

**CITY OF PANAMA CITY BEACH  
PLANNING BOARD**

**MEETING DATE:** January 9, 2019  
**MEETING TIME:** 1:00 P. M.  
**PLACE:** City of Panama City Beach City Hall Annex

**AGENDA**

- ITEM NO. 1** Call to Order and Roll Call
- ITEM NO. 2** Invocation – Pastor John Woodrow  
Gulfview United Methodist
- ITEM NO. 3** Pledge of Allegiance – Chairman Sheldon
- ITEM NO. 4** Approval of December 12, 2018 Planning Board Meeting Minutes
- ITEM NO. 5** Public Comments-Agenda Items (Non-Public Hearings) Limited to Three Minutes
- ITEM NO. 6** Bay-Walton Sector Plan Information
- ITEM NO. 7** Development of Regional Impact (DRI) Development Order Expirations Information
- ITEM NO. 8** Ordinance 1489 – Amending Nuisance Abatement Code to Address Hazardous Trees
- ITEM NO. 9** Comprehensive Plan – Section 1 – Recommended Changes
- ITEM NO. 10** Code Enforcement Update

All interested persons are invited to attend and to present information for the Board's consideration. Further information may be obtained from the Building & Planning Department at 233-5054, extension 2313. Anyone not appearing in person may submit written comments to the Building & Planning Department at 116 S. Arnold Road, Panama City Beach, Florida 32413, any time prior to the stated meeting time. All comments received will be considered before final action is taken. If a person decides to appeal a decision of the Planning Board, a record of the proceedings will be needed. Such person will need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Jo Smith, City Clerk at City Hall, 110 S. Arnold Road, Panama City Beach, Florida 32413 or by phone at (850) 233-5100. If you are hearing impaired

and you possess TDD equipment, you may contact the City Clerk using the Florida Dual Party Relay system which can be reached at (800) 955-8771 (TDD).  
Notice is hereby provided that one or more members of the City Council or other City boards may attend and speak at the meeting.

# AGENDA ITEM 6

**Bay-Walton Sector Plan**

Bay-Walton Sector Plan - Future Land Use Map Amendment

The boundary of the Bay-Walton Sector Plan and its proposed land use categories will be identified on the Future Land Use Map for Bay County and Walton County. The densities and intensities for the future land use categories within the Bay-Walton Sector Plan are established in Table BW-1 for Walton County and Table 12A for Bay County. (See Appendix XI)

Bay-Walton Sector Plan – Long Term Master Plan

**Map 2** is the Long Term Master Plan for the Bay-Walton Sector Plan and is consistent with the requirements in Section 163.3245(3)(a), F.S.. The Long Term Master Plan identifies the location of all of the land use districts within the Bay-Walton Sector Plan boundary. The Long Term Master Plan generally uses the same land uses that were established in the West Bay Sector Plan and adds three new districts. The districts are all unique in their function and establish a land use hierarchy from urban centers to neighborhood scale to rural/preservation areas. The densities and intensities also follow this progression. As required by Section 163.3245, F.S. all of the districts have both minimum and maximum density and intensity standards. The urban area as defined in the proposed Bay-Walton Sector Plan policies include all of the districts that are not preservation or open space categories (West Bay Preservation Area, Recreation/Open Space, and Long-Term Conservation Area).

The Bay-Walton Sector Plan Element includes the following land use districts:

**TABLE 7: Proposed Land Use Districts for Bay-Walton Sector Plan**

District	Location	Purpose	Acreage
West Bay Center	Bay County as identified on <b>Map 2</b> .	To provide for a wide-range of large scale commercial and service-related uses important to the development of the West Bay Community.	922 acres
Town Center	Bay County and Walton County. Five Town Centers are planned as identified on <b>Map 2</b> .	The Town Centers are similar to the West Bay Center in providing a wide-range of large-scale commercial and service related uses.	2,104 acres
Regional Employment Center	Bay County as identified on <b>Map 2</b> .	To allow for a range of industrial, commercial, service-related and office uses typically dependent upon, or closely related to the airport.	935 acres
Business Center	Bay County as identified on <b>Map 2</b> .	To provide a wide-range of commercial, retail, business, office	1,784 acres

**Bay-Walton Sector Plan**

		and service-related uses and activities which provide supporting services to the airport district and tourist activities.	
Village Center	Bay County and Walton County as identified on <b>Map 2.</b>	To provide for mixed-use development in the form of limited neighborhood-scale commercial development within close proximity to surrounding neighborhoods with public spaces in the form of parks, town squares and community facilities incorporated into the design of the plan.	39,433 acres
Low Impact Residential	Bay County and Walton County as identified on <b>Map 2.</b>	To provide areas for low-density uses as areas for functional mix of compatible seasonal and resort land uses where the clientele are predominantly seasonal or temporary visitors and tourists	1,041 acres
Recreation and Open Space	Bay County and Walton County as identified on <b>Map 2.</b>	Lands set aside for passive and active recreation including trails, golf courses, athletic fields, etc.	4,318 acres
Agriculture/Timberland	Bay County and Walton County as identified on <b>Map 2.</b>	To provide areas for the continuation of traditional agriculture and timber uses and activities.	6,734 acres
West Bay Preservation Area	Bay County as identified on <b>Map 2.</b>	To provide areas for the protection, restoration and enhancement of West Bay Conservation and preservation purposes and mitigation efforts will take place in these areas.	37,605 acres
Long Term Conservation Area	Bay County and Walton County as identified on <b>Map 2.</b>	Similar to the West Bay Preservation Area, lands set aside for preservation of natural resources.	15,624 acres
<b>Total</b>			<b>110,500 acres</b>

