

ORDINANCE NO. 1334

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE RELATED TO FENCES AND WALLS; PROVIDING THAT THE FINISHED SIDES OF FENCES SHALL FACE OUTWARD WHEN RUNNING ADJACENT TO A STREET AND PROVIDING THAT FENCE SURFACES SHALL PREVENT GLARE AND OTHER NUISANCES TO SURROUNDING PROPERTIES; ADDING REFERENCES TO CONFIRM THAT THE FENCES IN THE FRONT BEACH OVERLAY DISTRICT SHALL BE GOVERNED BY THE DESIGN STANDARDS SET FORTH IN SECTION 7.02.03G; 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 5.02.03 of the City's Land Development Code, related to general fence design standards is amended to read as follows:

**5.02.03 Fences and Walls**

**A. Site design standards for all fences**

1. The maximum height for fences located along rear **Lot Lines** shall be eight (8) feet.
2. The rear **Lot Line** fence may be extended along or parallel to the side **Lot Lines** up to a line extended from the front face of a lawfully permitted principal **Building**, parallel to the rear **Lot Line** and may cross the **Side Yards** and tie into the front face of the principal **Building**.
3. The maximum height for fences located along the front **Lot Line** shall be four (4) feet.
4. The front **Lot Line** fence may be extended along or parallel to the side **Lot Lines** up to a line extended from the front face of a lawfully permitted principal **Building**, parallel to the front **Lot Line** and may cross the **Side Yards** and tie into the front face of the principal **Building**.

5. No fence otherwise permitted by this section may be constructed or situated so as to obstruct the field of view at any ***Intersection*** and thereby create a danger for drivers or pedestrians.
6. A fence or wall required by law shall not be subject to the height limitations of this section.
7. The finished side of the fence shall face outward **when adjacent to a Street.**
8. A permit is required prior to the construction of any fence.
9. Fences must at all times be in good repair as defined by the following standards:
  - (a) fences must be in a vertical position;
  - (b) rotten boards must be replaced;
  - (c) support posts or footers must be solidly attached to the ground;
  - (d) fence stringers must be securely attached to the support posts and fence stringer;
  - (e) each fence must be securely attached to the support posts and fence stringer;
  - (f) fence or wall surfaces must be painted, stained, treated or otherwise maintained so as to present a uniform appearance **and to prevent glare or other nuisance to surrounding properties.**
10. **Design standards for fences to be located in Front Yards along Front Beach Road, Arnold Road or South Thomas Drive are established in Section 7.02.03.G .**

**B. Site design standards for retaining walls.** Nothing in this **LDC** shall be construed to prohibit or to prevent the erection of a retaining wall on any property, provided that such retaining wall does not adversely affect the natural flow of surface water or create any other adverse effect upon adjacent or adjoining properties. All retaining walls shall comply with the standards set forth in the Engineering Technical Manual.

SECTION 2. From and after the effective date of this ordinance 7.02.03 of the City's Land Development Code, related to fences located in the Front Beach Road Overlay District is amended to read as follows:

**7.02.03 Front Beach Road Overlay Districts**

...

**G. Front Yards Along Front Beach Road, Arnold Road and South Thomas Drive**

1. **Purpose.** Regardless of the maximum **Setback** requirements, an applicant may establish a **Front Yard** for a portion of any **Building** front type subject to compliance with the provisions of this section 1.02.01G. Applicants are encouraged to provide **Front Yards** that include widened sidewalks, galleries, arcades, courtyards and other places for customers and the public to gather, provided that the **Front Yards**:
  - (a) Improve the visual quality and character of the **Street**;
  - (b) Promote pedestrian traffic and the use of public transit;
  - (c) Are readily accessible and ADA/State of Florida compliant if used for Tourist Accommodations or non-residential purposes;
  - (d) Enhance access between outdoor and indoor spaces; and
  - (e) Enhance public safety and security, while promoting more effective use of the public realm.
  
2. **Types of Front Yard Improvements and Locations.** Where provided, **Front Yards** shall include a combination of the items listed in
  
3. Table 7.02.03.F provided that the item is specifically allowed in the applicable portion of the **Setback** area, as indicated by the letter "A" in the exhibit. If not allowed, the item is prohibited.
  
4. Table 7.02.03.F also establishes the group letter applicable to **Front Yard** items that corresponds with the group letters in Table 7.02.03.G. Table 7.02.03.G establishes the number of authorized items that must be established within each **Front Yard**. **Front Yards** also may be used for **Building Access** improvements and **Driveways** in accordance with section 7.02.03L. In addition to the items listed below, the City may approve the installation of decorative bike racks, planter pots and pedestrian furniture.

