Land Development Code

Panama City Beach, Florida

Adopted: July 26, 2012

LDC Amendments through 4/14/16

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Chapter 1. General Provisions

CHAPTER ONE CONTENTS

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1.01.00 GENERALLY

These land development regulations are codified and published as an appendix to the ***Code of Ordinances*** of the City of Panama City Beach and form an integral part of that ***Code***.

1.02.00 TITLE

These land development regulations shall be known as the "***Land Development Code*** of the City of Panama City Beach, Florida," and may be referred to as the ***LDC***.

1.03.00 AUTHORITY

The ***LDC*** is enacted pursuant to the requirements and authority of section 163.3202, *Florida Statutes* (*F.S.*), the general powers in Chapter 166, *F.S.* and Articles II and VIII of the *Florida Constitution*.

1.04.00 APPLICABILITY

1.04.01 Generally

A. The ***Use*** of any ***Parcel*** of land or any structure or any combination thereof, within the corporate limits of the ***City*** shall be in conformance with the requirements of the ***LDC***.

B. All ***Development*** shall conform to the applicable standards, criteria, requirements and procedures of the ***LDC***.

C. Unless otherwise authorized in this ***LDC***, no ***Development*** shall proceed without a ***Local Development Order*** and a ***Building Permit*** issued by the ***City***, or where permitted by Section 10.01.03 only a ***Building Permit*** by the ***City***.

D. A ***Change of Use*** shall conform to the standards, criteria, requirements and procedures of the ***LDC***.

E. Unless otherwise authorized in this ***LDC***, no ***Change of Use*** shall be permitted without a ***Local Development Order*** and a ***Building Permit***, or where permitted by Section 10.01.05 only a ***Building Permit*** by the ***City***.

(Ord. #1254, 11/14/13, Ord. #1304, 3/27/14)

1.04.02 Division of Land

A. Every division of land within the ***City*** (other than a division of land authorized by subsection D) resulting in three (3) or more ***Lots***, ***Parcels***, tracts, etc. shall be made by reference to a recorded ***Plat***. Plats shall be approved in accordance with the procedural requirements set forth in Chapter 10 of the ***LDC***.

B. Every division of land within the ***City*** which results in only two (2) ***Lots***, ***Parcels***, tracts, etc. not part of a previous subdivision made pursuant to this subsection and resulting in only two (2) ***Lots, Parcels***, tracts, etc. shall either comply with subsection A or require a drawing showing:

1. The metes and bounds descriptions of both ***Lots***, parcels, tracts, etc.;

2. A sketch to scale of the described ***Lots***, parcels, tracts, etc.; showing the assessor's property identification numbers for contiguous parcels, the metes and bounds along the property lines, and the approximate locations of rights of way and easements located within or abutting said lots, parcels, tracts, etc.

C. The ***City*** shall not issue a ***Local Development Order*** or ***Building Permit*** for *Development* proposed on a ***Lot, Parcel,*** tract, etc. established in violation of this *LDC*.

D. An assembly of platted lots may be disassembled (subdivided) without complying with either subsections A or B so long as no resulting ***Lot*** bears a description or size other than as shown on a currently applicable, recorded ***Plat*** and each such resulting, previously platted ***Lot*** complies in all respects with this ***LDC***.

(Ord. # 1253, 12-13-12)

1.04.03 Exceptions

The following general conditions or circumstances are exempt from the provisions and requirements of the ***LDC***:

A. Projects for which a ***Local Development Order*** or ***Building Permit*** has been lawfully issued, provided:

1. The ***Local Development Order*** or ***Building Permit*** has not expired prior to the effective date of the ***LDC*** or the effective date of an amendment to the ***LDC***, the effect of which amendment is to prohibit ***Development*** that is the subject of the ***Local Development Order*** or permit;

2. The activity authorized by the ***Local Development Order*** or ***Building Permit*** has commenced and continued in good faith; and

3. The activity authorized by the ***Local Development Order*** or ***Building Permit*** is in accordance with all applicable ***Local Development Orders***, ***Building Permits*** and any other permits required by any governmental authority.

B. Work required for public facilities and services within the public right-of-way, as further described below:

1. Work required for the installation of facilities for the distribution or transmission of gas, water, sewer, electric power or telecommunications services (except ***Telecommunications Towers***).

2. Work required for the purpose of inspecting, repairing or replacing any existing water or sewer lines, mains or pipes.

3. Work required for the purpose of inspecting, repairing or replacing cables, power lines, utility poles, utility tunnels or the like.

C. Work for the maintenance, renewal, improvement or alteration of any structure, provided that a ***Building Permit***, if required, is issued for the work and the following conditions are met:

1. The work affects only the exterior color or interior of the structure.

2. The work is only for the decoration of the interior or exterior of the structure.

3. The work is only for de minimis ***Development*** as established from time to time by administrative order of the ***City Manager*** and approved by the Planning Board.

1.04.04 Relationship to the Comprehensive Growth and *Development* Plan

1. The ***LDC*** is intended to implement the Panama ***City*** Beach Comprehensive Growth and Development Plan (Comprehensive Plan) through the establishment of procedures for review of proposed ***Development*** and through the adoption of standards and criteria for such ***Development***.

2. Pursuant to Florida Statutes Ch. 163, Part II (Growth Policy), the ***LDC*** is based upon and implements the Comprehensive Plan. The Comprehensive Plan standing alone establishes only general guidelines and principles. It is not self-executing. It is implemented by the ***LDC***. The Comprehensive Plan is general, while the ***LDC*** is specific. It is difficult to interpret and enforce a regulatory scheme where a general provision controls over a more specific one, because this contradicts logic and normal rules of construction. Therefore, the ***City*** establishes the following rule of interpretation.

3. The ***LDC*** is presumed to be consistent with the Comprehensive Plan. If there is any interpretation or circumstance that gives both documents effect, then the ***LDC*** shall be effective. In fine, this means that a provision of the ***LDC*** that appears to contradict the Comprehensive Plan in a particular situation is still given effect in that circumstance if there are any other circumstances in which both may be effective. It is only when there is no circumstance in which

the ***LDC*** provision may apply without contradicting the Comprehensive Plan that the ***LDC*** provision must fall as wholly in violation of the Comp Plan.

4. In support of the forgoing rule of interpretation, the ***City*** finds and determines that logic will not permit a general regulatory scheme to control over specific regulations adopted to implement that general scheme, regardless of an apparent conflict between the two in a particular situation. If the general were to control directly every possible circumstance, it would become the specific. The ***City*** also finds, however, two exceptions to this rule. First, if the specific regulation has no valid application anywhere within the boundaries of the general scheme it must be disregarded as irreconcilably conflicting with the overarching, general scheme. Second, when the general scheme is amended after the adoption of a specific regulation it cannot be said that the earlier specific regulation was intended to implement the subsequent amendment to the general scheme. Therefore, in the event of a conflict between an amendment to the Comprehensive Plan and a specific provision of the ***LDC*** adopted prior to that amendment, the Comprehensive Plan amendment shall control in the interim until the relevant portions of the ***LDC*** are updated.

1.04.05 Injunctive and Other Relief

Upon verification by the ***City Manager*** that any of the provisions of this law are being violated, the ***City Manager*** may notify in writing the person responsible for the violation, stating the provisions of this law being violated and shall order the necessary steps to abate the violation within a reasonable time, but not less than thirty (30) days. If the violation is not abated or abatement commenced and diligently pursued within the time specified, the ***City Manager***, through the City Attorney, may institute any appropriate action or procedure to bring about compliance with any of the provisions of this ordinance. This remedy is in addition to any other remedy available to the ***City***.

1.04.06 Savings Clause

Should any chapter, section, subsection, provision or clause of this ***LDC*** be declared by any court of competent jurisdiction to be unconstitutional or invalid for any reason whatsoever, the same shall not affect the validity of the ***LDC*** as a whole or any part thereof other than the part judicially determined to be invalid.

1.04.07 General Penalty for Violations

A. Whenever in this Land Development Code or the ordinances of the City relating to the Land Development Code any act is prohibited or is made or declared to be unlawful or an offense, or whenever in this Land Development Code or the ordinances of the City relating to the Land Development Code the doing of any act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of any such provision of this Land Development Code or such ordinances of the City shall be punished by a fine not exceeding five hundred dollars ($500.00), imprisonment in a lawful place for a term not exceeding sixty (60) days, probation with terms set by the court, or by any combination thereof including all three in the discretion of the court. This

section shall not apply to offenses which are recognized by the laws of the state as misdemeanors, the penalties for which are provided by the laws of the state, which state penalties shall likewise be applicable under this Land Development Code. Each day any violation of any of the provisions of this Land Development Code or of any ordinances of the City relating to the Land Development Code shall continue shall constitute a separate offense.

B. In addition to the penalties provided in subsection (A), any condition caused or permitted to exist in violation of any of the provisions of this Land Development Code or the ordinances of the City related to the Land Development Code shall be deemed a public nuisance and may be abated by the City as provided by law, and each day that any such offensive condition continues shall be regarded as a new and separate offense.

(Ord. # 1246, 12-13-12)

1.05.00 PURPOSE

The ***LDC*** is adopted for the purpose of promoting the health, safety and general welfare of the people of the ***City***.

1.06.00 RULES OF INTERPRETATION

1.06.01 Generally

The text within the ***LDC*** shall control where there is any conflict between text within the ***LDC*** and any caption, illustration or graphic presentation. Unless prohibited by context, reference to any chapter, section of subsection shall include all subdivisions of that chapter, section or subsection.

1.06.02 Rules of Construction

A. Words used in the present tense shall include the future tense; words used in the singular number shall include the plural number; and words used in the plural number shall include the singular number.

B. In computing any period of time prescribed or allowed by the ***LDC***, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event, the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

C. A word importing the masculine gender only shall extend and be applied to female persons and to firms, partnerships and corporations, as well as to male persons.

D. The words "may" and “should” are always permissive and never mandatory.

E. The word "shall" is always mandatory and not merely permissive.

F. The word "month" shall mean thirty (30) calendar days.

G. The word "person" shall extend and be applied to associations, clubs, societies, firms, partnerships and bodies politic and corporate, as well as to individuals.

H. Whenever the ***LDC*** shall refer to a specific portion of the ***Code of Ordinances*** or the ***LDC*** itself, that reference shall include any subsequent amendment to the referenced portion or any subsequent provision superseding the provision.

1.06.03 Responsibility for Interpretations

All interpretations shall be the responsibility of the ***City Manager***.

1.06.04 Rules for Interpretation of Boundaries

Where uncertainty exists as to the boundaries of districts shown on the ***Zoning Map*** or any other map incorporated in or referenced by the ***LDC***, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines of ***Streets***, ***Alleys*** or other public rights-of-way shall be construed to follow such centerlines. Where the ***Street***, ***Alley*** or right-of-way has been vacated through official action of the governing body, the boundary shall be construed to follow the centerline of the vacated right-of-way.

B. Boundaries indicated as approximately following platted ***Lot Lines***, section lines or tract lines shall be construed to follow such lines.

C. Boundaries indicated as approximately following ***City*** limit lines shall be construed to follow such ***City*** limit lines.

D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

E. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in the event of change in the shoreline shall be construed as moving with the actual shoreline.

F. Boundaries indicated as approximately following the centerlines of canals, streams or other bodies of water shall be construed to follow such centerlines.

G. Boundaries indicated as parallel to features described in sections 1.06.04.A through F above shall be construed as parallel to such features at the distance from the feature indicated on the ***Zoning Map***. If a distance is not indicated on the ***Zoning Map***, the distance shall be determined by the scale of the map.

H. Where interpretation is needed as to the exact location of boundaries of any mapped area, the ***City Manager*** shall make the necessary interpretation.

1.06.05 ACRONYMS AND DEFINITIONS

Words and phrases shall be construed according to the common and approved usage of the language. Words with specific meaning in this ***LDC*** are defined below.

1.07.00 ACRONYMS and DEFINITIONS

1.07.01 Acronyms

dbh – diameter at breast height

DCA – Florida Department of Community Affairs

FAA – Federal Aviation Administration

F.A.C. – Florida Administrative Code

FBC – Florida Building Code

FDEP – Florida Department of Environmental Protection

FDOT – Florida Department of Transportation

FHA – Federal Housing Administration

F.S. – Florida Statutes

GLA – gross leasable area

ITE – The Institute of Transportation Engineers.

LDC – Land *Development* Code, as adopted and subsequently amended by Ordinance

(Ord. # 1304, 3/27/14)

PUD – Planned Unit Development

TCEA – Transportation Concurrency Exception Area

TNOD – Traditional Neighborhood Development

TSO – Traditional ***Subdivision*** Overlay

USACOE – United States Army Corps of Engineers

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.

Abandon – To discontinue the ***Use*** or occupancy of a structure or ***Lot***.

Access – A way or means of approach to provide vehicular entrance or exit to a property.

Access Class 3 Roads - Panama ***City*** Beach Parkway (excluding Manistee Drive to Mandy Lane); and State Road 79 (from Panama ***City*** Beach Parkway to the ***City*** Limits).

Access Class 5 Roads – Panama ***City*** Beach Parkway (from Manistee Drive to Mandy Lane); Joan Avenue; North Lagoon Drive; Thomas Drive (including N. Thomas Drive); S. Thomas Drive; Front Beach Road (from the eastern ***City*** limits to the ***Intersection*** of Hutchison Boulevard); Clarence ***Street***; Churchwell Road; Hutchison Boulevard; Richard E. Jackson Road; Alf Coleman Road; Lyndell Lane; Clara Avenue; Hill Road; Powell Adams Road; and State Road 79 (from Front Beach Road to Panama ***City*** Beach Parkway).

Access Class 7 Roads – Front Beach Road (from the ***Intersection*** of Hutchison Boulevard to the western ***City*** limits).

Access Classification – A ranking system for roadways used to determine appropriate ***Access*** management.

Access Connection – Any ***Driveway***, private ***Street***, turnout or other physical improvement providing for the movement of ***Vehicles*** to or from the public roadway system.

Access Regulated Road – Any road listed in Access Class 3, Access Class 5 or Access Class 7, as defined herein.

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.

Adult Uses – ***Uses*** defined within the Sexually Oriented Businesses Ordinance.

Adversely Affected Person or Aggrieved Person - Any person, natural or otherwise, who is suffering or will suffer an adverse effect to an interest protected or furthered by one or more of the ordinances of the ***City***, including but not limited to interests related to health and safety, police and fire protection, densities or intensities of ***Development***, transportation facilities or recreational facilities. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in material degree the general interest in community good shared by all persons.

Alley – A public or approved private way, less than thirty (30) feet in width, which affords only a secondary ***Access*** to abutting properties and which is not intended for general traffic circulation.

Amusement – A ***Use***, ***Building*** or device intended or used primarily to entertain or amuse persons by means of physical or mechanical activity. Examples include, but are

not limited to, carnival type concessions; rides such as roller coasters, go-cart rides, giant slides, bumper cars, helicopter rides or acceleration and bungee rides; arcades with game machines; rentals of personal watercraft, sailboats, sailboards or water cycles; miniature golf courses; and parasail, kite or watershed rides. The term "***Amusement***" does not include rental of mopeds, motor scooters or motorcycles.

Antenna – A transmitting or receiving device used in telecommunications that radiates or captures electromagnetic waves.

Appliance and ***Equipment Repair*** - The repair or modification of a device or instrument designed to perform a specific function, especially an electrical device, such as a toaster, for household use. Small appliances shall be those devices or instruments of thirty (30) pounds or less in weight. Large appliances shall be those devices or instruments more than thirty (30) pounds in weight.

Arena or Stadium – Large structure in which spectator events are held. These events vary from professional baseball games to non-sporting events such as concerts, shows, religious services, rodeos and other animal shows and competitions.

Assessed Value - Value shown on the most recent, final ad valorem tax roll prepared by the Bay County Property Appraiser.

Average Grade – The average elevation between the highest and lowest exposed portion of the foundation of a building. For ***Single Family*** and duplex structures, ***Average Grade*** shall be the ***Average Grade*** of the subject and abutting ***Lots***.

Boat Repair Yard – A place where construction or repair of vehicles (including engines) designed to be operated on the water occurs.

Building – A permanent structure with two or more opposing sides and a ***Roof*** and intended for human occupancy.

Building Frontage – The length of that side of the principal ***Building*** on a ***Premises*** which faces the ***Frontage*** of that ***Premises***, measured in a straight line and excluding any ***Canopy*** or other portion of the ***Building*** extending beyond its foundation.

Building Glass Area or Glazing – An opening in a ***Building*** typically, but not necessarily, covered by transparent or translucent material, as a window or glass door; ***Building Glass Area*** includes an open door, passage, window or similar opening in a ***Building***.

Building Height – The vertical distance between the highest point of the ceiling of the highest habitable ***Story*** and the highest crown (highest point in the vehicular area of the right of way) of a road abutting the property as provided in section 4.02.02D.

Building Permit – Written permission issued by the ***City*** to an applicant for the repair, replacement or improvement of land or a structure issued pursuant to one or more ***Building*** or life safety codes adopted by the ***City***.

Cemetery – A place dedicated to and used or intended to be used for the permanent interment of human remains or cremated remains. A ***Cemetery*** may contain land or earth interment; mausoleum, vault, or crypt interment; a columbarium, ossuary, scattering garden, or other structure or place used or intended to be used for the

interment or disposition of cremated remains; or any combination of one or more of such structures or places.

Certificate of Occupancy – Written permission issued by the ***City*** to an applicant indicating that a structure or improvement to land is complete and may be used, occupied or energized.

Change of Use – A process or result of replacing an existing ***Use*** identified or similar to a ***Use*** named in Table 2.03.02 with a different ***Use*** identified or similar to a different ***Use*** named in Table 2.03.02.

Child Care Facility - Any child care center (including day care or nursery school) or child care arrangement that provides child care for more than five children unrelated to the operator and that receives a payment, fee or grant for any of the children receiving care, wherever operated and whether or not operated for profit. The following are not included:

- Public schools and nonpublic schools and their integral programs;
- Summer camps having children in full-time residence;
- Summer day camps; and
- Religious schools normally conducted during vacation periods; and
- Operators of transient establishments that provide child care services solely for the guests of their establishment or resort.

Child Care Facility – Family Day Care Home – An occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

(a) A maximum of four children from birth to 12 months of age.
(b) A maximum of three children from birth to 12 months of age, and other children, for a maximum total of six children.
(c) A maximum of six preschool children if all are older than 12 months of age.
(d) A maximum of 10 children if no more than 5 are preschool age and, of those 5, no more than 2 are under 12 months of age.

Child Care Facility – Large Family Child Care Home - An occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation. One of the two full-time child care personnel must be the owner or occupant of the residence. A large family child care home must first have operated as a licensed family day care home for 2 years, with an operator who has had a child development associate credential or its equivalent for 1 year, before seeking licensure as a large family child care home. A large family child care home shall be allowed to provide care for one of the following groups of children, which shall include those children under 13 years of age who are related to the caregiver:

(a) A maximum of 8 children from birth to 24 months of age.

(b) A maximum of 12 children, with no more than 4 children under 24 months of age.

City – City of Panama City Beach, Florida.

City Manager – The chief administrative officer of the ***City*** or his or her designee.

Civic Center - A large indoor structure in which spectator events such as sporting events and non-sporting events including but not limited to concerts, shows or religious services are held.

Code of Ordinances, City Code or ***Code*** – Code of Ordinances of the City of Panama City Beach.

Coastal High Hazard Area – The area within the category 1 surge zone as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Code Enforcement Officer – The Code Enforcement Officer of the City or his designee.

Collocation – The mounting or installation of an ***Antenna*** on an existing tower, ***Building*** or structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Community Center - A stand-alone public owned facility that provides facilities, services and activities.

Community Event: an event which the ***City Council*** shall find by resolution to have as one of its main purposes the attraction of tourists as evidenced by the promotion of such event outside of Bay County, Florida. Such finding shall be based upon the legislative record made at the time the resolution is adopted.

Community Residential Home – A dwelling unit licensed to serve six (6) or fewer residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Family Services or licensed by the Agency for Health Care Administration who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. Homes licensed by the Agency for Health Care Administration that provide a living environment for 7 to 14 unrelated residents shall be considered ***Licensed Facilities***.

Conforming Access –Access conforming to the ***Frontage*** requirements of section 4.04.01, where such requirements are applicable.

Cornice - any horizontal decorative molding that crowns any building façade.

Crosswalk - Any portion of a roadway at an ***Intersection*** or elsewhere distinctly indicated for pedestrian crossing by signals, lines or other markings on the road surface.

Cultural Center – An area for the display, preservation and exhibition of objects of community and cultural interest in one or more of the arts or sciences. Cultural centers include museums, art galleries, libraries and similar uses.

Decorative Fencing – A fence or a combination of fencing and low walls where walls do not exceed two (2) feet in height, the total height does not exceed seven (7) feet, posts and supports are not to be greater than eighteen (18) inches in width, and the opacity of the fencing is not more than thirty (30) percent. This includes wrought iron style fences and other fences that the City Manager determines are substantially similar in appearance. This definition excludes barbed wire and chain link fences.

Development - Process or result of construction, reconstruction, site improvement, installation of improvements, establishment of a temporary or ***Accessory*** improvement or structure or other modification to land or a body of water. ***Development*** includes, but is not limited to ***New Development*** and ***Redevelopment***.

Distribution Center – An establishment engaged in the receipt, storage and distribution of goods, products, cargo and materials.

Drip Line – The circumferential vertical plane defined by the farthest points of foliage extending from the trunk of a tree.

Drive-In or Drive-Through Facilities – Those establishments where persons receive goods or services or drop off goods while remaining in a ***Vehicle***.

Drive-Through – That portion of a ***Driveway*** through which the driver or passenger of a motor ***Vehicle*** may conduct business or transfer items with an occupant of a ***Building***, either through a window or through a device such as a mechanical drawer or a pneumatic tube.

Driveway (or ***Drive***) – A ***Vehicular Use Area*** used for traffic circulation internal to a developed site.

Driveway Connection –that part of a vehicular use area located between the paved portion of any public, vehicular right-of-way owned, maintained or controlled by the City and the nearest private property line.

Drop-Off – That portion of a ***Driveway*** incorporating an area where passengers may disembark from a ***Vehicle***.

Dwelling (also called Dwelling Unit) – Any ***Building*** or part thereof, constituting a separate, independent housekeeping establishment for no more than one (1) ***Family*** and physically separated from any other rooms or housekeeping establishments which may be in the same structure. A ***Dwelling Unit*** contains sleeping facilities, sanitary facilities and a kitchen. A ***Dwelling Unit*** rented for periods of less than six (6) months each shall be presumed to be a ***Lodging Accommodation Unit***. ***Lodging Accommodation Units*** shall not be considered ***Dwelling Units*** for purposes of density requirements. ***Lock-Out Units*** shall be considered a ***Dwelling Unit*** when not located in a ***Lodging Accommodation***.

Dwelling, Multi-family – Two (2) or more ***Dwellings*** in one (1) ***Building***. ***Multi-family*** includes duplex structures (two (2) units per ***Building***); triplex structures (three (3) units

per ***Building***); quadplex structures (four (4) units per ***Building***); ***Townhome*** structures and other similar structures.

Dwelling, Single Family – One (1) ***Dwelling*** in one (1) detached ***Building***.

Eaves – The extension or overhang of a ***Roof***, measured from the outer face of the supporting wall or column to the farthest point of the overhanging structure.

Entertainment Marketing—The gift, or offering the gift, of any entertainment, goods or services associated with the marketing of any goods or service, or career, educational or employment opportunities, or anything similar to any of the forgoing, including the ***Use*** of temporary structures associated with such activity. A person who engages in the activity described herein may be referred to as an ***Entertainment Marketer***.

(Ord. # 1250, 12-13-12)

Facade – The portion of any exterior elevation of a ***Building*** extending from finished grade to the top of the ***Parapet*** wall or ***Eaves***, extending the entire width of the ***Building*** elevation and exposed to public view.

Family - One (1) or more persons occupying a living unit as a single non-profit housekeeping unit.

Floor Area – The total interior area of a ***Building***, including areas with two (2) or more walls and under a roof.

Floor Area Ratio – The ratio of total ***Floor Area*** of a ***Building*** to the area of ***Parcel*** on which the ***Building*** is located.

Foster Care Facility – A ***Licensed Facility*** under this chapter that provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility may not be more than three residents.

Frontage or Lot Frontage – The distance measured along a public or private ***Street*** right-of-way or the main ***Street*** property line of a ***Lot***. For ***Corner Lots***, ***Frontage*** shall be measured from the ***Interior Lot Line*** to a straight-line projection of the side (***Street***) ***Lot Line***.

Gross Acre – The horizontal area of 43,560 square feet that includes all surfaces.

Ground Cover – Plants, other than turf grass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

Ground Story or ***Ground Floor –*** The ***Story*** having its floor level closest to grade at the entry of the building shall be considered the ***Ground Story*** or ***Ground Floor***.

Group Home Facility – A ***Licensed Facility*** that provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of its residents. The capacity of such a facility shall be at least 4 but not more than 15 residents.

Health Club – A place of business with equipment and facilities for exercising and improving physical fitness, including gymnasiums, indoor athletic service and similar uses.

Heavy Industry – The manufacturing of goods associated with mining, paper production, petroleum, chemicals, leather tanning, pulp or paper mills, fertilizer, ready mix concrete, transportation equipment, or electric power generation.

Impervious Surface - Areas that prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to ***Development***. Common ***Impervious Surfaces*** include, but are not limited to, ***Roofs***, sidewalks, walkways, patio areas, ***Driveways***, ***Parking Lots***, storage areas, compacted gravel intended for vehicle use, awnings and other fabric or plastic coverings. For the purpose of this definition, a surface impedes infiltration of water when its rational coefficient of run-off exceeds seventy-five hundredths (0.75) or its run-off curve number exceeds seventy-six (76).

(Ord. No. 583, § 1, 9-10-98; Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04; Ord. No. 985, § 1, 9-22-05)

Intersection - The area, whether or not signalized, within which ***Vehicles*** traveling upon different roadways joining at any angle might collide.

Irrigation System – A permanent artificial watering system designed to transport and distribute water to plants.

Kennel, Veterinary or Animal Hospital, or Animal Shelter – (1) The commercial business of breeding, buying, selling or boarding animals permitted in the City as pets as defined by City Code, (2) a licensed ***Veterinary*** or ***Animal Hospital*** where a licensed veterinarian is in charge, or (3) a facility to shelter or board animals permitted in the City as a pet.

Land Clearing – The removal of a substantial portion of living vegetation from a lot, parcel, or any other land to create a predominately open area with horizontal sight lines, excluding the mowing of ***Ground Cover*** or turf-grass or routine trimming of shrubs and trees.

Land Clearing Permit – A permit required by section 4.08.01C and obtained pursuant to the procedures of section 10.02.11.

Light Industry or Light Industrial - Research and Development activities, the manufacturing, compounding, processing, packaging, storage, assembly and/or treatment of finished or semi-finished products from previously prepared materials.

Licensed Facility – A location providing day or ***Residential*** care or treatment for elderly persons or disabled adults. The term "facility" may include, but is not limited to, any hospital, training center, state institution, nursing home, assisted living facility, adult family-care home, adult day care center, ***Group Home***, mental health treatment center, or continuing care community.

Local Development Order or ***Development Order*** – The approval of an application for a ***Site Plan***, Subdivision Plat, Variance, Zoning or Rezoning, which does not authorize ***Development*** without any required ***Building Permit***.

Lock-Out Unit – A ***Dwelling Unit*** or ***Lodging Accommodation Unit*** that is independently accessible but connected to another ***Dwelling Unit*** or ***Lodging Accommodation Unit*** by a lockable door so that the units may be occupied jointly as one unit or separately.

Lodging Accommodation – An establishment under unified control, provided for temporary rental to transient individuals or groups. Examples of ***Lodging Accommodations*** include, but are not limited to, hotels, motels, tourist courts, motor courts, motor inns, motor lodges, ***Public Lodging Establishments*** and inns, but not ***Dwelling Units*** located outside of a FBO District located between the sandy beach of the Gulf and Front Beach Road or South Thomas Drive that are used as ***Transient Residential Rentals***. Any establishment containing one (1) or more rental units for transients or tourists shall be deemed a ***Lodging Accommodation***.

Lodging Accommodation Unit – Any ***Building*** or part thereof constituting a separate, independent transient accommodation that is physically separated from other such units so as to provide secure and private temporary accommodations and containing sanitary facilities.

Lot – A single ***Parcel*** of land established by ***Plat*** or by metes and bounds.

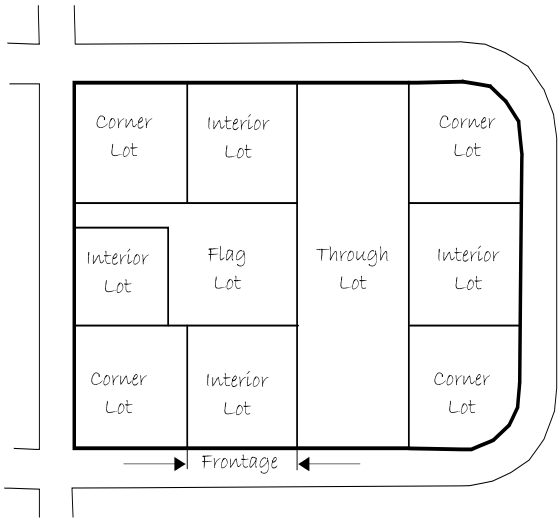
Corner Lot or ***Exterior Lot*** – Any ***Lot*** situated at the ***Intersection*** of two (2) ***Streets*** and abutting such ***Streets*** on two (2) adjacent sides.

Flag Lot – A ***Lot*** fronting on or abutting a public road and where ***Access*** to the public road is by narrow, private strip of land.

Interior Lot – Any ***Lot*** bound on all three (3) sides by other ***Lots*** or an ***Alley***.

Through Lot or Double-Frontage Lot – Any ***Lot*** with Street Frontage on two (2) nonintersecting Streets.

Exhibit 1.07.02B: Lot Types



Lot Line – The property boundary abutting a right-of-way line or any line defining the exact boundary of a ***Lot***.

Lot of Record – A ***Lot*** whose existence, location and dimensions have been legally recorded or registered in a deed or on a ***Plat***, prior to the effective date of this ***LDC***.

Lot Split – The division of one ***Lot, Parcel,*** tract, etc. of land into two ***Lots***, ***Parcels***, tracts, etc., in compliance with section 1.04.02B.
(Ord. # 1252, 12-13-12)

Mailed Notice (also mail or mailing or ***Neighborhood Notice***) **–** Notice as specified in sections 10.03.01 and 10.03.05.

Manufactured Home – A ***Residential*** structure, transportable in one (1) or more sections, that was fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the ***Building*** site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.

Marina - A public facility which provides secured moorings or dry storage for watercraft for value (a fee).

Market Value – Based on the county assessor's current full value or an appraisal by a professional appraiser, whichever is less.

Marquees or Canopies – Any shelter, cover or projection extending beyond the outer face of the ***Building*** wall designed and intended to be used for protection of entrances, walkways or windows.

Mini-warehouses or Self-Storage Facilities – One (1) or more structures containing two (2) or more exclusive, private ***Access*** warehouse spaces.

Mobile Home – A structure, transportable in one (1) or more sections, which is eight (8) feet or more in width, is built on an integral chassis, is designed to be used as a ***Dwelling*** when connected to the required utilities and includes one or more of the following: plumbing, heating, air-conditioning or electrical systems.

Modular Home – A ***Residential*** structure, built in sections (modules) at a factory, assembled on site and bearing the insignia of the ***DCA*** on the inside of the home's electrical panel.

Motor Scooter or Scooter – a motorcycle or two or three or four wheeled vehicle powered by a motor with a displacement of fifty (50) cubic centimeters or less or is rated not in excess of two (2) brake horsepower and which is not capable of propelling such motorcycle at a speed greater than thirty (30) miles per hour on level ground, and shall include a moped as defined in FS 316.03(77) (2015), and any other two or three wheeled, self-propelled vehicle for which state law does not require proof of financial responsibility (see FS Chapter 324 (2015)).

(Ord. #1351, 11/12/15)

Motor Scooter Rental of Scooter Rental – the rental or hire of a ***Motor Scooter*** for any valuable consideration.

(Ord. #1351, 11/12/15)

Motor Vehicle Storage or Impound Lot – Any ***Lot***, land, ***Parcel***, ***Building*** or structure or part thereof used for the storage or collection of unregistered, inoperable or impounded motor ***Vehicles***.

Mulch – Non-living organic or synthetic materials customarily used in landscape design to retard erosion and retain moisture.

Native Vegetation – Plants which occur naturally or have evolved in Bay County without assistance from humans.

Neighborhood Notice – Notice as specified in sections 10.03.01 and 10.03.02.

New Development – ***Development*** of essentially vacant land, regardless of whether preexisting improvements have been removed from such land.

Non-conforming Development – A ***Use*** or structure which was lawfully established under the laws and rules of the ***City*** at the time of establishment of the ***Use*** or structure, but which does not conform to the requirements of the ***LDC***.

Nursing Homes – An establishment designed to provide full or part-time supervision, assistance and/or professional nursing care to persons requiring such assistance or care.

Open Space – Land which is unimproved and meets one or more of the following purposes: (1) conserves and enhances natural or scenic resources; (2) protects streams or water supply; (3) promotes conservation of soils, wetlands, beaches or tidal marshes; (4) enhances the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries; (5) enhances recreation opportunities; or meets other specified purposes within a ***PUD*** or ***TNOD***.

Parapet – A false front or wall extension above the ***Roof*** of a ***Building***.

Parcel – A unit of land not divided by an ***Access Regulated Road*** and under ***Single Unified Ownership or Control.*** A unit of land that lies on both sides of an ***Access Regulated Road*** shall be considered two ***Parcels*** even if under ***Single Unified Ownership or Control***.

Parking Garage or Structure – A multi-***Story*** structure designed or intended for the primary purpose of providing off-***Street*** parking of registered and operable motor ***Vehicles***. This definition excludes attached and detached garages for single family and duplex residences.

Parking Lot – An aggregation of five (5) or more independently accessible ***Parking Spaces***.

Parking Lot Vending -- The sale or gift, or offering for sale or gift of any goods or services in a ***Parking Lot***, or between any ***Lot Line*** and a ***Building*** on the ***Premises*** in the open air or associated with a temporary structure. The display of goods for sale more than four (4) feet from the closest exterior wall of a ***Building*** on the ***Premises*** shall be deemed ***Parking Lot Vending***.

(Ord No 1239 – 9-13-12; Ord. # 1250, 12-13-12)

Parking Space – An area specifically and permanently designated for the off-***Street*** parking of a ***Vehicle***.

Pedestrian Crossover - Any bridge, overpass or skywalk, located in whole or in part over a vehicular right-of-way for the purposes of connecting two ***Principal Uses*** or a ***Parking Garage*** to the ***Principal Use*** it is intended to serve.

Personal Service - A beauty parlor, shop or salon, barber shop, massage, reducing or slenderizing studio, steam or Turkish baths or any similar ***Use***.

Plat – See ***Subdivision Plat***

Portable Storage Unit – Any container designed for the storage of personal property which is typically rented to owners or occupants of property for temporary ***Use*** and which is delivered and removed by truck. Examples of ***Portable Storage Units*** include, but are not limited to, moving and storage containers, road and storage trailers and steel shipping containers.

Portable Chemical Toilet means a free standing, movable toilet structure unattached to private or public utility facilities through which wastewater is carried to a sewage treatment plant, and equipped with a water-tight impervious container which receives waste discharged through a hopper, seat, urinal or similar device and into which container may be placed disinfecting or deodorizing chemicals; frequently known as a "port-o-let." (Ord. # 1295, 2-13-14)

Posted Notice – (or posting) Notice as specified in sections 10.03.01 and 10.03.03.

Principal Use or Structure – The primary activity or the structure in which the primary activity occurs.

Protected Habitats – Fisheries, fishery nursery areas, marine habitats and habitats for listed species, as identified in the Comprehensive Plan.

Protected Tree – A tree designated as being protected in section 4.06.06.

Public Lodging Establishment – An establishment meeting the definition set forth in 509.013, *F.S.*

Public Use – The use of any land, water, utilities, roadway improvements, ***Buildings*** or other improvements by a the ***City***, Bay County, Florida, a special district of the State of Florida, the State of Florida, the federal government, or any agency thereof for a public service or purpose.

(Ord. # 1308, 3/27/14)

Published Notice (or ***Publication***) – Notices as specified in sections 10.03.01 and 10.03.04.

Reasonable Access – The minimum number of ***Access Connection***s, direct or indirect, necessary to provide safe ***Access*** to and from the thoroughfare, as consistent with the purpose and intent of this ***LDC*** and any applicable plans and policies of the ***City***.

Recreation – Uses devoted to public or private parks, playgrounds, golf courses, dedicated beaches and similar ***Uses***.

Recreational Vehicle – A vehicular-type portable structure without permanent foundation which can be towed, hauled or driven and primarily designed as temporary living accommodation for ***Recreation***, camping and travel ***Use***. Examples of ***Recreational Vehicles*** include, but are not limited to, travel trailers, truck campers, camping trailers, motor coaches and self-propelled motor homes.

Redevelopment – ***Development*** of pre-existing Buildings or other improvements that in aggregate will equal or exceed the applicable threshold set forth below:

(i) For a ***Parcel*** containing one or more pre-existing ***Buildings*** consisting of less than a total of 2,000 square feet, aggregate expansion equal to or exceeding fifty-one percent (51%) of the total square footage of ***Buildings*** or

(ii) For a ***Parcel*** containing one or more pre-existing ***Buildings*** consisting of a total of 2,000 square feet or more, aggregate expansion equal to or exceeding thirty-five percent (35%) of the total square footage of the ***Building***.

(iii) If there are multiple ***Buildings*** on a site, the combined square footage of all ***Buildings*** shall be used.

(iv) For a ***Parcel*** containing pre-existing improvements, any Development that increases the number of required parking spaces by the lesser of ten (10) percent or ten (10) or more spaces.

Residential – A property is zoned for ***Residential*** if it is in the R-1A, R-1B, R-1C, R-1CT, R-0, R-TH, R-2 or R-3 district. A ***Residential Use*** includes properties with ***Single Family Residential Dwellings***, duplex, townhome or multi-family dwellings, but does not include ***Lodging Accommodations***.

Residential Community Accessory Uses – Uses that are customarily provided in association with a ***Residential Development*** or neighborhood for the use of the residents of the ***Development*** or neighborhood, such as fitness centers, pools, tennis courts, parks and other recreational facilities.

Retail Sales and ***Services -*** Business activities customarily providing retail convenience goods. Any such ***Uses*** shall include department stores, variety stores, drug and sundry stores, restaurants, delicatessens, cafeterias, grocery and markets, gift shops, wearing apparel, home and auto supply, furniture and appliances, hardware, package stores, cocktail lounges, taverns, newsstands, book and stationery stores, shoe repair shops, luggage shops, bakeries and candy shops (provided that products made on the ***Premises*** are sold on the ***Premises***), camera and photo supply shops, radio and television sales and services, floor coverings, sporting goods, florists, jewelers, music and piano sales and service, art shops, pawn shops, electrical and lighting, laundry and dry cleaning pick-up stations (no persons on ***Premises***), coin-operated or self-service laundry, farm and garden supplies excluding farm machinery and equipment, trade stamp redemption stores, pet shops, pawn brokers and similar ***Uses***.

Rezoning – To change the zoning district classification of a ***Lot***.

Roof – The exterior covering of the top of a ***Building***.

Salvage or Junk Yard – Any ***Lot*** or structure or part thereof used for the storage, collection, processing, purchase, sale or ***Abandon***ment of wastepaper, rags, scrap metal or other scrap or discarded or used goods, materials, machinery, parts or boats or two (2) or more unregistered or inoperable motor ***Vehicles*** or other type of junk.

Scenic Corridor – The areas lying within 100 feet of the nearest right-of way of the following roads:

1. Front Beach Road (Hwy 98 Alt);
2. South Thomas Drive;
3. Thomas Drive;
4. Hutchison Boulevard (Middle Beach Road);
5. Panama ***City*** Beach Parkway (Back Beach Road or Highway 98);
6. State Road 79;
7. Clara Avenue;
8. Richard E. Jackson Road;
9. Alf Coleman Road;
10. Beach Boulevard;
11. Surf Drive;
12. Joan Avenue;
13. Hill Road;
14. Powell Adams Road;
15. Cobb Road;
16. Lyndell Lane;
17. Clarence ***Street***;
18. N. Thomas Drive;
19. Churchwell Road;
20. Nautilus ***Street***;
21. Deluna Place;
22. Kelly ***Street***;
23. North Lagoon Drive; and
24. Road extensions of any of the roads listed in this section.

Service Station – Any business engaged primarily in the servicing of automotive ***Vehicles***, including the sale and delivery of fuel, lubricants and other products necessary to the operation of automotive ***Vehicles***. This term also includes the sale and installation of accessories, tires, batteries, seat covers and tire repair, cleaning facilities, minor engine tune-up, wheel balancing and aligning, brake service,

convenience stores with gas pumps, gas stations with or without repair facilities, and gas stations with or without fast food or ***Drive-Through*** restaurants.

Setback – A line that is roughly parallel to the front, side or rear ***Lot Line*** that establishes the minimum or maximum distance or both between the ***Lot Line*** and the nearest portion of a ***Building***.

Shopping Center – A group of commercial establishments, located on one (1) ***Parcel*** of five (5) acres or more, that are under single ownership or unified management and have common parking facilities, ingress and egress, loading and unloading facilities.

Shrub – A low, woody plant usually with several permanent stems instead of a single trunk, normally reaching a maximum height of not more than ten (10) feet.

Single Family Residential – A property is zoned for ***Single Family Residential*** if it is in the R-1A, R-1B, R-1C, R-1CT or R-0 district. A ***Single Family Residential Use*** includes properties with a detached dwelling intended for habitation by one (1) family, but does not include ***Lodging Accommodations***.

Single Unified Ownership or Control - The interest in title to a unit of land legally or beneficially held or controlled by one or more individual persons or entities related by a common business organization or other type of organization, as indicated by the fact that all land abutting such unit is owned or controlled by persons or entities who differ to any extent in identity or interest held.

Silviculture – Activities related to the growing or harvesting of trees.

Site Plan - The ***Development*** plan for one or more ***Lots*** on which is shown the existing and proposed conditions of the ***Lot*** including: topography, vegetation, drainage, ***Floodplains***, marshes and waterways, ***Open Spaces***, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening devices, ***Access Connections***, interior transportation facilities and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Solid Faced – A fence or wall that is at least ninety (90) percent opaque. Box style fences may be considered ***Solid Faced*** if the boards on opposite sides overlap and the spacing between boards on each side is no more than fifty (50) percent of the width of the boards.

Special Event – Any gathering of persons as defined in see Chapter 4, Article II of the ***City Code of Ordinances***.

Stealth Facility – Any ***Telecommunications Tower*** that is designed to blend into the surrounding environment. Examples of ***Stealth Facilities*** include architecturally screened ***Roof***-mounted ***Antenna***s, ***Antenna***s integrated into architectural elements and ***Telecommunications Towers*** designed to look like trees.

Story – A measure of height based on the number of habitable floors stacked vertically. For purposes of this LDC, a story is the area between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Street – Any public or private right-of-way, of thirty (30) feet in width or greater, set aside for public travel.

Street, Arterial – A high traffic volume ***Street*** that is designated as an ***Arterial Street*** in the Engineering Technical Manual.

Street, Collector – A moderate traffic volume ***Street*** that is designated as a ***Collector Street*** in the Engineering Technical Manual.

Street, Local – A low traffic volume ***Street*** that is designated as a ***Local Street*** in the Engineering Technical Manual.

Street Tree – A tree planted within or along public right-of-way meeting the standards of section 4.06.02.

Subdivision – The process and the result of any of the following:

(a) the ***Platting*** of real property into three or more ***Lots***, parcels, tracts, tiers, blocks, sites, units, or any other division of land;

(b) establishment or dedication of a ***Street*** or ***Alley*** through a tract of land, by the owner thereof, regardless of area;

(c) the ***Resubdivision*** of land heretofore subdivided (however, the sale or exchange of small ***Parcels*** of land to or between adjoining property owners, where such sale or exchange does not create additional ***Lots*** and does not result in a nonconforming ***Lot***, ***Building***, structure or landscape area, shall not be considered a ***Subdivision*** of land.); or

(d) the ***Platting*** of the boundaries of a previously ***Unplatted Parcel*** or ***Parcels***.

Subdivision Plat (or ***Plat*** or ***Platting***) A map or delineated representation of the ***Subdivision*** of lands, being a complete exact representation of the ***Subdivision*** and other information in compliance with the requirements of all applicable sections of Chapter 177, F.S. and all local ordinances.

Substandard Subdivision Lot – a ***Lot*** established by an approved and recorded ***Subdivision Plat,*** which ***Lot*** does not meet the Minimum ***Lot*** Area, Minimum ***Lot*** Width and/or Maximum ***Lot*** Coverage required for the Zoning District in which the ***Lot*** is located.

Telecommunications Tower - Means any structure designed and constructed for the purpose of supporting one or more communication ***Antennas***, including camouflaged towers, conventional wireless towers and low impact or stealth towers. The term includes towers to support ***Antennas*** for transmitting or receiving personal wireless services and cellular telephone communications towers. The term includes equipment fundamental to the operations of the tower. The term does not include commercial radio and television broadcast towers, amateur short-wave radio towers or those towers ***u***sed solely for private ***u***se dispatch services.

Townhome – A ***Multi-family Dwelling*** in which each unit is accompanied by an exclusive and independent ***Lot*** or ***Parcel*** that is not part of any other unit nor is part of any commonly owned property.

Transient Residential Rental – A dwelling unit located outside of a FBO District located between the sandy beach of the Gulf and Front Beach Road or South Thomas Drive that is provided for temporary rental to transient individuals or groups for a duration of less than six (6) months.

Tree Removal Permit – A permit required by section 4.06.06A and obtained pursuant to the procedures of section 10.02.08.

Turf – A surface layer of earth containing a dense growth of grass and its matted roots.

Use (***Land Use***) – The purpose or activity for which land or ***Building*** is designed, arranged, intended, occupied or maintained.

Variance – Administrative action of the Planning Board authorized by section 9.03.00.

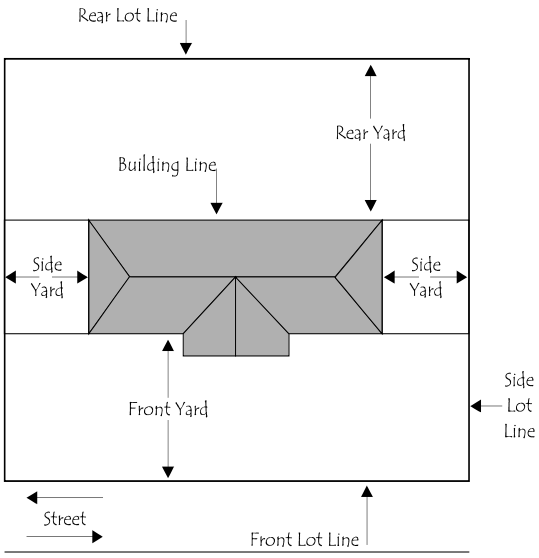
Vegetative Fence – Continuously maintained, living vegetation which shall at all times provide screening that is functionally equivalent to the fence which would be required but for the vegetation. A newly installed ***Vegetative Fence*** shall attain full screening equivalency within one (1) year provided that:

1. The owner is able to clearly demonstrate in writing that the density, type and irrigation of the vegetation will produce screening equivalency within one (1) year; and
2. The immature plants are maintained and replaced so as to achieve screening equivalency within one (1) year.

Vehicle – Any self-propelled conveyance designed and used for the purpose of transporting or moving persons, animals, freight, merchandise or any substance and shall include passenger cars, trucks, buses, motorcycles and scooters, but shall not include tractors, construction equipment or machinery or any similar device.

Vehicular Use Area – Any portion of a developed site used primarily for traffic circulation, parking or display of motorized ***Vehicles***.

Yard – An area that is unoccupied and unobstructed and that lies between a principal or ***Accessory Building*** or ***Buildings*** and the nearest ***Lot Line***.



Front Yard – The ***Yard*** extending across the entire width of the ***Lot*** between the front ***Lot Line*** and front of the nearest ***Building***. The ***Lot Line*** of a ***Lot*** abutting a public ***Street*** shall be deemed the front ***Lot Line***. The front ***Yard*** of a ***Corner Lot*** shall be that ***Yard*** abutting the ***Street*** with the least ***Frontage***, unless otherwise determined on a recorded ***Plat*** or in a recorded deed. The front ***Yard*** of a ***Lot*** existing

between two (2) ***Streets*** not intersecting at a corner of the ***Lot***, shall be that ***Yard*** abutting the ***Street*** on which adjoining properties face, unless otherwise determined on a recorded ***Plat*** or in a recorded deed.

Rear Yard – The ***Yard*** extending across the entire width of the ***Lot*** between the rear ***Lot Line*** and the rear of the nearest ***Building***.

Side Yard – The ***Yard*** extending from the front ***Yard*** to the rear ***Yard*** between the side ***Lot Line*** and the side of the nearest ***Building***.

Zoning Map – The map attached to this ordinance as subsequently amended.

Zoo – Any facility, other than a pet shop or ***Kennel***, displaying or exhibiting one (1) or more species of wild animals and operated by a person, partnership, corporation or government agency licensed to keep such wild animals.

(Ord. #1254, 11/14/13; Ord. #1340, 4/9/15)

Chapter 2. Zoning Districts and Uses

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2.01.00 GENERALLY

It is the intent and purpose of this Chapter to establish and adopt zoning districts to govern the ***Use*** of land and water in the ***City***.

2.02.00 ESTABLISHMENT OF ZONING DISTRICTS

2.02.01 Establishment of Zoning Districts

Within the corporate area of the ***City*** the following zoning districts are established:

A. ***Residential***:
1. AR – Agricultural & Rural ***Residential***
2. R-1a – ***Single Family***, Low Density
3. R-1b – ***Single Family***, Medium Density
4. R-1c – ***Single Family***, High Density
5. R-1c-T – ***Single Family***, High Density ***Manufactured Home***
6. RO – ***Residential***-Zero ***Lot Line***
7. RTH – Townhouse
8. R-2 – Limited ***Multi-family***
9. R-3 – Unlimited ***Multi-family***

B. **Commercial and Business:**
1. CL – Commercial-Low Intensity
2. CM – Commercial-Medium Intensity
3. CH – Commercial-High Intensity

C. **Industrial:**
1. M-1 – Light Industry

D. **Public:**
1. C – Conservation
2. R – Recreation
3. PF – Public Facilities

E. ***PUD*** - Planned Unit Development

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

2.02.03 Official Zoning Map

Zoning districts hereby established are declared to be in effect upon all land and water areas included within the boundaries of each district as shown on the Official ***Zoning Map*** (see rules for interpretation of boundaries in section 1.06.04 of the ***LDC***). After adoption of the ***LDC***, amendments to the ***Zoning Map*** shall be made by ***Plat*** or metes and bounds description, which shall be the best evidence of the boundaries amended or created, and shall control unless a scriveners or other error in such ***Plat*** or description is manifestly contrary to the intent of the amending ordinance. The Official ***Zoning Map*** is on file in the office of the city clerk of the ***City***.

2.03.00 LAND USES ALLOWED IN ZONING DISTRICTS

2.03.01 Generally

A. Table 2.03.02 describes the ***Land Uses*** that are permissible, prohibited or permissible subject to ***Conditional Use*** standards and procedures or permissible when complying with supplemental standards in addition to the standards for the zoning district. Issuance of ***Local Development Orders*** or ***Building Permits*** for any specific ***Land Use*** requires compliance with the ***Use*** standards referenced in Table 2.03.02, as well as with site design standards, wetlands and other environmental standards, conditional standards when applicable and supplemental standards when applicable. Additional use prohibitions are established in the Front Beach Overlay districts (see Section 7.02.03D) and may be established pursuant to discretionary ***Development Permit*** approvals.

B. Table 2.03.02 shall be implemented as follows:

1. The cell at the ***Intersection*** of the column for the zoning district and the row for the ***Land Use*** is the location of information regarding whether the ***Use*** is permissible in that zoning district.

2. The letter "P" in the cell indicates that the ***Land Use*** is permissible, subject to compliance with the standards of the zoning district.