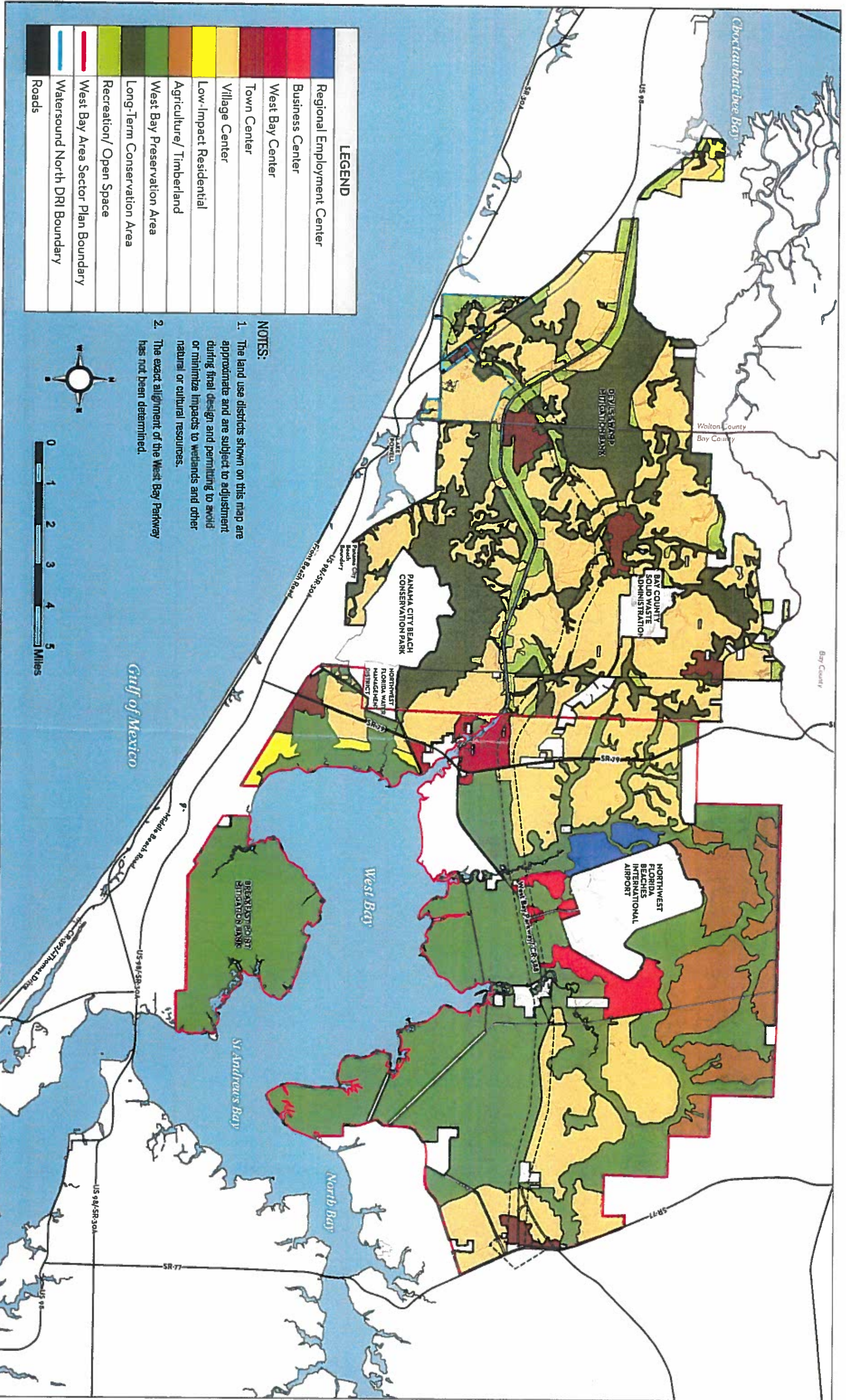
4. Minimum Densities and Intensities

Table 12A in Chapter 12 of Bay County’s Comprehensive Plan and Table BW-1 of the Walton County Comprehensive Plan (Appendix XI) identify the minimum and maximum densities and intensities permitted for the Bay-Walton Sector Plan. Section 163.3245, F.S. requires that sector plans include both minimum and maximum standards for land uses. Below are the density and intensity standards for each of the land use districts.

**TABLE 8: Minimum and Maximum Density and Intensity Standards for Land Use Districts**

District	Residential Minimum Density	Residential Maximum Density	Non-Residential Minimum Intensity	Non-Residential Maximum Intensity
Regional Employment Center	NO RESIDENTIAL PERMITTED		10% FAR	100% FAR
Business Center	NO RESIDENTIAL PERMITTED		10% FAR	200% FAR
West Bay Center	1 unit per acre	15 units per acre	20% FAR	250% FAR; 80% impervious surface area
Town Center	2 units per acre	15 units per acre	35% FAR	200% FAR; 60% impervious surface area
Village Center	2 units per acre	15 units per acre	20% FAR	100% FAR; 200% FAR for mixed-use; 60% impervious surface area
Low-Impact Residential	No more than 1 unit per 3 acres for residential and 1 unit per acre for lodging		30% FAR or 30% impervious surface area	
West Bay Preservation	NO RESIDENTIAL PERMITTED		N/A	1% impervious surface area
Agriculture/Timberland	No more than 1 unit per 20 acres		N/A	10% impervious surface area
Long-Term Conservation Area	NO RESIDENTIAL PERMITTED		N/A	N/A
Recreation/Open Space	NO RESIDENTIAL PERMITTED		N/A	N/A

Table 12A in Chapter 12 of Bay County’s Comprehensive Plan and Table BW-1 of the Walton County Comprehensive Plan (Appendix XI) also include a percentage mix for the permitted land uses in each district.



LEGEND	
[Blue Box]	Regional Employment Center
[Red Box]	Business Center
[Dark Red Box]	West Bay Center
[Orange Box]	Town Center
[Yellow Box]	Village Center
[Light Yellow Box]	Low-Impact Residential
[Green Box]	Agriculture/ Timberland
[Dark Green Box]	West Bay Preservation Area
[Light Green Box]	Long-Term Conservation Area
[Medium Green Box]	Recreation/ Open Space
[Red Outline]	West Bay Area Sector Plan Boundary
[Blue Outline]	Watersound North DRI Boundary
[Black Outline]	Roads

- NOTES:**
1. The land use districts shown on this map are approximate and are subject to adjustment during final design and permitting to avoid or minimize impacts to wetlands and other natural or cultural resources.
  2. The exact alignment of the West Bay Parkway has not been determined.



