

**ORDINANCE 1338
PROHIBITING DUNE
WALKOVERS**

**DENIED AT 2ND READING
3/26/15**

ORDINANCE NO. 1338

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE; CREATING THE BEACH BOULEVARD OVERLAY DISTRICT; PROVIDING THAT PRIVATE ELEVATED DUNE WALKOVERS SHALL BE PROHIBITED IN SUCH OVERLAY DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, south of Beach Boulevard the City maintains ten public beach access ways, which are located approximately every 80' along Beach Boulevard, and whose existence has been fiercely guarded by the residents of this neighborhood specifically and the city electors generally who have consistently defeated several efforts to relocate or abandon beach easements in this neighborhood; and

WHEREAS, given the number of public beach access points in this particular area of the beach which are used primarily by the visitors and residents of this neighborhood, the City finds and determines that the construction of private elevated dune walkovers serving to create additional beach access points south of Beach Boulevard is unnecessary; and

WHEREAS, given the extraordinary height of the sand dunes south of Beach Boulevard, the Council finds that the construction of private elevated dune walkovers will clutter the beach and its views and thus hinder the enjoyment of the beach by those using the existing public beach accesses, and

WHEREAS, the City is authorized to establish and amend the actual list of permitted or prohibited uses within a zoning category, and finds that it is necessary and appropriate to establish a Beach Boulevard Overlay District wherein elevated dune walkovers are prohibited.

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 2.02.02 of the Land Development Code of the City of Panama City Beach related to Establishment of Overlay Districts, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

2.02.02 Establishment of Overlay Districts

The following overlay districts are established. The *Uses* allowable by the underlying zoning district shall apply, except as limited by the *Use* requirements of the overlay district provisions established in Chapter 7 of the *LDC*.

- A. Pier Park Overlay District
- B. Traditional Neighborhood Overlay District
- C. Front Beach Road Overlay Districts
- D. Coastal High Hazard Overlay District
- E. Lake Powell Overlay District
- F. Naval Support Activity Panama City Military Influence Overlay District
- G. Breakfast Point Overlay District
- H. **Beach Boulevard Overlay District**

SECTION 2. From and after the effective date of this ordinance, Section 7.02.08 of the Land Development Code of the City of Panama City Beach related to Beach Boulevard Overlay District is created to read as follows:

Chapter 7. Special Overlay Districts

7.02.00 ESTABLISHMENT OF SPECIAL OVERLAY DISTRICTS

7.02.08 Beach Boulevard Overlay District

- A. Applicability. The provisions of this section shall apply to all property located between Beach Boulevard and the Gulf of Mexico.
- B. Private Elevated Dune Walkovers Prohibited. Private elevated dune walkovers are prohibited.

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 ___ day of _____, 2015.

CITY OF PANAMA CITY BEACH

ATTEST:

By _____
GAYLE F. OBERST, MAYOR

HOLLY J. WHITE, CITY CLERK

PUBLISHED in _____ on the ___ day of _____, 2015.

POSTED on pcb.gov on the ___ day _____, 2015.

HOLLY J. WHITE, CITY CLERK