

ORDINANCE NO. 1477

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY LAND DEVELOPMENT CODE RELATED TO UNDERGROUND UTILITIES IN SCENIC CORRIDORS; PROVIDING THAT NO UTILITIES SHALL BE PERMITTED ABOVE GROUND IN A PORTION OF CITY ROW FOLLOWING THE CITY'S AWARD OF A CONSTRUCTION CONTRACT THAT CONTEMPLATES THE UNDERGROUNDING OF UTILITIES IN THAT PROJECT ROW; CLARIFYING THE LDC EXEMPTIONS RELATED TO WORK IN ROWS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City, by and through its Front Beach Road Community Redevelopment Agency, has undertaken and continue to undertake great effort and expense to improve many of the City's Scenic Corridors, in whole or in part; and

WHEREAS, one of the major features of the City's right-of way improvements is the undergrounding of utilities in the right of way; and

WHEREAS, the City finds that the undergrounding of utilities creates an attractive, inviting and less cluttered corridor, and that the installation of above ground utilities subsequent to the City's improvement of a right of way or portion thereof wherein then existing utilities in the right of way were placed underground is inconsistent with the City's vision for these corridors; and

WHEREAS, the City finds and determines it is necessary and appropriate to amend its regulation to clarify that exemptions from the City's undergrounding regulations shall not apply in those segments of improved right of way where the City has undertaken to have utilities undergrounded.

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

SECTION 1. From and after the effective date of this ordinance, Section

4.02.03 of the Land Development Code of the City of Panama City Beach related to Scenic Corridor Design Requirements, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

4.02.03 Scenic Corridor Design Requirements

Scenic Corridor design and performance standards are established throughout this *LDC* and the *City's Code of Ordinances* (CO), including but not limited to the following provisions:

...

E. Underground Utilities in Scenic Corridors

Every electrical, cable television, data, telephone or other telecommunication feed installed or replaced from a public right-of-way and in, along or across any *Scenic Corridor* to any structure, ***Building*** or ***Accessory*** thereto, shall be placed underground for the entire length of such feed. Pre-existing feeds associated with such ***Building*** or structure shall be immediately placed underground as part of such improvements; provided however, that in the event the underground placement of such pre-existing feeds is required solely due to renovations or improvements consisting exclusively of emergency repairs or replacement of existing improvements damaged by casualty loss, the property owner may delay the underground placement of such pre-existing feeds for a period of sixty (60) days. Notwithstanding the forgoing, each new construction site shall per permitted one temporary, overhead electrical and telephone drop for a period not to exceed one year. This section shall not apply to high voltage primary lines serving a transformer station maintained by an electrical utility or to trunk and feeder lines serving a cable television, data, telephone or other telecommunications distribution point maintained by a telecommunication utility, **unless and until the City awards a contract for the construction and improvement of a Scenic Corridor or portion thereof, which project contemplates the undergrounding of utilities located in the project right of way. Except as may be permitted elsewhere in this LDC or the City Code, no above ground utilities shall be permitted in those portions of the Scenic Corridors improved, or under contract or construction to be improved, by the City or other government agency.**

SECTION 2. From and after the effective date of this ordinance, Section

1.04.03 of the Land Development Code of the City of Panama City Beach related to Unified Development in Multiple Districts, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

...

1.04.03 Exceptions

The following general conditions or circumstances are exempt from the provisions and requirements of the LDC:

...

B. Work required for public facilities and services within the public right-of-way, as further described below:

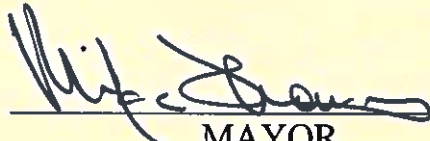
1. Work required for the installation of facilities for the distribution or transmission of gas, water, sewer, electric power or telecommunications services (except **Telecommunications Towers or Small Wireless Facilities**).
2. Work required for the purpose of inspecting, repairing or replacing any existing water or sewer lines, mains or pipes.
3. Work required for the purpose of inspecting, repairing or replacing cables, power lines, utility poles, utility tunnels or the like (except **Telecommunications Towers or Small Wireless Facilities**).

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.


SECTION 4. 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 Land Development Code, 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 5. This Ordinance shall take effect immediately upon passage.


PASSED, APPROVED AND ADOPTED at the regular meeting of the
City Council of the City of Panama City Beach, Florida, this 13th day of
December, 2018.


MAYOR

ATTEST:


CITY CLERK

EXAMINED AND APPROVED by me this 13th day of
December, 2018.


MAYOR

Published in the Panama City News Herald on the 26th day of November, 2018.

Posted on pcbgov.com on the 14th day of December, 2018.

Notice provided to the Secretary of State on the 10th day of October, 2018.