

## ORDINANCE 1470

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR HEIGHT INCENTIVES RECEIVED BY THE CITY ON OR AFTER JULY 26, 2018; DIRECTING STAFF TO DEVELOP PROPOSED LAND DEVELOPMENT AMENDMENTS AND OTHER RECOMMENDATIONS REGARDING HEIGHT AND HEIGHT INCENTIVES FOR DEVELOPMENT IN THE CITY; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, as provided in section 2(b), Article VIII of the Constitution of the State of Florida, and section 166.021(1), Florida Statutes, the City of Panama City Beach, Florida (the "City"), a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, as provided in section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

WHEREAS, on July 26, 2012, the City adopted a form-based Land Development Code, which codified a table of height incentives by which a development could achieve heights in excess of the caps also established in that LDC; and

WHEREAS, the Planning Board has discussed the modification of the table of available height incentives, by making some of the current incentive options mandatory, and to eliminate some of the options altogether; and

WHEREAS, the City Council desires to also consider the impacts of the City's existing maximum heights limits, and the repeal of height incentives altogether; and

WHEREAS, on July 27, the City Council directed staff to immediately stop accepting applications for height incentives, to process applications already received, and thereafter to recommend amendments to the Land Development Code regarding height and height incentives; and

WHEREAS, the City desires to place the public and all interested parties on notice that it is considering such amendments and is hereby creating a temporary moratorium on the acceptance of applications for development orders which contemplate height in excess of the maximums established (without incentives) in the City's Land Development Code (cf. Tables 4.02.02A and 7.02.03H, City LDC); and

WHEREAS, the purpose of this ordinance is to place a temporary moratorium on the acceptance of new applications for height incentives for a period of time reasonably necessary for the City to determine if the availability of height incentives benefit or harm the public health, safety, and welfare, and to review and consider revisions to the City's Land Development Code regarding height and height incentives if deemed advisable by the City; and

WHEREAS, the City Council hereby finds that the temporary moratorium imposed by this ordinance is being imposed for a reasonable duration intended to give the City the time reasonably necessary to investigate the impacts of current height limits on the City's infrastructure, and if necessary, to promulgate reasonable regulations amending the City's maximum height limits; and

WHEREAS, the City Council hereby finds that this ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, FLORIDA:

SECTION 1. FINDINGS OF FACT. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

SECTION 2. TEMPORARY MORATORIUM. Beginning on the effective date of this Ordinance and continuing through **January 31, 2019**, or sooner if provided by an ordinance of the City Council, a moratorium is hereby imposed on the **acceptance of applications for development orders** which contemplate height in excess of the maximums established (without incentives) in Tables 4.02.02A and 7.02.03H of the City's Land Development Code.

SECTION 3. This ordinance shall not prevent the processing of applications for development orders received by the City Planning Department on or before July 26, 2018, and the issuance of any development orders on such applications. This ordinance shall not prevent the acceptance, processing and issuance of building permits for the construction of structures for which development orders were issued on or before July 26, 2018.

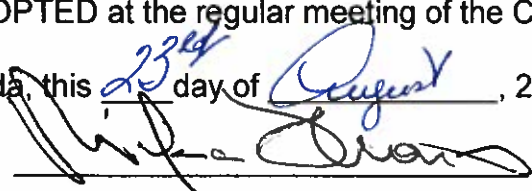
SECTION 4. STUDY AND RECOMMENDATIONS. During the moratorium period described in Section 2 of this ordinance, City staff is hereby directed to study the City's existing height and height incentive caps, and their impact on the health, safety, and welfare of residents and businesses located within the City, and to develop and recommend land development amendments and recommendations for consideration by the City Council and Planning Board.


SECTION 5. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 6. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

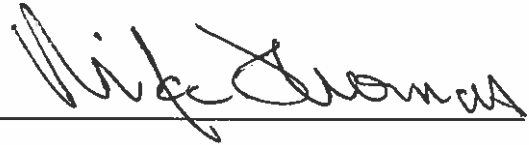
SECTION 7. EFFECTIVE DATE. This ordinance takes effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 23<sup>rd</sup> day of August, 2018.

  
MAYOR

ATTEST:  
  
CITY CLERK

EXAMINED AND APPROVED by me this 23<sup>rd</sup> day of August, 2018.



MAYOR

Published in the Parana City News Herald on the 2<sup>nd</sup> day of August, 2018 and  
the Parana City News Herald on the 17<sup>th</sup> day of August, 2018.

Posted on pcbgov.com on the 23<sup>rd</sup> day of August, 2018.