ORDINANCE 1660

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, REVISING CHAPTER 10 OF THE CITY'S LAND DEVELOPMENT CODE RELATED TO FINAL PLAT APPROVAL; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; SCRIVENER'S ERRORS; LIBERAL INTERPRETATION; MODIFICATIONS; CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. From and after the effective date of this ordinance, sections 10.04.03, 10.07.02 and 10.13.01 of the Land Development Code of the City of Panama City Beach related to quasi-judicial plat approvals are revised to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

10.04.03 Applications Subject to Type II Review – Quasi-Judicial Proceedings

The following application, which pertains to quasi-judicial decisions, which are required to be made by the City Council, shall be processed pursuant to the Type II procedures:

~~A. Statutorily required approval of final ***Subdivision Plats*** for compliance as to form with state law and review for compliance with additional requirements, if any, imposed by this LDC on the form of ***Subdivision Plats***;~~

~~B.~~ **A.** A Zoning or ***Rezoning*** which does not involve one or more ***Lots*** of land that in the aggregate are so large as to affect the community as a whole and accordingly constitute a legislative and not a quasi-judicial action;

~~C.~~ **B.** Conditional ***Uses*** involving any ***Parcel*** or combination of contiguous ***Parcels*** encompassing more than three (3) acres of land (a large conditional ***Use***); and

~~D.~~ **C.** City Council rehearing of decisions of the Planning Board pursuant to section 10.17.00.

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10.07.02 Procedures After Completeness Determination

~~**A. Final Subdivision Plats**~~

~~1. Within thirty (30) days of the Building and Planning Department's, the Engineering Department's and the City Attorney's determination that the final plat application is~~

~~complete, the Building Department shall schedule a public hearing on the proposed plat before the City Council.~~

~~2. The *Building* and Planning Department and the Engineering Department shall each prepare a written report to the City Council regarding the respective Department's analysis of the pending application. The report shall be available to the applicant and the general public no less than five (5) days prior to the City Council's public hearing on the plat~~

~~3. The City Council shall conduct a quasi-judicial hearing on the application and determine whether to approve or deny the plat. In addition to notice of hearing by *Publication* as required by the Florida Statutes, notice of the City Council hearing shall be by *Posted Notice*.~~

~~4. All quasi-judicial hearings shall be conducted pursuant to the requirements of section 10.13.00.~~

~~B.~~ Zoning, Rezoning, Large Conditional Use, and New Wireless Tower or Antenna (no *Colocation*)

1. Within thirty (30) days of the Building and Planning Department's determination that the application is complete, the Department shall schedule a public hearing on the application before the Planning Board.

2. The Building and Planning Department shall prepare a written report to the Planning Board regarding the Department's analysis of the pending application. The report shall be available to the applicant and the general public no less than five (5) days prior to the Planning Board's public hearing on the application.

3. The Planning Board shall conduct a quasi-judicial hearing on the application and prepare a recommendation to the City Council. Public Notice of the Planning Board quasi-judicial hearing shall be provided by ***Posted Notice***, ***Publication*** and ***Neighborhood Notice*** (300 feet).

4. The City Council shall conduct a quasi-judicial hearing on the application and determine whether to approve, approve with conditions or deny the application. In addition to notice of hearing by ***Publication*** as required by the Florida Statutes, notice of the City Council hearing shall be by ***Posted Notice***.

5. All quasi-judicial hearings shall be conducted pursuant to the requirements of section 10.13.00.

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10.13.00 QUASI-JUDICIAL HEARINGS

10.13.01 Generally

A. A quasi-judicial hearing shall be scheduled when all required reports and procedures have been completed. A quasi-judicial hearing shall not be scheduled until an applicant has paid all outstanding amounts.

B. A quorum of the decision-making entity shall be present.

C. The hearing shall be conducted in a manner to protect the due process rights of the applicant and affected parties.

D. All testimony presented by the applicant, an ***Adversely Affected Person***, any witness for a party or the staff (other than legal advice given by the City Attorney) shall be given under oath.

E. The applicant, an ***Adversely Affected Person*** and the staff may cross-examine any person presenting information at the hearing.

F. An electronic record shall be made of the hearing.

G. A member of a decision-making entity shall not willfully participate in an ex parte communication regarding a pending application. All ex parte communications are presumed prejudicial, unless the approximate date and general substance of the ex parte communication is disclosed at the beginning of the quasi-judicial hearing at which the decision-making entity considers the pending application. The ***City*** may rebut the presumption of prejudice by demonstrating the absence of any actual prejudice to any party challenging the validity of a decision-making entity's decision on the basis of ex parte communications.

H. Members of the general public may provide comment during the hearing. If a member of the general public desires his or her testimony to be considered as potential competent substantial evidence, such person shall be placed under oath and subject to cross-examination. ~~For final ***Subdivision Plat*** approval testimony and action on the application shall be limited to issues of compliance with chapter 177 FS and this LDC~~.

I. The deliberations of the decision-making entity shall be guided by Robert's Rules of Order and such other rules and procedures as may be adopted by the decision-making entity. The decision-making entity may question the applicant, other parties, witnesses and the ***City*** staff at any time during the hearing.

J. The decision-making entity may approve, approve with conditions, deny, or where required, make its recommendation upon the matters under consideration. The decision shall be based upon competent substantial evidence presented during the hearing.

K. The decision-making entity shall enter a written order which contains findings of fact and conclusions of law in support of its decision.