Table 7.02.03.F: Items Authorized in Front Yards

| Group # | Front Yard Items       | Location                             | Distance from Back of Sidewalk (in feet) |                 |                  |             |
|---------|------------------------|--------------------------------------|--|-----------------|------------------|-------------|
|         |                        |                                      | $d \leq 5$                               | $5 \leq d < 15$ | $15 \leq d < 25$ | $d \geq 25$ |
| 1       | Patio Paving/Hardscape | Behind the back edge of the sidewalk | A  | A               | A                | A           |
|         | Groundcover            |                                      | A  | A               | A                | A           |
| 2       | Lawn                   |                                      |  | A               | A                | A           |
|         | Hedge                  |                                      | Along Building Facade                    |                 | A                | A           |
|         | Clustered Ornamentals: |                                      |  | A               | A                | A           |

|   |  |   |   |   |   |   |
|---|--|---|---|---|---|---|
|   | Flowering trees, palms   |   |   |   |   |   |
|   | Planting Beds:<br><b>Shrubs</b> , seasonal plantings                               |   | A | A | A | A |
|   | Palms planted on 25 feet centers   |   | A | A | A | A |
| 3 | Trees planted on 50 feet centers   | At the front property line or along the back edge of a sidewalk outside of the right-of-way | A | A | A | A |
|   | <b>Decorative Fence</b> 42 inch maximum height (see Section <b>7.02.03.G.3.d</b> ) |   | A | A | A | A |
|   | Masonry Wall with Hedge  |   |   |   |   | A |
|   | Masonry Wall with clustered ornamentals or groundcover                             |   |   | A | A | A |

Notes:

- 1: d = distance measured in feet
- 2: A = allowed item
- 3: < = is less than
- 4: ≤ = is less than or equal to
- 5: ≥ = is greater than or equal to

Table 7.02.03.G: Minimum Number of Items Required in Front Yards

| Distance from Back of Sidewalk (feet) | Group 1 | Group 2 | Group 3 |
|---------------------------------------|---------|---------|---------|
| $d \leq 5$                            | 1       | 0       | 0       |
| $5 \leq d < 15$                       | 0       | 2       | 0       |
| $15 \leq d < 25$                      | 0       | 3       | 0       |
| $d \geq 25$                           | 0       | 3       | 1       |

Notes:

- 1: d = distance measured in feet
- 2: < = is less than
- 3: ≤ = is less than or equal to
- 4: ≥ is greater than or equal to

5. **Design Standards.** To achieve the purposes of this section, **Front Yards** shall be designed so that they are visible, avoid clutter, incorporate high quality, durable materials that are comparable in quality and complementary in design to public improvements provided or planned for the Front Beach Road corridor. In addition to complying with other district requirements, **Front Yards** and **Facades** shall meet the following design standards:
- (a) Flooring and surfaces shall be constructed of durable, non-slip materials that complement sidewalk paving. Changes in colors shall be used to highlight steps.
  - (b) The shape and design (including landscaping) of the space shall provide visibility of the entire space from the sidewalk.
  - (c) Lighting shall be adequate to illuminate the entire space, but lighting sources shall be hooded or directed so that they are not visible to pedestrians on the sidewalk.
  - (d) Except as provided in this paragraph, fencing is prohibited. **Front Yards** may be enclosed by decorative walls, posts with decorative ropes or chains or other decorative enclosures approved by the **City Manager**, provided that the enclosure is not taller than thirty (30) inches. **Decorative Fencing** that is not higher than forty-two (42) inches may be authorized pursuant to a conditional **Use** permit to enclose commercial **Use of Front Yards**.
  - (e) At least fifty (50) percent of the wall surface between two (2) and seven (7) feet above the **Average Grade** of the **Front Yard** shall be glazed and shall have a minimum transparency of seventy (70) percent.

- (f) Other than furniture for dining areas and outdoor displays subject to conditional **Use** approval, **Front Yard** improvements shall be limited to seating, decorative waste receptacles, fountains, water features and landscaping.

6. **Maintenance.** The ultimate owner of the **Front Yard** shall be responsible for raising all monies required for operations, maintenance or physical improvements in the **Front Yard** through annual dues, special assessments or other arrangements approved by the **City**. A copy of binding covenants or other arrangement providing for ongoing maintenance shall be recorded and a copy shall be provided to the **City**. In the event that the association or any successor organization shall fail to maintain the **Front Yard** in reasonable order and condition in accordance with the **Development** plan, the **City** may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the **Front Yard** in reasonable condition. Failure to adequately maintain **Front Yards** in reasonable order and condition constitutes a violation of this section. The **City** is hereby authorized to give notice to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within twenty (20) days. If a homeowner's association assumes ownership, its by-laws shall provide as follows:

- (a) The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues or assessments.
- (b) Should any bill or bills for maintenance of **Front Yards** by the **City** be unpaid by November 1 of each year, a late fee of fifteen percent (15%) shall be added to such bills and a lien shall be filed against the **Premises** in the same manner as other municipal claims.

(Ord. #1254. 11/14/13)

...

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

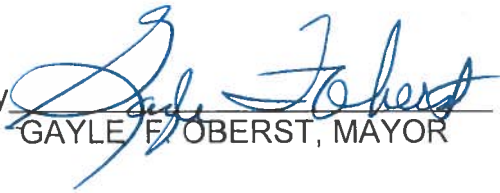
SECTION 4. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Land Development Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, 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 8<sup>th</sup> day of January, 2014. 2015 (LSS)

CITY OF PANAMA CITY BEACH

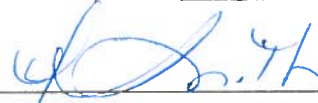
ATTEST:

By   
GAYLE F. OBERST, MAYOR

  
HOLLY J. WHITE, CITY CLERK  
Jo Smith, Deputy City Clerk

PUBLISHED in PC News Herald on the 26<sup>th</sup> day of December, 2014.

POSTED on pcb.gov.com on the 9<sup>th</sup> day January, 2014. 2015 (LSS)

  
HOLLY J. WHITE, CITY CLERK  
Jo Smith, Deputy City Clerk