

ORDINANCE NO. 1647

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 4, ARTICLE II, OF THE CITY'S CODE OF ORDINANCES RELATED TO SPECIAL EVENTS; REQUIRING THAT ANY SECOND LARGE EVENT ON THE SAME DAY AS A PREVIOUSLY PERMITTED LARGE EVENT RECEIVE CONDITIONAL APPROVAL BY THE CITY COUNCIL; SETTING FORTH CRITERIA FOR APPROVAL OF A SECOND LARGE EVENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. From and after the effective date of this ordinance, Chapter 4 Article II, Section 4-25 of the Panama City Beach Code of Ordinances related to Limitations on Special Events is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

**Sec. 4-25. Limitation of *Special Events*.**

- (1) 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:
  - a. One (1) large event with deemed attendance in excess of ten thousand (10,000) persons; or
  - b. 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
  - c. 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
  - d. A total of six (6) large or medium events regardless of deemed attendance.
  - e. Permits shall be issued in the order that substantially complete applications with the required fee are filed.
- (2) No *Special Event* shall be permitted to take place, in whole or in part, at Aaron Bessant Park on any Friday, Saturday, or before 12:00 p.m. and after 8:00 p.m. on Sunday between the last Monday in May ("Memorial Day") and the first Monday in September ("Labor Day") in any given year.
- (3) **In the event that a *Special Event* permit has been issued for a large event (a "First Large Event"), any proposed large event on the same calendar day as a previously permitted large event (a "Second Large Event") shall be subject to conditional approval. Because two large events on the same day may have greater impacts to the public, the City Council has discretion to impose conditions it determines necessary to satisfy the required finding in this section. If any additional conditions are imposed, they must be determined by the criteria set forth in section 4-21(3) of this Code and the factors set forth herein. A Second Large Event shall be permitted provided that the Council finds that, considering any conditions imposed:**
  - (a) The Second Large Event is to be located, designed, and operated so that the public health, safety, and welfare are protected.**

- (b) The Second Large Event, considering any resources necessary for the First Large Event, will be able to provide the resources necessary to mitigate the adverse effect and increased congestion on existing traffic patterns in the City.
- (c) The Second Large Event, considering any resources necessary for the First Large Event, will be able to provide the medical aid resources necessary to mitigate the burden on the community's public health resources, including the capacity of the community's hospital services.
- (d) The Second Large Event, considering any resources necessary for the First Large Event, will be able to provide adequate parking facilities and transportation services necessary to accommodate the anticipated attendance.
- (e) The Second Large Event, considering any resources necessary for the First Large Event, will not unduly hinder telecommunication services necessary for public safety around the event, which may require the use of portable communication towers to enhance service on telecommunication devices.
- (4) The City Council shall conduct a quasi-judicial hearing to render its decision on whether to grant or deny conditional approval to a Second Large Event. The City Council's decision, including its reasons therefor, shall be announced at the conclusion of the hearing and entered onto the record, 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. Any person aggrieved by the City Council's decision is entitled to timely seek review of the decision by certiorari in the Circuit Court of Bay County, Florida.

SECTION 2. CONFLICT WITH OTHER ORDINANCES OR CODES. All Ordinances or parts of Ordinances of the Code of Ordinances of the City of Panama City Beach, Florida, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 3. SEVERABILITY. If any provision of this Ordinance is held to be illegal, invalid, or unconstitutional by a court of competent jurisdiction, the other provisions of this ordinance shall remain in full force and effect.

SECTION 4. CODIFICATION. 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 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 numbers may be assigned and changed whenever necessary or convenient.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective immediately upon passage.

**PASSED, APPROVED, AND ADOPTED** at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 11<sup>th</sup> day of July, 2024.

**CITY OF PANAMA CITY BEACH**

By:

  
Stuart Tetteimer, Mayor

**ATTEST:**

  
Lynne Fasone, City Clerk

EXAMINED AND APPROVED by me this 11<sup>th</sup> day of July, 2024.

  
Stuart Tetteimer, Mayor

Posted on [pcbfl.gov](http://pcbfl.gov) on the 1st day of July, 2024.

Posted on [publicnoticesbaycountyfl.gov](http://publicnoticesbaycountyfl.gov) on the 1st day of July, 2024.

# Business Impact Estimate

*This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published. This Business Impact Estimate may be revised following its initial posting.*

Proposed ordinance's title/reference:

**AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING CHAPTER 4, ARTICLE II, OF THE CITY'S CODE OF ORDINANCES RELATED TO SPECIAL EVENTS; REQUIRING THAT ANY SECOND LARGE EVENT ON THE SAME DAY AS A PREVIOUSLY PERMITTED LARGE EVENT RECEIVE CONDITIONAL APPROVAL BY THE CITY COUNCIL; SETTING FORTH CRITERIA FOR APPROVAL OF A SECOND LARGE EVENT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance:

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
  - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
  - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

If no exemption applies, in accordance with the provisions of controlling law, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

**When the City receives a request for a second "large" special event for the same date as an already scheduled large event, there is potential for greater impacts to the public. This ordinance provides the Council with the discretion to impose conditions determined by the criteria in Section 4-21(3) of the City's Code of Ordinances. The ordinance outlines the circumstances under which a second "large" event may be permitted, including public health, safety and welfare protected, availability of adequate resources to mitigate adverse effect and increased congestion on existing traffic patterns, ability to provide an appropriate level of medical aid services, and ability to provide adequate parking and transportation services for the expected attendance.**

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City if any: **Direct economic impact is difficult to determine. Conditions placed on permit issuance may require financial expenditure by the event holder. However, conditions may not be placed at all; therefore, the immediate and direct impact is none, absent required conditions or permit denial which will be fact dependent.**

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

(a) **See general response to #2.** (b) **None.** (c) **None.**

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: **This ordinance will only apply to permit applicants fitting the criteria set forth in the ordinance; therefore, its expected application will be very limited.**

4. Additional information the governing body deems useful (if any):