

ORDINANCE NO. 1450

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE RELATED TO PUDS; AMENDING SECTIONS 4.02.05F TO CONFORM WITH SECTION 10.10.03 CONFIRMING THE PLANNING BOARD'S AUTHORITY TO AMEND A PUD MASTER PLAN; PROVIDING THAT LAND ON WHICH A PUD MASTER PLAN HAS BEEN INVALIDATED WILL REMAIN SUBJECT TO PUD ZONING; STATING CONDITIONS TO AMEND OR REVISE AN APPROVED PUD MASTER PLAN; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY 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, Section 4.02.05 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 ~~struck through~~):

4.02.05 Planned Unit Development (PUD) District Standards

- A. A planned unit development (**PUD**) is a zoning district intended to provide for flexible site design. The purpose and intent of establishing the **PUD** district are to provide procedures and standards that encourage a mixture of **Uses** anywhere in the City that are functionally integrated and that encourage innovation and imagination in the planning, design and **Development** or **Redevelopment** of tracts of land under **Single Unified Ownership or Control**.
- B. A property owner has no legal right for approval of a Master Plan. Rather, the City shall approve a **PUD** Master Plan only when it has determined that the applicant has demonstrated, to the satisfaction of the City, that the **PUD** Master Plan provides a sufficient public benefit to justify allowing the property owner to deviate from otherwise applicable minimum requirements of the **LDC**.

- C. A **PUD** shall include at least one (1) **Residential Use** and one (1) non-residential **Use**. At least three (3) **Uses** shall be included in the **PUD**. Each **Use** shall comprise at least ten (10) percent of the total land area of the **PUD** and shall be selected from the following list. Acreage dedicated to **Streets**, stormwater and other common spaces shall not be utilized in the calculation of the 10% percent lot minimum.
1. **Single Family Residential;**
 2. **Multi-family Residential;**
 3. **Retail Sales or Services or Personal Services;**
 4. **Silviculture;**
 5. **Public Uses;**
 6. **Recreation or Open Space;** or
 7. **Light Industry**, provided the Planning Board determines that the activity has a minimal impact and is subordinate in size and intensity to at least one (1) other land **Use** within the **PUD**.
- D. **Development** of each **Use** in a **PUD** shall comply with the provisions for the most restrictive zoning district classification in which that **Use** is allowed unless the **City** approves deviations from the strict application of requirements of the applicable zoning district classifications. The **City** may approve such deviations when it determines that the **Development** protects the public interest and provides a public benefit. For purposes of this section, examples of a public benefit include, but are not limited to: dedication for parks and beach access; protection of environmentally sensitive resources; or the provision of extra **Open Space**, buffering and landscaping.
- E. Deviations in design standards may be approved for the following:
1. **Lot** area and **Lot** dimensions, so long as the **Development** conforms to the maximum density and intensity established for the site. The maximum density and intensity of the site shall be that permitted by the underlying zoning district. The maximum density shall only be applicable to those areas designated as **Residential** on the approved Master Plan. Acreage designated as non-residential on the Master Plan may not be Used in the calculation of **Residential** density. The maximum intensity shall only be applicable to those areas designated as non-residential on the approved Master Plan. Acreage designated as **Residential** on the Master Plan may not be Used in the calculation of non-residential intensity. **Residential Uses** may be permitted by the Planning Board within non-residential areas (as shown on an approved Master Plan) subject to a limitation of the intensity standard of the underlying zoning district. Density shall not apply to **Residential Uses** within non-residential area as shown on the Master Plan.

