PANAMA CITY BEACH CITY COUNCIL
AGENDA

NOTE: AT EACH OF ITS REGULAR OR SPECIAL MEETINGS, THE CITY COUNCIL ALSO SITS, EX-OFFICIO, AS THE CITY OF PANAMA CITY BEACH COMMUNITY REDEVELOPMENT AGENCY AND MAY CONSIDER ITEMS AND TAKE ACTION IN THAT LATTER CAPACITY.

MEETING DATE: December 10, 2015
MEETING TIME: 6:00 P.M.

I. INVOCATION: PASTOR RAMON DUVALL OF THE BEACHSIDE FELLOWSHIP CHURCH

II. PLEDGE OF ALLEGIANCE: MAYOR GAYLE F. OBERST

III. APPROVAL OF AGENDA

IV. DF CONSENT AGENDA

1 RESOLUTION 16-28, PARKS VEHICLE PURCHASE. The Parks and Recreation Department would like to move forward with the purchase of a 2016 1/2 Ton 4x4 truck for the Russell-Fields Pier and piggy back on the bids just received by the Utility Department for the same truck specifications needed for the department. STAFF RECOMMENDS that the Council authorize the City to contract with the awarded bidder, Hub City for $23,996. A copy of the previous bid tabulation is attached for review. This purchase was budgeted in the current year budget. "A Resolution of the City of Panama City Beach, Florida, approving the purchase of a half ton 4x4 truck for the Parks and Recreation Department in the basic amount of $23,996."

2 ORDER #02-PL-16 AND FINDING OF FACTS FOR THE APPROVAL OF THE FINAL SUBDIVISION PLAT OF BREAKFAST POINT COMMERCIAL SUBDIVISION. After receiving testimony and reviewing the exhibits produced during the Quasi-Judicial Hearing on November 12, 2015, the City Council orders that the subject request to subdivide the land is hereby GRANTED and the captioned plat of BREAKFAST POINT COMMERCIAL is APPROVED as presented.

3 RESOLUTION 16-29, LIFEGUARD TOWER PURCHASE. Staff advertised bids for the purchase of a new portable Lifeguard Tower for the Beach at the City Pier. Only one bid was submitted from Industrial Design Research, Inc., for a total of $19,986.00. The Parks and Recreation/Pier Budget can sufficiently cover this expense. STAFF RECOMMENDS APPROVAL of the purchase. "A Resolution of the City of Panama City Beach, Florida, approving the purchase of one portable lifeguard tower in the basic amount of $19,986."

4 RESOLUTION 16-30, BAY COUNTY AGREEMENT, BAYSIDE UTILITIES. "A Resolution of the City of Panama City Beach, Florida, approving an Agreement with Bay County related to the County’s $500,000 contribution for road restoration associated with the City’s upgrade of the Bayside Utility System."

5 REVISION OF THE CITY MASTER AUDIT LIST TO REMOVE OBSOLETE ITEMS. These items are to be removed from the Master Audit List. STAFF RECOMMENDS approval to remove these items. By approval of this matter in the Consent Agenda, the City Council makes a finding of surplus for these items and approves their removal from the Master Audit List.
<table>
<thead>
<tr>
<th>No.</th>
<th>Official Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>GFO BOYS &amp; GIRLS CLUB CIVIC ACHIEVEMENT AWARD.</td>
</tr>
<tr>
<td>2</td>
<td>GFO TDC BOARD MEMBER APPOINTMENT.</td>
</tr>
<tr>
<td>3</td>
<td>GFO PLANNING BOARD MEMBER APPOINTMENT.</td>
</tr>
<tr>
<td>4</td>
<td>ML ORDINANCE 1369, GULF FRONT SHORT TERM RENTALS, 2ND READING, PUBLIC HEARING AND ADOPTION.</td>
</tr>
<tr>
<td>5</td>
<td>ML ORDINANCE 1370, AMENDING LDC REGARDING PIER PARK OVERLAY DISTRICT, 2ND READING, PUBLIC HEARING AND ADOPTION.</td>
</tr>
<tr>
<td>6</td>
<td>MG ORDINANCE 1371, SPECIAL EVENTS LATE APPLICATION PENALTIES, 2ND READING, PUBLIC HEARING AND ADOPTION.</td>
</tr>
<tr>
<td>7</td>
<td>ML ORDINANCE 1372, CAPITAL IMPROVEMENTS UPDATE, 1ST READING.</td>
</tr>
<tr>
<td>8</td>
<td>ML ORDINANCE 1373, BENNETT PLEDGER ANNEXATION, 1ST READING, PUBLIC HEARING.</td>
</tr>
<tr>
<td>9</td>
<td>ML ORDINANCE 1374, BENNETT PLEDGER COMP PLAN AMENDMENT, 1ST READING, PUBLIC HEARING.</td>
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<tr>
<td>10</td>
<td>ML ORDINANCE 1375, BENNETT PLEDGER ZONING, 1ST READING, PUBLIC HEARING.</td>
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<td>11</td>
<td>ML ORDINANCE 1376, AMENDING LDC REGARDING HEIGHT INCENTIVES, 1ST READING.</td>
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<tr>
<td>12</td>
<td>ML ORDINANCE 1377, PARKING ON FRONT BEACH ROAD SHOULDER-DEFINING AFTER DARK, 1ST READING.</td>
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<td>MG ORDINANCE 1378, REQUIRING ID ON PERSON FOR IMMEDIATE PRESENTATION IF POSSESSING ALCOHOL, 1ST READING.</td>
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<td>14</td>
<td>MG ORDINANCE 1379, SPECIAL EVENTS ORDINANCE, 1ST READING.</td>
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<td>15</td>
<td>MG CONSIDER SPECIAL MEETING IN JANUARY FOR 2ND READING, PUBLIC HEARING AND ADOPTION OF ORDINANCE 1379.</td>
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<tr>
<td>16</td>
<td>ML CONSOLIDATED GROUP REQUEST FOR HEIGHT INCREASE BASED ON INCENTIVES FOR 11827 FRONT BEACH ROAD.</td>
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<tr>
<td>17</td>
<td>DF WORKERS COMP POLICY - DISCUSSION.</td>
</tr>
<tr>
<td>18</td>
<td>DF DRUG TESTING POLICY - DISCUSSION.</td>
</tr>
<tr>
<td>19</td>
<td>MG PAY PLAN IMPLEMENTATION.</td>
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<tr>
<td>20</td>
<td>MG CITY MANAGER UPDATE.</td>
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*Action on this item is taken by both the City Council and the City of Panama City Beach Community Redevelopment Agency, jointly and concurrently.*

<p>| | | | | | |</p>
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</table>

I certify that the Council members listed above have been contacted and given the opportunity to include items on this agenda.

City Clerk  Date

I certify that the Council members listed above have been contacted and made aware of the items on this agenda.

City Clerk  Date

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2 of 3

Regular Agenda
December 10, 2015
IN AN EFFORT TO CONDUCT YOUR COUNCIL MEETINGS IN AN ORDERLY AND
EXPEDIENT MANNER, WE RESPECTFULLY REQUEST THAT YOU WAIT UNTIL
THE CHAIR RECOGNIZES YOU TO SPEAK, THEN COME TO THE PODIUM AND
STATE YOUR NAME AND ADDRESS FOR THE RECORD.

E-mailed and/or Faxed to following interested parties on: 12/8/15, noon.

<table>
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<tr>
<th>NEWS MEDIA</th>
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<tr>
<td>News Herald</td>
<td>John Henderson</td>
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<tr>
<td>Bullet</td>
<td>Editor</td>
</tr>
<tr>
<td>Channel 4</td>
<td>Ryan Rodig</td>
</tr>
<tr>
<td>Channel 7</td>
<td>Rex Ogburn</td>
</tr>
<tr>
<td>Channel 13</td>
<td>Ken McVay</td>
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<tr>
<td>Comcast</td>
<td>Kay C. McWilliams</td>
</tr>
<tr>
<td>WOW</td>
<td>Cil Schnitker</td>
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<td>WKGC</td>
<td>Emily Balazs</td>
</tr>
<tr>
<td>WLTG</td>
<td>A. D. Whitehurst</td>
</tr>
<tr>
<td>Magic Broadcasting</td>
<td>Chris Allen</td>
</tr>
<tr>
<td>Clear Channel</td>
<td>Crystal Presley</td>
</tr>
<tr>
<td>Panama City Radio</td>
<td>Brandon Andrews</td>
</tr>
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</table>

NOTE: COPIES OF THE AGENDA ITEMS ARE POSTED ON THE CITY'S WEBSITE
WWW.PCBGOV.COM UNDER "AGENDA INFORMATION".

THIS MEETING WILL BE LIVE-STREAMED ON THE CITY WEBSITE.

If a person decides to appeal any decision made by the City Council with respect to any matter considered at the
meeting, if an appeal is available, such person will need a record of the proceeding, and such person may need to
ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon
which the appeal is based. Sec. 286.0105, FS (1995)
CONSENT AGENDA
ITEM #1,
RESOLUTION 16-28
RESOLUTION 16-28

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING THE PURCHASE OF A HALF TON 4X4 TRUCK FOR THE PARKS AND RECREATION DEPARTMENT IN THE BASIC AMOUNT OF $23,996.

WHEREAS, on November 3, 2015, the City received bids for the purchase of ½ ton 4x4 trucks, among other vehicles, for the utility department, which bid was awarded to Hub City Ford by the City Council on November 12, 2015; and

WHEREAS, the City’s Parks and Recreation Department has budgeted funds in this fiscal year to purchase a ½ ton 4x4 truck for the Pier; and

WHEREAS, the City’s Charter approves the piggyback purchase of goods which have been competitively bid within one year of the City’s proposed purchase.

NOW THEREFORE, BE IT RESOLVED that the appropriate officers of the City are authorized but not required to execute and deliver on behalf of the City that certain Agreement between the City and Hub City Ford, relating to the purchase of one ½ ton 4x4 truck, in the basic amount of Twenty Three Thousand, Nine Hundred Ninety Six Dollars ($23,996), with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such agreement shall be conclusive evidence of such approval.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this ___ day of __________, 2015.

CITY OF PANAMA CITY BEACH

By: ____________________________
    Gayle F. Oberst, Mayor

ATTEST:

______________________________
Diane Fowler, City Clerk
The Parks and Recreation Department would like to move forward with the purchase of a 2016 ½ Ton 4x4 truck for the Russel Fields Pier.

We would like to piggy back on the bids just received by the Utility Department for the same truck specifications needed for our department. Staff recommends that the council authorize the City to contract with the awarded bidder, Hub City for $23,996. I am attaching a copy of the previous bid tabulation for your review. This purchase was planned for in the current year budget. A suggested motion is provided should the council choose to award it.

**Suggested Motion:**

Be it resolved that the appropriate officers of the City are authorized to execute and deliver on behalf of the City that certain Agreement between the City and Hub City in the amount of $23,996 for the purchase of a 2016 ½ Ton 4x4x truck.
# BID TABULATION

**UTILITY DEPARTMENT FLEET VEHICLES**  
**NOVEMBER 3, 2015 - 2:15 P.M.**

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<tr>
<th>BIDDER</th>
<th>ADDRESS</th>
<th>1/2 TON 4X2</th>
<th>1/2 TON 4X4</th>
<th>3/4 TON 4X2 SERVICE BODY</th>
<th>3/4 TON 4X4 SERVICE BODY</th>
</tr>
</thead>
<tbody>
<tr>
<td>BARTOW FORD - Richard Weissinger</td>
<td>2800 US Highway 98 N. Bartow, Florida 33830</td>
<td>$21,689</td>
<td>$24,227</td>
<td>$26,568</td>
<td>$29,322</td>
</tr>
<tr>
<td>HUB CITY FORD - Joe Winrow</td>
<td>4060 South Ferdon Blvd. Crestview, FL 32536</td>
<td>$21,996</td>
<td>$23,996</td>
<td>$28,996</td>
<td>$31,996</td>
</tr>
</tbody>
</table>

**LOW BID**  
$21,689

**QUANTITY**  
1
5
1
1

**SUB TOTAL**  
$21,689
$119,980
$26,568
$29,322

**DIVISION**  
100% Water
(1) 100% Wastewater
(4) 70% Water, 30% WW
100% Wastewater
100% Wastewater

**WATER DIVISION COST**  
$21,689
$67,188.80
$26,568

**WASTEWATER DIVISION COST**  
$52,791.20
$29,322

**TOTAL # OF VEHICLES**  
8

**TOTAL COST OF VEHICLES**  
$197,559.00

**WATER DIVISION BUDGET EXPENDITURE**  
$88,877.80

**WASTEWATER DIVISION BUDGET EXPENDITURE**  
$108,681.20
CONSENT AGENDA

ITEM #2,

02-PL-16 ORDER
CITY COUNCIL OF THE
CITY OF PANAMA CITY BEACH

IN RE: REQUEST TO SUBDIVIDE 1.817 ACRES OF LAND
Owned by CSA Alpha, LLC
PARCEL NO. 34030-005-038
PROPERTY LOCATED north of Panama City Beach Parkway and
east of Richard Jackson Blvd.
PANAMA CITY BEACH, FLORIDA

QUASI-JUDICIAL HEARING on FINAL SUBDIVISION PLAT OF
BREAKFAST POINT COMMERCIAL SUBDIVISION

02-PL-16

ORDER

The CITY COUNCIL OF THE CITY OF PANAMA CITY BEACH, having received testimony and reviewed the exhibits produced at the Quasi-Judicial Hearing held on this matter on November 12, 2015, hereby makes the following Findings of Fact and Conclusions of Law.

PROCEDURAL HISTORY

1. Upon original application of CSA Alpha, LLC. (the “Applicant”), the owner of 1.817 acres of real property located north of Panama City Beach Parkway and east of Richard Jackson Blvd., to subdivide such land, the City approved the undated preliminary plat of Breakfast Point Commercial Subdivision, received October, 2015.

2. Upon receipt of the final plat of Breakfast Point Commercial Subdivision, the City Council, on November 12, 2015, held a Quasi-Judicial Hearing on the plat embodying the proposed subdivision of land, at which competent substantial evidence consisting of testimony and documentation was received. Public comment was invited but none received.
FINDINGS OF FACT

3. Notice of the November 12, 2015, hearing was properly given.
4. The subject property is located entirely within the corporate City limits.
5. There are no improvements to be dedicated to the City.
6. The face of the plat contains the title certificate of Fidelity National Title Insurance Company that title to the all lands included within the Plat is held by CSA Alpha, LLC and that there are no unsatisfied mortgages encumbering the lands platted other than from Whitney Bank, as shown thereon.
7. The face of the plat contains the joinder of Whitney Bank, as mortgagee, to the plat.
8. The face of the plat contains the surveyor’s certificate confirming that the plat was prepared in accordance with the requirements of Chapter 177.

CONCLUSIONS OF LAW

9. Pursuant to Section 177.071, Florida Statutes and Sections 10.04.03 and 10.07.02 of the City’s Land Development Code, the City Council has jurisdiction to conduct a quasi-judicial hearing on this matter and determine whether to approve, approve with conditions or deny the plat, based exclusively upon whether the plat conforms to the requirements of law and the City’s Land Development Code and Comprehensive Plan.

10. The City Engineer is qualified to express an opinion on the matters addressed herein related to the Subdivision complying with all the applicable City regulations for subdivisions. Based upon the uncontradicted testimony of the City Engineer, the subdivision of land complies with all the applicable City regulations for subdivisions.

11. The City Planner is qualified to express an opinion on the matters addressed herein related to the City’s Comprehensive Plan and Land Development Code. Based upon the uncontradicted testimony of the City Planner, the subdivision of land complies with all procedural requirements of the City’s Land Development Code and the subject subdivision of land is substantively compliant with the City’s Comprehensive Plan and the City’s Land Development Code.
12. Based upon the uncontradicted certification on the face of the plat, the plat was prepared in accordance with the requirements of Chapter 177 and, accordingly, monuments for each of the lots has been set.

THEREFORE, IT IS ORDERED AND ADJUDGED that the subject request to subdivide land is hereby GRANTED and accordingly, the captioned plat of BREAKFAST POINT COMMERCIAL is hereby APPROVED as presented.

Parties with standing have the right to appeal this decision by certiorari to the Fourteenth Judicial Circuit Court within thirty (30) days of the date of this Order.

If any part of this Order is deemed invalid or unlawful, the invalid or unlawful part shall be severed from this Order and the remaining parts shall continue to have full force and effect.

DONE this ___ day of December, 2015.

______________________________
MAYOR GAYLE F, OBERST

ATTEST:

______________________________
DIANE FOWLER, CITY CLERK
CONSENT AGENDA

ITEM #3,

RESOLUTION 16-29
RESOLUTION 16-29

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING THE PURCHASE OF ONE PORTABLE LIFEGUARD TOWER IN THE BASIC AMOUNT OF $19,986.

BE IT RESOLVED that the appropriate officers of the City are authorized but not required to execute and deliver on behalf of the City that certain Agreement between the City and Industrial Design Research, Inc., relating to the purchase of one portable lifeguard tower, in the basic amount of Nineteen Thousand Nine Hundred Eighty Six Dollars ($19,986), in substantially the form attached and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such agreement shall be conclusive evidence of such approval.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this ___ day of __________, 2015.

CITY OF PANAMA CITY BEACH

By: __________________________
    Gayle F. Oberst, Mayor

ATTEST:

________________________
Diane Fowler, City Clerk
Memorandum

Date: 12/4/2015
To: Mario Gisbert, City Manager
From: Jim Ponek, Parks and Recreation Director
Subject: Bid for Lifeguard Tower

Staff advertised bids for the purchase of a new Lifeguard Tower for the Beach at the City Pier. Only one bid was submitted from Industrial Design Research Inc. for a total of $19,986.00. The Parks and Recreation/Pier budget can sufficiently cover this expense. A suggested motion is provided should you choose to award it.

Suggested Motion:

Be it resolved that the appropriate officers of the City are authorized to execute and deliver on behalf of the City that certain Agreement between the City and Industrial Design Research for a Lifeguard Tower for the total amount of $19,986.00 with such changes, insertions or omissions as may be approved by the city manager and the execution of such agreement shall be conclusive evidence of such approval.
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<thead>
<tr>
<th>Bidder</th>
<th>Address</th>
<th>Information</th>
<th>Price</th>
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<td>Industrial Design Res.</td>
<td>3203 Bern Court, Laguna Beach, CA</td>
<td>Lifeguard Tower</td>
<td>$19,986.00</td>
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CONSENT AGENDA
ITEM #4,
RESOLUTION 16-30
RESOLUTION 16-30

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA APPROVING AN AGREEMENT WITH BAY COUNTY RELATED TO THE COUNTY’S $500,000 CONTRIBUTION FOR ROAD RESTORATION ASSOCIATED WITH THE CITY’S UPGRADE OF THE BAYSIDE UTILITY SYSTEM.

BE IT RESOLVED that the appropriate officers of the City are authorized to execute and deliver on behalf of the City that certain Agreement between the City and the Board of County Commissioners for Bay County, relating to the County’s contribution for road restoration associated with the City’s upgrade of Bayside water and sewer utilities, in the basic amount of Five Hundred Thousand Dollars ($500,000), in substantially the form attached and presented to the Council today, with such changes, insertions or omissions as may be approved by the City Manager, whose execution of such agreement shall be conclusive evidence of such approval.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this ___ day of __________, 2015.

CITY OF PANAMA CITY BEACH

By: __________________________
    Gayle F. Oberst, Mayor

ATTEST:

Diane Fowler, City Clerk
PROJECT COOPERATION AGREEMENT

THIS AGREEMENT, made and entered into on the day the last party to signs it, by and between the City of Panama City Beach, Florida, a municipal corporation of the State of Florida, referred to as the City, and the Board of County Commissioners for Bay County, Florida, referred to as the County.

WITNESSETH:

WHEREAS, the City provides potable water and sanitary sewer service within its boundaries and in the unincorporated area between the bridges on the greater Panama City Beaches which area is known generally of the “Island;” and

WHEREAS there is a community located in the unincorporated area of the Island known generally as “Bayside;” and

WHEREAS, until 2012 potable water and sanitary sewer service in Bayside was provided by a private utility which was seeking a rate increase from the Bay County Utilities Regulatory Commission, which Commission is comprised of the County Commissioners of Bay County; and

WHEREAS, in 2012 the City, with the assistance of the County, agreed with the private utility to purchase the utility’s assets serving Bayside (the “Bayside System”) and to thereafter provide potable water and sanitary sewer service within Bayside; and

WHEREAS, at the time the City acquired the Bayside System the City and the County knew that the Bayside water distribution and sewer collection systems would have to be replaced in the near future and relocated within public streets and rights of way which would require that the City disturb the County roads within Bayside; and

WHEREAS, the City is obligated to restore to pre-existing conditions a County road in an unincorporated area of the Island when it must disturb that road to repair or improve its potable water or sanitary sewer utility system; and

WHEREAS, as part of the County’s contribution to the City’s purchase of the Bayside System, the County committed to contribute $500,000 to the City’s overall cost to restore the disturbed portion of Bayside county roads, and entirely resurface all roads disturbed, when the City replaces and relocates the Bayside distribution and collection system; and

WHEREAS, restoration and resurfacing work will significantly improve the roadways and benefit the public; and

WHEREAS, the City is preparing to now replace and relocate the Bayside distribution and collection systems.

NOW THEREFORE, in consideration of the mutual benefits contained herein and reliance upon these presents, the parties agree:
I. **Construction of Project.**

A. **Project Described.** City is hereby authorized, subject to the conditions set forth herein, to enter the County’s roads and right of ways encompassing Bayside to perform all activities necessary to replace and upgrade the existing Bayside system (the “Project”).

B. **Design.** City will advertise and construct the Project in accordance with plans and specifications prepared by Preble-Rish, dated December 2015, consisting of 37 pages, which have been reviewed and approved by County staff. For any work other than geotechnical testing required by the County, the City will bid such requested work as an alternate, and submit the cost to the County for evaluation and payment. Should any changes to the plans be required during the construction of the Project, the City shall be required to notify the County of the changes and receive the County’s approval of such changes prior to the changes being constructed or implemented. All right of way restoration shall be performed in accordance with the County’s ROW standards and specifications.

C. **Construction.** City may commence construction of the Project immediately upon execution of this Agreement by both parties, provided however, that City shall give the County a minimum of 48 hours’ notice before beginning construction within the Bayside system. The Project construction is anticipated to take approximately 330 days, and work towards restoring the County’s roads and right of ways will occur as the new utility pipes are installed. The City shall complete the Project and tender final as-builts certified by the Project’s Engineer to the County on or before December 31, 2016, in a form acceptable to the County. Upon the County’s acceptance of the restored roads and rights of way, the County shall deliver written notice of such to the City, at which time the City shall be authorized to deliver final payment to City’s Project contractor. If the City fails to timely complete the Project, or if it is determined that the Project is not properly completed, the County, within its sole discretion may provide the City with written authorization granting such additional time as the County deems appropriate to correct the deficiencies, or correct the deficiencies at the County’s sole cost and expense.
D. **Warranty.** City, by and through its Project Contractor, guarantees workmanship and material of the ROW improvements for a period of one year after the County's acceptance of the restored road and rights of way. The City further agrees to defend and hold harmless the County from any and all liability claims by a third party due to faulty workmanship and materials within the aforementioned one-year guarantee period.

II. **City Reimbursement.**

A. **Flat Contribution.** The County will pay the City $500,000 for the reconstruction and restoration of the County's roads and rights of ways in the Bayside Mobile Home Park (the "ROW Contribution"), regardless of the actual cost of road restoration incurred by the City.

B. **Other costs.** In the event the County requests the City to perform roadwork above and beyond the basic restoration requirements, and accepts the alternate bid for such work as solicited by the City, the County will pay the costs for such work at a time and in a manner mutually agreed upon by the City and County.

C. **Reimbursement Schedule.** The County shall deliver the ROW Contribution within ninety (90) days of the City's award of the Project to Contractor.

[Signatures on following page.]
IN WITNESS WHEREOF, the Parties have signed this Agreement as of the date indicated below their signature.

ATTEST:

Bill Kinsaul, Clerk

Mike Nelson, Chairman

Date signed: ________________

Approved as to form:

Office of County Attorney

CITY OF PANAMA CITY BEACH, Florida

ATTEST:

Diane Fowler, City Clerk

Mario Gisbert, City Manager

Date signed: ________________

Approved as to form:

City Attorney
CONSENT AGENDA

ITEM #5,

REVISION MASTER
AUDIT LIST
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<th>City ID#</th>
<th>Year</th>
<th>Item</th>
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<td>Sell at 2016 Auction</td>
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<td>Water</td>
<td>Sell at 2016 Auction</td>
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<td>08/31/15</td>
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<td>WW</td>
<td>Sell as Scrap</td>
<td></td>
<td>03/28/15</td>
</tr>
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</table>

**REVISION OF THE CITY MASTER AUDIT LIST TO REMOVE OBSOLETE ITEMS:** These items are to be removed from the Master Audit List and STAFF RECOMMENDS approval to remove these items. By approval of this matter in the Consent Agenda, the City Council makes a finding of surplus for these items and approves their removal from the Master Audit List. Auction planned for February. 12/20/15

**CONSENT AGENIDA ITEM #**

| 5 |
REGULAR AGENDA
ITEM #1,

BOYS & GIRLS CLUB
CITY OF PANAMA CITY BEACH
CIVIC ACHIEVEMENT AWARD

Be It Known That

Cameron Angelastri

HAS GIVEN EXCEPTIONAL SERVICE
TO THE BOYS AND GIRLS CLUB
OF PANAMA CITY BEACH

For the responsibility assumed, for the unselfish service rendered his community and its citizens in discharging the duties of good citizenship, this token of CIVIC ACHIEVEMENT is hereby awarded.

Presented this 10th of December, 2015

MAYOR GAYLE F. OBERST
REGULAR AGENDA

ITEM #2,

TDC BOARD MEMBER APPOINTMENT
BOARDS OF THE CITY
2015-2016
10/27/15

TDC- Regular meeting 2nd Tue 9AM
Mayor Oberst 12/31/17
Rick Russell 12/31/17
Gary Walsingham 236-1290 12/31/17
Mike Bennett Collector Seat 12/31/15

APPLICANTS FOR THE POSITION WERE: MIKE BENNETT AND DAVID CHAPMAN. THE COUNCIL’S RECOMMENDATION WILL BE FORWARDED TO THE COUNTY FOR CONFIRMATION. THIS IS A FOUR YEAR TERM.
COMMITTEE VOLUNTEER
BAY COUNTY TOURIST DEVELOPMENT COUNCIL (TDC) APPLICATION
PLEASE PRINT

NAME: Michael R. Bennett

HOME ADDRESS: 5207 Finisterre Dr.

MAILING ADDRESS: 15004 FBR

Home Phone: N/A  Business Phone: 850-236-1912  Cell: 886-7781

How is it best to contact you during the day? Call on Office

E-mail Address: Mike@sealavenuetah.com  Fax Number: 

Business Address: 15004 FBR

Are you a registered voter of the City of Panama City Beach? Yes  No

Do you hold a public office? Yes  No

At the present time, do you serve on any City Board, Commission or Committee? Yes

If you, which one(s)? TDC

Please provide, if desired, briefly your education and experience. Graduated 1979 University of Florida. Self-employed in various businesses since. Family Hotel & Restaurant business, land, farm, seahaven Properties.

TDC meets the second Tuesday of each month at 9AM at the City Hall Annex. This is a four year term.

My signature below indicates my desire to serve on the TDC in a voluntary capacity.

Signature of Applicant 11/30/2015

* * * * * * * * * * * ************************************************ * * * * * * * * *

Please return the completed form to Jo Smith, at the City Manager=s office in person, via email to jsmith@pcbgov.com or via fax at (850) 233-5108. Closing Date for applications is November 30, 2015, at Noon. Council will make their choices 12/10/15 at their 6 P.M. meeting.

Any questions, please phone 233-5100 and ask for Jo; or email jsmith@pcbgov.com.

NOTE: You must be a lodging representative of the tourism industry.
COMMITTEE VOLUNTEER
BAY COUNTY TOURIST DEVELOPMENT COUNCIL (TDC) APPLICATION
PLEASE PRINT

NAME: David M Chapman
HOME ADDRESS: 3411 Robinson Bayou Circle Panama City, FL
MAILING ADDRESS: ____________________
Home Phone: 785-5605 Business Phone: 914-3241 Cell: 527-6940
How is it best to contact you during the day? Cell
E-mail Address: david.chapman@pcbgov.com Fax Number: ____________________
Business Address: 1002 W 23rd St Ste 300 Panama City FL
Are you a registered voter of the City of Panama City Beach? Yes No ✓
Do you hold a public office? Yes No ✓
At the present time, do you serve on any City Board, Commission or Committee? No
If you, which one(s)?

Please provide, if desired, briefly your education and experience. Please see attached

TDC meets the second Tuesday of each month at 9AM at the City Hall Annex. This is a four year term.