# AGENDA ITEM 7

Development of Regional Impact (DRI)  
Development Order Expirations Information

Pier Park – March 16, 2023

Seahaven – December 1, 2025



# AGENDA ITEM 8

ORDINANCE 1489

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S NUISANCE ABATEMENT CODE; PROVIDING THAT CERTAIN HAZARDOUS TREES WHICH ENDANGER PEOPLE OR STRUCTURES CONSTITUTE A PUBLIC NUISANCE; PROVIDING FOR THE REMOVAL OF NUISANCE FUEL SOURCES WITHIN 100 FEET OF LAND USED FOR RESIDENTIAL PURPOSES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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, Chapter 15 of the Code of Ordinances of the City of Panama City Beach related to Nuisances, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

Sec. 15-17. - Definitions.

As used in this article, the following words and phrases shall have the meanings respectively ascribed to them:

*Improved property* shall mean land on which buildings or other structures are located, or which has been prepared for development by the installation, addition or construction of utilities or other improvements, or **Unimproved property which is materially surrounded by developed property under unified management or control.**

*Inspector* shall mean the Chief Building Inspector of the City or his designee. .

*Nuisance or Public Nuisance* shall mean any of the following:

- (1) Any public nuisance known at common law or in equity jurisprudence or as provided by the Statutes of the State of Florida or ordinances of the City of Panama City Beach.
- (2) Storage of junked automobiles: Unsheltered storage, or unenclosed storage under a carport, for a period of thirty (30) days or more within the corporate limits of the City, except in licensed junk yards, of old and unused stripped junk or automobiles not in good and safe operating conditions, and of any other vehicles, machinery, implements or equipment or personal property of any kind which is no longer safe or usable for the purposes for which it was manufactured.
- (3) Detrimental conditions or uses of property: Any condition or use of premises or of building exteriors, including carports, which is detrimental to the property of others or which causes

or tends to cause substantial diminution in the value of other property in the neighborhood in which the premises are located, including, but not limited to, the keeping or depositing on or the scattering over the premises of lumber, junk, trash, debris, or abandoned, discarded, unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers;

(4) **Unfit or unsafe dwelling or structure:** Any dwelling or structure or any portion thereof, including accessory buildings, which is structurally unsafe, unstable, unsanitary, inadequately provided with exit facilities, constituting a fire hazard, unsuitable or improper for the use or occupancy to which they are put, constituting a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment, dangerous to life or property, or, by reason of fire, age, decay, deterioration, structural defects, improper design, unstable foundation, termites, acts of God or other causes, dangerous to the occupants thereof or to surrounding buildings and the occupants thereof, or a menace to the public health, or a fire hazard, or so unsafe as to endanger life or property or render the use of the public streets dangerous, or otherwise in material violation of the housing, building, electrical, plumbing, mechanical, health or fire codes of the City;

(5) **Conditions Uses Causing Threat to Public Health and Safety:** Any accumulation of lumber, junk, trash, debris, or abandoned, discarded, unused objects, material, equipment, excessive grass, accumulation of weeds, vegetation, undergrowth or other plant life, or hazardous, dead, dying, diseased or downed trees, upon any lot, tract, or parcel of real property within the City if such lot, tract, or parcel (i) becomes or could become infested with rodents, vermin, mosquitoes, or other wild animal, or (ii) threatens the public health, safety, and welfare, or (iii) causes or tends to cause substantial diminution in value of other property in the neighborhood or (iv) poses a present danger to people or structures as determined by the City Fire Inspector.

(6) **Excessive growth:** Any grass, accumulation of weeds, vegetation, undergrowth, or other plant life on any lot, tract, or parcel within the City which is untended and which exceeds one (1) foot in height on improved property, or exceeds eighteen (18) inches in height on unimproved property.

(7) **Stockpiling construction material:** Any accumulation of construction material including but not limited to crates, lumber, plywood, trusses, joists, nails, bricks, concrete, and sand which is not being used in active construction or the view of which is not blocked by a six (6) feet tall fence. Active construction means construction activity which is continuing from day to day or which is not interrupted by periods of physical inactivity longer than thirty (30) days.

(8) **Attractive nuisance:** Any attractive nuisance which may prove detrimental to the health or safety of children and others whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to: abandoned wells, shafts, basements, excavations, unused ice boxes, refrigerators, abandoned motor vehicles and any structurally unsound fences or structures; or lumber, trash, fences, debris, or vegetation such as poison ivy, oak or sumac, which may prove a hazard for inquisitive persons. Abandoned buildings are attractive nuisances when they are unsecured or un-securable and when by reason of abandonment or neglect they contain unsound walls or flooring, unsafe wiring, fire hazards, or other unsafe conditions as further defined herein. Unsafe conditions may include such neglect of security that opportunities for criminal activity persist to the danger and detriment of the neighborhood.

(9) **Physical or unsanitary conditions or conditions so lacking illumination or ventilation** as to be dangerous to human life or detrimental to health of persons on or near the premises where the condition exists.

(10) **Major or minor violations of this Code** which cumulatively impact upon the premises to the point whereby conditions endanger human life or substantially and detrimentally affect the safety or security of occupants, nearby occupants or passers-by.

(11) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

(12) Fire hazards.

*Unimproved property* shall mean land that is not improved property.

...

**Sec. 15-20. - Notice and order of abatement.**

(a) The notice and order may require the removal of rubbish, trash or junk or such measures as are reasonably necessary to abate the nuisance.

(b) The notice and order may require the vacation, repair, restoration or replacement of any unfit or unsafe dwelling or structure or of any part or parts thereof, including accessory building(s), provided that if the inspector shall determine that the cost to repair, restore or replace any such dwelling or structure or part thereof, including accessory building(s) in compliance with all applicable building and life safety codes, would exceed fifty (50) percent of the value of the dwelling or structure or part thereof, including accessory building(s) (as determined by reference to the most recent, final *ad valorem* tax roll prepared by the Bay County Property Appraiser), he may only order the vacation and demolition and removal of the dwelling or structure.

(c) In addition, due to a variety of reasons, including but not limited to abandonment, neglect, inadequate property management, or obsolescence, the condition(s) constituting a danger or nuisance to the public cannot be made safe, the notice and order shall require the vacation of the dwelling or structure involved and order the demolition and removal of the dwelling or structure or any part or parts thereof, including accessory building(s), contributing to the nuisance. Factors evidencing a determination that a property cannot be made safe may include, but not be limited to: a history of unsecured or un-securable, dangerous conditions; a history demonstrating the property owner's failure to exercise reasonable control over the property to keep it secure or safe; a history showing that the property has become an attractive nuisance to children or transients; a history showing a proliferation of criminal activity due to dilapidated conditions and lack of management and control over the premises; a history showing that notwithstanding the reasonable efforts of law enforcement or code enforcement personnel, or both, the property remains in a condition which is imminently dangerous to the public health, safety and welfare.