3. The letter "A" in the cell indicates that the ***Land Use*** is permissible only as an ***Accessory Use***, subject to compliance with general standards for ***Accessory Uses*** and any specific standards for the particular ***Accessory Use***. Standards for ***Accessory Uses*** are set forth in section 5.02.00.

4. The letter "C" in the cell indicates that the ***Land Use*** is not allowed by right, but is permissible only when compliant with additional standards (conditions) for the ***Use*** and must be approved through the conditional review procedures established in section 10.02.00. Standards for ***Conditional Uses*** are set forth in section 5.06.00.

5. The letter "S" in the cell indicates that the ***Land Use*** is permissible by right, subject to compliance with the standards of the zoning district and the supplemental standards specified for the ***Use*** in section 5.04.00.

6. When there is no letter contained in the cell, the ***Land Use*** is prohibited.

C. Any ***Land Use*** that is not identified in Table 2.03.02 is prohibited unless it is substantially similar to a ***Land Use*** named in Table 2.03.02. A determination regarding substantial similarity of such a ***Land Use*** shall be made as follows:

1. A requested ***Use*** shall be considered substantially similar when the characteristics of the requested ***Use*** are equivalent in type, intensity, degree or impact when compared to a ***Use*** named in Table 2.03.02. Such characteristics include, but are not limited to:

   (a) Trip generation rates;

   (b) Typical hours of operation;

   (c) Types of traffic associated with the ***Use*** (such as trucks or delivery ***Vehicles***, automobiles, ***Recreational Vehicles*** or other ***Vehicles***);

   (d) Features of the ***Use*** that generate noise, odor, electromagnetic interference or vibration;

   (e) Type and extent of parking, including whether parking areas are lighted;

   (f) Use of loudspeakers; and

   (g) Use of outdoor storage.

2. The ***City Manager*** or designee shall make a written administrative interpretation as to the substantial similarity of a requested ***Use*** that is not named in Table 2.03.02.

3. Upon the entry of an administrative interpretation finding that the requested ***Use*** is substantially similar to a ***Use*** named in Table 2.03.02, the former ***Use*** shall be deemed named in Table 2.03.02 together with the latter.

D. The following ***Land Uses*** are prohibited in every zoning district:

1. ***Junk Yards*** and ***Salvage Yards***;

2. Landfills other than land clearing debris and construction debris landfills; and

3. ***Motor Scooter Rentals***.

(Ord. #1254, 11/14/13; Ord. #1351, 11/12/15)

2.03.02 Land Uses

A. Legend:

1. P = Permitted, subject to standards for the zoning district.

2. A = ***Accessory***, subject to standards for ***Accessory Uses*** in section 5.02.00

3. C = Conditional, subject to additional standards for the ***Use*** and additional review and approval procedures. (see section 5.06.00 et seq)

4. S = Supplemental, subject to standards for the zoning district <u>and</u> additional standards for the specific ***Use***. The numbers indicate the section of this ***LDC*** that contains the supplemental standards. (see section 5.04.00 et seq)

5. ***Uses*** that are not listed or found to be substantially similar to listed ***Uses*** are prohibited. All listed ***Uses*** are prohibited in those districts where no indicator ("P", "A", "C", "S") is provided.

Table 2.03.02: Land *Uses* in Base Zoning Districts

Land *Uses*	AR	R-1a	R-1b	R-1c	R-1cT	RO	RTH	R-2	R-3	CL	CM	CH	M1	C	R	PF
Adult Uses												S 5.04.01				
Agriculture	P	A	A	A	A	A	A	A	A	A	A	A	A			
Airport, excluding private airstrip																S 5.04.02
Amusement Park and ***Amusements*** not otherwise specified												C 5.06.02				
Arcades and Game Rooms												P				
Arenas/Stadiums	C 5.06.03											C 5.06.03	C 5.06.03		C 5.06.03	
Bakeries (production)												P	P			
Bed and Breakfast	S 5.04.03								S 5.04.03	P	P	P				

Land Uses	AR	R-1a	R-1b	R-1c	R-1cT	RO	RTH	R-2	R-3	CL	CM	CH	M1	C	R	PF
Borrow Pits/C&D Landfills, Land Clearing Debris, ***Heavy Industry***	C 5.06.04												C 5.06.04			C 5.06.04
Car Wash Facilities (freestanding)												P	P			
Cemetery	P									C 5.06.05	C 5.06.05	P	P			P
Civic Centers												C 5.06.06	C 5.06.06			
Clinics and Medical Offices										P	P	P	P		A	
Clubs, Lounges, Bars									A	A	A	C 5.06.06	C 5.06.06			
Coffee Shops, Delicatessens									A	A	S 5.04.26	S 5.04.26	A			
Commercial Use of Front Yards in an FBO District											S 5.04.06	S 5.04.06	S 5.04.06			
Communication Towers										S 5.05.00	S 5.05.00	S 5.05.00	S 5.05.00		S 5.05.00	S 5.05.00
Community Centers	P											P	P		C 5.06.07	P
Construction Materials and Supplies												S 5.04.08	P			
Discount Stores or Centers (“Big Box”)											S 5.04.08	P	P			
Distribution Centers												S 5.04.31	S 5.04.31			
Drive-through/Drive-In Facilities											P	P	P			
Dry Cleaning Plants													P			
Dwellings:																
Duplexes, Triplexes, Quadplexes,							P	S 5.04.09	S 5.04.09	S 5.04.09	S 5.04.09	S 5.04.09				
Multi-family Buildings (5+ units)							S 5.04.10	S 5.04.10	S 5.04.10	S 5.04.10	S 5.04.10	S 5.04.10				

Land Uses	AR	R-1a	R-1b	R-1c	R-1cT	RO	RTH	R-2	R-3	CL	CM	CH	M1	C	R	PF
Single Family	P	P	P	P	P	P	P	P	P	S 5.04.11	S 5.04.11	S 5.04.11	A			
Fire Stations	P										S 5.04.12	P	P			P
Foster Care Facilities	P	P	P	P	P	P	P	P	P	P	P	P				
Fraternal Lodges	S 5.04.13											P	P			
Funeral Homes (with or without crematory)	P										P	P				
Gift Shops									A	A	P	P	A			
Golf Courses	P	C 5.06.09	C 5.06.09	C 5.06.09	C 5.06.09	C 5.06.09	C 5.06.09	C 5.06.09	C 5.06.09	C 5.06.09	C 5.06.09	P			P	
Golf Driving Ranges without Golf Course												S 5.04.14	S 5.04.14			
Government ***Buildings***										P	P	P	P		P	P
Health Clubs												P	P			
Kennel, Animal Shelters, Veterinary Offices	S 5.04.17										S 5.04.17	S 5.04.17	S 5.04.17A			
Laundries (commercial plants)													P			
Laundry or Dry Cleaning Pick-up Station									A	P	P	P	P			
Licensed Facilities, 0-6 residents	S 5.04.05	S 5.04.05	S 5.04.05	S 5.04.05	S 5.04.05	S 5.04.05	S 5.04.05	S 5.04.05	S 5.04.05	S 5.04.05	S 5.04.05	S 5.04.05	S 5.04.05			S 5.04.05
Licensed Facilities, 7-14 residents								S 5.04.05	S 5.04.05	S 5.04.05	S 5.04.05	S 5.04.05				
Licensed Facilities, 15+ residents									S 5.04.05	S 5.04.05	S 5.04.05	S 5.04.05				
Light Industrial Uses													S 5.04.16			
Live Theaters (Performing Arts)	P										C 5.06.10	P		P	P	P

Land Uses	AR	R-1a	R-1b	R-1c	R-1cT	RO	RTH	R-2	R-3	CL	CM	CH	M1	C	R	PF
Lodging Accommodations (***Public Lodging Establishments***)							S 5.04.18	S 5.04.18	S 5.04.18	S 5.04.18	S 5.04.18	S 5.04.18	S 5.04.18			
Manufactured Homes	P				P											
Manufactured Homes and RV Sales Facilities												S 5.04.19	P			
Marina														C 5.06.11	C 5.06.11	
Mobile Homes																
Modular Homes	P	P	P	P	P	P	P	P	P	S 5.04.11	S 5.04.11	S 5.04.11	A			
Motorcycle Rentals												C 5.06.12				
Motor Vehicle Storage and ***Impound Lots***										A			S 5.04.31			
Movie Theaters												P				
Museums	p									S 5.04.20	P	P	P	S 5.04.20	P	P
Newsstands									A	A	P	P	A			A
Offices and Financial Institutions, excluding Medical Offices										P	P	P	P			P
Parking Lots and Garages (commercial), Excluding Accessory Parking Lots	P											P	P			P
Parks and ***Recreation*** Facilities, Public or Private	P	A	A	A	A	A	A	A	A	A	A	P	P	P	P	P
Personal Services										P	P	P	P		P	P
Piers and docks on pilings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Plant Nursery	P										P	P	P			
Police Stations	P										S 5.04.12	P	P			P
Post Office (excludes ***Distribution Center***)											P	P	P			P

Land Uses	AR	R-1a	R-1b	R-1c	R-1cT	RO	RTH	R-2	R-3	CL	CM	CH	M1	C	R	PF
Print and Copy Shops										P	P	P	P			
Private Airstrip	P															
Private Schools	P	C 5.06.13	C 5.06.13	C 5.06.13	C 5.06.13	C 5.06.13	C 5.06.13	C 5.06.13	C 5.06.13	C 5.06.13	P	P			P	P
Public Health Facilities												P	P			P
Public Schools	P	C 5.06.13	C 5.06.13	C 5.06.13	C 5.06.13	C 5.06.13	C 5.06.13	C 5.06.13	C 5.06.13	C 5.06.13	P	P			P	P
Public Works and Emergency Service Facilities	S 5.04.22											S 5.04.22	P	S 5.04.22	P	P
Recreational Vehicle Parks and Campgrounds												C 5.06.16			C 5.06.16	
Religious ***Uses***	P	S 5.04.24	S 5.04.24	S 5.04.24	S 5.04.24	S 5.04.24	S 5.04.24	S 5.04.24	S 5.04.24	P	P	P	P			P
Repair Shops (large equip. and appliances)	S 5.04.08											S 5.04.08	P			
Repair Shops (light repair, small equipment repair)	S 5.04.08										P	P	P			
Repair Shops (computer, small appliance repair)										P	P	P	P			
Research and Development Center										S 5.04.25	P	P	P			
Residential Community Accessory Uses	A	A	A	A	A	A	A	A	A	A	A	A	A			
Restaurants (excluding ***Drive-In***)									A	A	S 5.04.26	S 5.04.26	A			
Retail Sales and ***Services*** (not otherwise specified)	S 5.04.27									S 5.04.27	S 5.04.27	S 5.04.27	A			
Self-service Laundries									A	A	A	P	P			
Self-storage Facilities / ***Mini-warehouse***											S 5.04.28	P	P			
Service Stations/ Convenience Stores with Gas Pumps/***Boat Repair Yards***											S 5.04.29	S 5.04.29	S 5.04.29			

Land Uses	AR	R-1a	R-1b	R-1c	R-1cT	RO	RTH	R-2	R-3	CL	CM	CH	M1	C	R	PF
Shopping Center											S 5.04.30	S 5.04.30	A			
Temporary Child Care Facility – Family Day Care Home; Large Family Child Care Home									A	S 5.04.04	S 5.04.04	S 5.04.04	A			
Terminals (truck or bus)													S 5.04.31			
Townhomes							P	P	P			S 5.04.32				
Transient Residential Rentals				S *5.04.33*			S *5.04.33*	S 5.04.33	S *5.04.33*	P	P	*P*				
Trucking, freight, moving and storage												S *5.04.31*	S 5.04.31			
Vehicle sales, rental or service facilities												P	P			
Walkways and bikeways	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Warehousing and Storage													P			
Wholesale Facilities													P			
Zoo	C 5.06.02											C 5.06.02				

(Ord. #1335, 2/26/15; Ord. #1351, 11/12/15; Ord. #1369, 12/10/15)

2.04.00 DENSITY AND INTENSITY STANDARDS

2.04.01 Table of Density and Intensity Standards

Table 2.04.01 describes the maximum potential ***Dwelling*** and ***Lodging Accommodation*** density (expressed in ***Dwelling Units*** and ***Lodging Accommodation Units*** per ***Gross Acre***) and the maximum floor area ratio for a particular ***Parcel,*** where permitted, in all zoning districts. The achievable density (number of units) or intensity (ratio of floor area to ***Parcel*** area) permitted for a particular ***Parcel*** shall be determined by reference to ***Parcel*** size, ***Setback***, ***Height*** and other standards set forth in this ***LDC***.

Table 2.04.01: Density and Intensity Standards for Zoning Districts

	AR	R-1a	R-1b	R-1c	R-1cT	RO	RTH	R-2	R-3	CL	CM	CH	M-1	PUD	R
***Residential* density (*Dwelling Units* per *Gross Acre*)**	1 unit per 10 acres	4.3	5.8	7.2	7.2	10.8	12.0	40.0	40.0	3.0	15.0	45.0		10.0	
Maximum Floor Area Ratio (%)	10	None	None	None	None	None	None	None	None	80	90	100	80		30

A. Density is the number of ***Dwelling Units*** and ***Lodging Accommodation Units*** per acre of ***Parcel*** area.

1. Density for ***Dwelling Uses*** in any portion of a Front Beach Overlay district that lies between the sandy beach of the Gulf and Front Beach Road or South Thomas Drive shall not exceed forty-five (45) ***Dwelling Units*** per ***Gross Acre***.

2. Density for ***Lodging Accommodation Uses*** in any portion of a Front Beach Overlay district that lies between the sandy beach of the Gulf and the seaward-most dedicated right-of-way shall be determined by reference to Site Design Standards for ***Lots*** (Table 4.02.02.C), height limits (Table 4.02.02.A), off-***Street*** parking requirements set forth in Chapter 4 and other standards.

B. The standards for intensity in this ***LDC*** are the floor area ratio found in Table 2.04.01and the lot coverage and impervious surface found in Table 4.02.02.C. ***Floor Area Ratio*** shall apply to all non-residential ***Uses*** except ***Lodging Accommodations***.

C. For ***Buildings*** with ***Dwelling Units*** and/or ***Lodging Accommodation Units*** above or combined with non-residential floor area, both the ***Dwelling Units*** and ***Lodging Accommodation Units*** (density) as well as the ***Floor Area Ratio*** shall be calculated as follows: First, the ***Floor Area*** of all non-residential ***Uses*** (excluding ***Lodging Accommodations***) shall be divided by the maximum ***Floor Area Ratio*** for the district as shown in Table 2.04.01 to determine the area of the ***Parcel*** associated with those ***Uses*** and that area shall then be subtracted from the ***Gross Acres*** of the ***Parcel***. Second, the remaining acreage of the ***Parcel*** as determined in step one shall be multiplied by the maximum density (units per acre) for the district as shown in Table 2.04.01 and the whole number of that product (excluding any fraction) shall be the maximum number of ***Dwelling Units*** and/or ***Lodging Accommodation Units*** permitted on the ***Parcel***.

D. The aggregate average density in all ***Single Family Residential*** districts shall not exceed six (6) ***Dwelling Units*** per ***Gross Acre***. The aggregate average density shall be determined by dividing the aggregate number of units existing or with approved ***Building Permit***s in all ***Single Family Residential*** districts by the total acreage of all ***Single Family Residential*** districts. When the aggregate average

density of all ***Single Family Residential*** districts equals five (5), then the average density for any ***Single Family Residential Parcel*** shall not exceed six (6) ***Dwelling Units*** per ***Gross Acre***.

E. ***Developments*** in the R-TH zoning district are limited to a maximum of six (6) units per ***Building***.

F. The aggregate average density in all Commercial districts shall be limited to fifteen (15) ***Dwelling*** and ***Lodging Accommodation*** units per ***Gross Acre***. The average density shall be determined by dividing the aggregate number of ***Dwelling*** and ***Lodging Accommodation*** units in existing or with approved ***Local Development Orders*** in all commercial districts by the total acreage of all the commercial districts. When the aggregate average density in commercial districts reaches or exceeds thirteen (13) ***Dwelling*** and ***Lodging Accommodations*** units per ***Gross Acre***, the maximum density shall not exceed fifteen (15) ***Dwelling Units or*** if located outside a FBO District located between the sandy beach of the Gulf and Front Beach Road or South Thomas Drive***, Dwelling*** and ***Lodging Accommodation Units,*** per ***Gross Acre*** on any ***Lot***. The calculation of density in a FBO District located between the sandy beach of the Gulf and Front Beach Road or South Thomas Drive does not include ***Lodging Accommodation Units***.

G. Density for ***Dwelling*** and ***Lodging Accommodation Uses*** within a Planned Unit ***Development*** that is approved as a zoning district shall be combined and shall not exceed the density of the Future Land Use categories as shown in the Comprehensive Plan.

1. The master plan may permit a specified number of ***Residential*** units in a non-residential ***Land Use*** category.

2. ***Development*** shall not exceed impervious coverage of eighty percent (80%) of ***Gross Acreage*** of ***Residential Uses*** and eighty percent (80%) of ***Gross Acreage*** of non-residential ***Land Uses***.

3. Intensity in non-residential ***Land Uses*** shall not exceed a floor area ratio of eighty percent (80%) computed by dividing the aggregate square footage of interior spaces, excluding ***Lodging Accommodations*** and ***Parking Garages***, by the gross square footage of all non-residential ***Land Use*** areas.

4. The maximum density shall only be applicable to those areas designated as ***Residential*** on the approved master plan. Acreage designated as non-residential on the master plan may not be used in the calculation of ***Residential*** density.

5. The maximum intensity shall only be applicable to those areas designated as non-residential on the approved master plan. Acreage designated as ***Residential*** on the master plan may not be used in the calculation of non-residential intensity.

6. ***Residential Uses*** may be permitted by the Planning Board within non-residential areas (as shown on an approved master plan) subject to a limitation of the intensity standard of the underlying Future Land Use category.

7. The maximum ***Residential*** density within a Planned Unit Development Zoning District designated as Mixed ***Use*** on the Future Land Use Map of the Comprehensive Plan is ten (10) ***Dwelling Units*** per ***Gross Acre***.

8. See section 4.02.05 (***PUD*** Standards) for additional density and intensity standards.

H. Where two (2) or more complete ***Dwelling*** or ***Lodging Accommodation Units*** with separate entries and independent sanitary facilities share a common internal access such that they may be rented or occupied separately or as one unit (a ***Lock-Out Unit***), each shall be counted toward the applicable ***Dwelling Unit***/***Lodging Accommodation Unit*** density.

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

Chapter 3. Floodplain Management and Resource Protection

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3.01.00 GENERALLY

3.01.01 Purpose

This chapter sets forth the requirements necessary to protect the public health, safety and general welfare, by establishing standards that ensure the protection, maintenance, enhancement or ***Use*** of natural resources within the ***City***.

3.01.02 Applicability

All ***Development*** shall be designed to ensure protection of areas designated as ***Floodplains***, coastal zone, wetlands or habitats for listed species.

3.02.00 FLOODPLAIN MANAGEMENT

3.02.01 GENERAL

A. These regulations shall be known as the *Floodplain Management Ordinance* of Panama City Beach, hereinafter referred to as "this ordinance."

B. **Scope.** The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code* and listed in Section 3.02.04C; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

C. Intent. The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;

2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

5. Minimize damage to public and private facilities and utilities;

6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

D. Coordination with the *Florida Building Code*. This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

E. Warning. The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this city, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

F. Disclaimer of Liability. This ordinance shall not create liability on the part of the City Council of Panama City Beach or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

3.02.02 APPLICABILITY

A. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

B. Areas to which this ordinance applies. This ordinance shall apply to all flood hazard areas within Panama City Beach as established in Section 3.02.02C of this ordinance.

C. Basis for establishing flood hazard areas. The Flood Insurance Study for Bay County, Florida and Incorporated Areas dated June 2, 2009 and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City's Building Department, 116 S. Arnold Rd.

D. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 3.02.05 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.

2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

E. Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

F. Abrogation and greater restrictions. This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

G. Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

3.02.03 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

A. Designation. The **Building Official** is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

B. General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 3.02.07 of this ordinance.

C. Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the city, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;

3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries;

4. Provide available flood elevation and flood hazard information;

5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

6. Review applications to determine whether proposed development will be reasonably safe from flooding;

7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and

8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

D. Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

E. Modifications of the strict application of the requirements of the *Florida Building Code*. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 3.02.07 of this ordinance.

F. Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

G. Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 3.02.06 of this ordinance for development that is not subject to the *Florida Building Code,* including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

H. Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

I. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 3.02.03D of this ordinance;

J. Require that applicants proposing alteration of a watercourse notify Bay County and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

K. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;

L. Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* and this ordinance to determine that such certifications and documentations are complete;

M. Notify the Federal Emergency Management Agency when the corporate boundaries of Panama City Beach are modified; and

N. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591), that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

O. Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at City Hall in the office of the Building Inspector.

3.02.04 PERMITS

A. Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s).

No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

B. Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code,* including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

C. Buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this ordinance:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in section 604.50, F.S.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

D. Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the city. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.

2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

3. Indicate the use and occupancy for which the proposed development is intended.

4. Be accompanied by a site plan or construction documents as specified in Section 3.02.05 of this ordinance.

5. State the valuation of the proposed work.

6. Be signed by the applicant or the applicant's authorized agent.

7. Give such other data and information as required by the Floodplain Administrator.

E. Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this city. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

F. Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

G. Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this city.

H. Other permits required. Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The West Florida Water Management District; section 373.036, F.S.

2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, F.S. and Chapter 64E-6, F.A.C.

3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; section 161.141, F.S.

4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.

5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

6. Federal permits and approvals.

3.02.05 SITE PLANS AND CONSTRUCTION DOCUMENTS

A. Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

2. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 3.02.05B.2 or 3.02.05B.3 of this ordinance.

3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 3.02.05B.1of this ordinance.

4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.

5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.

8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

9. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that

the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

B. Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

2. Obtain, review, and provide to applicants, base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

   (a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

   (b) Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

C. Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 3.02.05D of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance

Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the city. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 3.02.05D of this ordinance.

4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

D. Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

3.02.06 INSPECTIONS

A. General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

B. Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

C. Buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

D. Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code,* or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 3.02.05B.3(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

E. Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 3.02.06D of this ordinance.

F. Manufactured homes. The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

3.02.07 VARIANCES AND APPEALS

A. General. The Planning Board shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to section 553.73(5), F.S., the Planning Board shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building*.

B. Appeals. The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Planning Board in the administration and enforcement of this ordinance. Any person aggrieved by the decision of the City Council may appeal such decision to the Circuit Court, as provided by Florida Statutes.

C. Limitations on authority to grant variances. The Planning Board shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 3.02.07G of this ordinance, the conditions of issuance set forth in Section 3.02.07H of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Planning Board has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

D. Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 3.02.05C of this ordinance.

E. Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for

the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

F. Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 3.02.07D, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

G. Considerations for issuance of variances. In reviewing requests for variances, the Planning Board shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the city;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

H. Conditions for issuance of variances. Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;

2. Determination by the Planning Board that:

   (a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

   (b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

   (c) The variance is the minimum necessary, considering the flood hazard, to afford relief;

3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and

4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as $25 for $100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

3.02.08 VIOLATIONS

A. Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure authorized by permit for which documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* has not been submitted is presumed to be a violation until such time as that documentation is provided.

B. Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or

stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

C. Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

3.02.09 DEFINITIONS

A. Interpretation. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

1. **Terms defined in the *Florida Building Code*.** Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

2. **Terms not defined.** Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

B. DEFINITIONS

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

ASCE 24. A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM).

Basement. The portion of a building having its floor subgrade (below ground level) on all sides.

Coastal construction control line. The line established by the State of Florida pursuant to section 161.053, F.S., and recorded in the official records of the city, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

Design flood. The flood associated with the Flood Hazard Area, as defined herein.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the city's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet.

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and **existing structure.** Any buildings and structures for which the "start of construction" commenced before **June 1, 1977**.

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 1, 1977,

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

Flood hazard area. The greater of the following two areas:

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.

2. The area designated as a flood hazard area on the city's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the city on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the city.

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the city, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 12 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the city's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage

provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the *Florida Building Code* or ASCE 24.

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer."

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of one or more buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by the Property Appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the "start of construction" commenced on or after **June 1, 1977**.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after **June 1, 1977**.

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances.

Recreational vehicle. A vehicle, including a park trailer, which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

1. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

3.02.10 FLOOD RESISTANT DEVELOPMENT

A. Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to Section 3.02.04C of this ordinance, buildings, structures, and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings,

structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 3.02.16 of this ordinance.

B. Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code, Building* Section 3109 and Section 1612 or *Florida Building Code, Residential* Section R322.

2. Minor structures and non-habitable major structures as defined in section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

3. In coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

3.02.11 SUBDIVISIONS

A. Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

B. Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 3.02.05B.1 of this ordinance; and

3. Compliance with the site improvement and utilities requirements of Section 3.02.12 of this ordinance.

3.02.12 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

A. Minimum requirements. All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

B. Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

C. Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

D. Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 3.02.05A of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

E. Limitations on placement of fill. Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

F. Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 3.02.05C.4 of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 3.02.16H.3 of this ordinance.

3.02.13 MANUFACTURED HOMES

A. General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

B. Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

1. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this ordinance. Foundations for manufactured homes subject to Section 3.02.13F are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this ordinance.

C. Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

D. Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 3.02.13E or 3.02.13F of this ordinance, as applicable.

E. General elevation requirement. Unless subject to the requirements of Section 3.02.13F of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).

F. Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 3.02.13E of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or

subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V); or

2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

G. Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

H. Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.

3.02.14 RECREATIONAL VEHICLES AND PARK TRAILERS

A. Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than 180 consecutive days; or

2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

B. Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 3.02.14A of this ordinance for temporary placement shall meet the requirements of Section 3.02.13 of this ordinance for manufactured homes.

3.02.15 TANKS

A. Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

B. Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 3.02.15C of this ordinance shall:

1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood,

including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

2. Not be permitted in coastal high hazard areas (Zone V).

C. Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

D. Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

3.02.16 OTHER DEVELOPMENT

A. General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

1. Be located and constructed to minimize flood damage;

2. Meet the limitations of Section 3.02.12D of this ordinance if located in a regulated floodway;

3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

4. Be constructed of flood damage-resistant materials; and

5. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

B. Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 3.02.12D of this ordinance.

C. Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 3.02.12D of this ordinance.

D. Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 3.02.12D of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 3.02.05C.3 of this ordinance.

E. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

1. Structurally independent of the foundation system of the building or structure;

2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

3. Have a maximum slab thickness of not more than four (4) inches.

F. Decks and patios in coastal high hazard areas (Zone V). In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

3. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

4. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site

drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

G. Other development in coastal high hazard areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

H. Nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

3. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

(Ord. No. 1156, § 2, 6-25-09; ***Code*** Chapter 11; Ord No. 1368, 4-14-16)

3.03.00 WETLANDS PROTECTION

3.03.01 Applicability

The provisions of section 3.03.00 apply to all wetlands located within the ***City***. The location of wetland boundaries shall be according to the requirements of the Northwest Florida Water Management District, USACOE and/or the FDEP.

3.03.02 Agency Permits Required

All ***Development*** within the ***City*** shall obtain applicable permits from the Northwest Florida Water Management District, USACOE and/or the FDEP for ***Development*** within or adjacent to protected wetlands prior to issuance of ***City Building Permits***. The issuance of a ***Local Development Order***, pursuant to the procedures set forth in Chapter 10, may be conditioned upon the receipt of wetlands permits prior to receipt of ***Building*** or other construction permits from the ***City***.

3.03.03 *Development* Rights in Wetlands

A. Density or intensity of ***Development***, as established for the zoning district in which the wetland is location, shall be calculated for the entire site, including the wetland.

B. Proposed ***Development*** on a ***Parcel*** containing protected wetlands shall be located on uplands within the ***Parcel*** or pursuant to any conditions of permits issued by the Northwest Florida Water Management District, USACOE and/or FDEP.

C. Where the amount of uplands is not sufficient to accommodate the allowable ***Development*** and permits from the Northwest Florida Water Management District, USACOE and/or FDEP allow impacts to protected wetlands, mitigation shall be required, as set forth in section 3.03.04 and as required by the Northwest Florida Water Management District, USACOE and/or FDEP.

3.03.04 Mitigation of Wetlands Impacts

A. Wetlands shall be protected from the impacts of ***Development*** through the provision of buffers. Buffers shall meet the location and design standards set forth in Chapter 4.

B. Any allowable impact on wetlands shall be mitigated as required by the Northwest Florida Water Management District, USACOE and/or FDEP.

3.03.05 Limitations on *Development*

A. Clearing of vegetation within a wetland shall be limited to the requirements of the Northwest Florida Water Management District, USACOE and/or FDEP. ***Native Vegetation*** shall be protected, except for clearing allowed by this section.

B. Allowable ***Buildings*** shall be built to ensure that the ***Lowest Floor*** exceeds the highest recorded ***Flood*** level in the wetland by a minimum of one (1) foot. Where no ***Flood*** data are available, the ***Lowest Floor*** shall exceed the highest seasonal water level by a minimum of two (2) feet.

C. Septic tanks, drain fields and gray water systems, where permitted, shall be located a minimum of seventy-five (75) feet from the boundary line of the wetland.

D. Allowable ***Development*** within or adjacent to wetlands shall be designed and located to avoid impacts to the following:

1. The habitat, quantity, diversity and food sources of fish, wildlife and listed species.
2. Water quality of the wetland.
3. The capability of the wetland to store and convey ***Flood*** waters.
4. Historic resources, including both locally designated historic resources and those listed on the Master Site File List of the Florida Department of State.

3.03.06 Limitations on Dredge and Fill Activities

Dredge and fill activities shall be limited to that approved by the Northwest Florida Water Management District, USACOE and/or FDEP.

3.04.00 PROTECTED HABITATS

3.04.01 Applicability

Applications for ***Development*** proposed for locations identified on the Plant and Animal Occurrences Map of the Comprehensive Plan shall include a Habitat Management Plan.

3.04.02 Requirements for a Habitat Management Plan

A. A Habitat Management Plan shall include the following information:

1. A pre-***Development*** vegetative cover survey by a professional biologist, which identifies occurrences of listed species.
2. An analysis of the impact of proposed ***Development*** on the ***Protected Habitat***. Such analysis shall include consideration of the abundance, diversity and food sources for listed species.
3. An estimate of the land needed to provide viable habitat for listed species that occur on the site.
4. Identification of methods and techniques to ensure protection of the habitat and any listed species. Methods and techniques shall include, but are not limited to, storage and removal of construction materials, equipment and debris; erosion control measures; revegetation; stabilization of disturbed areas; protection of existing ***Native Vegetation***; and methods to prevent pollution of surface and ground waters.
5. Where disturbance, damage or destruction of the ***Protected Habitat*** is unavoidable and allowable by permit from agencies with jurisdiction, the

Habitat Management Plan shall identify the proposed mitigation for disturbance, consistent with FDEP or USACOE requirements.

B. The adequacy of the Habitat Management Plan shall be determined by the ***City*** in consultation with other appropriate agencies.

3.05.00 STORMWATER MANAGEMENT

No ***Local Development Order*** or ***Building Permit***, as applicable for ***New Development***, ***Redevelopment*** or ***Change of Use*** shall be issued unless the **Development** has complied with the provisions of this section.

3.05.01 Public Policy

The purpose and public policy of this section is to provide standards that will: reduce and/or prevent flood damage; protect surface waters from contamination caused by stormwater runoff; provide criteria for adequate drainage and stormwater management; and, promote established policies of the State relative to stormwater management and flood damage prevention.

(Ord. No. 583, § 1, 9-10-98; Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04)

3.05.02 Applicable State Requirements

In addition to meeting the requirements of this section all development projects must comply with the provisions of Chapter 62-25 "Stormwater Discharge" and Chapter 14-86 "Drainage Connections" as found in the Florida Administrative Code (FAC). No final building permit or subdivision approval may be issued until such time as applicable state permits have been obtained.

(Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04)

3.05.03 Applicable Federal Requirements

In addition to meeting the requirements of this section, all development projects which result in land disturbance of equal to or greater than one acre must comply with the provisions of the National Pollutant Discharge Elimination Systems from the Environmental Protection Agency as found in 40 CFR parts 122 and 123.

(Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04)

3.05.04 Exemptions

A development shall be exempted by the City Engineer from the requirements of this chapter if the development qualifies under the following exemptions and if developer files with the City Engineer a written request for exemption with supporting plans and information demonstrating that the development meets an exemption; provided however, that in no instance shall any development be exempt from section 3.05.07, "Obstruction of Drainageways," section 3.05.08, "Uncontrolled Stormwater Runoff," and section 3.05.14, "Erosion and Sedimentation Control."

A. New development, or development consisting of an addition to an existing development, which contains less than six hundred (600) square feet of horizontal, impervious surface area. Further, where (i) an addition to an existing

development, or (ii) the total of additions made after September 10, 1998, the effective date of this law, to an existing development (A) contains in excess of six hundred (600) square feet of horizontal, impervious surface area but does not cross the twenty percent threshold specified in the following clause, then the total of such additions shall be made to comply with this Chapter, or (B) contains in excess of twenty (20) percent of the square footage of horizontal, impervious surface area of the development existing on September 10, 1998, then there shall be no exemption and the entire development shall be made to comply with this section.

B. Development which discharges directly into an existing stormwater treatment facility with sufficient reserve quality and quantity capacity as determined by the City Engineer to satisfy the requirements of this Chapter, or directly into estuarine water will not require flood attenuation, however, compliance with water quality standards and siltation controls shall be required.

C. Development that must meet a stricter stormwater management standard mandated by another agency.

D. Maintenance work (for public health and welfare purposes) on existing mosquito control drainage structures.

E. Emergencies requiring immediate action to prevent substantial and immediate harm and danger to the public or environment. A report of any emergency action shall be made to the City as soon as possible.

F. Construction of no more than two (2) ***Single Family Residential*** dwellings, or a single duplex ***Residential*** dwelling, or a single triplex ***Residential*** dwelling; provided any such dwellings are not part of a larger, common plan of development. When making a determination as to whether or not a particular dwelling is part of a larger, common plan of development the following criteria shall be used:

1. Size of the property involved and the number of units that could be built based on allowable densities.

2. Whether or not the property involved has been subdivided and the timing of such subdivision.

3. Unity of ownership, ownership interests, and business relationships of the owner(s) including family members or partnerships.

4. Similarity of development plans on subdivided parcels.

5. The extent to which the proposed development project, when viewed as a whole, would be feasible on a subdivided parcel independent of the larger parent parcel, e.g. common ***Driveways***, parking areas, buildings straddling parcel property lines, et cetera.

6. Obvious intent to evade regulation or any other relevant information that would indicate a developer's obvious intent to build or place more than one ***Single Family***, duplex, mobile home or manufactured home on one lot or parcel.

7. Obvious indicators of a larger, common plan of development including, but not limited to, multiple septic tank permits, multiple water and sewer tap fees, multiple ***Driveway*** permits, et cetera.

G. Any development to replace portions of damaged or destroyed development existing on September 10, 1998, the effective date of this ordinance, provided that the square footage of horizontal, impervious surface area replaced does not exceed fifty(50) percent of the horizontal impervious surface area of the development existing on September 10, 1998. Any other development to replace all or part of development existing on September 10, 1998, shall include bringing the entire development into compliance with this Chapter. As used herein, damage or destruction includes planned or intentional acts, as well as fortuitous events. As used herein, replace means to replace the whole or substantially the whole of any portion of a development.

(Ord. No. 583, § 1, 9-10-98; Ord. No. 614, § 1, 3-11-99; Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04; Ord. No. 985, § 1, 9-22-05)

3.05.05 Appeals

A. Any person aggrieved, developer, owner or applicant who alleges that the administrative official acted erroneously in enforcing this law, or any person aggrieved, developer, owner or applicant who believes he is entitled to a variance from the enforcement of this law, may appeal the decision of that administrative official to the Planning Board. Such appeal, including any appeal fee, shall be filed within thirty (30) days of the receipt of an official notice of decision, or such longer time as may be expressly provided by this law for a particular circumstance. Such an appeal shall be the exclusive remedy to challenge the decision or authority of the administrative official.

B. The Planning Board shall hear and decide all appeals and requests for variances pursuant to the procedures specified in section 9.03.00 of this LDC, as amended from time to time. In the event of an irreconcilable conflict between the procedures specified in this section and in said section 9.03.00, this section shall control. The Planning Board is authorized to hear appeals on two (2) grounds and no other, namely,

1. The Planning Board is hereby authorized to interpret and construe where necessary the provisions of this law as applied to any particular circumstance.

2. The Planning Board is hereby authorized to grant such variances from the literal application of this law as will not be contrary to the public health, safety or welfare, if special conditions or circumstances exist which are not common to those similarly situated and owing to which a literal enforcement of the provisions of this law will result in unnecessary hardship. An appeal for such a variance shall be in writing and shall state in detail the reasons for the request. No other reasons shall be considered. The appeal shall be signed by the applicant who must be the owner or person who will be entitled to possession of the property. The Planning Board shall grant the variance, deny the variance, or grant the variance with conditions within sixty (60) days after the appeal is filed.

3. Any person aggrieved by any decision of the Planning Board may seek review by certiorari in the Circuit Court, 14th Judicial Circuit, Bay County Florida, which shall be the exclusive remedy to challenge the decision or authority of such Board.

(Ord. No. 583, § 1, 9-10-98; Ord. No. 617, § 5, 3-11-99; Ord. No. 907, § 2, 10-14-04; Ord. No. 985, § 1, 9-22-05)

3.05.06 Single Family Dwelling

Construction of no more than two (2) ***Single Family Residential*** dwellings, or a single duplex ***Residential*** dwelling or a single triplex ***Residential*** dwelling shall meet the following standards.

A. The first floor living area shall be no less than 12 inches above the crown of the road at the highest point of the road or top of curb along the lot frontage, whichever is more restrictive, all as determined by the City Engineer.

B. Notwithstanding the foregoing, the City Engineer shall be authorized, upon application by the owner of the property involved and payment of an application fee, to authorize the waiver or modification of the requirements of this section with respect to a single ***Residential*** lot where, in his or her opinion, based upon the proposed site conditions as demonstrated in the application (i) the first floor living area of the ***Residential Development*** does not present a potential flooding hazard, and (ii) the proposed surface grades will provide positive drainage away from the structure and into a public right-of-way, or existing pond or other retainage site with adequate capacity. The property owner shall be entitled to appeal the decision of the City Engineer to the Planning Board on the grounds that the engineer's decision was arbitrary, capricious, and not based upon sound engineering principles. Such appeal shall be pursuant to the procedures specified in section 10.16.00, as amended from time to time.

(Ord. No. 583, § 1, 9-10-98; Ord. No. 614, § 2, 3-11-99; Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04)

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

3.05.07 Obstruction of Drainageways

To the extent practicable, all development shall conform to the natural contours of the land with natural or man-made drainage-ways left unobstructed. The obstruction of natural or man-made drainage-ways is strictly prohibited.

(Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04)

3.05.08 Uncontrolled Stormwater Runoff and Grading

A. Except for historical drainage caused by means existing prior to August 12, 2004, it shall be unlawful to discharge undirected or uncontrolled stormwater runoff caused by buildings, parking lots, roof overhangs, gutters, downspouts or other means from one property to another across any property line. No structure, building, parking lot, roof overhang, or other development shall be designed, constructed or maintained so as to discharge stormwater across or over any property line unless such discharge is part of an approved stormwater management or drainage system (e.g. ditches, swales, retention pond, et cetera).

B. Each lot, site or parcel to be developed shall be adequately graded. Adequately graded means that topographic elevations of the structure or building foundation in relation to the surrounding site are constructed so that: 1) stormwater runoff will drain away from the structure or building being developed, 2) stormwater runoff will be retained on-site and not discharged onto adjacent properties, and 3) stormwater runoff will be discharged into an approved stormwater management or drainage system. No lot, site or parcel shall be graded in such a manner as to cause stormwater runoff discharges onto an adjacent property across any property line unless such discharge is part of a stormwater and erosion control plan approved under this Chapter.

(Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04)

3.05.09 Minimum Dwellings Served

No stormwater retention or detention pond (wet or dry) or exfiltration system permitted or constructed after August 12, 2004, to serve ***Residential*** property in compliance with this Chapter shall serve less than two (2) ***Single Family Residential*** dwellings, or a single duplex ***Residential*** dwelling, or a single triplex ***Residential*** dwelling.

(Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04)

3.05.10 Ponds and Exfiltration Systems

Every stormwater retention or detention pond (wet or dry) and every exfiltration system permitted or constructed after August 12, 2004, to serve ***single family*** dwellings, duplex ***Residential*** dwellings or triplex ***Residential*** dwellings in compliance with this Chapter shall be located on a single parcel of record. The boundary of the parcel on which the pond is located shall nowhere be less than three (3) feet from the top of bank of the pond or any portion of the system. The parcel on which the pond or system is located shall not be included with the property served by the pond or system for the purpose of computing minimum setback area or minimum lot area required for the latter by the land development regulations of the City.

Code 26-01 through 26-23 (Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04) (Ord. #1254, 11/14/13)

3.05.11 Drainage and Stormwater Management Plan

A. All development not exempt from the requirements of this Chapter shall provide for adequate drainage and stormwater management. The term "Adequate drainage and stormwater management" means the design and construction of drainage systems that will not cause flood damage to the property involved or surrounding properties, and will meet the criteria specified in Chapter 62-25, FAC and the criteria specified herein. Specifically, drainage and stormwater management systems shall provide for maintenance of surface water quality and flood attenuation.

B. Owners or developers of all developments not exempt from the requirements of this Chapter shall submit a proposed drainage and stormwater management plan conforming to the requirements of this chapter and signed and sealed by a Professional Engineer registered in the State of Florida prior to receiving a

building permit for any such development, and such building permit shall be conditioned upon full compliance with that plan and this Chapter. No development subject to the requirements of this chapter shall be made except in conformity with this chapter and such plan. The plan shall consist of engineering drawings, calculations, narrative et cetera, as necessary to provide the information required below.

1. Name, address, and telephone number of the applicant.

2. Location map and/or aerial photograph of the development site, which clearly outlines project boundaries.

3. Boundary and topographic survey, including the location of all easements, rights of way, and Coastal Setback Line or Coastal Construction Control Line as appropriate.

4. Flood zone determination from the Flood Insurance Rate Maps.

5. Elevations of any flood zone along with the flood hazard boundaries shall be delineated on the drainage plans.

6. A description and drawing of pre-development hydrologic and environmental conditions of the site, sufficient to clearly show:

   (a) Receiving waters and all existing drainage structures to outfall systems, if any.

   (b) Stormwater runoff directions, volume, and flow rates.

   (c) Adjacent upland acreage draining onto the subject site, if any.

   (d) Nearby wetlands and other environmentally significant resources.

   (e) Existing and projected seasonal high groundwater levels beneath and proximate to the proposed stormwater treatment and attenuation system.

   (f) A description of on-site vegetation and soils.

   (g) Any maps, sketches, graphs, tables, photographs, narrative studies, and other information useful to evaluate the impact of development on stormwater runoff from the project site.

7. Proposed stormwater management system features including the pre- and post-development locations of inlets, wet and dry swales, wet and dry ponds, conveyance systems, easements, et cetera, including a grading and drainage plan showing the exact size and location (top of bank, slope of bank and depth) of all ponds, swales, CLOSED and open conveyances. The grading and drainage plan shall include existing and proposed finished grade contours at one (1) foot elevation intervals.

8. Pre-development and post-development basin and sub-basin boundaries, including all on-site and off-site areas contributing to the site, and the

breakdown of the sub-areas contributing to each drainage structure in the internal stormwater collection system, where applicable.

9. Drawings of pre-development and projected post-development stormwater runoff direction, volume, and flow rates at each point of discharge, and before-and-after charts reflecting the volume and flow rate at each point of discharge.

10. Design storm frequency/intensity calculations. Calculations shall consider the effects of tailwater and seasonal high ground water elevation. The calculations shall provide a narrative on the determination of each.

11. A schedule for continual maintenance of the stormwater management system, erosion and sedimentation control.

12. For a private stormwater management system, evidence of compliance with section 3.05.09 "Minimum Dwellings Served" and section 3.05.20 "Maintenance By An Acceptable Entity."

C. The City Engineer may waive portions of information required above where it is deemed inapplicable or otherwise unnecessary for the evaluation of the particular site conditions.

Code 26-26 (Ord. No. 583, § 1, 9-10-98; Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04) (Ord. #1254, 11/14/13)

3.05.12 Pollution Control (quality)

All development not exempt from the requirements of this Chapter shall provide for stormwater treatment as follows:

A. At a minimum, the first one-half inch of stormwater runoff shall be retained within drainage areas less than one hundred (100) acres. For areas one hundred (100) acres or more, the runoff from one (1) inch of rainfall shall be retained with the runoff coefficient being no less than 0.5. The total volume retained must percolate within seventy-two (72) hours.

B. The retention and detention of a greater amount of stormwater may be acquired in areas of special concern as designated by the City.

C. Except as described in paragraph b, all drainage and stormwater management systems shall comply with requirements set forth in Chapter 62-25, FAC.

D. All stormwater discharge facilities shall have sediment controls and skimming devices.

E. Off-site discharge flows shall be limited to non-erosion velocities.

F. Drainage and stormwater management systems which directly discharge to surface waters within Ecosystem Management Areas or Outstanding Florida Waters (OFW) shall include an additional fifty (50) percent of treatment criteria specified in section 62-25.035(1)(b) or section 62-25.040 or section 62-25.042, FAC (OFW standards).

(Ord. No. 583, § 1, 9-10-98; Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04; Ord. No. 985, § 1, 9-22-05) (Ord. #1254, 11/14/13)

3.05.13 Flood Control (quantity)

All development not exempt shall provide for flood attenuation as follows:

A. At a minimum, facilities shall be provided to attenuate a 25-year frequency storm event of critical duration so that the post-development stormwater peak discharge rate shall not be greater than the predevelopment peak discharge rate. In addition, development which cannot demonstrate a positive, direct discharge into a receiving wetland or a public easement or right-of-way, each with sufficient capacity to accept stormwater runoff from a 100-year frequency storm event of critical duration without adversely affecting other development or property, shall attenuate a 100-year frequency storm event of critical duration. The critical duration shall be defined as the storm event that when routed through the proposed facility results in the greatest post-development discharge rate. The FDOT 1-hour, 2-hour, 4-hour, 8-hour and 24-hour rainfall distribution shall be used to determine the critical duration. Off-site contributions shall be exempt from the foregoing attenuation requirements, provided that they are conveyed through the site and discharged at the same location as prior to development. The analysis of pre-development run-off shall presume the site to be in a natural and undeveloped condition, except that the analysis of pre-development run-off for a public roadway redevelopment project shall use the current site conditions. A public roadway redevelopment project is a roadway project proposed by a governmental entity, or a non-governmental entity if the roadway project is required as an off-site improvement by a development order or permit, that involves the redevelopment of an existing roadway classified as a principal or minor arterial or an urban or rural collector.

B. Developments which directly discharge stormwater into estuarine waters shall not be subject to stormwater quantity standards.

C. For those developments located within the basin of a regional stormwater plan, the stormwater facility shall consider the critical duration for the regional stormwater plan basin. The post- development discharge for the stormwater facility shall not exceed the pre-development rate for the event equal in duration to the critical event for the regional stormwater plan basin.

D. All stormwater discharge facilities shall have sediment controls and skimming devices.

E. Off-site discharge flows shall be limited to non-erosion velocities.

F. For purposes of this section, direct discharge or directly discharge shall mean that stormwater is discharged into a water body via a continuous piped or channeled conveyance to the water's edge over a course or path not exceeding 500' in length.

(Ord. No. 583, § 1, 9-10-98; Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04; Ord. No. 985, § 1, 9-22-05; Ord. No. 1141, § 1, 5-14-09) (Ord. #1254, 11/14/13)

3.05.14 Erosion and Sedimentation Control

A. All development shall provide for erosion and sedimentation control as follows:

1. During construction, storm drainage inlets shall be protected by hay bales, sod screens, or temporary structures to prevent sedimentation. All soil stockpiles shall be protected against dusting and erosion.

2. At all times during and after development, denuded areas shall be stabilized. Final stabilization measures shall be in place within sixty (60) days of final grading.

3. All control measures shall comply with the management practices contained in the Florida Department of Environmental Regulation's Florida Development Manual: A Guide to Sound Land and Water Management.

B. The drainage and stormwater management plan required by this Chapter shall be accompanied by a plan for erosion and sedimentation control as required by the preceding subsection (A).

(Ord. No. 583, § 1, 9-10-98; Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04; Ord. No. 985, § 1, 9-22-05)

3.05.15 Waiver

The submission of an erosion and siltation control plan may be waived by the City Engineer for minor developments of less than one (1) acre.

(Ord. No. 583, § 1, 9-10-98; Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04)

3.05.16 Stormwater Management System Design Standards and Criteria

The purpose of this section is to provide approved methods that are available to the Engineer of Record for stormwater management system design.

A. Technical References. Standard and guidelines, which are found in the FDOT Drainage Manual, applicable FDOT handbooks, FDOT Roadway and Traffic Design Standards, or other references accepted by the City Engineer, shall be considered part of this document. In addition, the following shall supersede or supplement the above-mentioned references.

B. Detention and Retention Ponds General Design Criteria. The purpose of the detention and retention ponds is to serve as a buffer to attenuate peak flows and or excess runoff volume from developed areas. Minimum criteria for detention/retention ponds shall be as follows:

1. A minimum of six (6) inches or ten percent (10%) of the total volume will be provided as freeboard, whichever is more restrictive.

2. Coefficient of runoff used shall be as follows:

Surface	Coefficient of Runoff
Roofed and paved areas =	0.95
Bodies of water and retention and detention ponds =	1.0

Swale and recharge areas =	0.7
Gravel =	0.6
Compacted base material in vehicular areas =	0.75

3. Percolation rates utilized in stormwater calculations shall be factored rates obtained by field testing at an elevation near the bottom of the facility or as contained in the Bay County Soil Survey.

4. The preferred method of testing is the Double Ring Infiltrometer (DRI) using ASTM Standard Method D3385-75. The standard factor of safety applied to percolation rates shall be 2 for DRI tests, 3 for other field testing, and 4 for percolation rates as contained in the Bay County Soil Survey. The use of different factors of safety shall be justified in the stormwater report and approved on a case by case basis by the City. Maximum design percolation rate shall not exceed twenty-four (24) inches per hour.

5. Detention with filtration drains (i.e., Side drains, et cetera) may be used in special applications when approved by the City and shall use a factor of safety of three.

6. The pond bottom for all dry ponds shall be a minimum of two (2) feet above the seasonal high ground water table, unless a detailed mounding analysis acceptable to the City Engineer is provided to verify the adequacy of the proposed stormwater system.

Code 26-36 through 26-40 (Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04)

3.05.17 Adherence

Once approved, an applicant shall adhere to the stormwater and erosion control plan. Any amendments to the plan must be approved by the City.

(Ord. No. 583, § 1, 9-10-98; Ord. No. 907, § 2, 10-14-04)

3.05.18 Certification

After completion of the project, the Engineer of Record shall certify that control measures which make up the development's drainage and stormwater management system plan meet the water quality, flood attenuation, and erosion and siltation standards outlined in the plan prior to issuance of Certificate of Occupancy for Site Development Projects or Acceptance of Subdivision Project. If project requires a FDEP stormwater permit, a copy of the completion certificate must also be provided.

(Ord. No. 583, § 1, 9-10-98; Ord. No. 827, § 1, 9-9-04; Ord. 907, § 2, 10-14-04)

3.05.19 Inspection

The owner, engineer, contractor, or developer shall arrange for periodic City inspections of the control systems during development and prior to cover-up of underground systems as necessary to ensure adherence to the plan.

(Ord. No. 583, § 1, 9-10-98; Ord. 907, § 2, 10-14-04)

3.05.20 Maintenance by an Acceptable Entity

If the stormwater management system is not dedicated to the City, the stormwater system shall be owned by an entity that has the perpetual, legal obligation and right to operate and maintain the system to ensure that the recovery rates and discharge quantity and quality standards remain the same as designed. In addition, where the system and all properties served by the system are not owned by such entity, the entity must have the perpetual, legal right to pay the cost of such operation and maintenance from assessments and liens upon properties served by the system. Adequate drainage and easements and rights of way access shall be provided to ensure maintenance.

(Ord. No. 583, § 1, 9-10-98; Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04) (Ord. #1254, 11/14/13)

3.05.21 Dedication and Maintenance by the City

A. If a stormwater management system approved under this Code will function as an integral part of the City maintained system, as determined by the City Engineer, the facilities shall be dedicated to and maintained by the City.

(Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04)

B. For stormwater systems dedicated to the City as defined in paragraph A above, all necessary drainage easements and rights of way shall be furnished at no expense to the City Council. Said easements shall be a width of not less than the surface width required of the drainage ditch plus a fifteen (15) foot berm to lie wholly along one side of the ditch. In the case of storm sewer, a minimum width of twenty (20) feet is required, and for a one-pipe system, a minimum width of fifteen (15) feet is required.

(Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04)

3.05.22 Failure to Maintain, Control, or Comply

If the owner or developer of any Development fails to (i) comply with any provision of this Chapter or (ii) properly install, maintain, control, or correct the control systems on the Development which causes any flooding, pollution, erosion, or siltation, such person shall be subject to one or more of the following remedies, depending on the nature of the offense:

A. The City may declare the flooding, pollution, erosion, or siltation a nuisance pursuant to Chapter 15, City of Panama City Beach Code of Ordinances, and require that nuisance to be abated or abate the nuisance itself. The costs of abatement shall be assessed against the owners and their property which assessment, if not paid, shall become a lien on the property which is the site of the development; or

B. The City may evaluate the flooding, pollution, erosion, or siltation as to its impact upon the City stormwater drainage systems. The cost of accommodating the increased flows shall be assessed against the owners and their property which assessment, if not paid, shall become a lien on the property which is the site of the Development; or,

C. The owner or developer of the Development may be subject to a civil penalty for any violation of this Chapter as more particularly specified in Chapter 25, City of Panama City Beach Code of Ordinances; or,

D. The owner or developer of the Development may be cited with a municipal offense as provided in section 1-12, City of Panama City Beach Code of Ordinances; or,

E. The condition shall be deemed a public nuisance and may be abated by the City as provided by law pursuant to section 1-12, City of Panama City Beach Code of Ordinances.

F. Subject to any combination of paragraphs A, B, C, D and E.

Code 26-50 through 26-56 (Ord. No. 583, § 1, 9-10-98; Ord. No. 827, § 1, 9-9-04; Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04) (Ord. #1254, 11/14/13)

3.05.23 Off-site Stormwater Sedimentation Control Requirements

A. Upon City approval, developers may propose to provide off-site treatment and flood attenuation facilities if capacity of such systems is adequate and their maintenance is ensured.

(Ord. No. 583, § 1, 9-10-98; Ord. 907, § 2, 10-14-04)

B. In lieu of on-site facilities, developers may request to participate in existing or in planned public or regional stormwater facilities, pursuant to a development agreement with the City, which by its terms shall require the developer to pay its proportionate share of such facilities.

(Ord. No. 583, § 1, 9-10-98; Ord. No. 907, § 2, 10-14-04) (Ord. #1254, 11/14/13)

C. Where off-site facilities are expected to process and detain stormwater flows from any development, the developer shall submit for all off-site facilities all information required under section 3.05.11.

(Ord. No. 583, § 1, 9-10-98; Ord. No. 827, § 1, 9-9-04; Ord. No. 907, § 2, 10-14-04)

D. Existing drainage facilities and systems shall not be altered unless the proposed alterations would improve the performance, storage volume, capacity, efficiency or durability of the system or facility.

Code 26-61 through 26-64 (Ord. No. 583, § 1, 9-10-98; Ord. No. 907, § 2, 10-14-04)

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Chapter 4. Site Design and Development Standards

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4.01.00 GENERALLY

Chapter 4 contains the site design and ***Development*** standards for all ***Development*** within the ***City***. The provisions set forth in this chapter apply to all ***Development*** within the ***City***.

4.02.00 SITE DESIGN STANDARDS

4.02.01 Generally

A. The purpose of this chapter is to provide site design and ***Development*** standards applicable to both public and private ***Development***.

B. The principal ***Building*** on any ***Lot*** or ***Parcel*** of land shall be erected within the area bound by the required ***Setbacks***. ***Accessory Buildings*** shall be subject to front and side ***Setbacks*** established for the principal ***Building***, but may be located in required ***Rear Yards*** subject to limitations established in this ***LDC***.

C. The minimum ***Setbacks*** and other ***Open Spaces*** required in this ***LDC*** shall apply to each and every ***Building*** existing at the time of the adoption of this ***LDC*** and to any ***Building*** hereafter erected or altered, except as authorized pursuant to the ***LDC***.

D. All newly established or non-grandfathered, permanent ***Uses*** in any Commercial or Industrial district involving human occupancy secured or protected from the elements in a structure must be secured or protected within a ***Building*** integrally attached to a permanent, supporting structural foundation, which ***Building*** is

incapable of being moved without specialized heavy equipment and professional expertise, and which building and foundation meet the requirements of the latest version of the Florida Building Code, including but not limited to, general design, wind load and exposure category requirements for structures located within the Wind-borne Debris Region. Notwithstanding the forgoing, a permanent ***Use*** in a structure which is securely tied to the earth and meets the requirements of the latest version of the Florida Building Code, including but not limited to, general design, wind load and exposure category requirements for structures located within the Wind-borne Debris Region, shall be exempt from the forgoing foundation requirement if all of the following conditions are met:

1. Neither the structure nor any sign directing attention to the structure or the business therein is visible by a pedestrian upon the sidewalk or paved right of way of a public street;

2. The structure is one of at least two, co-located and similar structures which comprise part of a themed amusement park not less than seven (7) contiguous acres in size and under unified ownership or control; and

3. Access to the structure and the business located therein is limited to a common gate providing access to the entire amusement park.

(Ord. # 1300, 2-27-14)

4.02.02 Dimensional Standards for Zoning Districts

A. Minimum Residential Area

1. The minimum living space as defined in the building code of a ***Single Family Dwelling*** shall be not less than 750 square feet or the FHA minimum, whichever is greater.

2. The minimum living space as defined in the building code of a ***Multi-Family Dwelling*** shall be not less than 450 square feet or the FHA minimum, whichever is greater.

B. Minimum Non-residential Area

The minimum commercial floor area for a non-residential ***Building*** or structure shall be not less than 750 square feet.

C. Setback Requirements

The ***Setback*** of a given zoning district shall be increased for applicable ***Lots*** pursuant to section 4.04.02 (Visibility at ***Intersections***).

D. Building Height, Setback and Coverage Requirements

1. ***Building*** location is determined by the ***Setback*** standards from the property line on the front, sides and rear of the property. Table 4.02.02.A sets forth the ***Setback*** requirements, along with the maximum ***Building Height*** for each zoning district. These provisions are modified for FBO districts pursuant to Section 7.02.03.

2. Every part of the required ***Setback area*** shall be open from its lowest point to the sky, unobstructed except for the customary projection of sills, belts,

courses, ***Cornices***, ornamental features, and ***Eaves*** that do not extend more than three (3) feet into the setback area; approved ***Accessory Buildings***; and fencing. Open or enclosed fire escapes, outside stairways, balconies, chimneys, flues, generators or other projections shall not extend into any required ***Setback area***, except that uncovered steps may project not more than three (3) feet into any required ***Setback*** area. Air conditioner/heat pumps shall be located the lesser of the ***Setback*** for the principal ***Building*** or five (5) feet from the property line. Underground improvements are not subject to ***Setback*** requirements.

3. ***Building Height*** shall be measured from the highest crown (highest point in the vehicular area of the right of way) of an abutting street to the highest point of the ceiling in the highest habitable ***Story***.

4. ***Roof*** pitches greater than 12:12 (twelve feet of rise for twelve horizontal feet), height are prohibited.

5. Nothing shall extend above the ridgeline except chimneys, cupolas, steeples, parapets, antennas, mechanical equipment and elevator equipment. Within the AR zoning district, height limitations shall not apply to silos.

6. Within commercial districts, there shall be no projection of sills, belts, courses ornamental features or ***Eaves*** over any public right-of-way.

Table 4.02.02.A: *Building Height* and *Setback* Standards

Zoning District	Maximum *Building Height* (in feet) [6] Without/ With Incentives	Minimum *Setbacks* from Property Lines (in feet)					
		Front	Side		Side Adjacent to *Street*	Rear	
AR	35	25	50[1]		50[1]	50	
R-1a	35	30	12		25	30	
R-1b	35	25	7.5		20	25	
R-1c	35	20	5		15	20	
R-1cT	35	20	5		15	20	
R-O	35	20	0[1,2]		10[1]	20	
RTH	35	25	7.5		15	20	
R-2	35	25	5[1]		15	25	
			General	Adjacent ***Residential*** Districts Above[5]		General	Adjacent ***Residential*** Districts Above[5]
R-3	55	25	5[1]	15	15[4]	25[3]	15
CL	35	25	5[1]	15	15	10	15
CM	55	25	5[1]	15	15[4]	10[3]	15
CH	65/85	25	5[1]	15	15[4]	10[3]	15
M-1	55/85	25	5[1]	15	5[1]	5[3]	15
C	10	25	5[1]	15	15	10	15
R	55/85	25	5[1]	15	15[4]	10[3]	15
PF	55/85	25	5[1]	15	15[4]	10[3]	15

[1] The ***Side Yard Setbacks*** shown apply to one-story ***Buildings***. For each story above the first story, the ***Side Yard Setback*** shall increase 2.5 feet.

[2] A zero ***Side Yard Setback*** is allowed, but shall apply to only one ***Side Yard***. The second ***Side Yard*** shall have a ***Setback*** of eight (8) feet.

[3] The minimum ***Rear Yard Setback*** shall increase four (4) feet for each ***Story*** above the third story. In the M-1 district the ***Rear Yard Setback*** shall increase six and one-half (6.5) feet for every ***Story*** above the first ***Story***.

[4] The minimum ***Side Street Setback*** shown applies to 1-3 story ***Buildings***. For each ***Story*** above the third ***Story***, the ***Side Street Setback*** shall increase 2.5 feet.

[5] The minimum ***Setback*** for a ***Side*** or ***Rear Yard***, adjacent to an R-2 district or above (R-2 through AR), shall be as shown in the table. For each ***Story*** above the first, such ***Side*** and ***Rear Yard Setback*** shall increase by one (1) foot for every foot of height beginning at fifteen (15) feet from the side or rear property line as applicable.

[6] Maximum height may be affected by ***Setback*** or overlay district requirements. Where two (2) numbers are listed the higher number is the maximum height that may be achieved through the use of height incentives.

7. Within the ***Residential*** subdivisions listed below that are located outside an FBO district, no permit shall be issued for a three (3) Story dwelling or a dwelling exceeding twenty (20) feet in ***Building Height*** until at least thirty (30) percent of the lots in the subdivision have been developed with two (2) story dwellings. This provision does not apply to the portions of the following subdivisions located within an FBO district:

Miramar Beach Area - All R-1C zoned areas in the following subdivisions:
- Miramar Heights Subdivision
- Wells Gulf Beach Estates
- Miramar Beach 1st Addition

Palmetto Trace - All phases.

Summerwood - All phases.

Summerbreeze Subdivision - All phases

Gulf Highlands, Unit 2 - All R-1B zoned areas.

Open Sands - All R-1C zoned areas including the Pura Vida unrecorded subdivision.

Gulf Highlands Subdivision - All R-1B or R-1C zoned areas.

El Centro Beach Area - All R-1C zoned areas in the following subdivisions:
- El Centro Beach
- Diamond Head Section of Lakeside By The Gulf
- Crown Point Section of Lakeside By The Gulf

Colony Club Area - All property zoned as R-1A in the following subdivisions:
- Greens West
- Bay West Estates Unit 1
- Colony Club Subdivision Phase 1
- Trieste Phase 2
- North Colony Club Estates Phase 1
- Trieste
- Colony Club Harbour Phases 1, 2, and 3
- All unrecorded lots in the Colony Club area.

The Glades Area - All property zoned as R-1B or R-O in the following subdivisions:
- The Glades and The Glades Phase II
- Tierra Verde and Tierra Verde Phase II
- Glades unrecorded addition

Bid-A-Wee Beach Area - All property zoned as R-1C or R-O in the following subdivisions:
- Seaclusion Beach
- North Bid-A-Wee 1st Addition
- North Bid-A-Wee Beach
- Reflections
- Bid-A-Wee Beach 1st Addition
- Bahama Beach and Bahama Beach 1st Addition
- Daugette Addition to Bahama Beach
- Fernwood Park
- Gardenia Beach
- Hearn's Addition to Bahama Beach
- Hutchison's 1st Addition and 2nd Addition
- Leary's 2nd Addition

(Ord. #1340, 4/9/15)

E. Height Incentives

1. The City Council may, after considering the recommendation of the Planning Board, grant the height increases for buildings in a M-1, R, PF, CH or FBO district, upon finding that the conditions established in this section have been or will be met and that the public benefit in the conditions outweighs the benefits of strict compliance with the regulations, all based upon information presented at a public hearing. Height incentives are not a matter of right; they may be allowed at the sole discretion of the City Council.

2. The purposes of the incentives are:

   (a) To promote the public health, safety and welfare;

   (b) To achieve additional light, air and human scale in ***Development***;

   (c) To improve the attractiveness of ***Development*** for residents, tourists and investors; and

(d) To attract and maintain appropriate densities to improve mobility and generate economic activity.

3. The applicant may be granted as many of the height incentives established in Table 4.02.02.B as are eligible for the property, provided that the maximum height for a building after accounting for all incentives shall not exceed the maximum height in Table 4.02.02.A or Table 7.02.03.H, as applicable.

4. Portions of the buildings receiving height incentives shall be subject to additional setbacks requirements established in Table 4.02.02.A and section 7.02.03H.

Table 4.02.02.B: Height Incentives

Area of Applicability	Benefit	Minimum Conditions for Bonus	Height Bonus
Any District Eligible for Height Incentives	Cross Access Easement	Provision of perpetual cross access and joint parking agreements between abutting parking areas on abutting parcels.	5 feet
Any District Eligible for Height Incentives	Civil Support Space	Dedication of space for any of the following uses: *Cultural Center*, *Temporary Child Care Facility* or *Licensed Facility*. The dedicated space shall be at least 2,500 square feet of floor area, be located on the ground floor and may be located in an independent building	10 feet

Area of Applicability	Benefit	Minimum Conditions for Bonus	Height Bonus
Any District Eligible for Height Incentives	Green Development	Reduce impervious surface by 25% of the maximum amount permissible	10 feet
		Use roofing materials with a solar reflectance index (SRI) of at least 78 for a sloped roof equal to or less than 2:12 and a SRI of at least 29 for a sloped roof greater than 2:12 or install a vegetative roof that covers at least 50% of the roof area.	5 feet
		Provide shade for 50% of the site hardscape (including roads, sidewalks, courtyards and parking lots) from structures covered by solar panels that produce energy used to offset a nonrenewable resource use; and provide shade from architectural devices or structures that have a solar reflectance index (SRI) of at least 29; and use hard-scape materials with a SRI of at least 29; or, place a minimum of 50% of parking spaces under cover. Any roof used to shade or cover parking must have an SRI of at least 29, be a vegetated green roof or be covered by solar panels that produce energy used to offset a nonrenewable resource use.	10 feet
		Water conservation measures outside the building that includes: 50% or more Florida Friendly Plants 90% or more Florida Friendly Plants Irrigation from non-potable water	 5 feet 10 feet 10 feet
		Water conservation that exceeds state standards: By 20 percent or more By 40 percent or more	 5 feet 10 feet
		High Quality Wetland Protection - Protection of high quality wetlands when evidence is provided showing the wetlands can be permitted to be filled. Wetlands already protected by an agreement with FDEP or a permit by the Army Corps of Engineers are not eligible for the height bonus. • 10 acres or less of high quality wetlands: • Greater than 10 acres of high quality wetlands:	 10 feet 20 feet

Area of Applicability	Benefit	Minimum Conditions for Bonus	Height Bonus
Any District Eligible for Height Incentives	Architectural Amenities	Lighting – architectural lighting highlighting building columns, ***Cornices*** or other distinguishing architectural features along the front façade of buildings. (Designs shall not interfere with turtle nesting season protections.)	5 feet
		Skyline features – A recognizable "top" consisting of (but not limited to): (a) ***Cornice*** treatments, (b) roof overhangs with brackets, (c) stepped parapets, (d) richly textured materials (e.g. tile or masonry treatments), (e) differently colored materials; colored "stripes" are not acceptable as the only treatment, and/or (f) other non-habitable space that is under a pitched roof and above the top floor ceiling shall not be counted towards building height.	Features that do not exceed 20 feet in height above the top floor ceiling shall not be counted towards building height and an increase of up to 5 feet in height shall apply
		Landscaping - Vertical landscaping designed to cover at least 35% of a façade of up to 40 feet in height within 2 years and visible from a ***Scenic Corridor***. A façade with a northern exposure is ineligible for vertical landscaping.	5 feet
Any District Eligible for Height Incentives excluding Front Beach Overlay Districts		Building Design Standards - Compliance with section 7.02.03N(1-8). Compliance with subsections 1, 6, 7 and 8 are the minimum necessary to obtain the height bonus. Subsections 2, 3, 4 and 5 are applicable only when such improvement is proposed.	10 feet
Front Beach Overlay Districts	Outdoor Civic Spaces	Provision of courtyard, seating area and other civic space that is directly accessible to the public from the sidewalk. Each civic space shall have a minimum area of no less than 250 square feet.	5 feet
Front Beach Overlay Districts	Covered Sidewalks	Sidewalks covered by permanent canopies, galleries and arcades approved by the Council and having a minimum width of six (6) feet.	5 feet

Area of Applicability	Benefit	Minimum Conditions for Bonus	Height Bonus
Front Beach Overlay Districts	Architectural Amenities	A recognizable "base" at ground level consisting of (but not limited to): (a) protruding walls; (b) richly textured materials (e.g., tile or masonry treatments); (c) special materials such as ceramic tile, granite and marble; (d) contrasting colored materials mullions, and/or panels.	5 feet
		Entryways - Incorporate enhanced landscaping, landscape planters or wing walls, structural or vegetative shading features and benches or other seating components.	5 feet
		Enhanced sidewalks – upgraded sidewalk design (e.g., colors, materials and patterns) along the building façade and/or entryways that exceeds minimum streetscape requirements as per the Front Beach Road Streetscape Design Guidelines Manual.	5 feet
FBO-2 or FBO-4 Districts located between the Gulf and Front Beach Road or South Thomas Drive	View Windows	For ***Parcels*** on the south (beach) side of Front Beach or South Thomas Roads in a FBO-2 or FBO-4 district, • Side setback increase of at least twenty (20) feet in width beginning at the ground floor. Said area shall be subject to a permanent prohibition on all buildings; or • Permanent ground level opening in the ***Building*** measuring at least forty (40) feet in width by twenty (20) feet tall with the bottom being at or below ***Street*** level and the top being at least ten (10) feet above ***Street*** level. View windows may be open or enclosed with transparent glass. The combination of plantings, improvements, furnishings and other visual obstructions shall not result in more than thirty (30) percent opacity measured between the ***Street*** elevation and ten (10) feet above ***Street*** elevation.	10 feet
	View Window Aligned With ***Street***	Provision of a permanent view window toward the Gulf as described above in a location that aligns with one of the following roads: Vestavia Street, Cobb Road, State Road 79 (Arnold Road), El Centro Boulevard, Carmen Street, Lullwater Drive, West Park Drive, Pier Park Drive, Powell Adams Drive, Hill Road, Gulf Boulevard, Nautilus Street, Argonaut Street, Lantana Street, Clara Avenue, Lyndell Lane, Alf Coleman Road, Jackson Boulevard, and Churchwell Drive	20 feet

Area of Applicability	Benefit	Minimum Conditions for Bonus	Height Bonus
Front Beach Overlay Districts	Public Beach Amenities		
	Public Restroom	Public restroom accepted by the City at its sole and unfettered discretion. A single restroom for purposes of this section shall include men's and women's rest rooms with at least three (3) commodes and one shower in each. The City may accept maintenance or require private maintenance at its sole discretion.	
		Rest rooms provided between the Gulf and Front Beach Road or South Thomas Drive.	10 feet per rest room
		Rest rooms provided on the north side of Front Beach Road or South Thomas Drive.	5 feet per rest room
	Public Parking Spaces	Conveyance of fee title to the City for parking spaces with direct or indirect pedestrian public access to the public beach and construction of improvements necessary for the public to use such parking and access. Such parking shall be located within one-quarter (1/4) mile by the shortest pedestrian route from the parking spaces to the erosion control line. As an alternative to conveyance of title, spaces may be subject to approval of a parking partnership agreement as established in section 7.02.03J.	
		Parking spaces provided between the Gulf and Front Beach Road or South Thomas Drive	10 feet for every 10 spaces provided plus 1 foot for every space for every space over 10 spaces
		Parking spaces provided on the north side of Front Beach Road or South Thomas Drive	5 feet for every 10 spaces provided
	Beach Access	Land for new or expanded public beach access shall be dedicated to the City. New beach access shall be a minimum of eight (8) feet in width and open, with a direct connection to the Gulf. Expanded beach access shall be a minimum of four (4) in width and located directly adjacent to an existing beach access. Beach access shall not be counted as part of a required setback. The need for either a new or expanded beach access must be approved by the City	
		Beach access provided between the erosion control line and the right-of-way of Front Beach Road or South Thomas Drive	2 feet for every 1 foot of width, with a 8 ft. minimum width

Area of Applicability	Benefit	Minimum Conditions for Bonus	Height Bonus
		Beach access provided through a property located to the north of Front Beach Road or South Thomas Drive. Such access shall provide a direct pedestrian connection from public right-of-way in a ***Residential*** subdivision to the north of the subject property and the right-of-way of Front Beach Road or South Thomas Drive.	1 foot for every 2 feet of width, with a 8 ft. minimum width
Front Beach Overlay Districts	Transit Facility Provision	Construction of a transit facility located outside existing public right of way and dedication of necessary easements. The need for and design of the facility must be approved by the CRA and the applicable transit provider, if not the CRA.	5 feet

(Ord. # 1248, 12-13-12; Ord. #1254, 11/14/13)

F. Design Requirements for Zero Lot Line Situations

1. Where zero ***Lot Lines*** are allowable, the wall of the structure located on the ***Lot Line*** shall have no windows, doors, air conditioning units or openings. Windows, doors or openings shall be permissible if no less than a five (5) foot ***Building Setback*** is maintained.

2. An atrium or courtyard may be allowable where the atrium or courtyard is enclosed on three (3) sides by the walls of the ***Building*** and a ***Solid Faced*** wall at least eight (8) feet in height is located on the ***Lot Line.*** The ***Solid Faced*** wall shall be constructed of the same material as the exterior wall of the ***Building***.

3. A maintenance and drainage easement at least five (5) feet in width shall be recorded to permit property owners the ability to maintain and repair that part of the structure located on the ***Lot Line***. This easement shall be shown on the ***Subdivision Plat*** and shall be incorporated into each deed transferring title to the property. ***Roof*** overhangs may penetrate the easement of the adjacent ***Lot*** to a maximum of twenty-four (24) inches, but the ***Roof*** shall be designed so that water runoff from the ***Dwelling*** place on the ***Lot Line*** is limited to the easement area.

G. Lot Requirements

Site design standards for ***Lot*** area, ***Lot*** width, ***Lot*** coverage and ***Impervious Surface***, are provided in Table 4.02.02.C.

1. Minimum ***Lot*** area is the total area of the ***Lot*** measured horizontally.

2. Minimum ***Lot*** width is the minimum distance measured between side ***Lot Lines*** between the front and the rear ***Building Setback***.

3. Maximum ***Lot*** coverage is the maximum percentage of the ***Lot*** that may be covered by a ***Building*** and is calculated by dividing the total of ***Building*** footprint area by the total ***Lot*** area.

4. Maximum ***Impervious Surface*** is the maximum percentage of the ***Lot*** that may be covered by impervious materials, including ***Buildings***, pavement and other surfaces that are not permeable to water. It is calculated by dividing the total area of all ***Impervious Surfaces*** by the total ***Lot*** area.

5. Notwithstanding the minimum ***Lot*** area set forth above, any single ***Residential Lot Platted*** prior to enactment of the preceding requirements may be used for a ***Single Family Dwelling*** and shall be subject only to the ***Setback*** requirements applicable to a ***Lot*** or comparable size as set forth above, regardless of the zoning classification; provided that at no time subsequent to the enactment of the preceding requirements was said ***Lot*** and any adjacent ***Lot*** or ***Lots*** owned by the same person so that the two (2) or more ***Lots*** taken together would meet the minimum requirements of this section.

Table 4.02.02.C: Site Design Standards for *Lots*

Zoning District	Minimum *Lot* Area (sq. ft.)	Minimum *Lot* Width (ft. front bldg. line)	Maximum *Lot* Coverage[1] (%)	Maximum *Impervious Surface*[2] (%)
AR	A[4]	A[4]		30
R-1a	10,000	100	80	
R-1b	7,500	75	80	
R-1c	6,000	60	80	
R-1cT	6,000	60	80	
R-O	4,000	40	80	
RTH	1,575	20	80	60
R-2 1-2 units[3]	6,000	60	40	
R-2 3-4 units	8,000	80	40	
R-2 5+ units	15 acres	600	40	
R-3 1-2 units	6,000	60	40	
R-3 3-4 units	8,000	80	40	
R-3 5+ units	10,000	100	40	
CL	5,000	50		80
CM	5,000	50		80
CH	5,000	None		85
M-1	6,000	60		70
C	None	None		5
R	None	50		40
PF	5,000	50		70

[1] "***Lot*** coverage" includes principal and ***Accessory Structures***, but not parking or other paved surfaces.

[2] "***Impervious Surface***" includes all Buildings, pavements and other Impervious Surfaces.

[3] "Unit" refers to the number of ***Dwelling Units***.

[4] "A" means that the standard ***Development*** requires a minimum ***Lot*** of ten (10) acres (435,600 square feet) and a minimum ***Lot*** width of five-hundred (500) feet. Where cluster ***Development*** is proposed, the minimum ***Lot*** area is 21,780 square feet and the minimum ***Lot*** width is 100 feet.

(Ord. # 1332, 1-8-15)

4.02.03 *Scenic Corridor* Design Requirements

Scenic Corridor design and performance standards are established throughout this ***LDC*** and the ***City's Code of Ordinances*** (CO), including but not limited to the following provisions:

A. References

1. Sidewalks – See section 4.04.03.
2. Utilities - See section 4.02.03E for underground feeds and section 4.02.03F for screened devices.
3. ***Parking Lot Setbacks*** – See section 4.05.03.
4. Landscaping Requirements – See section 4.06.00.
5. Garbage Cans and Litter – See ***City Code*** sections12-5 and 12-7.
6. Active and Inactive Construction Sites – See ***City Code*** section 8-14.
7. Dumpsters – See section 5.02.04.

B. Screening

Lots and ***Parcels*** lying in whole or in part within a ***Scenic Corridor*** used or zoned for non-residential purposes shall be subject to the following screening requirements:

1. All hydraulic hoists, pits, lubricating, repair and service not of an emergency nature or short-term diagnostic work shall be contained or conducted within an enclosed ***Building***.
2. Motor ***Vehicles*** which have been towed must be stored in a fully enclosed ***Building*** or in the ***Rear Yard*** of the business and behind a masonry wall or fence of ***Solid Face*** construction. The fence or wall shall be of sufficient height to screen the ***Vehicles*** from view from the nearest public right-of-way, but shall not be less than six (6) feet in height.
3. All storage of parts, raw materials or products, other than those finished products for sale such as used or new cars, spas, pools or motor oil displayed or sold from a rack or compartment, must be screened with a masonry wall or fence of ***Solid Face*** construction. The fence or wall shall be of sufficient height to screen the parts, materials or products from view by a pedestrian from the nearest public right-of-way, but shall not be less than six (6) feet in height.

(ZO- IX 3.7)

C. Design

The following design requirements apply to exterior walls of metal ***Buildings*** situated on ***Lots*** or ***Parcels*** lying in whole or in part within a ***Scenic Corridor***:

1. The ***City*** finds that the appearance of metal ***Buildings*** within the ***Scenic Corridor*** is detrimental to the image of the community both as a tourist destination and as a coastal ***City*** of permanent residents, is contrary to the Community Objectives advanced by the August 2001 Front Beach Road Community Redevelopment Plan, diminishes surrounding property values and is contrary to the public welfare.

2. On any ***Parcel*** which lies in whole or in part within a ***Scenic Corridor***, no exterior wall of any ***Building*** located on such a ***Parcel*** shall be constructed of metal unless either (i) such wall is not visible by a pedestrian standing within the vehicular right-of-way of the ***Scenic Corridor*** or (ii) such wall is completely covered by one or more of the following materials:

   (a) Brick;

   (b) Stone;

   (c) Stucco;

   (d) Synthetic stucco;

   (e) Cementitious materials;

   (f) Exterior insulation finish system (E.I.F.S.); or

   (g) Wood siding, provided that such siding is applied with no panel exceeding twelve (12) inches in height.

3. Other non-ferrous material may be permissible, if determined by the Planning Board as a matter of fact to be aesthetically comparable and at least as opaque, weather resistant and permanent as the materials listed in section 4.02.03C.2.

(ZO 13-44 or 5-41)

D. Toilets Visible from Scenic Corridors Prohibited

It shall be unlawful for any person to own, possess or provide for public or private ***Use*** a portable chemical toilet visible by a pedestrian standing within the vehicular right-of-way of a ***Scenic Corridor*** or on the sandy Gulf beach.

(Ord. No. 1008, § 3, 1-26-06)

E. Underground Utilities in *Scenic Corridors*

Every electrical, cable television, data, telephone or other telecommunication feed installed or replaced from a public right-of-way and in, along or across any ***Scenic Corridor*** to any structure, ***Building*** or ***Accessory*** thereto, shall be placed underground for the entire length of such feed. Pre-existing feeds associated with such ***Building*** or structure shall be immediately placed underground as part of such improvements; provided however, that in the event the underground placement of such pre-existing feeds is required solely due to renovations or improvements consisting exclusively of emergency repairs or replacement of existing improvements damaged by casualty loss, the property owner may delay the underground placement of such pre-existing feeds for a period of sixty (60) days. Notwithstanding the forgoing, each new construction site shall per permitted one temporary, overhead electrical and telephone drop for a period not to exceed one year. This section shall not apply to high voltage primary lines serving a transformer station maintained by an electrical utility or to trunk and feeder lines serving a cable television, data, telephone or other telecommunications distribution point maintained by a telecommunication utility.

(ZO-V.38.1)

F. Screened Utility Devices in *Scenic Corridors*

Every free-standing air-conditioning condenser, every electric or gas meter, backflow preventer, liquid propane tank, ground-level transformer or similar utility device serving any ***Building*** or ***Accessory*** thereto lying in whole or in part within a ***Scenic Corridor*** shall be screened from public view by:

1. A ***Vegetative Fence;*** or

2. Landscaping and a ***Solid Faced*** masonry or wooden wall or fence.

(Ord. No. 784, § 2, 3-27-03; Ord. No. 924, § 1, 5-12-05)

4.02.04 Performance Standards for Zoning Districts

The performances standards set forth in this section apply to all zoning districts unless otherwise stated.

A. Smoke, Dirt and Dust

Except from food preparation in restaurants and events approved by the City Manager, there shall be no emission of visible smoke, dirt, dust, fly ash or any particulate matter from any pipe, vent or other opening or from any other source into the air. All fuel shall be either smokeless in nature or shall be used so as to prevent any emission of visible smoke, fly ash or cinders into the air.

B. Fumes, Vapors and Gases

There shall be no emission of any fume, vapor or gas of a noxious, toxic or corrosive nature which can cause any damage or irritation to humans, animals, vegetation or to any form of property.

C. Wastes

There shall be no discharge at any point of liquid or solid waste into any public sewage disposal system which will overload such system or create detrimental effects in the flow and treatment of public sewage. There shall be no discharge of any waste into any private sewage disposal system, stream or into the ground of any kind or nature which may contaminate any water supply or otherwise cause the emission of dangerous or objectionable elements or conditions. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects. Solid waste containers are required and shall be located at least fifty (50) feet from any property zoned or used for ***Residential*** purposes. Solid waste containers that serve food establishments shall be located at least fifty (50) feet from any property zoned or used for ***Residential*** purposes (See section 5.02.04 for additional solid waste container requirements).

D. Heat, Cold, Dampness or Movement of Air

Activities which produce any adverse effect on the temperature, motion or humidity of the atmosphere beyond the ***Lot Line*** shall not be permitted.

E. Noise

See City of Panama City Beach Noise Ordinance.

F. Odor

Except from food preparation in restaurants, there shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive, obnoxious or unpleasant, beyond the property line on which the ***Principal Use*** is located. Any

process, including the preparation of food, which may involve the creation and omission of any such odors, shall be provided with both a primary and a secondary safeguard system so that odor control may be maintained in the event of failure to the primary safeguard system.

G. Glare and Light

There shall be no direct glare visible from any property zoned or used for ***Residential***, public, ***Recreation*** or conservation purposes caused by unshielded floodlights or other sources of high intensity lighting. Light shall be measured from the closest ***Setback*** line of a ***Parcel*** zoned or used for ***Residential*** , public, ***Recreation*** or conservation purposes and shall not exceed one-half (0.5) foot candles illumination unless required to meet minimum requirements for sidewalk lighting.

H. Access

All ***New Development*** and ***Redevelopment*** shall comply with the ***Access*** standards in section 4.04.01.

I. Additional Standards for Residential Districts

1. Outdoor storage is not permitted for any items not designed for outside ***Use*** such as automobile parts and tires, ***Building*** materials without a valid and active ***Building Permit***, interior furniture and other similar items.

2. In ***Single Family*** zoning districts, it shall be unlawful for any person to occupy, solicit or permit another to occupy a ***Single Family Dwelling*** which does not contain a minimum of two hundred (200) square feet of habitable space, as defined in the building code, for each actual, intended and solicited occupant thereof. For purposes of this section, living space does not include unheated areas, bathrooms, closets, halls, storage or utility space and similar areas not used for living, sleeping, eating or cooking.

3. Each motor ***Vehicle*** parked for longer than six (6) hours between any part of the ***Dwelling*** structure and the right-of-way, including those ***Vehicles*** parked in the right-of-way contiguous to the ***Dwelling Lot*** shall be presumed to represent a separate occupant of the ***Dwelling***, which presumption may be rebutted by clear and convincing evidence.

4. ***Single Family Dwellings*** in ***Single Family*** zoning districts may be rented provided:

   (a) the lease period shall be for a minimum of six (6) months and shall be formalized in a written agreement to be made available for ***City*** inspection upon request or in lieu of an agreement, the owner may provide a memorandum executed by all parties to the lease acknowledging the lease term for the subject ***Dwelling***;

   (b) continuous and regular garbage service is provided to the ***Dwelling*** for the duration of the rental, as evidenced by a bill or receipt from an active account with a local trash hauling company in the name of the owner or local agent or representative;

(c) the owner notifies the ***City*** of the name, telephone number and physical address of a local agent or representative located in within 125 miles of the ***Dwelling***; and

(d) ***Singe Family Dwellings*** locate south of Front Beach Road in R-1C zoning districts shall be governed by an subject to the supplemental standards set forth in Section 5.04.33.

(Ord. #1369, 12/10/15

4.02.05 Planned Unit *Development* (PUD) District Standards

A. A planned unit development (***PUD***) is a zoning district intended to provide for flexible site design. The purpose and intent of establishing the ***PUD*** district are to provide procedures and standards that encourage a mixture of ***Uses*** anywhere in the City that are functionally integrated and that encourage innovation and imagination in the planning, design and ***Development*** or ***Redevelopment*** of tracts of land under ***Single Unified Ownership or Control***.

B. A property owner has no legal right for approval of a Master Plan. Rather, the City shall approve a ***PUD*** Master Plan only when it has determined that the applicant has demonstrated, to the satisfaction of the City, that the ***PUD*** Master Plan provides a sufficient public benefit to justify allowing the property owner to deviate from otherwise applicable minimum requirements of the ***LDC***.

C. A ***PUD*** shall include at least one (1) ***Residential Use*** and one (1) non-residential ***Use***. At least three (3) ***Uses*** shall be included in the ***PUD***. Each ***Use*** shall comprise at least ten (10) percent of the total land area of the ***PUD*** and shall be selected from the following list. Acreage dedicated to ***Streets***, stormwater and other common spaces shall not be utilized in the calculation of the 10% percent lot minimum.

1. ***Single Family Residential***;
2. ***Multi-family Residential***;
3. ***Retail Sales or Services*** or ***Personal Services***;
4. ***Silviculture***;
5. ***Public Uses***;
6. ***Recreation*** or ***Open Space***; or
7. ***Light Industry***, provided the Planning Board determines that the activity has a minimal impact and is subordinate in size and intensity to at least one (1) other land ***Use*** within the ***PUD***.

D. ***Development*** of each ***Use*** in a ***PUD*** shall comply with the provisions for the most restrictive zoning district classification in which that ***Use*** is allowed unless the ***City*** approves deviations from the strict application of requirements of the applicable zoning district classifications. The ***City*** may approve such deviations when it determines that the ***Development*** protects the public interest and provides a public benefit. For purposes of this section, examples of a public benefit include, but are

not limited to: dedication for parks and beach access; protection of environmentally sensitive resources; or the provision of extra ***Open Space***, buffering and landscaping.

E. Deviations in design standards may be approved for the following:

1. ***Lot*** area and ***Lot*** dimensions, so long as the ***Development*** conforms to the maximum density and intensity established for the site. The maximum density and intensity of the site shall be that permitted by the underlying zoning district. The maximum density shall only be applicable to those areas designated as ***Residential*** on the approved Master Plan. Acreage designated as non-residential on the Master Plan may not be Used in the calculation of ***Residential*** density. The maximum intensity shall only be applicable to those areas designated as non-residential on the approved Master Plan. Acreage designated as ***Residential*** on the Master Plan may not be Used in the calculation of non-residential intensity. ***Residential Uses*** may be permitted by the Planning Board within non-residential areas (as shown on an approved Master Plan) subject to a limitation of the intensity standard of the underlying zoning district. Density shall not apply to ***Residential Uses*** within non-residential area as shown on the Master Plan.

2. Parking requirements. See section 4.05.00.

3. ***Sign*** standards for the area, number and size of signs may be modified subject to the approval of a master signage plan that establishes a coordinated signage program within the ***PUD***.

4. Roadway and ***Access*** standards. All sites within a Planned Unit ***Development*** shall provide at least one vehicular ***Access*** and at least one pedestrian and bicycle ***Access*** to at least one other portion of the Planned Unit ***Development***.

5. ***Setback*** requirements, provided that a minimum ***Setback*** of twenty-five (25) feet shall be required when non-residential ***Development***, ***Multi-family Development or Townhomes*** within the ***PUD*** is proposed to abut land zoned or Used for ***Single Family Residential Development*** outside of the ***PUD***.

F. A ***PUD*** district shall be established by ***Rezoning*** and simultaneous approval of a ***PUD*** Master Plan for the entire area ***Rezoned,*** both according to the procedures established in Chapter 10. In order to approve a ***PUD*** Master Plan or any revision thereto the City Council, after receiving the recommendation of the Planning Board, must determine that the following conditions (among others it deems appropriate) are met by the applicant:

1. The planned ***Development*** is consistent with the Comprehensive Plan;

2. The planned ***Development*** is coordinated rather than an aggregation of individual and unrelated ***Buildings*** and ***Uses;***

3. The planned ***Development*** incorporates a compatible mix of ***Residential*** and ***non-residential Uses;***

4. The planned ***Development*** incorporates three ***Uses*** meeting the required minimum proportions;

5. The applicant is providing sufficient public benefit to allow the applicant to deviate from the regulations for ***Development*** of the ***Uses*** in the city's base zoning districts; and

6. All land included for purpose of ***Rezoning*** to a ***PUD*** zoning district encompasses at least 5 acres and is owned or under the control of the applicant.

7. The planned ***Development*** is compatible with existing ***Development*** abutting the proposed ***PUD*** district as demonstrated by the following factors, considered from the point of view of the abutting ***Development***:

   (a) Existing ***Development*** patterns;

   (b) Scale, mass, height and dimensions of existing ***Buildings***;

   (c) Total density and density transitions;

   (d) Intensity, as measured by floor area ratio and transitions;

   (e) Extent and location of parking, ***Access*** points and points of connectivity to surrounding neighborhoods;

   (f) Amount, location and direction of outdoor lighting;

   (g) Extent and location of ***Open Space***; and

   (h) The location of ***Accessory Structures*** such as dumpsters, recreational equipment, swimming pools or other structures likely to generate negative impacts such as noise, lights or odors;

   (i) Sufficiency of ***Setbacks*** to mitigated potential nuisances; and

   (j) Proximity and use of all areas that will be utilized for any purpose other than landscaping.

G. Revisions to an Approved *PUD* Master Plan: Revisions to an approved ***PUD*** Master Plan shall be made in accordance with section 10.15.00 of this ***LDC***.

H. No development shall occur until a final development plan for the ***PUD*** has been approved.

4.03.00 *SUBDIVISION* DESIGN AND LAYOUT

4.03.01 Generally

A. Any division of land shall be subject to the design requirements of this section. Procedures for approval of preliminary ***Plats***, final ***Plats***, ***Lot Splits*** and improvement plans are set forth in Chapter 10.

B. All ***New Development*** shall be located on a recorded, ***Platted Lot*** or on a ***Lot*** resulting from a lawful ***Lot Split***.

C. An existing ***Lot*** located within a ***Subdivision*** that has been approved prior to July 26, 2012 by the City Council in the form of a ***Plat***, shall be allowed to be developed with a ***Single Family Dwelling Unit*** subject to satisfaction of ***Setback*** and ***Building*** requirements as well as all other applicable regulations.

D. In Bid-A-Wee 1st Addition, ***Lots*** less than the required minimum ***Lot*** size and not meeting the dimensions as approved on the adopted ***Plat***, may still receive approval for a ***Building Permit*** provided the Planning Board finds the following conditions are satisfied:

1. The ***Lot*** must be of a similar size and width as other ***Lots*** in the ***Subdivision***; and

2. All other applicable regulations must be satisfied.

(Ord. # 1253, 12-13-12)

4.03.02 Design Requirements

A. Blocks and ***Lots***

1. Block Dimensions. Excepting locations where the City Manager determines that natural or built features preclude compliance, block length shall be regulated by intersection distance according to the requirements of Table 4.03.02.Aand the following provisions:

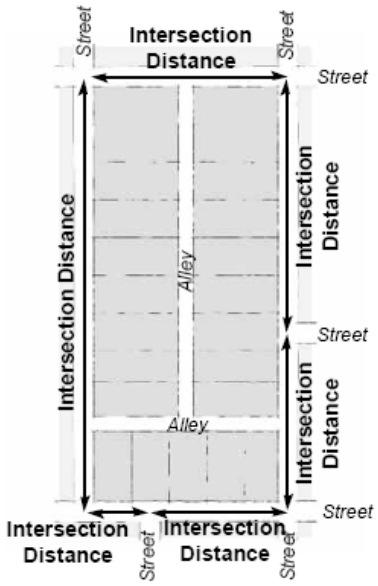
   (a) Intersection distance shall be the distance between two consecutive ***Street*** intersections as illustrated in Figure 4.03.02.A. Intersection distance shall be measured between the center lines of ***Streets***. Alleys and ***Driveways*** shall not be considered ***Streets*** for the purposes of this standard. Maximum intersection distances shall not apply along ***Arterial Streets***.

   (b) For any block exceeding 500 feet in length, the Board may require one or more cross block connections for pedestrians to reduce the effective block length to 330 feet or less. Connections shall be located in public access easements measuring at least fifteen (15) feet in width and shall have paved walkways measuring at least five (5) feet in width.

Table 4.03.02.A: Block Size Standards

Zoning District	Maximum Intersection Distance
R-1a	1,200 feet
R-1b	1,200 feet
R-1c-T	1,200 feet
RO	1,200 feet
RTH	1,200 feet
R-2	1,200 feet
R-3	1,200 feet
CL	1,200 feet
CM	1,200 feet
CH	1,200 feet
TNOD	400 feet
FBO-1	660 feet
FBO-2	660 feet
FBO-3	660 feet
FBO-4	No maximum

Figure 4.03.02.A: Intersection Distance



2. ***Lots*** shall meet the ***Lot*** design requirements for the zoning district in which the ***Subdivision*** is proposed.

3. ***Corner Lots*** for ***Subdivisions*** in ***Residential*** zoning districts shall be large enough to provide for ***Front Setbacks*** and side ***Street Setbacks***.

4. Each ***Lot*** shall have ***Frontage*** on and ***Access*** to an existing or proposed public or private ***Street*** or ***Alley***.

5. Double-Frontage Lots and Flag Lots shall not be allowed.

6. ***Lot Lines*** shall be at right angles to ***Street*** lines to the maximum extent possible.

7. No ***Lot*** shall be divided by a ***City*** boundary line.

8. The finished grade of all ***habitable space*** at the ***Building*** location shall be a minimum of one (1) foot above the crown of the adjacent ***Street*** or back of curb, whichever is higher.

9. Dead-end ***Streets*** (cul-de-sacs) shall be limited to forty-five (45) ***Residential Lots***.

B. Improvements

1. The proposed ***Subdivision*** shall include a ***Street*** system consistent with the **Traffic Circulation Map** of the Comprehensive Plan, the transportation system standards set forth in section 4.04.04 and the ***Street*** pattern in the surrounding area.

   (a) ***Streets***, sidewalks meeting the applicable requirements of section 4.04.03, curbs and gutters, streetlights and ***Street*** signs shall meet the minimum design and construction specifications of the Engineering Technical Manual and the provisions of this section.

   (b) The maximum pavement width shall be twenty-four (24) feet, between the valleys of the curbs unless the City Manager approves and increase to a width of up to thirty-six (36) feet.

   (c) Rights-of-way and ***Street*** design shall meet the requirements of section 4.04.04 and be dedicated to the ***City*** unless the City approves the use of private ***Street***s.

   (d) Curbs and gutters shall be required for all ***Streets***.

   (e) Streetlights shall be required in locations established by the **Engineering Technical Manual.**

   (f) ***Street*** name signs shall be required in locations established by the **Engineering Technical Manual**.

   (g) Grass or sod shall be required between the curb and sidewalk or property line. Landscaping may be used in conjunction with or as an alternative to, grass or sod provided that such landscaping complies with applicable site distance standards.

   (h) Minimum centerline radius for midblock curves shall be as follows:

Posted Speed (MPH)	Design Speed (MPH)	Centerline Radius (Feet)
25	30	250
20	25	150
15	20	80

(i) The minimum cul-de-sac radius shall be 40 feet.

2. The proposed ***Subdivision*** shall provide for infrastructure improvements as set forth in Chapter 6. Each ***Lot*** in the ***Subdivision*** shall have the following services:

   (a) A source of electric power;

   (b) A telephone service cable;

   (c) Central potable water;

   (d) Central sanitary sewer;

   (e) Central reclaimed water, where such service is available within one thousand (1,000) feet and with sufficient capacity to serve the subdivision; and

   (f) Fire hydrants or fire protection, as required by the national Fire Prevention Code.

3. Equipment shall meet the following requirements for location and screening:

   (a) Utility equipment, such as pumps, valve boxes, switching boxes, back-flow devices, but not including light poles, shall be fully screened by a wall or fence of ***Solid Face*** construction or by ***Native Vegetation*** creating a continuous screen; and

   (b) All electric, telephone, cable television or other communication lines shall be placed underground within the right-of-way or within a recorded easement.

4. The ***Subdivision*** design shall include provisions for resource protection as set forth in Chapter 3.

5. The design of the ***Subdivision*** shall include provisions for utility lines within easements or the right-of-way. Such easements shall be a minimum of fifteen (15) feet for potable and reclaimed water force mains and twenty (20) feet for gravity sewer and storm drainage mains.

6. In areas zoned for ***Residential Uses***, a ***Subdivision*** may contain a structure that is temporarily used as a model home and for conducting business directly related to the sale and promotion of ***Lots*** and houses within such ***Subdivision***. Such operations must cease when sales in said ***Subdivision*** have been completed, but not longer than two (2) years. Additional time may be granted through the conditional use process after considering the history of nuisances, structure condition and compatibility with the neighborhood.

7. The design and layout of a subdivision may, on occasion, be adversely impacted by the presence of protected natural features such as wetlands or plant and animal species habitat. Such impact shall be considered a hardship that is eligible for a variance request when such request is the minimum necessary to overcome the identified impact of the protected natural feature.

4.04.00 TRANSPORTATION SYSTEM STANDARDS

4.04.01 Access Management.

No ***Access Connection*** shall be constructed on any public road without a permit issued by the City of Panama City Beach pursuant to this section. Requirements for review are established in Chapter 10.

A. Legislative Intent. The purpose of this section is to provide and manage ***Access*** to land ***Development***, while preserving the regional flow of traffic in terms of safety, capacity and speed. Major thoroughfares, including highways and other arterials, serve as the primary network for moving people and goods. These transportation corridors also provide ***Access*** to businesses and ***Dwellings*** and have served as the focus for commercial and ***Residential Development***. If ***Access*** systems are not properly regulated, these thoroughfares will be unable to accommodate the ***Access*** needs of ***Development*** and retain their primary transportation function. This ordinance balances the right of ***Reasonable Access*** to private property, with the right of the citizens of Panama City Beach and the State of Florida to safe and efficient travel.

(Ord. No. 802, § 1, 9-9-04; Ord. No. 906, § 1, 10-14-04)

B. Access Standards and Permitting. The following standards shall apply to all ***Driveways*** or ***Access*** points from a ***Lot*** or ***Parcel*** onto a public ***Street***:

1. No privately owned, constructed, financed or controlled Driveway Connection shall be constructed, repaired or modified in any way unless a permit therefore shall have been issued by the City upon submission of plans and specifications sufficient to demonstrate compliance with this law and payment of a permit fee. Except for a driveway connection serving four (4) or fewer residential units, the plans and specifications submitted to the City shall be sealed and certified by an engineer registered and licensed to practice in the State of Florida to conform in all material respects with the standards specified in this section.

2. The maximum width of a ***Driveway*** or ***Access*** way shall be twenty-four (24) feet provided, however that when the City Engineer determines that a wider ***Driveway*** would provide safer access, the width may be increased to not more than thirty-six (36) feet.

3. The maximum number of ***Driveways*** or ***Access*** points shall be according to the following:

   (a) ***Access Class 3*** *Roads*. Each ***Parcel*** of land under ***Single Unified Ownership or Control*** fronting any ***Access Class 3*** road as defined in section 1.07.02 shall be permitted one (1) ***Access Connection*** from the property to that public road for every 1,500 feet that ***Parcel*** abuts that public road.

   (b) ***Access Class 5*** *Roads*. Each ***Parcel*** of land under ***Single Unified Ownership or Control*** fronting any ***Access Class 5*** road as defined in section 1.07.02 shall be permitted one (1) ***Access Connection*** from the property to that public road for every 245 feet that ***Parcel*** abuts that public road.

(c) ***Access Class 7*** *Roads*. Each ***Parcel*** of land under ***Single Unified Ownership or Control*** fronting any ***Access Class 7*** road as defined in section 1.07.02 shall be permitted one (1) ***Access Connection*** from the property to that public road for every 125 feet that ***Parcel*** abuts that public road.

(d) Properties fronting all other roads shall meet the standards in Table 4.04.01.A:

Table 4.04.01.A: Maximum Number of Access Points

Lot Width	Maximum Number of Access Points
Less than 100 feet	1
100 feet to 200 feet	2
More than 200 feet	2 plus 1 for each additional 200 feet or fraction thereof

4. There shall be a minimum distance of thirty-five (35) feet between any two (2) openings onto the same ***Street***.

5. No point of ***Access*** shall be allowed within forty (40) feet of the ***Intersection*** of the right-of-way lines of any public ***Street***.

6. ***Access*** ways or ***Driveways*** for ***Corner Lots*** shall be located on the ***Street*** with the lower functional classification.

7. Where proposed ***Development*** in a non-residential zoning district abuts two (2) ***Streets*** and where that portion of any such ***Street*** abutting the non-residential ***Development*** also abuts any ***Residential*** zoning district, ***Access*** to the non-residential ***Development*** shall be provided only from the ***Street*** not abutting a ***Residential*** district.

8. ***Drive-Through*** lanes or loading spaces shall not be located any closer than thirty-five (35) feet to the boundary of a property zoned or used for ***Residential*** purposes (See section 4.05.08 for additional loading space requirements).