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2. Parking requirements. See section 4.05.00.
 3. **Sign** standards for the area, number and size of signs may be modified subject to the approval of a master signage plan that establishes a coordinated signage program within the **PUD**.
 4. Roadway and **Access** standards. All sites within a Planned Unit **Development** shall provide at least one vehicular **Access** and at least one pedestrian and bicycle **Access** to at least one other portion of the Planned Unit **Development**.
 5. **Setback** requirements, provided that a minimum **Setback** of twenty-five (25) feet shall be required when non-residential **Development**, **Multi-family Development** or **Townhomes** within the **PUD** is proposed to abut land zoned or Used for **Single Family Residential Development** outside of the **PUD**.
- F. A **PUD** district shall be established by **Rezoning** and simultaneous approval of a **PUD** Master Plan for the entire area **Rezoned**, both according to the procedures established in Chapter 10. In order to approve a **PUD** Master Plan or any revision thereto the **Planning Board** ~~City Council~~, ~~after receiving the recommendation of the Planning Board~~, must determine that the following conditions (among others it deems appropriate) are met by the applicant:
1. The planned **Development** is consistent with the Comprehensive Plan;
 2. The planned **Development** is coordinated rather than an aggregation of individual and unrelated **Buildings** and **Uses**;
 3. The planned **Development** incorporates a compatible mix of **Residential** and **non-residential Uses**;
 4. The planned **Development** incorporates three **Uses** meeting the required minimum proportions;
 5. The applicant is providing sufficient public benefit to allow the applicant to deviate from the regulations for **Development** of the **Uses** in the city's base zoning districts; and
 6. All land included for purpose of **Rezoning** to a **PUD** zoning district encompasses at least 5 acres and is owned or under the control of the applicant.
 7. The planned **Development** is compatible with existing **Development** abutting the proposed **PUD** district as demonstrated by the following factors, considered from the point of view of the abutting **Development**:
 - (a) Existing **Development** patterns;
 - (b) Scale, mass, height and dimensions of existing **Buildings**;

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- (c) Total density and density transitions;
- (d) Intensity, as measured by floor area ratio and transitions;
- (e) Extent and location of parking, **Access** points and points of connectivity to surrounding neighborhoods;
- (f) Amount, location and direction of outdoor lighting;
- (g) Extent and location of **Open Space**; and
- (h) The location of **Accessory Structures** such as dumpsters, recreational equipment, swimming pools or other structures likely to generate negative impacts such as noise, lights or odors;
- (i) Sufficiency of **Setbacks** to mitigated potential nuisances; and
- (j) Proximity and use of all areas that will be utilized for any purpose other than landscaping.

G. Revisions to an Approved PUD Master Plan: Revisions to an approved **PUD** Master Plan shall be made in accordance with section 10.15.00 of this **LDC**. **A substantial deviation may be approved only if the PUD Master Plan, as revised, could be approved as an original master plan. Notice of the application shall be mailed to each owner of property within the PUD as known by reference to the most recent, final ad valorem tax roll prepared by the Bay County Property Appraiser, unless such owner has signed or consented in writing to the application. Notwithstanding the requirements of Section 10.15.00, a substantial deviation may be approved without consent of all the owners of property within the PUD where:**

1. **All owners of the property to which the revisions will apply sign the application;**
2. **The previously approved PUD Master Plan does not authorize a transfer of densities or intensities between the property to which the revisions will apply and any different Parcel or property within the PUD, unless all the then current owners of that different Parcel or property consent to the application; and**
3. **The applicant demonstrates that the revision will not materially and adversely affect (i) the permitted Use or enjoyment of any Parcel or property within the PUD to which the revisions will not apply, or (ii) the investment backed expectations of a reasonable man for that property.**

H. No development shall occur until a final development plan for the **PUD** has been approved.

SECTION 2. From and after the effective date of this ordinance, Section 10.10.05 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 ~~struck through~~):

10.10.00 TYPE V PROCEDURES – PLANNING BOARD PROCEEDINGS

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10.10.05 Invalidation of Master Plan

- A. **Within thirty (30) days of the Building and Planning Department's determination that there has been a failure** Failure to complete a benchmark by the time specified in the Master Plan timeline, **the Department shall schedule a hearing on that matter before the Planning Board, which may** ~~shall, upon notice and hearing,~~ result in the invalidation of the Master Plan and Final ***Development*** Plan by written order of the Planning Board.
- B. Upon invalidation of the Master Plan, all land ***Development*** regulations in effect prior to the approval of the Master Plan, as applicable shall apply to the property which was the subject of the Master Plan.
- C. Property subject to an invalidated TNOD Master Plan shall be subject to the underlying zoning district regulations.
- D. Property subject to an invalidated *PUD* Master Plan shall be subject to the regulations for the **underlying PUD** zoning district ~~in effect prior to approval of the PUD zoning.~~
- E. Property subject to an invalidated FBO district Master Plan shall be Subject to the applicable FBO district regulations.

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

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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 ____ day of _____, 2018.

MAYOR

ATTEST:

CITY CLERK

EXAMINED AND APPROVED by me this ____ day of _____, 2018.

MAYOR

Published in the _____ on the ____ day of _____, 2018.

Posted on pcbgov.com on the ____ day of _____, 2018.