

ORDINANCE NO. 1324

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, AMENDING THE PROCEDURAL NOTICE REQUIREMENTS IN THE CITY'S LAND DEVELOPMENT CODE; DELETING THE REQUIREMENT THAT NOTICES BE SENT "RETURN RECEIPT REQUESTED" AND PROVIDING THAT THE CITY'S ENGINEERING DEPARTMENT SHALL POST NOTICES REQUIRED FOR SUBDIVISION PLATS; REPEALING ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

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 10.03.00 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~~):

10.03.00 NOTICE REQUIREMENTS

10.03.01 Generally

- A. All notices required by this chapter shall contain the following information:
1. The name of the applicant;
 2. The location of the property for which **Development** approval is sought;
 3. The nature of the approval sought by the applicant;
 4. The type of review, re-hearing or appeal applicable to the application for **Development** approval; and
 5. The date, time and place of any applicable public hearings on the application.
- B. Any notice required by this **LDC** to be **mailed, posted or published** (except a notice required by Florida Statutes to be given on a different schedule) shall be **mailed, posted or published** as appropriate at least fifteen (15) days before the applicable public hearing.

- C. Any notice required by the Florida Statutes to be published in a newspaper shall comply with the applicable requirements of the Florida Statutes as to form, content, time and manner of **Publication**.

10.03.02 Neighborhood Notice

- A. When required by this **LDC**, the applicant shall provide **Neighborhood Notice**, by U.S. Postal Service certified mail ~~return receipt requested~~. Within five (5) days after such **mailing**, the applicant shall provide sworn proof of **Mailing** to the **Building** and Planning Department.
- B. The applicant shall be responsible, as part of the application process for sending certified letters to surrounding property owners whose names and addresses are known by reference to the most recent ad valorem tax rolls of Bay County, giving notice of the requested action along with the date, time and place of the hearing. The form of the letter shall be approved by the **City** prior to mailing. Notice letters shall be sent to all owners of surrounding property lying in whole or in part within such distance of the boundary of the subject property as shall be specified in the applicable procedures.
- C. The notice letter shall be mailed at least twenty (20) days prior to the hearing and proof of mailing shall be submitted to the **City** as part of the application. A good faith effort to mail notice to all such owners whose names and addresses are shown on a list generated by the Bay County property Appraiser's automated mass appraisal system by that system referring to its cadastral (tax) map shall be conclusively deemed in compliance with the requirement to mail notice. Failure of any such owner to receive such notice, even if never mailed, shall not affect the jurisdiction of the board to consider the issue or validity of the board's decision.
- D. Failure of such an owner to receive such notice shall not affect the jurisdiction of the decision-making entity to consider the application or the validity of such entity's decision.

10.03.03 Posted Notice

- A. When required by this **LDC**, the **Building** and Planning Department, or the Engineering Department in the case of a Subdivision Plat, shall post a sign on the property that is the subject of an application. The sign shall be located in a manner to ensure that it is visible on each portion of the subject property that fronts on a roadway.
- B. The sign shall contain a copy of the notice required by section 0.
- C. Failure to maintain or replace a sign properly posted shall not affect the jurisdiction of the decision-making entity to consider the application or the validity of such entity's decision.
- D. **Posted Notice** may be removed after conclusion of the hearing of which notice is given or as specified or if neither of the forgoing apply, thirty (30) days after it is first posted.

10.03.04 Published Notice

When required by this **LDC**, the **Building** and Planning Department shall publish, or cause to be

published, a notice in a standard size or tabloid size newspaper of general paid circulation in the **City**. The newspaper shall be of general interest and readership, not one of limited subject matter and shall be **published** at least five (5) days a week.

10.03.05 Mailed Notice

- A. When **notice by mail** is permitted or required by this **LDC**, the **notice** shall be **mailed** with the US Postal Service Certified Mail, ~~Return Receipt~~ requested. Unless otherwise specified in this **LDC**, notice shall be mailed by the **Building** and Planning Department.
- B. **Notice** shall be deemed complete upon **mailing** regardless of receipt.

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

SECTION 3. 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 4. 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 November, 2014.


MAYOR

ATTEST:

CITY CLERK

Published in the News Herald on the 24 day of October, 2014.
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CITY CLERK