(d) A notice and order requiring the repair, restoration or replacement of any dwelling, structure or part or parts thereof, including accessory building(s), shall require that the work meet the standards specified by all applicable building and life safety codes.

(e) The notice and order shall be in writing, signed by the City Manager or his or her designee, with a description of the nuisance and a legal description of the realty where it is located, including the street address, and shall state what the City orders to be done about the condition and the date within which the work ordered to be done is to be completed. The notice and order shall state that it may be appealed within thirty (30) days by written application to the City Manager. The notice and order shall describe the condition(s) found by the inspector to constitute a public nuisance pursuant to this article. If the notice and order requires demolition and removal of an unfit or unsafe dwelling or structure, or part or parts thereof, including accessory building(s), it shall describe the condition(s) found by the inspector, upon consultation with the City Attorney, to constitute such a public nuisance pursuant to this chapter as to make demolition reasonable. A notice and order requiring demolition and removal shall also state that interested parties may elect to abate the

nuisance by repair, restoration or replacement of the subject unfit or unsafe dwelling or structure, or part or parts thereof, including accessory building(s).

(f) Except as otherwise provided below for unsafe or unfit dwellings or structures, the City Manager shall order any such work to be completed within such time as he may determine to be reasonable considering the nature of the nuisance, the danger to the public, and the amount of work involved to abate the nuisance.

(g) In the case of an unfit or unsafe dwelling or structure or part or parts thereof, including accessory building(s), the notice and order shall require the owner or other interested parties to obtain a permit and begin specified repairs or improvements, or to begin to demolish and remove the dwelling or structure or portion thereof, within thirty (30) days after service of the notice and order. The notice and order shall require the work to be completed within thirty (30) days from the date of the permit for repair or demolition. Any repair or demolition permit necessary as a result of any notice and order shall not require a fee.

(h) When the inspector verifies the existence of a rodent infestation in any dwelling or structure, or in any accumulation of rubbish, trash or junk, that is to be demolished or removed, in order to preclude the migration of rodents the notice and order shall require that effective rodent extermination methods be employed by a licensed structural pest control operator prior to demolition or removal. Extermination techniques shall include ectoparasite control measures.

(i) **When the Fire Inspector verifies the existence of a condition located within 100 feet of an area used for residential purposes on any Unimproved lot that is severe enough to pose a present danger to people or structures, the notice and order shall require at a minimum the removal of any materials, vegetation, debris or fire fuel sources lying within 100 feet of an area used for residential purposes.**

(j) An order to vacate, demolish and remove an unfit or unsafe dwelling or structure or any part or parts thereof, including accessory building(s), shall not preclude the immediate repair, restoration or replacement thereof by an interested party entitled to effect such work (herein collectively an applicant). In order to make the election available in this subsection and avoid the demolition and removal, within thirty (30) days after service of the notice and order of demolition, the applicant must submit a competent application for all or a material portion of the work needed to abate the nuisance and in good faith commence and diligently and continuously pursue all the work through completion. The work must meet the standards specified by all applicable building and life safety codes. In the event that the initial permit application does not cover all the work, the application must be accompanied by a description of the remainder of the work to be done and include a schedule of all the work with milestones reasonable and customary in the construction industry. The City Manager shall either accept or reject the application as covering a material portion of the work, the overall work described as sufficient to abate the nuisance and the schedule of work/milestones as reasonable. Should the City Manager find that the initial application does not cover a material portion of the work, that the overall work described is insufficient to abate the nuisance, or that the schedule of work/milestones is not reasonable, he or she shall advise the applicant who shall have ten days to correct the deficiency in writing or appeal in writing to the City Council which shall hear the matter at its next regular or special meeting. The only issues before the City Council shall be whether to accept or reject the matter(s) rejected by the City Manager. The City Council may not amend the application, description of work or schedule without the written consent of the applicant. The appeal shall be conducted as a quasi-judicial, de novo hearing pursuant the City's Land Development Code, except that only the applicant and the City Manager, or their respective designees, shall be entitled to present evidence. No other persons shall be considered adversely affected persons. Public comment, but only as commentary, shall be permitted. The applicant shall bear the burden of proof. If the applicant's position is accepted then the

applicant shall be required to immediately commence and diligently and continuously pursue the work to abate the nuisance strictly in accord with the schedule upon penalty of demolition as provided in Section 15-25(b). If the applicant's position is not affirmed, the applicant shall have thirty (30) days after entry of the City Council's order to comply with the initial notice and order of demolition and removal, and no permit to repair, restore or replace shall be issued.

SECTION 2. REPEAL. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. 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 the Panama City Beach Land Development Code, and unless a contrary ordinance is adopted within ninety (90) days following each such publication, each codification of this Ordinance shall become the final and official record of the matters herein ordained and there codified. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 4. SEVERABILITY. If any section, subsection, clause, phrase, or provision of this Ordinance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 5. EFFECTIVE DATE. 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 \_\_\_\_day of \_\_\_\_\_, 2019.

MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

EXAMINED AND APPROVED by me this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

Published in the \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2018 and on the \_\_\_\_ day of \_\_\_\_\_, 2019.

Posted on pcbgov.com on the \_\_\_\_ day of \_\_\_\_\_, 2019.

# AGENDA ITEM 9



**DRAFT OF CHANGES**

**SECTION 1  
INTRODUCTION  
TO THE PANAMA CITY BEACH COMPREHENSIVE  
GROWTH DEVELOPMENT PLAN**

**1. PURPOSE**

The purpose of the City of Panama City Beach's Comprehensive Growth Development Plan is to establish goals, objectives, and policies for the future development of Panama City Beach. Policies are determined through the evaluation of existing conditions, necessary improvements, and the establishment of future projected needs of Panama City Beach. Under the minimum criteria outlined in the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part 2, Fla. Stat., and ~~Rule 9J-5, Florida Administrative Code~~, the City developed this plan. The purpose of the Act is to utilize and strengthen the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to guide and control future development. Section 163.3161, Fla. Stat.

The State Legislature's intent is that the enactment of this act is necessary so that local governments can preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within jurisdictions of local government. Through the process of comprehensive planning, the legislature intends that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions. Section 163.3161, Fla. Stat.

