

ORDINANCE NO. 1613

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, AMENDING THE CITY'S CODE OF ORDINANCES RELATED TO NOISE VARIANCES; AUTHORIZING THE NOISE CONTROL ADMINISTRATOR TO ISSUE VARIANCES; 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 16-90 of the Charter of the City of Panama City Beach, related to Variances from the City's Noise Ordinance is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

ARTICLE VI. - NOISE ORDINANCE

Sec. 16-90. - Variances.

- A. Any person who owns or operates a sound source, or intends or desires to operate or maintain a sound source, for one of the following purposes may apply for a variance from the **Noise Control Administrator City Council**:
1. Private or public celebrations;
 2. Nighttime Construction projects; or
 3. Homeowner Construction projects.
- B. Applications for a permit of variance shall supply information including, but not limited to:
1. The nature and location of the Noise source for which such application is made;
 2. The reason for which the permit of variance is requested, including the hardship, if any, that will result to the applicant or the public if the permit of variance is not granted;
 3. The nature and intensity of Noise that will occur during the period of the variance;

4. A description of interim Noise control measures to be taken by the applicant to minimize Noise and the impacts occurring therefrom; and
 5. The name, address and means of contacting a responsible party during the hours of operation for which the permit of variance is issued.
- C. The City Council may charge the applicant a fee established by Resolution of the City Council to cover expenses resulting from the processing of the permit of variance application.
- D. In making the determination on granting a variance, the **Noise Control Administrator** ~~City Council~~ shall consider:
1. The character and degree of injury to, or interference with, the health and welfare of the reasonable use of adjacent property which is caused or threatened to be caused by the sound to result from the permit of variance;
 2. The social and economic value of the activity for which the variance is sought; and
 3. The ability of the applicant to apply best practical Noise control measures.
- E. The permit of variance shall enumerate the conditions of the variance, including but not limited to:
1. Specific location, dates and times for which the variance is valid;
 2. Sound level limits which shall not be exceeded at the nearest affected residential or Noise Sensitive property;
 3. The use Noise control measures to minimize Noise impacts on adjacent property.
- F. A variance may be revoked by the Noise Control Administrator and the issuance of future variances withheld, if there is:
1. Violation of one or more conditions of the variance;
 2. Material misrepresentation of fact in the variance application; or,
 3. Material change in any of the circumstances relied upon by the Noise Control Administrator in granting the variance.

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 the provisions of this

Ordinance within the Panama City Beach Code of Ordinances, 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 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 9th day of March, 2023.



MARK SHELDON, MAYOR

ATTEST:



LYNNE FASONE, CITY CLERK

EXAMINED AND APPROVED by me this 9th day of March, 2023.



MARK SHELDON, MAYOR

Posted on pcbfl.gov on the 23rd day of February, 2023.
Posted on publicnoticesbaycountyfl.gov on the 23rd day of February, 2023.