My signature below indicates my desire to serve on the TDC in a voluntary capacity.

Signature of Applicant 11-17-15

Please return the completed form to Jo Smith, at the City Manager’s office in person, via email to jsmith@pcbgov.com or via fax at (850) 233-5108. Closing Date for applications is November 30, 2015, at Noon. Council will make their choices 12/10/15 at their 6 P.M. meeting.

Any questions, please phone 233-5100 and ask for Jo; or email jsmith@pcbgov.com.

NOTE: You must be a lodging representative of the tourism industry.
I believe I have a unique skill set with a wide range of knowledge and experience that could be beneficial to the TDC. I am the current President of Royal American Hospitality (RAH) which operates hotels, convention and meeting space as well as the rental of 3rd party condominium units on Panama City Beach. Royal American Hospitality markets to all types of transients and groups therefore I have a good understanding of our market and its guests. I am an officer of Resort Association Management which is involved in management of condominiums on Panama City Beach. In addition to my role with RAH and RAM I am also an owner of 5 TGIF Restaurants with 2 in our market and 3 located in similar Florida coastal tourist destinations. I have a background and working knowledge in the fields of construction, finance and insurance. I once held a FL General Contractors license. I am a graduate of The Florida School of Banking and The LSU Graduate School of Banking. I am also an officer/owner of a local independent insurance agency that sells commercial, personal and health/life insurance. Royal American built the Morgans Sports Complex in Destin so I have an understanding of sports field construction. I have 3 boys that are very active in sports and all 3 compete in ‘travel’ sports. I have coached and managed several travel teams and have competed in many events at Frank Brown Park and other venues in Florida, Georgia and Alabama. I am a lifelong resident of Bay County. I live, work and play here. I think my experience and love of the area make me a good candidate for the TDC.

Thanks in advance for your consideration
David Chapman
REGULAR AGENDA
ITEM #3,
PLANNING BOARD
MEMBER
APPOINTMENT
## BOARDS OF THE CITY
### 2015-2016
#### 10/27/15

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<th>MEMBER</th>
<th>WARD</th>
<th>TERM EXPIRES</th>
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<td>PLANNING</td>
<td>Ed Benjamin Chair (15)</td>
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<tr>
<td>Regular Meeting</td>
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<td>2nd Monday</td>
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<td>Craig Duran</td>
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<td>Paul Turner, No email</td>
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<td>VC chosen by Bd</td>
<td>John Malko</td>
<td>258-9432</td>
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<td>Felicia Cook</td>
<td><a href="mailto:felicia.cook@chsfl.org">felicia.cook@chsfl.org</a></td>
<td>747-5411</td>
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REPLACEMENT FOR CLARE WILL BE FOR THE TERM ENDING SEPTEMBER, 2016.
BALLOT

Council selection for Planning Board member, replacing Clare Pease. Term will run through September, 2016.

PEGGY LENIHAN
TONY VIEJO
JOSH WAKSTEIN

Choice:

__________________________

Signature 12/10/15
COMMITTEE VOLUNTEER
PLANNING BOARD APPLICATION
PLEASE PRINT

NAME: PEGGY LENIHAN

HOME ADDRESS: 7 PARK PLACE, PCB, FL 32413
MAILING ADDRESS: 7 PARK PLACE, PCB, FL 32413

Home Phone: NA  Business Phone: NA  Cell: 850-693-1045

How is it best to contact you during the day?

E-mail Address: peg9@myway.com  Fax Number: NA

Business Address: NA

Are you a registered voter of the City of Panama City Beach? Yes  No
Do you hold a public office? Yes  No

At the present time, do you serve on any City Board, Commission or Committee? No
If you, which one(s)? NA
Which Board would you prefer? PLANNING BOARD

Please provide, if desired, briefly your education and experience.
Business Admin, Planning Board meets monthly 2nd Monday, 2PM

My signature below indicates my desire to serve on this Board in a voluntary capacity.

Signature of Applicant  Date

************* Please return the completed form to Jo Smith, at the City Manager's office in person, via email to jsmith@pcbgov.com or via fax at (850) 233-5108. Closing Date for applications November 30, 2015. Council will make their choices 12/10/15 at their 6 P.M. meeting. Any questions, please phone 233-5100 and ask for Jo; or email jsmith@pcbgov.com. NOTE: You must live within the City limits to be considered for the appointment.*************
COMMITTEE VOLUNTEER
PLANNING BOARD APPLICATION
PLEASE PRINT

NAME: TONY VIEJO

HOME ADDRESS: 117 SEADECLUSION DR. PCB FL

MAILING ADDRESS: SAME

Home Phone: CELL PHONE Business Phone: 850-234-5678 Cell: 850-258-9381

How is it best to contact you during the day? CELL PH

E-mail Address: TheExitGuy@aol.com FAX Number: 850-316-8113

Business Address: 203-A N HWY 79 PCB FL 32413

Are you a registered voter of the City of Panama City Beach? Yes X No
Do you hold a public office? Yes X No

At the present time, do you serve on any City Board, Commission or Committee? NO
If you, which one(s)?

Which Board would you prefer? PLANNING BOARD

Please provide, if desired, briefly your education and experience. ASSOCIATES IN ARTS FROM GULF COAST STATE COLLEGE

Planning Board meets monthly 2nd Monday, 2PM.

My signature below indicates my desire to serve on the PLANNING in a voluntary capacity.

Signature of Applicant 11/13/15

* * * * * * * * * * * ************************************************ * * * * * * * * *

Please return the completed form to Jo Smith, at the City Manager=s office in person, via email to jsmith@pcbgov.com or via fax at (850) 233-5108. Closing Date for applications November 30, 2015. Council will make their choices 12/10/15 at their 6 P.M. meeting.

Any questions, please phone 233-5100 and ask for Jo; or email jsmith@pcbgov.com.

NOTE: You must live within the City limits to be considered for the appointment.
COMMITTEE VOLUNTEER
PLANNING BOARD APPLICATION
PLEASE PRINT

NAME: Josh Wakstein

HOME ADDRESS: 99 Hombre Cir. Panama City Beach, FL 32407

MAILING ADDRESS: Same as Home

Home Phone: Business Phone: 850-234-6112 Cell: 850-258-8772

How is it best to contact you during the day? Cell Phone

E-mail Address: JoshWakstein@gmail.com Fax Number: 850-233-6837

Business Address: 700 Pier Park Drive, STE. 165, PCB, FL 32413 or 7622 McElvey Road, PCB, FL 32408

Are you a registered voter of the City of Panama City Beach? Yes X No

Do you hold a public office? Yes ___ No ___ X

At the present time, do you serve on any City Board, Commission or Committee? No

If you, which one(s)?

Which Board would you prefer? PLANNING BOARD

Please provide, if desired, briefly your education and experience. Please see attached.

Planning Board meets monthly 2nd Monday, 2PM.

My signature below indicates my desire to serve on the Planning Board in a voluntary capacity.

Signature of Applicant 11/16/2015 Date

Please return the completed form to Jo Smith, at the City Manager’s office in person, via email to jsmith@pcbgov.com or via fax at (850) 233-5108. Closing Date for applications November 30, 2015. Council will make their choices 12/10/15 at their 6 P.M. meeting.

Any questions, please phone 233-5100 and ask for Jo; or email jsmith@pcbgov.com.

NOTE: You must live within the City limits to be considered for the appointment.
Josh Wakstein
99 Hombre Cir.
Panama City Beach, FL 32407
Cell Phone #: 850-258-8772

Thank you for taking the time to consider my application to serve on the Panama City Beach Planning Board. I will do my best to be as brief as I can as you likely have many of these applications to review. I am a lifelong resident of Panama City Beach, FL and I have a strong desire to give back to the community that has given so much to me. I have several family owned businesses in and around Panama City Beach employing over 300 people during peak season at Hy's Toggery, Emerald Falls, Cobra Adventure Park, and others. Over the years I have been involved with many different types of businesses: Retail, Real Estate Development and Sales, Property Management, Restaurants, Employee Leasing, Amusement Parks and more. Doing business in Panama City Beach over the years I have become very familiar with the function the planning board serves and I would love to be a part of it. I know that with my personal and business experience I could make a strong positive impact on the community serving in this role, and I thank you for your consideration.

Education:
  • Florida State University: 2001-2005
    o Bachelor of Science Degree
    o Major: Communication Studies
    o Minor: Sociology
    o Graduated Cum Laude
    o Member of American MENSA
  • Bay High School 1997-2001
    o Graduated in the top 10% of students.

Experience:
  • Real Estate
    o As a member of a local development team I assisted in the planning, development, and sales of a 400 unit sub division turning raw land into affordable housing in unincorporated Panama City Beach.
    o I am also an active Florida Licensed Real Estate Broker. I have maintained an active RE License since 2005.
    o I also have extensive property management experience having personally managed up to 200 long term rental units at a time.
  • Retail and Amusement Parks
    o As an owner of a few businesses that serve tourist for the majority of our business I understand just how important tourism is for our City to continue to grow. Though being a lifelong resident I understand that we have to make sure the growth is planned correctly for everyone's benefit.
    o It also enables me to have frequent interaction with young local and tourist families that visit us regularly and talk with them about the things they like and dislike about the current state of Panama City Beach.

If there are any questions you may have for me or would like more detail on me or my experience, please feel free to call me anytime at the number on the top of the page. Thank You.
REGULAR AGENDA
ITEM #4,
ORDINANCE 1369
ORDINANCE NO. 1369

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE TO PERMIT SHORT TERM RENTALS OF SINGLE FAMILY DWELLINGS ON PARCELS LOCATED SOUTH OF FRONT BEACH ROAD IN R-1C ZONING DISTRICTS, SUBJECT TO SUPPLEMENTAL STANDARDS APPLICABLE TO TRANSIENT RENTALS ELSEWHERE IN THE CITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, short term rentals have historically occurred in two Gulf-front areas zoned as R-1C (Single Family Residential) and encompassing 44 lots; and

WHEREAS, several of the owners and representatives of owners of homes in these areas have recently petitioned the City to permit short-term rentals on Gulf front lots zoned R-1C; and

WHEREAS, the Planning Board considered the request on September 14, 2015 and recommended approval.

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 4.02.04 of the Land Development Code of the City of Panama City Beach related to Performance Standards for Zoning Districts, is amended to read as follows (new text bold and underlined, deleted text struckthrough):

4.02.04 Performance Standards for Zoning Districts
The performances standards set forth in this section apply to all zoning districts unless otherwise stated.

I. Additional Standards for Residential Districts
1. Outdoor storage is not permitted for any items not designed for outside Use such as automobile parts and tires, Building materials without a valid and active Building Permit, interior furniture and other similar items.

Ordinance 1369
Page 1 of 4

AGENDA ITEM #
2. In Single Family zoning districts, it shall be unlawful for any person to occupy, solicit or permit another to occupy a Single Family Dwelling which does not contain a minimum of two hundred (200) square feet of habitable space, as defined in the building code, for each actual, intended and solicited occupant thereof. For purposes of this section, living space does not include unheated areas, bathrooms, closets, halls, storage or utility space and similar areas not used for living, sleeping, eating or cooking.

3. Each motor Vehicle parked for longer than six (6) hours between any part of the Dwelling structure and the right-of-way, including those Vehicles parked in the right-of-way contiguous to the Dwelling Lot shall be presumed to represent a separate occupant of the Dwelling, which presumption may be rebutted by clear and convincing evidence.

4. Single Family Dwellings in Single Family zoning districts may be rented provided:
(a) the lease period shall be for a minimum of six (6) months and shall be formalized in a written agreement to be made available for City inspection upon request or in lieu of an agreement, the owner may provide a memorandum executed by all parties to the lease acknowledging the lease term for the subject Dwelling;
(b) continuous and regular garbage service is provided to the Dwelling for the duration of the rental, as evidenced by a bill or receipt from an active account with a local trash hauling company in the name of the owner or local agent or representative; and,
(c) the owner notifies the City of the name, telephone number and physical address of a local agent or representative located in within 125 miles of the Dwelling.
(d) Single Family Dwellings located south of Front Beach Road in R-1C zoning districts shall be governed by and subject to the supplemental standards set forth in Section 5.04.33.

SECTION 2. From and after the effective date of this ordinance, Section 5.04.33 of the Land Development Code of the City of Panama City Beach related to Supplemental Standards for Transient Residential Rentals, is amended to read as follows (new text bold and underlined, deleted text struckthrough):

5.04.33 Transient Residential Rentals
A. Transient Residential rentals are allowable in the R-2, R-3, R-TH, CL, CM and CH zoning districts, and on parcels in R-1C zoning districts located south of Front Beach Road, subject to the standards of these zoning districts and the standards of this section.
B. Transient Residential rentals shall include units rented or leased for periods of:
1. A minimum of one (1) week in the R-TH district,
2. A minimum of three (3) days in the R-1C, R-2 and R-3 districts; and
3. Any time period in the CL, CM and CH districts.
C. Signs shall not be posted on Residential rental units or the property where Residential rental units are located.
D. All parking shall be off-Street parking.
E. The Dwelling Unit shall in all respects be consistent with the Residential structures in the neighborhood and be consistent with the Residential character of the neighborhood. Determination of consistency shall be based on the design of the structure; the amount and location of off-Street parking; the location, size and design of the Driveway; Building orientation; landscaping; number, size and location of Accessory Structures;
and the size and location of swimming pools or other outdoor Recreation facilities and equipment.

SECTION 3. From and after the effective date of this ordinance, Table 2.03.02 of the Land Development Code of the City of Panama City Beach related to Land Uses in Zoning Districts, is amended to read as follows (new text bold and underlined, deleted text struckthrough):

Table 2.03.02: Land Uses in Base Zoning Districts

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<th>Land Uses</th>
<th>AR</th>
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<th>R-1b</th>
<th>R-1c</th>
<th>R-1C</th>
<th>RO</th>
<th>RTH</th>
<th>R-2</th>
<th>R-3</th>
<th>CL</th>
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<th>Ch</th>
<th>M1</th>
<th>C</th>
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<td>Rentals</td>
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</table>

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

Published in the _________________ on the ____ day of ______, 201__.

Posted on pcbgov.com on the ____ day of ________________, 201__. 
REGULAR AGENDA
ITEM #5,
ORDINANCE 1370
ORDINANCE NO. 1370

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA,
AMENDING THE CITY'S LAND DEVELOPMENT CODE RELATED TO
THE PIER PARK OVERLAY DISTRICT; ESTABLISHING HEIGHT
LIMITATIONS FOR DEVELOPMENT GENERALLY IN PIER PARK;
PROVIDING EXCEPTIONS FOR AMUSEMENTS AND A PERMANENT
BEACH BALL DROP STRUCTURE; REPEALING ALL ORDINANCES OR
PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR
CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE
DATE.

WHEREAS, the City has received an application to erect an approximate 100' high
permanent structure in Pier Park whose purpose is to feature and mechanically enable the
annual Beach Ball drop that happens each New Year's Eve in Pier Park (the "Beach Ball
Drop Structure"); and

WHEREAS, the City has also received an application to erect an amusement up to
200' in Pier Park;

WHEREAS, the contemplated structures are not prohibited by the Development of
Regional Impact Development Order specifically governing the property, but are also not
expressly regulated by the City's Land Development Code; and

WHEREAS, the City finds that it is necessary and appropriate to amend the City's
Pier Park Overlay District regulations to address the maximum height for development
within the Overlay District; and

WHEREAS, the City finds and determines that a general maximum height of 65' is
consistent with the existing development in the Pier Park Overlay District, though it is
below the maximum height of 85' which would be permitted by the underlying land uses
in the District; and

WHEREAS, the City finds and determines that a general maximum height of 106',
which is 125% of the maximum height of the most permissive zoning category existing
right now in the Pier Park Overlay District, is consistent with the City's formula for
regulating the height of amusements elsewhere throughout the City; and

WHEREAS, the City finds and determines that the proposed height of the Beach
Ball Drop Structure, and the intended location for such structure, is consistent with the
general maximum height established herein for amusements; and

WHEREAS, the City finds and determines that one amusement structure of
extraordinary height located in Pier Park on the site of the existing Amusement Park in the center of the Pier Park Overlay District is not inconsistent with the present use of that land.

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 7.02.01 of the Land Development Code of the City of Panama City Beach related to the Pier Park Overlay District, is amended to read as follows (new text bold and underlined, deleted text strikethrough):

Chapter 7: Special Overlay Districts

7.01.00 GENERALLY
It is the intent and purpose of this Chapter to establish and adopt zoning overlay districts to govern the Use of land and water within such districts.

7.02.00 ESTABLISHMENT OF SPECIAL OVERLAY DISTRICTS
The following overlay districts are established. The Uses allowable by the underlying zoning district shall apply, except as limited by the Use requirements of the overlay district.

7.02.01 Pier Park Overlay District

A. The Pier Park Overlay District is a sub-district of the CH district and is comprised of that portion of the Pier Park Community Redevelopment Area described upon attached Exhibit A of Ordinance Number 1023.

B. Setbacks. In addition to all other applicable requirements of this Zoning Ordinance, New Development in the Pier Park Overlay District must meet the following Lot and Building requirements. In the event of an inconsistency between the provisions of this section and the other requirements of the LDC or the City of Panama City Beach Code of Ordinances, the provisions of this section shall control.

1. Minimum Setbacks:

   (a) Front Beach Road, Panama City Beach Parkway and Powell Adams Road: twenty-five (25) feet
   
   (b) All internal Roads: five (5) feet
   
   (c) Minimum Side Setbacks: zero (0) feet
(d) Minimum Rear Setback: ten (10) feet plus four (4) inches per each foot of Building Height over forty (40) feet.

C. Maximum Impervious Surface: Eighty (80) percent, excluded from all computations is the City property west of the west boundary of Pier Park Drive. Impervious Surface may be clustered such that the Impervious Surface ratio exceeds 80% for a given Parcel. In order to cluster, the impacted property owners must submit to the City for approval a plan which shows which Parcels (receiving Parcels) will exceed the Eighty (80) percent Impervious Surface ratio and which Parcels (sending Parcels) will remain less than the Eighty (80) percent Impervious Surface ratio. The aggregate of sending and receiving shall in no case exceed the Eighty (80) percent Impervious Surface ratio. The exclusive purpose of this limitation is to limit the intensity of Development; accordingly, for the sole purpose of this calculation and no other purpose, stormwater ponds may be considered pervious areas.

D. Sidewalks. Sidewalks may be constructed of any material providing a hard, level and non-skid walking surface capable of supporting an imposed load of one hundred (100) pounds per square foot.

E. Signs. In addition to all other applicable requirements of this LDC, the following sign regulations shall apply to New Development in the Pier Park Overlay District. In the event of an inconsistency between the provisions of this subsection and the other requirements of this LDC or the City of Panama City Beach Code of Ordinances, the provisions of this subsection shall control.

1. No Off-Premises Signs shall be permitted.

2. Only the following Building Signs shall be permitted and a single Building shall be limited to one of the following alternatives:

   (a) Alternative one. The Pier Park Overlay District shall not be considered a Shopping Center. Nevertheless, each separately owned or operated business establishment located within a Building containing multiple business establishments shall be permitted one (1) Building Sign or Canopy Sign and one (1) hanging (but not swinging) Projecting Sign, each to advertise that business and each the same size as if in a Shopping Center, provided such Building has a Frontage and such Signs are located on the Frontage side of the Building.

   In addition, the rear (but not the side) of such a Building with a Frontage, that is the side opposite the Building Frontage, may be considered a separate "rear Building Frontage" for the purpose of permitting one (1) square foot of On-Premises Building Sign Area to be placed on the rear of that Building for each linear foot of "rear Building Frontage," provided that the aggregate Area of all such rear Building Signs shall not exceed thirty percent (30%) of the area of the rear side of that Building. The maximum number of such rear Building Signs at any given time shall be the greater of three (3) or the number of
tenants or separate businesses operating within the Building at that time. The manner of determining the number and aggregate size of such rear Building Signs shall be as for ordinary Building Signs. A rear Building Sign advertising the branded name of a business currently operating anywhere within the Pier Park Overlay District shall be considered an On-Premises Sign for the purpose of this section.

(b) Alternative two. On-Premises Building Signs as specified in this subsection.

(c) Alternative three. A single Building occupied by one or more business establishments shall be permitted one (1) square foot of aggregate On-Premises Building Sign Area for each linear foot of the perimeter of the heated and cooled space of that Building by which to advertise the business or businesses operating within that Building. The maximum number of such Building Signs shall be seven (7). The aggregate area of all such Building Signs on a single side of that Building shall not exceed thirty percent (30%) of the area of that side. The manner of determining the number and aggregate size of such Building Signs shall be as for ordinary Building Signs.

3. No Free-Standing Signs shall be permitted, except:

(a) The existing Pier Park entrance signs.

(b) Four (4) On-Premises Sign Structures and Signs, one (1) which shall not exceed fifty (50) feet in Sign Height and five hundred (500) square feet in Sign Area visible from any one point and three (3) of which shall not exceed twenty-five (25) feet in Sign Height and two hundred (200) square feet in Sign Area visible from any one point. A Sign advertising the branded name of a business currently operating anywhere within the Pier Park Overlay District shall be considered an On-Premises Sign for the purpose of this subsection.

(c) An archway constructed over Pier Park Drive proximate to Front Beach Road and an archway constructed over Bluefish Drive proximate to and south of the internal Access road parallel to Panama City Beach Parkway, each containing only the words “Pier Park,” “Panama City Beach” and the registered service mark of the master developer of the Pier Park Overlay District, with no other advertising.

(d) For each Intersection, excluding Intersections with Powell Adams Road, Front Beach Road and Panama City Beach Parkway, one (1) or two (2) directional Signs not exceeding six (6) feet in Sign Height and sixteen (16) square feet in Sign Area visible from any one point and placed proximate to the Intersection, provided that only Street names and the name of and direction to one or more businesses operating within the Pier Park Overlay District or to egresses from the Overlay District are placed on such Signs.

(e) One free-standing Monument Sign not exceeding seven (7) feet in Sign Height and seventy (70) square feet in Sign Area for each Premises placed adjacent to a Street or a publicly accessible vehicular thoroughfare.
4. Except as provided in this subsection, no Banners shall be permitted (including by way of example and not limitation) "Grand Opening" or "Coming Soon" or "Sale" Banner or the announcement of a Community Event).

(a) A temporary Banner covering a Sign which has been damaged by windstorm or other casualty shall be permitted, provided such Banner is displayed for no more than (i) the forty-five (45) day period following such windstorm or casualty or (ii) the one hundred eighty (180) day period following such windstorm or casualty provided that at all times after the forty-fifth (45th) day the owner or person entitled to possession of such damaged sign has entered a binding, arms length contract for the total repair or replacement of such damaged Sign and the reason such contract has not been completed is in no way attributable to any act or omission of such owner or person entitled to possession of such damaged Sign.

(b) Permanent, decorative standards placed and maintained by the master developer of the Pier Park Overlay District or by an association representing the majority of the business occupants of the Pier Park Overlay District, shall be permitted upon public or common light poles, provided that such standards bear a common or related design intended to aesthetically unify the Pier Park Overlay District, do not advertise any business, event or thing and each standard is maintained in a clean, neat, whole and new appearing condition. Notwithstanding the forgoing, the standards may contain the words "Pier Park", "Panama City Beach" and the registered service mark of the master developer of the Pier Park Overlay District, with no other advertising.

F. Parking. In addition to all other applicable requirements of this LDC, the following parking regulations shall apply to New Development in the Pier Park Overlay District. In the event of an inconsistency between the provisions of this subsection and the other requirements of the LDC or the City of Panama City Beach Code of Ordinances, the provisions of this subsection shall control.

1. Four and one-half (4.5) Parking Spaces shall be required for each one thousand (1000) feet of gross leaseable space, retail space, office space, movie theater space, restaurant space, entertainment space, service space or other commercial space.

2. The Parking Spaces required by law for any business operating within the Pier Park Overlay District may be located anywhere within the Pier Park Overlay District, provided that all Parking Spaces required by law for any business located within the Pier Park Overlay District are always available to the business invitee of any business operating within the Pier Park Overlay District.

G. Height Limitations.

Except as permitted in this section, no structure located anywhere in the Pier Park Overlay District shall exceed a height of 65' except:
1. Amusements or amusement facilities may be permitted to a height of 106'. As a matter of right, however, one amusement or amusement facility may be erected up to 206' in the area designated as Central Commercial in the Pier Park Development of Regional Impact Development Order.

2. One permanent, free standing Beach Ball Drop structure designed and constructed for the purpose of to showcase the City's annual Beach Ball Drop may be permitted to a height of 106'.

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 ___ day of __________, 20__.

__________________________
MAYOR

ATTEST:

__________________________
CITY CLERK

EXAMINED AND APPROVED by me this ___ day of _____________, 20__.
REGULAR AGENDA
ITEM #6,
ORDINANCE 1371
ORDINANCE NO. 1371

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES RELATED TO SPECIAL EVENTS; AMENDING THE FEE SCHEDULE FOR APPLICATIONS TO ESTABLISH FEES FOR LATE SUBMITTED APPLICATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City requires producers of special events within the City to obtain a special event permit demonstrating feasible, credible and sufficient plans to safety conduct the event and to permit the City to understand and prepare for any collateral effects of the event; and

WHEREAS, in order for the City to timely and reasonably review and understand the plans for the event, the City has established application deadlines based on the anticipated size of the event; and

WHEREAS, the City finds and determines that it is appropriate to establish a penalty for those producers who do not timely submit event applications, or commence their scheduled event without a permit.

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 4-19 of the Code of Ordinances for the City of Panama City Beach related to Special Events, is amended to read as follows (new text bold and underlined, deleted text struckthrough):

Sec. 4-19. Application fee and City services fee.
(1) Application for a special event permit shall be accompanied by one of the following applicable fees for administrative expenses incurred in evaluation and processing the application:
   (i) For a small event, $50.00. An additional fee for applications submitted after the deadlines set forth in Section 4-18 will be imposed at the rate of $10 per day each day the application is late, or in the amount of $50, whichever is less.
   (ii) For a medium event, $225.00. An additional fee for applications submitted after the deadlines set forth in Section 4-18 will be imposed at the rate of $10 per day each day the application is late, or in the amount of $225, whichever is greater.
   (iii) For a large event, $350.00. An additional fee for applications submitted after the deadlines set forth in Section 4-18 will be imposed at the rate of $10 per day each day the application is late, or in the amount of $350, whichever is greater.
Applications submitted after the start of the special event will be subject to an application fee in an amount equal to three times that of the original application fee.

If an event permit for a large event wholly or partially on the sandy beach is not issued due to other such sandy beach event(s) occurring on the same calendar day the application fee shall be refunded. In the event the City Council shall find that the event will serve a charitable, public and non-religious purpose, it may by resolution waive or lower the application or City services fee, or both, by appropriating general revenue funds to be applied to the fee.

As part of the City’s administrative review of an application for a large event permit, as soon as the City’s initial review of the application is sufficiently complete to estimate the City services for police, fire and medical support that will be needed as a direct result of the event and not as a duty to the public generally, as well as the actual, marginal cost of those services, the City Manager or his or her designee shall schedule a pre-permit conference with the applicant during which the conduct of the event shall be discussed, public and private resources coordinated and the amount of the City services fee to be paid by the applicant agreed upon or not. It shall be the Applicant’s duty to attend the pre-permit meeting at a day and time convenient for city staff. If the applicant does not accept the amount of the fee determined by the City, the City shall nonetheless proceed in ordinary course to complete the application process and either deny the permit through the process contained in this Article without consideration of the applicants objection to the fee, or if the applicant is entitled to the permit then grant the permit upon the condition that the City services fee be paid before the permit becomes valid or effective.

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 __ day of __________, 20__.
ATTEST:

MAYOR

CITY CLERK

EXAMINED AND APPROVED by me this ___ day of _______________, 2015.

MAYOR

Published in the _________________ on the ___ day of ___, 2015.

Posted on pcbgov.com on the ___ day of ______________, 2015.
REGULAR AGENDA
ITEM #7,

ORDINANCE 1372
ORDINANCE NO. 1372

AN ORDINANCE AMENDING ORDINANCE 1143, KNOWN AS THE 2009 Amended and Restated City of Panama City Beach Comprehensive Growth Development Plan; amending the Capital Improvement Element to update the Schedule of Capital Improvements; repealing all ordinances in conflict herewith; and providing that this ordinance shall take effect as provided by law.

WHEREAS, the Panama City Beach Council adopted the 2009 Amended and Restated City of Panama City Beach Comprehensive Growth and Development Plan (the Comprehensive Plan) on December 10, 2009, by Ordinance No. 1143; and

WHEREAS, the City has prepared the annual update to the Capital Improvement schedule, and desires to amend the Capital Improvement Element of said Comprehensive Plan by ordinance in order to comply with the provisions of Section 163.3177(3)(b), Florida Statutes; and

WHEREAS, the Panama City Beach Planning Board reviewed the amendment request, conducted a public hearing on November 9, 2015, and recommended approval; and

WHEREAS, on January 14, 2016, the City Council conducted a properly noticed hearing to consider the schedule of Capital Improvements, and adopted this Ordinance in the course of that hearing.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH, FLORIDA:

SECTION 1. The attached Capital Improvements Schedule for planning improvements within the years 2015 through 2020 is hereby adopted.