It is the intent of the City to encourage and assure cooperation between and among municipalities and counties and to encourage and assure coordination of planning and development activities of regional agencies and state government in accord with applicable provisions of law. Section 163.3161, Fla. Stat.

It is the intent of the City that the adopted comprehensive plans shall have the legal status set out in the Statute and that no public or private development shall be permitted except in conformity with this comprehensive plan taken as a whole, prepared and adopted in conformity with the Statute. Section 163.3161, Fla. Stat.

The legislature does not intend the Local Government Comprehensive Planning and Land Development Regulation Act to limit or restrict the powers of municipal governments, but shall be interpreted as a recognition of their broad statutory and constitutional powers to locally plan for and regulate the use of land. Section 163.3161, Fla. Stat.

~~Rule 9J-5, F.A.C., establishes minimum criteria for the preparation, review and determination of compliance of comprehensive plans pursuant to Section 163, Fla. Stat. The Rule establishes criteria implementing the legislative mandate that local comprehensive plans be consistent with the appropriate comprehensive regional policy plan and the State Comprehensive Plan, and recognizes the major role that local government will play in accomplishing the goals and policies of the appropriate comprehensive regional policy plan and the State Comprehensive Plan. Rule 9J-5.001, F.A.C.~~

**2. PLAN CONSISTENCY WITH REGIONAL AND STATE COMPREHENSIVE PLANS**

The City intends and finds that this comprehensive plan is consistent with the appropriate comprehensive regional policy plan and the State Comprehensive Plan as it appears in Section 187.201, Fla. Stat. A local plan shall be consistent with a comprehensive regional policy plan or the State Comprehensive Plan if the local plan is compatible with and furthers such plans. ~~Rule 9J-5.024 F.A.C.~~

**3. LAND USE**

The State's goal concerning land use is stated in Section 187.201 Fla. Stat. as follows:

In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

**4. TRAFFIC CIRCULATION**

The State's goal for transportation as stated in Section 187.201 Fla. Stat. is:

Florida shall direct future transportation improvements to aid in the management of growth and shall have a state transportation system that integrates highway, air, mass transit, and other transportation modes.

**5. HOUSING**

The housing goal for the State outlined in Section 187.201, Fla. Stat. is:

The public and private sectors shall increase the affordability and availability of housing for low-income and moderate-income persons, including citizens in rural areas, while at the same time encouraging self sufficiency of the individual and assuring environment and structural quality and cost-effective operations.

**6. SOLID WASTE AND POTABLE WATER**

Section 187.201, Fla. Stat. outlines the State goal for water resources:

Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface water and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.

Section 187.201, Fla. Stat. outlines the State goal for solid waste:

All solid waste, including hazardous waste, wastewater, and all hazardous materials, shall be properly managed, and the use of landfills shall be eventually eliminated.

**7. CONSERVATION, RECREATION AND OPEN SPACES**

The State goal for conservation of natural systems and recreational lands is found in Section 187.201 Fla. Stat. as follows:

Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin long-leaf pine forests, and restore degraded natural systems to a functional condition.

**8. COASTAL MANAGEMENT**

Coastal and marine resources are addressed in the State's goal with Section 187.201 Fla. Stat.:

Florida shall ensure that development and marine resource use and beach access improvements in coastal areas do not endanger public safety or important natural resources. Florida shall, through acquisition and access improvements, make available to the state's population additional beaches and marine environment, consistent with sound environmental planning.

**9. INTERGOVERNMENTAL COORDINATION**

The State's goal for plan implementation in Section 187.201 Fla. Stat. is:

Systematic planning capabilities shall be integrated into all levels of government in Florida, with particular emphasis on improving

Intergovernmental coordination and maximizing citizen involvement.

**10. CAPITAL IMPROVEMENTS**

The State's goal for protecting public facilities as found in Section 187.201 Fla. Stat. is:

Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

**11. PUBLIC SCHOOL FACILITIES**

Legislation enacted by the 2005 Florida Legislature (Senate Bill 360, Laws of Florida 2005-290) mandates a comprehensive focus on school planning by requiring local governments and school boards to adopt a school concurrency system. School concurrency ensures coordination between local governments and school boards in planning and permitting developments that affect school capacity and utilization rates.

**12. PUBLIC PARTICIPATION PROCEDURES**

It is the intent of the City to provide reasonable notice to all citizens of the on-going events in the planning process. The City of Panama City Beach established by Resolution the following procedures relative to the adoption of the comprehensive plan, amendments to the comprehensive plan, and preparation of Evaluation and Appraisal Reports.

Prior to the adoption of the comprehensive plan, revisions to the comprehensive plan and preparation of Evaluation and Appraisal Reports:

- A. A public hearing shall be held prior to the transmittal of the initial draft of the comprehensive plan to the Department of ~~Community Affairs~~ **Economic Opportunity (DEO DCA)** for review. This public hearing shall be held on a weekday approximately seven (7) days after the date of the first advertisement is published. The intent to hold and advertise a second public hearing prior to the adoption of the comprehensive plan shall be announced at the first public hearing.
- B. A second public hearing shall be held just prior to the adoption of the comprehensive plan by the City. The public hearing shall be held on a weekday no sooner than five (5) days after an advertisement is published.
- C. A public hearing shall be held prior to any revisions of the comprehensive plan. It shall be held on a weekday approximately seven (7) days after the date that the first advertisement is published.
- D. A public hearing shall be held prior to the submittal of an Evaluation and Appraisal

Report to the Department of Economic Opportunity Community Affairs. The public hearing shall be held on a week day approximately seven (7) days after the date that the first advertisement is published.

- E. The advertisement of the public hearing shall be run in a paper of local circulation and shall state the date, time, place of the meeting, subject of the meeting, and the place or places within the boundaries of the local government entities where the proposed comprehensive plan, plan amendment, or Evaluation and Appraisal Report may be inspected by the public. The advertisement shall advise that interested parties may appear in person and be heard or written comments may be presented prior or during the public hearing.
- F. All comments received during the public hearing will be considered prior to any official action being taken.

All regular meetings of the Planning Board and City Council are recorded by ~~audio~~ video tape. Every meeting has time set aside for public comment. Any person having pertinent input is encouraged to speak before the Council. Any person not wishing to speak, but desiring to have input can send written comments to the Mayor or Chairman of the Planning Board who will see that it is made a part of the public record.

