ORDINANCE NO. 1668

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, REPEALING CHAPTER 20 OF THE CITY'S CODE OF ORDINANCES; AMENDING THE CITY'S LAND DEVELOPMENT CODE RELATING TO APPLICABILITY OF THE LAND DEVELOPMENT CODE; AMENDING SECTIONS 10.04.00, 10.05.00, AND 10.06.00 OF THE CITY'S LAND DEVELOPMENT CODE PROVIDING FOR APPROVAL OF PLATS AND REPLATS BY AN ADMINISTRATIVE AUTHORITY AND CREATING A DEFINITION FOR THAT ROLE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; SCRIVENER'S ERRORS; LIBERAL INTERPRETATION; MODIFICATIONS; CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, sections 177.071 and 177.111 of Florida Statutes, which govern the plat and replat approval process, were recently amended by Senate Bill 784 in the Florida Legislature's 2025 Regular Session; and

WHEREAS, it becomes necessary for an Administrative Authority to be designated by the City to handle the final approval of plats and replats submitted to the City to conform with this new law; and

WHEREAS, the City Council desires to amend certain provisions and procedural requirements in the City's Code of Ordinances and Land Development Code to be further in compliance with Chapter 177, Florida Statutes, as amended.

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 From and after the effective date of this ordinance, Chapter 20 of the Panama City Beach Code of Ordinances is hereby repealed.

SECTION 2. From and after the effective date of this ordinance, section 1.04.01 of the Land Development Code of the City of Panama City Beach is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

1.04.00 APPLICABILITY

1.04.01 Generally

A. The ***Use*** **_or division_** of any ***Parcel*** of land or any structure or any combination thereof, within the corporate limits of the ***City*** shall be in conformance with the requirements of the ***LDC***.

B. All ***Development*** shall conform to the applicable standards, criteria, requirements and procedures of the ***LDC***.

C. Unless otherwise authorized in this ***LDC***, no ***Development*** shall proceed without a ***Local Development Order*** and a ***Building Permit*** issued by the ***City*** or where permitted by Section 10.01.03, only a ***Building Permit*** by the ***City***.

D. A ***Change of Use*** shall conform to the standards, criteria, requirements, and procedures of the ***LDC***.

E. Unless otherwise authorized in this ***LDC***, no ***Change of Use*** shall be permitted without a ***Local Development Order*** and a ***Building Permit*** or where permitted by Section 10.01.05, only a ***Building Permit*** by the ***City***.

(Ord. #1254, 11/14/13, Ord. #1304, 3/27/14)

SECTION 3. From and after the effective date of this ordinance, section 10.04.02 of the City's Land Development Code related to Type I Review is amended 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 **Manager** 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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SECTION 4. From and after the effective date of this ordinance, section 10.05.00 of the City's Land Development Code related to Determinations of Completeness is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

10.05.00 GENERAL PROCEDURES

10.05.01 Determination of Completeness and Consistency with Regulations

A. The ***Building*** and Planning Department and the Engineering Department shall each provide notice by mail to the applicant within thirty (30) days (except as provided below) of receipt of an application stating that the application is complete and that the proposed action complies with the applicable provisions of the Comprehensive Plan and ***LDC*** or stating with specificity any deficiencies which, if cured, would make the application properly completed and in compliance with applicable regulations. Failure to timely provide such notices shall not be deemed an acknowledgement of completeness and consistency with applicable regulations. Notwithstanding the foregoing, such notice shall be provided with respect to any wireless communication facility application within twenty (20) business days of receipt **per** F.S. 365.172(11)(d)(3)(2005), **and for any *Plat* or *Replat* application within seven (7) business days of receipt per F.S. 177.071 and section 10.06.02.G of this *LDC*.**

B. The applicant shall have forty-five (45) days from the date of each notice to correct the deficiencies. Until the applicant corrects the deficiencies, the Departments will take no further action for processing the application. If the applicant fails to correct the deficiencies within the forty-five (45) day period, the application shall be deemed withdrawn.

C. Plans submitted in response to a notice specifying deficiencies shall be processed according to 10.05.01(A). The applicant shall then respond to any further notice by the Departments according to 10.05.01(B).

D. The ***Building*** and Planning Department and the Engineering Department shall each process the application for review and action in accordance with the procedures applicable to that type of application as established by the respective Department.

SECTION 5. From and after the effective date of this ordinance, sections 10.06.00 of the City's Land Development Code related to Notice of Intent Proceedings is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

10.06.00 TYPE I PROCEDURES – NOTICE OF INTENT PROCEEDINGS

10.06.01 Generally

The procedures set forth in this section, are applicable to all applications subject to Type I review, which are listed in section 10.04.02.

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~~ **City Manager pursuant to subsection G herein f**or final approval.

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.

G. *Plat* and *Replat* Administrative Approval Process. All applications for approval of a *Plat* or *Replat* received by the City on or after July 1, 2025, for which a written request for hearing has not been received pursuant to subsection C herein, shall be processed and decided administratively, with no further action by the City Council required, in accordance with the following:

1. Administrative Authority Designated. Pursuant to section 177.071, Florida Statutes, the City hereby designates the Building and Planning Department as the "Administrative Authority" to receive, review, and process plat and replat submittals. For purposes of issuing final approval of a *Plat* or *Replat*, the City Manager is designated as the administrative official responsible for approving, approving with conditions, or denying the proposed *Plat* or *Replat*. The Building and Planning Director, the City Engineer, and the City Attorney shall review each *Plat* or *Replat*

submittal and provide recommendations to the City Manager on the final disposition of the *Plat* or *Replat*.

2. Completeness Review and Notice of Receipt. Within seven (7) business days after receipt of a plat or replat application, the administrative authority shall provide written notice to the applicant acknowledging receipt of the submittal and identifying any missing documents or information necessary to process the application in compliance with section 177.091, Florida Statutes and this *LDC*. This written notice shall also outline the approval process and include applicable requirements regarding application completeness and the timeframes for reviewing, approving, and otherwise processing the *Plat* or *Replat* submittal. No written request from the applicant is required to extend this or any other time period set forth in this subsection.

3. Final Decision. Unless the applicant requests an extension of time, the City Manager shall approve, approve with conditions, or deny the Plat or Replat application within the timeframe specified in the written notice issued under paragraph 2 above. The City shall not request or require the applicant to submit a written extension of any review or decision deadline.

4. Notification of Approval or Denial. The City Manager's decision on the Plat or Replat shall be provided to the applicant in writing. If the City Manager declines to approve the Plat or Replat, the written notification shall state the reasons for the denial and shall identify all areas of noncompliance, including specific citations to each applicable law or LDC requirement that the Plat or Replat fails to meet.

SECTION 6. 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 7. 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 8. 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 9. ORDINANCE TO BE LIBERALLY CONSTRUED. This ordinance shall be liberally construed to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 10. MODIFICATIONS. It is the intent of the City that the provisions of this ordinance may be modified because 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 11. 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 12. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED, and ADOPTED in regular session this 13 day of November 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 25th day of September 2025.
Posted on publicnoticesbaycountyfl.gov on the 16th day of October 2025.

EXAMINED AND APPROVED by me this 13 day of November 2025.

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Stuart Tettemer, Mayor