

ORDINANCE NO. 1233

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, ADOPTING A LAND DEVELOPMENT CODE FOR THE CITY; ADOPTING A ZONING MAP FOR THE CITY; ADOPTING A MAP OF NEW FRONT BEACH ROAD OVERLAY DISTRICTS; ADOPTING PHYSICAL AND DIGITAL VERSIONS OF SAID CODE AND MAPS; REPEALING THE EXISTING ZONING ORDINANCE AND CERTAIN OTHER ORDINANCES SUPERSEDED BY THE LAND DEVELOPMENT CODE; STATING PURPOSES AND PROVIDING APPLICABILITY; PROVIDING RULES OF INTERPRETATION AND DEFINITIONS; ESTABLISHING ZONING DISTRICTS; SPECIFYING LAND USES PERMITTED WITHIN ZONING DISTRICTS; PROVIDING DENSITY AND INTENSITY STANDARDS; PROVIDING FLOODPLAIN MANAGEMENT, WETLANDS PROTECTION, CERTAIN HABITAT PROTECTION, AND STORMWATER MANAGEMENT; PROVIDING SITE DESIGN STANDARDS; PROVIDING SUBDIVISION DESIGN AND LAYOUT STANDARDS; PROVIDING TRANSPORTATION STANDARDS; PROVIDING OFF-STREET PARKING AND LOADING STANDARDS; ESTABLISHING LANDSCAPING AND BUFFERING STANDARDS; CREATING A TREE BOARD AND SPECIFYING ITS RESPONSIBILITIES AND AUTHORITY; DEFINING AND PROVIDING STANDARDS FOR ACCESSORY USES AND STRUCTURES AND FOR TEMPORARY USES AND STRUCTURES; PROVIDING SUPPLEMENTAL STANDARDS FOR CERTAIN USES; PROVIDING STANDARDS FOR TELECOMMUNICATIONS TOWERS AND ANTENNAE; DEFINING AND PROVIDING STANDARDS FOR CONDITIONAL USES; CONTINUING AND ESTABLISHING A SIGN CODE; CONTINUING AND PROVIDING FOR DOGGIE-DINING; CONTINUING AND PROVIDING FOR CONCURRENCY MANAGEMENT AND INFRASTRUCTURE IMPROVEMENTS, INCLUDING SANITARY SEWER SYSTEMS, POTABLE WATER SYSTEMS AND STORMWATER SYSTEMS; AUTHORIZING PROPORTIONATE SHARE MITIGATION; CONTINUING AND ESTABLISHING A SPECIAL OVERLAY DISTRICT FOR PIER PARK; CONTINUING AUTHORIZATION OF TRADITIONAL NEIGHBORHOOD OVERLAY DISTRICTS; CONTINUING AND ESTABLISHING A COASTAL HIGH HAZARD OVERLAY DISTRICT; CONTINUING AND ESTABLISHING THE LAKE POWELL OVERLAY ZONE; ESTABLISHING FRONT BEACH ROAD OVERLAY DISTRICTS TO IMPLEMENT CERTAIN FORM BASED ZONING PRINCIPLES, AMONG OTHER PURPOSES; CONTINUING AND ESTABLISHING CERTAIN DECISION MAKING AND ADMINISTRATIVE BODIES AND SPECIFYING THEIR RESPECTIVE COMPOSITION, DUTIES AND AUTHORITIES, INCLUDING THE PLANNING BOARD AND THE BOARD OF ADJUSTMENT; PROVIDING FOR VARIATION FROM CODE REQUIREMENTS, PROVIDING FOR CONTINUATION OF NON-

CONFORMING DEVELOPMENT UNDER SPECIFIED CIRCUMSTANCES AND FOR TERMINATION OF NON-CONFORMING STATUS UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR VARIANCES AND STANDARDS THEREFOR; ESTABLISHING APPLICATION, REVIEW AND DECISION-MAKING PROCEDURES; ESTABLISHING APPLICATION REQUIREMENTS; ESTABLISHING NOTICE REQUIREMENTS; CLASSIFYING APPLICATIONS AND PROCEDURES THEREFOR; ESTABLISHING APPLICATION PROCEDURES; PROVIDING FOR APPEALS AND RE-HEARINGS; PROVIDING PROCEDURES AND REQUIRING SECURITY FOR PRIVATE CONSTRUCTION OF PUBLIC INFRASTRUCTURE; ALL AS MORE PARTICULARLY SET FORTH IN THE BODY OF THIS ORDINANCE AND THE LAND DEVELOPMENT CODE; PROVIDING FOR TRANSITION FROM EXISTING LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT; PROVIDING FOR CODIFICATION AS A STAND-ALONE CODE; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2 of the Florida Constitution, Chapters 166 and 163, Florida Statutes and the Charter of the City empower and require the City to establish a land development code and provide for its administration, enforcement and amendment; and

WHEREAS, the City of Panama City Beach Planning Board has reviewed, revised and recommended the attached land development code at numerous properly advertised public meetings and hearings at which lengthy public comment and discussion was held, and on June 20, 2011, and July 11, 2011, recommended approval; and

WHEREAS, the City Council of the City of Panama City Beach has considered the adoption of the proposed land development code at properly advertised public hearings held on July 12 and July 26; and

WHEREAS, all conditions and requirements for the adoption of the attached land development code have been met.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH, FLORIDA,

SECTION 1. From and after the effective date of this ordinance, the Land Development Code of the City of Panama City Beach, Florida (also known as the LDC) is established and adopted to read as set out in both the physical and digital forms attached, incorporated and marked Exhibits A and B hereto, respectively, each being entitled the "Land Development Code – City of Panama City Beach Florida, dated September 25, 2011," including all tables, exhibits, maps, charts, lists and similar discrete components, including without limitation Exhibits C, D, E and F to this ordinance.