### **13. PROCEDURES FOR MONITORING AND EVALUATION**

As time passes, many changes will take place that were not anticipated during the initial planning stage. These changes will influence the goals and objectives adopted in the plan requiring adjustments. The City adopted its first Evaluation and Appraisal Report (EAR) on April 18, 2002. The Comprehensive Plan was then updated based upon the recommendations of the adopted EAR on September 26, 2002. The City adopted its second EAR on May 8, 2008. This plan has been amended to incorporate the recommendations of the latest EAR, along with several other amendments since then.

### **14. CONCURRENCY MANAGEMENT SYSTEM**

The purpose of the Concurrency Management System is to establish a mechanism which ensures necessary capital facilities and services to support development concurrent with the impact of development. Maintaining adopted level of service standards for roads, sanitary sewer, solid waste, drainage, potable water, public schools, and recreation is the function of the Panama City Beach Concurrency Management System as described hereunder to guide the review of development order applications. Level of service standards to be used for determining concurrency are identified in the policies of the Capital Improvement Element and each respective element or sub-element.

In order to ensure that the public facilities and services are available concurrent with the impacts of development, the City has established the following Concurrency Management System.

## **GOALS, OBJECTIVES AND POLICIES**

**GOAL: Necessary infrastructure and services must be available concurrently with the impact of development.**

**OBJECTIVE 1: To provide the necessary infrastructure and services concurrently with the impact of development.**

**POLICY 1.1:** The City Manager shall maintain a current record of the available capacity under the adopted level of service standards for roads, sanitary sewer, solid waste, drainage, potable water, public schools, and recreation. The concurrency test for facilities and services will be determined by comparing the available capacity of a facility or service to the demand created by the proposed project. Available capacity will be determined by first adding together any capacity demands committed through concurrency reservations for Development Orders approved prior to and subsequent to the adoption and subsequent amendments of the comprehensive plan but not receiving services and existing services being delivered. After subtracting that total from the design capacity of the facility, the remainder shall be the capacity available to serve the new development project.

**POLICY 1.2:** Applications for a Development Order or Development Permit may not be approved unless there is enough capacity from all facilities to serve the project at or within the adopted level of service standards or there is a binding commitment for provision of capacity improvements to alleviate the deficiency.

**POLICY 1.3:** Each application for a Development Order or Development Permit will be reviewed for its impact on the level of service for public facilities. Applicants may be required by the City to supply the necessary information including but not limited to applicable studies in order for the City to determine the impact on any given public facility or facilities.

**POLICY 1.4:** Concurrency review procedures shall be established providing for the review of applicable services subject to the information submitted as part of the Development Order applications to determine whether the proposed project can be provided service at the adopted level of service standards. Applications shall be approved only when there is enough capacity from all facilities to serve the project at the adopted level of service standards.

**POLICY 1.5:** Through the Concurrency Review Procedures, a proposed project may be approved if the Development Order contains phasing conditions, if necessary, designed to ensure that facilities and services will be provided concurrent with the facility needs of the development.

**POLICY 1.6:** The City shall prepare written findings on the proposed development's concurrency. To be concurrent, one or more of the following conditions for each facility type must be met:

**Roads**

- A. The necessary facilities and services are in place at the time a Development Permit is issued; or,
- B. A Development Permit is issued subject to the condition that specifically identified, necessary facilities will be in place when the impacts of the development occur, failing which the Certificate of Occupancy will not be issued; or,
- C. The necessary facilities are under construction at the time a permit is issued; or,
- D. The necessary facilities are specifically identified and guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within one year of the issuance of the applicable Development Permit. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Fla. Stat., or an agreement or Development Order issued pursuant to Chapter 380, Fla. Stat.
- E. A proportionate fair share agreement executed pursuant to the requirements adopted by the City and as consistent with Chapter 163.3180(6 +6), Florida Statutes.

**Sanitary Sewer, Solid Waste, Drainage, and Potable Water**

- A. The necessary facilities or services are in place at the time a Development Permit is issued; or,
- B. A Development Permit is issued subject to the condition that specifically identified, necessary facilities or services will be in place when the impacts of the development occur, failing which the Certificate of Occupancy will not be issued; or,
- C. The necessary facilities are under construction at the time a permit is issued; or,
- D. The necessary facilities and services are specifically identified and guaranteed in an enforceable development agreement that includes the provisions of (1),(2), or (3) above. Such an agreement must guarantee that the necessary facilities and services will be in place when the

impacts of the development occur. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Fla. Stat., or an agreement or Development Order issued pursuant to Chapter 380, Fla. Stat.

- E. Prior to approval of a building permit or its functional equivalent, the City will make a determination whether adequate water supply to serve the new development will be available no later than the anticipated date of issuance by the City of a certificate of occupancy or its functional equivalent. (February, 2011).

#### **Recreation**

- A. The necessary facilities and services are in place at the time a Development Permit is issued; or,
- B. A Development Permit is issued subject to the condition that specifically identified, necessary facilities or services will be in place when the impacts of the development occur, failing which, the Certificate of Occupancy will not be issued; or,
- C. The necessary facilities are under construction at the time a permit is issued.

#### **Public Schools**

- A. The necessary facilities and services are in place or to be provided as required by the Goals, Objectives, and Policies of the Public School Facilities Element of this Plan.

**POLICY 1.6.1:** The City will continue to coordinate with Bay County, the School Board, and other local governments to adopt plan amendments to implement school concurrency as required by the adopted School Interlocal Agreement.

**POLICY 1.7:** Sufficient information shall be provided by the applicant for the purpose of determining concurrency. Panama City Beach will advise the applicant concerning the items of information necessary for an assessment of the proposed development's impact on services. Compliance reviews, including review by all appropriate City departments, will be coordinated by Panama City Beach. Appeals of findings prepared by the Building and Planning Department shall be submitted to the Panama City Beach **Planning** Board of Adjustment. In no case shall a recommendation for issuance of a Development Order be made if the projected service demand exceeds capacity. Likewise, a determination of concurrency must be made prior to approval of an application for a Development Order.



POLICY 1.8: Development Orders may be approved in stages or phases so that facilities and services required by each phase are available consistent with adopted level of service standards concurrent with the impacts of each phase of the development.

