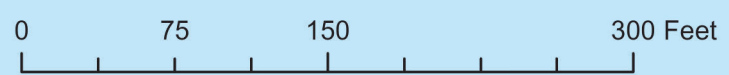


2024





Proposed Zoning For 191 Miracle Strip



2024



Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published. This Business Impact Estimate may be revised following its initial posting.

Proposed ordinance's title/reference:

AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF APPROXIMATELY ONE POINT FIFTEEN (1.15) ACRES OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF US HIGHWAY NINETY EIGHT (US HWY 98) AND THE WEST SIDE OF WINDY LANE: FROM LOW COMMERCIAL (COM) TO LOW DENSITY RESIDENTIAL; PROVIDING FOR LEGISLATIVE INTENT, IMPLEMENTING ACTIONS, A SAVINGS PROVISION, SCRIVENER'S ERRORS, CONFLICTS, AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE OF THE CITY OF MARY ESTHER, FLORIDA, AMENDING THE ZONING MAP OF APPROXIMATELY ONE POINT FIFTEEN (1.15) ACRES OF LAND GENERALLY LOCATED ON THE SOUTH SIDE OF US HIGHWAY NINETY EIGHT (US HWY 98) AND THE WEST SIDE OF WINDY LANE: FROM C-2 (GENERAL COMMERCIAL) TO R-1 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT; PROVIDING FOR LEGISLATIVE INTENT, IMPLEMENTING ACTIONS, A SAVINGS PROVISION, SCRIVENER'S ERRORS, CONFLICTS, AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance:

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or

¹ See Section 166.041(4)(c), Florida Statutes.

- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

If no exemption applies, in accordance with the provisions of controlling law, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

4. Additional information the governing body deems useful (if any):

NOTICE OF PUBLIC HEARING CITY OF MARY ESTHER LAND USE CHANGE, COMP PLAN AMENDMENT AND REZONING

The City of Mary Esther Local Planning Agency (LPA) will conduct a Public Hearing on the Small Scale Proposed Amendment to the City's Comprehensive Plan and Rezoning. The Public Hearing will be held on Monday, December 9th, 2024 at 5:00 p.m. in the Council Chambers, City Hall, 195 Christobal Rd. N., Mary Esther, FL 32569.

The proposed amendment includes one parcel totaling 1.15 acres as shown in the map of this advertisement. The request, as made by Damian Curtis (Applicant), is to change the future land use category from commercial (Com) to Low Density Residential (LDR) for the northern portion, and to rezone the northern portion from C-2 General Commercial to R-1 (Single Family Residential).

The purpose of the Public Hearing is to provide all citizens and interested parties with the opportunity to comment on the Proposed Comp. Plan Amendment and Rezoning and to express any concerns or recommendations regarding the requests.

At the conclusion of the Public Hearing the LPA may make a recommendation to the Mary Esther City Council regarding whether to approve the proposed Comp. Plan Amendment and Rezoning. The City Council will consider the LPA recommendation at a future Public Hearing.

All citizens and interested parties are invited and encouraged to attend the Public Hearing and provide any comments or suggestions they may have.

A copy of the application for the proposed Comp. Plan Amendment and Rezoning is available for public inspection during normal business hours at City Hall, 195 Christobal Rd. N., Mary Esther, FL 32569. For more information, please contact Community Development Director, Tyler Reed at 850-243-3566.

Any person requiring special accommodation because of a disability or physical impairment should contact the City Clerk's office at least 48 hours prior to the hearing. If a person decides to appeal any decision made with respect to any matter considered at this meeting, such person will need to record the proceedings and, for such purpose, such person may need to ensure that a verbatim record of the proceeding is made, which record includes

the testimony and evidence upon which the appeal is to be based.



Parcel Tax ID: 17-2S-24-0000-0008-0000

Dillon Morris, City Clerk