SEE ATTACHED COMPOSITE EXHIBIT A SETTING FORTH THE UPDATED CAPITAL IMPROVEMENTS SCHEDULE

Ordinance No. 1372
Page 1 of 2
SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. This ordinance shall take effect as provided by law.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this ___ of _____________, 2016.

ATTEST:

Gayle F. Oberst, Mayor

Diane Fowler, City Clerk

PUBLISHED in the Panama City News Herald on the _____ day of _____________, 2016.

POSTED AT www.pcbgov.com on ________________

Diane Fowler, City Clerk
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<td>Traffic Circulation</td>
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<td>FY 15-16</td>
<td>FY 16-17</td>
<td>FY 17-18</td>
<td>FY 18-19</td>
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<td>10. Front Beach Road Segment 3 (State Road 79 to Lullwater Dr)</td>
<td>FBR-CRA FDOT Prop. Share</td>
<td>Design, ROW, Const. and Util., CE&amp;I and Post Design, $494,000 spent to date, $10,000,000 total cost</td>
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<td>11. Front Beach Road Segment 4 (Lullwater Dr. to Jackson Blvd.)</td>
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<td>12. S. Arnold Road (SR 79)</td>
<td>FBR-CRA TRIP funding FDOT</td>
<td>TRIP funding granted for PDE $1,050,000 spent to date</td>
<td>$801</td>
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<td>13. Cobb Road</td>
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<td>No activity to date</td>
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<td>FY 17-18</td>
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<td>15. North Thomas Drive Parking Lot</td>
<td>FBR-CRA Prop. Share</td>
<td>$5,250,000 spent Parking lot stabilized</td>
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<td>16. Multimodal Center West</td>
<td>FBR-CRA</td>
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<td>17. Power Line Road (Parkway Bypass, Back Back Beach Rd.)</td>
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<td>18. ITS Improvements</td>
<td>FDOT 5-Year Work Program</td>
<td>PD&amp;E Study $69m - $74m total cost.</td>
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<td>19. West Bay Parkway (SR 79 to NW FL Beaches INTL Airport) (needed to meet future demand)</td>
<td>FDOT 5-Year Work Program</td>
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<td>20. West Bay Parkway from Walton County to SR 79 (needed to meet future demand)</td>
<td>FDOT 5-Year Work Program</td>
<td>PD&amp;E Study $69m - $74m total cost.</td>
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<td>21. Front Beach Road (E. Lakeshore Dr. to Portside Dr.)</td>
<td>FDOT 5-Year Work Program</td>
<td>Construct Sidewalk</td>
<td>$135,000</td>
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<td>22. Front Beach Road (Portside Dr. to SR 79)</td>
<td>FDOT 5-Year Work Program</td>
<td>Construct Sidewalk</td>
<td>$283,075</td>
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<td>23. Intersection Improvements (PCB Parkway - SR 79)</td>
<td>FDOT 5-Year Work Program</td>
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<td>$1,111,883</td>
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<td>24. PCB Parkway (Mandy Lane to Thomas Dr. Intersection)</td>
<td>FDOT 5-Year Work Program</td>
<td>PD&amp;E Study for 6-laning</td>
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<td>$1,020,000</td>
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<td>Recreation &amp; Open Space</td>
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<tr>
<td>25. Multi Use Path/Trail From Alf Coleman Road to Breakfast Point Subdivision</td>
<td>Recreation Impact Fees/Grant Application</td>
<td>Cost estimates being formulated</td>
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### Funding

#### Current Projects

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<td>See Note #2 at end of report.</td>
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#### Beyond FY 19-20

### Potable Water, Wastewater, and Reuse

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#### FY 15-16

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#### FY 18-17

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#### FY 17-18

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#### FY 19-20

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### Potable Water

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#### N. Pier Park Drive Water Main

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### Wastewater and Reuse

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#### Alf Coleman Force Main Project

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#### New WWTP Site Acquisition 20 acres

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#### N. Pier Park Drive Force Main and Reclaimed Main

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#### System Extension Loops

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### Stormwater

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#### Stormwater Improvements

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<tr>
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### Prop. Share Funding

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#### US 98 Int. w/ Hill Rd. and US 98 Int. w/ Clara Avenue (needed to meet future demand)

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<th>School Board</th>
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#### US 98-Hill Rd. 6-laning Seahaven Prop. (needed to meet future demand)

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<th>School Board</th>
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#### US 98-Clara Ave. 6-laning Seahaven Prop. (needed to meet future demand)

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<th>School Board</th>
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#### PD&E for US 98 from SR 79 to Thomas Drive flyover Seahaven Prop. (needed to meet future demand)

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<th>School Board</th>
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</table>
The City of Panama City Beach hereby adopts by reference the most current 5-year Schedule of Improvements as formally adopted by the FDOT, District 3 and the Bay County TPO.

The City of Panama City Beach hereby adopts by reference the Bay County School District's 2015-2016 Work Plan.

The FBR-CRA is funded with tax increment payments from Bay County. The amount of tax increment expected for FY 15/16 is approximately $8,600,000.

The City of Panama City Beach will coordinate with the most current Water Supply Plan as formally adopted by the Northwest Florida Water Management District.
REGULAR AGENDA
ITEM #8,
ORDINANCE 1373
ORDINANCE NO. 1373

AN ORDINANCE ANNEXING THE FOLLOWING UNINCORPORATED AREA OF BAY COUNTY WHICH IS CONTIGUOUS TO THE CITY OF PANAMA CITY BEACH, FLORIDA, UPON PETITION OF THE OWNERS OF SAID PROPERTY LOCATED AT 8752 THOMAS DRIVE AND 3011 JOAN AVENUE, NEAR THE NORTHWEST CORNER OF THE INTERSECTION OF JOAN AVENUE AND THOMAS DRIVE; SAID PARCELS CONTAINING 4.43 ACRES MORE OR LESS; REDEFINING THE BOUNDARY LINES OF THE CITY; PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE.

WHEREAS, Seahaven Construction LLC and Dennis Pledger, owners of real property in an unincorporated area of Bay County which is contiguous to this City, have filed a petition on the 24th day of September, 2015, praying that said real property, being more particularly described below, be annexed to this City, and

WHEREAS, the City Council of this City has determined that the petition bears the signatures of all the owners of the property in the area proposed to be annexed, and

WHEREAS, Notice of Voluntary Annexation for this property has been published in the Panama City News-Herald once a week for two (2) consecutive weeks prior to this date, the same being a newspaper of general circulation in this City.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH, FLORIDA:

Section 1. It is hereby annexed and made a part of the City of Panama City Beach, Florida, the following described lands in Bay County, Florida, to-wit:
SEE EXHIBIT “A” ATTACHED HERETO

Section 2. The boundary lines of the City of Panama City Beach, Florida, are redefined to include therein said tract of land.

Section 3. A map of the area to be annexed is attached.

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 ____ day of ______________, 2016.

__________________________
Gayle F. Oberst, Mayor

ATTEST:

__________________________
Diane Fowler, City Clerk

EXAMINED AND APPROVED by me this ____ day of ______________, 2016.

__________________________
Mayor

PUBLISHED in the Panama City News-Herald on the ____ day of ______________, 2015 and the ____ day of ______________, 2016.

POSTED on pcbgov.com on the ____ day of ______________, 2015.

__________________________
Diane Fowler, City Clerk
SMALL SCALE ANNEXATION

ATTACHMENT TO ORDINANCE NO. 1373

SUBJECT PARCELS
3011 JOAN AVENUE

SUBJECT PARCEL
8752 THOMAS DR

AGENDA ITEM #
PARCEL 1:
BEGIN AT THE INTERSECTION OF THE EAST LINE OF GOVERNMENT LOT 8, SUPPLEMENTAL PLAT 1920, ALSO KNOWN AS GOVERNMENT LOT 12 ACCORDING TO CHANGES DATED JUNE 17, 1916 AND ALSO KNOWN AS GOVERNMENT LOT 8 ACCORDING TO PLAT DATED JANUARY 29, 1902, SECTION 6, TOWNSHIP 4 SOUTH, RANGE 15 WEST, BAY COUNTY FLORIDA WITH THE NORTHERLY RIGHT OF WAY LINE OF THOMAS DRIVE (STATE ROAD NO. 392, A 100 FOOT RIGHT OF WAY); THENCE NORTH 52°44'23" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR 243.73 FEET; THENCE NORTH 37°15'37" EAST FOR 215.00 FEET; THENCE SOUTH 52°44'23" EAST FOR 80.77 FEET TO THE EAST LINE OF SAID GOVERNMENT LOT 8; THENCE SOUTH 00°05'57" WEST ALONG SAID EAST LINE FOR 269.78 FEET TO THE POINT OF BEGINNING. sm!ck

PARCEL A:
COMMENCE AT THE POINT OF INTERSECTION OF THE WEST R/W LINE OF JOAN AVENUE (STATE ROAD NO. S-30-B) AND THE NORTHEASTERN R/W LINE OF THOMAS DRIVE (STATE ROAD NO. 392) AND THENCE RUN N 52°44'23" W ALONG SAID NORTHEASTERN R/W LINE OF THOMAS DRIVE FOR 125.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 52°44'23" W ALONG SAID R/W LINE FOR 207.59 FEET TO A POINT ON THE WESTERN BOUNDARY LINE OF ORIGINAL GOVERNMENT LOT 7 IN FRACTIONAL SECTION 6, TOWNSHIP 4 SOUTH, RANGE 15 WEST; THENCE S 00°01'05" W FOR 100.00 FEET; THENCE S 52°40'46" E FOR 25.00 FEET; THENCE S 00°01'05" W FOR 150.00 FEET TO THE POINT OF BEGINNING. SAID LANDS BEING IN FRACTIONAL SECTION 6, TOWNSHIP 4 SOUTH, RANGE 15 WEST, BAY COUNTY, FLORIDA. sm!ck

PARCEL B:
COMMENCE AT THE POINT OF INTERSECTION OF THE WEST R/W LINE OF JOAN AVENUE (STATE ROAD NO. S-30-B) AND THE NORTHEASTERN R/W LINE OF THOMAS DRIVE (STATE ROAD NO. 392) AND THENCE N 00°01'05" E ALONG SAID WEST R/W LINE OF JOAN AVENUE FOR 150.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°01'05" E ALONG SAID R/W LINE FOR 250.00 FEET; THENCE N 78°57'55" W FOR 269.38 FEET TO A POINT ON THE WEST BOUNDARY LINE OF ORIGINAL GOVERNMENT LOT 7, FRACTIONAL SECTION 6, TOWNSHIP 4 SOUTH, RANGE 15 WEST; THENCE S 52°40'46" E FOR 182.34 FEET; THENCE S 00°01'05" W FOR 100.00 FEET; THENCE S 52°44'23" E FOR 25.00 FEET; THENCE S 00°01'05" W FOR 150.00 FEET TO THE POINT OF BEGINNING. SAID LANDS BEING IN FRACTIONAL SECTION 6, TOWNSHIP 4 SOUTH, RANGE 15 WEST, BAY COUNTY, FLORIDA. sm!ck

PARCEL D:
COMMENCE AT THE POINT OF INTERSECTION OF THE WEST R/W LINE OF JOAN AVENUE (STATE ROAD NO. S-30-B) AND THE NORTHEASTERN R/W LINE OF THOMAS DRIVE (STATE ROAD NO. 392); THENCE N 00°01'05" E ALONG SAID WEST R/W LINE OF JOAN AVENUE FOR 400.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°01'05" E ALONG SAID WEST R/W LINE FOR 320.00 FEET; THENCE S 85°57'50" W FOR 264.71 FEET TO THE WEST LINE OF ORIGINAL GOVERNMENT LOT 7, FRACTIONAL SECTION 6, TOWNSHIP 4 SOUTH, RANGE 15 WEST; THENCE S 00°05'42" W ALONG SAID WEST LINE OF ORIGINAL GOVERNMENT LOT 7 FOR 250.02 FEET TO THE MOST NORTHERLY CORNER OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1105, PAGE 1968 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA; THENCE S 78°57'55" E FOR 269.38 FEET TO THE POINT OF BEGINNING. sm!ck
PLANNING BOARD OF THE
CITY OF PANAMA CITY BEACH

IN RE: REQUEST FOR ANNEXATION, SMALL SCALE PLAN AMENDMENT to
"Tourist" AND ZONING DESIGNATION to "CH" for approximately 4.43
acres (Parcel IDs: 30191-000-000 and 30185-002-000)

Submitted by: Neel Bennett

ORDER

THE PLANNING BOARD OF THE CITY OF PANAMA CITY BEACH, having
received testimony and reviewed the exhibits produced at the Legislative and Quasi-Judicial
Hearing held on this matter on November 9, 2015, for Annexation, Small Scale Plan
Amendment to "Tourist" and zoning designation to "CH" of approximately 4.43 acres hereby
makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Planning Department Staff delivered information to the Planning Board supporting the request.

2. The Planning Board listened to the applicant's request and recommended approval of the request with a 6-0 decision.

CONCLUSIONS OF LAW

3. Pursuant to Chapter 171 Florida Statutes, Section 166.041(3)(c), Florida Statutes and Sections 8.03.03(A)(C) and (G), 10.02.09, 10.04.03, 10.04.04, 10.07.02 and 10.08.02 of the City's Land Development Code, the Planning Board has jurisdiction to conduct a Legislative and quasi-judicial hearing on these matters and make a recommendation to the City Council on whether the request should be granted by adoption of ordinances.

4. The requested Annexation, Small Scale Amendment and Zoning Designations are consistent with the City's Comprehensive Plan.
THEREFORE, IT IS ORDERED AND ADJUDGED that the subject Annexation, Small Scale Amendment and Zoning Designation is hereby recommended for APPROVAL and accordingly, the associated Ordinances should be ADOPTED.

If any part of this Order is deemed invalid or unlawful, the invalid or unlawful part shall be severed from this Order and the remaining parts shall continue to have full force and effect.

DONE this 20 day of November, 2015.

CHAIRMAN ED BENJAMIN

ATTEST:

MEL LEONARD, DIRECTOR OF BUILDING AND PLANNING
Bay County Appraiser

Parcel: 30185-002-000 Acres: 0.899

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Bay County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All data is subject to change before the next certified tax roll.

Date printed: 11/18/15 : 15:13:32

AGENDA ITEM #
Bay County Appraiser

Parcel: 30191-000-000 Acres: 3.527

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SEAHAVEN CONSTRUCTION LLC
3011 JOAN AVE
$1,300,000 on 07-2002 Reason=Y Qual=U
15238 FRONT BEACH RD
PANAMA CITY BEACH, FL 32413

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Date printed: 11/18/15 : 15:20:29

AGENDA ITEM #8
REGULAR AGENDA

ITEM #9,

ORDINANCE 1374
ORDINANCE NO. 1374

AN ORDINANCE AMENDING ORDINANCE 1143, KNOWN AS "THE 2009 AMENDED AND RESTATED PANAMA CITY BEACH COMPREHENSIVE GROWTH DEVELOPMENT PLAN"; ACTING UPON THE APPLICATION OF SEAHAVEN CONSTRUCTION LLC AND DENNIS PLEDGER; DESIGNATING FOR TOURIST LAND USE CERTAIN PARCELS OF LAND LYING WITHIN THE CITY OF PANAMA CITY BEACH, FLORIDA, CONSISTING OF APPROXIMATELY 4.43 ACRES; SAID PARCELS LOCATED AT 8752 THOMAS DRIVE AND 3011 JOAN AVENUE, NEAR THE NORTHWEST CORNER OF THE INTERSECTION OF JOAN AVENUE AND THOMAS DRIVE, AS MORE PARTICULARLY DESCRIBED IN THE BODY OF THE ORDINANCE; AMENDING THE CITY'S FUTURE LAND USE MAP FOR TOURIST DESIGNATION FOR THE PARCELS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY LAW.

WHEREAS, the Panama City Beach Council approved Ordinance No. 1143 (the "2009 Amended and Restated Panama City Beach Comprehensive Growth Development Plan") on December 10, 2009; and

WHEREAS, the City Council desires to amend the Future Land Use Map (the "FLUM") contained within the City of Panama City Beach Comprehensive Growth Development Plan to make a land use designation for certain parcels of land voluntarily annexed into the City; and

WHEREAS, the owners of the voluntarily annexed parcels, Seahaven Construction LLC and Dennis Pledger (the "Applicants"), have requested that the
WHEREAS, the Panama City Beach Planning Board reviewed the land use change request, conducted a public hearing on November 9, 2015, and recommended approval of the foregoing designation by a vote of 6-0; and

WHEREAS, the Applicants and the City have agreed that the parcels should be designated "Tourist;" and

WHEREAS, the City Council conducted a public hearing and two separate readings of the Applicants' request; and

WHEREAS, on ________________, the City Council conducted a properly noticed adoption hearing as required by Section 163.3184(11), Florida Statutes, and adopted this Ordinance in the course of that hearing;

WHEREAS, the subject parcels involve a use of ten (10) acres or less and the cumulative effect of the acreage for all small scale amendments adopted by the City this calendar year, including the subject parcel, does not exceed one hundred twenty (120) acres, and the subject parcel otherwise qualifies for a small scale amendment pursuant to Section 163.3187(1), Florida Statutes; and

WHEREAS, all conditions required for the enactment of this Ordinance to amend the 2009 Amended and Restated Panama City Beach Comprehensive Growth Development Plan to make the respective FLUM designations for the subject parcels have been met;

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF
PANAMA CITY BEACH, FLORIDA:

SECTION 1. The following described parcels of real property situated within the municipal limits of the City of Panama City Beach, Florida, is designated for Tourist land use under the City's Comprehensive Plan, to-wit,

SEE EXHIBIT "A" ATTACHED HERETO

and the City's Future Land Use Map is amended accordingly.

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

SECTION 3. This ordinance shall take effect as provided by law.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this ___ of __________________, 2016.

______________________________
Gayle F. Oberst, Mayor

ATTEST:

Diane Fowler, City Clerk

EXAMINED AND APPROVED by me this ___ day of ____________, 2016.

______________________________
Gayle F. Oberst, Mayor
PUBLISHED in the Panama City News-Herald on the _____ day of 

____________, 2015.

POSTED on pcbgov.com on the _____ day of ______________, 2015.

______________________________________________

Diane Fowler, City Clerk
PARCEL 1:
BEGIN AT THE INTERSECTION OF THE EAST LINE OF GOVERNMENT LOT 8, SUPPLEMENTAL PLAT 1920, ALSO KNOWN AS GOVERNMENT LOT 12 ACCORDING TO CHANGES DATED JUNE 17, 1916 AND ALSO KNOWN AS GOVERNMENT LOT 8 ACCORDING TO PLAT DATED JANUARY 29, 1902, SECTION 6, TOWNSHIP 4 SOUTH, RANGE 15 WEST, BAY COUNTY, FLORIDA WITH THE NORTHERLY RIGHT OF WAY LINE OF THOMAS DRIVE (STATE ROAD NO. 392, A 100 FOOT RIGHT OF WAY); THENCE NORTH 52°44'23" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR 243.73 FEET; THENCE NORTH 37°15'37" EAST FOR 215.00 FEET; THENCE SOUTH 52°44'23" EAST FOR 80.77 FEET TO THE EAST LINE OF SAID GOVERNMENT LOT 8; THENCE SOUTH 00°05'57" WEST ALONG SAID EAST LINE FOR 269.78 FEET TO THE POINT OF BEGINNING. sm/ck

PARCEL A:
COMMENCE AT THE POINT OF INTERSECTION OF THE WEST R/W LINE OF JOAN AVENUE (STATE ROAD NO. S-30-B) AND THE NORTHEASTERN R/W LINE OF THOMAS DRIVE (STATE ROAD NO. 392) AND THENCE RUN N 52°44'23" W ALONG SAID NORTHEASTERN R/W LINE OF THOMAS DRIVE FOR 125.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 52°44'23" W ALONG SAID R/W LINE FOR 207.59 FEET TO A POINT ON THE WESTERN BOUNDARY LINE OF ORIGINIAL GOVERNMENT LOT 7 IN FRACTIONAL SECTION 6, TOWNSHIP 4 SOUTH, RANGE 15 WEST; THENCE N 00°05'27" E ALONG SAID WESTERN BOUNDARY LINE FOR 250.00 FEET; THENCE S 52°40'46" E FOR 182.34 FEET; THENCE S 00°01'05" W FOR 100.00 FEET; THENCE S 52°44'23" E FOR 25.00 FEET; THENCE S 00°01'05" W FOR 150.00 FEET TO THE POINT OF BEGINNING. SAID LANDS BEING IN FRACTIONAL SECTION 6, TOWNSHIP 4 SOUTH, RANGE 15 WEST, BAY COUNTY, FLORIDA. sm/ck

PARCEL B:
COMMENCE AT THE POINT OF INTERSECTION OF THE WEST R/W LINE OF JOAN AVENUE (STATE ROAD NO. S-30-B) AND THE NORTHEASTERN R/W LINE OF THOMAS DRIVE (STATE ROAD NO. 392) AND THENCE N 00°01'05" E ALONG SAID WEST R/W LINE OF JOAN AVENUE FOR 150.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°01'05" E ALONG SAID R/W LINE FOR 250.00 FEET; THENCE N 78°57'55" W FOR 269.38 FEET TO A POINT ON THE WEST BOUNDARY LINE OF ORIGINIAL GOVERNMENT LOT 7, FRACTIONAL SECTION 6, TOWNSHIP 4 SOUTH, RANGE 15 WEST; THENCE S 52°40'46" E FOR 182.34 FEET; THENCE S 00°01'05" W FOR 100.00 FEET; THENCE S 52°44'23" E FOR 150.00 FEET TO THE POINT OF BEGINNING. SAID LANDS BEING IN FRACTIONAL SECTION 6, TOWNSHIP 4 SOUTH, RANGE 15 WEST, BAY COUNTY, FLORIDA. sm/ck

PARCEL D:
COMMENCE AT THE POINT OF INTERSECTION OF THE WEST R/W LINE OF JOAN AVENUE (STATE ROAD NO. S-30-B) AND THE NORTHEASTERN R/W LINE OF THOMAS DRIVE (STATE ROAD NO. 392); THENCE N 00°01'05" E ALONG SAID WEST R/W LINE OF JOAN AVENUE FOR 400.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°01'05" E ALONG SAID WEST R/W LINE FOR 320.00 FEET; THENCE S 85°57'50" W FOR 264.71 FEET TO THE WEST LINE OF ORIGINAL GOVERNMENT LOT 7, FRACTIONAL SECTION 6, TOWNSHIP 4 SOUTH, RANGE 15 WEST; THENCE S 00°05'42" W ALONG SAID WEST LINE OF ORIGINAL GOVERNMENT LOT 7 FOR 250.02 FEET TO THE MOST NORTHERLY CORNER OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1105, PAGE 1968 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA; THENCE S 78°57'55" E FOR 269.38 FEET TO THE POINT OF BEGINNING. sm/ck

EXHIBIT "A"  ORD. 1374

AGENDA ITEM #
REGULAR AGENDA
ITEM #10,
ORDINANCE 1375
ORDINANCE NO. 1375

AN ORDINANCE ZONING AS COMMERCIAL HIGH INTENSITY (CH) THOSE CERTAIN PARCELS OF LAND ANNEXED TO AND LYING WITHIN THE CITY OF PANAMA CITY BEACH, FLORIDA CONTAINING APPROXIMATELY 4.43 ACRES AND LOCATED AT 8752 THOMAS DRIVE AND 3011 JOAN AVENUE, NEAR THE NORTHWEST CORNER OF THE INTERSECTION OF JOAN AVENUE AND THOMAS DRIVE, AS MORE PARTICULARLY DESCRIBED IN THE BODY OF THE ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.

WHEREAS, the City Council desires to amend the zoning map of the City to designate land use districts for parcels of land voluntarily annexed into the City; and

WHEREAS, the owners of the voluntarily annexed parcels, Seahaven Construction LLC and Dennis Pledger, have requested that said parcels, being more particularly described below, be zoned as shown below; and

WHEREAS, this ordinance changes only the zoning map designation of the real property described herein; and

WHEREAS, the Panama City Beach Planning Board reviewed the proposed zoning change, conducted a public hearing on November 9, 2015, and recommended approval; and

WHEREAS, based upon competent substantial evidence adduced in a properly advertised public hearing conducted on ______________, the City found the requested change to be consistent with the currently applicable Comprehensive Growth
Development Plan and to reasonably accomplish a legitimate public purpose.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY BEACH, FLORIDA:

Section 1. The following described parcels of real property situate within the municipal limits of the City of Panama City Beach, Florida, are zoned Commercial High Intensity (CH).

SEE EXHIBIT "A" ATTACHED HERETO

And the City's zoning map is amended accordingly

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

Section 3. This ordinance shall take effect immediately upon passage, and the land use changes herein shall take effect upon, and only upon, adoption by the City Council of Ordinance No. 1374 adopting a comprehensive plan amendment respecting the lands which are the subject of this ordinance, and that comprehensive plan amendment subsequently becoming effective as provided by law.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this ___ of ________________, 2016.

______________________________
Gayle F. Oberst, Mayor

ATTEST:

______________________________
Diane Fowler, City Clerk
EXAMINED AND APPROVED by me this ___ day of __________, 2016.

________________________________________
Gayle F. Oberst, Mayor

PUBLISHED in the Panama City News-Herald on the ___ day of ________, 2015.

POSTED on pcbgov.com on the ___ day of ____________, 2015.

Diane Fowler, City Clerk
PARCEL 1:

BEGIN AT THE INTERSECTION OF THE EAST LINE OF GOVERNMENT LOT 8, SUPPLEMENTAL PLAT 1920, ALSO KNOWN AS GOVERNMENT LOT 12 ACCORDING TO CHANGES DATED JUNE 17, 1916 AND ALSO KNOWN AS GOVERNMENT LOT 8 ACCORDING TO PLAT DATED JANUARY 29, 1902, SECTION 6, TOWNSHIP 4 SOUTH, RANGE 15 WEST, BAY COUNTY FLORIDA WITH THE NORTHERLY RIGHT OF WAY LINE OF THOMAS DRIVE (STATE ROAD NO. 392, A 100 FOOT RIGHT OF WAY); THENCE NORTH 52°44'23" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR 243.73 FEET; THENCE NORTH 37°15'37" EAST FOR 215.00 FEET; THENCE SOUTH 52°44'23" EAST FOR 80.77 FEET TO THE EAST LINE OF SAID GOVERNMENT LOT 8; THENCE SOUTH 00°05'57" WEST ALONG SAID EAST LINE FOR 269.78 FEET TO THE POINT OF BEGINNING.

PARCEL A:

COMMENCE AT THE POINT OF INTERSECTION OF THE WEST R/W LINE OF JOAN AVENUE (STATE ROAD NO. S-30-B) AND THE NORTHEASTERN R/W LINE OF THOMAS DRIVE (STATE ROAD NO. 392) AND THENCE RUN N 52°44'23" W ALONG SAID NORTHEASTERN R/W LINE OF THOMAS DRIVE FOR 125.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 52°44'23" W ALONG SAID R/W LINE FOR 207.59 FEET TO A POINT ON THE WESTERN BOUNDARY LINE OF ORIGINAL GOVERNMENT LOT 7 IN FRACTIONAL SECTION 6, TOWNSHIP 4 SOUTH, RANGE 15 WEST; THENCE N 00°05'27" E ALONG SAID WESTERN BOUNDARY LINE FOR 250.00 FEET; THENCE S 52°40'46" E FOR 182.34 FEET; THENCE S 00°01'05" W FOR 100.00 FEET; THENCE S 52°44'23" E FOR 25.00 FEET; THENCE S 00°01'05" W FOR 150.00 FEET TO THE POINT OF BEGINNING. SAID LANDS BEING IN FRACTIONAL SECTION 6, TOWNSHIP 4 SOUTH, RANGE 15 WEST, BAY COUNTY, FLORIDA.

PARCEL B:

COMMENCE AT THE POINT OF INTERSECTION OF THE WEST R/W LINE OF JOAN AVENUE (STATE ROAD NO. S-30-B) AND THE NORTHEASTERN R/W LINE OF THOMAS DRIVE (STATE ROAD NO. 392) AND THENCE CONTINUE N 00°01'05" E ALONG SAID WEST R/W LINE OF JOAN AVENUE FOR 150.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°01'05" E ALONG SAID R/W LINE FOR 250.00 FEET; THENCE N 78°57'55" W FOR 269.38 FEET TO THE POINT OF BEGINNING. SAID LANDS BEING IN FRACTIONAL SECTION 6, TOWNSHIP 4 SOUTH, RANGE 15 WEST, BAY COUNTY, FLORIDA.