POLICY 1.9: The City shall make a Concurrency determination prior to or concurrently with the issuance of any Development Order or Development Permit, except for such orders or permits identified in Policy 1.10 below. The City shall not issue any Development Order or Development Permit until Concurrency approval has been issued.

POLICY 1.10: Concurrency approval shall not be required for single family dwellings or applications for a Development Order or Development Permit for the specified circumstances listed below; however, facility capacity must be reserved, except for single family dwellings, for the development and not made available for other development projects:

- A. Committed Development- Any application for a final Development Order or Development Permit that has been determined to be a Committed Development pursuant to Policy 1.12.
- B. Development of Regional Impact- Any previously approved Development of Regional Impact that has an approved Development Order that was issued pursuant to the provisions of Section 380.06, Fla. Stat., and which demonstrates that it has proceeded to develop in accordance with the requirements of that Development Order.
- C. Existing Use- Any application to replace an existing use provided the new use does not exceed the impacts of the existing use.
- D. Amendment of Development Orders- Any application for an amendment to a Order that was issued a Certificate of Concurrency, or was subject to a committed development determination where the public facilities impacts do not exceed those in the original Development Orders.
- E. For transportation concurrency, any development that does not generate trips in excess of one percent (1%) of the adopted maximum level of service volume for those roadways that have existing plus committed trips less than one hundred-ten percent (110%) of the adopted level of service volume.

POLICY 1.11: An approval for Concurrency shall expire six (6) months from the date of approval unless within such time period an application for a Development Permit

is submitted, in which case the Concurrency approval shall be automatically extended until the Development Permit is finally denied or expires. For phased projects, the Concurrency approval shall be valid for the same time period as the Development Order or Permit for that project phase. Facility capacities will be reserved for the project throughout the life of the Concurrency approval. An applicant may request a Development Order extension by submitting such request to the City in writing. If granted, the approval for concurrency will run concurrently with the approved Development Order.

**POLICY 1.12:** The City shall establish a Committed Development determination process for the purpose of determining whether or not to allow a development to commence without requiring a Certificate of Concurrency as provided in Policy 1.10. The committed development determination process shall include an administrative proceeding, which shall establish whether or not (1) the Development Order or Development Permit issued prior to the adoption of this plan was final development approval by the City, (2) the project has a valid, unexpired building permit from the City, and (3) the development authorized by the building permit has commenced and is continuing in good faith or as otherwise vested pursuant to Policy 1.10. Projects which meet all three criteria shall receive a positive committed development determination.

Projects which have received a valid local governmental Development Order but have not been permitted to commence development or to continue in good faith due to conditions in the Development Order, or acts, or omissions of a governmental entity shall receive a committed development determination.

**POLICY 1.13:** Notwithstanding Plan provisions to the contrary, the Plan requirements shall not impair vested rights established pursuant to law, to the extent that any vested development, or portion thereof, is against the requirements of this plan.

## **15. CAPACITY MANAGEMENT SYSTEM**

The City of Panama City Beach shall provide a mechanism to be included in the Land Development Regulations, by which all service providers and the City coordinate land development decisions and facility capacity requirements to ensure that a level of service standards are maintained as a new development occurs.

### **GOAL, OBJECTIVE, AND POLICIES**

**GOAL:** To provide a mechanism that service providers for the City be aware of the growth development in the City.

**OBJECTIVE 2:** To establish a method of coordination between the City and service providers for the City to ensure availability of services.

**POLICY 2.1:** The Five-Year Capital Improvements Schedule shall identify and fund those projects for which the City is the service provider and which are required to maintain the level of service standards. The Capital Improvements Schedule will additionally identify all of the public facilities necessary to accommodate development regardless of which agency or governmental entity has jurisdiction.

**POLICY 2.2:** The City shall require documentation from the service providers that facility capacity is available and will be reserved for approved development.

**POLICY 2.3:** The City shall coordinate with service providers to ensure that facilities are expanded or new facilities are constructed to accommodate anticipated future needs.

## **16. STATEMENT OF LEGISLATIVE INTENT**

This Statement expresses the legislative intent of the City Council of the City of Panama City Beach with regard to the Panama City Beach Comprehensive Growth Development Plan. This Statement is applicable to the Panama City Beach Comprehensive Growth Development Plan in its entirety and is declared to be incorporated by reference into each element thereof.

- A. Nothing in the Panama City Beach Comprehensive Growth Development Plan shall be construed or applied to constitute a temporary or permanent taking of private property or the abrogation of vested rights as created or recognized by this Plan or any amendment to it, ordinances of the City, Florida law, or the Constitution of the United States.
- B. The Panama City Beach Comprehensive Growth Development Plan shall not be construed to preempt considerations of fundamental fairness that may arise from a strict application of the Plan. Accordingly, the Plan shall not be deemed to require any particular action where the Plan is incomplete or internally inconsistent, or that would constitute a taking of private property without due process or fair compensation, or would deny equal protection of the laws.
- C. The Panama City Beach Comprehensive Growth Development Plan is intended to set general guidelines and principles concerning its purposes and contents. The Panama City Beach Comprehensive Growth Development Plan is not a substitute for land development regulations.
- D. The Panama City Beach Comprehensive Growth Development Plan contains long-range policies for Panama City Beach. Numerous policies contained in the Panama City Beach Comprehensive

Growth Development Plan must be implemented through the City's land development regulations. Other policies of the plan propose the establishment of new administrative programs, the modification of existing programs, or other administrative actions. It is the intent of Panama City Beach that these actions and programs be initiated by the date that Panama City Beach adopts its next Evaluation and Appraisal (EAR) report, unless another date is specifically established in the Plan.

- E. The Panama City Beach Comprehensive Growth Development Plan is not intended to preempt the processes whereby applications may be filed for relief from land development or other City regulations. Rather, it is the intent of the City Council of Panama City Beach that where a strict application of the Panama City Beach Comprehensive Growth Development Plan would contravene the legislative intent expressed in this statement, such applications be filed, considered and finally determined, and that administrative remedies be exhausted under the applicable regulations.
- F. The City Council recognizes that a particular application may bring into conflict, and necessitate a choice between different goals, priorities, objectives, and provisions of the Panama City Beach Comprehensive Growth Development Plan. While it is the intent of the Council that the land use element be afforded a high priority, other elements must be taken into consideration in light of the Council's responsibility to provide for the multitude of needs of a diverse community. This is especially true with regard to the siting of public facilities.