9. ***Parking Lots*** shall be designed to avoid glare from ***Vehicle*** lights onto property zoned for ***Residential*** purposes as ***Vehicles*** enter or exit the ***Parking Lot*** and individual spaces. Wherever a parking space faces such property, a ***Solid Faced*** masonry or wooden wall or fence extending from the parking surface to a height of not less than forty-two (42) inches shall be provided.

10. No curbs shall be cut or altered and no points of ***Access*** or openings for ***Vehicles*** onto a public ***Street*** shall be established, without a permit issued by the ***City***.

11. Approval from FDOT or Bay County is required for any ***Access*** onto a road under their jurisdiction.

12. The location, design and construction of ***Driveway Connections*** shall comply with current FDOT's Roadway Traffic Design Standards. All ***Vehicular Use Areas*** shall be constructed to meet these standards and the ***City Manager*** may approve the use of alternative materials subject to submittal and approval of a plan for, and agreement to control dust. A ***Single Family*** residential ***Driveway*** may be constructed of otherwise acceptable concrete (only four (4) inches thick), pavers or other materials of similar durability as determined by the ***City Manager***.

(Ord. #1254, 11/14/13; Ord. # 1331, 1-8-15)

C. Drainage Requirements

1. Whenever the ***City*** determines that the installation of drainage pipe in a ***Driveway Connection*** is not necessary to maintain adequate stormwater flow, any existing right-of-way drainage swale or feature shall nonetheless be maintained during and after construction of the ***Driveway Connection***. The ***Driveway Connection*** shall be inspected and approved by the ***City*** prior to the installation of a hard surface.

2. Whenever the ***City*** determines that, in order to maintain adequate stormwater flow, a drainage pipe should be installed in a ***Driveway Connection***, the ***City*** shall, at no cost to the owner except the payment of applicable permit fees, specify the required pipe size, length, material, pipe invert and pipe location to minimize adverse stormwater impacts and the owner shall, at no cost to the ***City***, cause the design and construction of the ***Driveway Connection*** to include the pipe as specified. The ***Driveway Connection*** shall be inspected and approved by the ***City*** prior to installation of a hard surface.

3. Failure to obtain prior ***City*** inspection and approval may result in the removal of the ***Driveway Connection*** at the owner's expense for failure to permit adequate stormwater flow.

D. Exceptions

1. Automobile ***Service Stations*** shall be permitted two (2) openings not to exceed twenty-four (24) feet width for each opening, along any abutting public ***Street***, provided that such property abuts such ***Street*** for a distance of not less than 120 feet.

2. In lieu of any two (2) openings permitted on any one (1) ***Street***, there may be permitted a single point of ***Access*** up to thirty-five (35) feet in width.

3. ***Non-Conforming Access Connections***. Lawful ***Access Connections*** existing as of September 9, 2004, that do not conform with the standards herein shall be designated ***Non-Conforming Access Connections*** and such connections are exempt from the standards set forth herein except as provided by section 4.04.01E.

4. Upon application submitted pursuant to section 4.04.01G and meeting the standards there specified, the ***City*** may permit the relocation of a non-***Conforming Access*** connection to another location on the same ***Parcel*** of land under ***Single Unified Ownership or Control***.

(Ord. No. 802, § 1, 9-9-04; Ord. No. 906, § 1, 10-14-04; Ord. No. 1067, § 1, 5-24-07)

E. ***Existing Parcels.*** Any existing ***Parcel*** of land under ***Single Unified Ownership or Control*** on September 9, 2004 and abutting a road subject to ***Access Classification***, whether or not developed and regardless of ***Frontage***, shall be permitted no less than one (1) ***Access Connection*** from the ***Parcel*** to that public road if such connection would have been available as a matter of right under the law and circumstances existing on September 9, 2004, provided however:

(a) that if the existing ***Parcel*** is subdivided after September 9, 2004, the ***Parcel*** designated herein shall provide via the permitted ***Access Connection***s(s) internal ***Access*** to all newly created ***Parcels*** that do not meet the standards set forth in section 4.04.01B; and

(b) that if the existing ***Parcel*** directly or indirectly unites with one or more adjacent ***Parcels*** after September 9, 2004, such that the resulting ***Parcel*** is under ***Single Unified Ownership or Control***, the maximum number of ***Access Connection***s permitted for such resulting ***Parcel*** shall be determined by the standards set forth in section 4.04.01B.

F. ***Implied Grant of Access.*** An implied grant of a way of necessity exists where, after September 9, 2004, a person has granted or grants lands to which there is no ***Conforming Access*** except over his land or has retained or retains land which has no ***Conforming Access*** except over the land which the person conveys. In such instances a right-of-way is presumed to have been granted or reserved. Such an implied grant or easement in lands or estates exists where there is no other and practicable way of ***Access*** and same is reasonably necessary for the beneficial ***Use*** or enjoyment of the part granted or reserved.

G. Access Permits and Plan Review

1. ***Access Connection*** *Permit Required.* No ***Access Connection*** shall be constructed on an ***Access Regulated Road*** without a permit issued by the ***City*** pursuant to this section.

2. *Requirements for Review.* Any person requesting a permit for an ***Access Connection*** permitted in section 4.04.01B shall submit a preliminary ***Access*** management plan for review by the ***City***, which at a minimum shall show:

(a) Location of the proposed ***Access Connection***(s);

(b) Location of and distances to existing ***Access Connection***s, median openings, traffic signals, ***Intersections*** and other transportation features on both sides of the ***Parcel*** and across the abutting public road, all as located within 660 feet of the proposed ***Access Connection*** or within 1,320 feet of the proposed ***Access Connection*** abutting a road listed in ***Access Class 3***;

(c) Parking and internal circulation plans;

(d) Planned transportation features (turn lanes, signals, etc.);

(e) ***Plat*** map showing property lines, right-of-way and ownership of abutting properties;

(f) Names, addresses and ***Parcel*** identification numbers of all abutting property owners; and

(g) Deed indicating applicant's title to the property on which the proposed ***Access Connection***(s) will be located.

3. Standards *for Review*. In addition to the minimum ***Frontage*** requirements specified for ***Access Connection***s on ***Access Regulated Road***s, the approval or rejection of the location, relocation, design and construction of ***Access Connection***s indicated in an applicant's ***Access*** management plan shall be based upon sound engineering judgment and best engineering practices, including without limitation, any other applicable provisions of the ***Code***, Florida Administrative Rule 14-97 and any published recommendations of the Institute of Transportation Engineers (ITE), FDOT or the American Association of State Highway and Transportation Officials (AASHTO).

4. *Appeal*. Applicants whose permits are rejected or approved with conditions shall have thirty 30 days to appeal in accordance with the procedures specified in section 10.16.00.

(Ord. No. 802, § 1, 9-9-04; Ord. No. 906, § 1, 10-14-04; Ord. No. 1067, § 1, 5-24-07)

H. Variances

1. The Planning Board, upon application of the property owner, may permit an additional temporary or permanent ***Access Connection*** to a ***Parcel*** when the property owner demonstrates that:

   (a) An additional ***Access Connection*** will not materially and adversely affect the safety and efficiency of travel on the public road;

   (b) The location, design and construction of the ***Access Connection*** is based upon sound engineering judgment and best engineering practices, including without limitation, any other applicable provisions of the ***City Code***, Florida Administrative Rule 14-97 and any published recommendations of the Institute of Transportation Engineers (ITE), FDOT or the American Association of State Highway and Transportation Officials (AASHTO); and

   (c) Special conditions or circumstances, not shared by other ***Parcels*** similarly situated, exist which prevent the ***Use*** of an internal circulation system, joint ***Access Connection***s and no alternative means are available to provide ***Reasonable Access*** to the property.

2. Any person aggrieved by any decision of the Planning Board shall have thirty 30 days to appeal that decision in accordance with the procedures specified in section 10.17.00.

(Ord. No. 802, § 1, 9-9-04; Ord. No. 906, § 1, 10-14-04)

4.04.02 Visibility at *Intersections*

A. In order to provide a clear view of intersecting right-of-way and/or private ***Driveways***, there shall be a triangular area of clear visibility formed by the two (2) intersecting edges of pavement, ***Driveways*** or combination thereof.

B. In order to provide a clear view of intersecting ***Streets*** to the motorist, the sight distance requirements as outlined in the Florida Department of Transportation Design Standards, latest edition, index number 546 shall be met. The sight distance requirements shall apply to two (2) intersecting ***Streets*** and to the intersection of a ***Driveway*** and a ***Street***.

C. Within that portion of a ***Lot*** that lies within the clear visibility triangle, nothing shall be constructed, erected, placed, planted or allowed to grow in such a manner as to materially obstruct vision between a height of three (3) feet and eight (8) feet above the ***Average Grade*** at the centerline of the right-of-way.

1. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.

2. Trees shall be permitted in the clear space, provided that foliage is cut away within the prescribed heights.

3. Streetlights and ***Street*** name signposts shall also be permitted, provided that illuminating fixtures or nameplates are not within the prescribed clear space.

4.04.03 Pedestrian and Bicycle Facilities

A. Facilities Required

1. Every new and reconstructed (including, but not limited to the addition of lanes, the altering of elevation or drainage or the addition or modification of curbs or gutters, but excluding simple resurfacing) ***Street*** segment within the ***City*** shall make adequate provision for pedestrian and bicycle traffic by containing sidewalks and bicycle lanes or paths. Nothing herein shall require the official marking as such of a lane of traffic used predominately by bicycle traffic. Except as provided below, the sidewalk shall meet the minimum construction and location standards imposed by this section. Bicycle lanes or paths shall not be required along a ***Street*** segment which exclusively serves ***Single Family Residential Uses*** or ***Townhome***s and is lawfully limited to speeds of twenty-five (25) miles per hour or less. The ***City*** shall accept and maintain such sidewalks if properly placed and constructed on public right-of-way. If properly placed, constructed and dedicated to the public on private lands paths, lands or sidewalks may be accepted for maintenance by the ***City*** at its sole discretion.

(ZO 19-65)

2. No ***Building Permit*** or other ***Local Development Order*** for ***New Development***, ***Redevelopment*** or ***Change of Use*** shall be issued unless there is filed with the ***Building*** and Planning Department a pedestrian access plan or ***Site Plan*** showing the proposed vehicular ***Access*** and ***parking*** areas, ***garage***, sidewalk, ***Crosswalk*** or ***Pedestrian Crossover*** required or permitted by this ***LDC***. Such

plan shall be drawn to scale and shall include dimensions and distances, clearly showing the proposed sidewalk, ***Crosswalk*** or ***Pedestrian Crossover*** by reference to existing ***Intersections***.

3. No ***New Development***, ***Redevelopment*** or ***Change of Use*** of any ***Lot*** abutting the right-of-way of a Scenic Corridor, shall be permitted unless a sidewalk is constructed in front of the entire lot at the same time at private expense. The exact location of the sidewalk shall be determined by the ***City*** Engineer but always in compliance with any applicable rules or regulations promulgated by the Florida Department of Transportation, Bay County, Florida or the ***City***.

4. ***Developments*** that are required to provide a sidewalk(s) shall also provide a sidewalk system connecting all ***Buildings*** internal to the ***Development***. For purposes of satisfying this section, a sidewalk may be placed on only one side of a roadway. Such ***Developments*** shall additionally provide a sidewalk from the internal system of sidewalks to any adjacent public sidewalk(s). A connection to any public sidewalk shall be required every ¼ mile.

5. All ***Developments*** located adjacent to a funded public greenway or bike trail shall provide a connection to such greenway or trail from all principal ***Buildings*** and ***Dwelling Units***. The connection shall be constructed to a standard equal to or better than the greenway or trail, unless waived by the ***City*** Engineer.

6. A ***Lot*** shall be exempt from these requirements if construction of a sidewalk which meets these requirements is funded and scheduled for construction by a date certain through the Metropolitan Planning Organization, FDOT or other public entity.

7. In the event of a ***Change of Use***, the owner of the ***Lot*** may elect to comply with this section by agreeing in writing to accomplish the required improvements by a date certain, not to exceed one (1) year from entry of such agreement and guaranteeing such accomplishment by a performance bond, first mortgage or other security approved by the City Council. The agreement shall include detailed construction plans and specifications of the sidewalk project and grant the ***City*** the right to require specific performance and must be approved as to form and substance by the City Council. The granting of this exemption shall be full consideration to bind the owner or developer to perform such an agreement.

B. Standards

1. No sidewalk shall be constructed within the ***City*** proximate to any public road, ***Street*** as to invite ***Public Use***, regardless of whether located on public or private property, unless the same shall be no less than five (5) feet wide or, if located within a ***Scenic Corridor*** defined in section 1.07.02, at least six (6) feet wide.

2. All sidewalks shall be constructed of concrete at least four inches (4") thick and with a minimum strength of twenty-five hundred (2500) pounds per square inch in twenty-eight (28) days and approved as to location by the ***City***

Engineer in compliance with any applicable rules or regulations promulgated by the Florida Department of Transportation, Bay County, Florida or the ***City***.

3. The exact location of the sidewalk shall be as set forth in the Engineering Technical Manual, in compliance with any applicable rules or regulations of the FDOT, Bay County and the construction and design requirements of the ***City***.

C. Acceptance of Sidewalks. All such sidewalks shall at all times be open to the public and if not placed upon a public right-of-way shall be dedicated to the ***City*** for the benefit of the public. The ***City*** shall accept and maintain such sidewalks if properly placed and constructed on public right of way or if properly constructed and dedicated to the public if on private lands.

(ZO 19-62.5. Ord. No. 813, § 1, 9-11-03; Ord. No. 999, § 3, 10-27-05)

4.04.04 Street Design Standards

A. *Street* Types and Specifications

Streets shall be designed and constructed in accordance with the provisions of this section, the standards Engineering Technical Manual and the standards established by FDOT and the CRA, as applicable. Internal ***Streets*** on parcels shall be designed and constructed to connect to adjacent properties unless the City Council finds that the benefits of improved traffic flow, emergency access and public safety are outweighed by resulting environmental damage or neighborhood disruption.

1. ***Street*** Type Submittal. An application for subdivision, ***TNOD, PUD*** or Large Site Development within an ***FBO*** district shall include dimensional standards for all ***Streets*** and shall show the alignment of all existing and proposed ***Streets*** and pedestrian connections. The application shall designate the ***Street*** type which shall comply with the ***Street*** specifications established in this section.

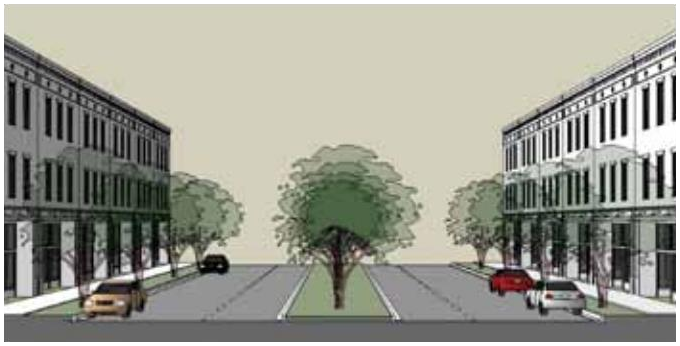
2. ***Street*** Types. Unless otherwise approved by the City Manager, ***Streets*** shall comply with the following ***Street*** standards. The application shall designate the proposed ***Street*** types for each ***Street***.

   (a) Boulevard. A boulevard is a medium to high capacity ***Street*** that bisects or borders the Large Site Development and is part of the larger collector-arterial network of the City; the boulevard has two-way vehicular movement. It includes a center median flanked by travel lanes; these travel lanes may be flanked by side medians and side lanes. The side lanes provide direct access to the adjoining lots and neighborhood. Parking may be provided by angled or parallel parking on one side of the side lanes (see Figure 4.04.04.A).

Figure 4.04.04.A: Boulevard Cross-Section

(b) Avenue. An avenue is a medium or high capacity ***Street*** with two-way vehicular movement. It includes a center median flanked by travel lanes and may provide angled or parallel parking on both sides of the ***Street*** (see Figure 4.04.04.B).

Figure 4.04.04.B: Avenue Cross-Section



(c) Road. A road is a medium or low capacity ***Street*** with either two-way or one-way vehicular movement. It contains no medians and may provide angled or parallel parking on one or both sides of the ***Street*** (see Figure 4.04.04.C).

Figure 4.04.04.C: Road Cross-Section

(d) Parkway. A parkway is a medium or high capacity ***Street*** with either two-way or one-way vehicular movement; one side of the ***Street*** runs along a civic space or open space. It contains no medians and may provide

angled or parallel parking on one or both sides of the ***Street*** (see Figure 4.04.04.D.

Figure 4.04.04.D: Parkway Cross-Section

(e) Alley. An alley is a very low capacity ***Street*** with one-way or two-way vehicular movement; it runs along the rear of properties and provides access to parking areas, service areas, accessory units, and utilities. It contains no medians and does not provide parking on the ***Street*** (see Figure 4.04.04.E).

Figure 4.04.04.E: Alley Cross-Section

3. ***Street*** Specifications: ***Streets*** shall comply with the specifications established in this section.

   (a) Table 4.04.04.A establishes the design characteristics for each type of City ***Street***.

Table 4.04.04.A: Street Specifications Summary

Item	Boulevards	Avenues	Roads	Parkways	Alleys
Center Median	Required	Required	Prohibited	Prohibited	Prohibited
Side Median	Permitted	Prohibited	Prohibited	Prohibited	Prohibited
On-***Street*** Parking	May be permitted along one or both sides of the ***Street***	May be permitted along one or both sides of the ***Street***	May be permitted along one or both sides of the ***Street***	May be permitted along one or both sides of the ***Street***	Prohibited
Bike Lanes	Permitted on all ***Streets*** and required on all ***Streets*** with speed limits greater than 35 mph. (see section 4.04.03)				
Sidewalks	Required along both sides of the ***Street***	Required along both sides of the ***Street***	Required along both sides of the ***Street***	Required along the building side of the ***Street***	Prohibited
Street Trees	Required between sidewalk and ***Street***; required in medians	Required between sidewalk and ***Street***; required in medians	Required between sidewalk and ***Street***	Required between sidewalk and ***Street***	Not Required
Curb Radius	See Table 4.04.04.E				
Drainage: stand-up curb and gutter	Required, except where swale/bio-retention is approved.				
Drainage: roll-over curb and gutter	Prohibited, except where swale/retention is approved or where located in a ***Single Family Residential District***.				

(b) Travel Lane Width. For ***Street*** types with a total of one travel lane, the travel lane shall have a minimum width of twelve (12) feet. For ***Street*** types with two or more travel lanes, travel lanes adjacent to a curb or edge of pavement shall have a maximum width of twelve (12) feet. All other lanes shall have a minimum width of eleven (11) feet.

(c) Medians. Center medians shall be provided on avenues and may be provided on boulevards. Side medians shall be provided on boulevards. Medians shall meet the dimensional requirements of Table 4.04.04.B.

Table 4.04.04.B: Median Widths

Street Type	Center Median Width	Side Median Width
Boulevard	8 foot minimum; 35 foot maximum	8 foot minimum; 35 foot maximum
Avenue	8 foot minimum; 35 foot maximum	N/A
Road	Prohibited	
Parkway		
Alley		

(d) On-***Street*** Parking. Parking may be authorized along one or both sides of the ***Street*** on all ***Street*** types except alleys. For boulevards, parking lanes shall be located along one or both sides of the side lane. Parking lanes shall meet the minimum width requirements between the face of the curb and the back of space established in Table 4.04.04.C.

Table 4.04.04.C: Parking Lanes

Parking Type	Travel Lane Design Speed	Parking Lane Width
Parallel	Not greater than 30 mph	9 ft minimum
Parallel	Greater than 30 mph	9 ft minimum
Angled, 45 degrees	Only allowed where speeds are not greater than 30 mph	18 ft minimum

(e) Bike Lanes. Bike lanes shall be located between the travel lane and the parking lane or between the travel lane and the curb or edge of pavement. Bike lanes shall have one-way movement. Bike lanes shall meet the dimensional requirements of Table 4.04.04.D and comply with the standards of section 4.04.03.

Table 4.04.04.D: Bike Lanes

Travel Lane Design Speed	Bike Lane	Bike Lane Width	Bike Lane Location
Not greater than 25 mph	Allowed	4 ft minimum 5 ft maximum	On both sides of two-way ***Streets***. On right side of one-way ***Streets***.
Greater than 25 mph; not greater than 35 mph	Allowed	4 ft minimum 5 ft maximum	
Greater than 35 mph	Required	4 ft minimum 6 ft maximum	

(f) Sidewalks. Sidewalks are required along all ***Street*** types. Sidewalks shall be provided along one side of roads and along the building side of parkways. Sidewalks shall be provided along both sides of all other ***Street*** types.

(g) Curb Radius. Curb radii shall meet the dimensional requirements of Table 4.04.04.E.

Table 4.04.04.E: Curb Radii

Street Type	Intersection Condition: the *Street* intersects another *Street* with:	
	A parking lane on the near side	No parking lane on the near side
Boulevard Avenue One-Way or Two-Way ***Street***	10 feet	20 feet in ***Residential*** districts 25 feet in commercial and mixed use districts 35 feet in M-1 districts
Yield ***Street***	5 feet	
Parkway Road	10 feet	
Alley	5 feet	15 feet

(h) Drainage. The use of roll-over curb and gutter is prohibited except in ***Single Family Residential*** districts. Drainage shall be provided through the use of stand-up curb and gutter or, where authorized by the ***City***, bio-retention swales.

(i) Right-of-Way. The minimum right-of-way width for ***Streets*** within the ***City*** shall comply with the standards in Table 4.04.04.F, provided, however that:

(1) these minimums represent ideal conditions and that minimum right-of-way widths may be increased or decreased where the City Manager determines that such changes are needed for adequate traffic capacity, stormwater management, utilities, pedestrian access, on-***Street*** parking accommodation, or site constraints.

(2) FDOT may require greater minimum rights of way for roads under its jurisdiction.

Table 4.04.04.F: Minimum Right-of-Way Width

Street classification	Minimum right-of-way width (feet)
Principal arterial	120
Minor arterial	100
Collector	80
Local ***Street***[1]	60
Alley[2]	20

Notes:

1. Cul-de-sac right-of-way shall be 15' minimum beyond back of curb.

2. Alley right-of-way shall be at least six (6) feet beyond the edge of pavement if utilities are buried in the alley.

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

4.05.00 OFF-*STREET* PARKING AND LOADING

4.05.01 Generally

The design of off-***Street Parking Spaces*** shall ensure that no part of the ***Vehicle*** shall over-hang any pedestrian or bicycle way or path, public easement, public road or public right-of-way. Required parking shall not be used for storage, seasonal sales, promotional sales or other retail or wholesale activities. Required parking shall be used for parking purposes only. Parking areas shall be designed to discourage right-of-way parking.

4.05.02 *Parking Space* Requirements

A. Parking requirements for two (2) or more ***Uses*** on the same ***Parcel*** or ***Lot*** shall be determined individually for each ***Use***.

B. ***Accessory Uses*** shall not be required to have additional ***Parking Spaces***, beyond the number of spaces required for the ***Principal Use***.

C. The minimum number of ***Parking Spaces*** shall conform to the standards in Table 4.05.02.A. ***Parking Space*** requirements for any ***Use*** not specifically identified in Table 4.05.02.A shall be determined from the ***Publication*** Parking Generation, issued by the Institute of Transportation Engineers or other documented applicable standards, such as a local survey of similar ***Land Uses*** that identify the amount of parking needed to meet demand for ninety (90) percent of the operating hours.

D. Parking requirements for two (2) or more uses of the same or of different types may be provided by the establishment of the required number of spaces for each use in a common parking area, provided that all such uses being served by a common parking area are under the same ownership. ***Accessory Uses*** shall not be required to have additional parking spaces other than those required by the principal use. (***Code*** 19.2.2)

E. An enclosed garage shall not be counted toward the required parking for ***Single Family*** or ***Multi-family Dwellings***.

Table 4.05.02.A: *Parking Space* Requirements

Type of *Use* or activity	Minimum Number of Spaces
Airports (commercial and general aviation)	1 per 100 s.f. of waiting room floor area.
Amusements and amusement parks	See supplemental standards.
Animal hospitals and ***Kennels***	2 per 250 s.f. of floor area for those properties located within 500 feet of Front Beach Rd., Thomas Dr. or S. Thomas Dr. Elsewhere, 3.33 per 1,000 s.f. of floor area.
Assembly places (churches and places of worship, funeral homes, schools, theaters, auditoriums, ***Arenas***, ***Civic Center***s and facilities with an auditorium, sanctuary or gathering place, whether fixed seats or open area)	1 per 5 seats.

Type of *Use* or activity	Minimum Number of Spaces
Automotive facilities, ***Service Stations***, repair facilities, body shops and similar ***Uses***	2 spaces plus 4 spaces per service bay in addition to spaces required for retail space.
Automotive and ***Vehicles*** sales	1 per 3,000 s.f. of open or enclosed sales area, plus 4 per 1,000 s.f. of floor area devoted to repair.
Clubs and lodges (including fraternities, sororities and other social or civic membership organizations)	1 per 5 seats in the largest assembly area.
Commercial activities (***Retail Sales***, retail business and business ***Uses*** not otherwise specified)	3.33 per 1,000 s.f. of g.l.a.
Convenience store	4 per 1,000 s.f. of g.l.a.
Day-care, child care, private schools	1 per staff member plus 1 space per 5 children based on maximum occupancy, including drop-off guests.
Eating, drinking or entertainment establishments	1 per 4 seats <u>or</u> 1 per 60 s.f. of floor area devoted to assembly, whichever results in the greater number of spaces, plus 1 per 5 employees on the largest shift.
Group lodging, including ***Nursing Homes***, rest homes, convalescent homes, dormitories, rooming houses, boarding houses, assisted care facilities and other similar short-term lodging with or without care	1 per 2 beds.
Hospitals and other medical facilities providing overnight accommodations	1 per patient bed.
Hotels, motels and other similar lodging and accommodations establishments, <u>without</u> restaurants, lounges, gift shops or convention or meeting rooms	1 per guest room, plus 1 per 3 employees on the largest shift.
Hotels, motels, apartment hotels and other similar lodging and accommodations establishments, <u>with</u> restaurants, lounges, gift shops or convention or meeting rooms	1.3 per guest room, plus 1 per 3 employees on the largest shift.
Libraries and museums	2 per 250 s.f. of floor area devoted to assembly.
M-1 ***Uses***, <u>with</u> associated ***Retail Sales*** or retail services	1 per 400 s.f. of floor area, plus 3.33 per 1,000 s.f. of g.l.a for retail or services.
M-1 ***Uses***, <u>without</u> associated ***Retail Sales*** or retail services	1 per 400 s.f. of floor area.
Mini-warehouse facilities	4 per 5,000 sq.ft. of gross office/retail floor area.
Motorcycle and paddle boat rentals	1 per employee on the largest shift, plus 1 per 2 rental ***Vehicles***.
Multi-family Dwellings and condominiums, excluding hotels and motels.	1.5 per unit.
Offices, including medical and dental offices, clinics, government offices and office ***Buildings***	3.33 per 1,000 s.f. of floor area.
Professional or ***Personal Service*** establishments and medical or dental offices or office ***Buildings***	3.33 per 1,000 s.f. of floor area.

Type of *Use* or activity	Minimum Number of Spaces
Recreational clubs (includes country clubs, golf clubs, tennis and racquet clubs, ***Health Clubs***, gun clubs and other facilities providing outdoor sporting or ***Recreation***al activities)	3.33 per 1,000 s.f. of floor area.
Shopping Centers	3.33 per 1,000 s.f. of floor area.
Single Family Dwellings	2 per unit.

Notes: s.f. = square feet. g.l.a. = gross leasable area

(Ord. #1254, 11/14/13; Ord. #1351, 11/12/15)

F. Where the calculation of ***Parking Spaces*** results in a fraction, the number shall be rounded up to the nearest whole number.

G. All ***Single Family*** or ***Multi-family Developments*** containing three (3) or more ***Lots*** or ***Dwelling Units*** shall provide overflow parking for that ***Development***. Each overflow parking space shall measure twelve (12) feet by thirty (30) feet. The number of overflow ***Parking Spaces*** to be provided shall be determined as follows in Table 4.05.02.B:

Table 4.05.02.B: Overflow Parking Requirements

Development Size	Overflow Parking Required
3 to 5 ***Lots*** or units	1 space
6 to 10 ***Lots*** or units	2 spaces
11 to 20 ***Lots*** or units	3 spaces
21 to 30 ***Lots*** or units	4 spaces
Over 30 ***Lots*** or units	4 spaces plus 1 space for every thirty (30) ***Lots*** or units in excess of thirty (30) ***Lots*** or units.

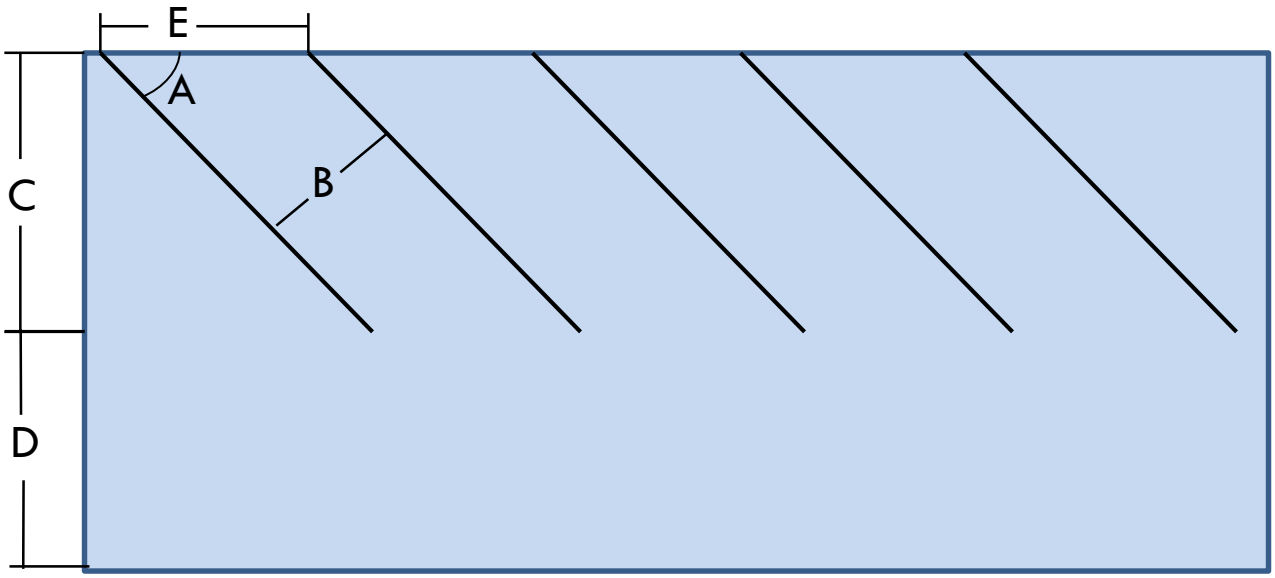
4.05.03 Parking Design, Location and Access Requirements

A. ***Parking Spaces*** shall be designed according to Table 4.05.03.A.

Table 4.05.03.A: *Parking Space* design standards

A Parking Angle (degrees)	B Standard Stall Width (feet)	C Stall Depth from Curb (feet)	D Aisle Width 1-way/2-way (feet)	E Curb Length (feet)	Minimum *Lot* Width (feet) (2 rows plus aisle)
0	9	9	10/22	22	28
30	9	15	10/22	18	40
37.5	9	16	11/22	15.1	43
45	9	17	13/22	12.7	47
52.5	9	18	15/22	11.4	51
60	9	19	18/22	10.4	56
90	9	20	23/23	9	63

Note: Letters A-E in the first 5 columns correspond to the angles and dimensions shown below.



B. All ***Parking Lots*** and ***Vehicular Use Areas*** shall be surfaced in accordance with the surfacing requirements established in section 4.04.01B.12.
(Ord. #1254, 11/14/13)

C. No portion of any ***Parking Space*** shall be located within a public right-of-way except for those areas identified by the Front Beach Road Community Redevelopment Agency or as otherwise authorized by this ***LDC***.

D. Except for ***Single Family*** and duplex ***Driveways*** and authorized head-in parking within the public right-of-way, ***Parking Spaces*** shall be designed to prohibit backing and driving forward directly into a public right-of-way. ***Parking Spaces*** shall be designed so that cars do not have to back across a sidewalk.

E. Except for spaces serving ***Single Family*** residences, ***Parking Spaces*** shall be designed to prohibit any space from being inaccessible when any other space is occupied.

F. When an area is designated to provide off-***Street*** parking facilities, but individual ***Parking Spaces*** are not delineated, a minimum of three hundred fifty (350) square feet per ***Parking Space*** shall be used for computing the minimum total required parking area including driving lanes, maneuvering areas and ***Parking Spaces***.

G. Each entrance and exit of a ***Parking Lot*** or ***Parking Garage*** may be marked with a ***Sign*** not smaller than six (6) square feet and not larger than fifteen (15) square feet and a maximum of five (5) feet in height. The ***Sign*** shall state "Parking Reserved for [Guests/Patrons/Customers] of the [business name]." Up to twenty-five (25) percent of the ***Sign Face*** may be used for the business logo.

H. Vehicular ***Access*** to a ***Parking Lot*** or ***Parking Garage*** must be constructed so as to accommodate a minimum of two (2) passenger ***Vehicles*** waiting off the public right of-way to enter the ***Parking Lot*** or ***Parking Garage***.

I. All ***Parking Lots*** and ***Parking Garages*** shall be continuously lighted at night by a minimum of one (1) foot candle average illumination. All areas of a ***Parking Garage*** or ***Parking Lot*** accessible to pedestrians shall be lighted at night by a minimum of two (2) foot candles average illumination. Lights shall be directed and/or shielded to avoid direct illumination of adjacent properties. Light shall be measured from the closest boundary of a ***Parcel*** zoned or used for ***Residential*** purposes and shall not exceed one-half (0.5) foot candles illumination.

J. Parking Garage and Parking Lot Setbacks

1. A ***Parking Garage*** located adjacent to land zoned for ***Single Family Residential*** purposes shall have minimum ***Side*** and ***Rear Setbacks*** equal to the greater of twenty (20) feet or the distance specified for principal ***Buildings*** in the district in which the ***Parking Garage*** is located. ***Parking Lots*** located on a ***Lot***, lying in whole or in part within a ***Scenic Corridor*** (except within an FBO district) shall be ***Setback*** a minimum of five (5) feet from all property lines. ***Parking Lots*** abutting all other roads shall be ***Setback*** a minimum of ten (10) feet. (***Code*** 17-54)

2. In all other instances, the ***Front, Side*** and ***Rear Setbacks*** shall conform to the requirements of the applicable zoning district.

K. Parking Garage Exterior and Interior Walls

The exterior and interior walls of a ***Parking Garages*** located outside a FBO district shall meet the following standards:

1. At least fifty (50) percent of the clear height between ***Stories*** shall be open to the atmosphere for the full length of all exterior walls, excluding required stair and elevator walls and structural columns.

2. Wherever an exterior wall is open to the atmosphere, there shall be a continuous bumper or knee wall of ***Solid Faced*** construction extending from the floor to a height of not less than forty-two (42) inches.

3. An exterior wall may be closed wherever it abuts or is in common with another structure.

4. Interior wall lines and column lines shall be at least twenty (20) percent open and uniformly distributed.

5. Nothing herein shall supersede the loading and other safety design criteria specified by applicable building construction codes for all interior and exterior walls of a ***Parking Garage***.

6. The color, texture and design of all facings of a parking garage and any required pedestrian crossover must be consistent with the principal structure which the parking garage is intended to serve. Building wall articulation or architectural relief shall include one or more of the following: pilasters, vertical piers, vertical landscaping, columns, colonnades, windows, awnings or shutters.

(Ord. #1340, 4/9/15)

L. Parking Garage Landscaping

1. Required landscaping for a parking garage shall be as specified in this section excepting parking garages located in an FBO district.

2. The floor space within a parking garage shall not be included in the computation of ***Vehicular Use Area*** for purposes of section 4.06.00 of this LDC. Conversely, landscaping required by this section shall not be credited towards landscaping required by the section 4.06.00.

3. Continuous landscaping (excepting only pedestrian and vehicular access points) not less than seven and one-half (7.5) feet in width must be provided contiguous to all sides of a parking garage that do not have storefronts or display windows. Within such landscape area there must be provided that:

   (a) One medium or large tree (as listed in section 4.06.00) every ten (10) linear feet. Each such medium or large tree shall be at least six (6) feet in height when planted or one (1) foot higher than any adjacent fence, whichever is greater.

   (b) Not less than one (1) ***Shrub*** (as listed in section 4.06.00) per twenty-five (25) square feet of landscape area and two (2) square feet of Ground Cover (as defined in the City Landscape Ordinance) per five (5) square feet of landscape area.

4. At the owner's option, ***Turf*** (as defined in section 1.07.02) may be substituted for up to fifty percent (50%) of the square footage of Ground Cover required.

[ZO 19-2-6(h)] (Ord. #1254, 11/14/13)

M. All ***Single Family Residential Parking Spaces*** shall be located on property contiguous to the ***Dwelling***.

N. ***Parking Lots*** and ***Parking Garages*** shall be located no further from the nearest boundary of the ***Parcel*** or ***Lot*** on which the ***Principal Use*** is located than the

distances shown in Table 4.05.03.B. Distance shall be measured along the closest dedicated right-of-way or pedestrian way.

Table 4.05.03.B: Maximum Distance from Principal Uses to *Parking Lots* serving the *Use*[1]

Use	Maximum Distance (feet)
Multi-family Development	500
Places of worship	500
Retail Sales and Services	300
Professional offices	300
Outdoor ***Recreation*** activities	500
Hotels, motels and hotel apartments	500
Hospital	300
Private clubs	500
Restaurants, lounges and clubs	300
Manufacturing and other industrial, with or without associated retail	500
Amusements	300
Motorcycle operations	300
Miniature golf	300
Amusement parks	500

[1]Where a ***Use*** is not listed, there is no maximum distance required.

(Ord. #1351, 11/12/15)

O. ***Parking Lots*** and ***Parking Garages*** containing 100 or more ***Parking Spaces*** shall provide a pedestrian connection in compliance with the standards in this section and the requirements of section 4.04.03.

1. The connection shall be a continuous, pedestrian sidewalk not less than six (6) feet in width.

2. The sidewalk shall meet the design and construction standards of the Engineering Technical Manual.

3. The sidewalk shall be lighted at night by a minimum of two (2) foot candles average illumination. The maximum illumination at an adjacent ***Residential Use*** is half (0.5) foot candle at the property line; however, if the lot or site restrictions is such that the sidewalk placement is adjacent to the ***Residential*** property line, the sidewalk illumination requirement shall be met for public safety purposes. The lights shall be located, directed and shielded to reduce glare visible from any property zoned or used for ***Residential***, public, ***Recreation*** or conservation purposes.

4. If the ***Principal Use*** and ***Parking Lot*** are separated by any right-of-way, the sidewalk required by this section shall contain an at-grade marked ***Crosswalk*** across the right-of-way and lying as directly between the ***Principal Use*** and ***Parking Lot*** as may be necessary to leave no incentive to jaywalk. Markings shall be thermoplastic and meet FDOT standards.

5. If the ***Principal Use*** and the ***Parking Lot*** are separated by Front Beach Road or South Thomas Drive, the sidewalk required by this section shall contain an at-grade signalized ***Crosswalk*** across the right-of-way meeting FDOT standards and lying as directly between the ***Principal Use*** and the ***Parking Lot*** as may be necessary to leave no incentive to jaywalk. ***Crosswalks*** shall be signalized with a minimum green time allocated for vehicular traffic and synchronized with other signalized ***Intersections*** or ***Crosswalks*** according to FDOT standards.

4.05.04 *Pedestrian Crossovers*

No ***Pedestrian Crossover*** shall be permitted across Front Beach Road or South Thomas Drive unless evidence is received that FDOT has denied applicant's request for the required ***Crosswalk*** and signal. Pedestrian crossovers may be permitted under the following conditions:

A. Where a ***Pedestrian Crossover*** is permitted, the ground floor and ***Site Plan*** of both the **Parking Garage** and the ***Principal Structure*** it is intended to serve shall also be designed so as to effectively discourage ***Street*** level pedestrian traffic between the **Parking Garage** and the ***Principal Structure***.

B. No portion of the ***Pedestrian Crossover*** shall be located lower than thirty-seven (37) feet from the crown of the road right-of-way crossed, unless the ***Parking Garage*** is less than forty (40) feet in height in which case the ***Pedestrian Crossover*** shall be connected to the ***Principal Use*** from the garage's top floor and no portion of the ***Pedestrian Crossover*** shall be located lower than structurally required to make such connection.

C. The interior shall be lighted by a minimum of two (2) foot candles average illumination.

D. The ***Pedestrian Crossover*** shall be fully enclosed and must meet state and federal standards for accessibility and usability by individuals with disabilities.

E. Any appurtenant landscaping required shall be maintained in good repair and in a neat orderly and trim condition at all times.

F. No ***Sign*** shall be applied to or suspended from the exterior of any ***Pedestrian Crossover***.

G. Nothing herein shall be construed to require any governmental agency to permit any ***Crosswalk*** or ***Pedestrian Crossover*** across or along any public right-of-way within its jurisdiction.

H. ***Pedestrian Crossovers*** shall be designed to provide continuous elevated and level way of pedestrian travel from the ***Parking Garage*** to the principal use it is intended to serve or between two (2) principal uses, and shall meet the following requirements as shown in the illustrations below:

1. Minimum width of a cross-over shall be ten (10) feet, measured from the interior wall face.

2. Exterior ***Building*** materials allowed for crossovers, excluding supports, are stucco, stone, brick and glass curtain wall.

3. All spans of the crossover between piers constructed of stucco or masonry must be arched.

4. Exterior ***Building*** materials allowed for piers are stucco, stone, steel and brick.

5. Windows shall be vertically proportioned with a min 1:3 vertical ratio.

6. Glass curtain walls shall be divided vertically with a min 1:3 vertical ratio.

7. ***Roof***s shall be pitched, arched or flat with a ***Parapet*** and ***Cornice***.

8. For any ***Pedestrian Crossover***, the design shall further include building wall articulation or architectural relief at a minimum distance of every twenty (20) feet along both vertical walls. The articulation or architectural relief required by this section shall be evenly distributed along the entire length of the crossover so as to provide a minimum aggregate wall coverage of forty (40) percent of the vertical wall of the pedestrian crossover.

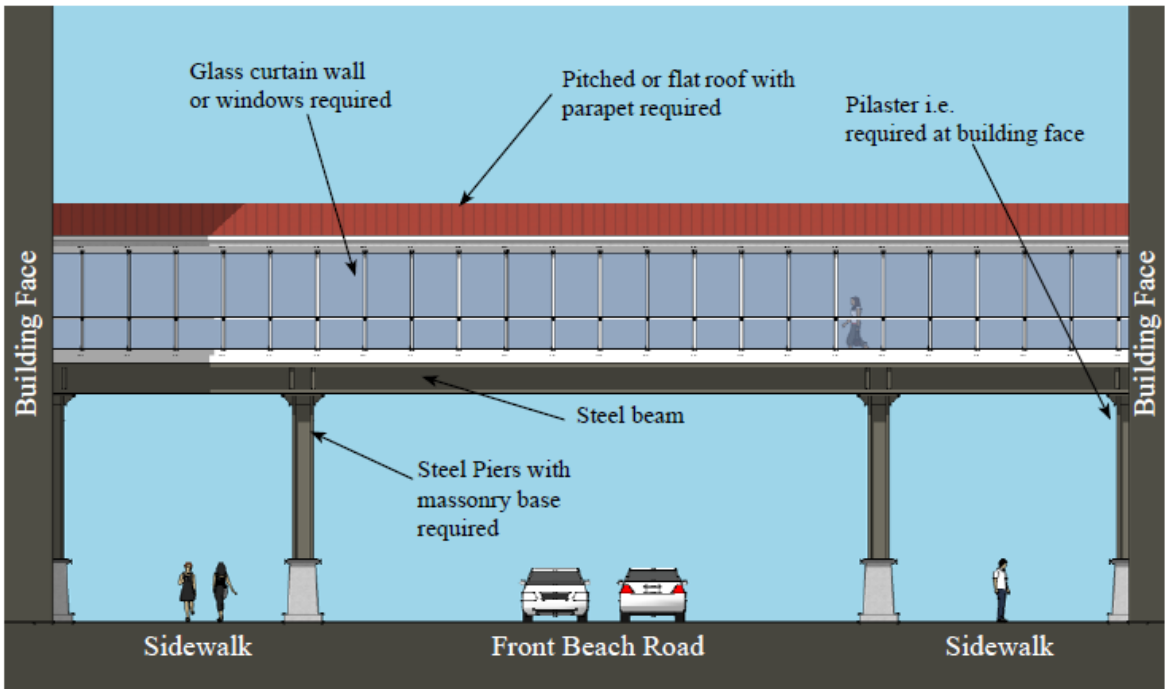
9. ***Pedestrian Crossovers*** may be designed using any of the following configurations, which are illustrated below:

   (a) Exposed steel beams with steel piers and masonry base.

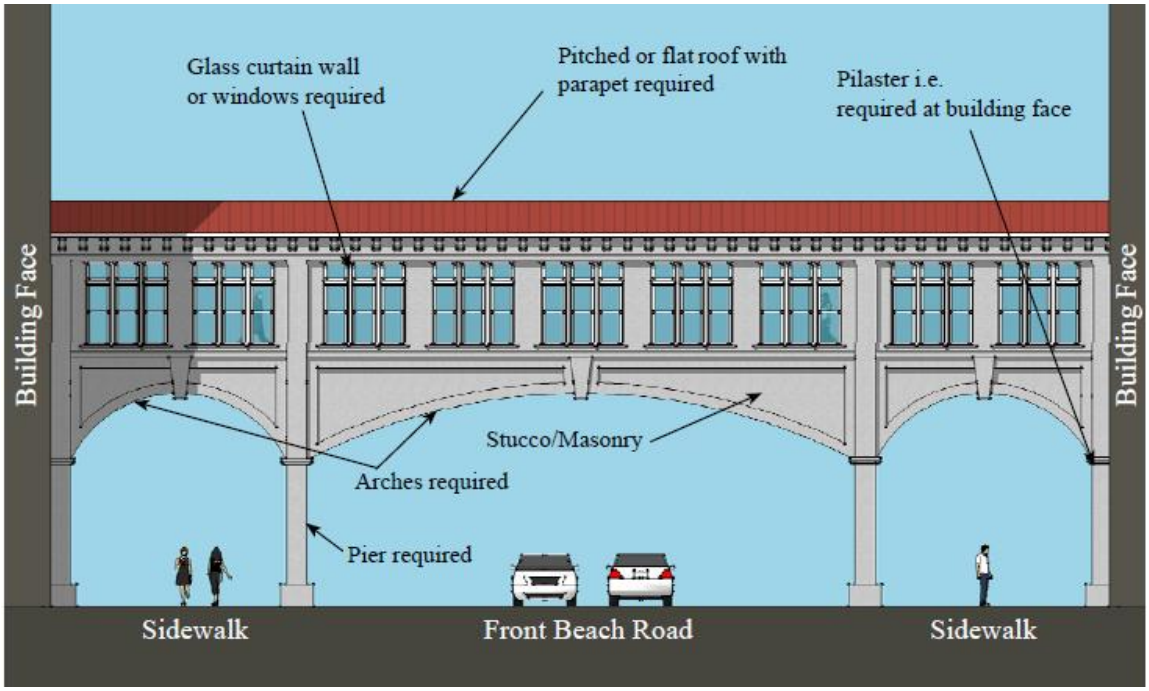
   (b) Stucco/masonry with masonry piers.

   (c) Stucco/masonry without piers.

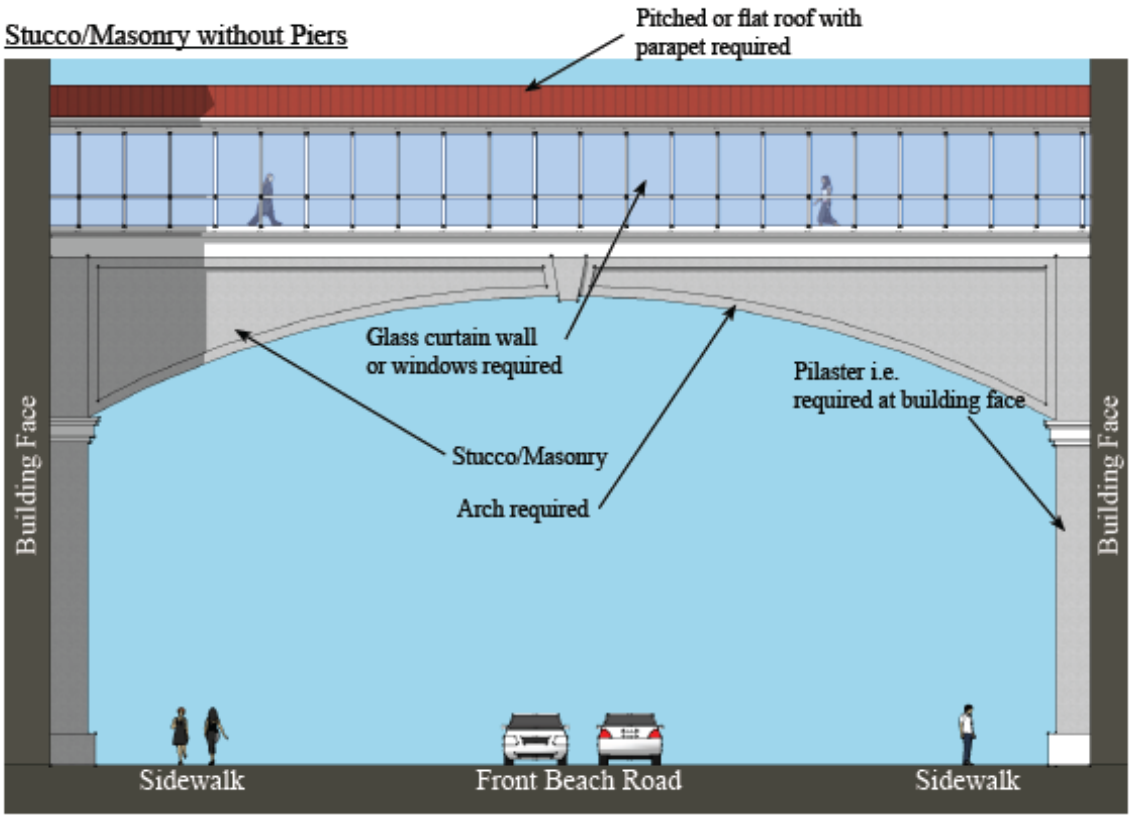
***Pedestrian Crossover* Illustration: Exposed Steel with Masonry Base**



***Pedestrian Crossover* Illustration: Stucco/Masonry with Masonry Piers**



***Pedestrian Crossover* Illustration: Stucco/Masonry without Piers**



4.05.05 Handicapped Parking Requirements

A. The number of spaces shall be as follows:

1. One (1) handicapped ***Parking Space*** for each twenty-five (25) required ***Parking Spaces***, up to 100 ***Parking Spaces***.

2. One (1) additional handicapped ***Parking Space*** for each fifty (50) required ***Parking Spaces***, for 101 ***Parking Spaces*** up to 300 ***Parking Spaces***.

3. One (1) additional handicapped ***Parking Space*** for each 100 required ***Parking Spaces***, for more than 300 ***Parking Spaces***.

B. Design, location, aisles, dimensions and signage for handicapped parking facilities shall conform to FDOT standards.

4.05.06 Bicycle Parking Requirements

A. Bicycle parking shall be provided on-site at the rates per ***Vehicle Parking Space*** established in Table 4.05.06:

Table 4.05.06: Bicycle Parking Requirements

Use	Bike Spaces per Required Parking Space
Assembly Places	0.15
Libraries, Museums	0.15
Shopping Centers	0.10
Eating, drinking or entertainment establishments	0.10
Commercial Activities	0.10
Amusements and Amusement Parks	0.10
Convenience Stores	0.10
Hotels/Motels with restaurants, lounges, gift shops or convention or meeting rooms	0.10
Multifamily and Public Lodgings (excluding Hotels and Motels)	0.10
Offices, Personal or Professional Services	0.10
Recreational Clubs	0.05

B. Design of Bicycle ***Parking Spaces***. Required Bicycle ***Parking Spaces*** shall be designed and constructed in accordance with the following standards.

