

ORDINANCE NO. 1388

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA; PROVIDING FOR THE IMPOSITION OF A MORATORIUM ON THE ISSUANCE OF DEVELOPMENT ORDERS AND PERMITS AND ON THE PROCESSING OF APPLICATIONS CONCERNING MOTOR VEHICLES SALES, RENTAL OR SERVICE FACILITIES ON FRONT BEACH ROAD OR ON A CITY ROAD WITH A POSTED SPEED LIMIT OF 45 MPH OR LESS THAT CONNECTS DIRECTLY TO FRONT BEACH ROAD, OR RELATED TO THE ESTABLISHMENT, CHANGE OF USE, EXPANSION OR ALTERING OF BUILDINGS OR PARKING AREAS ON PROPERTY THROUGHOUT THE CITY ON WHICH LOW SPEED VEHICLES ARE OFFERED OR INTENDED TO BE OFFERED FOR RENTAL; MAKING FINDINGS OF FACT; PROVIDING FOR A SIX (6) MONTH TERM OF THE MORATORIUM WHICH MAY BE EXTENDED IF NECESSARY BY THE CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Panama City Beach is a tourist destination frequented by tens of thousands at a time; and

WHEREAS, while drawn to town by the beach, visitors look for other forms of amusement off the beach as well; and

WHEREAS, on November 4, 2015, the City adopted Ordinance 1351-L, providing among other things, a limitation on the number of scooters which may be rented at any location within the City, and requiring the inspection and registration of low-speed vehicles to be offered for rent in the City; and

WHEREAS, the Council finds that the registration of rented low speed vehicles in the City has increased from a total of 93 in November 2015 to a total of 194 as of May 12, 2016; and

WHEREAS, while the City anticipated that the adoption of Ordinance 1351-L would mean a rise in the rental of low speed vehicles or other vehicles rented in tourist destinations, the volume of these registrations in such a short period of time indicates that the time has come to begin considering the potential impacts of such use; and

WHEREAS, Ordinance 1351-L authorized staff to work with the industry to explore the accommodation of alternate amusements to fill the gap created by the reduction of rented motor scooters; and

WHEREAS, the City Council finds that rented low-speed vehicles are fairly to be considered amusements intended to fill the gap created by the reduction of rented motor

scooters, as such low-speed vehicles are primarily made available for rent by the same businesses whose ability to rent motor scooters has been limited by Ordinance 1351-L; and

WHEREAS, the City finds that the rented low-speed vehicles are rented to persons who drive traditional motor vehicles to the City or adjacent unincorporated areas of Bay County, and thereafter rent the low-speed vehicles upon their arrival to town as an amusement to enjoy the sights and sounds of Front Beach Road rather than as a means of transportation around and throughout the community (since their operation in fact is limited to Front Beach Road and adjacent neighborhood roads with a posted speed limit of 35mph or less); and

WHEREAS, the Council finds that it is necessary and appropriate and in the best interests of the City's residents and guests to prohibit further registration of these rented vehicles immediately; and

WHEREAS, at its May 12, 2016 meeting, the City Council made a policy directing staff to prepare amendments for the Council's consideration to the City's land use regulations to address the rental of low-speed vehicles in the City before attempts at regulating the rental of low-speed vehicles are overcome by the volume of low-speed vehicles being rented and operated in the City, and in connection therewith specifically directed that no additional low-speed vehicles shall be eligible for registration and permit by the City; and

WHEREAS, the City deems it appropriate to set aside sufficient time to consider and formulate new policies, regulations and ordinances addressing the issue facing the City; and

WHEREAS, the City desires to take advantage of its home rule authority to propose, consider and possibly adopt regulations that it deems appropriate and in the best interests of the City and its residents and guests with respect to the regulation of rented low speed vehicles; and

WHEREAS, the City deems it necessary and appropriate to impose a moratorium throughout the City on development orders for any business requesting to establish or expand a business for the rental of low speed vehicles specifically or for Motor Vehicle Sales or Rental uses generally while it considers changes to its policies, regulations and ordinances.

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, there shall be a

moratorium upon the acceptance of applications and the issuance of Development Orders and Permits concerning motor vehicle sales, rental or service facilities located on parcels of land on Front Beach Road or on a city road with a posted speed limit of 45mph or less that connects directly to Front Beach Road, or applications related to a change of use, expansion or altering of buildings, structures or parking areas on any parcel in the City on which Low-speed Vehicles are offered or intended to be offered for rental.

SECTION 2. The moratorium imposed by this Ordinance is temporary and, unless dissolved earlier by the City, shall automatically dissolve in six (6) months from the effective date of this Ordinance unless otherwise extended in accordance with applicable law. The moratorium may be reasonably extended, if necessary, by Ordinance of the City Council.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. If any word or provision or other part of this ordinance is deemed unconstitutional or unenforceable for any reason, such portion shall be severed from this ordinance and the remaining portions thereof shall be unaffected thereby.

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 23rd day of June, 2016.



MAYOR

ATTEST:



DIANE FOWLER, CITY CLERK

CITY CLERK

EXAMINED AND APPROVED by me this 23rd day of June,
2016.


MAYOR

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