PARCEL D:

COMMENCE AT THE POINT OF INTERSECTION OF THE WEST R/W LINE OF JOAN AVENUE (STATE ROAD NO. S-30-B) AND THE NORTHEASTERN R/W LINE OF THOMAS DRIVE (STATE ROAD NO. 392); THENCE N 00°01'05" E ALONG SAID WEST R/W LINE OF JOAN AVENUE FOR 400.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°01'05" E ALONG SAID WEST R/W LINE FOR 320.00 FEET; THENCE S 85°57'50" W FOR 264.71 FEET TO THE WEST LINE OF ORIGINAL GOVERNMENT LOT 7, FRACTIONAL SECTION 6, TOWNSHIP 4 SOUTH, RANGE 15 WEST; THENCE S 00°05'42" W ALONG SAID WEST LINE OF ORIGINAL GOVERNMENT LOT 7 FOR 250.02 FEET TO THE MOST NORTHERLY CORNER OF THE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1105, PAGE 1968 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA; THENCE S 78°57'55" E FOR 269.38 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A"
REGULAR AGENDA
ITEM #11,
ORDINANCE 1376
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 struckthrough):

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

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-1, 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 7.02.03.H.

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

Ordinance 1376
Page 2 of 3
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

Published in the _________________ on the ___ day of ____, 201__.

Posted on pcbgov.com on the ___ day of ________________, 201__.
REGULAR AGENDA

ITEM #12,

ORDINANCE 1377
ORDINANCE NO. 1377

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES RELATED TO PARKING ON THE SHOULDER OF A SCENIC CORRIDOR AFTER DARK; CLARIFYING THE DEFINITION OF AFTER DARK TO REFER TO THE TIMES FOR SUNSET AND SUNRISE AS PUBLISHED BY THE US NAVY; 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 §22 - 24 of the Code of Ordinances of the City of Panama City Beach, related to Traffic and Motor Vehicles is amended to read as follows:

Section 22-24. Parking on shoulder of ROW after dark prohibited.
No vehicle shall be parked, stopped or allowed to stand on an unmarked or unpaved portion of any right of way of any Scenic Corridor in the City after dark. Offending vehicles may be removed by the City and stored at the owner's expense. For purposes of this section, "after dark" shall mean from one-half hour after sunset until one-half hour before sunrise as established by the U.S. Naval Observatory, Astronomical Applications Department (aa.usno.navy.mil/data) in any local publication or governmental website. This provision shall not apply to vehicles parked or stopped on an unmarked or unpaved portion of a right of way in the event of an emergency or at the direction of a law enforcement officer.

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 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 ___ day of ____________,
201__.

_______________________________
MAYOR

ATTEST:

_______________________________
CITY CLERK

EXAMINED AND APPROVED by me this ___ day of ________________,
201__.

_______________________________
MAYOR

Published in the __________________ on the ___ day of ________, 201__.

Posted on pcbgov.com on the ___ day of ________________, 201__.
REGULAR AGENDA
ITEM #13,
ORDINANCE 1378
ORDINANCE NO. 1378

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY’S CODE OF ORDINANCES RELATED TO THE CONSUMPTION OF ALCOHOL IN PUBLIC PLACES; CLARIFYING THAT A PERSON MUST HAVE A GOVERNMENT ISSUED ID IN HIS OR HER IMMEDIATE POSSESSION AND AVAILABLE FOR IMMEDIATE PRESENTATION WHEN POSSESSING OR CONSUMING ALCOHOL ON THE SANDY GULF BEACH; REVISING THE DEFINITION OF SANDY BEACH TO INCLUDE ALL LOOSE SANDY AREAS BETWEEN THE WATERS OF THE GULF OF MEXICO AND THE NEAREST PAVED ROAD; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, on October 23, 2014, the City adopted Ordinance 1321 requiring persons possessing or consuming alcohol on the sandy gulf beach to simultaneously possess a government issued ID; and

WHEREAS, the City desires to clarify the ordinance to require the possession of ID on the person of the person possessing or consuming alcohol on the beach, and to amend the definition of sandy gulf beach to boundaries more easily identified and understood by the public.

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 3-2 of the Code of Ordinances of the City of Panama City Beach, related to alcohol consumption in public places is amended to read as follows:

Sec. 3-2. Consumption of alcoholic beverages in rights-of-way, public parking lots, and public ponds and stormwater facilities prohibited; identification required on sandy beach; civil penalties.

(a) It shall be unlawful for any person to drink or otherwise consume any alcoholic beverage or substance within the rights-of-way of streets, highways, avenues or other similar ways, within the City.

(b) It shall be unlawful for any person to drink or otherwise consume any alcoholic beverage or substance within the confines of any public parking lot located within the City. “Public parking lot” shall mean a parking lot owned or leased, and maintained, by a public body or governmental agency.

(c) It shall be unlawful for any person to possess or consume any alcoholic beverage on the premises of a public pond or public stormwater facility and on any publicly owned parcel of real property used predominantly for a public pond or public stormwater facility. “Public pond or public stormwater facility” shall
mean a pond or stormwater facility owned, leased or maintained by a public body or governmental agency, as well as all associated walkways, trails, benches, greenspace, and similar features.

(d) It shall be unlawful for any person to possess or consume any alcoholic beverage on the sandy gulf beach of the Gulf of Mexico, within the City limits, without having in his or her immediate possession simultaneously possessing a government issued photo ID disclosing their name, address and age to immediately present upon the demand of law enforcement. For purposes of this section, “sandy gulf beach” shall mean all loose or uncompacted sandy area, including sand dunes and vegetated area, lying between the waters of the Gulf of Mexico and the seaward boundary of the seaward most paved roadway the beach seaward of the dune line or building line, whichever is more landward.

(e) The City finds that a violation of this section presents a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature. Therefore, and pursuant to Florida Statutes Chapter 162, Part II, the City hereby establishes and imposes the following civil infraction penalties. Each violation shall constitute a separate, civil infraction punishable by a civil penalty in the amount specified below

First violation: $50.
Second violation: $100.
Third and all subsequent violations of: $200, and as otherwise provided by law. The financial penalty for the third and all subsequent violations shall be cumulative to any other penalty which may be provided by law.

A person who does not contest a violation shall be subject to a civil penalty in the following amount which may be paid directly to the City Clerk:

First violation: $25.
Second violation: $50.
Third and all subsequent violations: $150, and as otherwise provided by law. The financial penalty for the third and all subsequent violations shall be cumulative to any other penalty which may be provided by law.

Violations may be enforced by the issuance of a civil citation by a sworn police officer of the City who has reasonable cause to believe that a person has violated this section. All sworn police officers of the City shall be considered code enforcement officers for the purpose of enforcing this section. A citation issued under this section may be contested in the county court for Bay County, Florida. The civil citation shall contain the matters specified in § 162.21 Florida Statutes (2013), or subsequent, superseding legislation, in form approved by the Chief of Police. Any person who willfully refuses to sign and accept a citation issued pursuant to this section shall be guilty of a misdemeanor of the second degree, punishable as provided in §§ 162.21(6), 775.082 & 775.083, Florida Statutes or subsequent, superseding legislation.

The civil penalties established in this section shall always be cumulative and in addition to any other civil or criminal penalties available for a violation of this section of the Panama City Beach Code of Ordinances, including the general penalty and terms set forth in Section 1-12, and also cumulative and in addition to any requirements, proscriptions and civil or criminal penalties under state law.

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 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 ____ day of ________________, 201__.

__________________________
MAYOR

ATTEST:

__________________________
CITY CLERK

EXAMINED AND APPROVED by me this ____ day of ________________, 201__.

__________________________
MAYOR

Published in the ________________ on the ____ day of __________, 201__.

Posted on pcbgov.com on the ____ day of ________________, 20__.
REGULAR AGENDA
ITEM #14,
ORDINANCE 1379
MEMORANDUM

TO: Mayor and Council
FROM: Doug Sale and Amy Myers
DATE: December 7, 2015
RE: Special Events Ordinance

Included in this agenda for first reading is a reorganized Special Events ordinance. The intent and effect of the ordinance is unchanged. The council will recall that in October substantial changes were made in the ordinance to address pop-up events in the digital age. Since adoption, staff has reviewed applications and granted several permits under the new ordinance and recognized opportunities to streamline and clarify the process. This ordinance does that.

Because large blocks of text have been simply relocated without material change, and virtually every section has been affected by the reorganization, the most understandable format is simply to repeal the old in its entirety and adopt the new to simultaneously supersede it. Should anyone wish to receive a copy in “strike and underline” format, just let me know.

As a reminder, the ordinance addresses three circumstances: planned events, planned events that get out of hand and spontaneous events that get out of hand. The ordinance now lists succinctly the precise circumstances under which the city can deny a permit to protect the public health and safety. The ordinance continues the authority of the City to require responsible persons to tone down any excesses that may occur in either a permitted or spontaneous event.

Should you have any questions or wish to compare the handling of any particular situations under the October ordinance and this ordinance to confirm their substantive similarity, please just let either of us know.

Legal staff recommends approval of first reading of Ordinance 1379, and further requests Council’s consideration of a special meeting and public hearing in which to adopt the Ordinance the first week in January.

CC: Mario Gisbert
    Drew Whitman

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ORDINANCE 1379

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY’S CODE OF ORDINANCES RELATED TO SPECIAL EVENTS MAKING FINDINGS OF FACT; PROVIDING DEFINITIONS AND SPECIFICALLY DEFINING A SPECIAL EVENT TO BE BASED UPON THE CAPACITY OF THE EVENT VENUE, TRAFFIC CONGESTION OR MUNICIPAL RESOURCES REQUIRED TO ASSURE THE PUBLIC HEALTH AND SAFELY, AS MORE PARTICULARLY SET FORTH IN THE BODY OF THE ORDINANCE; CREATING A DUTY FOR PERSONS OWNING OR CONTROLLING PROPERTY ON WHICH A PERMITTED EVENT HAS EXCEEDED ITS LIMITS OR AN UNPERMITTED SPONTANEOUS SPECIAL EVENT HAS DEVELOPED, AS WELL AS PERSONS ENCOURAGING AN UNPERMITTED, SPONTANEOUS SPECIAL EVENT BY PROVIDING ENTERTAINMENT, TO MAKE EFFORTS TO REDUCE THE ACTIVITY OR EXCESS AND AUTHORIZING THE CHIEF OF POLICE TO APPROVE ACTIONS TO CONTROL OR REDUCE THE EVENT AS APPROPRIATE; REVISING THE NATURE OR ELEMENTS OF THE PLAN TO BE SUBMITTED WITH AN APPLICATION FOR A SPECIAL EVENT; ESTABLISHING A SCHEDULE BY WHICH FEES AND APPLICATIONS SHALL BE SUBMITTED TO THE CITY FOR REVIEW; REQUIRING A PRE-PERMIT CONFERENCE, OR ALTERNATIVE, FOR LARGE EVENTS AND PROVIDING FOR A MUNICIPAL SERVICES FEE; SPECIFYING THE SOLE GROUNDS UPON WHICH A PERMIT MAY BE DENIED; SPECIFYING TIMELINES FOR CITY ACTION ON A PERMIT; PROVIDING APPLICANT'S RIGHT TO APPEAL DENIAL OF A PERMIT OR THE SERVICES INCLUDED AND THE AMOUNT OF THE MUNICIPAL SERVICES FEE REQUESTED BY THE CITY; LIMITING THE NUMBER OF SPECIAL EVENTS WHICH MAY OCCUR ON ANY ONE DAY ON THE SANDY GULF BEACH; PROVIDING FOR ENFORCEMENT AND CIVIL AS WELL AS SEPARATE CRIMINAL PENALTIES; PROVIDING FOR SEVERABILITY AND REMEDIAL PURPOSE; REPEALING AND SUPERSEDING ARTICLE II OF CHAPTER 4 OF THE CITY CODE, AS ADOPTED BY ORDINANCE 1359, RELATING TO SPECIAL EVENTS, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWIT; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, all special events share one element in common: an assembly of people; and
WHEREAS, the City is an extremely active tourist destination which attracts large numbers of visitors who reside elsewhere and quite naturally and frequently are less inhibited in their conduct than they are at home, a fact recognized by the State of Florida, Department of Commerce in its 1980’s advertising slogan “The Rules Are Different Here”; and

WHEREAS, the City Council finds, and common sense dictates, that tourists often have no obligatory plans and, in fact, are looking for something fun to do, a fact recognized by the Bay County Tourist Development Council’s current slogan “Real. Fun. Beach.”; and

WHEREAS, the presence of large numbers of relatively uninhibited people looking for something fun to do is fertile ground for an assembly of people relatively unrestrained by the conventions they would feel at home; and

WHEREAS, any assembly of a large number of people, especially uninhibited people looking for something to do without any immediate obligations, will create circumstances contrary to the health, safety and welfare of the persons assembled and the community as a whole if adequate preparation for the event is not made and executed; and

WHEREAS, adequate preparation requires notice and an opportunity to organize resources, and for large events, the contribution of additional resources; and

WHEREAS, in 2007 and before, the City began to study the need to regulate special events held within the city by commercial promoters attracting crowds of people which, on the one hand, is good for the tourism economy of the City and Bay County, especially when overnight guests attend, but on the other hand places a strain on the limited resources of the City to protect persons and property by policing the event, policing the off-site activities of the local and visiting attendees which inevitably accompany such events, and to control event related traffic, sometimes away from the site; and

WHEREAS, the City found that it was necessary and fair to require the commercial producer and promoter of a special event to secure the safety of the crowd they assembled by providing at their expense qualified security and traffic control personnel and competent municipal type resources such as garbage and trash removal, medical facilities on-site and emergency medical transport readily available as well as sanitation facilities; and

WHEREAS, the City adopted an ordinance regulating the conduct of special events through a permitting process requiring the producer of the event to demonstrate credible plans to provide event security, municipal type services and event traffic control and to faithfully execute those plans upon penalty of the city closing the event (the “Special Event Ordinance”); and
WHEREAS, the Special Event Ordinance in essence required the event producer to think through the needs and effects of the event assembly and give the city the information and time required to coordinate its public safety efforts to accommodate the event and, with adjustments for lessons learned along the way, the Special Event Ordinance has met those purposes; and

WHEREAS, in 2014 the Special Event Ordinance was amended to address entertainment on the sandy gulf beach as a special event, requiring the producer to demonstrate credible plans to address the same assembly issues as interior events plus, other issues unique to the sandy beach, but still focused upon commercially produced, planned events, either short term events or events continuing back-to-back through the season to entertain the constant turn-over of visitors on the sandy beach; and

WHEREAS, the City Council finds that the requirements of the Special Event Ordinance did not diminish the production of events, but in fact improved them and assisted novice event producers; and

WHEREAS, the City Council finds that the predominate business and commerce of the City, and the basis of its revenue (the City being without an ad valorem tax) is tourism and that special events are a critical and positive component of that tourism, and the City Council declares its intent to continue to support and encourage special events of all types but determines that additional rules are necessary to curb the adverse, secondary effects of events which mushroom beyond the capacity of their venue and logistical support; and

WHEREAS, the City acknowledges that the permit requirements of the Special Event Ordinance, as amended here, can be easily argued to affect lawful assemblies and speech and therefore the city has established reasonable time frames adjusted for the size and complexity of the assembly, to consider and respond to the request for a permit and prompt notice and appeal rights in the event an application is denied; and

WHEREAS, the City Council acknowledges that the ways in which the Special Event Ordinance has been and will be applied are the best evidence of the City’s commitment to special events and to the rights of the event organizers and event participants to assemble, and finds that, to date, there have been no complaints that staff has applied the existing ordinance unfairly; and

WHEREAS, to date the Special Event Ordinance has primarily focused upon planned events; and

WHEREAS, the City Council finds and determines that the advent and virtually universal spread of social media through the demographic of visitors to Panama City Beach has, in just the past two years, caused special event type entertainment assemblies to be commercially produced and promoted very quickly and in hastily created or converted venues with little or no notice or adequate private or public planning and
provision for security, crowd control, traffic control and parking, and in some cases these events have spontaneously occurred with no accountable producer or any planning or preparation (Pop-Up Events); and

WHEREAS, the City Council finds and determines that both commercial Pop-Up Events (with an identifiable producer) and spontaneous Pop-Up Events are contrary to the health, safety and welfare of the community due to the lack of internal planning and control, and notice to the City to permit external planning and protection; and

WHEREAS, the City Council also finds and determines that the lack of internal and external planning and control of Pop-Up Events creates secondary effects that frequently become a public and private nuisance, including by way of example and not limitation, traffic congestion, pedestrian trespass, vehicular trespass, illegal parking, illegal drug and alcohol use, violence and other breaches of the peace, especially where a large crowd of pedestrians and even vehicles are held waiting outside a venue that is at capacity or attempt to access a venue that has essentially unlimited access; and

WHEREAS, the City Council also finds and determines that commercial Pop-Up Events will continue and, in fact, increase and that the producers of these events should be required to think through the needs and effects of the event assembly and give the city the information and time required to coordinate its public safety efforts to accommodate the attendees, just as traditional special events which in the past were publicized and promoted through slower and more predictable media; and

WHEREAS, the City Council recognizes that spontaneous Pop-Up Events in a non-commercial venue present a more difficult issue in a free society because they are, in fact, a spontaneous assembly which is the right of a free people, but the City Council also finds and determines that when such an assembly begins to create the same adverse effects which are attendant to an unregulated traditional special event, that is such things as neighborhood trespass of persons or vehicles, illegal parking, traffic congestion, frequent or repeated violations of the law facilitated by the anonymity of the crowd, a need for sanitation facilities, etc., then it is reasonable and lawful to place upon the owner or person in control of the venue, after notice, the duty under penalty of law to do all that he or she can reasonably do to bring the event under or within the threshold limits of the criteria which caused the assembly to become problematic; and

WHEREAS, the City Council finds and determines that the placing upon the owner or person in control of a non-commercial venue where a spontaneous special event occurs the duty to do all they reasonably can to bring the assembly under control will create a needed incentive for owners to pay attention to their property and be alert to not allowing assemblies upon their property to get out of control in the first place; and

WHEREAS, the City Council also finds and determines that the City has experienced an entirely new Pop-Up Event phenomenon, that is, a spontaneous special event “organized” through social media with no accountable producer or promoter, but still generating the same types of needs and effects as a traditional special event, albeit so
far on a smaller scale; these Pop-Up Events include by way of example and not limitation, “open” house parties (no invitation required); “pay-party” house parties (no invitation required, leave money at the door) and large beach assemblies with amplified music; and

WHEREAS, the City Council also finds and determines that the variety, uniqueness, innovation and timing of modern special event assemblies, some commercially promoted and others spontaneously occurring and all frequently publicized and promoted through instantaneous social media as well as traditional media, require the City to adopt a more flexible and commonsense approach to defining and determining what is a special event; and

WHEREAS, the City Council has received and considered extensive testimony from the public, from promoters and producers of special events and from staff, including the Fire Marshall, the Chief of Police and the City Manager, regarding what should be considered a special event and the issues and opportunities for mischief accompanying them, and moreover, the Council members have personally witnessed virtually all of these issues from time to time and find that the testimony presented in support of this ordinance is consistent with their own, first-hand experience; and

WHEREAS, by this ordinance, based upon that testimony and experience, the City Council intends to establish specific criteria defining and determining what should be considered a special event under the totality of the circumstances at hand and to authorize staff to apply that criteria in each specific case; and

WHEREAS, the City has attempted in the past to define special events based primarily upon anticipated attendance and found that method to be unreliable sometimes in the age of social media; and

WHEREAS, the City Council is aware of the inalienable right of citizens in a free state to assemble peacefully and without creating a public nuisance, and to speak and entertain freely, but expressly finds that the type of assemblies that will trigger the application of this ordinance create a real and imminent threat to the health, safety and welfare of the event patrons as well as the community if the notice, planning, preparation, services and control required by this ordinance is not provided, and based upon years of experience the City finds that there is no less intrusive way of handling the situation in the extremely active tourist environment of the City, so to borrow from Mr. Justice Holmes, “Upon this point a page of history is worth a volume of logic.” N.Y. Trust Co. v. Eisner, 256 U.S. 345, 349 (1914) and the City has been working with special events for several decades, regulating them for the last; and

WHEREAS, the City Council is aware that the authority given staff to interpret and apply the specific criteria established in this ordinance in order that the City may timely consider the totality of the circumstances in each unique case, may be argued to invite arbitrary or capricious chilling of the rights of free speech or assembly but, Justice Holmes again, “Great constitutional provisions must be administered with caution. Some
play must be allowed in the joints of the [government] machine.” Missouri, K&T. Ry. Co. of Texas v. May, 24 S. Ct. 638 (1904); and

WHEREAS, the City finds and determines it necessary to update and amend the Special Events Ordinance to better regulate traditionally produced and marketed special events and to add Pop-Up Events because, without these amendments, events will overrun the current law; and

WHEREAS, the City Council finds and determines that this ordinance will promote the public good by establishing necessary standards to define special events in the digital age, to create incentives and mechanisms to promote the public welfare by fostering preparation for, and curbing the excesses of, assemblies which by these same standards become events needing some level of support and control to protect persons and property, and therefore that, although this ordinance contains penalties, it is adopted for a remedial purpose and if challenged should nonetheless be given an equitable construction in order to achieve the clear remedial purposes determined by the legislative Council. N. Securities Co. v. US, 24 S. Ct. 436 (1904); and

WHEREAS, the City Council recognizes that the provisions of this ordinance are somewhat complex and interrelated by the definitions employed and the form by which the ordinance is structured, but also finds that the events and assemblies upon which the substance of this ordinance applies are quite varied and must be considered several and not interdependent, so that if this ordinance is found to be unenforceable, in whole or in part, against one or more classes of events or assemblies, the remainder may easily be left in force, and should be left in force for the public good.

WHEREAS, by Ordinance 1359 adopted on October 8, 2015, the City revised its special events ordinance to address spontaneous, unpermitted events in addition to planned events, and now desires to reorganize and streamline that law and those processes.

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

SECTION 1. The foregoing recitals are incorporated as legislative findings of fact.

SECTION 2. From and after the effective date of this ordinance, Art II of Chapter 4 of the Code of Ordinances of the City of Panama City Beach entitled “Special Events” as amended and adopted by Ordinance 1359 is hereby repealed and superseded by this ordinance. In addition, all other ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.
SECTION 3. From and after the effective date of this ordinance, Article II of Chapter 4 of the Code of Ordinances of the City of Panama City Beach, entitled “Special Events” is adopted to read as follows:

ARTICLE II. SPECIAL EVENTS

Sec. 4-16. Definition.
Sec. 4-17. Permit required; purpose.
Sec. 4-18. Suspension of Permit; remedy of excesses.
Sec. 4-19. Spontaneous unpermitted events.
Sec. 4-20. Application for permit.
Sec. 4-21. Application fee and municipal services fee.
Sec. 4-22. Additional information.
Sec. 4-23. Action on the application and appeal.
Sec. 4-24. Posting vendor contacts.
Sec. 4-25. Limitation of sandy beach events on the same day.
Sec. 4-26. Enforcement and Penalties
Sec. 4-27. Remedial purpose and severability.
Sec. 4-28-29. Reserved.

Sec. 4-16. Definitions.

The term “event venue” shall mean any contiguous or connected area (improved or unimproved or both and including parcels separated by a street or other public way but coordinated as a whole for the event) under common or coordinated control and used for a special event. An event venue may consist of one or more patron gathering spaces, in particular indoor and outdoor spaces but also other types of spaces with different occupancy limits.

The term “sandy gulf beach” shall mean all loose or uncompacted sandy areas, including sand dunes and vegetated areas, lying between the waters of the Gulf of Mexico and the seaward boundary of the seaward most public, vehicular right of way.

The term "special event" shall mean any assembly of persons which also meets one or more of the following six criteria. Each of the first three criteria define a planned event. Each of the last three criteria define a "pop-up" event.

(a) ATTENDANCE ANTICIPATED TO EXCEED VENUE CAPACITY (Planned event). It is reasonably anticipated that the number of persons who will attempt to attend the event at any point in time will exceed the number of persons permitted within the event venue. Event venue capacity shall be the aggregate of the capacity of all patron gathering spaces within the venue. The capacity of each gathering space shall be determined (i) by building or life safety code or other law.
applicable to that space, and (ii) for each other space at the rate of one person for every seven (7) square feet of horizontal space. Parking lots and driveways and pedestrian ingress and egress routes used as such during the event shall not be considered gathering spaces.

(b) VEHICLE PARKING ANTICIPATED TO EXCEED ON-SITE CAPACITY (Planned event). It is reasonably anticipated that the number of persons anticipated to attend the event by vehicle will exceed on-site event parking based upon an average factor of 5 persons per vehicle.

(c) MUNICIPAL RESOURCES ANTICIPATED TO BE REQUIRED (Planned event). The gathering is reasonably anticipated to require for its safe and successful execution the provision or coordination of municipal services by the City or by the event producer to a material degree above that which the City routinely provides under ordinary, everyday circumstances. Municipal services include, but are not limited to fire and police protection, crowd control, traffic control, parking control, street closure, emergency medical services, garbage or trash facilities or clean-up and sanitation facilities (herein "municipal services").

(d) ACTUAL ATTENDANCE EXCEEDS CAPACITY OF THE VENUE (Pop-up Event). The number of persons attending and attempting to attend an unpermitted assembly of persons exceeds at any point in time the number of persons permitted within the event venue or within any gathering space within the event venue.

(e) ACTUAL VEHICLE CONGESTION (Pop-up Event). The number of vehicles actually parked and attempting to park to permit the occupants to join an unpermitted assembly exceeds at any point in time on-site parking available.

(f) MUNICIPAL RESOURCES ACTUALLY REQUIRED (Pop-up Event). The municipal services required for an unpermitted assembly exceed at any point in time the level of municipal services typically available from the City for that time and season after taking into consideration the similar, municipal-type services provided by the person or persons, if any, encouraging the assembly.

All special events are divided into three classes:

(a) A "small event" being an event with an anticipated, maximum attendance at any point in time of 500 persons or less.

(b) A "medium event" being an event with an anticipated, maximum attendance at any point in time of more than five hundred 500 but less than 5,000 persons.

(c) A "large event" being an event with an anticipated, maximum attendance at any point in time exceeding 5,000 persons.

A parade held on a public street or road and lasting no more than two (2) hours is not, without more, a special event.

Any planned event to be held in any part on the sandy gulf beach is presumed to be a special event. This presumption can be rebutted only by the event producer providing clear and convincing evidence that, based upon the nature, location, time and season of the event it is almost certain that the event will not draw a spontaneous crowd in excess
one person for every seven (7) square feet of sandy gulf beach controlled by the producer.

Sec. 4-17. Permit required; purpose.
No person or entity shall organize, stage, promote or conduct any special event as defined by 4-16(a), (b), or (c), without holding a valid special event permit granted by the City Manager under this Chapter. The purpose of this law is to ensure that special events do not endanger public health or safety and to permit the City to understand and prepare for known collateral and secondary effects of special events in the community. The permitting process is not intended to control or regulate special events based on their content, the nature or type of speech involved, or any speaker’s viewpoint.

Sec. 4-18. Suspension of permit; remedy of excesses (Planned events).
(1) Each plan included in the special event application, and any conditions imposed by the City Manager pursuant to sec. 4-23(5), shall be continuously implemented during the special event, and any failure to do so shall result in the automatic suspension of the permit and suspension of the event until full implementation is made.

(2) Should the actual attendance in the event venue or any gathering space within the event venue and including persons attempting to enter the event, or the actual number of vehicles or the municipal services actually required at a permitted event exceed for a period of one (1) hour the number or level anticipated by the application and permit, it shall become the duty of all persons owning or able to control the event or the event venue to take reasonable, diligent, and constant measures to reduce the excess until achieved. The failure of any such person to immediately, after notice from the City, make a reasonable, diligent and constant effort to reduce the excess shall be a violation of this law punishable by civil penalties specified in this Article and criminal penalties specified in City Code sec. 1-12. The Chief of Police or his designee is authorized to approve actions to partially or slowly reduce the excess as compliance if he or she finds (i) that such person is acting in good faith after notice of the excess, (ii) that full and immediate elimination of the excess will not be feasible and (iii) that it would be safer to taper down the event rather than to abruptly close the venue or stop the event.

(3) Conversely, should actual attendance fall below the permit estimates for a sustained period and appear likely to continue at reduced levels, the City Manager or his designee shall be authorized, but not required, to allow the applicant to reduce staffing to the minimums reasonably required.

Sec. 4-19. Spontaneous Unpermitted Assembly (Pop-up events).
The City has found and determined that some special events occur spontaneously, without a permit, especially if attendance is promoted through instantaneous, social media.