1. Bicycle parking facilities shall include provisions for the storage and locking of bicycles.

2. Individual spaces or racks shall be designed and located to provide convenient access to users.

C. For non-residential ***Uses***, the applicant may reduce required parking by one (1) space for every five (5) bicycle spaces provided above the required minimum on site spaces, provided that not more than five (5) percent of required ***Parking Spaces*** may be eliminated.

(Ord. # 1252, 12-13-12)

4.05.07 Stacking Lane Requirements

A. All ***Uses*** and facilities providing drive-up or ***Drive-Through*** service shall provide the at least the minimum required vehicle stacking spaces established in Table 4.05.07.

B. Stacking spaces shall be a minimum of eight (8) feet wide by twenty (20) feet long.

C. Stacking spaces shall not impede on-site or off-site traffic movements, including access to parking spaces.

Table 4.05.07: Minimum Stacking Space Requirements

Activity	Minimum Required Stacking Spaces	Measured From
Bank teller lane	4	Teller or Window
Restaurant, ***Drive-Through***	6	Order Box to Beginning of Drive Through Lane
Restaurant, ***Drive-Through***	3	Order Box to Pick-up Window
Car wash stall, automatic	6	Entrance
Car wash stall, self-service	3	Entrance
Gasoline Pump Island	2	Pump Island

D. A ***Solid Faced*** masonry or wooden wall or fence shall be provided along a property line abutting ***Lots*** or ***Parcels*** zoned or used for ***Residential*** purposes in order to block lights from ***Vehicles*** in the stacking lanes or ***Drive-Through Facility***.

4.05.08 Loading Space Requirements

A. Off-***Street*** loading spaces shall be required according to Table 4.05.08 unless the City Manager determines that no loading space is needed for ***Buildings*** with less than 10,000 sq.ft. ***GLA***.

Table 4.05.08: Minimum Off-*Street* Loading Requirements

Type of *Use*	Number of Loading Spaces
Hotels, hospital, institution, commercial ***Building***, industrial ***Building*** or similar ***Use***	1 space per 10,000 square feet of gross floor area or fraction thereof
Retail Sales and service, wholesale business and industrial ***Uses*** with less than 10,000 square feet of gross floor area	1 space

B. Loading spaces shall not block ***Streets***, ***Alleys*** or sidewalks. Loading spaces shall not impair the movement of ***Vehicles*** or pedestrians on ***Streets***, ***Alleys*** or sidewalks.

C. Every loading space shall meet the following minimum dimensions:

Length	**30 feet**
Width	12 feet
Height	14 feet

D. Loading Spaces shall not be located any closer than thirty-five (35) feet to the boundary of a property zoned or used for ***Residential*** purposes.

4.06.00 LANDSCAPING AND BUFFERING REQUIREMENTS

4.06.01 Generally

A. Purpose

The purpose of these regulations is to:

1. Protect the quality of water resources;
2. Provide shade;
3. Reduce heat and glare;
4. Abate noise pollution;
5. Provide habitat;
6. Enhance aesthetics; and
7. Buffer incompatible ***Uses***.

B. Applicability

The requirements of this section 4.06.00 shall apply to all ***New Development*** and ***Redevelopment*** and ***Additions*** to off-***Street Parking Lots*** and ***Vehicular Use Areas*** on parcels abutting a ***Scenic Corridor*** except that Sections 4.06.02 through 4.06.05 shall not apply to ***Single Family Dwellings*** on ***Platted Lots*** or ***Parcels***. Land clearing shall be permitted only upon an approved ***Land Clearing Permit*** or ***Building Permit***.

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

C. Maintenance

All landscaped areas shall be maintained to ensure that plant materials are healthy and thrive. Any diseased or dead plant materials shall be replaced as soon as reasonably possible based on the growing season, but not later than three (3) months.

D. Irrigation Systems

Irrigation Systems shall be installed in all landscaped areas. ***Irrigation Systems*** shall include an automatic shut-off feature during rain events. Irrigation plans shall be included with all landscaping plans when the site is served by a meter of two (2) inches or larger.

E. Certified Landscaping Plan Required

Site Plans submitted to satisfy the requirements of this section shall be certified by a licensed nurseryman.

4.06.02 *Street* Trees

A. ***Street*** trees shall be provided along ***Scenic Corridors*** and along internal ***Streets*** in a ***TNOD, PUD*** or Large Site Development in an ***FBO*** district. ***Street*** Trees are required for all new subdivisions in accordance with section 4.04.04.

B. ***Street*** trees shall be located within the public right-of-way and planted in appropriate locations to meet set-back requirements from edge of traffic lane,

vision clearance standards, avoid overhead obstructions and minimize root damage to public infrastructure including utilities, curbs and sidewalk. ***Street*** trees located within public right-of-way will be maintained by the City. The ***City Manager*** may approve ***Street*** trees to be placed on private property, as close as practical to the ***Street***, when the current location of utilities, including stormwater utilities, precludes the location of such trees in that portion of right-of-way. The property owner is responsible for maintenance and replacement of ***Street*** trees when placed on private property.

(Ord. # 1270, 4-25-13)

C. The plant palette and landscape design shall comply with the Front Beach Road Streetscape Design Guidelines Manual.

D. The ***Street*** tree installation shall comply with applicable Federal and local codes, ordinances and regulations governing landscape materials and work, as well as good horticultural practices. ***Street*** tree names shall conform to the names given in "Standardized Plant Names", prepared by the American Joint Committee on Horticultural Nomenclature or by the Bureau of Plan Industry, State of Florida, and shall be graded Florida Fancy as outlined under Grades and Standards for Nursery Plants, State Plan Board of Florida.

E. ***Street*** trees shall be located in species appropriate sized tree wells or planter areas adjacent to the roadway and/or sidewalk, including medians. ***Street*** trees shall be a minimum two (2) inches dbh and have corresponding spread for specific species.

F. ***Street*** trees should be selected from the following lists. Large shade and palm trees should be located 6 feet from the edge of travel lane. Large shade and palm trees may be located in a median at least 12 feet wide. In other locations, medium trees shall be used. When planting within a FDOT right-of-way, the landscape setbacks shall meet all applicable FDOT requirements. Requirements for clear trunk, height and spacing are provided for each species. Other species may be approved by the ***City*** prior to plant installation.

1. Large Palms and Shade Trees

   (a) Sabal palmetto "Cabbage Palm"; height 12 -20 ft. clear trunk; spacing 10-15 ft. on center.

   (b) Washingtonia robusta "Mexican Fan Palm"; height 12 -20 ft. clear trunk; spacing 10-15 ft. on center.

   (c) Quercus virginiana "Southern Live Oak"; 15 ft. to top of crown; spacing 40 ft. on center.

   (d) Quercus shumardii "Shumard Oak"; Min. 14' Ht.; spacing 40 ft. on center.

   (e) Ulmus parvifolia 'Allee' "Allee Elm"; Min. 14' Ht.; spacing 40 ft. on center.

   (f) Tilia caroliniana "Basswood"; Min. 14' Ht.; spacing 40 ft. on center.

   (g) Magnolia grandiflora 'DD Blanchard' "Southern Magnolia"; height 12 ft to top of crown; spacing 40 ft. on center.

(h) Acer saccharum var floridanum "Florida Maple"; Min. 14' Ht.; spacing 40 ft. on center.

(i) Acer rubrum "Red Maple"; Min. 14' Ht.; spacing 40 ft. on center.

2. Medium trees

(a) Prunus caroliniana "Carolina Cherry Laurel"; height 10 ft.; spacing 15-20 ft. on center.

(b) Lagerstroemia indica 'Tuscarora' "Tuscarora Crape Myrtle"; height 10 ft.; spacing 15-20 ft. on center.

(c) Ligustrum japonicum "Japanese Privet"; height 8 ft.; spacing 15-20 ft. on center.

(d) Rhaphiolepis indica "Majestic Beauty Tree"; height 8 ft.; spacing 15-20 ft. on center.

(e) Prunus angustifolia "Chickasaw Plum"; height 10 ft.; spacing 15-20 ft. on center.

(f) Chinonanthus virginicus "Chinese Fringe Tree"; height 10 ft.; spacing 15-20 ft. on center.

G. All ***Street*** trees and palms shall be staked at time of installation. Stakes or guy lines shall be removed after establishment of tree or palm (eight months to one year).

4.06.03 Buffer Requirements

A. Determination of buffer requirements. The buffering requirements of this section shall not apply to commercial, industrial, multifamily, and ***Single Family Developments*** internal to an overall ***Development*** and under single unified ownership.

1. Landscaped buffers and a ***Solid Faced*** masonry or wooden wall or fence shall be required to separate property zoned for commercial or industrial ***Use*** from adjacent property zoned or used for ***Residential*** purposes (***Single Family*** or ***Multi-family***) and to separate property zoned for ***Multi-family Use*** from adjacent property zoned or used for ***Single Family Residential Use***. The minimum buffer width shall be twenty feet (20') and be planted with one (1) large or medium tree for each twenty (20) linear feet of property on the boundary separating the adjacent ***Uses***. The wall or fence shall be at least six (6) feet and not more than eight (8) feet in height and be located no more than one (1) foot from the property line.

2. ***Subdivisions*** of ten (10) ***Lots*** or more shall provide a landscaped buffer along any perimeter property boundary adjacent to property zoned for commercial or industrial ***Use***. The minimum buffer width shall be fifteen (15) feet and be planted with one (1) large or medium tree for each twenty (20) linear feet of property along such boundary.

B. Use of landscaped buffers

1. Landscaped buffers may be counted toward satisfying ***Open Space*** requirements. Buffers may contain pedestrian or bike trails, provided the total width of the buffer is maintained. The following ***Uses*** are prohibited in landscaped buffers: playfields, stables, swimming pools, tennis courts, ***Parking Lots*** and ***Vehicular Use Areas***, dumpsters, equipment storage, open storage, and ***Buildings*** or ***Building*** overhangs.

2. Stormwater retention or detention facilities may be allowed to encroach into landscaped buffers, provided all planting requirements are met. The sides of stormwater retention or detention facilities may be landscaped to satisfy the planting requirements of this section.

4.06.04 Landscaping Standards for *Vehicular Use Areas*

A. Applicability

All off-***Street Parking Lots*** and ***Vehicular Use Areas*** associated with ***New Development***, ***Redevelopment*** or any addition to an off-***Street Parking Lot*** or ***Vehicular Use Area*** on parcels abutting a Scenic Corridor are required to include landscaping.

B. Perimeter landscaping

A minimum buffer width of ten (10) feet shall be required between all ***Parking Lots*** and public rights-of-way. The buffer shall contain one (1) large or medium tree for each twenty (20) linear feet of buffer. All hedges shall be planted with no more than a six (6) inch spacing between the edges of each plant. (See Figure 4.06.04.A) This section shall not apply to those ***Vehicular Use Areas*** along Front Beach Road, Thomas Drive, or S. Thomas Drive.

C. Interior landscaping (See Figure 4.06.04.B for an illustration of typical interior landscaping.)

1. Planting areas within ***Vehicular Use Areas*** shall equal not less than twenty (20) percent of the gross area devoted to vehicular ***Use***. The perimeter landscaping shall not count toward meeting the required interior landscaping.

2. Interior planting areas may be located in tree islands, at the end of parking bays, or between rows of ***Parking Spaces***. There shall not be more fifteen (15) contiguous ***Parking Spaces*** between planting areas. Trees and other landscaping planted in the planter island areas shall be credited toward the landscaping requirements of the ***Vehicular Use Area***. Planting areas may also be located within ***Driveway*** medians, provided the median is a minimum of ten (10) feet wide.

3. Interior planting areas may be located to effectively accommodate stormwater runoff, as well as to provide shade in large expanses of paved areas.

4. Individual planting areas shall not be less than four hundred (400) square feet for medium and large trees. Individual planting areas for all other trees shall not be less than one hundred eighty (180) square feet.

5. A continuous curb or other means of protection shall be provided to prevent injury to vegetation within the planting areas. Where existing trees are preserved, tree wells, tree islands, or a continuous curb shall be installed to protect the trunk and root system from damage. One (1) large or medium tree shall be installed for each four hundred (400) square feet of planting area. Three (3) small trees may be substituted for one (1) medium or large tree, at the discretion of the property owner.

6. Five (5) ***Shrubs*** shall be installed for each fifty (50) square feet of planting area.

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

7. One (1) square foot of ***Ground Cover*** shall be installed for each five (5) square feet of planting area. At the owner's option, grassed areas may be substituted for up to fifty (50) percent of the square footage of ***Ground Cover*** required.

8. A fractional tree or ***Shrub*** shall be rounded up to the next highest whole number.

Figure 4.06.04.A: Illustration of Parking Lot Landscaping

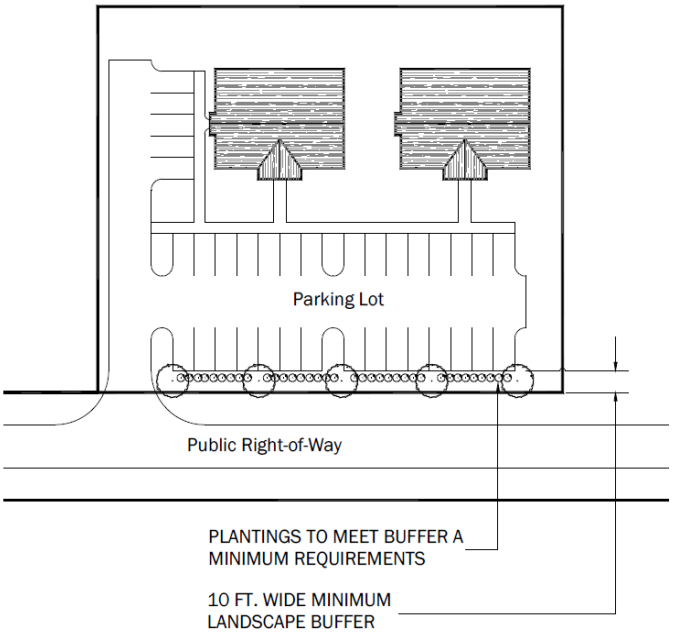
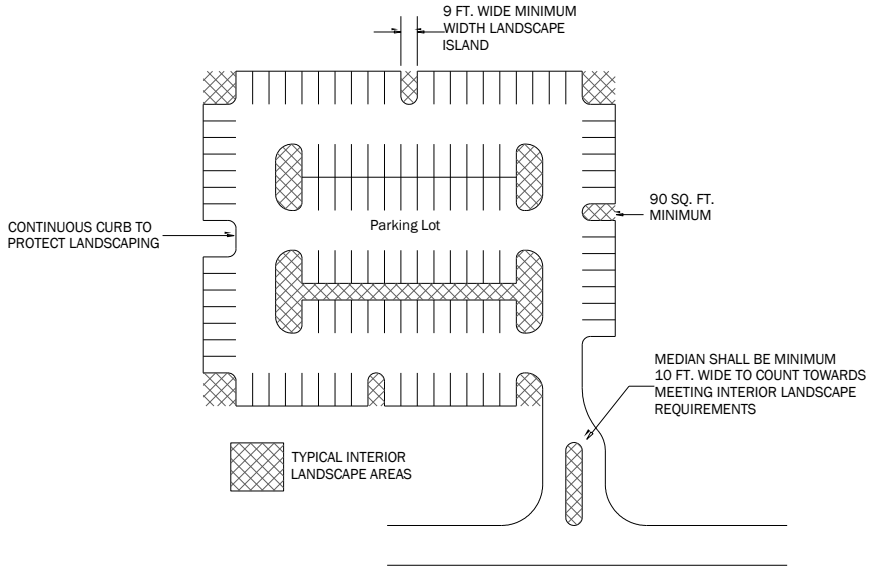


Figure 4.06.04.B: Illustration of Typical Interior Landscaping



4.06.05 Landscape Materials Standards

A. Trees and ***Shrubs*** to be installed in landscaping shall be selected from the following lists of approved species. Other species may be proposed but must be approved by the ***City*** prior to plant installation. Updated invasive plant materials shall be verified prior to plan submittal.

1. Small trees

    (a) Fringe tree (Chionanthus virginicus)

    (b) Fringe tree, Chinese (Chionanthus retusa)

    (c) Goldenrain Tree (Koelreuteria elegans)

    (d) Hawthorn (Crataegus spp.)

    (e) Holly, Dahoon (Ilex cassine)

    (f) Holly, East Palatka (Ilex attenuate)

    (g) Jerusalem Thorn (Parkinsonia aculeata)

    (h) Loquat (Eriobotrya japonica)

    (i) Magnolia, Southern (Magnolia grandiflora)

    (j) Myrtle, Crape (Lagerstroemia indica)

    (k) Pear, Bradford (Pyrus calleryana Bradford)

    (l) Plum, American (Prunus americana)

(m) Plum, Chicasaw (P. angustifolia)

(n) Rusty blackhaw (Viburnum rufidulum)

(o) Smooth redbay (Persea borbonia)

(p) Southern crabapple (Malus angustifolia)

(q) Sparkleberry tree (Vaccinium arboreum)

2. Medium and large trees

(a) Ash, White (Fraxinus americana)

(b) Birch, River (Betula nigra)

(c) Basswood (Tilia caroliniana)

(d) Cedar, Southern red (Juniperus silicicola)

(e) Cherry laurel (Prunus caroliniana)

(f) Plum, Chickasaw (Prunus angustifolia)

(g) Cypress, Bald (Taxodium distichum)

(h) Cypress, Pond (Taxodium ascendens)

(i) Elm, Florida (Ulmus americana var floridana)

(j) Elm, Winged (Ulmus alata)

(k) Hickory (Carya spp.)

(l) Loblolly bay (Gordonia lasianthus)

(m) Maple, Florida (Acer saccharum var floridanum)

(n) Magnolia, Southern (Magnolia grandiflora)

(o) Myrtle, Wax (Myrica cerifera)

(p) Oak, Live (Quercus virginiana)

(q) Oak, Post (Quercus stellata)

(r) Oak, Shumard (Quercus shumardii)

(s) Oak, Southern red (Quercus falcata)

(t) Oak, Swamp chestnut *(Quercus michauxii)*

(u) Palm, Canary island date (Phoenix canariensis)

(v) Palm, Chinese Fan (Livistona chinensis)

(w) Palm, European fan (Chamaerops humilis)

(x) Palm, Pindo (Butia capitata)

(y) Palm, Medjool date (Phoenix dactylifera "Medjool")

(z) Palm, Sabal (Sabal palmetto)

(aa) Palm, Sago (Cycas revolute)

(bb) Palm, Washington (Washingtonia robusta)

(cc) Windmill Palm (Trachycarpus fortunei)

(dd) Persimmon (Diospyros virginiana)

(ee) Pine, Longleaf (Pinus palustris)

(ff) Pine, Slash (Pinus elliottii)

(gg) Pine, Spruce (Pinus glabra)

(hh) Pine, Sand (Pinus clausa)

(ii) Sweetbay (Magnolia virginiana)

(jj) Tulip tree (Liriodendron tulipifera)

(kk) Tupelo, Water (Nyssa aquatica)

(ll) Walnut, Black (Juglans nigra)

3. Shrubs

(a) Azalea (Rhododendron indicum, Rhododendron simsii, or Rhododendron obtusum)

(b) Anise (Illicium floridanum)

(c) Beargrass (Nolina brittoniana)

(d) Canna (Canna flaccida)

(e) Chinese holly (Ilex cornuta)

(f) Chinese juniper (Juniperus chinensis)

(g) Christmas berry (Lycium carolinianum)

(h) Cleyera (Cleyera japonica)

(i) Coontie (Zamia pumila)

(j) Crinum Lilly (Crinum asiaticum)

(k) Fahatchee grass (Tripsacum dactyloides)

(l) Gallberry, (Ilex glabra)

(m) Gardenia (Gardenia augusta)

(n) Hawthorn, Indian (Rhaphiolepis indica)

(o) Holly, Burford (Ilex cornuta "Burford")

(p) Holly, Japanese (Ilex crenata)

(q) Holly, Yaupon (Ilex vomitoria)

(r) Iris, White African (Dietes vegeta

(s) Juniper, Parons (Juniperus chinensis 'Parsonii')

(t) Juniper, Shore (Juniperus conferta)

(u) Juniper, Savin (Juniperus sabina)

(v) Ligustrum (Ligustrum japonicum)

(w) Oleander (Nerium oleander)

(x) Pampas grass (Cortaderia selloana)

(y) Pineapple guava (Feijoa sellowiana)

(z) Pittosporum (Pittosporum tobira)

(aa) Podocarpus, Yew (Podocarpus macrophyllus)

(bb) Saw palmetto (Serenoa repens)

(cc) Sawgrass (Cladium jamaicense)

(dd) Silverberry (Elaeagnus macrophylla)

(ee) Silverthorn (Elaegnus pungens)

(ff) Texas sage (Leucophyllum frutescens)

(gg) Thryallis (Galphimia gracilis)

(hh) Viburnum, Dwarf (Viburnum obovatum 'Ms Shillers Delight')

(ii) Wax Myrtle (Myrica cerifera)

4. Ground Cover

(a) Beach Sunflower (Helianthus debilis)

(b) Blanket Flower (Gaillardia pulchella)

(c) Blue Daze (Evolvulus glomerata)

(d) Cordgrass (Spartina patens)

(e) Daylily, (Hemerocallis sp.)

(f) Jasmine, Dwarf Asian (Trachelospermum asiaticum 'Minima')

(g) Lily turf (Liriope muscari)

(h) Lily of the Nile (Agapanthus africanus)

(i) Muhly Grass (Muhlenbergia capillaries)

B. Planting Requirements Near Overhead Utility Primary Lines, Secondary Lines, Pad-mounted Transformers, and Underground Utilities.

1. Where required landscaping will be located within fifteen (15) feet of existing overhead utility primary lines the following plant materials shall be used in lieu of the trees and ***Shrubs*** mandated by section 4.06.05A:

   (a) Red Bottle Brush (Callistemon rigidus `Red Cluster`)

   (b) Witch Hazel (Hamamelis virginiana)

   (c) Wax Myrtle (Myrica cerifera)

   (d) Burning Bush (Euonymus alatus 'Compactus')

   (e) Crape Myrtle (Lagerstroemia indica)

   (f) Sweet Viburnum (Viburnum odoratissimum)

   (g) Russian Olive (Elaeagnus angustifolia)

   (h) Formosa Azalea (Rhododendron x azalea 'Formosa')

   (i) Forsythia (Forsythia x intermedia)

   (j) Big Leaf Hydrangea (Hydrangea macrophylla)

   (k) Oakleaf Hydrangea (Hydrangea quercifolia)

   (l) Saucer Magnolia (Magnolia x soulangeana)

   (m) Pindo Palm (Butia capitata)

   (n) Saw Palmetto (Serenoa repens)

   (o) Indian Hawthorne (Rhaphiolepis indica)

   (p) Yaupon Holly (Ilex vomitoria)

   (q) Hoptree (Ptelea trifoliate)

2. Where required landscaping will be located between fifteen (15) feet and thirty (30) feet of existing overhead utility primary lines the following plant materials shall be used in lieu of the trees and ***Shrubs*** mandated by section 4.06.05A:

   (a) Eastern Red Bud (Cercis Canadensis)

(b) Persimmon (Diospyrus virginiana)

(c) Dahoon Holly (Ilex cassine)

(d) Loblolly Bay (Gordonia lasianthus)

(e) American Holly (Ilex opaca)

(f) Eastern Red Cedar (Juniperus virginiana)

(g) Southern Red Cedar (Juniperus silicicola)

(h) Carolina Cherry Laurel (Prunus caroliniana)

(i) Bradford Pear (Pyrus calleryana 'Bradford')

(j) Sabal Palm (Sabal palmetto)

(k) Washingtonia Palm (Washingtonia robusta)

(l) Windmill Palm (Trachycarpus fortunei)

(m) European Fan Palm (Chamaerops humilis)

(n) All other trees may be planted where required landscaping will be located in excess of thirty feet (30') from an existing overhead utility primary line.

3. All trees shall be planted greater than four feet (4') from any triplex secondary line or service line.

4. Small trees shall be planted greater than ten feet (10') from underground utilities. Medium and Large trees shall be planted greater than twenty feet (20') from underground utilities.

5. All landscaping shall be planted greater than three feet (3') from any face of a pad-mounted transformer.

C. Existing native species of plant material within buffers, ***Vehicular Use Areas***, or other required planting areas shall be retained to the maximum extent possible. Existing trees and ***Shrubs*** retained within required buffers, ***Vehicular Use Areas***, or other required planting areas shall be counted toward meeting the minimum requirements for plant materials. Existing natural ***Ground Cover*** should be retained, where possible, by avoiding scraping, grading, and sodding. Where the landscape standards require additional trees or ***Shrubs*** to be installed in an existing natural area, it shall be done in a manner which minimizes disturbances to native species.

D. The following species are prohibited. These species shall be removed during site ***Development*** and shall not be installed in any landscaped areas:

1. Australian Pine (*Casuarina spp.)*

2. Brazilian pepper (Schinus terebinthe folius)

3. Kudzu (Pueraria lobata)

4. Popcorn or Chinese tallow tree (*Sapium sebiferum)*

5. Punk tree (Meleleuca quinquenervia)

6. Mimosa (Albizia jullbrissin)

E. Size and location of plant materials

1. Trees shall be a minimum of two (2) inches ***dbh***, twelve (12) feet in height, and have a six (6) foot spread at the time of installation and shall not be pruned into ***Shrubs***.

2. ***Shrubs*** shall be a minimum of eighteen (18) inches in height at the time of planting.

3. A planting area of one hundred eighty (180) square feet with a minimum width of nine (9) feet shall be required for each medium or large tree.

(Ord. # 1270, 4-25-13)

4. A planting area of ninety (90) square feet shall be required for each small tree.

5. The minimum dimension of any side of a planting area shall be nine (9) feet.

6. ***Shrubs*** shall be installed a minimum of thirty-six (36) inches apart, measured on center.

7. ***Ground Cover*** plants shall be installed on sufficient spacing to attain full coverage within one (1) year from planting.

8. Grassed areas shall be planted with species normally grown in permanent lawns in Bay County. Grassed areas shall be sodded. Solid sod shall be used in swales or other areas subject to erosion.

F. Installation requirements

1. Plant materials shall meet the standards for Florida No. 1 or better, as set out in *Grades and Standards for Nursery Plants*, parts I and II, Department of Agricultural, State of Florida. Root ball sizes on all transplanted plant materials shall also meet such State standards.

2. A two (2) inch minimum layer, as measured after watering-in, of organic ***Mulch*** shall be placed and maintained around all newly installed trees, ***Shrubs***, and ***Ground Cover*** plantings. Each tree shall have a ring of organic ***Mulch*** not less than twelve (12) inches beyond its trunk in all directions.

3. Each tree shall be properly guyed, braced, and/or staked at the time of planting to ensure establishment of the tree and erect growth. Nail staking or other methods that cause cosmetic or biological damage to the tree are prohibited. Trees shall be re-staked within twenty-four (24) hours in the event of blow-over or other failure of the staking and guying. Stakes shall be removed not later than twelve (12) months after installation.

4.06.06 Tree and Vegetation Protection

A. A permit is required for the removal of a ***Protected Tree***. When a ***Site Plan*** or ***Subdivision Plat*** is under consideration for a site, the permit shall be included as part of the application and review for ***Site Plan*** approval or ***Subdivision Plat*** approval. In all other instances, a separate tree removal permit shall be required.

B. The following trees are ***Protected Trees***:

1. Dogwood (*Cornus florida)* and Redbud *(Cercis canadensis*) – three (3) inches or more ***dbh***.

2. All other trees, except prohibited trees listed in section 4.06.05D and pine trees planted as part of silvicultural/agricultural activities – eight (8) inches or more ***dbh***. For purposes of this section, evidence of silvicultural/agricultural activity may include proof that the ***Parcel*** is or was zoned or designated for such activities by the applicable local government.

C. ***Protected Trees*** shall not be removed, except when approved for removal by a ***Protected Tree Removal Permit***, an approved ***Site Plan*** or an approved ***Subdivision Plat***.

D. ***Protected Trees*** may be approved for removal under one (1) or more of the following conditions:

1. A permissible ***Use*** of the site cannot reasonably be undertaken unless specific trees are removed or relocated;

2. The tree is located in such proximity to an existing or proposed structure that the safety, ***Use***, or structural integrity of the structure is materially impaired;

3. The tree materially interferes with the location, servicing, or functioning of existing utility lines or services;

4. The tree creates a substantial hazard to motor, bicycle, or pedestrian traffic by virtue of physical proximity to traffic or ***Encroachment*** into the clear visibility area required in section 4.04.02;

5. The tree is diseased, insect ridden, or weakened by age, abuse, storm, or fire, and is likely to cause injury or damage to people or property;

6. The removal of the tree is necessary to promote the growth of surrounding ***Protected Trees***; or

7. Declared emergencies.

E. Reforestation

1. New trees shall be installed to replace ***Protected Trees*** that are removed.

2. Trees shall be replaced on an inch-for-inch basis for all ***Development*** except for a ***Single Family Lot***.

3. A ***Single Family Lot*** owner shall be required to replace removed ***Protected Trees*** and on a one-half (½) inch for inch basis, based on the size of the removed tree measured as ***dbh***, if the tree was removed pursuant to section 4.06.06D. If a ***Protected Tree*** is removed in conflict with section 4.06.06D, the owner shall be required to replace the trees on an inch for inch basis, based on the size of the removed tree measured as ***dbh***.

4. Upon determination by the ***City Manager*** or his/her designee that the site cannot accommodate the total number of required replacement trees as a result of insufficient planting area, the applicant shall provide a monetary contribution to the tree protection and related expenses fund.

5. The amount of such contribution shall be determined as follows: For every two caliper inches, or fraction thereof, of replacement trees which would otherwise be required, the contribution shall be equal to the retail value of a planted two-inch caliper nursery grown shade tree. The retail value shall be calculated by taking the average of the median current wholesale price, published by at least three (3) nurseries serving northwest Florida for a container grown, and a balled and burlapped two-inch caliper laurel oak, multiplied by two. The retail value shall be recalculated and adjusted annually on October 1.

6. Reforestation shall occur at the maximum extent possible before payment in lieu of reforestation shall apply.

F. Protection of trees during *Development* activities.

1. Protective measures are required during site ***Development*** in order to assure the health and survival of ***Protected Trees***. Protective measures are required to avoid:

   (a) Mechanical injuries to roots, trunk, and branches;

   (b) Injuries by chemical poisoning;

   (c) Injuries by grade changes;

   (d) Injuries by excavations; and

   (e) Injuries by paving.

2. A circular tree protection zone shall be established around each ***Protected Tree*** that is equal to one (1) foot in radius from the tree trunk for every one inch ***dbh***.

3. All ***Development*** activities, except those specifically permitted by section 4.06.06F.4, shall be prohibited within the tree protection zone, including any construction of ***Buildings***, structures, paving surfaces, stormwater retention or detention ponds, and temporary construction activities, including all digging, storage of construction material, and parking of construction ***Vehicles***.

4. Prior to the commencement of construction, the tree protection zone shall be enclosed within a fence or similar barrier as follows:

(a) Wooden posts, at least 1.5 by 3.5 inches, shall be implanted in the ground deep enough to be stable and with at least three (3) feet visible above ground.

(b) The wooden posts shall be placed not more than six (6) feet apart, and shall be linked together by orange vinyl construction fencing.

(c) Permitted activities within the tree protection zone:

(1) Placement of sod or other ***Ground Covers***, and

(2) The preparation of the ground surface for such covers.

4.06.07 Buffers for Protection of Wetlands, Water Bodies, and Habitats

A. A buffer shall be required between any proposed ***Development*** and a water body, wetland, or habitat.

B. The required buffer shall consist of one (1) of the following:

1. An existing undisturbed vegetated area, consisting of ***Native Vegetation;***

2. An area planted with landscape materials meeting the requirements of section 4.06.05. Such planted area shall only be required in those areas where the ***Native Vegetation*** has been cleared. In such cleared areas, landscaping shall be replanted at the following rates:

(a) A medium or large tree shall be planted every 1600 square feet of cleared buffer area. Three (3) small trees may be substituted for one (1) medium or large tree, at the discretion of the property owner.

(b) ***Ground Cover*** shall be required for all other cleared areas not governed by section 4.06.05. Grassed areas are prohibited within the buffer required for a water body, wetland, or wildlife habitat

3. A combination of existing ***Native Vegetation*** and planted landscaping shall be required to follow the standards of section 4.06.05.

C. The City shall protect and conserve the natural functions of wetlands and water bodies through wetland and shoreline protection buffers. High quality wetlands shall be buffered from development by uplands or low quality wetlands. Except at permitted road crossings, upland or low quality wetland buffers adjacent to high quality wetlands shall be an average of 50 feet wide, with a minimum 30-foot width for each individual project area. All buffers, whether upland or wetland, will be preserved and maintained in a natural condition, except for the construction of boardwalks for dock access, roads, utilities, recreational crossings, on-grade trails, similar crossings, and an attendant ten (10) foot wide cleared path through the buffer for purposes of providing access to such encroachments. Buffers may be enhanced or restored to a more natural condition. Application of fertilizers, herbicides and pesticides is prohibited within all buffer areas. As used herein, "low quality wetlands" shall mean all jurisdictional areas defined by FDEP,

which are in silviculture, including ditches and typically including hydric pine plantations. "High quality wetlands" shall mean all other jurisdictional areas, typically including cypress domes, strands, bay and gallberry swamps, harvested cypress swamp areas, titi monocultures, and hypericum bogs. Properties within the Ecosystem Management Agreement and the Regional Genera l P e r m it shall provide a wetland setback as 11Conservation Element Panama City Beach Growth Plan (October, 2009) required by that agreement and permit. The number of such encroachments shall be minimized by co-location of utilities, roads, and other crossings. The wetlands protection buffer shall begin at the Florida Department of Environmental Protection jurisdictional line. The buffer zones shall consist of preserved native vegetation, including canopy, understory and ground cover. If there is no native vegetation on the site, a planted vegetated buffer shall be required as part of the site ***Development***.

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

D. The following structures may be allowed within the buffer, however, the extent of such ***Encroachment*** shall be minimized: piers, docks, roads, utilities, recreational crossings, stormwater facilities, or substantially similar structures. The number of such ***Encroachments*** shall be minimized by co-location.

E. A path or trail, up to a maximum of fifteen (15) feet in width, may be cleared through the buffer to provide ***Access*** to allowable structures. Any wetland crossing shall require a permit from FDEP and/or the Army Corp of Engineers.

4.07.00 TREE BOARD

4.07.01 Generally

A. The ***City*** Planning Board shall serve as the Tree Board for the City of Panama City Beach.

B. By December of each year, the Tree Board shall review the ***City's*** ordinances related to landscaping and tree protection and recommend to the City Council all necessary amendments.

4.08.00 LAND CLEARING PERMIT AND EXCEPTIONS

4.08.01 *Land Clearing* of an *Undeveloped Lot* is prohibited, except:

A. To the extent reasonably necessary to accomplish the improvement or development of land authorized by a valid and current ***Building Permit*** or ***Local Development Order***; or

B. The clearing of a single lot not exceeding 15,000 square feet located within an approved and recorded ***Subdivision Plat*** and zoned R-1a, R-1b, R-1c, R-1c-T, R-0, or R-TH; provided that where two or more contiguous, Undeveloped Lots are beneficially owned by the same person, only one of those lots may enjoy this exception; or

C. Pursuant to a ***Land Clearing Permit*** provided that:

1. All existing vegetation and soil located within ten (10) feet of any property line remain undisturbed; and

2. Adequate stormwater and erosion control be provided as approved by the City Engineer to protect undisturbed vegetation on-site and neighboring properties; and

3. All work on-site be conducted so as not to create any nuisance such as smoke, dirt, dust, fumes, gases, heat, odor, or glare to the surrounding property owners.

D. A part of a bona fide agricultural or silvicultural activity on lands designated for such purpose on the City's Future Land Use Map.

E. As part of a project undertaken by federal, state or local government.
(Ord. No. 681, § 2, 10-12-00 section 17-55.1)

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Chapter 5. Standards for Special Situations

(Standards for ***Uses*** and ***Structures*** that are ***Accessory,*** Temporary or have Special Design Requirements are established in this Chapter)

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5.01.00 GENERALLY

Certain ***Land Uses*** have characteristics that require the imposition of ***Development*** standards in addition to those otherwise required by this ***LDC***. Such standards are provided for ***Accessory Uses*** and structures (Section 5.02.00), temporary ***Uses*** and structures (5.03.00), communication towers (5.05.00), ***Signs*** (5.07.00) and other specific ***Land Uses*** (5.04.00). Certain other ***Land Uses*** have an even greater potential detriment and therefore cannot be permitted as a matter of right, but may be permitted if certain standards are met through the imposition of conditions tailored to the specified ***Use***, location and potential detriment. These are referred to here as ***Conditional Uses*** (5.06.00). The regulation of ***Signs*** is treated in this chapter because the careful balance between free speech and the avoidance of public nuisances and safety hazards requires detailed and special design requirements of outside ***Signs***.

5.02.00 ACCESSORY USES AND STRUCTURES

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-1c-T, 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***.

5.02.02 Accessory Uses

Accessory Uses, identified in Table 2.03.02, shall comply with the following requirements:

A. Agricultural *Land Uses* in R-1a, R-1b, R-1c, R-1c-T, R-TH, R-0, R-2 and R-3:

1. Agricultural activities may include gardens, crops and orchards.

2. Agricultural activities shall comply with the requirements of Chapter 5 of the ***Code of Ordinances***.

3. One (1) ***Accessory Structure*** to support the agricultural activity may be located on the site, provided that the total number of ***Accessory Structures*** shall not exceed two (2) (excluding fences and walls) as provided in section 5.02.01D.4.

B. Child day care, licensed in R-3 and M-1:

1. The facility shall be an integral part of a permitted ***Principal Use***. It shall be located oriented and designed to serve the residents or employees of the ***Principal Use***.

2. Within the R-3 zoning district, a ***Child Care Facility*** shall be allowable only when the ***Principal Use*** is on a site that is five (5) acres or more.

3. The facility shall dedicate a minimum of twenty-five (25) percent of the child care spaces to serve the residents or employees of the ***Principal Use***.

4. There shall be two (2) vehicular ***Access*** points to the facility, except when the facility is within the ***Principal Structure*** on the site. At least one (1) ***Access*** point shall be from a public roadway.

C. Clubs, lounges or bars in R-3, CL and CM:

1. The facility shall be located on the perimeter of the ***Residential Development***.

2. A club, lounge or bar shall only be allowed when the ***Principal Use*** is on a site of five (5) acres or more.

3. The facility shall be located oriented and designed in such a way as to ensure compatibility with the surrounding and adjacent ***Residential Uses***. Measures to ensure compatibility may include location and extent of parking, location of ***Access Drives***, ***Building*** orientation, landscaping, location and shielding of outside lights.

D. Coffee shops or delicatessens in R-3, CL and **M-1:**

1. The facility shall be an integral part of a ***Principal Use*** for ***Residential***, commercial or industrial purposes.

2. Within the R-3 zoning district, a coffee shop or delicatessen shall be allowed only when the ***Principal Use*** is on a site of five (5) acres or more.

3. The facility may be free-standing; however, it shall be located oriented and designed to serve the residents, patrons or employees of the ***Principal Use***.

4. ***Access*** shall be from an interior roadway or ***Driveway*** to ensure interconnection to the ***Principal Use***.

5. The facility shall be limited to no more than 2,000 square feet of gross floor area.

E. Gift shops in R-3, CL and **M-1:**

1. The facility shall be an integral part of a ***Principal Use*** for ***Residential***, commercial or industrial purposes. It shall not be a free-standing ***Use***.

2. Within the R-3 zoning district, a gift shop shall be allowed only when the ***Principal Use*** is on a site of five (5) acres or more.

3. The facility shall be located oriented and designed to serve primarily the residents, patrons or employees of the ***Principal Use***.

4. The facility shall be limited to no more than 500 square feet in gross floor area.

5. The facility may be combined with a newsstand, coffee shop or delicatessen. The total gross floor area for a combined facility shall not exceed 1,500 square feet.

F. Laundry or dry cleaning pick-up station in R-3:

1. The facility shall be provided solely as a convenience to the residents of the ***Residential Development***.

2. A laundry or dry cleaning pick-up station shall be allowed only when the ***Principal Use*** is on a site of five (5) acres or more.

3. The facility shall be limited to ***Use*** by the residents of the ***Residential Development***.

4. The facility shall be located oriented and designed to serve primarily the residents, patrons or employees of the ***Principal Use***.

5. The facility shall be located within a ***Principal Structure*** within the ***Residential Development***.

6. The facility may be combined with a self-service laundry facility.

7. There shall be no off-site signs advertising the presence of the facility.

G. Newsstands in R-3, CL, M-1 and **PF:**

1. The facility shall be an integral part of a ***Principal Use*** for ***Residential***, commercial or industrial purposes. It shall not be a free-standing ***Use***.

2. Within the R-3 zoning district, a newsstand shall be allowed only when the ***Principal Use*** is on a site of five (5) acres or more.

3. The facility shall be located oriented and designed to serve primarily the residents, patrons or employees of the ***Principal Use***.

4. The facility shall be limited to no more than 500 square feet in gross floor area.

5. The facility may be combined with a newsstand, coffee shop, or delicatessen. The total gross floor area for a combined facility shall not exceed 1,500 square feet.

H. Parks and *Recreation* facilities in R-1a, R-1b, R-1c, R-1c-T, RO, RTH, R-2, R-3, CL and **CM:**

1. The facility shall be located oriented and designed to serve primarily the residents of the ***Residential Development***.

2. The facility shall be of a size sufficient to provide park space to meet the needs of the ***Residential Development***, based on the standards of the Comprehensive Plan.

3. The facility may include both passive park space and active ***Recreation*** facilities, such as ball fields, courts and playgrounds. The type and number of facilities shall be appropriate to meet the needs of the residents of the ***Residential Development***.

4. The facility shall be interconnected with the surrounding ***Residential*** area by pedestrian paths, bicycle paths, sidewalks and/or trails.

I. Restaurants, excluding *Drive-In* or drive-up restaurants, in R-3, CL and M-1:

1. The facility shall be an integral part of a ***Principal Use*** for ***Residential***, commercial or industrial purposes.

2. Within the R-3 zoning district, a restaurant shall be allowed only when the ***Principal Use*** is on a site of five (5) acres or more.

3. The facility may be free-standing; however, it shall be located oriented and designed to serve the residents, patrons or employees of the ***Principal Use***.

4. ***Access*** shall be both from a public roadway and from an interior roadway or ***Driveway*** to ensure interconnection with the ***Principal Use***.

5. The facility shall be limited to no more than 2,000 square feet of gross floor area.

J. *Retail Sales* and service and *Shopping Centers* (excluding Office and Business Parks) in M-1:

1. ***Retail Sales*** and service shall be limited to products and services closely associated with the manufacturing or industrial purposes of the ***Principal Use***.

2. All retail activity shall be conducted within a ***Building*** serving the principal industrial ***Use***. Retail activity shall not be conducted in a free-standing ***Building***.

3. ***Retail Sales*** and ***Services*** shall be limited to no more than fifteen (15) percent of the total floor area of the ***Principal Use***.

K. Self-service laundries in R-3, CL and CM:

1. The facility shall be provided solely as a convenience to the residents of the ***Residential Development***.

2. The facility shall be limited to ***Use*** by the residents of the ***Residential Development***.

3. The facility shall be located within a ***Principal Structure*** within the ***Residential Development***.

4. The facility may be combined with a laundry or dry cleaning pick-up facility.

5. There shall be no off-site signs advertising the presence of the facility.

L. *Single Family* Dwellings in M-1:

1. One (1) ***Single Family Dwelling Unit*** may be provided for a caretaker or security person for the principal industrial ***Use***.

2. The ***Dwelling Unit*** shall clearly be subordinate to the ***Principal Use***. It shall not be used as a rental unit or for any purpose other than security or caretaker personnel required to live on the ***Premises*** of the principal industrial ***Use***.

3. The ***Dwelling Unit*** shall be limited to no more than 1,500 square feet in gross floor area.

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 7.02.03G.

(Ord. # 1334, 12-26-14)

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.

5.02.04 Dumpsters/Solid Waste Containers

Dumpsters shall be screened as follows:

A. All four (4) sides shall be screened.

B. Screening may be in the form of evergreen trees and ***Shrubs*** or a solid wooden or masonry fence. Where screening is provided by landscaping one (1) tree for each twenty-five (25) linear feet shall be required. ***Shrubs*** shall be planted in a double-staggered row to form a continuous hedge.

C. Where screening is provided by landscaping, the ***Access*** to the dumpster shall be a wooden or other opaque gate.

D. Dumpsters shall be ***Setback*** a minimum of fifty (50) feet from any property zoned or used for ***Residential*** purposes.

E. A dumpster located on properties on a designated ***Scenic Corridor*** shall not be visible from view at ground level by pedestrian traffic and shall not be located on the side of the ***Building*** abutting the ***Scenic Corridor***.

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

5.02.05 *Reserved*

5.02.06 Dock Facilities

(Reserved)

5.02.07 Sheds, Storage Buildings, Detached Garages and Greenhouses

Sheds, storage ***Buildings*** and greenhouses, other than those located in the AR zoning district, shall:

A. Not be used for the storage of hazardous, incendiary or noxious materials;

B. Not be located within any easement;

C. Be located only in the ***Rear Yard***;

D. Not exceed seventeen and one-half (17.5) feet in height, measured to the peak of the ***Roof***;

E. Not exceed thirty (30) percent of the area within the ***Rear Yard***; and

F. Be separated from any other ***Building*** on the same ***Lot*** by a minimum of five (5) feet.

5.02.08 Swimming Pools

A. Swimming pools shall:

1. Be located only in ***Side*** or ***Rear Yards***, or within or under the principal structure;

2. Be completely surrounded with a wall or fence not less than four (4) feet in height and sufficient to prohibit unrestrained admittance to the pool area; and

B. Where a swimming pool is attached to the ***Dwelling***, the pool enclosure shall be considered a part of the ***Principal Structure*** and shall comply with all site design and ***Building*** location requirements for the zoning district.

C. The nearest opening into an unenclosed swimming pool shall be located no closer than five (5) feet from any side or rear ***Lot Line***.

D. Swimming pools may be enclosed with screening if the proposed enclosure meets the ***Setback*** requirements established for ***Accessory Buildings***, notwithstanding that such enclosures may encroach into landscape buffer areas or ***Setbacks*** established for the ***Principal Structure***.

(Ord. #1333, 11/12/15)

5.02.09 Portable Storage Units.

A. Prohibitions. It shall be unlawful for any person to place or permit the placement of a ***Portable Storage Unit*** on improved or unimproved property in violation of section 5.02.09B.

B. Regulation of Portable Storage Units

1. No ***Premises*** improved with one or more ***Dwellings*** (herein, a ***Residential Premises***) shall contain more than one ***Portable Storage Unit*** at any time.

2. No ***Residential Premises*** shall continuously contain a ***Portable Storage Unit*** in excess of ten (10) days in any 60-day period.

3. No ***Portable Storage Unit*** placed on a ***Residential Premises*** shall exceed eight (8) feet in width, twenty (20) feet in length and nine (9) feet in height.

4. No ***Portable Storage Unit*** or any portion thereof shall be placed on a sidewalk, in a right-of-way or otherwise on a ***Residential Premises*** so as to cause an obstruction of vision at ***Street Intersections***.

5. No ***Portable Storage Unit*** shall be placed on unimproved or vacant property.

6. In the event of damage to a ***Premises*** caused by fire, storm, ***Flood*** or declared government emergency, the ***City Manager*** may approve exceptions to the standards in this section.

C. Remedies and Enforcement

1. The provisions of this section may be enforced by the ***City Manager***.

2. Each day a ***Portable Storage Unit*** remains on property in violation of this section shall constitute a separate violation.

3. In addition to any other penalty provided by law, compliance with this section 5.02.09 may be enforced by the remedies and procedures set forth in Chapter 25 of the ***City Code*** (the Code Enforcement Hearing Officer System) or removal of the ***Portable Storage Unit*** by the ***City***. In the event of removal by the ***City***, the company providing the ***Portable Storage Unit*** and the owner and occupant of the private property where same is located, shall be jointly and severally liable for the expenses incurred by the ***City***.

(Ord. No. 1163-R, § 2, 10-8-09)

5.02.10 Residential Community Accessory Uses

A. The ***Use*** or shall be provided solely as a convenience to the residents of the ***Residential Development***.

B. The facility shall be limited to ***Use*** by the residents of the ***Residential Development***.

C. The ***Use*** shall be located oriented and designed to serve primarily the residents, patrons or employees of the ***Principal Use***.

D. There shall be no off-site signs advertising the presence of the ***Use***.

E. No ***Residential Community Accessory Use*** shall be established unless indicated on a recorded ***Plat*** or approved master plan or approved through the conditional use process. The criteria for approval of the conditional use shall include the provisions of sections 5.02.10A-D and the following:

1. Parking, landscaping and lighting standards shall comply with the provisions of Chapter 4.

2. No outdoor speakers shall be allowed.

3. The Board may establish other design and operational standards it deems necessary to ensure compatibility between the ***Use*** and adjacent ***Uses***.

4. Nothing herein shall be construed to affect the rights created or implied by any relevant ***Plat***.

5.02.11 Clinics and Medical Services

A. Within the R zoning district, a clinic or medical office shall be allowed only when the ***Principal Use*** is on a site of five (5) acres or more.

B. The facility may be free-standing; however, it shall be located oriented and designed to serve the patrons or employees of the ***Principal Use***.

C. The facility shall be limited to no more than 2,000 square feet of gross floor area.

D. There shall be no off-site signs advertising the presence of the facility.

E. ***Access*** shall be from an interior roadway or ***Driveway*** to ensure interconnection to the ***Principal Use***.

5.03.00 TEMPORARY USES AND STRUCTURES

5.03.01 Generally

A. Certain temporary ***Uses*** and structures meeting the conditions of this Chapter may be permitted to accommodate outdoor sales, festivals and entertainment, ***Portable Storage Units*** and temporary structures during construction activities – but only to the extent authorized in this section. All other temporary ***Uses*** and structures are prohibited.

B. A temporary ***Use*** permit issued pursuant to section 10.14.02 is required prior to the establishment of a temporary ***Use*** or structure. Unless otherwise specified in this Code, a temporary ***Use*** permit shall be valid for a maximum of thirty (30) days and, unless otherwise specified in this ***LDC***, may be renewed for one (1) consecutive thirty (30) day period.

(Ord. # 1250, 12-13-12; Ord. # 1268, 2-28-13)

5.03.02 Temporary *Uses* During Construction

Certain ***Uses*** and structures are allowable during active construction. A temporary use permit is required pursuant to Section 10.14.02. The following ***Uses*** are allowable and subject to review and authorization by the ***Building*** Official:

A. Temporary offices may be located on a construction site to be used for administrative functions during construction. Temporary construction offices shall have the name of the construction company printed on a maximum of four (4) feet by eight (8) feet ***sign*** permanently affixed on the outside of the ***Building***. In addition, the proposed construction ***Building*** must meet tie down requirements for mobile structures and have a contract for sewage pump-out. Construction ***Buildings*** shall be removed within thirty (30) days of completion of the construction site for which it is permitted. Temporary offices may be located within required ***Yards*** provided that the location does not constitute a safety hazard to the public or a nuisance to surrounding properties

B. On-site outdoor storage of equipment and construction materials and on-site portable storage units containing equipment and construction materials shall be allowed during the period of construction.

C. One (1) on-site ***Manufactured Home*** for the ***Use*** of security personnel, a caretaker or for the temporary residence of the owner/builder. The ***Manufactured Home*** shall be removed within two (2) weeks following issuance of a ***Certificate of Occupancy*** for the project under construction.

D. Portable toilet facilities provided that they are located no closer than thirty (30) feet to any property lines. It shall be unlawful for any person to own, possess or provide for public or private ***Use*** a portable chemical toilet visible by a pedestrian standing within the vehicular right-of-way of a ***Scenic Corridor*** or on the sandy Gulf beach.

E. Construction and demolition debris dumpsters, which are not required to be screened.

F. Temporary offices to be used for sales functions or sales offices, allowing for the sale, resale or marketing of ***Dwellings***, structures or property within the ***Development*** in which it is located or adjacent ***Developments*** under the same control.

G. On-site temporary ***Use*** of structures and equipment for the building of roads, public utilities, and government and private projects.