L. The decision-making entity's written order shall be filed with the Clerk of that entity.

SECTION 2. From and after the effective date of this ordinance, sections 10.04.02 and 10.06.02 of the Land Development Code of the City of Panama City Beach are revised to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

10.04.02 Applications Subject to Type I Review – Notice of Intent Proceedings

The following applications shall be processed pursuant to the Type I procedures:

A. A ***Site Plan*** approval;

B. A ***Land Clearing Permit*** or a ***Tree Removal Permit***;

C. Administrative approval of a preliminary ***Subdivision Plat*** to confirm compliance of the subject lands, lots, ***Streets*** and other features with the substantive requirements of this LDC, **which, if approved, will progress to the City Council for final plat approval**;

D. A planned unit development ***Final Development Plan***;

E. A traditional neighborhood overlay district ***Final Development Plan;***

F. A Front Beach Overlay District Large Site Development Final Development Plan;

G. Approval of a ***Lot Split***;

H. Approval of a Request for Expansion, Enlargement or Modification of a ***Non-Conforming Development*** or ***Use***; and

I. Approval of any local development order not classified elsewhere in this LDC.

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10.06.02 Procedures After Completeness Determination

A. When the ***Building*** and Planning Department and the Engineering Department determine that the application is consistent with the requirements of the Comprehensive Plan and the ***LDC***, the ***Building*** and Planning Department shall issue a Notice of Intent to issue a ***Local Development Order, Large Site Development, PUD,*** or ***TNOD Final Development Plan*** approval or preliminary ***Plat*** approval. The Notice of Intent shall contain the following information:

1. The information required in section 10.03.01;

2. A statement notifying affected parties of their right to file a written request for a public hearing before the Planning Board;

3. The requirements for such a written request; and

4. The deadline for filing such a written request.

B. As soon as practicable after issuance, the Notice of Intent shall be ***mailed*** to the applicant and noticed by ***Publication.***

C. An ***Adversely Affected Person*** may file a written request for a hearing with the ***Building*** and Planning Department within five (5) days of ***Publication*** of the Notice of Intent. The written request for a hearing shall identify the specific sections of the Comprehensive Plan and/or the ***LDC*** that the application violates and describe how such sections are not met. Amendments to the written request for a hearing may be made no less than ten (10) days prior to the Planning Board's public hearing on the application.

D. If a written request for a hearing has not been filed within five (5) days of ***Publication*** of the Notice of Intent, the ***Building*** and Planning Department shall issue the ***Local Development Order, Large Site Development, PUD,*** or ***TNOD Final Development Plan*** approval or ***Building Permit*** for which application was made, **or progress the preliminary *Plat* to the City Council for final approval. The *Building* and Planning Department and the City Engineer shall each prepare a written report to the City Council regarding the respective Department's analysis of the pending *Plat* application. The report shall be available to the applicant and the general public no less than five (5) days prior to the City Council meeting to approve the *Plat.***

E. If a written request for a hearing has been filed within five (5) days of ***Publication*** of the Notice of Intent, the ***Building*** and Planning Department shall schedule a quasi-judicial hearing on the application before the Planning Board.

F. In the event the ***Building*** and Planning Department or the Engineering Department determine that the application is complete but that the proposed action fails to comply with the requirements of the Comprehensive Plan and the ***LDC,*** the ***Building*** and Planning Department shall issue a notice of intent to deny the application which shall be subject to the notice and appeal procedures provided in this section, except that if a request for a hearing is not timely and properly made by an ***Adversely Affected Person,*** the application for the ***Local Development Order, Large Site Development, PUD,*** or ***TNOD Final Development Plan*** approval**, preliminary *Plat,*** or ***Building Permit*** shall be deemed denied upon expiration of the time for requesting a hearing without the necessity of further action by the ***Building*** and Planning Department.

SECTION 3. CONFLICT WITH OTHER ORDINANCES OR CODES. All Ordinances or parts of Ordinances of the Code of Ordinances of Panama City Beach, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY. If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction, the other provisions of this ordinance shall remain in full force and effect.

SECTION 5. SCRIVENER'S ERRORS. It is the intention of the City, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Panama City Beach, Florida, and to that end, the sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section" or "article" or other appropriate designation. Additionally, corrections of typographical errors which do not affect

the intent of this Ordinance may be authorized by the City Attorney without public hearing, by filing a corrected or recodified copy with the City Clerk.

SECTION 6. ORDINANCE TO BE LIBERALLY CONSTRUED. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 7. MODIFICATIONS. It is the intent of the City that the provisions of this ordinance may be modified as a result of considerations that may arise during a public hearing. Such modifications shall be incorporated into the final version of the ordinance adopted by the City.

SECTION 8. CODIFICATION. The appropriate officers and agents of the City are authorized and directed to codify, include, and publish in electronic format the provisions of this Ordinance within the Panama City Beach Code of Ordinances, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 9. EFFECTIVE DATE. This Ordinance shall take effect as provided by law.

PASSED, APPROVED, and ADOPTED in special session this 12th day of June 2025.

CITY OF PANAMA CITY BEACH

By: _____
Stuart Tettemer, Mayor

ATTEST:

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Lynne Fasone, MMC, City Clerk

Posted on pcbfl.gov on the 22nd day of May 2025.
Posted on publicnoticesbaycountyfl.gov on the 27th day of May 2025.

EXAMINED AND APPROVED by me this 12th day of June 2025.

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Stuart Tettemer, Mayor