(1) If an assembly develops into a special event spontaneously (and therefore without a permit) in either a commercial or non-commercial venue, it shall become the duty of all persons or entities owning or able to control the event venue or who is providing entertainment encouraging the assembly, to take reasonable, diligent and constant measures to reduce the activity or circumstances which caused the assembly to become a special event - that is for example but not limited to, reducing occupancy to the permitted capacity of the venue or providing transportation to eliminate off-site parking or
vehicular or pedestrian congestion, or to provide the additional municipal type services
needed to regulate event traffic, maintain the peace and protect the public health and
safety. The failure of any such person or entity to immediately after notice from the city
make a reasonable, diligent and constant effort to reduce the event below the applicable
criteria threshold shall be a violation of this law punishable by civil penalties specified in
this Article and criminal penalties specified in City Code sec. 1-12. The Chief of Police or
his designee is authorized to approve actions to partially or slowly reduce the event
below the applicable criteria threshold as compliance if he or she finds (i) that such
person is acting expeditiously and reasonably to employ feasibly available resources to
address the issues after notice that the assembly has become a special event, (ii) that
full reduction to the criteria threshold will not be feasible and (iii) that it would be safer to
taper down the event rather than to abruptly close the venue or stop the event.

(2) Whether a spontaneous assembly has developed into a special event based upon
attendance, vehicle congestion or a need for municipal services (as those services are
defined in this Article), or any combination of those three, shall be determined by an
objective and reasonable examination of the totality of the circumstances at hand,
including but not limited to the following factors:

a) With respect to attendance and attempted attendance:
   (i) The size of the venue.
   (ii) Whether the attendance is ticketed.
   (iii) Actual attendance at prior, similar events.
   (iv) The extent of commercial promotion and advertisement of the
event, especially promotion outside of Bay County, by traditional
or digital means, but excluding spontaneous social media not
initiated, encouraged or orchestrated by a commercial event
producer or any person acting on behalf of the event producer or
any person with a financial or other personal interest in the event
("spontaneous social media").
   (v) The extent of spontaneous social media encouraging attendance
at the assembly.
   (vi) Whether the location and configuration of the venue, and the
nature and presence (sight and sound) of the event, will be likely
to draw attendees or observers from the public at large.
   (vii) The number in attendance and attempting to attend shall be
determined by the Chief of Police or his designee using
recognized or previously established law enforcement estimating
techniques.

b) With respect to actual vehicle congestion, the number of vehicles parked
shall be counted, and the number attempting to park shall be determined
by the Chief of Police or his designee using recognized or previously
established law enforcement estimating techniques.

c) With respect to municipal services actually required:
(i) Repeated pedestrian trespass.
(ii) Repeated vehicular trespass.
(iii) Illegal parking.
(iv) Traffic congestion.
(v) Apparent need for sanitation facilities as evidenced by public urination or other bodily functions.
(vi) Repeated and flagrant instances of illegal activity.
(vii) Repeated noise ordinance violations after notice, including differing offenders.
(viii) Unusual amount of trash being abandoned with no apparent resources available to clean up after event.
(ix) Unusual or repeated need for medical assistance.

Sec. 4-20. Application for permit.

1. Each application for a special event permit required by this Article shall contain the information described below and must be filed, and the permit fee paid, no less than the following number of days before the opening of the event to the public:
   a) 60 calendar days for a large event or for a medium event to be held in whole or in part during the month of March, Memorial Day weekend, 4th of July and its closest weekend or Labor Day weekend.
   b) 30 calendar days for a medium event other than at the above times.
   c) 20 calendar days for a small event.

Notwithstanding the forgoing, the City Manager shall accept a tardy application and if (i) City staff has the capacity to conduct an ordinary review of the application without causing material neglect of other staff duties or, (ii) the event promoter stands willing and able to pay and deposits a sum of money to cover any overtime for City staff to conduct an ordinary review of the application, and staff volunteers such overtime, then the City will use reasonable efforts to process a tardy application in time to allow the event to be held. Applications shall be reviewed in the order received and priority shall be given to timely filed applications.

2. All applications for a permit under this Article must contain:
   a) The name and address of the applicant and if not a natural person the names and addresses of all persons controlling or owning greater than a five (5) percent interest in the applicant or a parent company of the applicant.
b) The dates and times of the event.

c) A list of the names and addresses of all vendors, independent contractors or other persons or firms which will be engaged by or associated with the applicant to offer goods or services during the special event, including a description of the goods and services offered by each and the name and address of the person who will have on-site responsibility, if different. The names and addresses of such persons shall be used only for the purposes of (i) identifying the source of goods or services after the event, if necessary, (ii) allowing the City to collect all business license taxes due, and (iii) contacting such persons or firms as necessary in the normal course of City business. The information may not be used to grant or deny a permit. Should such a list not be available at the time application is made, applicant shall give a written statement to that effect and agreeing to furnish such a list no later than thirty-six (36) hours before the event and acknowledging that failure to timely provide such a list will result in termination of the special event permit.

d) The names and addresses of all entertainers. This information shall be used for the sole purpose of the City, first, investigating whether sufficient adverse secondary effects have accompanied the entertainer's performance(s) at past performances to raise an objective and reasonable concern that a performance at the event could require planning for and provision of extraordinary municipal services and precautions due to a special or enhanced danger to public health, safety or welfare, and then, second, to allow the City to contact such entertainers as necessary in the normal course of City business.

e) Whether (i) patrons will be permitted to bring alcoholic beverages into the event (herein a "coolers event"), or (ii) patrons will not be permitted to bring alcoholic beverages into the event but patrons will be offered alcoholic beverages within the event (herein an "alcohol sales event"), or (iii) alcoholic beverages will be prohibited within the event (herein a "no alcohol event").

f) An estimate of the largest number of persons anticipated to be in attendance in the event venue at any point in time, a statement as to how such attendance was estimated (i.e., such as historical events, ticket sales, etc.), and a plan for: (i) determining the actual number of persons in attendance at the event venue as the event progresses; (ii) keeping the City informed in real time of that number; and (iii) a plan to manage and control or disburse the persons desiring to enter the event after capacity is reached. The name, address, telephone number and a description of any prior experience in estimating attendance at previous events shall be included for all persons participating in the attendance estimation.

g) A plan for sanitation facilities and sewage, garbage and litter collection and disposal (during and after the event) generated by the event or by its patrons (wherever such garbage or litter may be located), water supply and food service. A plan submitted under this section is presumptively a danger to public health and safety if it violates, any rules promulgated by
the Department of Health or other executive department pursuant to F.S. Ch. 381 (Public Health), F.S. Ch. 386 (Sanitary Nuisances), F.S. Ch. 509 (Food Service), or similar laws.

h) A plan for flood-lighting the special event and parking areas if any activities are to be offered during darkness.

i) A plan for parking facilities and plans for transporting or conducting patrons from said facilities to the special event venue.

j) A plan for the provision of security, on site and off site traffic control, communications, fire protection and emergency services, including ambulance service, and emergency vehicle access in and around the event venue, and the general background of the training and ability of the personnel to be used in implementing the plan.

(i) A traffic control plan submitted under this section is presumptively a danger to public health and safety if it does not provide for at least one (1) person professionally trained or experienced in vehicular traffic control for every five hundred (500) anticipated, maximum attendees to actively guide traffic during the event.

(ii) A security plan submitted under this section is presumptively a danger to public health and safety if it does not provide for the following on site security officers to work the event:

(a) for a "cooler event" at least five (5) persons on duty for every one thousand (1,000) attendees or portion thereof who shall be certified law enforcement officers, licensed security guards under F.S. Ch. 493 (Class "D" or better), or in-house security professionally trained according to recognized standards;

(b) for an "alcohol sales event" at least three (3) persons on duty for every one thousand (1,000) attendees or portion thereof who shall be certified law enforcement officers, licensed security guards under F.S. Ch. 493 (Class "D" or better), or in-house security professionally trained according to recognized;

(c) for a "no alcohol event" at least at least one (1) person for every one thousand (1,000) attendees or portion thereof who shall be a certified law enforcement officer, a licensed security guard under F.S. Ch. 493 (Class "D" or better), or in-house security professionally trained according to recognized standards.

The City Manager may approve a plan that does not meet this staffing criteria if it is reasonably shown that public health and safety can be secured through alternative means or that such staffing is not reasonably required for the proposed event, or alternatively the City Manager may require additional staffing.
reasonably shown to be required to secure the public health and safety during the proposed event.

A security plan submitted under this section is presumptively a danger to public health and safety if it does not prohibit security and traffic control personnel from working more than one (1) twelve (12) hour shift in any twenty-four (24) hour period.

k) A plan for medical services to be provided at the special event. A medical services plan submitted under this section is presumptively a danger to public health and safety if it does not prohibit medical personnel from working more than one (1) twelve (12) hour shift in any twenty-four (24) hour period. A medical services plan presumptively presents a danger to public safety or health if it does not provide for the following on site professionals to work the event:

(i) For a small event: none.

(ii) For a medium event: two (2) Emergency Medical Technicians ("EMTs"), paramedics, or other professionals with equivalent (or higher) medical training.

(iii) For a large event: two (2) EMTs, paramedics or other professionals with equivalent (or higher) medical training, plus an additional two (2) such persons for each eight thousand (8,000) anticipated maximum attendees, or portion thereof, over five thousand (5,000) anticipated maximum attendees.

The City Manager may approve a plan that does not meet this staffing criteria if it is reasonably shown that public health and safety can be secured through alternative means or that such staffing is not reasonably required for the proposed event.

The forgoing presumption is intended to address an event presenting a moderate hazard. The staffing guidelines set forth above may be decreased or increased as may be reasonably required to secure the public health and safety during the event depending upon whether the event objectively presents a lower or higher hazard. By way of illustration, the staffing guidelines set forth above are intended for moderate hazard events which include, but are not limited to, concerts, carnivals and fairs. Similarly, low hazard events include, but are not limited to, car shows, flea markets, local festivals, craft shows, local sporting events, and organized sporting tournaments. High hazard events include, but are not limited to, an event with stunts or having the potential for special danger to participants or spectators, or the potential for sustained exposure to extreme ambient temperatures. A low or moderate event may present a higher hazard due to extreme temperatures. Higher hazard events may be required to provide an Advanced Life Support Unit with transport capability. Staffing shall be equipped with customary supplies necessary to treat injuries and illnesses commonly associated with outdoor activities or similar events.
l) A plan for assuring that all stages, booths, tents, scaffoldings or structures of any kind on, under or within which persons may congregate, will conform to applicable building and construction codes in effect within the City, and that any entertainment stage erected on the sandy beach in connection with a special event will be guarded by a certified law enforcement officer, a licensed security guard under F.S. Ch. 493 (Class "D" or better), or an in-house security professionally trained according to recognized standards and authorized and instructed to prevent unsafe, public use or activity on or about the stage twenty-four (24) hours a day, seven (7) days a week.

m) A site plan showing the location and size of the event venue and all parking areas (including required handicap parking), and the location of all other features required by this section. For a sandy beach event, the site plan shall show a cleared east/west corridor on the sandy beach outside the event venue adequate to permit the one-way passage of an emergency vehicle, and a cleared east/west pedestrian corridor at and above the wet sand at the water's edge at least twenty five (25) feet wide.

n) A plan to provide and control safe pedestrian access between parking area(s) and the event venue which will minimize adverse impacts upon surrounding properties and businesses. For a sandy beach event a plan to keep the east/west emergency vehicle corridor and the waterfront pedestrian corridor open for traffic at all times must be provided.

o) A plan to deal with persons congregating outside the event in public right of ways either seeking entry to the event or attracted to the event should the number of such numbers call for municipal services to a degree above that which the City routinely provided under ordinary, everyday circumstances.

p) A plan to enclose, restrict or control access to all parking at the event venue and to limit the number of persons within the event venue to the maximum number anticipated, and a contingency plan to deal with persons in excess of that number to minimize adverse impacts upon surrounding properties and businesses.

q) For a medium or large event held in any part on the sandy gulf beach, plans demonstrating that the event space on the sandy beach event venue will be enclosed on all sides by fences or other structures adequate to prevent access to the event at any point other than controlled access gates, and also demonstrating adequate egress facilities and routes to clear the event venue in case of an emergency. If any entertainment or activity is provided for the event which is reasonably likely to attract a crowd outside the event venue, the fences or other structures shall be opaque and a minimum of six (6) feet high so as to prevent persons standing on ground level outside the fence from viewing the entertainment; except that in lieu of a six (6) foot opaque fence on the gulf water side there may be substituted two parallel fences each a minimum of four (4) feet high lying parallel to the gulf water's edge and no less than ten (10) feet apart.
r) During sea turtle nesting season, a plan for the fences to be removed from the beach daily before 9:00 pm and not replaced until after the beach has been inspected for turtle nests the next morning.

s) For a large event out of doors, a plan to provide sufficient elevated viewing platforms to permit event security and, upon request, City police to oversee the crowd and be able to identify and respond to a disturbance or unusual activity before it escalates.

t) A list of all live animals to be used in connection with the event and a plan for the care and safe keeping of such animals.

u) For medium events, a cash deposit in the amount of two thousand dollars ($2,000.00) or one thousand dollars ($1,000.00) per day, whichever is greater, but not to exceed five thousand dollars ($5,000.00). For large events, a cash deposit in the amount of three thousand dollars ($3,000.00) or one thousand five-hundred dollars ($1,500.00) per day, whichever is greater, but not to exceed six thousand dollars ($6,000.00). The return of such deposit, in whole or in part, shall be conditioned upon the applicant timely and completely performing all of the plans submitted with the application or reimbursing the City for all direct and indirect costs incurred to protect public or private health, safety or welfare in the absence of such performance or to pay the City any rent due the City for the use of city facilities in the event. In the event any such cost shall exceed the amount of the deposit, the applicant shall be liable to the City for such excess to the extent permitted by law.

v) The plans required by this Article are designed to allow the City to evaluate and assure that the proposed event will not pose an unreasonable danger to public health and safety and will not excessively burden municipal resources without adequate planning so as to create such a danger. Any plan submitted hereunder is presumptively a danger to public health and safety if it does not (i) include evidence that the applicant is reasonably qualified, experienced and capable of executing the plan alone, or written commitments from one or more qualified, experienced and capable third parties promising to execute or assist the applicant in executing the plan and acknowledging that the commitment is being made to induce the City to issue a permit for the event, and (ii) demonstrate that it is reasonably capable of being executed through the equipment, personnel and processes specified in it, and (iii) demonstrate that it will be reasonably effective to protect the public from the health or safety risks it is intended to address.

w) The City Manager may waive any requirement herein if it is reasonably shown that public health and safety can be secured through alternative means or that such a plan is not reasonably required for the proposed event.

Sec. 4-21. Application fee and municipal services fee.
(1) Application for a special event permit shall be accompanied by one of the following applicable fees for administrative expenses incurred in evaluating and processing the application:

(i) For small event, $50.00.
(ii) For a medium event, $225.00
(iii) For a large event, $350.00.

If an event permit for a large event wholly or partially on the sandy beach is not issued due to other such sandy beach event(s) occurring on the same calendar day the application fee shall be refunded. In the event the City Council shall find that the event will serve a charitable, public and non-religious purpose, it may by resolution waive or lower the application or City services fee, or both, by appropriating general revenue funds to be applied to the fee.

(2) As part of the City's administrative review of an application for a large event permit, the City shall determine the municipal services needed as a direct result of the event and not as a duty to the public generally, together with any municipal services requested by the applicant, and their respective costs, and shall prepare an itemization of the services and their cost (the municipal services fee). The purpose of the municipal services fee is to place upon a large event the marginal cost of providing municipal services which are reasonably necessary to directly support the event.

(3) The level of municipal services required shall be determined by an objective, reasonable examination of the totality of the circumstances, including but not limited to the following factors:

(i) The size of the event venue and the anticipated attendance.
(ii) The location of the event to determine the potential for pedestrian and vehicular congestion.
(iii) The nature of the event, the activities planned during it and the weather conditions of the season to evaluate the danger of harm to persons and property such as a fireworks explosion, a collision of participants or spectators, spectator or participant heatstroke, drowning, and the like.
(iv) The historical density of visitors to the beaches during the annual season of the event and the type of activities, safe and unsafe, in which those visitors have historically engaged.
(v) Whether the event venue is specifically designed and staffed to handle the anticipated needs and effects of the anticipated number of attendees.

(4) The City Manager or his or her designee shall promptly provide the applicant a copy of the itemization and amount of the municipal services fee and attempt to schedule or arrange a pre-permit conference with the applicant, or other means of communication between the city and the applicant as may be suggested by the applicant, in order to discuss the conduct of the event, the coordination of public and private resources and the level of municipal services required and the amount of the municipal services fee. It shall be the Applicant's duty to attend the pre-permit
meeting at a day and time convenient for City staff, or to request an alternative to the
pre-permit meeting and the City Manager shall allow the request if it is reasonable
and practical to do so.

(5) If the applicant does not accept the type and extent of municipal services listed and
the amount of the municipal services fee, the City shall nonetheless proceed in
ordinary course to complete the application process and either deny the permit
through the process contained in this Article without consideration of the applicant’s
objection to the fee, or if the applicant is entitled to the permit then grant the permit
upon the condition that the municipal services fee be paid before the permit becomes
valid or effective. The applicant shall have the right to appeal to the City Council the
type and extent of services required and the amount of the fee by letter filed with the
City Clerk within three (3) business days after the City shall provide the applicant the
itemization and amount of the fee which notice shall state that the applicant may
appeal within three business days. The City Council shall uphold or lessen the fee
based upon information about the extent of services to be rendered by the City
directly related to the event and the cost of those services as presented by City
Manager or his designee and the applicant in a de novo, quasi-judicial hearing held
as soon as may be practicable. The City Council’s decision, including its reasons
therefore, shall be announced at the conclusion of the hearing and entered onto the
record thereof which shall constitute the Council’s final order in any subsequent
proceedings. The hearing may be continued from time to time in the sole discretion
of the City Council. If the City Council is unable to timely conduct or conclude the
hearing in time for the event to be held pursuant to an otherwise valid permit, the
applicant may pay to the City the disputed fee under protest, and the permit shall
become effective so that the event may be held, in which case the hearing shall be
held and concluded after the event at a mutually convenient time. If the fee is upheld,
it shall be accepted by the City; if it is reduced the reduction shall be refunded to the
applicant.

Sec. 4-22. Additional information.
Before denying a permit or conditioning a permit upon things not included in the
application or agreed to by the applicant, the City Manager or his designee shall give the
applicant written notice of the deficiencies in the application or the need to add
conditions to the permit and provide the applicant an opportunity to present additional
written information addressing those deficiencies or needs. The City Manager shall
make a reasonable effort to facilitate the applicant’s addressing the deficiencies in time
to hold the event, but also taking into consideration the city’s resources and other
matters at hand.

Sec. 4-23. Action on the application and appeal.

(1) The City Manager must decide to grant or deny an application at the earliest
possible time after receipt:

(2) The City Manager may deny a permit only on one or more of the following
grounds:

   a. The permit application is incomplete; a complete application is one that
      provides all the information or items required by this Article regardless of
      the sufficiency of the information or item.
b. The application fee has not been paid;

c. The proposed event is unlawful;

d. The proposed event exceeds the maximum number of allowed sandy beach events as provided by sec. 4-25 of this Article;

e. The application contains a material falsehood or misrepresentation;

f. It reasonably appears that the proposed event will present a clear and present danger to the public safety or health;

g. The proposed event is of such a nature or duration that it cannot be reasonably accommodated in the particular venue applied for, or

h. The applicant has refused to attend or participate in good faith in a pre-permit meeting requested by the City Manager following reasonable notice and scheduling attempts by the City Manager and failed to propose reasonable alternatives.

(3) The City Manager is expressly prohibited from denying any permit based upon the identity of any speaker or entertainer or the viewpoint, content, or type of speech or expression to be displayed so long as such speech or expression is lawful.

(4) Every denial of a permit shall be in writing and shall clearly explain the reason(s) for denial under sec. 4-23(2). A denial of a permit application as "incomplete" must identify the specific information required by this Article which was not provided. A denial based upon the unlawfulness of an event must identify the law or regulation prohibiting such conduct. A denial under sec. 4-25 of this Article must identify the conflicting events. A denial based upon a clear and present danger to the public safety or health must identify the specific conditions which reasonably give rise to the danger. A denial based upon the fact that the proposed event cannot be reasonably accommodated in the particular venue applied for must state specific reasons why the area is unsuitable for the event. A denial based upon an applicant's refusal to attend or participate in good faith in a pre-permit meeting, or suggest an alternative, shall identify the steps taken to provide reasonable notice and scheduling of such meeting and, if applicable, any conduct at the meeting demonstrating bad faith participation by the applicant. The purpose of the requirement is to allow the applicant to know the grounds upon which the permit was denied and to permit City Council the opportunity to verify and confirm the objective validity of any denial and to ensure that any limited discretion given to the City Manager under this Ordinance is not abused so as to disfavor protected speech or expression.

(5) The City Manager may condition any permit with reasonable requirements concerning the time, place or manner of holding a special event as is necessary to coordinate municipal services, multiple uses of public property, assure preservation of public property and public places, prevent dangerous,
unlawful or impermissible uses, protect the safety of persons and property and to control vehicular and pedestrian traffic in and around the venue, provided that such requirements are narrowly tailored to address these concerns and are not implemented for the purpose of regulating or restricting protected speech or expressive conduct.

All permit applications shall be deemed granted as applied for if the City Manager does not grant, grant with conditions, or deny the permit in writing within thirty (30) calendar days or receiving an application for a large event, fifteen (15) calendar days of receiving an application for a medium event, and five (5) business days of receiving an application for a small event. A permit which is granted automatically under this section is conditioned upon any required city services fee being paid before the permit becomes valid or effective. If an applicant disagrees with the fee required, the provisions of sec. 4-21(5) shall control.

(6) The automatic granting of permits provided in sec. 4-23(5) shall not apply if:

a. The permit application fee has not been paid;

b. The City Manager has indicated his intent to deny a permit under sec.4-23(2) and the applicant has agreed, in writing, to supply the City Manager with additional information which may allow the permit to be granted. In this case, the permit application will be deemed granted if the City Manager does not grant, grant with conditions, or deny the permit in writing within ten calendar days of receipt of the additional information, unless the applicant agrees in writing to provide further additional information, which shall renew the terms and time-frames of this paragraph; or

c. The City Manager requests additional time to review the application and the request is agreed to in writing by the applicant. In this case, the permit application will be deemed granted if the City Manager does not grant, grant with conditions, or deny the permit in writing by the expiration of the agreed date.

(7) Every denial of a permit and every conditional grant of a permit challenged by an applicant is appealable to the City Council by letter filed with the City Clerk within three (3) business days after receipt of the denial or proposed conditional grant. The City Council shall grant or deny the permit, or uphold or rescind the conditions, based upon information presented by the applicant and the City Manager or his designee in a de novo, quasi-judicial hearing held as soon as practicable. The City Council's decision, including its reasons therefor, shall be announced at the conclusion of the hearing and entered onto the record thereof which shall constitute the Council's final order in any subsequent proceedings and which may, but shall not be required to, express findings of fact and conclusions of law. The hearing may be continued from time to time in the sole discretion of the City Council, provided that if the City Council does not render a final order within fifteen (15) days after filing of the letter of appeal the permit shall be deemed granted.
Sec. 4-24. Posting vendor contacts.

If the permit is granted, the applicant shall conspicuously display to the public (on a form to be provided by the City Manager) the name, mailing address, email address, and telephone number of each vendor, artist, or other person offering goods, services, or entertainment at the special event, including if different, the name, mailing address, email address and telephone number of the individual with on-site responsibility for the vendor, artist or other person. Such form shall be continuously displayed at the booth or specific location within the special event where such goods, services or entertainment are offered.

Sec. 4-25. Limitation of sandy beach events on the same day.

Notwithstanding anything to the contrary herein, permits for large events occurring wholly or partially on the sandy beach shall be restricted to the following limits for any one (1) calendar day:

(1) One large event with deemed attendance in excess of ten thousand (10,000) persons; or

(2) Multiple large or medium events with aggregate deemed attendance of twelve thousand (12,000) persons where the deemed attendance of no single event is greater than five thousand (5,000) persons; or

(3) Multiple large or medium events with aggregate deemed attendance of fifteen thousand (15,000) persons where the deemed attendance of no single event is greater than two thousand five hundred (2,500) persons; or

(4) A total of six (6) large or medium events regardless of deemed attendance.

Permits shall be issued in the order that substantially complete applications with the required fee are filed.

Sec. 4-26. Enforcement and Penalties.

(1) The City finds that a violation of any section of this Article presents a serious threat to the public health, safety and welfare which is irreparable and irreversible and of an itinerant or transient nature.

(2) Each violation of this Article shall constitute a separate, civil infraction within the meaning of Florida Statutes Chapter 162, Part II, punishable by a civil penalty in the amount specified below unless a different amount is specified in the section violated.

First violation of this Article: $100.
Second violation of this Article: $200.
Third and all subsequent violations of this Article: $500.

Unless otherwise specified, a person who does not contest the civil citation for violation of this Article shall be subject to a civil penalty in the following amount:
First violation of this Article: $50.
Second violation of this Article: $100.
Third and all subsequent violations of this Article: $250.

The penalty for uncontested civil citations may be paid directly to the City Clerk.

(3) This Article may be enforced by the issuance of a civil citation by a sworn police officer of the City who has reasonable cause to believe that a person has violated any section of this Article. All sworn police officers of the City shall be considered code enforcement officers for the purpose of enforcing every section of this Article. A citation issued under any section of this Article may be contested in the county court for Bay County, Florida. The civil citation shall contain the matters specified in § 162.21 Florida Statutes (2013), or subsequent, superseding legislation, in form approved by the Chief of Police. Any person who willfully refuses to sign and accept a citation issued pursuant to this section shall be guilty of a misdemeanor of the second degree, punishable as provided in §§ 162.21(6), 775.082 & 775.083, Florida Statutes or subsequent, superseding legislation. In addition to the penalties specified in this Article, a person voluntarily paying a civil citation or convicted of a civil citation shall be required to bear all costs and fees imposed by the County Court or the office of the Clerk.

(4) The civil penalties provided here are cumulative to any other civil or criminal penalties available for violation of this the Panama City Beach Code of Ordinances or state law, including the criminal penalties set forth in City Code sec. 1-12.

(5) Each day (any 24 consecutive hour period) that a continuing violation of this Chapter occurs or continues shall constitute a separate, civil infraction punishable by a civil penalty in the cumulative amount specified above. Repeat violations by a single person or entity may relate to different requirements imposed by this law and in different circumstance and still constitute a repeat violation for the purpose of determining the civil penalty due.

Sec. 4-27. Remedial purpose and severability.

(1) This Article will promote the public good by establishing necessary standards to define special events in the digital age and creating incentives and mechanisms to promote the public welfare by fostering preparation for, and curbing the excesses of, those assemblies, and also to employ those same standards to require persons owning or controlling property upon which a spontaneous, unplanned event occurs to use their best efforts to immediately control the event if feasible and provide an incentive to better secure their property in the future. Therefore, even though this Article contains civil penalties, it is adopted for the remedial purposes set forth here and in the lengthy recitals to the adopting ordinance, and if challenged the Article should nonetheless be given an equitable construction in order to achieve the clear and remedial purposes determined by the City Council.

(2) If any part or provision of this Article is held to be unenforceable for any reason, the remainder shall remain in full force and effect to the fullest extent possible under as liberal construction as may be needed to achieve its remedial purposes.

Secs. 4-28-29. Reserved.
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 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 ___ day of __________, 201__.

______________________________
MAJOR

ATTEST:

______________________________
CITY CLERK

EXAMINED AND APPROVED by me this ___ day of ____________, 201__.
REGULAR AGENDA
ITEM #15,

CONSIDER
SCHEDULE SPECIAL MEETING
Included in this agenda for first reading is a reorganized Special Events ordinance. The intent and effect of the ordinance is unchanged. The council will recall that in October substantial changes were made in the ordinance to address pop-up events in the digital age. Since adoption, staff has reviewed applications and granted several permits under the new ordinance and recognized opportunities to streamline and clarify the process. This ordinance does that.

Because large blocks of text have been simply relocated without material change, and virtually every section has been affected by the reorganization, the most understandable format is simply to repeal the old in its entirety and adopt the new to simultaneously supersede it. Should anyone wish to receive a copy in “strike and underline” format, just let me know.

As a reminder, the ordinance addresses three circumstances: planned events, planned events that get out of hand and spontaneous events that get out of hand. The ordinance now lists succinctly the precise circumstances under which the city can deny a permit to protect the public health and safety. The ordinance continues the authority of the City to require responsible persons to tone down any excesses that may occur in either a permitted or spontaneous event.

Should you have any questions or wish to compare the handling of any particular situations under the October ordinance and this ordinance to confirm their substantive similarity, please just let either of us know.