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

5.03.03 Special Events and Community Events

A. All activities associated with a lawfully permitted ***Special Event*** or ***Community Event*** must be permitted ***Uses*** in the zoning district where the activity occurs.

B. A ***Special Event*** shall comply with the provisions of Chapter 4, Article II of the ***Code of Ordinances***.

5.03.04 Parking Lot Vending

A. Applicability. ***Parking Lot Vending*** is permitted on ***Lots*** containing an operating business in the CM, CH and M-1zoning districts subject to the standards of this section.

(Ord. # 1268, 2-28-13)

B. ***Parking Lot Vending*** requires a temporary ***Use*** permit as provided in section 10.14.02.

C. The applicant shall have written permission of the property owner and all business owners on the ***Lot*** to conduct sales.

D. The applicant shall have written permission of the owner or operator of a previously established adjacent operating business for customers and employees of the ***Parking Lot*** vendor to use the restrooms of that operating business.

(Ord. # 1250, 12-13-12)

E. The applicant shall possess a valid City Business Tax Receipt unless exempted by State law.
(Ord. #1254, 11/14/13)

F. ***Parking Lot Vending*** shall not take place or be located within:

1. Any required ***Setback*** or buffer area;
2. The public right-of-way;
3. Any required ***Parking Space***;
4. Any ***Driveway*** or ***Access*** way or in such a manner as to block a ***Driveway*** or ***Access*** way; or
5. Any designated fire lane or in such a manner as to block a fire lane;

G. ***Parking Lot*** vendors other than those operating during to a ***Community Event*** shall provide ***Parking Spaces***.

1. In addition to any ***Parking Spaces*** required to serve the operating business, one (1) ***Parking Space*** on the same ***Parcel*** of land shall be provided for every 200 square feet of ***Parking Lot Vending*** sales area (including display, customer and staff areas).
2. Handicapped parking and ***Access*** shall be provided according to the standards set forth in Chapter 4.
3. If ***Parking Lot Vending*** is part of a lawfully permitted ***Special Event*** defined and regulated in Article II of Chapter 4 of the *Code of Ordinances*, off-site ***Parking Spaces*** may be included in the number of ***Parking Spaces*** required, provided that such off-site spaces are included in the required feasible and credible plan to provide and control safe pedestrian access between parking areas and the event areas.

(Ord. # 1268, 2-28-13)

H. Except during a ***Community Event*** or during a lawfully permitted ***Special Event***, no single ***Parcel*** shall be permitted one (1) or more parking lot vending permits for more than seven (7) days within any thirty (30) day period. During a ***Community Event***, a ***Parcel*** may be permitted one (1) or more ***Parking Lot Vending*** permit for the duration of the ***Community*** or ***Special Event***. ***Parking Lot Vending*** whose duration exceeds the time limits set forth in this sub-section shall be considered outdoor sales and subject to the conditional use requirements of Section 5.06.15.
(Ord. # 1239, 9-13-12; Ord. # 1268, 2-28-13)

5.03.05 Entertainment Marketing.

A. Applicability. During the period commencing February 15 and ending April 15 of each year, *Entertainment Marketing* shall be permitted on the sandy gulf beach seaward of the seaward most ***Building***, structure, toe of the dune, dune line or *Building*/structure line, subject to the provisions of this section.

B. ***Entertainment Marketing*** requires a temporary ***Use*** permit as provided in section 10.14.02.

C. The applicant shall have written permission of the property owner of the upland *Lot* to conduct ***Entertainment Marketing***.

D. The applicant shall have written permission of the owner or operator of a previously established, adjacent operating business for patrons and employees of the ***Entertainment Marketer*** to use the restrooms of that operating business.

E. In order to obtain a second thirty (30) day temporary ***Use*** permit during the period set forth in section 5.03.05A, the applicant shall demonstrate that it has complied with all applicable laws and not allowed its temporary *Use* to become a public or private nuisance during the term of the initial permit.

(Ord. # 1250, 12-13-12)

5.03.06 Portable Chemical Toilets

A. Prohibitions. It shall be unlawful for any person to place or permit the placement of, or to allow the public or private use of, a ***Portable Chemical Toilet*** within the ***City*** unless permitted by sub-section B of this section.

B. Regulation of Portable Chemical Toilets

1. ***Portable Chemical Toilets*** may be used to provide temporary bathroom facilities for (i) ***Special Events***, (ii) the annual period of Spring Break beginning the first day (Sunday) of the last complete week of February and continuing through the last day (Saturday) of first complete week in April unless the term of a Spring Break is otherwise defined by Resolution of the ***City Council***, or (iii) as part of an active construction project, and in all those circumstances only during such event or active construction activity, and provided that the ***Portable Chemical Toilet*** is not in violation of the standards specified in section 4.02.03D relating to design requirements for ***Scenic Corridors***. In no case shall ***Portable Chemical Toilets*** be used as permanent or long-term sanitary facilities for residential or commercial uses, or as secondary sanitary facilities on existing developed ***Premises***.

2. In the event of damage to a ***Premises*** caused by fire, storm, Flood or declared government emergency, the ***City Manager*** may approve exceptions to the standards in this section.

C. Remedies and Enforcement

1. The provisions of this section may be enforced by the ***City Manager*** through removal of a ***Portable Chemical Toilet*** in violation or by a ***Code Enforcement Officer*** through imposition of a civil penalty.

2. Each day a ***Portable Chemical Toilet*** remains on property in violation of this section shall constitute a separate violation.

3. In addition to any other penalty provided by law, compliance with this section 5.03.06 and section 4.02.03D may be enforced by a ***Code Enforcement***

Officer through the remedies and procedures set forth in Chapter 25 of the ***City Code*** (the Code Enforcement Hearing Officer System) or removal of the ***Portable Chemical Toilet*** by the ***City***. In the event of removal by the ***City***, the company providing the ***Portable Chemical Toilet*** and the owner and occupant of the private property where same is located, shall be jointly and severally liable for the expenses incurred by the ***City***.

4. The civil penalty for violation of this section 5.03.06 or section 4.02.03D shall be one hundred dollars ($100).

(Ord. # 1295, 2-13-14)

5.04.00 SUPPLEMENTAL STANDARDS FOR SPECIFIC USES

Specific ***Uses*** are identified in Table 2.03.02 as allowable by right subject to supplemental standards. These ***Uses*** must comply with the standards applicable to the zoning district as well as the standards contained in the following sections. Where there is conflict between a standard applicable to the zoning district and the following supplemental standards, the stricter standard shall be required.

5.04.01 Adult Uses, Sexually Oriented Businesses or Body Altering Businesses

A. Short title. This ordinance may be known as the "Panama ***City*** Beach Sexually Oriented and ***Body Altering Business*** Ordinance."

(ZO - Article XIX Ord. 544, § 1, 2-12-98; Ord. No. 651, § 1, 2-24-00)

B. Definitions. For the purposes of this section 5.04.00, the following definitions shall apply:

1. ***Adult Book, Video or Novelty Store***: The term "***Adult Book***store," " ***Adult*** video store," or " ***Adult*** novelty store" means an establishment which sells, leases or rents ***Adult Material*** for any form of consideration, unless the ***Adult Material*** is ***Access***ible only by employees and the gross income from the sale or rental of ***Adult Material*** comprises less than twenty (20%) per cent of the gross sales of the store or less than ten percent (10%) of the individual items publicly displayed at the establishment as stock in trade.

2. ***Adult Club***: The term " ***Adult Club***" shall mean any place of business or commercial establishment that permits, suffers or allows individuals for consideration in their service to customers or in a performance for customers on more than 3 days in a 60 day period to display or expose "***Specified Anatomical Areas***" or permits, suffers or allows individuals for consideration to wear any covering, tape, pasties or other device that simulates or otherwise gives the appearance of the display or exposure of any "***Specified Anatomical Areas***."

3. ***Adult Materials***: The term ***Adult Materials*** means any one or more of the following:

   (a) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, slides or other visual

representations or recordings, novelties and devices, which have, as their primary or dominant theme, matter depicting, illustrating, describing or relating to "***Specified Sexual Activities***" or less than completely and opaquely covered "***Specified Anatomical Areas;***" or

(b) Instruments, devices or paraphernalia which are designed for ***Use*** in connection with "***Specified Sexual Activities***."

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

4. ***Adult Motion Picture Theater***: The term " ***Adult Motion Picture Theater***" means a commercial establishment or place of business operating in whole or in part within an enclosed ***Building*** or a portion or part of an enclosed ***Building*** or an open-air theater, designed to permit viewing by patrons seated in automobiles or other seating provisions, for any form of consideration, film, video or any other visual material or method which has, as its primary or dominant theme, matters depicting, illustrating or relating to "***Specified Sexual Activities***" or "***Specified Anatomical Areas***" for observation by patrons thereof and includes any hotel or motel, boarding house, room house or other lodging which, for any form of consideration, advertises the presentation of such film material. For the purposes of this section 5.04.00an ***Adult Motion Picture Theater*** includes an ***Adult*** arcade, an ***Adult*** motel and an ***Adult*** motion picture booth.

5. ***Adult Motion Picture Mini-Theater***: The term " ***Adult Motion Picture Mini-Theater***" means a commercial establishment or place of business operating in whole or in part within an enclosed ***Building*** or a portion or part of an enclosed ***Building***, designed to permit viewing by patrons for any form of consideration, film, video or other visual material or method which has, as its primary or dominant theme, matters depicting, illustrating or relating to "***Specified Sexual Activities***" or "***Specified Anatomical Areas***," for observation by patrons thereof, including an ***Adult*** arcade or ***Adult*** motion picture booth and so constructed that any patron viewing such material or method is not at all times fully visible from the neck to the kneecap by other patrons and the management.

6. ***Body Altering Business***: The term "***Body Altering Business***" shall mean such ***Uses*** as shall be included in section 5.04.01D.

7. ***Body Piercing Establishment***: The term "***Body Piercing Establishment***" means a commercial establishment or place of business at which the body or skin of a human being is pierced or which holds itself out to the public as a place where such body piercing can be purchased or arranged. The ***Use*** of a mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear or both, is exempt from this definition.

8. ***Church***: As used herein the term "***Church***" shall mean a ***Church***, temple or other structure used on a permanent basis primarily for public worship.

9. ***Public Park***: The term "***Public Park***" shall mean and include those facilities owned by the State of Florida, Panama ***City*** Beach or any ***Public Park*** so designated by Panama ***City*** Beach and include the Dan Russell Pier and

Aaron Z. Bessant Park facility, the County Pier facility, the Frank K. Brown Park, the Maggi Still Park and the Scott Park.

10. ***School***: The term "***School***" means a public, private or parochial elementary, middle or high ***School***.

11. ***Sexually Oriented Businesses***: The term "***Sexually Oriented Business***" shall mean such ***Uses*** as shall be included in section 5.04.01C.

12. ***Specified Sexual Activities***: The term "Specified Sexual Activities" shall mean:

    (a) Human genitals in a state of sexual stimulation or arousal;

    (b) Acts of human masturbation, sexual intercourse or sodomy;

    (c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast;

    (d) Sadism or masochism, including bondage.

13. ***Specified Anatomical Areas***: The term "***Specified Anatomical Areas***" shall mean:

    (a) Less than completely and opaquely covered:

        (1) Human genitals, pubic region;

        (2) Buttock; and

        (3) Female breast below a point immediately above the top of the areola; and

    (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

14. ***Tattoo Establishment***: The term "***Tattoo Establishment***" means a commercial establishment or place of business at which the skin of a human being is marked by piercing in or otherwise applying coloring matter so as to form indelible or lasting marks or figures or which holds itself out to the public as a place where such tattooing can be purchased or arranged.

15. ***Tourist Corridor***: The term "***Tourist Corridor***" means that portion of the following roads falling within the boundaries of the City of Panama City Beach at any time: (i) Front Beach Road (Hwy 98 Alt), (ii) South Thomas Drive, (iii) Thomas Drive, (iv) Hutchinson Boulevard (Middle Beach Road), (v) Panama ***City*** Beach Parkway (Back Beach Road or Highway 98) and (vi) State Road 79.

(Ord. 398, § 1, 8-27-92; Ord. 544, § 1, 2-12-98; Ord. No. 651, § 1, 2-24-00)

C. ***Sexually Oriented Businesses***. The following ***Uses*** are declared to be sexually oriented or ***Adult*** businesses:

1. ***Adult Book, Video or Novelty Store***.

2. ***Adult Motion Picture Theater***.

3. ***Adult Club***.

(Ord. 398, § 1, 8-27-92; Ord. 544, § 1, 2-12-98; Ord. No. 651, § 1, 2-24-00)

D. Body Altering Businesses. The following ***Uses*** are declared to be Body Altering Businesses:

1. ***Body Piercing Establishment.***

2. ***Tattoo Establishment***

E. Distance limitation - *Sexually Oriented Businesses*. No ***Sexually Oriented Business*** shall be initially established nearer than fifteen hundred (1,500) feet to any other ***Sexually Oriented Business*** nor nearer than fifteen hundred (1,500) feet to any (i) ***Church*** or (ii) ***School*** or (iii) ***Public Park,*** nor nearer than two hundred fifty (250) feet to the nearest right-of-way line of any ***Tourist Corridor.*** Such distance shall be measured by radial spacing as follows:

1. In the case of another sexually oriented or ***Adult*** business or a ***Church,*** by measuring from the nearest corner or side of the sexually oriented or ***Adult*** business ***Building*** to the nearest corner or side of the ***Church Building*** or the other sexually oriented or ***Adult*** business ***Building;***

2. In the case of a ***School*** or ***Public Park,*** by measuring from the nearest corner or side of the ***Sexually Oriented Business Building*** to the nearest boundary of the ***School*** or ***Public Park Parcel;***

3. In the case of any ***Tourist Corridor,*** by measuring from the nearest corner or side of the ***Sexually Oriented Business Building*** to the nearest right-of-way line of any ***Tourist Corridor.***

4. In all such measurements, ***Building*** projections, ***Eaves*** or overhangs shall be excluded.

5. In the case of a ***Sexually Oriented Business*** operated outside a ***Building,*** measurement shall be from the closest place of such operation.

(Ord. 398, § 1, 8-27-92; Ord. 544, § 1, 2-12-98; Ord. No. 651, § 1, 2-24-00)

F. Distance Limitation - *Body Altering Businesses*. No ***Body Altering Business*** shall be initially established nearer than fifteen hundred (1,500) feet to any other ***Body Altering Business*** nor nearer than fifteen hundred (1,500) feet to any (i) ***Church*** or (ii) ***School*** or (iii) ***Public Park,*** nor nearer than two hundred fifty (250) feet to the nearest right-of-way line of any ***Tourist Corridor.*** Such distance shall be measured by radial spacing as follows:

1. In the case of another ***Body Altering Business*** or a ***Church,*** by measuring from the nearest corner or side of the ***Body Altering Business Building*** to the nearest corner or side of the ***Church Building*** or the other ***Body Altering Business Building***

2. In the case of a ***School*** or ***Public Park,*** by measuring from the nearest corner or side of the ***Body Altering Business Building*** to the nearest boundary of the ***School*** or ***Public Park Parcel;***

3. In the case of any ***Tourist Corridor***, by measuring from the nearest corner or side of the ***Body Altering Business Building*** to the nearest right-of-way line of any ***Tourist Corridor***.

4. In all such measurements, ***Building*** projections, ***Eaves*** or overhangs shall be excluded.

5. In the case of a ***Sexually Oriented Business*** operated outside a ***Building***, measurement shall be from the closest place of such operation.

(Ord. No. 651, § 1, 2-24-00)

G. Sign and Appearance Requirements -- *Sexually Oriented Businesses*. All new ***Sexually Oriented Businesses*** and all existing ***Sexually Oriented Businesses*** by May 1, 1998 as to requirements (1) through (4) below and by April 1, 1998 as to requirement (5) below, shall comply with the following On-***Premises*** Sign and appearance requirements. All capitalized terms used in this section shall have the meanings ascribed in the City of Panama City Beach Sign Code, as amended from time to time, which ordinance shall apply to the extent not inconsistent with this section.

1. All Signs shall be flat Wall Signs.

2. The amount of allowable Sign Area shall be one square foot of Sign Area per linear foot of ***Frontage*** of that ***Premises***, to a maximum of twenty-five (25) square feet.

3. No (i) merchandise or (ii) pictures or advertisements of the sexually oriented or ***Adult*** products, services or entertainment on the ***Premises*** shall be displayed in ***Building Glass Area***s or any area where they can be viewed from a ***Street***.

4. Window Signs are prohibited. A single, one square foot Sign may be placed on the door to state hours of operation and admittance to ***Adult*** only. A single, three square foot Sign containing only the word "OPEN" may be placed in a window.

5. ***Free-Standing On-Premises Signs*** are prohibited.

(Ord. 544, § 1, 2-12-98; Ord. No. 651, § 1, 2-24-00; Ord. No. 1133, § 1, 10-23-08)

H. Sign and Appearance Requirements -- *Body Altering Businesses*. All new ***Body Altering Business***es and all existing ***Body Altering Business***es by May 1, 1998 as to requirements (1) through (4) below and by April 1, 1998 as to requirement (5) below, shall comply with the following On-***Premises*** Sign and appearance requirements. All capitalized terms used in this section shall have the meanings ascribed in the City of Panama City Beach Sign Code, as amended from time to time, which ordinance shall apply to the extent not inconsistent with this section.

1. All Signs shall be flat ***Wall Signs***.

2. The amount of allowable ***Sign Area*** shall be one square foot of ***Sign Area*** per linear foot of ***Frontage*** of that ***Premises***, to a maximum of twenty-five (25) square feet.

3. No (i) merchandise or (ii) pictures or advertisements of the products, services or entertainment on the ***Premises*** shall be displayed in ***Building Glass Area***s or any area where they can be viewed from a ***Street***.

4. ***Window Signs*** are prohibited. A single, one square foot ***Sign*** may be placed on the door to state hours of operation and admittance to ***Adult*** only. A single, three square foot Sign containing only the word OPEN may be placed in a window.

5. ***Free-Standing On-Premises Signs*** are prohibited.

(Ord. No. 651, § 1, 2-24-00; Ord. No. 1133, § 2, 10-23-08)

I. ***Adult Motion Picture Mini-Theaters*** Prohibited. *Adult Motion Picture Mini-Theaters* are prohibited. It shall be unlawful for any person to operate or cause or permit to be operated an *Adult Motion Picture Mini-Theater*.

(Ord. No. 651, § 1, 2-24-00)

J. Reserved

K. Reserved

L. Section Not Independently Authorizing *Use*. Nothing in this section 5.04.00 shall be construed to permit the establishment or maintenance of any sexually oriented or ***Body Altering Businesses*** not otherwise permitted by the other chapters of this LDC or any other applicable law.

(Ord. No. 398, § 1, 8-27-92; Ord. No. 544, § 1, 2-12-98; Ord. No. 651, § 1, 2-24-00)

5.04.02 Airports

A. Airports, excluding private airstrips, are allowable in the PF zoning district, subject to the standards of this zoning district and the additional standards of this section.

B. The area proposed for the airport, including all ***Accessory Structures***, shall be of sufficient size and otherwise adequate to meet the standards of the FAA and the FDOT for the class of airport proposed, in accordance with published rules and regulations.

C. Any proposed runway or landing strip shall be situated such that any structure, high-voltage power line, tower, chimney or natural obstruction within the approach zones does not exceed the height restrictions for the airport approach zones, according to the FAA and the FDOT.

D. No approach areas shall be permitted over property zoned or used for ***Residential*** purposes.

E. All repair of airplanes and equipment shall be conducted within enclosed structures.

F. The primary ***Access*** to passenger terminals or cargo facilities shall be from an ***Arterial*** or ***Collector Street***. No ***Access*** shall be permitted from ***Local Streets*** providing ***Access*** to property zoned or used for ***Residential*** purposes.

G. The buffer that is otherwise required shall be increased by thirty (30) percent.

5.04.03 Bed and Breakfast

A. A Bed and Breakfast is allowable in the R-3 and AR zoning districts, subject to the standards of ***those*** zoning districts and the standards of this section.

B. The Bed and Breakfast is limited to six (6) or fewer sleeping rooms when located in a R-3 zoning district.

C. The Bed and Breakfast is limited to twelve (12) or fewer sleeping rooms when located in an AR zoning district.

5.04.04 Child Care Facilities

A. A ***Child Care Facilities*** are allowable in the CL, CM and CH zoning districts, subject to the standards of these zoning districts and the standards of this section.

B. Playground equipment shall be located no closer than ten (10) feet from all property lines.

C. Outdoor activity areas shall be enclosed with a masonry, wooden or chain link fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.

D. The buffer that is otherwise required shall be increased by thirty (30) percent.

5.04.05 Community Residential Homes and Licensed Facilities

A. ***Community Residential Homes*** with six (6) or fewer residents are allowable all districts except the C and R districts, subject to the standards of this zoning district, a minimum separation of one thousand (1,000) feet between each facility and the standards of this section, excluding paragraphs E and F.

B. ***Licensed Facilities*** with seven (7) to fourteen (14) residents are allowable in the R-2, R-3, CL, CM and CH zoning districts, subject to the standards of the R-3, CL, CM and CH zoning districts and the standards of this section.

C. ***Licensed Facilities*** with fifteen (15) or more residents are allowable in the R-3, CL, CM and CH zoning districts, subject to the standards of these zoning districts and the standards of this section.

D. ***Community Residential Homes*** and other ***Licensed Facilities*** which house persons of limited mobility are prohibited within the Coastal High Hazard Overlay District.

E. When located next to a property that is ***Used*** or zoned for ***Single Family Residential*** purposes, the side and rear yards shall be enclosed with a ***Solid Faced*** masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.

F. The number of ***Shrubs***, small trees and medium or large trees otherwise required in the buffer shall be increased by thirty (30) percent.

G. ***Community Residential Homes*** and other applicable ***Licensed Facilities*** shall meet all requirements of section 419.001, *F.S.*

H. Hospitals may be permitted as a supplemental use in the PF zoning district subject to the standards of this section. Hospitals are allowable in the CH, M-1 and PF zoning districts, subject to the standards of those zoning districts and the standards of this section

1. Hospitals are prohibited in the Coastal High Hazard Overlay District.

2. The buffer that is otherwise required for the hospital shall be increased by thirty (30) percent.

I. ***Nursing Homes*** are allowable in the R-3, CL, CM and CH zoning districts, subject to the standards of those zoning districts and the standards of this section.

1. ***Nursing Homes*** are prohibited in the Coastal High Hazard Overlay District.

2. ***Nursing Homes*** in the R-3 zoning district shall in all respects be consistent with the ***Residential*** structures in the neighborhood and be consistent with the ***Residential*** character of the neighborhood. Determination of consistency shall be based on the design of the structure; the amount and location of off-***Street*** parking; the location, size and design of the ***Driveway***; ***Building*** orientation; landscaping; number, size and location of ***Accessory Structures***; and the size and location of swimming pools or other outdoor ***Recreation*** facilities and equipment.

5.04.06 Commercial *Use* of *Front Yards*.

All or a portion of privately owned ***Front Yards*** may be used for dining areas or other commercial activities in the FBO districts subject to supplemental use approval and compliance with the following conditions:

A. The ***Use*** complies with applicable design requirements in the district;

B. The ***Use*** is limited to the hours of operations of the business in the principal structure, with all displays and stands being moved indoors nightly;

C. The ***Use*** will not interfere with pedestrian movement along public sidewalks;

D. The ***Use*** will not create a traffic hazard or interfere with transit service;

E. The ***Use*** will not interfere with the ***Use***, enjoyment or operations of adjacent properties; and

F. The approval shall be valid for one year and shall automatically be renewed unless the City finds evidence of repeated or intentional failure to maintain one or more of the conditions of approval. If such evidence is presented, then the approval may only be extended following a hearing following submission of a credible plan to correct such failures and maintain compliance with such conditions.

(Ord. # 1335, 2/26/15)

5.04.07 Reserved

5.04.08 Construction Materials and Supplies; Repair Shops for Large Appliances or Equipment

A. Construction materials and supplies, with or without lumber yards and repair shops for large appliances or large equipment are allowable in the CH zoning district, subject to the standards of this zoning district and the standards of this section. These ***Uses*** are not allowable in the area lying south of a continuation of the centerline of Front Beach Road (Scenic Highway 98) through South Thomas Drive and Thomas Drive.
(Ord. #1254, 11/14/13)

B. Outdoor storage of materials and supplies is allowable, subject to the following standards:

1. Storage areas shall be fully enclosed by:

   (a) A ***Vegetative Fence***; or

   (b) A masonry, wooden or ***Solid Face*** fence or wall not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.

2. Properties abutting properties zoned or used for ***Residential*** purposes shall provide ten (10) feet of buffer yard in addition to the buffer yard otherwise required.

3. The buffer that is otherwise required shall be increased by thirty (30) percent.

5.04.09 Duplex, Triplex, Quadplex *Buildings*

A. Duplex, triplex and quadplex ***Buildings*** are allowable in the R-2, R-3, CL, CM and CH zoning districts, subject to the standards of those zoning districts and the standards in this section. The minimum ***Lot*** area shall be 3,000 square feet per ***Dwelling Unit***.

B. The minimum ***Lot*** width, ***Setbacks*** and maximum density shall comply with applicable zoning district standards.
(Ord. #1364, 11/12/15)

C. The maximum ***Lot*** coverage shall be forty (40) percent.

D. The maximum ***Building Height*** shall be thirty-five (35) feet.

5.04.10 Multi-family Buildings (5+ units)

A. ***Multi-family Developments*** with five (5) or more ***Dwelling Units*** per ***Building*** are allowable in the RTH, R-2, R-3, CL, CM and CH zoning districts, subject to the standards of those zoning districts and the standards of this section.

B. ***Multi-family Developments*** within the RTH, R-2, R-3, CL, CM and CH zoning districts may include the following ***Accessory Uses***:

1. ***Building*** management office.

2. Restaurant, deli or coffee shop subject to the following standards:

   (a) Such ***Use*** shall be allowed only in ***Multi-family Developments*** of100 or more ***Dwelling Units***.

   (b) The ***Use*** shall be integrated into one of the ***Multi-family Buildings***. The ***Use*** shall not be freestanding.

   (c) The ***Use*** shall not occupy more than five (5) percent of the ground floor area of the ***Multi-family Development***.

   (d) No more than one (1) exterior wall-mounted ***sign*** shall be permitted to identify the ***Use***.

   (e) The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.

   (f) ***Drive-Through*** or drive-up facilities shall be prohibited.

3. Day-care or child-care facility, subject to the following standards:

   (a) Such ***Use*** shall be allowable only in ***Multi-family Developments*** of fifty (50) or more ***Dwelling Units***.

   (b) The facility may be freestanding, but shall be integrated into the overall design of the ***Multi-family Development***.

   (c) The facility shall be located and designed to serve primarily the residents of the ***Multi-family Development*** as an ancillary activity.

4. Laundry or dry-cleaning pick-up stations, excluding dry-cleaning plants or operations. The station shall not be freestanding.

5. *Newsstands*, subject to the following standards.

   (a) The ***Use*** shall be integrated into one of the ***Multi-family Buildings***.

   (b) The ***Use*** shall not be freestanding.

   (c) The ***Use*** shall not occupy more than five (5) percent of the ground floor area of the ***Multi-family Development***.

   (d) No more than one (1) exterior wall-mounted ***sign*** shall be permitted to identify the ***Use***.

   (e) The hours of operation shall be limited to 6:00 a.m. to 9:00 p.m.

6. Parks and ***Recreation*** facilities to meet the needs of the residents, subject to the following standards:

   (a) Pools, recreational centers and active outdoor play areas shall be located a minimum of fifty (50) feet from property zoned or used for ***Single Family Residential*** purposes

(b) Pools, recreational centers and active outdoor play areas shall be fully screened through the ***Use*** of ***Decorative Fencing*** or vegetation.

7. Self-service laundries, of a size and location to serve the needs of the residents. The laundry shall not be freestanding.

C. For ***Multi-family Developments*** with one hundred - fifty (150) or more ***Dwelling Units***, two (2) ***Access*** points shall be provided unless prohibited by ***Access*** management regulations of the FDOT or the ***City***. The primary entrance to the ***Development*** shall not be located on a ***Street*** that provides primary ***Access*** to ***Single Family*** residences, unless such ***Street*** is classified as a collector or arterial.

D. Multifamily ***Dwellings*** that house persons with limited mobility are prohibited in the Coastal High Hazard Overlay District.

E. The buffer that is otherwise required shall be increased by thirty (30) percent.

F. ***Multi-family Developments*** in the R-TH or CL zoning districts shall be limited to a maximum of six (6) units per ***Building***.

G. ***Multi-family Developments*** within the RTH, R-2, R-3, CL and CM zoning districts shall have a minimum ***Lot*** area of 3,000 square feet per ***Dwelling Unit***.

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

5.04.11 Single Family Dwellings and Modular Homes (DCA Approved)

A. ***Single Family Dwellings*** and ***DCA*** approved ***Modular Homes*** are allowable in the CL, CM and CH zoning districts, subject to the standards of those zoning districts and the standards in this section.

B. The minimum ***Lot*** area shall be 6,000 square feet.

5.04.12 Fire Stations or Police Stations

A. Fire stations and police stations are allowable in the CM zoning district, subject to the standards of this zoning district and the standards in this section.

B. ***Access*** shall be on an ***Arterial*** or ***Collector Street***.

C. The number of ***Shrubs***, small trees and medium or large trees otherwise required in the buffer shall be increased by thirty (30) percent.

D. Unless prohibited by local, state or federal law, the rear and side yard to the rear of the building shall be enclosed with:

1. A ***Vegetative Fence***; or

2. A ***Solid Faced*** masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height, where said yards abut a property zoned or used for ***Residential*** purposes. The decorative side of the fence shall face outward.

5.04.13 Fraternal Lodges

A. Lodges or ***Buildings*** for private membership organization are allowable in the AR zoning district, subject to the standards of this zoning district and the standards in this section.

B. The front, side and rear ***Setbacks*** shall be a minimum of fifty (50) feet.

C. The number of ***Shrubs***, small trees and medium or large trees otherwise required in the buffer shall be increased by thirty (30) percent.

D. The improved area of the property shall be enclosed with:

1. A ***Vegetative Fence***; or

2. A ***Solid Faced*** masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.

5.04.14 Golf Driving Range (free standing)

A. Golf driving ranges are allowable in the CH and M1 zoning districts, subject to the standards of those zoning districts and the standards in this section.

B. The minimum ***Setback*** from any property zoned or used for ***Residential*** purposes is 100 feet.

C. Safety netting is required on the perimeter of the driving range. The safety netting shall be a height sufficient to contain the activity within the range. In determining the required fencing height, factors such as distance from property lines and from all tee box areas (currently used and alternative areas) shall be considered.

5.04.15 Reserved

5.04.16 *Light Industrial Uses*

A. ***Light Industrial Uses*** are allowable in the M-1 zoning district, subject to the standards of this zoning district and the standards of this section.

B. All Activities must be conducted within an enclosed ***Building*** except the storage of materials.

C. Landscaped buffers and a ***Solid Faced*** masonry or wooden wall or fence shall be required to screen outdoor storage of materials. The minimum buffer width shall be twenty (20 feet and be planted with one (1) large or medium tree for each twenty (20) linear feet of property on the boundary separating the adjacent ***Uses***. The wall or fence shall be at least six (6) feet in height and no more than eight (8) feet in height. The finished side of the fence or wall shall face outward. The fence shall be no further than one (1) foot from the property line.

5.04.17 Kennels, Animal Shelters and Veterinary Offices

A. ***Kennels, Animal Shelters*** and ***Veterinary Offices*** are allowable in the AR, CH and M1 zoning districts, subject to the standards of those zoning districts and the standards of this section.

B. Pens and cages used to contain animals must be located within an enclosed ***Building***.

C. Outside storage of materials is prohibited.

D. The minimum ***Setback*** from any property zoned or used for ***Residential*** purposes is 100 feet.

E. The number of ***Shrubs***, small trees and medium or large trees otherwise required in the buffer shall be increased by thirty (30) percent.

F. The property shall be enclosed with a ***Solid Faced*** masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height, unless a ***Solid Faced*** fence is prohibited by State or federal law. The decorative side of the fence shall face outward.

5.04.18 Lodging Accommodations (Located Outside of the FBO-4 District)

A. ***Lodging Accommodations*** are allowable in the R-TH, R-2, R-3, CL, CM, CH and M-1 zoning districts, subject to the standards of those zoning districts and the standards of this section.

B. ***Lodging Accommodations*** within the R-TH, R-2, R-3, CL, CM, CH and M-1 zoning districts may include the following ***Accessory Uses***:

1. Restaurant, deli or coffee shop subject to the following standards:

   (a) The ***Use*** shall be located within the principal ***Building*** of the ***Lodging Accommodation***.

   (b) The ***Use*** shall not occupy more than ten (10) percent of the largest floor area of the ***Lodging Accommodation***.

   (c) No more than one (1) exterior wall-mounted ***sign*** shall be permitted to identify the restaurant, deli or coffee shop.

   (d) The hours of operation shall be limited to 6 a.m. to 10:00 p.m.

2. ***Newsstands***, located within the principal ***Building***, to serve the guests of the ***Lodging Accommodation***. Exterior signage is prohibited.

   (a) The primary ***Access*** to the main entrance shall be on an ***Arterial*** or ***Collector Street***. A secondary ***Access*** on any ***Street*** to the main entrance may be allowed subject to the following design standards:

(1) The pavement width for the ***Access*** shall not exceed twenty-four (24) feet.

(2) The buffer that is otherwise required shall be increased by thirty (30) percent.

5.04.19 Manufactured Homes and Recreational Vehicle Sales Facilities

A. ***Manufactured Home*** and ***Recreational Vehicle*** sales are allowable in the CH zoning district, subject to the standards of this zoning district and the standards in this section. These ***Uses*** are not allowable in the area lying south of a continuation of the centerline of Front Beach Road (Scenic Highway 98) through South Thomas Drive and Thomas Drive.
(Ord. #1254, 11/14/13)

B. ***Manufactured Home*** and ***Recreational Vehicle*** sales facilities are limited to administrative or sales offices for the sales facility and the associated parking; showrooms for ***Manufactured Homes***, ***Recreational Vehicles*** and ***Accessory*** products for ***Manufactured Homes*** and ***Recreational Vehicles***; sales lots for new ***Manufactured Homes*** and ***Recreational Vehicles***; and associated ***Accessory*** facilities, such as ***Retail Sales*** of ***Access***ories or parts. Service and repair facilities are prohibited.

(a) Storage of Manufactured Homes and Recreational Vehicles is limited to Manufactured Homes and Recreational Vehicles to be offered for sale. Storage facilities for Mobile Homes, Manufactured Homes and Recreational Vehicles owned by third parties are prohibited.

C. The sales facilities shall be located a minimum of fifty (50) feet from the property line of a property zoned or used for ***Residential*** purposes. This distance shall be measured from the property line of the ***Manufactured Home*** sales facility to the nearest property line of property zoned or used for ***Residential*** purposes.

D. For sales facilities located on property within 200 feet of a property zoned or used for ***Residential*** purposes, the required buffer shall be increased to include a ***Solid Faced*** wooden or masonry fence, a minimum of six (6) feet, but no more than eight (8) feet in height. The decorative side of the fence shall face outward.

E. The primary ***Access*** to the ***Manufactured Home*** sales facility shall be from an ***Arterial Street***. Where the property has ***Frontage*** on two (2) ***Streets***, one (1) secondary ***Access*** may be allowed on a collector ***Street***. ***Access*** is prohibited from any ***Local Street***.

F. All outside areas for display or sale of ***Manufactured Homes*** or ***Recreational Vehicles*** shall contain a dust-free surface.

G. Sales lots shall not encroach into required parking areas or lots.

H. There shall be no storage, parking, ***Vehicle*** display, signs, banners, tents or other ***Accessory*** or sales activity on the public right-of-way.

I. The number of ***Shrubs***, small trees and medium or large trees otherwise required in the buffer shall be increased by thirty (30) percent.

J. The property shall be enclosed with a ***Solid Faced*** masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.

K. All display units shall be securely anchored and level with supports and open areas under the units fully screened. Units not on display shall be stored in a location that is screened from view of public rights-of-way.

5.04.20 Museums

A. Museums are allowable in the CL and C zoning districts, subject to the standards of those zoning districts and the standards of this section.

B. Museums in the C zoning district are restricted to walkways and piers and docks on elevated pilings.

C. The buffer that is otherwise required shall be increased by thirty (30) percent.

5.04.21 Reserved

5.04.22 Public Works and Emergency Services Facilities

A. Public works facilities (including wastewater and potable water facilities) and emergency services facilities are allowable in the AR, CH and C zoning districts, subject to the standards of these zoning districts and the standards of this section.

B. The minimum ***Setback*** shall be fifty (50) feet from a property line adjacent to property zoned or used for commercial, office or industrial purposes.

C. The minimum ***Setback*** shall be 100 feet from a property line adjacent to property zoned or used for ***Residential***, conservation, ***Recreation*** or public purposes.

D. Unless prohibited by local, state or federal law, the property shall be enclosed with:

1. A ***Vegetative Fence***; or

2. A ***Solid Faced*** masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height, unless a ***Solid Faced*** fence is. The decorative side of the fence shall face outward.

E. ***Access*** for public works ***Yards***, utility ***Yards*** or emergency services facilities shall be on an ***Arterial*** or ***Collector Street***.

F. The number of ***Shrubs***, small trees and medium or large trees otherwise required in the buffer shall be increased by thirty (30) percent.

G. In a "C" district, public works and emergency facilities are limited to FDEP permitted wetland discharge areas with supporting structures.

5.04.23 Reserved

5.04.24 Religious Uses

A. Religious ***Uses*** shall be allowable in the following ***Residential*** zoning districts subject to the standards of the zoning district and the supplemental standards of this section: R-1a, R-1b, R-1c, R-1cT, RO, RTH, R-2 or R-3.

B. The primary ***Use*** for a site developed for religious purposes is worship. Worship is a form of religious practice with its creed and ritual.

C. ***Uses*** and activities other than worship shall be considered ***Accessory Uses*** and shall be clearly ancillary to the primary ***Use***. Such ***Uses*** and activities shall be limited to schools, subject to the standard of this chapter; offices to support the establishment; child or adult day care, subject to the standards of Chapter 5; fellowship hall, with or without a kitchen, subject to the standards of Chapter 5; unlighted sports courts and individual meeting spaces.

D. The buffer that is otherwise required shall be increased by thirty (30) percent.

E. Property boundaries adjacent to parcels zoned or used for ***Residential*** purposes shall have a ***Solid Faced*** masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward. Additionally, a medium or large tree shall be required for every twenty (20) linear feet along the property line between the ***Uses***.

F. All ***Accessory Uses*** are subject to the following requirements:

G. The ***Accessory Use*** shall be owned and operated only by the owner of the primary ***Use***.

H. The facility housing the ***Accessory Use*** shall meet all local, State or federal standards.

I. The owner of the primary ***Use*** shall obtain any licenses required to conduct the ***Accessory Use***. Any approval of the ***Accessory Use*** shall be contingent upon receipt of all licenses.

J. Outdoor play or activity areas shall be no closer than fifty (50) feet from property zoned or used for ***Residential*** purposes.

K. The following activities shall be prohibited in association with religious ***Uses***: retreat centers; overnight lodging facilities or other temporary sleeping quarters; and any ***Use*** not specifically identified as an allowable ***Accessory Use***. Notwithstanding the prohibition of overnight lodging, one (1) ***Residential Dwelling Unit*** may be provided as a parsonage, subject to the standards of section 5.04.24N.

L. Child day care, adult day care, preschool or child nursery ***Uses*** are allowable ***Accessory Uses*** subject to the following standards:

1. The total floor area allocated to the child day care, adult day care, preschool or nursery ***Uses*** shall not exceed ten (10) percent of the total floor

area on the site. The calculation of total floor area allocated to the ***Uses*** shall be cumulative and shall include all child day care, adult day care, preschool, nursery facilities and related mechanical and support facilities.

2. An off-***Street Drop-Off*** area for persons served by the facility shall be provided. The entrance and ***Vehicle*** drop off points shall not be located on a ***Street*** providing primary ***Access*** to residences, unless such ***Street*** is classified as a collector or arterial.

M. A fellowship hall is an allowable ***Accessory Use*** subject to the following standards:

1. Dining, including dining open to the public as a "soup kitchen," is permitted between the hours of 8:00 a.m. and 10:00 p.m., provided:

   (a) The owner of the religious ***Use*** ensures that meal recipients remain on the site except during travel to and from the fellowship hall; and

   (b) No consideration or value of any kind is given, directly or indirectly, in exchange for the meal.

2. The total floor area allocated to the fellowship hall, including related mechanical and support facilities, shall not exceed twenty (20) percent of the total floor area on the site.

3. The entrance to the fellowship hall shall not be located on a ***Street*** providing primary ***Access*** to residences, unless such ***Street*** is classified as a collector or arterial.

N. One (1) ***Residential Dwelling Unit*** is allowable to serve as a parsonage, subject to the following standards:

1. A minimum ***Lot*** area for the ***Dwelling Unit*** ("parsonage lot") shall be 6,000 square feet. The parsonage lot shall be used exclusively for the ***Dwelling Unit*** and shall not include any primary or other ***Accessory Use*** allowable on the site. The parsonage lot shall not be used for any support activity to the primary or ***Accessory Uses***, such as outdoor play areas, storage or parking, other than as specifically provided below.

   (a) The maximum ***Lot*** coverage for the parsonage lot shall be thirty-five (35) percent.

   (b) Two (2) ***Parking Spaces*** shall be provided within the parsonage lot.

   (c) The maximum ***Building Height*** on the parsonage lot shall be thirty-five (35) feet.

   (d) The parsonage lot may contain children's outdoor play equipment, in a size and quantity typical of a ***Single Family Residential Use***.

   (e) The parsonage lot may contain a ***Residential*** swimming pool, fully enclosed and attached to the ***Dwelling***.

(f) A specific parking plan shall be provided. This plan shall identify the primary ***Use*** and each ***Accessory Use*** proposed on the site. The parking plan shall indicate the hours of operation and peak times of ***Use*** (parking demand) for the primary ***Use*** and each ***Accessory Use*** on the site. The parking standards for the primary ***Use*** and each ***Accessory Use*** shall be identified, based upon section 4.05.02. The parking plan may include reduced or shared parking. If reduced or shared parking is proposed, the parking plan and supporting data shall clearly indicate that differing peak ***Use*** and associated parking requirements shall not result in a parking deficiency on the site. The parking plan shall indicate areas designated for overflow parking during times of extraordinary ***Use*** (such as festival or holiday periods).

(g) For religious ***Uses*** that exceed 7,000 square feet in total floor area, excluding the parsonage, if any, the minimum ***Setback*** from any ***Residential*** property line that is otherwise required shall increase five (5) feet for each 1,000 square feet or portion thereof, over 7,000 square feet.

O. ***Cemeteries*** are an allowable ***Accessory Use***, subject to the following standards:

1. The land area dedicated to the ***Cemetery*** shall be 1/2 acre or less. ***Cemeteries*** greater than 1/2 acre may only be permitted as conditional use.

2. An off-***Street Drop-Off*** area for persons served by the facility shall be provided. The entrance and ***Vehicle*** drop off points shall not be located on a ***Street*** providing primary ***Access*** to residences, unless such ***Street*** is classified as a collector or arterial.

3. Buildings shall be at least thirty (30) feet from all property lines or setback according to the underlying zoning district, whichever is greater.

4. The buffer that is otherwise required shall be increased by thirty (30) percent.

5.04.25 Research and *Development* Center

A. Research and ***Development*** Centers are allowable in the CL zoning district, subject to the standards of this zoning district and the standards of this section.

B. The center shall not have any outdoor storage. All activities shall be performed within an enclosed ***Building***.

C. The center shall have a floor area ratio of sixty (60) percent and an ***Impervious Surface*** ratio of sixty (60) percent.

D. The buffer that is otherwise required shall be increased by thirty (30) percent.

E. The property shall be enclosed with:

1. A ***Vegetative Fence***; or

2. A ***Solid Faced*** masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.

5.04.26 Restaurants and Delicatessens

A. Restaurants and delicatessens are allowable in the CM and CH zoning districts, subject to the standards of these zoning districts and the standards of this section.

B. Outside seating not permitted within one hundred (100) feet of a ***Residential*** zoning district. Property boundaries adjacent to parcels zoned or used for ***Residential*** purposes shall have a ***Solid Faced*** masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward. Additionally, a medium or large tree shall be required for every twenty (20) linear feet along the property line between the ***Uses***.

C. The buffer that is otherwise required shall be increased by thirty (30) percent.

5.04.27 *Retail Sales* and *Services* (Not otherwise Specified)

A. ***Retail Sales*** and ***Services*** (not otherwise specified) are allowable in the AR, CL, CM and CH zoning districts, subject to the standards of these zoning districts and the standards of this section.

B. Outside seating not permitted within twenty-five (25) feet of a ***Residential*** zoning district.

C. The buffer that is otherwise required shall be increased by thirty (30) percent.

5.04.28 Mini-warehouses or Self-storage Facilities

Mini-warehouses or Self-storage Facilities are allowable in the CM zoning district, subject to the standards of this zoning district and the standards in this section.

A. The facility shall be used for individual storage units and may include a caretaker residence and an administrative office for the facility.

B. The administrative office shall occupy no more than five (5) percent of the ground floor area of the facility.

C. A caretaker residence may be allowed only where the total floor area is 10,000 square feet or more for the facility.

D. An allowable caretaker residence shall occupy no more than ten (10) percent of the total floor area and shall not exceed 1,000 square feet.

E. The maximum height shall not exceed thirty-five (35) feet.

F. The storage of hazardous, toxic or explosive materials is prohibited.

G. Plumbing shall not be extended to individual storage units and plumbing fixtures shall not be installed.

H. Where the facility is designed such that the openings or ***Access*** to each individual storage unit faces outward, there shall be a minimum of ten (10) feet of landscaped buffer on the perimeter of the site. Any ***Access*** road to the individual storage units shall not be included in the required buffer. One (1) tree shall be installed for each twenty (20) linear feet of property on the boundary separating the adjacent ***Uses***. A ***Solid Faced*** masonry or, wooden wall or fence, six (6) feet in height, shall be required between the buffer and the storage units. The decorative side of the fence shall face outward.

I. Where a facility is located adjacent to property zoned or used for ***Residential*** purposes, the minimum buffer shall be twenty (20) feet on the perimeter adjacent to the ***Residential Use*** or district. One (1) tree shall be installed for each twenty (20) linear feet of property on the boundary separating the adjacent ***Uses***. A ***Solid Faced*** masonry or wooden wall or fence, six (6) feet in height, shall be required. The decorative side of the fence shall face outward.

J. One (1) way travel aisles that serve individual storage spaces shall include one (1) lane, ten (10) feet wide, for parking and loading and one (1) travel lane that is twelve (12) feet wide.

K. Two (2) way travel aisles that serve individual storage spaces shall include one (1) lane, ten (10) feet wide, for parking and loading and two (2) travel lanes that are ten (10) feet wide each.

L. Travel aisles that do not serve individual storage spaces shall be twelve (12) feet wide and are not required to provide a parking and loading lane.

M. Outside storage areas are prohibited.

N. All electrical, air conditioning or other equipment shall be fully screened. Noise abatement shall be required.

O. The exterior design of the facility shall be consistent with the ***Building*** design of the surrounding area, with respect to color, materials and architectural features.

P. The number of ***Shrubs***, small trees and medium or large trees otherwise required in the buffer shall be increased by thirty (30) percent.

Q. Amplified sound shall not be allowed.

5.04.29 Service Stations and Boat Repair Yards

A. ***Service Stations*** and ***Boat Repair Yards*** are allowable in the CM, CH and M-1 zoning districts, subject to the standards of these zoning districts and the standards in this section. These ***Uses*** are not allowable in the area lying south of a continuation of the centerline of Front Beach Road (Scenic Highway 98) through South Thomas Drive and Thomas Drive.
(Ord. #1254, 11/14/13)

B. The term "***Service Station***" is defined in Chapter 1 and additionally includes convenience stores with gas pumps, gas stations with or without repair facilities,

gas stations with or without fast food or ***Drive-Through*** restaurants and associated ***Parking Lots*** and ***Accessory Uses***.

C. ***Service Stations*** or ***Boat Repair Yards*** located within 100 feet from the property line of a property zoned or used for ***Residential*** purposes shall meet the following standards:

1. The buffer that is otherwise required shall be increased by thirty (30) percent.

2. Between the buffer and the ***Service Station*** or ***Boat Repair Yard***, there shall be:

   (a) A ***Vegetative Fence***, or

   (b) A ***Solid Faced*** masonry or wooden wall or fence shall be required, not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.

3. The exterior design of the facility shall be consistent with the ***Building*** design of the ***Residential*** neighborhood, with respect to color, materials and architectural features.

D. All repair services shall be provided within an enclosed ***Building***. Garage bay doors shall not face a ***Residential*** zoning district or an arterial ***Street***.

E. Any temporary storage of ***Vehicles*** awaiting repair shall be within an enclosed ***Building*** or completely screened from off-site view with:

1. A ***Vegetative Fence***; or

2. A ***Solid Faced*** masonry or wooden wall or fence.

F. ***Vehicle*** parts, supplies, damaged parts or other materials and supplies shall be stored within an enclosed ***Building***.

G. ***Canopies*** over gas pumps or pump islands shall meet the ***Setback*** requirements for the district.

H. The sale of ***Vehicles*** is prohibited on the ***Service Station*** site and the adjacent right-of-way.

5.04.30 *Shopping Center* (excluding Office and Business Parks)

A. ***Shopping Centers*** (excluding Office and Business Parks) are allowable in the CM and CH zoning districts, subject to the standards of these zoning district and the standards of this section.

B. Outside seating not permitted within twenty-five (25) feet of a ***Residential*** zoning district.

C. The buffer that is otherwise required shall be increased by thirty (30) percent.

5.04.31 Terminals and Trucking, Freight, Moving and Storage Facilities, *Distribution Centers* and *Motor Vehicle Storage* and *Impound Lots*

A. Terminals, trucking, freight, moving, storage facilities, ***Distribution Centers*** and ***Motor Vehicle Storage*** and ***Impound Lots*** are allowable in the CH and M1 zoning district, subject to the standards of this zoning district and the standards of this section.

B. The minimum ***Setback*** shall be fifty (50) feet from a property line adjacent to a CL zoning district.

C. The minimum ***Setback*** shall be 200 feet from a property line adjacent to property zoned or used for ***Residential***, conservation, ***Recreation*** or public purposes.

D. The property shall be enclosed with a ***Solid Faced*** masonry or wooden fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.

E. ***Access*** to the designated entrance shall be on an arterial or collector ***Street***.

F. The buffer that is otherwise required shall be increased by thirty (30) percent.
(Ord. #1254, 11/14/13)

5.04.32 Townhomes

A. ***Townhome***s are allowable in the CH zoning district, subject to the standards of this zoning district and the standards of this section.

B. The ***Lot*** minimum ***Lot*** area and ***Lot*** width shall be that as shown for the R-TH zoning district in Table 4.02.02.C.
(Ord. #1254, 11/14/13)

C. ***Townhome***s are limited to a maximum of six (6) units per ***Building***.

5.04.33 Transient Residential Rentals

A. Transient ***Residential*** rentals are allowable in the R-2, R-3, R-TH, CL, CM and CH zoning districts, and on parcels in R-1C zoning districts located south of Front Beach Road, subject to the standards of these zoning districts and the standards of this section.
(Ord. #1366, 12/10/15)

B. Transient ***Residential*** rentals shall include units rented or leased for periods of:

1. A minimum of one (1) week in the R-TH district,

2. A minimum of three (3) days in the R-2 and R-3 districts; and

3. Any time period in the CL, CM and CH districts.

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

C. Signs shall not be posted on ***Residential*** rental units or the property where ***Residential*** rental units are located.

D. All parking shall be off-***Street*** parking.

E. The ***Dwelling Unit*** shall in all respects be consistent with the ***Residential*** structures in the neighborhood and be consistent with the ***Residential*** character of the neighborhood. Determination of consistency shall be based on the design of the structure; the amount and location of off-***Street*** parking; the location, size and design of the ***Driveway***; ***Building*** orientation; landscaping; number, size and location of ***Accessory Structures***; and the size and location of swimming pools or other outdoor ***Recreation*** facilities and equipment.