SECTION 2. From and after the effective date of this ordinance, the map establishing the geographic boundaries of the Zoning Districts of the City of Panama City Beach, Florida, as defined in the LDC (the "Zoning Map" defined in the LDC) is adopted in the physical and digital forms attached, incorporated, marked Exhibits C and D hereto, respectively, each being entitled "The Official Zoning Map of the City of Panama City Beach," and which upon adoption shall further be identified by the signature of the Mayor, attested by the City Clerk under materially the following words: "I certify that this is the Zoning Map referred to in Section 2 of ordinance Number 1233 of the City of Panama City Beach, Florida, adopted on July 26, 2012.

SECTION 3. From and after the effective date of this ordinance, the map establishing the geographic boundaries of the Front Beach Road Overlay Districts, as those districts are defined in the LDC, is adopted in the physical and digital forms attached, incorporated, marked Exhibits E and F hereto, respectively, each being entitled "The Official Front Beach Road Overlay Districts Map of the City of Panama City Beach," and which upon adoption shall further be identified by the signature of the Mayor, attested by the City Clerk under materially the following words: "I certify that this is

the Front Beach Road Overlay Districts Map referred to in Section 3 of ordinance Number 1233 of the City of Panama City Beach adopted on July 26, 2012.

SECTION 4. Transition.

(1) Any use of land, structure, or other condition which, on the effective date of this Ordinance, violated any provision of the Zoning Ordinance or Code of Ordinances of the City of Panama City Beach, Florida, and which is a violation of a provision of the LDC adopted by this ordinance, shall continue to be deemed a violation of the law existing on the effective date of this ordinance as well as a violation as provided in the LDC, and shall not be deemed grandfathered unless such use, structure, or other condition is expressly grandfathered by the LDC.

(2) Any use of land, structure, or other condition which, on the effective date of this ordinance, violated any provision of the Zoning Ordinance or any other provision of the Code of Ordinances of the City of Panama City Beach, Florida, repealed by this ordinance, but which is not in violation of the LDC shall be deemed conforming with the LDC.

(3) Notwithstanding the generality of Subsection (2) of this section, nothing herein shall be deemed to impair or affect any order of the Code Enforcement Hearing Officer or of any court, entered prior to the effective date of this ordinance.

(4) Any use of land, structure, or other condition which was lawful before the effective date of this ordinance but which is rendered nonconforming or grandfathered by the adoption of this ordinance shall be governed by the provisions of the LDC applicable to nonconforming and grandfathered uses as defined in the LDC.

(5) Land development applications which are submitted and determined to be complete prior to 12:01 P. M. on Thursday, July 26, 2012, shall be reviewed under, and the associated

development shall be governed by, the regulations in effect prior to the adoption of this ordinance unless the applicant chooses to have all, but not less than all, of the application and associated project reviewed under and governed by the LDC.

(6) Rights which are vested, valid and enforceable on the effective date of this ordinance and which were acquired under a lawful development order, including an order for a development of regional impact, or under a lawful development agreement entered pursuant to the Florida Local Government Development Agreement Act (Section 163.3221, Florida Statutes, et seq) shall not be affected by the adoption of the LDC.

(7) For purposes of construing these transition rules, the phrase “on the effective date of this ordinance” means immediately before this ordinance shall become effective.

SECTION 5. SEVERABILITY If any portion of the City's Land Development Code shall be declared unconstitutional or unenforceable, all portions not so invalidated shall remain in full force and effect.

SECTION 6. REPEAL All ordinances or parts of ordinances, or resolutions of the City Council, in conflict with the LDC are hereby repealed to the extent of such conflict, and the following sections of the Code of Ordinances of the City of Panama City Beach are superseded, replaced and repealed by this ordinance except as the foregoing may continue to apply to current development identified in Sub-Section (1) (violations) and Sub-Section (5) (current applications) and Sub-Section (6) (vested rights) of Section 4 of this ordinance (transition):

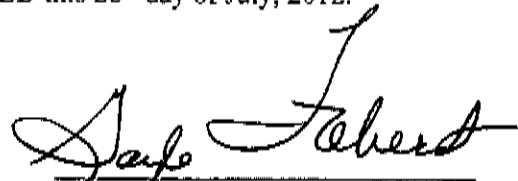
- (1) The Zoning Ordinance
- (2) Chapter 17, Article II (Planning Board)
- (3) Chapter 17, Article IV (Landscaping)

- (4) Chapter 19, Article IV (Sidewalks)
- (5) Chapter 19, Article V (Private Driveway and Road Connections)
- (6) Chapter 19, Article VI (Access Management)
- (7) Chapter 19, Article VII (Pedestrian Crossings)
- (8) Section 13-44 (Toilets visible from Scenic corridor)
- (9) Chapter 11 (Floodplain)
- (10) Chapter 26 (Stormwater)

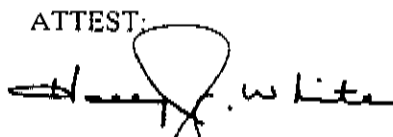
SECTION 7. The appropriate officers and agents of the City are authorized and directed to codify, include and publish the provisions the LDC as an independent, free-standing Code. Section numbers may be assigned and changed whenever necessary or convenient, and staff is directed to promptly furnish a digital or physical copy of the LDC to the Florida Department of Economic Opportunity.

SECTION 8. EFFECTIVE DATE This Ordinance shall become effective immediately upon adoption.

PASSED, APPROVED AND ADOPTED this 26th day of July, 2012.



Gayle F. Oberst, Mayor

ATTEST:


Holly J. White, City Clerk

EXAMINED AND APPROVED by me this 26th day of July, 2012.


Gayle F. Oberst, Mayor

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