Legal staff recommends approval of first reading of Ordinance 1379, and further requests Council’s consideration of a special meeting and public hearing in which to adopt the Ordinance the first week in January.

CC: Mario Gisbert
Drew Whitman
## January 2016

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**Dec 27:** 12:00pm-4:00pm Noon- Civil Svc Board Meeting

**Dec 28:** 2:00pm-4:30pm Planning Board Meeting

**Dec 29:** 9:00am-11:00am 9AM-TDC Meeting

**Dec 30:** 6:00pm-9:00pm 6PM Council meeting

**Dec 31:** 3:00pm-4:30pm 3PM-Exanimating Board

**Jan 1, 16:** 2:00pm-5:00pm 2PM Council Meeting

**Jan 2:** Council Room

**Jan 3:**

**Jan 4:**

**Jan 5:**

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REGULAR AGENDA
ITEM #16,
REQUEST FOR HEIGHT INCREASE
MEMORANDUM

December 2, 2015

TO: Mario Gisbert, City Manager

FROM: Mel Leonard, Director of Building and Planning

RE: Request for Height Incentives to be Approved for a Proposed Condominium to be Located at 11827 Front Beach Road

The Planning Board recommended approval (6-0) of the above referenced application at its November 9, 2015 meeting. The application is seeking approval for a building height increase for a proposed new condominium. Consideration of the request is authorized by Table 7.02.03.H of the LDC and the specific height incentives are shown in Section 4.02.02.E of the LDC. Section 4.02.02.E.1 thru 4 establishes the matters to be considered (attached) and states that approval is not a matter of right, but at the sole discretion of the City Council.

The subject property is located in the FBO-4 Overlay District which permits a maximum building height of 150’ without incentives and a maximum building height of 220’ with incentives. The applicant has requested approval of incentives to gain the additional 70’ in building height. The applicant’s application, the Planning Board Order and associated materials are attached for consideration.
IN RE: HEIGHT INCENTIVES REQUEST to increase the allowable height in the FBO-4 district from 150 feet to 220 feet for Parcel ID 34792-000-000.

Submitted by: Continental Group Inc.

ORDER

THE PLANNING BOARD OF THE CITY OF PANAMA CITY BEACH, having received testimony and reviewed the exhibits produced at the Quasi-Judicial Hearing held on this matter on November 9, 2015, to review height incentives to increase the allowable height in the FBO-4 district hereby makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Planning Department Staff delivered information to the Planning Board supporting the request.
2. The Planning Board listened to the applicant’s request and recommended approval of all 12 of the applicant’s requests to increase the allowable height from 150 feet to 220 feet with a 6-0 decision.

CONCLUSIONS OF LAW

3. Pursuant to Section 4.02.02(E), Table 4.02.02.(B), Section 8.03.03(E) and Table 7.02.03.H of the City’s Land Development Code, the Planning Board has jurisdiction to conduct a quasi-judicial hearing on this matter and make a recommendation to the City Council on whether the request should be granted by adoption of ordinance.
4. The Height Incentive Request is consistent with the City’s Comprehensive Plan.
THEREFORE, IT IS ORDERED AND ADJUDGED that the subject Height Incentive Request is hereby recommended for APPROVAL and accordingly, the associated Ordinance should be ADOPTED.

If any part of this Order is deemed invalid or unlawful, the invalid or unlawful part shall be severed from this Order and the remaining parts shall continue to have full force and effect.

DONE this 20 day of November, 20[15].

CHAIRMAN ED BENJAMIN

ATTEST:

MEL LEONARD, DIRECTOR OF BUILDING AND PLANNING
Bay County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All data is subject to change before the next certified tax roll.

Date printed: 11/18/15 : 15:37:42

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AGENDA ITEM # 16
DATA AND ANALYSIS

I. APPLICANT: Continental Group Inc

II. PROJECT LOCATION: The site is located on the south side of Front Beach Rd. east of the intersection of Alf Coleman Rd. and Front Beach Rd. (see attached maps).

III. REQUEST: This request is a Height Incentive Request from 150' to 220' as addressed in the Land Development Code Table 4.02.02.B.

IV. REASON FOR REQUEST: The applicant is requesting the change to allow for the development of a 220' tall condominium where a 150' is allowed under the Front Beach Overlay zone 4 "FBO4".

V. PLAN AMENDMENT / REZONING: A small scale plan amendment is not required nor a Rezoning for this request.

VI. EVALUATION:

HEIGHT INCENTIVE:
The City Council may, after considering the recommendation of the Planning Board, grant the height increases for buildings in a M-1, 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.

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.

www.pcbgov.com
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.A as applicable. Portions of the buildings receiving height incentives shall be subject to additional setbacks requirements established in 4.02.02.A and section 7.02.03H.

**Incentives Proposed by applicant:**

The applicant has proposed 12 design modifications (totaling 105' feet in height incentives) to achieve the additional 70' in height. Each is addressed below:

- **Applicants proposal:** Reduce impervious surface by 25% of the maximum amount permissible to increase height by 10' and to achieve a benefit of green development.

  Staff Analysis: Allowable impervious coverage for CH zoning is 85%, page 3 of the applicants proposal depicts more than the 25% reduction. Minimum conditions have been met.

- **Applicants proposal:** Place a minimum of 50% of the parking spaces under cover with green roof to increase height by 10 feet and to achieve a benefit of green development.

  Staff analysis: The proposal meets the minimum conditions of installing a vegetative roof that covers at least 50% of the roof area see page 4 of the proposal

- **Applicant's proposal:** Use 90% or more Florida Friendly Plants to increase height by 10' and to achieve a benefit of green development.

  Staff analysis: The proposal meets the minimum conditions of water conservation measures outside the building, 90% or more Florida Friendly Plants, see page 4.

- **Applicant's proposal:** Irrigation from non-potable water to increase height by 10' and to achieve a benefit of green development.

  Staff analysis: The proposal meets the minimum conditions of water conservation measures outside the building; irrigation from non-potable water. Page 5 depicts the use of a water retention cistern.
- **Applicant's proposal:** Skyline feature, a recognizable top for architectural embellishment to increase height by 5' and to achieve a benefit of architectural amenities.

  Staff analysis: The proposal meets the minimum conditions, Skyline features a recognizable "top" using stepped parapets see page 6.

- **Applicant's proposal:** Sidewalks covered by permanent canopies, galleries, and arcades approved by the Council and having a minimum width of 6 feet to increase the height by 5' and to achieve a benefit of covered sidewalks.

  Staff analysis: The proposal meets the minimum conditions of a covered sidewalk see page 7.

- **Applicant's proposal:** A recognizable base at ground level to increase the height by 5' and to achieve a benefit of architectural amenities.

  Staff analysis: The proposal meets the minimum conditions of a recognizable base at ground level see page 8.

- **Applicant's proposal:** Entryway 40' wide X 20' tall opening at the front of the building in line with the landscape and urban furniture of the streetscape to increase the height by 5' and achieve a benefit of enhanced entryways.

  Staff analysis: The proposal meets the minimum conditions of an enhanced entryway see page 8 and 9.

- **Applicant's proposal:** Enhanced sidewalks, upgraded sidewalk design along the building façade and entryways to increase height by 5' and achieve a benefit of architectural amenities.

  Staff analysis: The proposal addresses the conditions of enhanced sidewalks, upgraded sidewalks however additional details are requested addressing materials and design which will "exceed minimum streetscape requirements of the Front Beach Road Streetscape Design Guidelines manual".

- **Applicant's proposal:** Permanent ground level opening in the building measuring at least 40' in width and 20' in height with the bottom being at or below street level to increase height by 10' and achieve a benefit of a view window.

  Staff analysis: The proposal meets the minimum conditions of creating a 40' X 20' view window see page 9.
• Applicant's proposal: Restrooms provided between the Gulf and Front Beach Road to increase height by 10' and to achieve a benefit of a public beach amenities /public restrooms.

Staff analysis: The proposal meets the minimum conditions of Restrooms provided between the Gulf and Front Beach Road see page 10, however the bathrooms should be easily accessible to the general public and marked "public restrooms".

• Applicant's proposal: Land for new or expanded public beach access / boardwalk shall be dedicated to the City with 10' wide boardwalk to increase height by 20' and achieve a benefit of a public beach access.

Staff analysis: The proposal meets the minimum conditions of an 8' wide beach access see page 11; however the applicant should revise plans to verify the access will begin at the right of way of Front Beach Rd. and end at the erosion control line.

CONCLUSION: After evaluating all of the factors associated with this request staff does not object to the increase of 70' in height if the applicant address the items below:

• Additional details are requested addressing materials and design which will "exceed minimum streetscape requirements of the Front Beach Road Streetscape Design Guidelines manual".

• Public bathrooms should be easily accessible to the general public and marked public restrooms.

• Revise boardwalk/ public beach access plans to depict beach access beginning at the right of way of Front Beach Rd. and end at the erosion control line.
<table>
<thead>
<tr>
<th>Area of Applicability</th>
<th>Benefit</th>
<th>Minimum Conditions for Bonus</th>
<th>Height Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any District Eligible for Height Incentives</td>
<td>Cross Access Easement</td>
<td>Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels.</td>
<td>5 feet</td>
</tr>
<tr>
<td>Any District Eligible for Height Incentives</td>
<td>Civil Support Space</td>
<td>Dedication of space for any of the following uses: Cultural Center, Temporary Child Care Facility or Licensed Facility. The dedicated space shall be at least 2,500 square feet of floor area, be located on the ground floor and may be located in an independent building.</td>
<td>10 feet</td>
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<td>Area of Applicability</td>
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<tr>
<td>Any District Eligible for Height Incentives</td>
<td>Green Development</td>
<td>Reduce impervious surface area by 25% of the maximum amount permissible</td>
<td>10 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Use roofing materials with a solar reflectance index (SRI) of at least 78 for a sloped roof equal to or less than 2:12 and a SRI of at least 29 for a sloped roof greater than 2:12 or install a vegetative roof that covers at least 50% of the roof area.</td>
<td>5 feet</td>
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<td>Provide shade for 50% of the site hardscape (including roads, sidewalks, courtyards and parking lots) from structures covered by solar panels that produce energy used to offset a nonrenewable resource use; and provide shade from architectural devices or structures that have a solar reflectance index (SRI) of at least 29; and use hardscape materials with a SRI of at least 29; or, place a minimum of 50% of parking spaces under cover. Any roof used to shade or cover parking must have an SRI of at least 29, be a vegetated green roof or be covered by solar panels that produce energy used to offset a nonrenewable resource use.</td>
<td>10 feet</td>
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<td>Water conservation measures outside the building that includes:</td>
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<td>50% or more Florida Friendly Plants</td>
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<td>Irrigation from non-potable water</td>
<td>10 feet</td>
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<td>Water conservation that exceeds state standards:</td>
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<td>By 20 percent or more</td>
<td>5 feet</td>
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<td>By 40 percent or more</td>
<td>10 feet</td>
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<td>High Quality Wetland Protection - Protection of high quality wetlands when evidence is provided showing the wetlands can be permitted to be filled. Wetlands already protected by an agreement with FDEP or a permit by the Army Corps of Engineers are not eligible for the height bonus.</td>
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<td>• 10 acres or less of high quality wetlands:</td>
<td>10 feet</td>
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<td></td>
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<td>• Greater than 10 acres of high quality wetlands:</td>
<td>20 feet</td>
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</table>

AGENDA ITEM #__
<table>
<thead>
<tr>
<th>Area of Benefit</th>
<th>Minimum Conditions for Bonus</th>
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</tr>
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<tbody>
<tr>
<td><strong>Any District Eligible for Height Incentives</strong></td>
<td><strong>Architectural Lighting</strong> — architectural lighting highlighting building columns, cornices or other distinguishing architectural features along the front façade of buildings. (Designs shall not interfere with turtle nesting season protections.)</td>
<td><strong>5 feet</strong></td>
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<td><strong>Skyline features</strong> — A recognizable &quot;top&quot; consisting of (but not limited to): (a) cornice treatments, (b) roof overhangs with brackets, (c) stepped parapets, (d) richly textured materials (e.g., tile or masonry treatments), (e) differently colored materials; colored &quot;stripes&quot; are not acceptable as the only treatment, and/or (f) other non-habitable space that is under a pitched roof and above the top floor ceiling shall not be counted towards building height.</td>
<td><strong>Features that do not exceed 20 feet in height above the top floor ceiling shall not be counted towards building height and an increase of up to 5 feet in height shall apply.</strong></td>
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<td><strong>Landscaping</strong> — Vertical landscaping designed to cover at least 35% of a façade of up to 40 feet in height within 2 years and visible from a Scenic Corridor. A façade with a northern exposure is ineligible for vertical landscaping.</td>
<td><strong>5 feet</strong></td>
</tr>
<tr>
<td><strong>Any District Eligible for Height Incentives excluding Front Beach Overlay Districts</strong></td>
<td><strong>Building Design Standards - Compliance</strong> with section 6.1. Reference source not found.(1-8). Compliance with subsections 1, 6, 7 and 8 are the minimum necessary to obtain the height bonus. Subsections 2, 3, 4 and 5 are applicable only when such improvement is proposed.</td>
<td><strong>10 feet</strong></td>
</tr>
<tr>
<td><strong>Front Beach Overlay Districts</strong></td>
<td><strong>Outdoor Civic Spaces</strong></td>
<td><strong>5 feet</strong></td>
</tr>
<tr>
<td></td>
<td>Provision of courtyard, seating area and other civic space that is directly accessible to the public from the sidewalk. Each civic space shall have a minimum area of no less than 250 square feet.</td>
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<tr>
<td><strong>Front Beach Overlay Districts</strong></td>
<td><strong>Covered Sidewalks</strong></td>
<td><strong>5 feet</strong></td>
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<tr>
<td></td>
<td>Sidewalks covered by permanent canopies, galleries and arcades approved by the Council and having a minimum width of six (6) feet.</td>
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<tr>
<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
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<tr>
<td>Front Beach Overlay Districts</td>
<td>Architectural Amenities</td>
<td>A recognizable &quot;base&quot; at ground level consisting of (but not limited to): (a) protruding walls; (b) richly textured materials (e.g., tile or masonry treatments); (c) special materials such as ceramic tile, granite and marble; (d) contrasting colored materials mullions, and/or panels.</td>
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<td>Entryways - Incorporate enhanced landscaping, landscape planters or wing walls, structural or vegetative shading features and benches or other seating components.</td>
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<td>Enhanced sidewalks – upgraded sidewalk design (e.g., colors, materials and patterns) along the building facade and/or entryways that exceeds minimum streetscape requirements as per the Front Beach Road Streetscape Design Guidelines Manual.</td>
</tr>
<tr>
<td>FBO-2 or FBO-4 Districts located between the Gulf and Front Beach Road or South Thomas Drive</td>
<td>View Windows</td>
<td>For Parcels on the south (beach) side of Front Beach or South Thomas Roads in a FBO-2 or FBO-4 district,</td>
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<td>• Side setback increase of at least twenty (20) feet in width beginning at the ground floor. Said area shall be subject to a permanent prohibition on all buildings; or</td>
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<td>• Permanent ground level opening in the building measuring at least forty (40) feet in width by twenty (20) feet tall with the bottom being at or below Street level and the top being at least ten (10) feet above Street level. View windows may be open or enclosed with transparent glass. The combination of plantings, improvements, furnishings and other visual obstructions shall not result in more than thirty (30) percent opacity measured between the Street elevation and ten (10) feet above Street elevation.</td>
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<tr>
<td></td>
<td>View Window Aligned With Street</td>
<td>Provision of a permanent view window toward the Gulf as described above in a location that aligns with one of the following roads: Vestavia Street, Cobb Road, State Road 79 (Arnold Road), El Centro Boulevard, Carmen Street, Lullwater Drive, West Park Drive, Pier Park Drive, Powell Adams Drive, Hill Road, Gulf</td>
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<tr>
<td>Front Beach Overlay</td>
<td>Public Beach Amenities</td>
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<tr>
<td>Districts</td>
<td>Public Restroom</td>
<td>Public restroom accepted by the City at its sole and unfettered discretion. A single restroom for purposes of this section shall include men's and women's rest rooms with at least three (3) commodes and one shower in each. The City may accept maintenance or require private maintenance at its sole discretion.</td>
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<td>Rest rooms provided between the Gulf and Front Beach Road or South Thomas Drive.</td>
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<td>Rest rooms provided on the north side of Front Beach Road or South Thomas Drive.</td>
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<tr>
<td>Public Parking Spaces</td>
<td>Conveyance of fee title to the City for parking spaces with direct or indirect pedestrian public access to the public beach and construction of improvements necessary for the public to use such parking and access. Such parking shall be located within one-quarter (1/4) mile by the shortest pedestrian route from the parking spaces to the erosion control line. As an alternative to conveyance of title, spaces may be subject to approval of a parking partnership agreement as established in section Error! Reference source not found.</td>
<td>10 feet for every 10 spaces provided plus 1 foot for every space for every space over 10 spaces</td>
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<tr>
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<td>Parking spaces provided between the Gulf and Front Beach Road or South Thomas Drive</td>
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<td></td>
<td>Parking spaces provided on the north side of Front Beach Road or South Thomas Drive</td>
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<td>Beach Access</td>
<td>Land for new or expanded public beach access shall be dedicated to the City. New beach access shall be a minimum of eight (8) feet in width and open, with a direct connection to the Gulf. Expanded beach access shall be a minimum of four (4) in width and located directly adjacent to an</td>
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<td>existing beach access. Beach access shall not be counted as part of a required setback. The need for either a new or expanded beach access must be approved by the City.</td>
<td>Beach access provided between the erosion control line and the right-of-way of Front Beach Road or South Thomas Drive</td>
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<td>Beach access provided through a property located to the north of Front Beach Road or South Thomas Drive. Such access shall provide a direct pedestrian connection from public right-of-way in a Residential subdivision to the north of the subject property and the right-of-way of Front Beach Road or South Thomas Drive.</td>
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<td>Construction of a transit facility located outside existing public right of way and dedication of necessary easements. The need for and design of the facility must be approved by the CRA and the applicable transit provider, if not the CRA.</td>
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</tbody>
</table>

(Ord. # 1248, 12-13-12; Ord. #1254, 11/14/13)
### Table 4.02.02.B: Height Incentives

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<td>Any District Eligible for Height Incentives</td>
<td>Cross Access Easement</td>
<td>Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels.</td>
<td>5 feet</td>
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<td>Any District Eligible for Height Incentives</td>
<td>Civil Support Space</td>
<td>Dedication of space for any of the following uses: Cultural Center, Temporary Child Care Facility or Licensed Facility. The dedicated space shall be at least 2,500 square feet of floor area, be located on the ground floor and may be located in an independent building.</td>
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<td>Any District Eligible for Height Incentives</td>
<td>Green Development</td>
<td>Reduce impervious surface by 25% of the maximum amount permissible</td>
<td>10 feet</td>
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<td>Use roofing materials with a solar reflectance index (SRI) of at least 78 for a sloped roof equal to or less than 2:12 and a SRI of at least 29 for a sloped roof greater than 2:12</td>
<td>5 feet</td>
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<td>Install a vegetative roof that covers at least 50% of the roof area.</td>
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<td>Provide shade for 50% of the site hardscape (including roads, sidewalks, courtyards and parking lots) from structures covered by solar panels that produce energy used to offset a nonrenewable resource use; and provide shade from architectural devices or structures that have a solar reflectance index (SRI) of at least 29; and use hardscape materials with a SRI of at least 29; or, place a minimum of 50% of parking spaces under cover. Any roof used to shade or cover parking must have an SRI of at least 29, be a vegetated green roof or be covered by solar panels that produce energy used to offset a nonrenewable resource use.</td>
<td>10 feet</td>
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<td>Water conservation measures outside the building that includes: 50% or more Florida Friendly Plants</td>
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<td>High Quality Wetland Protection – Protection of high quality wetlands when evidence is provided showing the wetlands can be permitted to be filled. Wetlands already protected by an agreement with FDEP or a permit by the Army Corps of Engineers are not eligible for the height bonus. 10 acres or less of high quality wetlands: Greater than 10 acres of high quality wetlands:</td>
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<tr>
<td>Any District</td>
<td>Architectural Amenities</td>
<td>Lighting – architectural lighting highlighting building columns, Cornices or other distinguishing architectural features along the front facade of buildings. (Designs shall not interfere with turtle nesting season protections.)</td>
<td>5 feet</td>
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<tr>
<td>Eligible for Height</td>
<td></td>
<td>Skyline features – A recognizable &quot;top&quot; consisting of (but not limited to): (a) Cornice treatments, (b) roof overhangs with brackets, (c) stepped parapets, (d) richly textured materials (e.g. tile or masonry treatments), (e) differently colored materials; colored &quot;stripes&quot; are not acceptable as the only treatment, and/or (f) other non-habitable space that is under a pitched roof and above the top floor ceiling shall not be counted towards building height.</td>
<td>Features that do not exceed 20 feet in height above the top floor ceiling shall not be counted towards building height and an increase of up to 5 feet in height shall apply.</td>
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<td>Incentives</td>
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<td>5 feet</td>
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<td>Any District</td>
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<td>Landscaping - Vertical landscaping designed to cover at least 35% of a facade of up to 40 feet in height within 2 years and visible from a Scenic Corridor. A facade with a northern exposure is ineligible for vertical landscaping.</td>
<td>5 feet</td>
</tr>
<tr>
<td>Eligible for Height</td>
<td></td>
<td>Building Design Standards - Compliance with section Error! Reference source not found. (1-8). Compliance with subsections 1, 6, 7 and 8 are the minimum necessary to obtain the height bonus. Subsections 2, 3, 4 and 5 are applicable only when such improvement is proposed.</td>
<td>10 feet</td>
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<td>Incentives</td>
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</tr>
<tr>
<td>Front Beach Overlay</td>
<td>Outdoor Civic Spaces</td>
<td>Provision of courtyard, seating area and other civic space that is directly accessible to the public from the sidewalk. Each civic space shall have a minimum area of no less than 350 square feet.</td>
<td>5 feet</td>
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<td>Districts</td>
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<td>Front Beach Overlay</td>
<td>Covered Sidewalks</td>
<td>Sidewalks covered by permanent canopies, galleries and arcades approved by the Council and having a minimum width of six (6) feet.</td>
<td>5 feet</td>
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<td>Area of Applicability</td>
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<td>Minimum Conditions for Bonus</td>
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<td><strong>Front Beach Overlay Districts</strong></td>
<td>Architectural Amenities</td>
<td>A recognizable “base” at ground level consisting of (but not limited to): (a) protruding walls; (b) richly textured materials (e.g., tile or masonry treatments); (c) special materials such as ceramic tile, granite and marble; (d) contrasting colored materials mullions, and/or panels.</td>
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<td>Entryways - Incorporate enhanced landscaping, landscape planters or wing walls, structural or vegetative shading features and benches or other seating components.</td>
<td>5 feet</td>
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<td>Enhanced sidewalks – upgraded sidewalk design (e.g., colors, materials and patterns) along the building facade and/or entryways that exceed minimum streetscape requirements as per the Front Beach Road Streetscape Design Guidelines Manual.</td>
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<td><strong>FBD-2 or FBO-4 Districts located between the Gulf and Front Beach Road or South Thomas Drive</strong></td>
<td>View Windows</td>
<td>For <strong>Parcels</strong> on the south (beach) side of Front Beach or South Thomas Roads in a FBD-2 or FBO-4 district, • Side setback increase of at least twenty (20) feet in width beginning at the ground floor. Said area shall be subject to a permanent prohibition on all buildings; or • Permanent ground level opening in the <strong>Building</strong> measuring at least forty (40) feet in width by twenty (20) feet tall with the bottom being at or below <strong>Street</strong> level and the top being at least ten (10) feet above <strong>Street</strong> level. View windows may be open or enclosed with transparent glass. The combination of plantings, improvements, furnishings and other visual obstructions shall not result in more than thirty (30) percent opacity measured between the <strong>Street</strong> elevation and ten (10) feet above <strong>Street</strong> elevation.</td>
<td>10 feet</td>
</tr>
<tr>
<td><strong>View Window Aligned With Street</strong></td>
<td>Provision of a permanent view window toward the Gulf as described above in a location that aligns with one of the following roads: Vestavia Street, Cobb Road, State Road 79 (Arnold Road), El Centro Boulevard, Carmen Street, Lullwater Drive, West Park Drive, Pier Park Drive, Powell Adams Drive, Hill Road, Gulf</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
</tr>
<tr>
<td>----------------------</td>
<td>---------</td>
<td>------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Front Beach Overlay</td>
<td>Public Beach Amenities</td>
<td>Public restroom accepted by the City at its sole and unfettered discretion. A single restroom for purposes of this section shall include men's and women's rest rooms with at least three (3) commodes and one shower in each. The City may accept maintenance or require private maintenance at its sole discretion. Rest rooms provided between the Gulf and Front Beach Road or South Thomas Drive. Rest rooms provided on the north side of Front Beach Road or South Thomas Drive.</td>
<td>10 feet per rest room</td>
</tr>
<tr>
<td>Districts</td>
<td>Public Restroom</td>
<td>Rest rooms provided between the Gulf and Front Beach Road or South Thomas Drive. Rest rooms provided on the north side of Front Beach Road or South Thomas Drive.</td>
<td>5 feet per rest room</td>
</tr>
<tr>
<td>Public Parking</td>
<td>Conveyance of fee title to the City for parking spaces with direct or indirect pedestrian public access to the public beach and construction of improvements necessary for the public to use such parking and access. Such parking shall be located within one-quarter (1/4) mile by the shortest pedestrian route from the parking spaces to the erosion control line. As an alternative to conveyance of title, spaces may be subject to approval of a parking partnership agreement as established in section Error! Reference source not found..</td>
<td>10 feet for every 10 spaces provided plus 1 foot for every space for every space over 10 spaces</td>
<td></td>
</tr>
<tr>
<td>Spaces</td>
<td>Parking spaces provided between the Gulf and Front Beach Road or South Thomas Drive. Parking spaces provided on the north side of Front Beach Road or South Thomas Drive.</td>
<td>5 feet for every 10 spaces provided</td>
<td></td>
</tr>
<tr>
<td>Beach Access</td>
<td>Land for new or expanded public beach access shall be dedicated to the City. New beach access shall be a minimum of eight (8) feet in width and open, with a direct connection to the Gulf. Expanded beach access shall be a minimum of four (4) in width and located directly adjacent to an</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area of Applicability</td>
<td>Benefit</td>
<td>Minimum Conditions for Bonus</td>
<td>Height Bonus</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td></td>
<td>existing beach access. Beach access shall not be counted as part of a required setback. The need for either a new or expanded beach access must be approved by the City</td>
<td>2 feet for every 1 foot of width, with a 8 ft. minimum width</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Beach access provided between the erosion control line and the right-of-way of Front Beach Road or South Thomas Drive</td>
<td>1 foot for every 2 feet of width, with a 8 ft. minimum width</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Beach access provided through a property located to the north of Front Beach Road or South Thomas Drive. Such access shall provide a direct pedestrian connection from public right-of-way in a Residential subdivision to the north of the subject property and the right-of-way of Front Beach Road or South Thomas Drive.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Front Beach Overlay Districts | Transit Facility Provision | Construction of a transit facility located outside existing public right of way and dedication of necessary easements. The need for and design of the facility must be approved by the CRA and the applicable transit provider, if not the CRA. | 5 feet |

(Ord. # 1248, 12-13-12; Ord. #1254, 11/14/13)
Dougherty Architecture + Design, PA., was established in 1998 and is located in Destin, Florida. The firm is a full service practice that has established a reputation for quality architectural design and services.

The philosophy at Dougherty Architecture is built on the dual concepts of client service and design excellence. We are about more than just buildings. The very reason for a building – the clients’ vision – is the focal point of any design solution. We build relationships – ultimately a shared understanding that reflects the client’s mission, culture, community and ideals, with the common thread of design and innovation. The firm’s project typology has included hospitality, commercial, institutional, retail, recreational and large scale resort developments. While we have the experience and know how to deliver well designed places to a variety of clients, we pride ourselves on developing long lasting, meaningful relationships.

Contrary to most traditional practices, the firm encourages no separation between the design and production parts of the work process. There is a strong belief that the process of design and innovation must continue during all phases of design thru construction administration.

We are committed to environmental preservation and intelligent utilization of our natural and cultural resources. Research in new technology and sustainable design led our firm to ongoing projects involving renewable energy, plasma technology, alternative fuels, advanced building products, and nanotechnology, involving both U.S. Green Building Council LEED and Green Globe designations.

We have created projects throughout the Southeast United States and various other locations with many distinguished clients and successful developers. Current and recent commissions include Mixed-Use “Life Style Centers”, Resort Condominiums, Hospitality, Commercial / Residential Communities, Institutional Projects, Educational Facilities and Estate Residences. Our experience with various project types and our personalized professional service makes our team well qualified to undertake various commissions.
Section E. in Site Design and Development Standards of the Land Development Code

Green Development (10 feet)- Reduce Impervious surface by 25% of the maximum amount permissible
Section E in Site Design and Development Standards of the Land Development Code

Green Development (10 feet)- Place a minimum of 50% of parking spaces under cover with green roof

Green Development (10 feet)- 90% or more Florida Friendly Plants
Height Incentives: Section E.