5.05.00 TELECOMMUNICATIONS TOWERS AND ANTENNAS

5.05.01 Generally

A. It is the intent of the ***City*** to allow ***Telecommunications Towers*** and/or ***Antennas*** in compliance with State and federal regulations. It is further the intent of the ***City*** to protect the public health, safety and welfare through regulating the placement and design of allowable ***Telecommunications Towers***. The regulations in this section are designed to meet the following purposes:

1. To protect ***Residentially*** zoned areas and ***Residential Development*** from potential adverse impacts of ***Telecommunications Towers*** that are placed in inappropriate locations;

2. To minimize visual impacts of ***Telecommunications Towers*** through site design requirements, location requirements and innovative camouflage techniques, in accordance with acceptable engineering and planning principles; and

3. To allow ***Telecommunications Towers*** that meet State, federal and local requirements for location, site design and appearance.

B. ***Telecommunications Towers*** proposed within the ***City*** shall provide for ***Collocation*** consistent with State and federal regulations.

5.05.02 Applicability

All ***Telecommunications Towers*** and ***Antennas*** proposed to locate in the ***City*** shall be subject to the regulations in this section.

5.05.03 Allowable Locations for Telecommunications Towers

Telecommunications Towers and/or ***Antennas*** shall be reviewed according to the procedures of Chapter 10 and are permissible on lands designated in the Comprehensive Plan for the following ***Uses***: Tourist, Industrial, ***Recreation*** or Public ***Buildings*** and Grounds.

5.05.04 Requirements for Telecommunications Towers and Antennas

A. All ***Telecommunications Towers*** and ***Antennas*** shall be maintained in good condition and in accordance with all standards in this section. No ***Additions***, changes or modifications shall be made except in conformity with the standards of this section.

B. At all times, each ***Telecommunications Tower*** shall be insured for liability in an amount of not less than $5,000,000.00.

C. In the event that a ***Telecommunications Tower*** or ***Antenna*** is ***Abandoned***, the owner of the ***Telecommunications Tower*** or ***Antenna*** shall restore the property to its condition prior to the installation of the tower or ***Antenna***. Restoration shall be completed not later than six (6) months after ***Abandonment***.

5.05.05 Design Requirements for Telecommunications Towers

The following site design and appearance regulations apply to ***Telecommunications Towers*** that are installed on the ground. Where the provisions of the underlying zoning district differ from the following provisions, the following provisions apply:

A. All ***Telecommunications Towers*** shall be located in a manner that minimizes the effect on environmental resources.

B. A new ***Telecommunications Tower*** shall be permissible only if the applicant demonstrates that ***Collocation*** is not available.

C. ***Setbacks*** required by this section shall be measured from the closest aspect of the base of the tower to the property line of the ***Parcel*** on which it is located.

D. ***Telecommunications Towers*** shall be ***Setback*** a minimum of fifty (50) feet from front, side and rear property lines of the ***Parcel***.

E. A new ***Telecommunications Tower*** shall be located a minimum of 1,500 feet from any existing ***Telecommunications Tower***.

F. The maximum height of ***Telecommunications Towers*** shall not exceed 150 feet. The measurement of ***Telecommunications Tower*** height shall include the tower, ***Antenna***s and base pad and shall be measured from the finished grade at the tower pad location.

G. ***Telecommunications Towers*** shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration.

H. Structural design

1. ***Telecommunications Towers*** shall be monopole structures.

2. ***Telecommunications Towers*** shall be designed to accommodate collocators. The number of collocators shall be included in the design specifications.

3. ***Telecommunications Towers*** shall include one (1) emergency generator of sufficient size to accommodate the needs of all collocated ***Antenna***s. The

application for the tower shall include documentation to ensure that future collocators shall be required to ***Use*** the existing generator.

4. ***Telecommunications Towers*** shall be constructed in accordance with the standards in the latest edition of the following ***Publication***s:

   (a) Construction standards for ***Telecommunications Towers***, published by the Electronic Industries Association.

   (b) "Minimum Design Load for ***Buildings*** and Structures," published by the American Society of Civil Engineers.

   (c) "Guide to the ***Use*** of Wind Load Provisions," published by the American Society of Civil Engineers.

   (d) ***FBC***.

I. A fence, not less than six (6) feet nor to exceed eight (8) feet in height, shall be installed to enclose the tower. The fence shall be installed to accommodate landscaping located outside the fence. The fence may be wooden, masonry or vinyl. Wooden or masonry fences shall be painted to blend with the surrounding environment. Vinyl fences shall be of a color to blend with the surrounding environment. The decorative side of all fences shall face outward.

J. Existing vegetation shall be retained to the maximum extent possible, except for exotic invasive vegetation. Exotic invasive vegetation shall be removed and replaced with landscape materials that comply with section 5.05.05K.

K. Landscaping requirements

1. ***Telecommunications Towers*** shall be required to provide landscaping outside the fence enclosing the tower and at the property line of the ***Parcel***. Perimeter landscaping shall be required only on property lines that are within 150 feet of the base of the ***Telecommunications Tower***. Where landscaping is provided at the property line of the ***Parcel***, a recorded easement shall be provided to ensure the continued provision and maintenance of the landscaping.

2. Plants shall be selected in consideration of the site soils, moisture and salt conditions. All plant materials shall be evergreen.

3. Trees for perimeter landscaping shall be selected from the following list: Southern Red Cedar, Live Oak, Laurel Oak, Dahoon Holly, East Palatka Holly and American Holly. Six (6) trees per 100 linear feet are required. At least two (2) species of trees shall be used.

4. Perimeter landscaping is intended to provide an opaque screen between adjacent properties and the ***Telecommunications Tower***. Trees shall be planted in a double-staggered row and placed in an irregular pattern so as to appear more natural. Tree spacing may vary, but shall not exceed an average of fifteen (15) feet, center to center.

5. The minimum tree size shall be twelve (12) feet high at the time of installation. Tree trunk caliper shall be appropriate to the selected species natural growth habits.

6. ***Shrubs*** shall be required outside the fence. ***Shrubs*** shall be selected from the following list: Wax Myrtle, Thorny Elaeagnus or Saw Palmetto.

7. The minimum ***Shrub*** size shall be thirty-six (36) inches high at the time of installation. Saw Palmettos shall be at least eighteen (18) inches in height at the time of planting.

8. ***Shrubs*** shall be planted in irregular groups. Staggered rows of ***Shrubs*** are encouraged to produce a more natural appearance. There shall be a minimum of twenty-five (25) ***Shrubs*** planted per 100 linear feet of fence.

9. Existing on-site vegetation may be counted toward meeting the minimum requirements for vegetation.

10. All landscape materials shall meet Florida No. 1 standards, as defined in "Grades and Standards for Nursery Plants," published by the Florida Department of Agriculture and Consumer Services.

11. There shall be no ***Irrigation System*** required. However, a watering plan shall be provided to ensure that all installed vegetation will thrive and will be well established one (1) year after installation. Any materials that die shall be replaced within three (3) months.

L. An ***Access Driveway*** shall meet the following standards in addition to other applicable standards of Chapter 4:

1. Where the tower enclosure is smaller than the entire ***Parcel***, a recorded easement shall be provided to ensure continuing availability of ***Access*** across the ***Parcel*** to the tower enclosure.

2. The ***Access Drive*** shall be designed to provide adequate turn-around space and may be designed as a hammerhead or T-type turn-around.

M. One (1) ***Parking Space*** shall be provided.

1. The space shall be paved.

2. The space shall be a minimum of ten (10) feet wide and eighteen (18) feet long.

3. Where the tower enclosure is smaller than the entire ***Parcel***, an easement or recorded agreement shall be required to ensure that the ***Parking Space*** is provided and maintained.

4. Where parking for other purposes exists on the ***Parcel*** in excess of the minimum parking requirements, one (1) space may be dedicated to ***Use*** by the ***Telecommunications Tower***. The availability of this ***Parking Space*** shall be ensured through a recorded agreement.

N. The ***Telecommunications Tower*** shall be designed and painted to resemble natural objects, such as trees that are typical of the surrounding area or shall be completely screened from view by incorporation into a principal ***Building***. All portions of the ***Telecommunications Tower*** shall be screened by architectural features matching that of the principal ***Building***.

5.05.06 Design Requirements for *Antenna*s Installed on Existing Above-ground Structures

A. The following site design and appearance regulations apply to one (1) or more ***Antenna***s that are installed on existing ***Buildings*** or structures. Where the provisions of the underlying zoning district differ from the following provisions, the following provisions apply:

1. The maximum height shall not exceed 150 feet. The measurement of height shall include the existing ***Building*** or structure, any structure to support the ***Antenna***s and the ***Antennas***. Height shall be measured from the finished grade of the ***Building*** or structure on which the ***Antennas*** are located to the uppermost point of the ***Building*** or structures, support structure or ***Antenna***.

2. ***Antennas*** attached to or supported by, an existing ***Building*** or structure shall not impose any undue stress on the ***Building*** or structure. Structures to support ***Antennas*** on existing ***Buildings*** shall be constructed in accordance with the standards in the latest edition of the following ***Publication***s:

   (a) Construction standards for ***Telecommunications Towers***, published by the Electronic Industries Association.

   (b) "Minimum Design Load for ***Buildings*** and Structures," published by the American Society of Civil Engineers.

   (c) "Guide to the ***Use*** of Wind Load Provisions," published by the American Society of Civil Engineers.

   (d) FBC.

3. The structure and ***Antenna*** shall be screened with architectural elements or integrated into architectural elements. Examples of appropriate ***stealth*** techniques include elements such as chimneys, spires, steeples or cupolas. Screening or other elements may be proposed, so long as the result is an integration of the ***Antenna*** and any supporting structure into the existing ***Building*** design features.

5.06.00 CONDITIONAL *USES*

5.06.01 Generally

Specific ***Uses*** are identified in Table 2.03.02, as allowable subject to conditional ***Use*** approval because they have a greater potential detriment than other ***Uses***. Conditional ***Uses*** are not of right; these ***Uses*** must comply with the standards applicable to the zoning district as well as the standards contained in this section and

the specific standards contained in the following sections, as applicable. Because conditional ***Uses*** may intrude on the right to enjoy adjacent properties, the Planning Board, or City Council when reviewing Conditional Uses located on parcels involving more than three (3) acres, has the discretion to impose conditions it determines to be necessary to satisfy required approval findings. Where there is conflict between a standard applicable to the zoning district and the following conditional ***Use*** standards, the stricter standard shall be required. A conditional ***Use*** shall be permitted by the Planning Board, or City Council when reviewing Conditional Uses located on parcels involving more than three (3) acres, provided that the Board or Council finds that, in light of any conditions imposed:

A. The proposed ***Use*** is so designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

B. The proposed ***Use*** will not have an adverse effect on existing traffic patterns.

C. The proposed ***Use*** will not impair an adequate supply of light and air to adjacent properties.

D. The proposed ***Use*** will not materially increase congestion in the public ***Streets*** in the surrounding area.

E. The proposed ***Use*** conforms to all applicable ***Setback***, ***Building Height***, ***Lot*** coverage and all other applicable regulations of the zoning district in which the ***Use*** is to be located.

F. Off-***Street*** parking and all other General Provisions of the Zoning Ordinance are met.

G. The proposed ***Use*** will not impair the established values of the property in the surrounding area.

H. The hours of ***Use*** will not be offensive to adjacent property owners, taking into consideration other surrounding ***Uses***.

I. There is adequate shielding to protect adjacent property owners from noise, lights and other obnoxious elements and activities, taking into consideration other surrounding ***Uses***.

J. The existing or proposed improvements and facilities are adequate for the ***Use*** intended.

K. There will be no adverse effect on water, sewage and drainage in the surrounding area.

L. The proposed ***Use*** satisfies any applicable, specific criteria stipulated for such ***Use*** as described below.

After written notice of violation and reasonable opportunity to cure has been given to the property owner, the City Manager shall terminate a conditional Use for violation of the restriction or condition imposed that materially negated the related positive finding. This can be done at any point in time after expiration of the time to cure.

(Ord. # 1271, 4-25-13)

5.06.02 *Amusement* Park, *Amusements* not otherwise specified and Zoos.

Amusements*, *Amusement* parks** and ***Zoos may be allowed in the CH zoning district subject to conditional use approval and compliance with the following conditions. ***Zoos*** also may be allowed in the AR zoning district subject to conditional use approval. Zoos are not allowable in the area lying south of a continuation of the centerline of Front Beach Road (Scenic Highway 98) through South Thomas Drive and Thomas Drive.

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

A. ***Amusements*** and ***Amusement*** parks may include, but not be limited to, tourist-oriented attractions such as water slides; tracks for go-carts or other similar ***Vehicles***; carnival or mid-way rides; mini-golf courses; bungee jumps; climbing walls; similar ***Amusements*** or rides.

B. ***Amusements*, *Amusement*** parks and ***Zoos*** may include the following ***Accessory Uses***: restaurants, delis, ice cream stands, food stands or kiosks, gift shops and similar ancillary ***Uses***. Such ***Accessory Uses*** shall be located within the ***Amusement*, *Amusement*** park or ***Zoo***. Restaurants, gift shops and the like shall not be open to the general public without entrance to the ***Amusement*, *Amusement*** park or ***Zoo***.

C. An ***Amusement*** may be freestanding or two (2) or more ***Amusements*** may be combined in a unified ***Development*** site, called an ***Amusement*** park.

D. An ***Amusement*, *Amusement*** park or ***Zoo*** shall be enclosed with a ***Solid Faced*** masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.

E. ***Amusements*, *Amusement*** parks and ***Zoos*** shall be ***Setback*** a minimum of 1,000 feet from property zoned for ***Residential*** purposes. The distance shall be measured from property line to property line. The number of ***Shrubs***, small trees and medium or large trees otherwise required in the buffer shall be doubled.

F. ***Access*** to the main entrance shall be on an ***Arterial*** or ***Collector Street***. No ***Access*** shall be permitted from ***Local Streets*** that provide ***Access*** to property zoned for ***Residential*** purposes.

G. The vibration, electromagnetic interference, noise, odor or glare generated by the ***Amusement*, *Amusement*** park or ***Zoo*** discernible on properties adjacent to the ***Amusement*, *Amusement*** park or ***Zoo*** shall not be greater than ambient conditions.

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

H. Amusements, Amusement Parks and Zoos are prohibited in the Coastal High Hazard Area.

I. Where all other conditions to the allowance of an ***Amusement*** are met, the maximum height of an ***Amusement*** structure which shall be permitted shall not exceed 125 percent of the maximum height permitted elsewhere in this LDC for structures located in the underlying zone. However, height in excess of 125

percent may be allowed where the Planning Board finds that the additional height does not create an unreasonable burden upon surrounding properties, taking into consideration, any noise and light allowed for the ***Amusement***.

(Ord. #1365, 11/12/15)

5.06.03 Arenas and Stadiums

Arenas and ***Stadiums*** may be allowed in the AR, CH, M1 and R zoning districts subject to conditional use approval and compliance with the following conditions:

A. ***Arenas*** or ***Stadiums*** shall be set back a minimum of 2,000 feet from any ***Single Family Residential*** zoning district (R-1A, R-1B, R-1C, R-1CT, and R-0). The distance shall be measured from property line to property line.

B. The parking lot shall be set back a minimum of 1,000 feet from any ***Residential*** zoning district (AR, R-1A, R-1B, R-1C, R-1CT, R-0, R-TH, R-2, and R-3). The distance shall be measured from the closest Parking Space to the property line of the ***Residential*** zoning district.

C. The buffer that is otherwise required shall be increased by fifty (50) percent.

5.06.04 Borrow Pits, Construction and Debris Landfills, Land Clearing Debris Landfills and Heavy Industrial Uses

A. Construction and debris landfills, land clearing debris fill areas, borrow pits and ***Heavy Industrial Uses*** are allowable in the AR, PF and M-1 zoning districts, subject to the standards of these zoning districts and the standards of this section.

B. The ***Front, Side*** and ***Rear Setbacks*** shall be a minimum of one hundred (100) feet from the property line to the excavation site for property abutting property zoned or *used* for commercial, office or industrial purposes.

C. The ***Front, Side*** and ***Rear Setbacks*** shall be a minimum of two hundred (200) feet from the property line to the excavation site for property abutting property zoned or *used* for ***Residential***, conservation, recreation or public purposes.

D. Access shall be on an ***Arterial*** or ***Collector Street***.

E. The improved area shall be enclosed with a ***Solid Faced*** masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.

F. The number of *shrubs,* small trees and medium or large trees otherwise required in the buffer shall be increased by fifty (50) percent.

G. If a ***Residential*** *use* or zone is located within five hundred (500) feet, then a large or medium tree is required to be planted every twenty (20) feet along the property line(s) nearest the ***Residential*** *use* or zone.

H. Prior to approval of a construction and debris landfill, land clearing debris landfill, borrow pit or ***Heavy Industrial Use***, the applicant must provide a sufficient reclamation plan for the site.

I. The landfill, pit or ***Heavy Industrial Use*** shall be prohibited within one thousand (1,000) feet of a wellfield protection area or environmentally sensitive lands.

J. A landfill shall be limited to a maximum height of thirty (30) feet within one thousand (1,000) feet of a property line and at no time shall ever exceed forty (40) feet in height as measured to the highest point of the fill above prevailing grade.

5.06.05 Cemeteries

Cemeteries larger than one-half (1/2) acre may be allowed in the CL and CM zoning districts subject to conditional use approval and compliance with the following conditions:

A. ***Cemeteries*** are allowable in the CL and CM zoning districts, subject to the standards of those districts and the standards of this section.

B. ***Access*** shall be on an ***Arterial*** or ***Collector Street***.

C. The number of ***Shrubs***, small trees and large trees otherwise required in the buffer shall be increased by thirty (30) percent.

D. The property shall be enclosed with:

1. A ***Vegetative Fence***; or

2. A ***Solid Faced*** masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height, unless a ***Solid Faced*** fence is prohibited by State or federal law. The decorative side of the fence shall face outward.

E. Buildings shall be at least thirty (30) feet from all property lines.

5.06.06 Clubs, Lounges, Bars and Civic Centers

Clubs, lounges, bars and civic centers may be allowed in a CH or M-1 zoning district subject to conditional use approval. The ***Use***, ***Accessory Buildings*** and ***Vehicular Use Areas*** must be located no closer than twenty-five (25) feet from a property zoned for ***Single Family Residential***.

5.06.07 Reserved

5.06.08 Community Centers

Community Centers may be allowed in the R zoning district, subject to conditional use approval. The Planning Board must determine that sufficient land in the area will remain for use as public parks, playgrounds and ***Open Spaces*** serving local, community and regional needs.

5.06.09 Golf Courses

Golf courses may be allowed in any R-1 district and the RO, RTH, R-2, R-3, CL and CM districts subject to conditional use approval provided that they are associated with a ***Residential Development*** of at least ten (10) acres and that all buildings must be set back at least two-hundred feet from any ***Residential*** property line.

5.06.10 Live Theaters

Live theaters (performing arts) may be allowed in the CM district subject to conditional use approval and compliance with the following conditions:

A. Live Theaters (Performing Arts) are allowable in the CM zoning district, subject to the standards of that district and the standards of this section.

B. ***Access*** shall be on an ***Arterial*** or ***Collector Street***.

C. The number of ***Shrubs***, small trees and large trees otherwise required in the buffer shall be increased by thirty (30) percent.

D. The property shall be enclosed with:

1. A ***Vegetative Fence***; or

2. A ***Solid Faced*** masonry, wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height, unless a ***Solid Faced*** fence is prohibited by State or federal law. The decorative side of the fence shall face outward.

E. Buildings shall be at least thirty (30) feet from all property lines.

5.06.11 Marinas

Marinas may be allowed in the R and C zoning districts subject to conditional use approval and compliance with the following conditions:

A. The marina shall lie outside archaeological or historical sites and areas identified as being inappropriate for marina development in the Marina Siting Study for West Florida (West Florida Regional Planning Council; June, 1984);

B. Marinas shall not lie within Lake Powell (an Outstanding Florida Water) or within the Lake Powell Protection Zone;

C. The applicant shall demonstrate compliance with all requirements of Chapter 8 "Conservation" of the City's Comprehensive Plan;

D. Spill cleanup capability shall be demonstrated;

E. Future upland spoil site(s) for maintenance dredging activities shall be designated;

F. The marina shall contain adequate sewage treatment facilities to serve the anticipated volume of waste at the level of service standard consistent with that described in Wastewater Sub-Element and Chapter 23 of the City's Code of Ordinances and meets the design criteria of the City's Code;

G. Pump-out facilities shall be provided at each fuel dock and follow the requirements addressed in 327.53 F.S. for the handling of sewage. Marinas shall also provide upland sewage facilities;

H. Water quality standards shall be maintained as provided by Chapter 403, F.S.

I. Marinas shall be located in areas where there is an existing basin, access channel and adequate depths to accommodate the proposed use so that minimal or no dredging shall be required for the placement of docking facilities, to prevent prop dredging and to accommodate the proposed use without disturbance of bottom habitats. A minimum depth of four feet below mean low water shall be required;

J. Non piling construction shall be utilized and other non-dredge fill techniques where possible to minimize habitat destruction;

K. Marinas shall be designed to minimize or eliminate adverse impacts on fish and wildlife habitat. Special attention and consideration shall be given to endangered and threatened species habitat;

L. Marinas shall be located in areas away from seagrass beds, oyster reefs and other important fish and shellfish spawning and nursery areas;

M. Marinas shall be designed to maximize or improve water circulation patterns;

N. The applicant shall demonstrate the presence of upland areas that are large enough to accommodate all required utilities and support facilities as well as enough area to satisfy all applicable standards set forth in the Land Development Code;

O. Public access shall be provided;

P. The applicant shall provide a hurricane mitigation and evacuation plan which describes measures to be taken to minimize damage to marina sites and neighboring properties and the environment;

Q. Immediate access points shall be delineated with channel markers that indicate speed limits and any other applicable regulations;

R. The applicant shall demonstrate the marina meets a public need thereby demonstrating economic viability/feasibility;

S. The applicant shall demonstrate that existing public utilities, infrastructure and services are in place to support the proposed use;

T. The marina shall be compatible with existing, conforming, adjacent land uses;

U. The applicant shall demonstrate that dry storage and wet slips are being utilized to the fullest extent possible, in addition to wet slips;

V. The marina shall consist of fifty (50) slips or fewer;

W. Commercial boats, maintenance facilities, boat construction, or live-aboard are prohibited.

5.06.12 Motorcycle Rentals and Deliveries

Motorcycle rentals and delivery may be allowed in the CH zoning district subject to conditional use approval and compliance with the following conditions. These ***Uses*** are

not allowable in the area lying south of a continuation of the centerline of Front Beach Road (Scenic Highway 98) through South Thomas Drive and Thomas Drive.

(Ord. #1254, 11/14/13; Ord. #1351, 11/12/15)

A. The ***Use*** must be located no greater than five hundred (500) feet from Front Beach Road, Thomas Drive or South Thomas Drive.

B. The ***Use*** must be located no closer than one thousand five hundred (1,500) feet to a ***Single Family*** zoning district (R-1A, R-1B, R-1C, R-1CT and R-0) or a limited ***Multi-family*** zoning district (R-TH and R-2).

C. On-site repair and maintenance activities are limited to equipment rented on site.

D. A minimum area of fifty (50) feet in width and eighty (80) feet in length shall be provided for training and practicing. Such area shall not be dedicated or used for any other purpose.

E. As part of the application, the applicant shall submit information and plans in sufficient detail to show the specific number of motorcycles to be associated with the property, as well as the specific location where the motorcycles will be displayed, rented and stored on the property. If approved, the applicant shall submit to the Building and Planning Department the identification number of each moped, motor scooter and motorcycle available for rent prior to commencement of business operations. Such total number of motorcycles shall not exceed that approved by the Planning Board.
(Ord. #1351, 11/12/15)

F. The area dedicated to repair and maintenance shall be enclosed with a ***Solid Faced*** masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward.

G. One medium or large tree shall be required for every twenty (20) feet of side and rear property boundary. Any medium or large tree required by this section shall not be counted toward any landscaping otherwise required by this Code.

5.06.13 Private and Public Schools

Public or private schools may be allowed in any of the R-1 zoning districts, and the R-0, R-TH, R-2, R-3 and CL zoning districts subject to conditional use approval and compliance with the following conditions.

A. The school shall meet all of the requirements of the underlying zoning district.

B. For public schools, the ***Use*** must have the approval of the school board and The School Coordination Committee.

C. Private Schools located in ***Residential*** zoning districts shall not have any structures or playground equipment closer than twenty-five (25) feet from the property boundary of the ***Residential*** district.

D. Private and Public Schools shall have the ***Access*** on the primary ***Street***.

E. The color and design shall match the adjoining neighborhood, including fencing.

F. The school shall not cause to create an expansion of a neighborhood ***Street***. The density and intensity of the school shall be limited to its impact on the neighborhood road network.

5.06.14 Drive-Through *Uses*

Drive-Through Uses may be allowed in an FBO district subject to conditional use approval if the Planning Board finds that:

A. ***Access*** to or from the ***Drive-Through*** lane is provided from a road or ***Alley*** on the opposite side of the ***Building*** from Front Beach Road (see Figure 5.06.07.A);

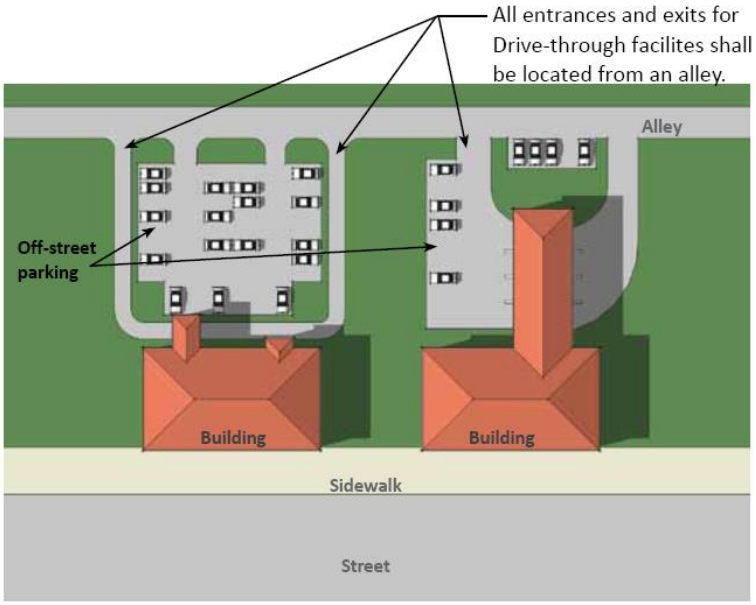
B. The ***Drive-Through*** window is provided on the opposite side of the ***Building*** from Front Beach Road;

C. Traffic queues will not interfere with pedestrian movement along public sidewalks;

D. Traffic queues will not create a traffic hazard or interfere with transit service; and

E. Use of the ***Drive-Through*** service will not interfere with the ***Use***, enjoyment or operations of adjacent properties.

Figure 5.06.07.A: Drive-Through Access



5.06.15 Outdoor Sales or Service Displays and Outdoor Operations

Excluding activities regulated by Chapter 7 of the Code of Ordinances, outdoor sales or service displays, outdoor entertainment and outdoor business operations may be allowed in an FBO district subject to conditional use approval if the Planning Board finds that:

A. the activities are limited to the businesses hours of operations, with all displays and stands being moved indoors nightly;

B. the activities will not interfere with pedestrian movement along public sidewalks;

C. the activities will not create a traffic hazard or interfere with transit service;

D. the activities will not interfere with the ***Use***, enjoyment or operations of adjacent properties; and

E. compliance with applicable noise standards.

5.06.16 Recreational Vehicle Parks and Campgrounds

A. ***Recreational Vehicle*** parks and campgrounds may be allowed in the CH and R zoning districts, subject to conditional use approval and compliance with the standards of this section.

B. ***Recreational Vehicles*** and tents are allowed in ***Recreational Vehicle*** parks and campgrounds.

C. The minimum land area for a ***Recreational Vehicle*** park or campground, whether freestanding or located within a ***Manufactured Home Park*** that includes spaces for ***Recreational Vehicles***, shall be ten (10) acres.

D. ***Recreational Vehicle*** parks and campgrounds shall be set back a minimum of two hundred (200) feet from any ***Residential Zoning District***. The distance shall be measured from property line to property line. This separation shall not be required where the properties are separated by an ***Arterial Street***.

E. The allowable ***Uses*** within the ***Recreational Vehicle*** park or campground include a central service ***Building***, an administrative or management office, an equipment or storage shed for campground maintenance equipment, ***Recreation Building***, ***Recreation*** facilities and areas devoted to tent camping.

F. Convenience facilities and services may be provided within the central service ***Building***, management office ***Building*** or ***Recreation Building***. Convenience facilities and services may include groceries and sundries, self-service laundry, bottled gas, bait and rental equipment for fishing and other ***Recreation***al ***Uses***. ***Use*** of such facilities and services shall be limited to registered campers.

G. Boat ramps may be provided for the convenience of registered campers. Where campgrounds are located on a water body and provide a boat ramp for ***Access*** to the water body, a designated boat and boat trailer parking area shall be provided. Such area shall be for temporary parking by registered campers and shall not be used for outdoor storage of boats, trailers or ***Vehicles***.

H. The maximum net intensity for any portion of a park devoted to ***Recreational Vehicles*** shall be fifteen (15) ***Recreational Vehicle*** sites per acre.

I. Individual rental sites, services ***Buildings*** and other structures serving the ***Recreational Vehicle*** park or campground shall be set back from water bodies a minimum of fifty (50) feet.

J. Rental sites shall not be located within the ***Floodplain***.

K. The applicant shall provide a FDOT approved detailed access plan demonstrating adequate level of service for each roadway and safe turning movements at the property's access as well as at nearby median openings.

L. Advertised sale of RVs by other than the owner of the real property is prohibited.

M. All RVs must be licensed and operable.

N. Roads shall be designed to accommodate emergency vehicles.

O. On site male and female restroom and shower facilities shall be provided.

P. Storage of a boat or trailer as an accessory to the principal use of a rental site shall be permitted. Storage of RVs, boats or trailers shall be permitted in a designated on-site area without hook-up facilities.

Q. Dumpsters and compactors shall be a minimum of one hundred (100) feet from all property lines.

R. The buffer that is otherwise required shall be increased by thirty (30) percent.

S. The property shall be enclosed with a ***Solid Faced*** masonry or wooden wall or fence not less than six (6) feet and not more than eight (8) feet in height. The decorative side of the fence shall face outward. Additionally, two (2) medium or large trees shall be required for every twenty (20) linear feet of property within a buffer that is at least twenty (20) feet in width.

T. The overall ***Recreational Vehicle*** park or campground shall be designed as follows:

1. Trash disposal sites and facilities shall be provided at one (1) or more locations.

2. The internal ***Street*** system shall include paved ***Streets***.

3. Two (2) way ***Streets*** with no parking shall have a minimum paved width of twenty (20) feet. Where parking is allowed, an additional eight (8) feet of width shall be required for parking on one (1) side or an additional sixteen (16) feet of width shall be required for parking on two (2) sides. Paving is not required for the parking area.

4. One (1) way ***Streets*** shall have a minimum paved width of twelve (12) feet. Parking may be allowed on one (1) side only. If parking is allowed, an additional eight (8) feet of width shall be required. Paving is not required for the parking area.

5. There shall be no direct ***Access*** from any exterior ***Street*** to an individual rental site.

6. Parking shall be provided at the management office based on parking ratios for office ***Use***.

7. Aggregate parking shall be 1.5 spaces for each site with one (1) of the required spaces being required at the rental site.

8. The minimum ***Setback*** from the perimeter of the project site shall be thirty (30) feet for any structure.

9. Rental sites in the area devoted to ***Recreational Vehicles*** shall meet the following standards:

   (a) Three (3) percent of the total rental sites shall be designed for handicapped ***Access***.

   (b) The minimum area for each rental site shall be 1,500 square feet.

   (c) The minimum width for each rental site shall be thirty (30) feet.

   (d) There shall be no structural ***Additions***, such as carports, ***Canopies***, storage ***Buildings*** or other ***Accessory Structures*** on any rental site smaller than 4,000 square feet.

   (e) A minimum of five (5) percent of the land area shall be devoted to common ***Recreation*** areas and facilities.

   (f) A central service ***Building*** shall be provided within 400 feet of each rental site. The service ***Building*** shall contain toilet facilities and sinks and may include showers.

   (g) Each rental site may be provided with potable water, sanitary sewer, electrical connections, cable or telephone. However, such services shall be for temporary connections only.

   (h) Each rental site may contain a picnic table, fire ring and a lantern stand.

   (i) Each rental site shall include a paved ***Driveway*** a minimum of twelve (12) feet wide. There shall be adequate space to park one (1) ***Vehicle*** in addition to the ***Recreational Vehicle***.

10. Areas devoted to tent camping shall meet the following standards:

    (a) Tent sites shall be designated and may include a specific tent pad.

    (b) The minimum tent site area shall be 200 square feet.

    (c) The minimum ***Setback*** for a tent pad shall be twenty (20) feet from an adjacent tent pad, parking area or internal ***Street***.

    (d) Tent sites may contain a picnic table, fire ring and a lantern stand.

    (e) Parking shall be provided at the ratio of 1.5 spaces per tent site. Parking at the tent site is not required; however, required parking shall not be more than five hundred (500) feet from the designated tent site. Where parking is located away from the tent site, pedestrian paths shall be provided.

    (f) A central service ***Building*** shall be provided within 200 feet of each tent site. The service ***Building*** shall contain toilet facilities, sinks and showers.

11. ***Recreational Vehicles*** placed on sites within Zones V1--V30, VE or V on the community's FIRM shall either:

    (a) Be on the site for fewer than 180 consecutive days;

    (b) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices and have no permanently attached ***Additions***; or

    (c) Meet the requirements of section **Error! Reference source not found.**-H herein.

5.06.17 Limitation on Time to Exercise Conditional Use Approval

Any ***Conditional Use*** authorized by the Planning Board and not used and acted upon in a real and substantial way by the applicant or the applicant's successor in interest within one (1) year from the date on which the decision of the Planning Board is reduced to a written order or if appealed the date on which the order becomes final, shall be deemed ***Abandoned*** and be void and of no further force and effect.

(Ord. # 1257, 1-10-13)

5.07.00 SIGN CODE

5.07.01 Definitions and Short Title.

This section 5.07.00 shall be known as the "***City of Panama City Beach Sign Code***."

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

As used in this section, the following additional, defined terms have the meanings assigned to them. When one or more defined terms are used together, their meanings shall also be combined as the context requires or ***Permits***.

Abandoned Sign: a ***Sign*** which was ***Erected*** or used in conjunction with a business or other use or activity that has been voluntarily or involuntarily discontinued, vacated, closed or abandoned for a period of ninety (90) days in any one hundred twenty (120) day period regardless of whether that business or other use or activity is thereafter recommenced, or a ***Sign*** pertaining to an event or purpose that has passed in time.

Animated Sign: a ***Sign*** which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including ***Signs*** using electronic ink, ***Signs*** set in motion by movement of the atmosphere, or made up of a series of sections that turn, or including any type of screen using animated or scrolling displays, such as an LED (light emitting diode) screen or any other type of video display, even if the ***Copy*** is frozen between animations or movement. A ***Multi-Vision Sign*** is not an ***Animated Sign***.

Back-to-Back Sign: a ***Sign*** constructed as a single device or on a single ***Sign Structure*** with two ***Face***s of substantially the same size oriented in generally opposing directions and at no point more than four (4) feet apart.

Banner: a ***Sign*** consisting entirely of a flexible substrate such as vinyl or fabric on which ***Copy*** or graphics may be displayed. A self-supporting structural material is not a flexible substrate.

(Ord. # 1244, 12-13-12)

Beacon: a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting attention.

Bench Sign: a ***Sign*** attached or applied to a seat or bench intended for human occupancy.

Building: a permanent ***Structure*** with at least four (4) opposing sides and a ***Roof***, and intended for human occupancy.

(Ord. # 1244, 12-13-12)

Building Frontage: the length of that side of the principal ***Building*** on a ***Premises*** that ***Face***s the ***Frontage*** of that Premises, measured in a straight line and excluding any ***Canopy*** or other portion of the ***Building*** extending beyond its foundation.

Building Glass Area: an opening in a ***Building*** typically, but not necessarily, covered by transparent or translucent material, such as a window or glass door; ***Building Glass Area*** includes an open door, passage, window or similar opening in a ***Building***.

Building Sign: a ***Wall, Projecting***, or ***Canopy Sign***.

Business District: an ***Area*** or zone designated for business, tourist or other ***Commercial*** use by the zoning or land use regulations of the ***City***.

Canopy: any shelter over a door, entrance, window, or outdoor service area, supported partially or entirely from the exterior wall of a ***Building***, including an awning or marquee.

Canopy Sign: any ***Sign*** that is a part of or printed, stamped, stitched or otherwise applied onto a ***Canopy***.

Changeable Copy Sign: a ***Sign*** which displays a series of messages or images which are changed mechanically, electronically, manually in the field or by any other means, including LED technology. ***Changeable Copy Sign***s frequently but not necessarily contain a separate cabinet or space on the ***Sign*** within which ***Copy*** is changed. A ***Changeable Copy Sign*** with one or more ***Off-Premises Sign*** messages is an ***Off-Premises Sign***.

Corner Premises: a ***Premises*** with an improved ***Street*** bordering at least one side and intersecting its ***Frontage Street***.

Commercial: of, in or related to the creation, transport, holding, buying, selling, exchange, disposition or delivery of goods, services, money or anything of value, tangible or intangible, regardless of whether such action is taken by a natural or artificial person, including not-for-profit entities, or by a religious, educational or charitable concern.

Commercial Mascot or Sign Holder: humans or animals used as advertising devices for ***Commercial*** establishments by the wearing of costumes, insignia or masks associated with a ***Commercial*** establishment, or by holding or waving a ***Sign*** with a ***Commercial Message*** or a device with moving parts intended to attract attention to a ***Commercial*** establishment. A ***Commercial Mascot*** includes by way of example and not limitation, clowns, stilts-walkers, persons waving ***Signs*** and ***Sign***-twirlers.

Commercial Message: any ***Sign*** wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other ***Commercial*** activity.

Copy: the linguistic or graphic content of a ***Sign***.

Digital Light Show: a digital mapping projection which may appear to be three dimensional and is typically projected upon the vertical surface of a ***Building*** or other ***Structure***.

(Ord. # 1244, 12-13-12)

Dilapidated Sign: any ***Sign*** which is structurally unsound, fails to meet applicable ***Building***, electrical and safety codes, has defective parts or is in need of painting or ***Maintenance***.

Directional Sign: a traffic ***Sign*** or symbol on private property (including by way of example and not limitation ***"Entrance," "Exit," "No Parking," "Turn" and "Slow" Signs)*** which contains no ***Commercial Message*** other than an optional, single logo or mark which represents the ***Premises*** on which such ***Directional Sign*** is located provided that such logo or mark does not exceed twenty-five percent (25%) of the ***Area*** of the ***Face*** upon which it appears.

Double-Faced Sign: a ***Sign*** with two (2) or more adjacent ***Sign Face***s on a single ***Sign Structure*** or separate ***Structure***s with such ***Faces*** oriented in generally the same direction or visible from any one point, and not more than ten (10) feet apart at the nearest point between the two ***Face***s. A ***Double-Faced Sign*** may be referred to as a side-by-side or stacked ***Sign***. A ***Double-Faced Sign*** shall constitute one (1) ***Sign***.

Election Sign: a ***Temporary Sign*** identifying and urging voter support for or opposition to a candidate for public office or stating a position regarding an issue upon which a public vote will be held.

Erect: to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish. "***Erect***" does not include any of the foregoing activities when performed as an incident to the change of ***Copy*** or customary ***Maintenance*** or repair of a ***Sign*** or ***Sign Structure***.

Facade: the entire front of a ***Building***, including wall ***Face*** and ***Parapet***, facia, soffit, mansard, ***Roof***, windows, doors and ***Canopy***, as would be shown on any complete elevation drawing. A ***Facade Faces*** the ***Frontage*** of the ***Premises*** on which the ***Building*** is situated. Every ***Building*** has only one (1) ***Facade***.

Face: see ***Sign Face***.

Flag**:* a flexible, graphic device, made of nylon, polyester, cotton, rayon or other similar pliable material, always rectangular in shape, and with a hoist to fly (short edge to long edge) ratio of at least one to one (1:1 or square) and no more than one to two (1:2). A ***Flag may but is not required to represent a government, business or other identifiable entity. A ***Flag*** may be blank.
(Ord. # 1330, 1-8-15)

Flag Pole: a pole intended and used exclusively to support and display a ***Flag*** at its top, and for no other purpose, and which is sufficiently rigid that it does not appreciably sway or deflect when flying one, two or three ***Flags*** as high as possible in any wind less than twenty knots.

Flashing: emission of light in sudden, transitory bursts.

Fence Sign: that portion of any fence containing a ***Sign Face*** which is attached to a fence that is intended and used primarily to enclose or screen real property, provided that the length of the fence is at least five (5) times greater than the horizontal dimension of the ***Sign Face***, including the cabinet or any ***Structure*** in which the ***Sign*** is located.

***Fixed Aerial Sign**:* any aerial advertising medium that is tethered to the ground.

Free-Standing Sign**:* a ***Sign supported by a ***Sign Structure*** secured in the ground and which is essentially, structurally independent of any ***Building***, ***Structure*** or vehicle, including a ***Monument Sign***.

Free Expression Sign**:* A ***Sign that does not advertise products, goods, businesses or services and that expresses an opinion or other point of view.

Frontage: the main ***Street*** property line of a ***Premises***. Every ***Premises*** has only one (1) ***Frontage***.

Fuel Pump Signs : ***Signs*** placed on or above a fuel pump providing, for example, information to the public regarding safety, the generic type of fuel, self or full service, self-service instructions, price, octane rating, additives, or similar information relating to safety or method of delivery.

Graphic Sign: a ***Sign*** which is used or intended primarily to attract attention and that does not include written information or a logo.

Holographic Display Sign: a ***Sign*** or an advertising display, or portion thereof, that creates a three-dimensional image through projection, OLED (organic light emitting diode), or any similar technology.

Illegal Sign: a ***Sign*** described as such in section 5.07.09 of this ***Sign Code***.

Illuminated Sign, External: any ***Sign*** which is directly lighted by an external, artificial source.

Illuminated Sign, Internal: any ***Sign*** which transmits light through any portion of its ***Face***.

Inflatable Sign: a three dimensional ***Sign***or ***Sign Statuary*** resting on and supported by the ground that is either expanded to its full dimensions or supported by gases

contained within the ***Sign***, or ***Sign*** parts, at a pressure greater than atmospheric pressure.

LED Sign: a ***Sign*** or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind, regardless of whether the image, picture, or message is moving or stationary; this type of ***Sign*** includes any ***Sign*** that uses LED technology of any kind whether conventional (using discrete LEDs), ***surface*** mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro luminescence (OEL), or any similar technology; sometimes referred to as "digital ***Sign***s."

Legal Sign: a ***Sign*** described as such in section 5.07.09 of this ***Sign Code***.

Lost Sign: An ***Off-Premises Sign*** voluntarily or involuntarily removed from service as described in section 5.07.06 of this ***Sign Code***.

Maintenance: in the context of this ***Sign Code*** means the repairing or repainting of a portion of a ***Sign***or ***Sign Structure*** which has been made unusable by ordinary wear, and periodically renewing or changing ***Copy***.

Monument Sign means a ***Free-Standing Sign*** that is an essentially solid structure containing a Sign Face which is supported solely by a solid base that extends to the ground and which is not attached or affixed in any way to a building, fence, or other structure.

Multi-Vision Sign: a ***Sign*** on which an entire ***Face***, but not less than the entire ***Face***, is changed by mechanical, electronic or other automated means at regular, short intervals in order to present two or more different ***Sign Faces*** (each with stationary symbols) in the space of one ***Face***. ***Multi-Vision Signs*** include but are not limited to "tri-vision" ***Signs*** (three ***Faces*** changed by mechanical louvers) and ***LED Signs*** with two or more ***Face***s. In addition, for a ***Sign*** to qualify as a ***Multi-Vision Sign*** it must meet all of the standards and requirements specified for ***Multi-Vision Sign***s in the ***General Sign Standard***s section of this ***Sign Code***.

Non-Commercial Message: any message which is not a ***Commercial Message***.

Non-Conforming Sign: a ***Sign*** described as such in section 5.07.09 of this ***Sign Code***.

Off-Premises Sign: a ***Commercial Message Sign*** not located on the site of the establishment or entity indicated or advertised by the ***Sign***, or a ***Commercial Message Sign*** advertising a commodity, good, product, service or other ***Commercial*** activity or purpose which originates on a site other than where the ***Sign*** is maintained, or a ***Sign*** which directs attention to a ***Commercial***, industrial, educational, religious or not-for-profit occupancy, establishment, commodity, good, product, service or other ***Commercial***, industrial, educational, religious or not-for-profit activity not conducted, delivered, sold or offered upon the site where the ***Sign*** is maintained, e.g., "billboards" or "outdoor advertising." The on-site/off-site distinction only applies to ***Commercial Message Signs***. For purposes of this definition, access easements and other appurtenances connected to a ***Premises*** are considered to be outside the ***Premises*** and any ***Sign*** located in such an easement or other appurtenance is considered an ***Off-Premises Sign***.

On-Premises Sign: a ***Commercial Message Sign*** which directs attention to a ***Commercial***, industrial, educational, religious or not-for-profit occupancy, establishment, commodity, good, product, service or other ***Commercial***, industrial, educational, religious or not-for-profit activity conducted, delivered, sold or offered upon the site where the ***Sign*** is maintained. The on-site/off-site distinction only applies to ***Commercial Message Signs***.

Parapet: a false front or wall extension above the ***Roof*** of a ***Building***.

Pennant, Streamer, Balloon or Bunting: any fluttering or non-stationary device made of flexible materials designed, intended or used to attract attention, including ***Flags*** and "wind-***Signs***."

Permit or Permitting: the ***Permit*** issued by the ***City*** pursuant to and required by this ***Sign Code*** to ***Erect***, display, relocate or alter a ***Sign*** or the act of issuing a ***Permit***.

Portable Sign: any ***Sign*** that is not permanently attached to the ground or to a ***Building*** or other ***Structure*** that is permanently attached to the ground, or a ***Sign*** designed and capable of being moved, including but not limited to, a ***Sign*** designed to be transported by means of attached or removable wheels, including the type of ***Sign*** commonly known as a sandwich board ***Sign***, sidewalk ***Sign***, and ***Trailer Sign***.

Premises: an improved ***Area*** of land not divided by an access regulated road, together with its appurtenances and ***Buildings***, including vehicular right-of-way easements where the primary ***Premises*** is the dominant parcel, under single, unified ownership or control. An improved ***Area*** of land which lies on both sides of an access regulated road shall be considered two ***Premises*** even if under single, unified ownership or control.

Project Sign: a ***Temporary Sign Erected*** and displayed on ***Premises*** then under construction and identifying an architect, contractor, developer, financial organization, subcontractor or materials vendor furnishing labor, services or materials for such construction.

Projecting Sign: a ***Sign*** affixed to any ***Building*** or wall whose single leading edge extends, often perpendicular, beyond such ***Building*** or wall. For purposes of this definition, the single leading edge shall mean the furthest projection from the ***Building*** or wall.

(Ord. # 1285, 8-22-13)

Real Estate Sign: a ***Temporary Sign Erected*** by the owner or his agent, advertising the real property upon which the ***Sign*** is located for rent, lease or sale.

Residential District: an ***Area*** or zone designated for ***Residential*** uses only by the ***LDC***.

Roof: the exterior covering of the top of a ***Building***.

Roof Sign: a ***Sign Erected*** over or on, and wholly or partially dependent upon, the ***Roof*** of any ***Building*** for support, or attached to the ***Roof*** in any way.

Shopping Center: a group of ***Commercial*** establishments located on one ***Premises***, under single, unified ownership or control.

Sign: Any letter, number, symbol, figure, character, mark, plane, point, design, stroke, strike, line, illuminated surface, light, string of lights, graphic, picture, mural, or any random or ordered variation of colors or dimensional textures, *which* is so constructed, placed, attached, painted, erected, or fastened in any manner to either convey information or attract the attention of the public to any place, item or idea, *and which* is visible by a pedestrian at ground level on any ***Street***, or water's edge of the Gulf of Mexico, or any adjoining ***Premises***; *provided*, however, that this definition or this ***Sign Code*** does not make unlawful any of the following if they are not used or intended to convey any information of depict any item or idea: (i) one or more dimensional architectural components or dimensional architectural details constructed as an integral part of a ***Building***, or (ii) any dimensional architectural component or dimensional architectural detail being consistently colored a color that is different from the color of the ***Building*** or the color of another such component or detail (for example: ***Roof*** versus fascia, fascia versus soffit, soffit versus wall, wall versus trim, trim versus window, window versus door, et cetera). A ***Sign*** includes any associated ***Sign Structure***.

Sign Area **(sometimes *Area*)**: the surface ***Area*** of a ***Sign*** or ***Sign Face***, as the context shall require, computed for each type of ***Sign*** by the method specified in this ***Sign Code***. If no method is specified, ***Sign Area*** is computed for the entire ***Area*** within the periphery of a single polygon with no more than eight straight sides containing the largest single ***Face*** of the ***Sign***.

Sign Code: this ***Sub-Chapter*** of the ***LDC***.

Sign Face (sometimes Face): that part of a ***Sign*** that is or can be used to present alphabetic or pictorial symbols or representations.

Sign Height (sometimes Height): the vertical distance measured from the average elevation of the ground within a thirty (30) foot radius of the ***Sign*** (excluding the base or berm of a ***Monument Sign***) to the top of the ***Sign Face*** or ***Sign Structure***, whichever is greater.

Sign Statuary or Statuary: any permanent, three-dimensional, man-made representation of a plant, animal, or other thing, intended primarily to attract attention, and not intended and used primarily to entertain or amuse customers of the business of which the ***Statuary*** forms a part. ***Sign Statuary*** may not be an ***Inflatable Sign***.

Sign Structure: a ***Structure*** or object used or intended to be used to support, in whole or in part, a ***Sign Face***, but excluding a ***Building***, ***Structure***, fence, wall or earthen berm intended and used primarily for an independent purpose.

Snipe Sign: a ***Sign*** of any material that is attached or painted in any way to a utility pole, tree, shrub, fence post, or other similar object, located on public or private property. ***Snipe Signs*** do not include ***Warning Signs*** and ***Directional Sign***s ***Permitted*** by this ***Sign Code*** without a ***Permit***.

Street: a public right-of-way any portion of which is used or intended for motorized vehicular travel.

Streetlight Standard: a vertical ***Banner*** affixed to a publicly owned and maintained streetlight support pole.

(Ord. # 1244, 12-13-12)

Swinging Sign: a ***Sign*** installed on an arm, mast or spar which ***Sign*** is not, in addition, permanently fastened to an adjacent wall or upright pole to prevent movement.

Temporary Sign: a ***Sign*** intended to display either ***Commercial*** or ***Non-Commercial Message***s of a transitory or temporary nature. A ***Temporary Sign*** includes a ***Portable Sign***or any ***Sign*** not permanently embedded in the ground, or not permanently affixed to a ***Building*** or a ***Sign Structure*** that is permanently embedded in the ground.

Traffic Control Device Sign*:* any ***Sign*** located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A ***Traffic Control Device Sign*** includes those ***Signs*** that are classified and defined by their function as regulatory ***Signs*** (that give notice of traffic laws or regulations), warning ***Signs*** (that give notice of a situation that might not readily be apparent), and guide ***Signs*** (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

Trailer Sign: any ***Sign***, whether on its own trailer, wheels, or otherwise, that is designed or intended to be transported from one place to another, even though the wheels may be removed, and the remaining chassis or support ***Structure*** contains space provided for advertising messages that may be changed at will by the replacement of lettering or symbols.

Vehicle: a conveyance or means of transporting something, either self-propelled or towed, and including an inoperable device in generally the same form but which cannot serve that function.

Vehicle Sign: a permanent or temporary ***Sign*** affixed or painted on a ***Vehicle*** or visible through the window of any ***Vehicle***,

Wall Sign: a ***Sign*** painted on or ***Erect***ed parallel to and not more than twelve (12) inches from the wall or ***Facade*** of any ***Building*** to which it is attached, and supported throughout its entire length by the ***Facade*** of the ***Building*** and not extending above or beyond the ***Building Facade***, excluding window ***Signs***.

