

ORDINANCE NO. 1441

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE RELATED TO ACCESSORY USES; AMENDING THE DEFINITION OF ACCESSORY STRUCTURE TO DELETE TEXT PROHIBITING THEIR USAGE FOR HUMAN HABITATION; AMENDING SECTION 5.02.01.D3 TO CONFORM WITH SECTION 4.02.01 WHICH PROVIDES THAT ACCESSORY BUILDINGS SHALL BE SUBJECT TO FRONT AND SIDE SETBACKS ESTABLISHED FOR THE PRINCIPAL BUILDING; PROVIDING THAT ACCESSORY STRUCTURES SHALL NOT EXCEED THE HEIGHT OF THE PRINCIPAL STRUCTURE; PERMITTING USE OF AN ACCESSORY BUILDING AS A DWELLING FOR HUMAN HABITATION IF PERMITTED BY UNDERLYING ZONING DISTRICT; PROHIBITING WINDOWS FACING CERTAIN LOT LINES ON UPPER STORIES OF ACCESSORY STRUCTURES USED FOR HUMAN HABITATION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

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

SECTION 1. From and after the effective date of this ordinance, Section 1.07.02 of the Land Development Code of the City of Panama City Beach related to Definitions, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

1.07.02 Definitions

As used in the *LDC*, the following terms shall have the meanings assigned to them. When one or more defined terms are used together, their meanings shall also be combined as the context shall require or permit. All terms not specifically defined shall carry their usual and customary meanings. Undefined

terms indigenous to a trade, industry or profession shall be defined when used in such context in accordance with their usual and customary understanding in the trade, industry or profession to which they apply.

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Accessory Use – A **Use** or structure which is incidental and subordinate to the **Principal Use** or structure and which is located on the same **Lot** as the **Principal Use** or structure and subject to the provisions of section 5.02.00.

Accessory Structure means, a structure that is located on the same **Parcel** of property as the **Principal Structure**, the **Use** of which is incidental to the **Use** of the **Principal Structure** and subject to the provisions of section 5.02.00. ~~Accessory Structures should constitute a minimal investment, may not be used for human habitation (except screened enclosures).~~ Examples of **Accessory Structures** are detached garages, carports, storage sheds, screened enclosures, pole barns and hay sheds.

SECTION 2. From and after the effective date of this ordinance, Section 5.02.01 of the Land Development Code of the City of Panama City Beach related to Accessory Uses and Structures, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

5.02.01 Generally

A. It is the intent of this section to regulate the installation, configuration and **Use** of **Accessory Structures** and the conduct of **Accessory Uses**. Regulation is necessary in order to ensure that **Accessory Uses** and structures are compatible with the surrounding neighborhood and are consistent with the character and intent of the zoning district in which the **Accessory Uses** and structures are located.

B. Excepting **Residential Community Accessory Uses**, **Accessory Uses** and structures are not permissible on **Lots** or **Parcels** that do not contain a **Principal Use or structure**.

C. **Accessory Uses** are identified in Table 2.03.02. Design standards for these **Accessory Uses** are provided in section 5.02.02.

D. **Accessory Structures** may be allowed in any zoning district, provided that they comply with the standards of the zoning district and that the following general standards are met, along with specific standards for the structure as provided in sections 5.02.03 through 5.02.09:

1. All **Accessory Structures** shall be located on the same **Lot** as the **Principal Use**.

2. All **Accessory Structures** shall be included in all calculations for **Parking Space** requirements, **Impervious Surface** ratio standards, stormwater runoff standards and **Lot** coverage standards.

3. All **Accessory Structures**, other than fences and walls located in compliance with the requirements of section 5.02.03, shall be located in compliance with all site design requirements, except the ~~side and~~ rear **Yard Setback**. A single-story **Accessory Building** shall be located a minimum of five (5) feet from a ~~Side or~~ **Rear Yard** line. An **Accessory Building** greater than one-story in height shall be located a minimum of ten (10) feet from a ~~Side or~~ **Rear Yard** line.

4. Within the following zoning districts, there shall be no more than two (2) **Accessory Structures** permissible (excluding fences, walls and unenclosed pools): R-1a, R-1b, R-1c, R-1cT, R-2, R-O and RTH. All other zoning districts may have any number of **Accessory Structures**, so long as such structures are located in compliance with the site design requirements of the zoning district and the applicable requirements of this section.

5. There shall be no off-site signs pertaining to allowable **Accessory Uses**.

6. The aggregate area of all permissible **Accessory Structures** and **Accessory Use** shall consist of no more than 90% of the size and area of the **Principal Use**.

7. The height of an Accessory Structure shall not exceed the height of the Principal Structure.

8. An Accessory Structure may be used for human habitation if its Use as an additional Dwelling is permitted by the underlying zoning district. An Accessory Structure used or useable for human habitation which is two or more Stories in height shall not have windows on the second or third Story facing the rear or side property lines.

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

SECTION 4. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Land Development Code, and unless a 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 11th day of January, 2018.



MAYOR

ATTEST:



CITY CLERK

EXAMINED AND APPROVED by me this 11th day of January, 2018.



MAYOR

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