Site Design and Development Standards

Section E. in Site Design and Development Standards of the Land Development Code

Green Development (10 feet) - Irrigation from non-potable water
Section E. in *Site Design and Development Standards of the Land Development Code*

Architectural Amenities (5 feet) - Skyline features. A recognizable "top" for architectural embellishment
Section E. in Site Design and Development Standards of the Land Development Code

Covered Sidewalks (5 feet)- Sidewalks covered by permanent canopies, galleries, and arcades approved by the Council and having a minimum width of six (6) feet
Section E. in *Site Design and Development Standards* of the *Land Development Code*

Architectural Amenities (5 feet)- A recognizable "base" at ground level

Architectural Amenities (5 feet)- Entryways 40' wide x 20' tall opening at the front of the building in line with the landscape and urban furniture of the streetscape

Architectural Amenities (5 feet)- Enhanced sidewalks. Upgraded sidewalk design along the building facade and entryways
Section E. in Site Design and Development Standards of the Land Development Code

View Windows (10 feet) - Permanent ground level opening in the building measuring at least 40 feet in width and 20 feet in height with the bottom being at or below street level
Section E. in Site Design and Development Standards of the Land Development Code

Public Restroom (10 feet per restroom): Restrooms provided between the Gulf and Front Beach Road or South Thomas Drive
Section E. in Site Design and Development Standards of the Land Development Code

Beach Access (2 feet for every 1 foot of width)- Land for new or expanded public beach access shall be dedicated to the City with a 10 foot wide boardwalk.
Legend

Roads:
- Major
- Minor
- Unnamed Trail
- PCB_Parcel

Prepared by The City of Panama City Beach Planning Department
7. Special Overlay Districts

Front Beach Overlay — H. Building Height and Podium Standards

average floor area of all Stories above the required podium by twenty-five (25) percent of the ground floor area.

4. In a FBO-2 or FBO-3 district, Buildings thirty-five (35) feet tall or taller shall be set back from an FBO-1 or Low Density Residential district at least one hundred (100) feet. Starting at a distance of one hundred (100) feet from the applicable district boundary, Building Height may be increased to forty-five (45) feet. Beyond two hundred (200) feet, Building Height may be increased from forty-five (45) feet by one (1) foot for every one (1) foot increase in Setback. See Figure 7.02.03.A.

5. In the FBO-1 district, Buildings may extend an additional ten (10) feet beyond the total height allowed in this section provided that the portion of the Building exceeding the total height includes a tower room only. Tower rooms are restricted to a maximum of one hundred (100) square feet in area, excluding stairwells.

6. In the FBO-1 district, the width of the third Story shall not be greater than seventy-five (75) percent of the width of the Ground Story. Width of each Story shall be measured at the widest part of the applicable Story parallel to the shoreline of the Gulf of Mexico.

Table 7.02.03.H: Minimum and Maximum Building Heights (in feet)

<table>
<thead>
<tr>
<th>Zone</th>
<th>FBO-1</th>
<th>FBO-2</th>
<th>FBO-3</th>
<th>FBO-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum</td>
<td>12</td>
<td>14</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>Maximum without Incentives</td>
<td>35</td>
<td>45</td>
<td>75</td>
<td>150</td>
</tr>
<tr>
<td>Maximum with Incentives</td>
<td>45</td>
<td>65</td>
<td>110</td>
<td>220</td>
</tr>
</tbody>
</table>

Notes:
1: Height shall be measured in accordance with section 4.02.02.
2: The maximum height may be limited in the FBO-2 or FBO-3 district by the provisions of section 7.02.03.H.4.

Table 7.02.03.l: Podium Standards

<table>
<thead>
<tr>
<th>Zone</th>
<th>Building Can Occupy No More Than 75% of the Ground Floor Building Footprint Above the Lower of:</th>
</tr>
</thead>
<tbody>
<tr>
<td>FBO-1</td>
<td>25 feet or 2 Stories</td>
</tr>
<tr>
<td>FBO-2</td>
<td>45 feet or 3 Stories</td>
</tr>
<tr>
<td>FBO-3</td>
<td>120 feet or 10 Stories</td>
</tr>
<tr>
<td>FBO-4</td>
<td>120 feet or 10 Stories</td>
</tr>
</tbody>
</table>

(Ord. #1254, 11/14/13; Ord. # 1340, 4/9/13)
4. Site Design and Development Standards

7. Within the Residential subdivisions listed below that are located outside an FBO district, no permit shall be issued for a three (3) Story dwelling or a dwelling exceeding twenty (20) feet in Building Height until at least thirty (30) percent of the lots in the subdivision have been developed with two (2) story dwellings. This provision does not apply to the portions of the following subdivisions located within an FBO district:

- Miramar Beach Area - All R-1C zoned areas in the following subdivisions:
  + Miramar Highlands Subdivision
  + Wells Gulf Beach Estates
  + Miramar Beach 1st Addition
- Palmetto Trace - All phases.
- Summerwood - All phases.
- Summer Breeze Subdivision - All phases.
- Gulf Highlands, Unit 2 - All R-1B zoned areas.
- Ocean Sands - All R-1C zoned areas including the Pure Vida unrecorded subdivision.
- Gulf Highlands Subdivision - All R-1B or R-1C zoned areas.
- El Centro Beach Area - All R-1C zoned areas in the following subdivisions:
  + El Centro Beach
  + Diamond Head Section of Lakeside By The Gulf
  + Crown Point Section of Lakeside By The Gulf
- Colony Club Area - All property zoned as R-1A in the following subdivisions:
  + Greens West
  + Bay West Estates Unit 1
  + Colony Club Subdivision Phase 1
  + Trieste Phase 2
  + North Colony Club Estates Phase 1
  + Trieste
  + Colony Club Harbour Phases 1, 2, and 3
  + All unrecorded lots in the Colony Club area.
- The Glades Area - All property zoned as R-1B or R-O in the following subdivisions:
  + The Glades and The Glades Phase II
  + Tierra Verde and Tierra Verde Phase II
  + Glades unrecorded addition.
- Bid-A-Wee Beach Area - All property zoned as R-1C or R-O in the following subdivisions:
  + Seclusion Beach
  + North Bid-A-Wee 1st Addition
  + North Bid-A-Wee Beach
  + Reflections
  + Bid-A-Wee Beach 1st Addition
  + Bahama Beach and Bahama Beach 1st Addition
  + Daugher Addition to Bahama Beach
  + Fernwood Park
  + Gardenia Beach
  + Hearn's Addition to Bahama Beach
  + Hutchinson's 1st Addition and 2nd Addition
  + Leary's 2nd Addition

[Ord. #1340, 4/9/15]

**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-1, 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.

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
4. Site Design and Development Standards

(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 7.02.03.H.

Table 4.02.02.B: Height Incentives

<table>
<thead>
<tr>
<th>Area of Applicability</th>
<th>Benefit</th>
<th>Minimum Conditions for Bonus</th>
<th>Height Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any District Eligible for Height Incentives</td>
<td>Cross Access Easement</td>
<td>Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels.</td>
<td>5 feet</td>
</tr>
<tr>
<td>Any District Eligible for Height Incentives</td>
<td>Civil Support Space</td>
<td>Dedication of space for any of the following uses: Cultural Center, Temporary Child Care Facility or Licensed Facility. The dedicated space shall be at least 2,500 square feet of floor area, be located on the ground floor and may be located in an independent building.</td>
<td>10 feet</td>
</tr>
</tbody>
</table>
### Area of Applicability

<table>
<thead>
<tr>
<th>Benefit</th>
<th>Minimum Conditions for Bonus</th>
<th>Height Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any District Eligible for Height Incentives</td>
<td>Reduce impervious surface by 25% of the maximum amount permissible</td>
<td>10 feet</td>
</tr>
<tr>
<td>Use roofing materials with a solar reflectance index (SRI) of at least 78 for a sloped roof equal to or less than 2:1:12 and a SRI of at least 29 for a sloped roof greater than 2:1:12 or install a vegetative roof that covers at least 50% of the roof area.</td>
<td>5 feet</td>
<td></td>
</tr>
<tr>
<td>Provide shade for 50% of the site hardscape (including roads, sidewalks, courtyards and parking lots) from structures covered by solar panels that produce energy used to offset a nonrenewable resource use; and provide shade from architectural devices or structures that have a solar reflectance index (SRI) of at least 29; and use hard-scape materials with a SRI of at least 29; or place a minimum of 50% of parking spaces under cover. Any roof used to shade or cover parking must have an SRI of at least 29; be a vegetated green roof or be covered by solar panels that produce energy used to offset a nonrenewable resource use.</td>
<td>10 feet</td>
<td></td>
</tr>
<tr>
<td>Water conservation measures outside the building that includes: 50% or more Florida Friendly Plants</td>
<td>5 feet</td>
<td></td>
</tr>
<tr>
<td>90% or more Florida Friendly Plants</td>
<td>10 feet</td>
<td></td>
</tr>
<tr>
<td>Irrigation from non-potable water</td>
<td>10 feet</td>
<td></td>
</tr>
<tr>
<td>Water conservation that exceeds state standards: By 20 percent or more</td>
<td>5 feet</td>
<td></td>
</tr>
<tr>
<td>By 40 percent or more</td>
<td>10 feet</td>
<td></td>
</tr>
<tr>
<td>High Quality Wetland Protection - Protection of high quality wetlands when evidence is provided showing the wetlands can be permitted to be filled. Wetlands already protected by an agreement with FDEP or a permit by the Army Corps of Engineers are not eligible for the height bonus.</td>
<td>10 feet</td>
<td></td>
</tr>
<tr>
<td>• 10 acres or less of high quality wetlands:</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>• Greater than 10 acres of high quality wetlands:</td>
<td>20 feet</td>
<td></td>
</tr>
</tbody>
</table>
### 4. Site Design and Development Standards

#### Any District

<table>
<thead>
<tr>
<th>Benefit</th>
<th>Minimum Conditions for Bonus</th>
<th>Height Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Architectural Incentives</td>
<td>Lighting architectural lighting highlighting building columns, Cornices or other distinguishing architectural features along the front facade of buildings. (Designs shall not interfere with turtle nesting season protections.)</td>
<td>5 feet</td>
</tr>
<tr>
<td>Amenities</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Skyline features - A recognizable “top” consisting of (but not limited to); (a) Cornice treatments, (b) roof overhangs with brackets, (c) stepped parapets, (d) richly textured materials (e.g. tile or masonry treatments), (e) differently colored materials; colored “stripes” are not acceptable as the only treatment, and/or (f) other non-habitable space that is under a pitched roof and above the top floor ceiling shall not be counted towards building height.

Features that do not exceed 20 feet in height above the top floor ceiling shall not be counted towards building height and an increase of up to 5 feet in height shall apply.

- Landscaping - Vertical landscaping designed to cover at least 35% of a facade of up to 40 feet in height within 2 years and visible from a Scenic Corridor. A facade with a northern exposure is ineligible for vertical landscaping.
- Any District
- Eligible for Height Incentives
- Front Beach Overlay Districts
- Building Design Standards - Compliance with section 7.02.03N(1-8). Compliance with subsections 1, 6, 7 and 8 are the minimum necessary to obtain the height bonus. Subsections 2, 3, 4 and 5 are applicable only when such improvement is proposed.
- Building Design Standards - Compliance

- Front Beach Overlay Districts
- Outdoor Civic Spaces
- Provision of courtyard, seating area and other civic space that is directly accessible to the public from the sidewalk. Each civic space shall have a minimum area of no less than 250 square feet.

- Front Beach Overlay Districts
- Covered Sidewalks
- Sidewalks covered by permanent canopies, galleries and arcades approved by the Council and having a minimum width of six (6) feet.

- Front Beach Overlay Districts
- Covered Sidewalks

Land Development Code 4/9/15 Page 82

AGENDA ITEM #
### 4. Site Design and Development Standards

<table>
<thead>
<tr>
<th>Area of Applicability</th>
<th>Benefit</th>
<th>Minimum Conditions for Bonus</th>
<th>Height Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Beach Overlay</td>
<td>Architectural Amenities</td>
<td>A recognizable &quot;base&quot; at ground level consisting of (but not limited to): (a) protruding walls; (b) richly textured materials (e.g., tile or masonry treatments); (c) special materials such as ceramic tile, granite and marbles; (d) contrasting colored materials mullions, and/or panels.</td>
<td>5 feet</td>
</tr>
<tr>
<td>Districts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Entryways</td>
<td>- Incorporate enhanced landscaping, landscape planters or wing walls, structural or vegetative shading features and benches or other seating components.</td>
<td></td>
<td>5 feet</td>
</tr>
<tr>
<td>Enhanced Sidewalks</td>
<td>- Upgraded sidewalk design (e.g., colors, materials and patterns) along the building façade and/or entryways that exceeds minimum streetscape requirements as per the Front Beach Road Streetscape Design Guidelines Manual.</td>
<td></td>
<td>5 feet</td>
</tr>
</tbody>
</table>
| FBO-2 or FBO-4 Districts located between the Gulf and Front Beach Road or South Thomas Drive | View Windows | For Parcels on the south (beach) side of Front Beach or South Thomas Roads in a FBO-2 or FBO-4 district,  
- Side setback increase of at least twenty (20) feet in width beginning at the ground floor. Said area shall be subject to a permanent prohibition on all buildings; or  
- Permanent ground level opening in the Building measuring at least forty (40) feet in width by twenty (20) feet tall with the bottom being at or below Street level and the top being at least ten (10) feet above Street level. View windows may be open or enclosed with transparent glass. The combination of plantings, improvements, furnishings and other visual obstructions shall not result in more than thirty (30) percent opacity measured between the Street elevation and ten (10) feet above Street elevation. | 10 feet     |
| View Window Aligned With Street | Provision of a permanent view window toward the Gulf as described above in a location that aligns with one of the following roads: Vestavia Street, Cobb Road, State Road 79 (Arnold Road), El Centro Boulevard, Carmen Street, Lullwater Drive, West Park Drive, Pier Park Drive, Powell Adams Drive, Hill Road, Gulf Boulevard, Nautilus Street, Argonaut Street, Lantana Street, Clara Avenue, Lyndell Lane, AH Coleman Road, Jackson Boulevard, and Churchwell Drive | 20 feet     |
## 4. Site Design and Development Standards

<table>
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<tbody>
<tr>
<td>Front Beach Overlay Districts</td>
<td>Public Beach Amenities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Restroom</td>
<td>Public restroom accepted by the City at its sole and unfettered discretion. A single restroom for purposes of this section shall include men's and women's rest rooms with at least three (3) commodes and one shower in each. The City may accept maintenance or require private maintenance at its sole discretion.</td>
<td>Rest rooms provided between the Gulf and Front Beach Road or South Thomas Drive.</td>
<td>10 feet per rest room</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rest rooms provided on the north side of Front Beach Road or South Thomas Drive.</td>
<td>5 feet per rest room</td>
</tr>
<tr>
<td>Public Parking Spaces</td>
<td>Conveyance of fee title to the City for parking spaces with direct or indirect pedestrian public access to the public beach and construction of improvements necessary for the public to use such parking and access. Such parking shall be located within one-quarter (1/4) mile by the shortest pedestrian route from the parking spaces to the erosion control line. As an alternative to conveyance of title, spaces may be subject to approval of a parking partnership agreement as established in section 7.02.03J.</td>
<td>Parking spaces provided between the Gulf and Front Beach Road or South Thomas Drive</td>
<td>10 feet for every 10 spaces provided plus 1 foot for every space over 10 spaces</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parking spaces provided on the north side of Front Beach Road or South Thomas Drive</td>
<td>5 feet for every 10 spaces provided</td>
</tr>
<tr>
<td>Beach Access</td>
<td>Land for new or expanded public beach access shall be dedicated to the City. New beach access shall be a minimum of eight (8) feet in width and open, with a direct connection to the Gulf. Expanded beach access shall be a minimum of four (4) in width and located directly adjacent to an existing beach access. Beach access shall not be counted as part of a required setback. The need for either a new or expanded beach access must be approved by the City.</td>
<td>Beach access provided between the erosion control line and the right-of-way of Front Beach Road or South Thomas Drive</td>
<td>2 feet for every 1 feet of width, with a 8 ft. minimum width</td>
</tr>
</tbody>
</table>
4. Site Design and Development Standards

<table>
<thead>
<tr>
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<th>Benefit</th>
<th>Minimum Conditions for Bonus</th>
<th>Height Bonus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beach access provided through a property located to the north of Front Beach Road or South Thomas Drive. Such access shall provide a direct pedestrian connection from public right-of-way in a Residential subdivision to the north of the subject property and the right-of-way of Front Beach Road or South Thomas Drive.</td>
<td>1 foot for every 2 feet of width, with a 8 ft. minimum width</td>
<td>5 feet</td>
<td></td>
</tr>
</tbody>
</table>

Front Beach Overlay Districts

Transit Facility Provision

Construction of a transit facility located outside existing public right of way and dedication of necessary easements. The need for and design of the facility must be approved by the CRA and the applicable transit provider, if not the CRA.

(Ord. #1248, 12-13-12; Ord. #1254, 11/14/13)

F. Design Requirements for Zero Lot Line Situations

1. Where zero Lot Lines are allowable, the wall of the structure located on the Lot Line shall have no windows, doors, air conditioning units or openings. Windows, doors or openings shall be permissible if no less than a five (5) foot Building Setback is maintained.

2. An atrium or courtyard may be allowable where the atrium or courtyard is enclosed on three (3) sides by the walls of the Building and a Solid Faced wall at least eight (8) feet in height is located on the Lot Line. The Solid Faced wall shall be constructed of the same material as the exterior wall of the Building.

3. A maintenance and drainage easement at least five (5) feet in width shall be recorded to permit property owners the ability to maintain and repair that part of the structure located on the Lot Line. This easement shall be shown on the Subdivision Plat and shall be incorporated into each deed transferring title to the property. Roof overhangs may penetrate the easement of the adjacent Lot to a maximum of twenty-four (24) inches, but the Roof shall be designed so that water runoff from the Dwelling place on the Lot Line is limited to the easement area.

G. Lot Requirements

Site design standards for Lot area, Lot width, Lot coverage and Impervious Surface, are provided in Table 4.02.02.C.

1. Minimum Lot area is the total area of the Lot measured horizontally.

2. Minimum Lot width is the minimum distance measured between side Lot Lines between the front and the rear Building Setback.

3. Maximum Lot coverage is the maximum percentage of the Lot that may be covered by a Building and is calculated by dividing the total of Building footprint area by the total Lot area.
REGULAR AGENDA
ITEM #17,
WORKERS COMP POLICY
WORKMAN'S COMPENSATION AND INCIDENT AND ACCIDENT REPORTING PROCEDURES

Revised November 2015
SECTION 1 Scope

These procedures apply to employees in all departments and divisions of the City of Panama City Beach.

Property owned by, or in the custody of, City of Panama City Beach is covered by the City's Insurance Programs. Employees' personal property in vehicles or buildings is the responsibility of the employee.

It is recognized that there will be situations that require a deviation from these procedures. They are intended as guidelines and detail only the minimum steps required to avoid financial penalties. It is important that all deadlines be adhered to.

SECTION 2 Incident/Accident Reporting & Investigation Policy

An incident/accident is any event that results in or has the potential to result in an injury to City personnel or damage to City property. Public liability is an incident/accident for which the City may be responsible due to a condition created by the City or by the action of a City employee. When an incident/accident involving City employees, property or liability does occur, the employee is to report the event to their supervisor immediately after occurrence of the incident. This is to include minor injury and property damage as well as public liability incidents. The importance of reporting each and every incident in a timely manner cannot be over emphasized. Even if an incident/accident/injury seems minor at the time of occurrence, it can develop into something more serious at a later date. If the incident is documented, it will be much easier to process the claim at the appropriate time.

Supervisors and/or supervisor designees are responsible for insuring that all employees are notified of their responsibility to report ALL incidents/accidents/injuries as they occur and the proper procedures to follow. Supervisor and/or supervisor designees are responsible to ensure that ALL employees involved in reportable accidents/injuries are sent for a drug screen.

Supervisors and/or supervisor designee are expected to investigate all incidents/accidents. The information attained during the investigation will be used to determine the conditions, circumstances, and events leading up to and causing the incident or accident.

The Safety Team Member will be available to assist the respective supervisor and or supervisor’s designee in the investigation if needed. Incident/accident or a substantial property damage that occurs after normal business hours, the respective supervisor and/or supervisor designee should contact their Department Head.

Discussion of the reported incidents/accidents/injuries/illnesses will take place at the City Safety Advisory Committee Meeting for review of cause and recommendations will
be issued in an effort to prevent recurrence. It is beneficial for incident/accident reports within a department to be discussed at department level safety meetings.

SECTION 3 Workers’ Compensation (Employee Injury or Illness) Reporting Procedures

Report the incident/accident/injury to Workmen’s Compensation (Florida League of Cities) immediately by telephone (877-676-3890) in order for employee to be given the proper medical attention by an appropriate medical provider.

ANY employee involved in the accident/injury must receive a drug screen. Supervisor and/or supervisor designee is responsible for calling the respective medical clinic and/or hospital to arrange for this drug screen and in cases of minor injuries the employee is required to complete and take the Post Accident Drug Screening Form to the clinic.

Medical Providers:

Emergency Care:

AMBULANCE 911

Bay Medical Center - 24 Hrs Service 769-1511
615 N. Bonita Avenue
Panama City, Florida 32402

Primary Medical Provider (during normal business hours)

Bay Walk-In Clinic 234-8511
8811 Front Beach Road
Panama City Beach, Florida 32407

Bay Medical Center 636-3175
11111 PC Beach Parkway
Panama City Beach, Florida 32407

Drug test ONLY (no injury)

Arcpoint Labs (850) 640-0950
2012 Lisenby Ave.
Panama City, FL 32405

Using the information provided - The First Notice of Injury Report will be filed by the supervisor and/or supervisor designee with the workers’ compensation claims servicing company. The First Notice of Injury is required by the State of Florida within seven days
of injury or the City will sustain a $500.00 financial penalty which will be assessed back to the respective department/division.

Supervisors and/or supervisor designees should investigate the incident/accident, complete the necessary forms and forward to the HR Director and Safety Coordinator within 48 hours.

If the accident/incident results in an employee exposure to bodily fluids or other potentially infectious materials, contact the Fire Department immediately for assistance in handling the incident to ensure the health and safety of the employee and that the Blood borne Pathogen Exposure Control Plan as described in Part XVIII, pg 59 of the Safety Manual is followed.

If the employee is absent from work due to the injury, the supervisor and/or supervisor designee must insure that the absence is authorized by a physician. All periods of disability must be documented by a medical notice from an authorized physician. The documentation provided to the employee by the authorized physician is to be forwarded to the HR Director/Florida League of Cities.

Injured employees must have a return-to-work release from their physician before they can be allowed to resume any job duties. Review the release carefully and follow any work restrictions indicated by the physician. Notify HR/Florida League of Cities and your immediate Departmental Head immediately and forward a copy of the release to HR/Florida League of Cities.

The injured worker should contact HR/Florida League of Cities with any question for medical needs during the course of their injured status.

SECTION 4 Vehicle Accident Reporting Procedures

Supervisor and/or supervisor designee should respond to and investigate all vehicle incidents/accidents that result in damage to fleet equipment, complete Vehicle Incident/Accident Report and forward to the Department Head immediately for further review and handling. Report form should be forwarded to HR/Florida League of Cities, with a copy to the City Manager and Safety Coordinator.

Should the supervisor and/or supervisor designee feel the severity of the accident requires assistance they should contact the Superintendent or if after normal business hours contact Department Head.

If the incident/accident involves a citizen, and if the citizen is injured, the City employee should offer to call an ambulance, and if the person is incapacitated or unconscious, then the employee should call an ambulance.
Secure the area, equipment and personnel from further injury or damage. 
Notify the appropriate law enforcement authority: (911 for all depending on location)

Bay County Sheriff's Office
Lynn Haven Police Department 911
Panama City Police Department 911
Panama City Beach Department 911
Parker Police Department 911
Springfield Police Department 911
Florida Highway Patrol 911

SECTION 5 Citizen Claims / Public Liability Reporting Procedures

Public liability is defined as an incident or accident for which the City may be responsible due to a condition created by the City or by the action of a City employee.

No indication or commitment should be made that the City assumes liability.

Citizen Claims should be reported immediately to your immediate Supervisor. Citizen Claim Form has been established to assist in reporting third party liability claims to Human Resources/Florida League of Cities. Forms will be sent to the Human Resources/Florida League of Cities with a copy to the Safety Coordinator.

SECTION 6 City of Panama City Beach Property Losses

City property that is damaged or lost should be reported to your immediate Supervisor by completing the form -Property Loss or Damage Report.

SECTION 7 Record Keeping

Records provide the information that enables Management and the Safety Team to determine where the accidents are occurring and the types of incidents/accidents that are most costly. By reviewing and analyzing this information on a monthly basis, management with the help of the Safety Team can direct its efforts in accident prevention by concentrating on the locations and the types of accidents causing the highest frequency so that control measures can be implemented.

Human Resources/Florida League of Cities shall keep on file for each department:

- Incidents/accident reports of injured workers
- Vehicle/Fleet claims
- Workers' Compensation claims

Supervisors and/or supervisor designees shall keep on file for each department:
Property and substance inventories and locations
Reports of exposure to toxic materials or harmful physical agents
Safety Audit
Safety Training Records

Incident/Accident reports will be kept current and reviewed monthly for trends

Attachments:
Workman’s Compensation checklist
Panama City Beach Post Accident Drug Screening/Medical Care Authorization Form and cover sheet
Vehicle Incident/Accident Report
City of Panama City Beach Citizen Claim Reporting Form
Property Loss or Damage Report
WORKERS COMPENSATION CHECKLIST

_____ Determine if situation is a medical emergency or not.

_____ If an emergency exists, send employee directly to emergency room then call the Florida League of Cities at 877-676-3890 and report incident/injury and provide information for first report of injury immediately. Contact HR.

_____ If not an emergency, obtain enough information about the incident/accident as possible. Gather names of witnesses, phone numbers, date and time etc.

    **** Fill out other reports as needed provided in the Workman’s Compensation Incident/Accident reporting Procedures Policy*****

_____ Contact the Florida League of Cities at 877-676-3890 and complete the first report of injury. During business hours obtain a claim number and add to drug screen/medical care authorization form cover sheet.

_____ Fill out Post Accident Drug Screening/medical care authorization form and give to employee identifying where to get drug testing and medical care done.

_____ Contact HR via email or phone call and report everything accomplished.

    ***** Reporting is mandatory and should be accomplished as quickly as possible regardless if employee feels there is a need for medical attention or not.*****
The individual listed on the attached form is authorized to receive a drug screen and if applicable, medical care pursuant to an accident/injury presumed to be a result of a work related incident.

The associated workman's compensation claim number is #________________________

If you have not received a workman's compensation claim number, please contact the Florida League of Cities immediately by telephone (877-676-3890) in order for employee to be given the proper medical attention by an appropriate medical provider.

If there are any questions regarding authorization or billing, please contact

Diane B. Fowler
110 S. Arnold Rd
Panama City Beach, FL 32407
850-233-5100 X2409 During business hours
850-890-6330 Cell after hours
CITY OF PANAMA CITY BEACH POST ACCIDENT DRUG SCREENING/MEDICAL CARE AUTHORIZATION FORM

BAY WALK-IN CLINIC
8811 Front Beach Rd
Panama City Beach, FL 32407
Mon-Fri 8am-5pm
850-234-8511
Or
2306 HWY 77
Panama City, FL 32407
850-763-9744

BAY MEDICAL CENTER
615 N Bonita Ave
Panama City Beach, FL 32401
24 hour Emergency Svs
850-769-1511

ARCPOINT LABS
2012 Lisenby Ave
Panama City, FL 32405
Mon-Fri 8am-4pm
850-640-0950
Drug test only!!

NAME: ____________________________________________________________

ADDRESS: _________________________________________________________

CITY: __________________ STATE: _______ ZIP: ________________

PHONE: ( ) ___________ Picture ID Required: Yes 24 Hour Time Frame: Yes

SS#: ______________________________ DATE OF BIRTH: __________________

EMPLOYER: City of Panama City Beach, 110 South Arnold Road, Panama City Beach, FL 32413

CONTACT: Diane Fowler (850) 233-5100, ext. 2409 or 850-890-6330 cell

Drug tested at: ____ Arcpoint Labs ____ Bay Walk-In Clinic ____ Bay Medical Center

who is using the eScreen Instachek 5 panel screening system. This is a Post Accident Drug screen.

By signing below I give permission to be tested, and hold NO one responsible for a positive result, except myself, who gave the urine sample.