Recognizing that boards and agencies will be required to balance competing policies and objectives of the Panama City Beach Comprehensive Growth Development Plan, it is the intention of the City Council that such boards and agencies consider the overall intention of the Panama City Beach Comprehensive Growth Development Plan as well as portions particularly applicable to a matter under consideration in order to ensure that the Panama City Beach Comprehensive Growth Development Plan, as applied, will protect the public health, safety and welfare.

- G. The term "shall" as used in the Panama City Beach Comprehensive Growth Development Plan shall be construed as mandatory, subject, however, to this Statement of Legislative Intent. The term "should" shall be construed as directory.

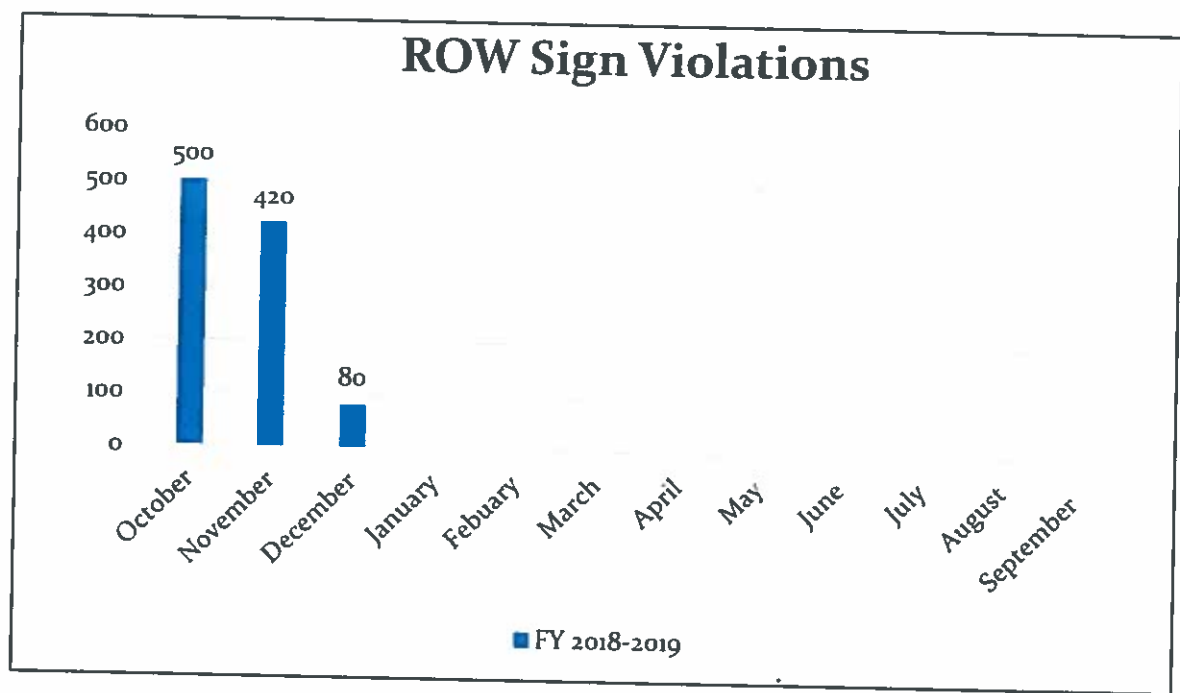
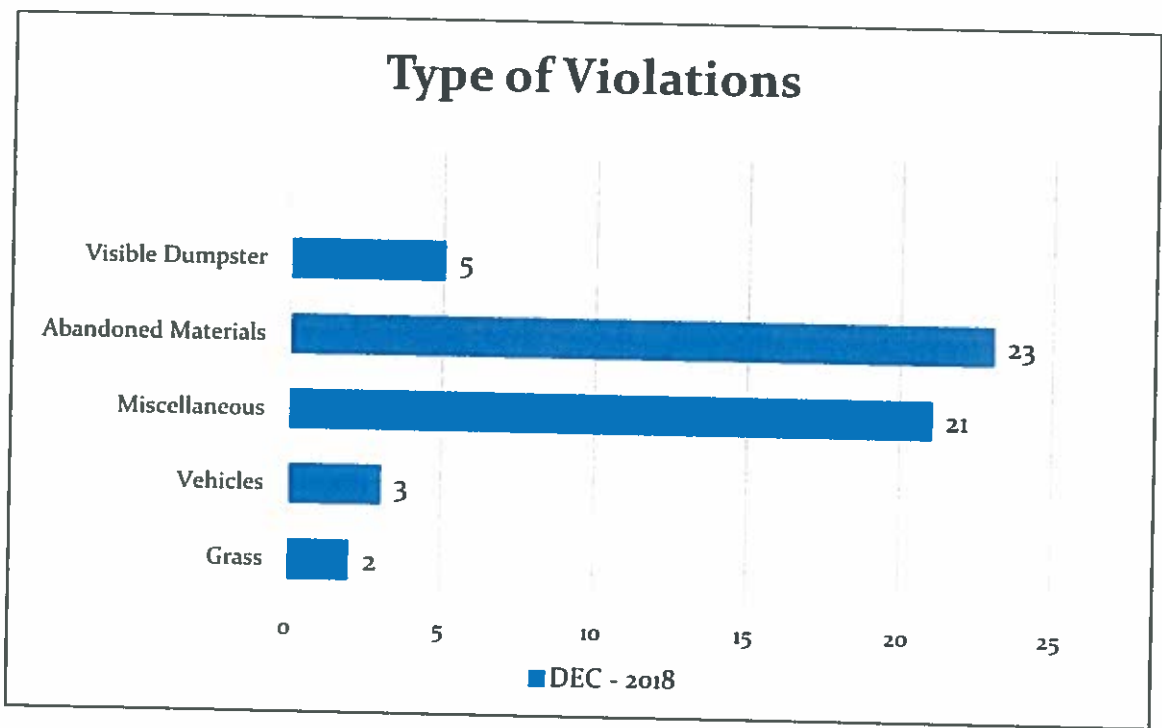
# AGENDA ITEM 10



# CODE ENFORCEMENT UPDATE

DECEMBER 2018







## NOTES

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