

ORDINANCE NO. 1376

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE; CLARIFYING THAT REQUESTS FOR HEIGHT INCREASES BASED ON INCENTIVES SHALL BE LEGISLATIVE DETERMINATIONS OF THE CITY COUNCIL SUBJECT TO TYPE III REVIEW PROCEDURES; ESTABLISHING ADDITIONAL SUBMITTAL REQUIREMENTS FOR APPLICATIONS FOR HEIGHT INCENTIVES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN 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 4.02.02 of the Land Development Code of the City of Panama City Beach related to Height Incentives, is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

**4.01.00 GENERALLY**

Chapter 4 contains the site design and **Development** standards for all **Development** within the **City**. The provisions set forth in this chapter apply to all **Development** within the **City**.

**4.02.00 SITE DESIGN STANDARDS**

**4.02.02 Dimensional Standards for Zoning Districts**

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**E. Height Incentives**

1. The City Council may, after considering the recommendation of the Planning Board, grant the height increases for buildings in a M-I, R, PF, CH or FBO district, upon finding that the conditions established in this section have been or will be met and that the public benefit in the conditions outweighs the benefits of strict compliance with the regulations, all based upon information presented at a public hearing. Height incentives are not a matter of right, they may be allowed at the sole discretion of the City Council. **An application for one or more height incentives shall be processed pursuant to the Type III procedures set out in Chapter 10.**

2. The purposes of the incentives are:

- (a) To promote the public health, safety and welfare;
- (b) To achieve additional light, air and human scale in **Development**;
- (c) To improve the attractiveness of **Development** for residents, tourists and investors; and
- (d) To attract and maintain appropriate densities to improve mobility and generate economic activity.

3. The applicant may be granted as many of the height incentives established in Table 4.02.02.B as are eligible for the property, provided that the maximum height for a building after accounting for all incentives shall not exceed the maximum height in Table 4.02.02.A or Table 7.02.03.H, as applicable.

4. Portions of the buildings receiving height incentives shall be subject to additional setbacks requirements established in Table 4.02.02.A and section 7.02.03H.

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SECTION 2. From and after the effective date of this ordinance, Section 10.02.17 of the Land Development Code of the City of Panama City Beach related to application for height incentives, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

**10.02.17 Additional Submittal Requirements for Requests for Height Incentives**

**A. All information required pursuant to section 10.02.02.**

**B. An analysis of the proposed request using the general and specific criteria of section 4.02.02.**

**C. A detailed explanation of the public benefit which justifies the Development's eligibility for the height incentive.**

SECTION 3. From and after the effective date of this ordinance, Section 10.04.04 of the Land Development Code of the City of Panama City Beach related to Legislative proceedings, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

**10.04.04 Applications Subject to Type III Review – Legislative Proceedings**

The following applications, which all pertain to legislative decisions, shall be processed pursuant to the Type III procedures:

**A.** A Zoning or **Rezoning** which involves one or more **Parcels** of land that, in the aggregate, are so large as to affect the community as a whole and accordingly does not constitute a quasi-judicial action;

**B.** Any annexation; ~~and~~

**C.** Comprehensive Plan Amendment; ~~and~~

**D. Applications for one or more height incentives pursuant to Section 4.02.02E.**

SECTION 4. All ordinances or parts of ordinances in conflict herewith are repealed

to the extent of such conflict.

SECTION 5. 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 6. 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 \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
MAYOR

ATTEST:

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

EXAMINED AND APPROVED by me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
MAYOR

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