**** If you are taking any prescription medication, bring the bottles with you.
**** Bring a Picture ID

DATE: __________ TIME: __________ AM/PM

Signature: ____________________________________________________________

Print Name: __________________________________________________________
VEHICLE INCIDENT/ACCIDENT REPORT

In the event of a vehicle/fleet accident:

1. DO NOT discuss accident with anyone other than law enforcement or City Representative
2. DO NOT admit liability or fault
3. DO NOT state the City will take care of damages
4. DO NOT sign any documents w/o City Representation
5. SUPERVISOR COMPLETE and return this report to Human Resources/Florida League of Cities immediately

NAME OF CITY DRIVER: ___________________________ VEHICLE #: ___________________________

DEPT/DIV: ___________________________ DATE & TIME : ___________________________

LOCATION OF ACCIDENT: ___________________________

ESTIMATED COST OF REPAIR: (attach copy of Police Report) $ ___________________________

INFORMATION OF OTHER VEHICLE(S) (If applicable):

Name ___________________________ Address ___________________________

Vehicle Year, Make & Model ___________________________

License Plate Number ___________________________ Driver License Number ___________________________

WAS ANYONE INJURED?

INJURY TO CITY EMPLOYEE(S) - CALL SUPERVISOR

Driver/Employee _____ Yes _____ No  Passenger(s) in City Vehicle _____ Yes _____ No

Name(s) ___________________________

Occupant(s) of Other Vehicle _____ Yes _____ No

Name(s) ___________________________

Pedestrian(s) ____ Yes ____ No  Name(s) ___________________________

DESCRIPTION OF ACCIDENT (What happened, who was involved? What injuries or damage resulted? Did Police investigate?)

______________________________

AGENDA ITEM # 17
Vehicle Incident/Accident Report

Check "Yes" or "No"
1. Were driver’s usual duties and usual route being followed at the time?  _____ Yes _____ No
2. Did Weather or road conditions contribute to the accident?  _____ Yes _____ No
3. Is there any evidence of need for further training?  _____ Yes _____ No
4. Can driver attitude, courtesy, etc. be further improved?  _____ Yes _____ No
5. Was driver properly using seat belt or similar protection against injury?  _____ Yes _____ No
6. Is vehicle proper size, type, etc. for job being performed?  _____ Yes _____ No
7. Would additional units or other accessories make operation easier and safer?  _____ Yes _____ No
8. Did mechanical features or failures contribute to this accident?  _____ Yes _____ No
9. Any evidence that vehicle is being misused, i.e., speed?  _____ Yes _____ No
10. Any evidence that vehicle is not receiving proper service or maintenance?  _____ Yes _____ No
11. Was vehicle overloaded, according to design capacity?  _____ Yes _____ No
12. Was cargo properly distributed, secured; or passengers properly seated?  _____ Yes _____ No
13. Can routing or scheduling of trips be improved?  _____ Yes _____ No
14. Are parking and loading facilities adequate?  _____ Yes _____ No
15. Could further driver action, within reason, have prevented the accident?  _____ Yes _____ No

CAUSES OF ACCIDENTS
Accidents are caused by Driver Failure, Vehicle Failure and the Environment. In some cases all contribute to the accident. Often what seems to be the obvious cause is assumed to be the only cause. You should seek out all contributing factors. The driver should be interviewed and the actual scene of the accident visited when necessary to properly visualize conditions. The idea of investigation as a means of “fixing blame” should be minimized - The primary purpose should be preventive action.

Supervisor’s Comments - Include action taken to prevent recurrence and/or plans for future action.

WITNESS CONTACT
INFORMATION: ___________________________ 

SIGNATURE INVESTIGATOR/SUPERVISOR FILING REPORT: (Print & Sign) 

SIGNATURE DEPARTMENT DIRECTOR AND/OR DIVISION MANAGER: (Print & Sign)
CITY OF PANAMA CITY BEACH
Citizen Claim Reporting Form

Date and Time of Incident: ____________________________

Date and Time of Notification: ____________________________

NAME AND ADDRESS OF CITIZEN:
________________________________________________________________________________________

Home Phone: __________________ Business Phone: __________________

Location of Incident: ____________________________

Description of Incident:
________________________________________________________________________________________

Was City Property involved in Incident: ____________________________

Was City Employee(s) involved - Name & Emp I.D. #: ____________________________

Names/Phone Numbers of any witnesses:
________________________________________________________________________________________

Investigating Supervisor's Comments:
________________________________________________________________________________________

Signatures:
________________________________________________________________________________________

Claim Taken by (Printed Name and Signature) ____________________________ Date ____________________________

Investigating Supervisor and/or Designee (Printed Name and Signature) ____________________________ Date ____________________________

Department Director or Superintendent (Printed Name and Signature) ____________________________ Date ____________________________

AGENDA ITEM # 17
PROPERTY LOSS OR DAMAGE REPORT

THIS FORM IS TO BE COMPLETED AND FORWARDED TO YOUR SUPERVISOR

PLEASE CHECK ONE: _____LOSS _____STOLEN _____DAMAGED

Department Division/Section __________________________ Name/Employee Employee ID #

Date/Time of Incident __________________________ Location of Incident

Property Description: ____________________________________________________________

City ID#: ______________________________________________

Make: __________________________ Model: __________________________ Year: __________

Estimated Loss: $_________________ Pictures Attached: [ ] Yes [ ] No

Narrative: ____________________________________________________________

Witness Information: (attach any witness statements)

Name: __________________________ Phone: __________________________

Address: __________________________

Name: __________________________ Phone: __________________________

Address: __________________________

Signatures: (Print Name & Sign)

Investigating Supervisor/Supervisor Designee __________________________ Date __________

Department Head __________________________ Date __________
REGULAR AGENDA
ITEM #18,

DRUG TEST POLICY
Panama City Beach Drug and Alcohol Policy

APPROVED BY THE PANAMA CITY BEACH CITY COUNCIL ON (DATE)
EFFECTIVE DATE: N/A
LAST REVISION: N/A

PURPOSE

As a part of its commitment to safeguard the health of its employees, to provide a safe place for its employees to work, and to promote a drug-free community, the City of Panama City Beach has established this policy on the use of illegal drugs and the abuse of alcohol or prescription drugs. This policy is established pursuant to the drug-free workplace program under Florida Workers' compensation Law, Fla. Stat. 440.101-1.102, the Florida Administrative Code, Chapter 38F-9 (2009 update 69L-9.015); the Florida Uniform Traffic Control Law, Fla. Stat. 316.302, the U.S. Department of Transportation Administration Controlled Substance Testing, 49 CFR Part 382, U.S. Department of Transportation Drug Testing Procedures, 49 CFR Part 40, as they currently exist and are subsequently amended.

The use of illegal drugs and the abuse of alcohol or prescription drugs, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of products and services provided. The City of Panama City Beach has established this policy to prevent the possession or use of illegal drugs and the abuse of alcohol and prescription drugs at any time and to further prohibit the possession or use of alcohol during working time, on City property and in City vehicles.

The Florida Workers' Compensation Act, Fla. Stat. 440.101-102 and Fla. Adm. Code 38F-9 provide that an employee who is injured in the course and scope of his employment and tests positive on a confirmed drug test, may forfeit his eligibility for medical and indemnity benefits under Florida's Workers' Compensation in addition to disciplinary action. Refusal to take a drug test will result in the employee forfeiting his eligibility for medical and indemnity benefits under Florida's Workers' Compensation and will be cause for termination of employment.

This policy as it relates to applicants or employees who are required to have a commercial drivers' license, is implemented pursuant to the U.S. Department of Transportation (D.O.T.) Regulations, 49 CFR Part 40 and 49 CFR Part 382, et seq. and the Florida Uniform Traffic Control Law, Fla. Stat. 316.302. Parts of this policy may only apply to employees covered by the D.O.T. regulations, or additional requirements may be applied in accordance with D.O.T. regulations.

The purpose of this policy is to communicate the City's position on the use and/or possession of illegal drugs and the misuse or abuse of alcohol and prescription drugs, both in the workplace and in the community, and provide guidance for the implementation of related programs.

This policy provides assistance toward outpatient rehabilitation for an employee who seeks the City of Panama City Beach's help in overcoming any addiction to, dependence upon, or problem with alcohol or drugs.
SCOPE

All employees are covered by this policy and are required to abide by the terms of this policy as a condition of employment. CDL Holders, Fire and Police are subject to the random drug testing requirement.

DRUG-FREE WORKPLACE POLICY DISSEMINATION

The City will give a general one-time notice to all employees during in-processing that it is a condition of employment to refrain from using, possessing or otherwise dealing in illegal drugs on or off the job and that a drug testing program is being implemented.

A notice of drug testing will be included with all vacancy announcements for those positions where drug testing is required as part of the employment process.

ALCOHOL USE PROHIBITIONS

The consumption of alcohol on City premises, in a City vehicle, or while on duty is prohibited and will result in disciplinary action, up to and including discharge. There may be occasions, removed from the usual work setting at which it is permissible to consume alcohol in moderation with City administration approval on City premises (i.e., City Picnic).

Off-duty abuse of alcohol which adversely affects an employee's job performance or adversely affects or threatens to adversely affect other interests of the City is prohibited and may result in disciplinary action up to and including discharge.

The personal possession (whether on the person, or in a desk, locker or City vehicle) of alcohol on City premises or on duty will result in disciplinary action up to and including discharge.

The possession of alcohol on City property in a personal vehicle in a closed container (i.e., the manufacturer's seal on the container has not been opened or broken) is not prohibited, provided such possession is in compliance with this policy as well as federal, state and local laws.

It is against City policy to report to work or to work under the influence of alcohol.

For the purpose of this policy, an employee is presumed to be under the influence of alcohol if a blood test (breath alcohol for D.O.T. random test purposes) or other scientifically acceptable testing procedure shows a forensically acceptable positive quantum of proof of alcohol usage.

Consistent with this policy, an employee who is perceived, based on reasonable suspicion, to be under the influence of alcohol will be removed immediately from the workplace; be subject to testing; and may be evaluated by medical personnel, if reasonably available. The City will take further action (i.e., removal from service, referral to counseling and/or disciplinary action) based on medical information, position held, work history, job conduct, and other relevant factors. The determination of what action is appropriate in each case rests solely with the City.

Refusal to submit to, efforts to tamper with, or the confirmed, positive test results of an alcohol test will result in disciplinary action, up to and including discharge.
Employees arrested for an alcohol-related incident must immediately notify their division supervisor, the Human Resources Director or their department head of the arrest if the incident occurs:

During scheduled working hours.
   While operating a City vehicle on City or personal business.
   While operating a personal vehicle on City business.
Off the job for employees whose job:
   Requires a commercial drivers' license, or whose job requires the employee to operate a City Vehicle
   Failure to notify an appropriate City official may result in disciplinary action, up to and including discharge.

**DRUG USE PROHIBITIONS**

The use, sale, purchase, possession, manufacture, distribution or dispensation of illegal drugs at any time, whether on or off duty and whether on or off City property, is against City policy and is cause for immediate discharge.

It is against City policy to report to work or work under the influence of drugs. This includes prescription drugs which induce an unsafe mental or physical state. Employees who violate this policy are subject to disciplinary action up to and including discharge.

For the purpose of this policy, an employee is presumed to be under the influence of drugs if a urine test, hair test, or other accepted testing procedure shows a forensically acceptable confirmed positive quantum of proof of drug usage. Test results will be confirmed by a second test different in scientific principle from the initial test. A confirmed positive drug test will result in disciplinary action up to and including discharge.

Prescription drugs may also affect the safety of the employee or fellow employees or members of the public. Therefore, any employee who is taking any prescription drug which might impair safety, performance, or any motor functions must advise his supervisor before reporting to work under such medication. A failure to do so may result in disciplinary action. If the City determines that such use does not pose a safety risk, the employee will be permitted to work. The City reserves the right to require that the employee have his/her physician confirm that the substance does not adversely affect the employee’s ability to perform his/her job in a safe manner. If such use impairs the employee’s ability to safely and effectively perform his or her job, the City may temporarily reassign the employee or grant a leave of absence during the period of treatment. Improper use of "prescription drugs" or the sale or distribution of prescription drugs is prohibited and may result in disciplinary action. Prescription medication must be kept in its original container if such medication is taken during working hours or on City premises.

Refusal to submit to, or efforts to tamper with, a drug test will result in discharge.

**TESTING**

Testing of Applicants
Pursuant to Florida Statute 440.102 (o), "Safety-sensitive position" means, with respect to a public employer, a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to s. 110.1127; or a position in which a momentary lapse in attention could result in injury or death to another person.

The City of Panama City Beach and the members of the Council have determined these positions to be safety related and/or because of the nature of the position in dealing with children, these positions are of such a sensitive nature that it requires pre-employment testing. (See Attachment 1 for specific list of positions)

Certain applicants who have been offered employment must successfully complete testing for controlled substances as a condition of employment. All applicants for positions requiring a commercial drivers' license will be tested for drugs pursuant to federal law.

Any job applicant who is required to and refuses to submit to drug testing, refuses to sign the consent form, fails to appear for testing, tampers with the test, or has confirmed that they failed to pass the pre-employment drug test shall be ineligible for hire.

**Reasonable Suspicion Testing (Alcohol and Drugs)**

Employees must submit to a drug and/or alcohol test if reasonable suspicion exists to indicate that their ability to perform work safely or effectively may be impaired. "Reasonable suspicion testing" means drug/alcohol testing based on a belief that an employee is using or has used drugs or is under the influence of alcohol in violation of the City's policy, on the basis of specific, objective, articulable facts and reasonable inferences concerning the physical behavior or performance indicators of probable drug or alcohol use, drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

- Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol.
- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- A report of drug use, provided by a reliable and credible source.
- Gross negligence or carelessness.
- Disregard for safety, life, or well-being of any City employee, customer or the general public.
- Reporting to or remaining at work in an apparently unfit condition.
- Excessive unexcused tardiness or absenteeism.
- Evidence that an individual has tampered with a drug or alcohol test during his employment with the City.
- Information that an employee has caused, contributed to, or been involved in an accident at work.

The reasonable suspicion conduct should be witnessed by at least two (2) supervisors or City officials, if feasible. If not feasible, only one (1) supervisor or City official need witness the conduct. If a supervisor believes a reasonable suspicion exists, the supervisor should report his or her findings and observations to the Human Resources Director, his or her department head or the City Manager. Upon approval by
the City Manager, the employee will be asked to submit to a drug test and sign a form acknowledging his or her consent. Factors which substantiate cause to test should be documented by the supervisor on the Substance Abuse Investigation Report Form which must be done as soon as possible, but no later than twenty-four (24) hours after the employee has been drug tested or a longer period if permitted by law. A copy of this report shall be given to the employee upon request and the original documentation shall be kept confidential by the City and retained for at least one (1) year.

Random Testing

The City will randomly test employees for compliance with its drug-free workplace policy. As used in this policy, “random testing” means a method of selection of employees for testing, performed by an outside third party. The selection will result in an equal probability that any employee from a group of employees will be tested. Furthermore, The City has no discretion to waive the selection of an employee selected by this random selection method.

Scheduled Periodic Testing

The City reserves the right to conduct periodic testing on a regularly scheduled basis for employees in designated departments, classifications or workgroups.

Post-Rehabilitation Testing

When an employee has had a confirmed positive test result, or has been sent to a drug dependency program at the request of the City Manager, a condition of continued employment will require the employee take and pass follow-up drug tests during a probationary period within the two-year period after the employee's return to work.

Substances Covered by Drug and Alcohol Testing

Employees will be tested for their use of commonly abused controlled substances, which include amphetamines, barbiturates, benzodiazepines, opiates, cannabinoids, cocaine, methadone, methaqualone, phencyclidine (PCP), propoxyphene and chemical derivatives of these substances. Employees must advise testing lab employees of all prescription drugs taken in the past month before the test and be prepared to show proof of such prescriptions to testing lab personnel.

Testing Methods and Procedure

All testing will be conducted by a licensed independent medical laboratory, which will follow testing standards established by the state or federal government. Testing will be conducted on a urine sample provided by the employee to the testing laboratory under procedures established by the laboratory to ensure privacy of the employee, while protecting against tampering/alteration of the test results. Employees will be considered to be engaged at work for the time spent in taking any tests and will be compensated for such time at their regular rate.

The City will pay for the cost of the testing, including the confirmation of any positive test result by gas chromatography. The testing lab will retain samples in accordance with state law, so that an employee may request a retest of the sample at his or her own expense if the employee disagrees with the test result.
Refusal to Undergo Testing

Employees who refuse to submit to a test are subject to immediate discharge.

Positive Test

If an employee tests positive on an initial screening test, the employee will be temporarily suspended while the confirmation test is being conducted. On receipt of the confirmation test, the employee will be subject to disciplinary action, up to and including discharge. Discipline selected by The City will depend on a variety of factors, including the prior work record of the employee, the length of prior employment, the prior accident and attendance record of the employee, the circumstances that led to the testing, and the proposals by the employee to address the problem.

Right to Explain Test Results

All employees and applicants have the right to meet with the testing laboratory personnel, and with The City, to explain their test results. These discussions should be considered confidential except that information disclosed in such tests will be communicated to personnel within The City or within the lab who need to know such information to make proper decisions regarding the test results or regarding the employment of the individual.

Right to Review Records

Employees have a right to obtain copies of all test results from the testing laboratory, or from The City.

When an employee disagrees with the test results, the individual may request that the testing laboratory repeat the test. Such repeat testing will be at the expense of the individual, unless the repeat test overturns the original report of the lab, in which case The City will reimburse the employee for the costs incurred for the retest.

Confidentiality Requirements

All records concerning test results will be kept in medical files that are maintained separately from the personnel file of the employee.

Testing laboratories may conduct testing only for substances included on the disclosure list provided to the individual, and may not conduct general testing related to the medical conditions of the individual that are unrelated to drug use.

Retesting

Employees may request a retest of their positive test results within five working days after notification by the City of such positive test result. This retest is at the expense of the individual, unless the original test result is called into question by the retest.

Where the employee or applicant believes that the positive test result was affected by taking lawful or prescribed substances, the individual may be suspended without pay pending receipt of confirming
information to substantiate the claims of the individual. Normally, the individual will be provided no more than five business days in which to provide this additional information.

Once the City Manager has determined whether there is evidence to indicate that the test results are incorrect, the individual will be advised of the decision.

**Treatment, Termination and Rehire**

Employees who test positive for any drug(s) listed on the disclosure list have two choices. The employee may agree to enter an authorized treatment program approved by the City, and agree to subsequent retesting for a period of two years after returning from treatment, or the employee will be terminated immediately and will not be considered for rehire until he or she can show that he or she has remained drug-free for a period of two years or more.

**THIS POLICY SUPERSEDES ANY INFORMATION PROVIDED TO APPLICANTS AND/OR EMPLOYEES, EITHER WRITTEN OR ORAL. THE CITY RESERVES THE RIGHT TO CHANGE THE PROVISIONS OF THIS POLICY AND TESTING PROGRAM AT ANY TIME IN THE FUTURE, CONSISTENT WITH APPLICABLE LAW.**
W.C. Definition of Safety Sensitive: With respect to a public employer, a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to s. 110.1127; or a position in which a momentary lapse in attention could result in injury or death to another person.

<table>
<thead>
<tr>
<th>Safety Positions</th>
<th>Reason For Safety Sensitive Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Manager</td>
<td>Hand of Disaster Recovery</td>
</tr>
<tr>
<td>City Manager</td>
<td></td>
</tr>
<tr>
<td>Human Resources</td>
<td></td>
</tr>
<tr>
<td>Human Resources Director</td>
<td>These individuals are DERs</td>
</tr>
<tr>
<td>Human Resources Manager</td>
<td>(Designated Employee Representatives)</td>
</tr>
<tr>
<td>Warehouse</td>
<td>Both positions operate a forklift and a City vehicle</td>
</tr>
<tr>
<td>Delivery Services Attendant</td>
<td></td>
</tr>
<tr>
<td>Stock Clerk</td>
<td></td>
</tr>
<tr>
<td>Risk Management</td>
<td></td>
</tr>
<tr>
<td>Safety/Training Admin</td>
<td>DERs</td>
</tr>
<tr>
<td>Risk Manager</td>
<td></td>
</tr>
<tr>
<td>Planning</td>
<td></td>
</tr>
<tr>
<td>Code Enforcement Officer</td>
<td>Operates a City vehicle</td>
</tr>
<tr>
<td>Police Department (PD) is responsible for all drug testing of sworn officers</td>
<td></td>
</tr>
<tr>
<td>Animal Control Officer</td>
<td>Routinely operates a City owned vehicle</td>
</tr>
<tr>
<td>Call Taker Series</td>
<td>Dispatches police officers</td>
</tr>
<tr>
<td>Communications Officer Series</td>
<td>Dispatches police officers</td>
</tr>
<tr>
<td>Crime Scene Investigator</td>
<td>Control of criminal material</td>
</tr>
<tr>
<td>Sr. Crime Scene Investigator</td>
<td>Control of criminal material</td>
</tr>
<tr>
<td>Evidence Specialist</td>
<td>Control of criminal material</td>
</tr>
<tr>
<td>Parking Enforcement Officer</td>
<td>Routinely operates a City owned vehicle</td>
</tr>
</tbody>
</table>

PW & Engineering

Survey

AGENDA ITEM # 18
Assistant Chief Surveyor
Chief Surveyor
Coordinator, Eng. Projects

Safety Positions
Survey Party Chief
Survey Rodman

Storm Water
Lead Storm Water Maint Tech
Street & Storm Water Tech

Traffic
Group Leader, Traffic
Traffic Signs & Marking Tech

Grounds Maintenance
Groundskeeper
Manager Grounds Maintenance
Supervisor Grounds Maintenance
Irrigation Systems Tech
Lead Groundskeeper
Groundskeeper – Sexton
Park Attendant

Solid Waste
General Services Asst. Director

GMS Facilities Management
Manager, Facilities
HVAC Tech
Carpenter

Cemetery
Group Leader

Airport
Director
Assistant Airport Director
Lead Operations Specialist
Sr. Airport Operations Specialist

All responsible for Maintenance of Traffic (MOT) and operates a City vehicle

Reason For Safety Sensitive Classification
Both positions operate a City vehicle and have MOT Duties
Both positions operate a City vehicle and have Mot Duties
All positions operate motorized equipment and/or a City vehicle.

Administers CDL testing & operates city vehicles Solid Waste Collector Rides on rear of garbage truck

Operates a City vehicle
Operates a City vehicle
Operates power equipment

Operates a City vehicle & powered equipment

All positions operate a vehicle on and around runways
Marina

Assistant Marina Director
Director

Safety Positions

Dock Attendant
Lead Dock Attendant
Sr. Dock Attendant

Recreation

Director
Assistant Director
Lifeguard
PT Lifeguard
Sr. Lifeguard
Lifeguard Captain
Lifeguard Lieutenant
Manager Recreation Programs
PT Assistant Camp Director
Supervisor, Recreation Facilities
Recreation Supervisor
Trades Worker Series

Power Resources

Director Electric Utility
Power Plant Control Operator
Power Plant Electrician
Environmental Technician
Instrument Control Technician
Power Plant Mechanic
Power Plant Watch Engineer
Power Plant Director
Manager, PP Support Service
Power Plant Projects Coordinator
Coordinator PP Operations & Maintenance
Supervisor PP Lab
Power Plant Maint. Tech Lead
Power Plant Control Oper, Relief
Power Plant Asst. Control Operator
Boiler Turbine Attend, Relief

Customer Service

Meter Reader

All operate powered boats, forklifts, and/or power tools

Reason For Safety Sensitive Classification

Aside from the lifeguards, the remaining employees work with children in day camps or evening events and operate a City-owned vehicle

Power Plant employees listed, work in one way or another with the generation of electrical power

All positions operate a City vehicle
<table>
<thead>
<tr>
<th>Safety Positions</th>
<th>Reason For Safety Sensitive Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>T &amp; D</strong></td>
<td></td>
</tr>
<tr>
<td>Electric System Operator</td>
<td>Responsible for opening &amp; closing electrical</td>
</tr>
<tr>
<td>Sr. Elec. System Operator</td>
<td>switches, electric meter installation at commer-</td>
</tr>
<tr>
<td>Meter Services Worker</td>
<td>ical &amp; residential buildings, and dispatch-</td>
</tr>
<tr>
<td>Mgr. Elec T &amp; D Constr &amp; Maint.</td>
<td>ing of linemen</td>
</tr>
<tr>
<td>Electric Meter Apprentice Series</td>
<td></td>
</tr>
<tr>
<td>Electric Meter Technician</td>
<td></td>
</tr>
<tr>
<td>T &amp; D Director</td>
<td></td>
</tr>
<tr>
<td>Compliance Specialist</td>
<td></td>
</tr>
<tr>
<td><strong>Electric System Design</strong></td>
<td></td>
</tr>
<tr>
<td>Coordinator, Elec Eng Proj</td>
<td>All positions operate a City vehicle</td>
</tr>
<tr>
<td>Supervisor, Elec System Design</td>
<td></td>
</tr>
<tr>
<td>Coord Elec Const Proj Inspector</td>
<td></td>
</tr>
<tr>
<td>Electrical Engineer Associate</td>
<td></td>
</tr>
<tr>
<td>Electrical Engineer Tech</td>
<td></td>
</tr>
<tr>
<td><strong>Water &amp; Sewer</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Wastewater Treatment</strong></td>
<td></td>
</tr>
<tr>
<td>Wastewater Plant Operator Series</td>
<td>All positions work with caustic chemicals and</td>
</tr>
<tr>
<td>Lead WW Plant Operator</td>
<td>work in confined spaces</td>
</tr>
<tr>
<td>Supervisor Water Plant</td>
<td></td>
</tr>
<tr>
<td>Treatment Operator</td>
<td></td>
</tr>
<tr>
<td><strong>Gravity Sewer</strong></td>
<td></td>
</tr>
<tr>
<td>Utility Service Worker Trainee</td>
<td>Operate City vehicles, MOT regulations</td>
</tr>
<tr>
<td>Utility Service Worker Series</td>
<td>followed, and operate power equipment</td>
</tr>
<tr>
<td>Utility Worker, Lead</td>
<td>for maintaining the City's water supply</td>
</tr>
<tr>
<td>Field Super. WW Coll &amp; Trans Manager, Field Operations</td>
<td></td>
</tr>
<tr>
<td><strong>Water Treatment Plant</strong></td>
<td></td>
</tr>
<tr>
<td>Groundskeeper</td>
<td>Work with the filtration system for the City's</td>
</tr>
<tr>
<td>Water Plant Operator Series</td>
<td>water supply and operate power equipment</td>
</tr>
<tr>
<td>Supervisor Water Plant</td>
<td></td>
</tr>
<tr>
<td>Sr. Plant Mechanic</td>
<td></td>
</tr>
<tr>
<td><strong>Distribution</strong></td>
<td></td>
</tr>
<tr>
<td>Group Leader Utilities</td>
<td>Operate City vehicles, MOT regulations</td>
</tr>
</tbody>
</table>
Utility Service Worker Series
Utility Service Worker Trainee
Field Supervisor
Utility Locator

Safety Positions

Environmental Lab
Chemist
Environmental Tech
Laboratory Tech
Supervisor, Utilities Lab

Administration
Survey Party Chief
Sr. Engineering Designer
Sr. Engineering Designer

Lift Station
Lift Station Attendant
Lift Station Mechanic

Meter Maintenance
Group Leader Utilities
Meter Repair/Backflow Prev
Utility Service Worker Series

- followed, and operate power equipment
- Works with a variety of caustic chemicals and acids for testing the City drinking water and operate a City vehicle
- All positions operate City vehicles or inspect construction sites
- Both positions operates City vehicles, in confined spaces, and electrical equipment
- Operate City vehicles, repairs water meters and water pipes for City drinking water. MOT regs.
REGULAR AGENDA

ITEM #19,

PAY PLAN IMPLEMENTATION
MEMORANDUM

TO: CITY COUNCIL
FROM: MARIO GISBERT
DATE: 12/03/15
SUBJECT: PAY PLAN PROPOSALS

Up for consideration are three proposed pay plan options. Each one contains 20 steps for the pay grades 20-50.

OPTION 1: Each step increases by a fixed amount ranging from $.29 at pay grade 20 up to $1.46 at pay grade 50 and is consistent throughout the grade for each step. The percent of the increase slightly declines over time.

OPTION 2: The raises begin at 2.38% at grade 20 up to 2.69% at grade 50 and maintain throughout each grade. The dollar amount of each step slightly increases over time.

OPTION 3: Grade 20 begins at a 2.67% for the first 10 steps and the second ten are at 2.10% up to pay grade 50 starting at 3.05% for the first 10 steps and the last 10 steps are at 2.33%.

After careful consideration, the staff recommends Option 3 due to its ability to maintain the integrity of the current approved pay ranges for each grade.