Wall Wrap Sign: a ***Sign*** or portion thereof composed of fabric, plastic, vinyl, mylar or a similar material that drapes or hangs over the side of a ***Building***, wall or window. This ***Sign*** type was the subject of the litigation in *City of Philadelphia v. Berman*, 863 A.2d 156 (Pa.Cmwlth. 2004) and Society *Created To Reduce Urban Blight (SCRUB) v. Zoning Bd. Of Adjustment*, 908 A.2d 967 (Pa.Cmwlth. 2006).

Warning Sign or Safety Sign*:* a ***Sign*** which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned ***Building***, beware of dog, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, posted, etc.)

Window Sign: any opaque or translucent ***Sign*** of any material which is (i) painted on, etched into, applied to, attached to or projected upon or within the exterior or interior

of a ***Building Glass Area***, or (ii) located within six (6) feet of the interior side of a ***Building Glass Area*** and displayed under circumstances indicating that the primary purpose of such ***Sign*** is to attract the attention of the public through the window, whose alphabetic or pictorial symbols or representations are visible by a pedestrian at ground level on any ***Street***, the water's edge of the Gulf of Mexico, or any adjoining ***Premises***.

Yard or Garage Sale: an informal, infrequent and irregularly scheduled event for the sale of used personal property conducted at the personal residence of an individual who owns at least a material part of the personal property offered for sale. A second such event held on the same ***Premises*** within any ninety (90) day period shall not be considered a ***Yard or Garage Sale***. A ***Yard or Garage Sale*** may be referred to as a garage sale, lawn sale, yard sale, front yard sale, back yard sale, attic sale, rummage sale, patio sale, moving sale, or any similar designation.

Yard or Garage Sale Sign: any ***Temporary Sign*** advertising a ***Yard or Garage Sale***.

5.07.02 Purpose, Intent, Scope and General Prohibition

A. It is the purpose of this ***Sign Code*** to promote the public health, safety and general welfare of residents and visitors in the ***City*** through reasonable, consistent and non-discriminatory ***Sign*** standards. The ***Sign*** regulations in this ***Ordinance*** are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of ***Signs***. The ***Sign*** regulations are especially intended to reach the secondary effects that may adversely impact aesthetics and safety, especially traffic safety. The ***City*** is a relatively compact beachfront tourist destination and ***Single Family Residential*** community located on the Gulf of Mexico in Northwest Florida. Panama City Beach has more than eight (8) miles of Gulf front beaches. The economic base of the ***City*** is almost completely dependent upon tourism, and tourism is the single largest economic engine in Bay County, Florida. In order to preserve and promote the ***City*** as a desirable community in which to live, vacation and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of ***Signs*** within the ***City*** contributes significantly to this desired end. These ***Sign*** regulations have been prepared with the intent of enhancing the visual environment of the ***City*** and promoting its continued well-being, and are intended to:

1. Encourage the effective use of ***Signs*** as a means of communication in the ***City***;

2. Maintain and enhance the aesthetic environment and the ***City's*** ability to attract sources of economic development and growth;

3. Improve pedestrian and traffic safety;

4. Minimize the possible adverse effect of ***Signs*** on nearby public and private property;

5. Foster the integration of signage with architectural and landscape designs;

6. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive

size (area) of ***Signs*** which compete for the attention of pedestrian and vehicular traffic;

7. Allow ***Signs*** that are compatible with their surroundings and aid orientation, while precluding the placement of ***Signs*** that contribute to ***Sign*** clutter or that conceal or obstruct adjacent land uses or ***Signs;***

8. Encourage and allow ***Signs*** that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;

9. Curtail the size and number of ***Signs*** and ***Sign*** messages to the minimum reasonably necessary to identify a ***Residential*** or business location and the nature of any such business or to communicate a message or capture attention;

10. Establish ***Sign*** size in relationship to the scale of the lot and *Building* on which the *Sign* is to be placed or to which it pertains;

11. Categorize ***Signs*** based upon the function that they serve and tailor the regulation of ***Signs*** based upon their function;

12. Preclude ***Signs*** from conflicting with the principal ***Permitted*** use of the site and adjoining sites;

13. Regulate ***Signs*** in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;

14. Except to the extent expressly preempted by state or federal law, ensure that ***Signs*** are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe ***Signs***;

15. Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the ***City***;

16. Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on ***Streets*** and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;

17. Protect property values by precluding, to the maximum extent possible, ***Sign***-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;

18. Protect property values by ensuring that ***Sign***-types, as well as the number of *Signs*, are in harmony with **Buildings**, neighborhoods, and conforming ***Signs*** in the area;

19. Regulate the appearance and design of ***Signs*** in a manner that promotes and enhances the beautification of the ***City*** and that complements the natural surroundings in recognition of this ***City's*** reliance on its natural surroundings and beautification efforts in retaining economic advantage for its resort

community, as well as for its major subdivisions, **Shopping Centers** and industrial parks; and

20. Enable the fair and consistent enforcement of these *Sign* regulations.

B. Unless exempted from ***Permitting***, no ***Sign*** or ***Sign Structure*** shall be ***Erected***, displayed, relocated, altered or repaired unless a valid and current ***Permit*** for such activity is held by the owner or person entitled to possession of the ***Sign***.

C. No person shall ***Erect***, display, relocate or alter, or cause or ***Permit*** the ***Erection***, display, relocation or alteration of, any ***Sign*** or ***Sign Structure*** not exempt from ***Permitting*** unless a valid and current ***Permit*** for such activity is held by the owner or person entitled to possession of the ***Sign***.

D. No ***Permit*** is required to maintain, alter or repair a ***Sign*** as long as no alterations are made to the ***Sign's Height***, width, length, depth, area, weight, location, or structural support, and if such ***Maintenance***, alteration or repair involves only:

1. Changing or renewing the ***Copy*** of a ***Sign***, including any change of ***Copy*** on a ***Changeable Copy Sign***, or

2. Painting or refinishing the surface of a ***Sign Face*** or ***Sign Structure*** of a lawful ***Sign*** so as to keep or restore the ***Sign*** to its lawful appearance.

5.07.03 *Signs* Exempt from *Permitting*.

The following types of ***Signs*** may be ***Erected*** and displayed without a ***Sign Permit***, if the required conditions stated are met. Each such ***Sign*** is subject to the prohibitions and general ***Sign*** standards (Sections 5.07.04 and 5.07.05 of this ***Sign Code***) applicable to all ***Signs*** within the ***City***.

A. Each ***Premises*** may display one (1) free-expression, single ***Face*** or ***Back-to-Back Sign*** not exceeding four and one-half (4.5) square feet per ***Face*** and three (3) feet in ***Sign Height*** in any ***Residential District*** and sixteen (16) square feet per ***Face*** and six (6) feet in ***Sign Height*** in a ***Business District***, containing only a ***Non-Commercial Message***. The ***Sign*** may be displayed as a ***Building Sign***, a Window ***Sign*** or a ***Free-Standing Sign***. A ***Free Expression Sign*** is in addition to any other ***Sign Permitted*** under this ***Sign Code*** and is ***Permitted*** in any zoning or land use district. Also, persons participating in ***Non-Commercial*** demonstrations, political rallies or otherwise expressing their valid right to ***Non-Commercial*** speech may hold and wave from a lawful pedestrian access ***Area*** of a ***Street*** (if there be such an area) one free-expression ***Sign*** containing only a ***Non-Commercial Message***, or hold and wave such a ***Sign*** from any other traditional public forum or from private property.

B. One (1) nameplate ***Sign*** identifying the occupants of a private residence and displayed at the entrance ***Drive*** of a ***Single Family*** residence or affixed to the dwelling ***Structure***, not exceeding two (2) square feet per ***Face*** and three (3) feet in ***Sign Height***.

C. ***Street***-address numbers no smaller than required by law and if not required by law then no smaller than four (4) inches or larger than ten (10) inches high.

D. Legal notices and other public notices and informational ***Signs*** authorized or required by law.

E. A temporary ***Banner*** no larger than the ***Sign Face*** covered, which covers a ***Sign*** in a ***Business District*** which has been damaged by windstorm or other casualty, if the ***Banner*** is displayed for no more than (i) the forty-five (45) day period following the windstorm or casualty or (ii) the one hundred eighty (180) day period following such windstorm or casualty provided that at all times after the forty-fifth (45th) day the owner or person entitled to possession of such damaged ***Sign*** has entered a binding, arms-length contract for the total repair or replacement of such damaged ***Sign***, and the reason the contract has not been completed is in no way attributable to any act or omission of the owner or person entitled to possession of the damaged ***Sign***.

F. For each ***Premises*** in a ***Business District*** (except a sexually oriented or adult business subject to the appearance requirements of this ***Sign Code***) one temporary ***Banner***, provided:

1. The ***Banner*** is displayed no longer than sixty (60) days after it is registered as required by this ***Sign Code***; and

2. The ***Banner*** is registered with the date, location, person responsible and such other information as the ***City Manager*** may require in order to identify the persons responsible for maintaining the ***Banner*** and to enforce these regulations. The applicant must pay a registration fee of ten (10) dollars to be applied to the actual or reasonably anticipated expenses associated with enforcing this section. The fee may be changed from time to time by resolution of the ***City Council*** to reflect changed expenses associated with registration. The ***City Manager*** may delegate registration authority to trustworthy, private persons within the ***City*** as needed to implement this requirement, the sole purpose of which is to prevent the unsightly visual clutter and economic depreciation caused by faded, torn, tattered, wrinkled or loose ***Banners***; and

3. The ***Banner*** displays a decal issued by the ***City Manager*** or his designee containing the date the ***Banner*** was registered and the last day it may be displayed pursuant to the registration. This section does not prevent a particular ***Banner*** from being registered for additional sixty (60) day periods if the registrant can demonstrate that the ***Banner*** is in adequate condition to meet the standards of this section for each period; and

4. The ***Banner*** (i) does not exceed 32 square feet in overall surface ***Area*** and ten (10) feet in ***Height*** or width, (ii) is one-sided and located entirely against a building or fence (provided the fence extends the full width of a Yard or between the building and a side or rear property line) or lawful, pre-existing ***Sign***, and (iii) is stretched tight and securely fastened at each corner or edge.

5. If any such ***Banner*** becomes faded, torn, tattered, wrinkled or loose, the ***City*** may remove it after 24 hours notice attached to the ***Banner***.

(Ord. # 1244, 12-13-12)

G. ***Community Event*** . For each ***Premises*** in a ***Business District***, three (3) additional, temporary ***Banners***, and one (1) ***Inflatable Sign***, one (1) ***Fixed Aerial Sign*** and

Pennants, Streamers, Balloons and Bunting, displayed for a ***Community Event*** . Such signage must meet all the following standards:

1. Each such ***Banner*** (i) does not exceed 32 square feet in overall surface ***Area*** and ten (10) feet in ***Height*** or width, (ii) is one-sided and located entirely against building or fence (provided the fence extends the full width of a Yard or between the building and a side or rear property line) or lawful, pre-existing ***Sign***, and (iii) is stretched tight and securely fastened at each corner or edge;

(Ord. # 1244, 12-13-12)

2. If any such ***Banner*** becomes faded, torn, tattered, wrinkled or loose, the ***City*** may remove it after 24 hours notice attached to the ***Banner***;

3. Each such ***Inflatable Sign*** (i) does not exceed 5,000 cubic feet, (ii) is not located within a required parking space, (iii) is not placed closer to the property line of the ***Premises*** than the ***Height*** of the ***Inflatable Sign***, (iv) is securely fastened to ground or an appropriate ***Structure***, and (v) complies with all applicable ***Building*** and safety codes.

4. Each such ***Fixed Aerial Sign*** is (i) securely tethered to the earth, (ii) grounded and positioned or fenced so that the risk of property damage and personal injury by lighting is minimized, and (iii) complies with all applicable ***Building*** and safety codes.

5. All ***Pennants, Streamers, Balloons and Bunting*** are confined to the ***Premises*** and are kept in a neat, orderly, whole, unfaded and new appearing condition.

6. Such signage is displayed only during the period of the ***Community Event*** as determined by the ***City Council***.

H. Reserved.

I. ***Memorial Signs*** or tablets naming a ***Building*** and date of ***Erection*** when cut into any masonry surface or when constructed of other incombustible materials and permanently incorporated into such ***Building***, not exceeding two (2) square feet ***Sign Face***.

J. ***Single Face*** or ***Back-to-Back Directional Sign***s not exceeding two (2) square feet per ***Face*** and three (3) feet in ***Sign Height***; and a solitary, ***Single Face*** or ***Back-to-Back Directional Sign*** located on either or both sides of each entrance or exit motorway of a ***Commercial Premises*** stating "***Entrance***" or "***Exit***" and not exceeding sixteen (16) square feet per ***Face*** and six (6) feet in ***Sign Height***; provided that all such ***Directional Sign***s are displayed on the ***Premises*** to which they relate which must be in a ***Business District*** .

K. One (1) ***Back-to-Back*** or single ***Face Real Estate Sign*** per ***Premises*** not exceeding four and one-half (4.5) square feet per ***Sign Face*** and three (3) feet in ***Sign Height*** in any ***Residential*** district, and sixteen (16) square feet per ***Face*** and six (6) feet in ***Sign Height*** in a ***Business District***. The ***Real Estate Sign*** shall be removed immediately upon the rental, lease or sale of the subject property.

L. ***Project Sign***s (***Back-to-Back*** or single ***Face***) not exceeding four and one-half (4.5) square feet per ***Sign Face*** and three (3) feet in ***Sign Height*** in any ***Residential*** district, and sixteen (16) square feet per ***Face*** and six (6) feet in ***Sign Height*** in a ***Business District***, each.

M. ***Election Sign***s (***Back-to-Back*** or single ***Face***) not exceeding four and one-half (4.5) square feet per ***Sign Face*** and three (3) feet in ***Sign Height*** in any ***Residential*** district, and sixteen (16) square feet per ***Face*** and six (6) feet in ***Sign Height*** in a ***Business District***, each. An ***Election Sign*** shall be removed within seven calendar days following the election to which it pertains. **State law references:** F.S. 106.1435 (removal).

N. ***Signs*** incorporated on machinery or equipment by the manufacturer or distributer, which identify only the manufacturer, the machinery or equipment and the product or service dispensed by the machine or equipment, such as ***Signs*** customarily affixed to vending machines, newspaper racks and telephone booths, but excluding ***Fuel Pump Signs,*** which are the subject of a separate exemption.

O. Warning and ***Safety Signs*** (***Back-to-Back*** or single ***Face***) not exceeding two (2) square foot per ***Face*** and three (3) feet in ***Sign Height***, unless a larger ***Sign*** is required by applicable law.

P. Two (2) permanent, ***On-Premises Sign***s per ***Drive-Through*** lane displaying the menu at a fast-food restaurant, not exceeding thirty-two (32) square feet in ***Sign Area*** and seven (7) feet in ***Sign Height***, each.

Q. For each generally recognized entrance right-of-way to a ***Platted***, ***Residential*** subdivision containing individually owned ground lots, one ***Back-to-Back*** (or two single ***Face***) subdivision ***Sign***(s) designed and used solely to identify by name, logo, or both, that subdivision; provided that (i) no such ***Sign*** exceeds ten (10) feet in ***Sign Height*** or seventy-five (75) square feet in ***Sign Area***, (ii) all such ***Sign***s are located as close to such entrance right-of-way as practicable without encroaching into corner visibility so as to create a traffic hazard as determined by the ***City Manager*** or his designee, and (iii) all such ***Signs*** are ***Monument*** or ***Fence Sign***s.

R. ***Fuel Pump Signs***, not exceeding two (2) square feet of aggregate ***Sign Area*** for each side of the pump displaying the amount of fuel dispensed.

S. For each business or group of businesses operated in concert, one portable ***Back-to-Back Sign*** displayed on the sandy Gulf beach, or two (2) ***Signs*** affixed to a lawful booth or stall ***Erected*** on the sandy Gulf beach, not exceeding sixteen (16) square feet per ***Sign Face*** and five (5) feet in ***Sign Height*** identifying only those goods or services which may be sold on the sandy Gulf beach pursuant to Sec. 7-81, ***Code of Ordinances of the City***, provided that (i) such ***Sign*** is displayed only in the immediate ***Area*** where such goods or services are currently being offered and (ii)such ***Sign*** is at least one hundred (100) feet from any other such ***Sign*** previously placed on the beach.

T. Two single ***Face Wall Signs*** not exceeding one hundred fifty (150) square feet each for each movie theater complex or playhouse located within a ***Shopping***

Center provided such ***Sign*** is used exclusively to identify current or coming attractions.

U. For each ***Premises*** in a ***Business District***, no more than three ***Flags***, each not exceeding thirty-two (32) square feet (one side), displayed as high as possible from, and with its hoist (edge on its shortest axis) adjacent and parallel to, a ***Flag Pole***. The ***Flag Pole*** must (i) stand perpendicular to the ground and be not less than fifteen (15) feet high and positioned so that the ***Flag*** will not, under any circumstance or weather, intrude into the airspace above any public right-of-way, or (ii) extend from a ***Building*** and be positioned so that the lowest part of the ***Flag*** shall always be not less than nine (9) feet above the ground and so that the ***Flag*** will not, under any circumstances or weather, intrude into the airspace above any public right-of-way. The top of a freestanding, vertical ***Flag Pole*** is limited to a maximum ***Height*** of forty-five (45) feet and shall require certification by a Florida Registered Engineer when higher than twenty-five (25) feet in height. The top of a ***Flag Pole*** extended from a ***Building*** may not be higher than the top of the ***Building*** to which it is attached. No ***Flag*** may be displayed on or above the sandy beach of the Gulf of Mexico. Two or three ***Flag***s may be displayed from a single ***Flag Pole*** provided they are all displayed as high and near to each other as possible.

V. For each ***Premises*** in a ***Residential*** district, no more than three ***Flag***s, each not exceeding sixteen (16) square feet (one side), displayed as high as possible from, and with its hoist (edge on its shortest axis) adjacent and parallel to, a ***Flag Pole***. The ***Flag Pole*** which pole must (i) stand perpendicular to the ground and be not less than fifteen (15) feet high and positioned so that the ***Flag*** will not, under any circumstance or weather, intrude into the airspace above any public right-of-way, or (ii) extend from a ***Building*** and be positioned so that the lowest part of the ***Flag*** shall always be not less than two (2) feet above the ground and so that the ***Flag*** will not, under any circumstances or weather, intrude into the airspace above any public right-of-way. The top of a freestanding, vertical ***Flag Pole*** is limited to a maximum ***Height*** of twenty-five (25) feet. The top of a ***Flag Pole*** extended from a ***Building*** may not be higher than the top of the ***Building*** to which it is attached. No such ***Flag*** may be displayed on or above the sandy beach of the Gulf of Mexico. Two or three ***Flags*** may be displayed from a single ***Flag Pole*** provided they are all displayed as high and near to each other as possible.

W. For each ***Premises*** in a ***Business District*** with one or more ***Buildings***, not more than four (4) ***Signs***, each five by ten inches (5" x 10") or smaller, exclusively advertising the acceptance of credit cards and placed directly and entirely against the wall of any such ***Building***.

X. ***Signs*** located on the sandy Beach of the Gulf of Mexico containing no ***Commercial Message*** and used exclusively to warn swimmers of the dangers of swimming in the Gulf or to inform swimmers about the ***Flag*** warning system and safety regulations applicable to the sandy beaches area, not exceeding sixteen (16) square feet per ***Face*** and five (5) feet in ***Sign Height***.

Y. A ***Yard or Garage Sale Sign*** displayed for no more than seventy-two (72) hours on the site of the ***Yard or Garage Sale*** in a ***Residential*** district or on other ***Residential*** properties with the permission of the occupants thereof, not exceeding four and one-half (4.5) square feet per ***Sign Face*** and three (3) feet in ***Sign Height***.

Z. One valet parking station ***Sign*** (single ***Face*** or ***Back-to-Back***) no more than two (2) square feet per ***Face***, and not more than three (3) feet in Height, shall be allowed on each parcel where the valet station is located. The valet parking station ***Sign*** shall only be visible during hours that the valet is operating, and shall be located on the same parcel as the valet station.

AA. A ***Sign*** on a motor ***Vehicle*** licensed by the State of Florida to travel public highways, other than a prohibited ***Vehicle Sign***.

BB. ***Traffic Control Device Sign***.

CC. ***Streetlight Standards*** in the right of way of the following ***Streets***:

1. Front Beach Road, South Thomas Drive and Thomas Drive;
2. Pier Park Drive, West Pier Park Drive, Hilton Drive;
3. Arnold Road (State Road 79), Powell Adams Road, Hill Road, Clara Avenue, Lyndell Lane, Alf Coleman Road, Richard Jackson Boulevard (formerly known as Beckrich Road), Hutchison Boulevard, and Panama City Beach Parkway;

AND meeting all of the following criteria:

(a) The Standard shall have a horizontal dimension of no greater than two (2) feet and a vertical dimension no greater than five (5) feet.

(b) The Standard shall be attached to and at all times neatly stretched between ***Banner*** arms at the top and the bottom of the Standard. Grommets and sleeves shall be incorporated into the Standard to ensure safe installation, ***Maintenance*** and removal.

(c) ***Banner*** arms shall be a ¾-inch diameter metal, 28-inch long rod attached to the streetlight pole with swivel lock worm drive hose clamps. The bottom ***Banner*** arm shall be mounted at ten (10) feet above the ground.

(d) The Standard shall meet one hundred thirty (130) MPH wind load requirement.

(e) Standards shall be limited to ***Graphic Signs***, or ***Signs*** creating a festive atmosphere for ***Community Events*** and holidays which do not have a political or religious message and do not advertise a specific product or corporate entity.

(f) Short term Standards (less than 30 days or a one-time event) may be constructed of vinyl or an equivalent material.

(g) Long-term Standards (30 days or more) shall be produced with 100% polyester fabric with an acrylic coating or its equivalent to retain color and strength of the fabric regardless of exposure to wind, sunlight or rain, and also allows for double-sided printing.

(h) Printing on long-term Standards shall consist of UV protected heat set inks or its equivalent and shall be permanently bonded to the fabric in order to avoid fading of ink surface due to sun exposure or marine climate.

(i) Wherever possible, Standards must be placed on every other roadway light pole (approximately 240 feet on-center) in a staggering formation on both sides of the roadway.

(j) Standards should be festive and decorative by using bold, simple and colorful designs.

5.07.04 Prohibited *Signs*.

It shall be unlawful for any person to ***Erect***, display, or allow to be ***Erected*** or displayed within the ***City*** any of the following types of ***Signs***:

A. ***Swinging Sign***.

B. ***Snipe Sign***.

C. Revolving, rotating, twirling or other moving ***Sign***.

D. ***Portable Sign***, including any ***Trailer Sign***.

E. ***Banner***, except temporarily during a ***Community Event*** or otherwise as ***Permitted*** by section 5.07.03 of this ***Sign Code***.

F. A ***Fixed Aerial Sign***, except temporarily during a ***Community Event*** as ***Permitted*** by section 5.07.03 of this ***Sign Code***.

G. An ***Inflatable Sign***, except temporarily during a ***Community Event*** as ***Permitted*** by section 5.07.03 of this ***Sign Code***.

H. ***Pennants, Streamers, Balloons or Bunting***, unless temporarily exempted during a ***Community Event*** under section 5.07.03 of this ***Sign Code*** and excepting a ***Flag*** on a ***Flag Pole*** exempt from ***Permitting*** under section 5.07.03 of this ***Sign Code***.

I. A ***Flashing*** light or ***Beacon***, or any ***Sign*** which contains a ***Flashing*** light or ***Beacon***, excepting any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation Administration or other similar agency.

J. Limitations on ***Animated*** and ***Changeable Copy Signs***

1. No otherwise permissible ***On-Premises Sign*** shall be:

(a) Animated, unless it is located on a ***Premises*** fronting and abutting Front Beach Road, Thomas Drive or South Thomas Drive and containing an active business open to the public or other active operation open to the public; or

(b) ***Changeable Copy Sign***, unless at it is located on a ***Premises*** fronting and abutting Front Beach Road, Thomas Drive or South Thomas Drive and containing an active business open to the public or other active operation open to the public;

(Ord. #1232-A), 12/13/12)

2. Notwithstanding the general provisions of this ***Sign Code*** relating to ***Existing Signs***, the prohibition contained in this subsection shall apply to an ***Animated*** or ***Changeable Copy Sign*** which was a ***Legal Sign*** on the effective date of this subsection upon the earlier of:

   (a) Three (3) years after the effective date of this subsection;

   (b) A ***Change of Use*** of the ***Premises*** associated with the ***Sign***;

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

   (c) Voluntary or involuntary damage or destruction of the ***Sign***, the ***Sign Structure*** or the business improvements located on the ***Premises*** associated with the ***Sign***, in each case in excess of fifty (50) percent of the respective replacement value; or

   (d) Closure of the business associated with the ***Sign*** for six (6) months or more in any nine (9) month period.

K. No otherwise permissible ***Off-Premises Sign*** shall be:

1. ***Animated***,

2. ***Changeable Copy Sign***, unless a lawful ***Multi-Vision Sign***; or

3. A ***Bench Sign***.

L. ***Vehicle Sign*** associated with a ***Vehicle*** which is parked or placed within one hundred (100) feet of any ***Street***, which is visible from such ***Street*** and which is used primarily for advertising as opposed to conveyance. In determining whether a parked ***Vehicle*** is used primarily for advertising as opposed to conveyance, the following factors shall be considered: the location of the ***Vehicle*** on the ***Premises*** and the visibility of the ***Vehicle*** to the passing public, the duration of parking, the time of day and the activity in the parking lot, the availability of other parking spaces on the ***Premises*** and the proximity of the ***Vehicle*** to the ***Area*** on the ***Premises*** where operable ***Vehicles*** are customarily loaded, unloaded or otherwise carry out their primary purpose of conveyance, and whether the ***Vehicle*** is insured, operable, currently licensed by the state of Florida to travel public highways, This provision is not to be construed as prohibiting the identification of a firm or its principal products on a ***Vehicle*** operated by that firm during its normal hours of business and which is insured, operable and currently licensed by the state of Florida to travel public highways, provided that such ***Vehicle*** is used primarily for conveyance. As used in this paragraph, advertising means to direct attention to a ***Commercial***, industrial, educational, religious political or not-for-profit occupancy, entity, establishment, commodity, good, product, service or other ***Commercial***, industrial, educational, religious, political or not-for-profit activity conducted anywhere (that is, both ***On-Premises*** and ***Off-Premises Signs***).

(Ord. # 1317, 12-11-14)

M. ***Sign*** which omits a sound, vapor, smoke, odor, particles or visible matter.

N. ***Sign*** or ***Sign Structure*** which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.

O. ***Sign*** or ***Sign Structure*** which obstructs the view of, may be confused with or purports to be a governmental or official traffic direction or safety ***Sign***, or any official marker ***Erected*** by city, state or federal authority.

P. A ***Sign*** which obstructs or impairs driver vision at vehicular ingress/egress points or intersections.

Q. ***Sign Statuary*** exceeding the limits imposed by this ***Sign Code***.

R. A ***Sign*** on or within any ***Street*** or public right-of-way, or the Gulf of Mexico, except public traffic, safety and information ***Signs Erected*** and maintained by governmental authority and at public expense, including hand held ***Signs***; except that persons participating in non-***Commercial*** demonstrations, political rallies or otherwise expressing their valid right to non-***Commercial*** speech shall be entitled to hold, but not wave, from a lawful pedestrian access ***Area*** of a ***Street*** (if there be such an area) one free-expression ***Sign*** containing only a ***Non-Commercial Message***.

S. A ***Sign Erected*** or displayed in any fresh water wetlands or salt marsh areas subject to periodic inundation by tidal saltwater.

T. A ***Sign*** on or towed behind a boat or raft on waters within the ***City***.

U. ***Abandoned Sign***.

V. ***Dilapidated Sign***.

W. One or more ***Window Signs*** the aggregate ***Sign Area*** of which exceeds twenty-five percent (25%) of any ***Building Glass Area***.

X. ***Roof Sign***

Y. ***Commercial Mascot or Sign Holder*** in a ***Street***.

Z. A ***Sign*** located on real property without the permission of the property owner.

AA. A *Blank* ***Off-Premises Sign Face***. This prohibition can be avoided by the display of public service information on a blank ***Off-Premises Sign Face***.

BB. Any ***Sign*** other than a ***Traffic Control Device Sign*** that uses the word "stop" or "danger," or presents or implies the need or requirement of stopping or the existence of danger, or which is a ***Copy*** or imitation of a ***Traffic Control Device Sign*** and which is adjacent to any ***Street***.

CC. Any ***Sign*** prohibited by state or federal law.

DD. A ***Sign*** containing a mirror or any other reflective or phosphorescent surface.

EE. A ***Sign*** incorporating any laser light.

FF. Pavement markings, except for official pedestrian and traffic control markings or coloration, ***Building*** address markings if required by law and decorations forming a permanent part of the pavement with the consent of the public or private pavement owner.

GG. The following ***Signs*** in a ***Residential*** district:

1. ***Animated Sign***
2. Changeable ***Copy Sign***, unless the ***Copy*** is changed manually.
3. ***LED Sign***
4. ***Off-Premises Sign***

HH. ***Wall Wrap Sign.***

II. ***Holographic Display Sign.***

JJ. An obscene ***Sign*** where obscene is defined by Florida Statutes 847.001(10) or superseding law.

KK. Any ***Sign*** not ***Permitted*** by this ***Sign Code*** either with or without a ***Permit***, provided however that any ***Sign*** neither prohibited nor ***Permitted***, with or without a ***Permit***, shall be presumed to not have been considered, the ***City Council*** finding that the nature and technology of ***Sign***s and advertising is constantly changing. Accordingly, any person may at any time submit a written application to the ***City Manager*** to amend this ***Code*** to either allow a ***Sign*** without a ***Permit*** or to authorize a ***Permit*** to be issued for a ***Sign***, accompanied by an application fee equal to the fee required to obtain a ***Sign Permit*** to be applied against the actual or reasonably anticipated expenses associated with the application. Such an application need only describe in detail the type of ***Sign*** desired, but it may also set forth the rational for allowing that type of ***Sign*** and whether a ***Permit*** should be required. If the ***City*** has not begun drafting an amendment to the ***Sign Code*** to ***Permit*** that type of ***Sign***, with or without a ***Permit***, within twenty (20) days following receipt of the application and fee, and adopted such an amendment within sixty (60) days following receipt of the application and fee, a rebuttable presumption will be that the ***City*** intends to prohibit the ***Sign***. If the ***Sign*** is allowed by ***Permit***, no additional fee shall be required.
(Ord. # 1317, 12-11-14)

LL. ***Digital Light Show***
(Ord. # 1244, 12-13-12)

5.07.05 General *Sign* Standards.

The following general ***Sign*** standards shall apply to all ***Sign***s within the ***City***. It shall be unlawful for any person to ***Erect***, display, or allow to be ***Erected*** or displayed within the ***City*** any ***Signs*** in violation of any of these standards.

A. No ***Sign*** shall be established closer to a ***Street*** than the ***Building*** setback line except that (i) any otherwise permissible ***On-Premises Sign*** in a ***Business District*** which is open and does not obstruct visibility from the ground to nine (9) feet above the ground, and (ii) any otherwise permissible ***Sign*** in a ***Residential*** district which is less than five feet in Height, may be established as close as five (5) feet from the property line. No portion of any ***Sign*** may be placed on, or extended over, the right-of-way line of any ***Street*** or public, pedestrian right of way.

B. The vertical edges of all ***Back-to-Back Signs*** (that is the vertical surface generally perpendicular to any ***Face*** of such ***Sign***) shall be covered and finished with a permanent, opaque material so that no portion of the ***Sign Structure*** will be visible between the ***Faces*** of the ***Sign***.

C. The back of all ***Free-Standing Sign***s and all visible portions of a ***Free-Standing Sign Structure*** shall be covered or finished with a permanent, opaque material.

D. All ***Signs*** shall be constructed in accordance with the applicable ***Building*** and electrical codes.

E. The minimum lowest point ground clearance on all ***Free-Standing Signs*** shall be either less than two (2) or more than nine (9) feet, so as to either prevent or allow persons to walk under or through the ***Sign*** or ***Sign Structure***.

F. ***Sign Height*** shall not exceed the ***Building Height*** limitation of the ***Area*** or district in which the ***Sign*** is located. Additionally, no ***Off-Premises Free-Standing Sign*** shall exceed fifty (50) feet in ***Sign Height***. No ***Monument Sign*** shall exceed twenty (20) feet in ***Sign Height***. Further, no On-***Premises Free-Standing Sign*** shall exceed twenty-five (25) feet in ***Sign Height***, except that a Free-Standing ***On-Premises Sign*** located on any ***Premises*** lying in whole or in part within one hundred (100) feet of the nearest right-of-way of the ***Streets*** listed below shall have a ***Sign Height*** not exceeding the respective number of feet shown:

1. Thomas Drive, South Thomas Drive and Front Beach Road: fifty (50) feet.

2. North Lagoon Drive, Joan Avenue, Clarence Street, Beckrich Road, Alf Coleman Road, Lyndell Lane, Clara Avenue, Hill Road, Powell Adams Road, and State Road 79: thirty-five (35) feet.

3. Panama City Beach Parkway (Back Beach Road) and Hutchinson Boulevard (Middle Beach Road): Twenty (20) feet.

G. All ***Free-Standing On-Premises Signs*** located on any ***Premises*** lying in whole or in part within one hundred (100) feet of the right of way of Panama City Beach Parkway (Back Beach Road) or Hutchinson Boulevard (Middle Beach Road) shall be ***Monument Signs***.

H. All ***Signs*** and ***Structures*** for which a ***Permit*** is required by this ***Sign Code***, including their supports, braces, guys and anchors, shall be maintained so as to present a neat and clean appearance. Painted areas and ***Sign*** surfaces shall be kept in good condition, and illumination, if any, shall be maintained in safe and good working order.

I. The general ***Area*** in the vicinity of any ***Free-Standing Sign*** must be kept free and clear of ***Sign*** materials, debris, trash and other refuse, and weeds and grass shall be kept neatly cut.

J. If illuminated, non-***LED Signs*** shall be illuminated only by the following means:

1. By white, steady, stationary, electric light of reasonable brightness and intensity, shielded and directed solely at the ***Sign***. No Illuminated ***Sign*** shall cast light to exceed four tenths (.4) maintained foot candle luminance in a

Residential zoning district. Any light from an Internally Illuminated ***Sign*** shall not exceed ten (10) foot candles maintained luminance measured at a distance of ten (10) feet from the ***Sign***. These standards shall not be interpreted or enforced to prevent persons of ordinary sensibilities viewing the ***Sign*** from perceiving its expression.

2. Any light from an ***Externally Illuminated Sign*** or floodlight used to illuminate a ***Sign*** shall be shaded, shielded, or directed so that the light intensity or brightness shall not interfere with the safe vision of motorists, or bicyclists.

3. No ***Sign*** shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic ***Sign***, device or ***Signal***.

4. An ***Illuminated Sign*** shall have a disconnecting switch located in accordance with the provisions of the ***National Electric Code***.

5. An ***Illuminated Sign*** shall require both a ***Sign Permit*** and an electrical ***Permit*** prior to installation.

6. Neon tubing, string lights, or other similar devices used to outline any ***Building*** or in ***Sign*** design shall be restricted to two (2) linear feet for each foot of ***Frontage*** of the ***Premises*** on which the ***Building*** or ***Sign*** is located. Display of neon tubing shall be limited to the maximum of two (2) parallel lines of neon tubing.

K. A ***LED Sign*** shall:

1. Have an auto-sensor regulating its illumination to follow changes in ambient light.

2. Not exceed a maximum luminance intensity of seven thousand (7000) nits (candelas per square meter) during daylight hours and a maximum luminance of five hundred (500) nits between fifteen minutes after sunset and fifteen minutes before sunrise as measured from the ***Sign Face*** at maximum brightness. This standard shall not be interpreted or enforced to prevent persons of ordinary sensibilities viewing the ***Sign*** from perceiving its expression.

3. Not interfere with the effectiveness of, or obscure an official traffic ***Sign***, device or signal.

4. Not be ***Externally Illuminated***, including a ***Sign*** that is only partially ***LED***.

5. Have a disconnecting switch located in accordance with the provisions of the ***National Electric Code***.

6. Require both a ***Sign Permit*** and an electrical ***Permit*** prior to installation.

L. No ***Sign*** shall be ***Erected*** or displayed near a ***Street***, driveway or bicycle path intersection so as to obstruct the view of pedestrian or vehicular traffic and constitute a hazard. No ***Sign*** shall obstruct, conceal, hide or otherwise obscure from view any ***Traffic Control Device Sign*** or official traffic signal.

M. Each horizontal dimension of the base or berm of a ***Monument Sign*** shall not exceed 150% of the corresponding horizontal dimension of the ***Sign Face*** or cabinet. The ***Height*** of the base or berm of a ***Monument Sign*** shall be included in the ***Monument Sign*** Height.

N. Notwithstanding any impression in this ***Sign Code*** to the contrary, any ***Sign Erected*** or entitled to be ***Erected*** pursuant to the provisions of this ***Sign Code*** as a ***Vehicle***, ***Commercial Off-Premises*** or a ***Commercial On-Premises Sign*** may, at the option of the owner or person entitled to control the ***Copy*** of such ***Sign***, contain a ***Non-Commercial Message*** in lieu of a ***Commercial Message*** and Non-***Commercial Copy*** may be substituted at any time in place of ***Commercial Copy***. The ***Non-Commercial Message*** (***Copy***) may occupy the entire ***Sign Face*** or any portion thereof. The ***Sign Face*** may be changed from ***Commercial*** to ***Non-Commercial Message***s and back, or from one ***Non-Commercial Message*** to another ***Non-Commercial Message***, as frequently as desired by the owner or person entitled to control the ***Copy*** of the ***Sign***, if the ***Height***, size, location, setback and other dimensional criteria contained in this ***Sign Code*** are satisfied.
(Ord. # 1317, 12-11-14)

O. Notwithstanding any impression in this ***Sign Code*** to the contrary, no ***Sign*** or associated ***Sign Structure*** shall be subject to any limitation based upon the content (viewpoint) of the message contained on such, except the prohibition of obscene ***Signs***.

P. The substantive requirements of this ***Sign Code*** shall apply to the ***City*** and any other governmental body ***Erecting*** or maintaining a ***Sign*** within the ***City***.

Q. A ***Multi-Vision Sign*** must meet each of the following requirements:

1. Neither the ***Sign*** nor any ***Face*** of the ***Sign*** shall contain any moving or animated part or moving or ***Flashing*** light or gives the appearance of animation or movement;

2. The entire ***Face*** shall appear and disappear uniformly and simultaneously. ***LED Sign Copy*** shall not fade-out or fade-in, or appear or disappear in any pattern, spiral or movement, or migrate from a side, top or bottom.

3. The ***Face*** is everywhere more than nine feet (9') above ground;

4. The change of display shall occur simultaneously for the entire ***Face***;

5. The ***Sign*** shall contain a default design that will freeze the device in one ***Face*** if a malfunction occurs;

6. Each ***Face*** shall remain static or fixed for at least six (6) seconds;

7. The time to complete the change from one ***Face*** to the next is a maximum of two (2) seconds for digital technology and three (3) seconds for mechanical louvers.

5.07.06 *Off-Premises Sign* Standards

The following ***Off-Premises Signs*** may be ***Erected*** and displayed in ***Business District*** s pursuant to a ***Permit***:

A. All ***Off-Premises Signs*** lawfully classified as ***Non-Conforming Signs*** on the effective date of this section 5.07.06 as revised (September 10, 1998) are hereby declared to be Legal ***Off-Premises Signs*** and deemed to have been ***Erected*** and entitled to be displayed pursuant to a ***Permit***.

B. The total number of *Legal* ***Off-Premises Sign***s (sometimes called ***Off-Premises Signs***) within the ***City*** (including but not limited to previously Non-conforming ***Off - Premises Sign***s which were reclassified by this section 5.07.06 as revised on September 10, 1998) shall not exceed the total number in existence or lawfully ***Permitted*** by the City on the effective date of the "cap and replace" revisions to this section 5.07.06 (September 10, 1998), and may be less. Should the number of ***Off-Premises Signs*** ever decrease, as provided below, it shall not thereafter be increased.

C. The maximum ***Area*** for any one ***Off-Premises Sign Face*** shall be four hundred (400) square feet. The maximum aggregate ***Area*** of all ***Double-Faced Sign Faces*** visible from any one point shall be four hundred (400) square feet.

D. ***Sign Statuary*** incorporated in or associated with an ***Off-Premises Sign*** shall be included in the ***Area*** of such ***Sign*** by measuring a two-dimensional view of the ***Sign Face***, and the ***Area*** of such ***Statuary*** as so measured may not exceed one-third (1/3) of the ***Area*** of the ***Sign***.

E. No ***Off-Premises Sign*** or associated ***Sign Structure*** may be increased in size or ***Height***. Each ***Off-Premises Sign*** and any associated ***Sign Structure*** may be maintained, repaired and replaced in the same location, and the ***Copy*** thereof changed, at any time. Adding one or more alternating ***Faces*** to the ***Face*** of an existing ***Off-Premises Sign*** through any mechanical, electronic or other automated means so as to create a ***Multi-Vision Sign***, or increase the number of ***Faces*** on an existing ***Multi-Vision Sign***, is declared to be an enlargement which is not ***Permitted***, except as expressly provided in the following paragraph F of this section as the result of a ***Lost Sign*** that is not replaced as a ***Free-Standing Sign***.

F. ***Lost Off-Premises Signs (Cap and Replace)***.

1. A ***Lost Sign*** is any ***Off-Premises Sign*** or associated ***Sign Structure*** that is voluntarily or involuntarily removed from service in whole or in part because such ***Sign*** or ***Sign Structure***:

   (a) Is dismantled, taken down, removed, or covered or obscured in majority part for a period of sixty (60) days in any ninety (90) day period, or

   (b) Is damaged by fire, wind, flood or other sudden casualty and the cost to paint and repair such ***Sign*** (including the ***Sign Structure***) equals or exceeds fifty percent (50%) of the cost to replace such ***Sign***.

2. ***Lost Signs*** are ***Illegal Signs*** and, together with any associated ***Sign Structure***, shall be removed as provided in section 5.07.09 of this ***Sign Code***. In the event

that two ***Off Premises Signs*** within one thousand five hundred (1,500) feet of each other are so removed from service at substantially the same time or by reason of materially the same event, the older ***Sign*** shall be given priority to rebuild at the same location if that is an option.

3. The owner of a ***Lost Sign*** or the owner's assignee, but no other, shall be entitled to replace the ***Lost Sign*** with a new ***Free Standing Sign*** elsewhere in the ***City***, provided:

   (a) Such ***Lost Sign*** and any ***Associated Sign Structure*** have been removed at no public expense, and

   (b) Such replacement ***Sign*** is no larger or higher than the ***Lost Sign*** it is replacing and contains the same or lesser number of ***Faces*** which are the same or smaller in size than the corresponding ***Faces*** of the ***Lost Sign*** it is replacing (notwithstanding the foregoing, the ***City Council*** may grant a variance to ***Permit*** or require such replacement ***Sign*** to be ***Erected*** or displayed higher than the ***Lost Sign*** it is replacing--but not to exceed the maximum allowed by law--whenever a literal enforcement of the transferred ***Height*** limitation would result in an unnecessary hardship on the owner of the replacement ***Sign*** or the owners of property adjoining the replacement ***Sign***), and

   (c) Such replacement ***Sign*** is ***Erected*** or displayed within no less than one thousand five hundred (1500) feet of any other Legal ***Off-Premises Sign*** measured on the same side of the ***Street*** or ***Streets*** connecting them as set forth below (notwithstanding the foregoing, such distance requirement shall be reduced by such amount not to exceed one hundred twenty-five (125) feet as is necessary to place such ***Sign*** one hundred twenty- five (125) feet from an ***Area*** zoned for ***Residential Use***, and

   (d) Such replacement ***Sign*** is located not less than one hundred twenty-five (125) feet from any ***Area*** zoned for ***Residential Use***, and

   (e) Such replacement ***Sign*** is not located, in whole or in part, in the ***Area*** south of the centerline of Front Beach Road (scenic highway 98), South Thomas Drive or Thomas Drive or within seventy-five (75) feet of the northerly right-of-way line of said road or drive (measured horizontally from a vertical line intersecting such right-of-way line), and

   (f) The fee is paid and a ***Permit*** is issued for the ***Erection*** and display of such replacement ***Sign***, and such replacement ***Sign*** complies with this ***LDC***, all applicable ***Building*** codes and all other applicable state and local laws, and

   (g) Such replacement, ***Free-Standing Sign*** is constructed and fully operational within twelve (12) months after the ***Lost Sign*** was removed from service. In the event that a ***Lost Sign*** is not timely replaced, the total number of ***Off-Premises Signs Permitted*** in the ***City*** shall be reduced by one (1)

4. As an alternative to replacing a ***Lost Sign*** with a new ***Free-Standing Sign***, the owner of a ***Lost Sign*** or the owner's assignee, but no other, shall be entitled to

add one (1) alternating ***Face*** to the ***Face*** of an existing, Legal ***Off-Premises Sign*** (either an existing ***Multi-Vision Sign*** or a ***Multi-Vision Sign*** resulting from such addition) for each ***Face*** of the Lost ***Sign***, provided:

(a) Such ***Lost Sign*** and any associated ***Sign Structure*** have been removed at no public expense, and

(b) The aggregate square footage of each ***Face*** added is no larger than the ***Face*** it is replacing, and

(c) The existing or resulting ***Multi-Vision Sign*** is not located in whole or in part, in the ***Area*** south of the centerline of Front Beach Road (scenic highway 98), South Thomas Drive or Thomas Drive, and

(d) The fee is paid and a ***Permit*** is issued for each ***Face*** added to an existing or resulting ***Multi-Vision Sign***, and such ***Sign*** complies with this ***LDC***, all applicable ***Building*** codes and all other applicable state and local laws, and

(e) The ***Face*** is registered with the ***City*** in writing, and a receipt for such registration is obtained from the ***City***, no later than sixty (60) days after the ***Lost Sign*** from whence it came was voluntarily or involuntarily made no longer available for service, after which sixty (60) day period the right to add the ***Face*** to an existing or resulting ***Multi-Vision Sign*** shall terminate.

G. The distance between ***Off-Premises Sign***s shall be the shortest distance measured along the nearest edge of the pavement (or right of way where there is no pavement) between points directly opposite the center of each ***Sign*** and along the same side of the ***Street*** or ***Streets*** connecting them. Each ***Sign*** shall be deemed connected to the other by the ***Street*** whose centerline is nearest the center of the ***Sign***. The minimum distance requirement shall apply only to ***Off-Premises Signs*** located on the same side of the ***Street*** or ***Streets*** connecting them.

H. In the event that any ***Off-Premises Sign*** shall become an ***Abandoned Sign*** or a ***Dilapidated Sign***, then such ***Sign*** shall become an ***Illegal Sign*** and, together with any associated ***Sign Structure***, be removed as provided in section 5.07.09 of this ***Sign Code***, and the total number of ***Off-Premises Sign***s ***Permitted*** in the ***City*** shall be reduced by one (1) and neither a replacement ***Sign*** nor additional, alternating ***Face*** on an existing ***Sign*** shall be ***Permitted***.

I. Notwithstanding section 5.07.06B, the total number of ***Off-Premises Sign***s ***Permitted*** within the ***City*** shall be increased by the number of ***Off-Premises Sign***s located upon unincorporated territory annexed into the ***City*** after the effective date of this section 5.07.06, as revised (September 10, 1998), and each such ***Sign*** shall be treated as any other ***Off-Premises Sign*** within the ***City*** provided that it was in full compliance with all applicable ***Bay County*** zoning and ***Sign*** regulations at the time of annexation. Conversely, the total number of ***Off-Premises Signs Permitted*** within the ***City*** shall be decreased by the number of ***Off-Premises Signs*** located upon incorporated territory that is de-annexed into ***Bay County, Florida.***

5.07.07 *On-Premises Sign* Standards

The following ***On-Premises Sign***s may be ***Erected*** and displayed in ***Business District*** s pursuant to a ***Permit***:

A. Free-Standing Signs:

1. Each ***Premises*** in a ***Business District*** (except a ***Premises*** within a ***Shopping Center***) is ***Permitted*** one (1) ***Free-Standing, On-Premises Sign*** with an aggregate ***Sign Area*** not exceeding three hundred (300) square feet or two (2) square feet for each linear foot of ***Frontage*** of that ***Premises***, whichever is smaller.

2. Each ***Premises*** in a ***Business District*** with more than four hundred feet of ***Frontage*** and each ***Corner Premises*** in a ***Business District*** shall be ***Permitted*** a second ***Free-Standing On-Premises Sign*** meeting the requirements of subsection (a) of this section. This subsection shall not apply to a ***Shopping Center***.

3. If an applicant in this category waives the right to have any ***Free-Standing Sign***, the applicant shall be ***Permitted*** to exceed the ***Building Sign*** limitations provided elsewhere in this ***Sign Code*** by fifty percent (50%) of each such limitation.

4. The aggregate ***Sign Area*** of a ***Free-Standing Sign*** shall be measured as follows:

   (a) If the ***Sign*** contains three or less cabinets or modules, a separate polygon with no more than eight straight sides will be drawn around and enclose the perimeter of each cabinet or module and the ***Sign Area*** will be the sum of the ***Area*** of all the polygons.

   (b) If the ***Sign*** contains more than three cabinets or modules, a single polygon with no more than eight straight sides will be drawn around and enclose the perimeter of all cabinets and modules and the ***Sign Area*** will be the ***Area*** of the polygon.

   (c) Where any two cabinets or modules are not everywhere a minimum of twenty-four (24) inches distant from each other, they must be considered a single cabinet or module.

   (d) Where two cabinets or modules are placed back to back on a single ***Sign Structure***, and the ***Faces*** are at no point more than four (4) feet apart, the ***Area*** of both cabinets or both modules shall be counted as the ***Area*** of one.

   (e) Where four cabinets or modules are arranged in a square, rectangle or diamond on a single ***Sign Structure***, and the opposing ends of each pair of cabinets or modules are no more than two (2) feet apart, the ***Area*** of the four cabinets or four modules shall be counted as the ***Area*** of two.

   (f) Each ***Free-Standing On-Premises Sign*** shall display the ***Street*** address of the associated ***Premises*** in numbers no smaller than four (4) inches or larger than ten (10) inches high placed in a prominent location on the ***Sign*** or ***Sign Structure*** so as to be as visible as practicable from the ***Frontage***.

B. Building Signs.

1. Each ***Premises*** in a ***Business District*** (except a ***Premises*** within a ***Shopping Center***) with one or more ***Buildings*** is ***Permitted*** one or more ***On-Premises Building Signs***, subject to the following limitations regardless of the number of ***Buildings*** on the ***Premises***:

2. The aggregate ***Sign Area*** of all such ***Building Signs*** shall not exceed two (2) square feet of ***Area*** for each linear foot of ***Building Frontage*** of the ***Premises***, or one (1) square foot of ***Area*** for each linear foot of ***Frontage*** of the ***Premises***, whichever is greater; provided that the aggregate ***Area*** of all non-exempt ***Building Sign***s, ***Window Signs*** and exempt ***Signs*** placed on or connected to the ***Facade*** of a ***Building*** may not exceed thirty percent (30%) of the ***Area*** of that ***Facade***.

3. A ***Corner Premises*** shall be entitled to increase the foregoing aggregate ***Building Sign Area*** by fifty (50) percent, provided that at least thirty percent (30%) and not more than fifty (50) percent of the aggregate ***Sign Area*** is placed on the side-***Street*** side of the ***Building***.

4. The maximum number of ***Building Signs*** for any ***Premises*** is three (3), except that:

   (a) The maximum number of ***Building Signs*** for any ***Premises*** located directly on the ***Gulf of Mexico*** may be increased by two (2), provided that the additional two (2) ***Building Signs*** are displayed on the water side of the ***Building***; and

   (b) The maximum number of ***Building Signs*** for any ***Premises*** entitled to a ***Free-Standing Sign*** which has no ***Free-Standing Sign*** may be increased by two (2), provided that the additional two (2) ***Building Signs*** are ***Graphic Signs***; and

   (c) The maximum number of ***Building Signs*** for any ***Premises*** entitled to a ***Free-Standing Sign*** whose ***Free-Standing Sign*** is a ***Monument Sign*** not exceeding eight (8) feet in ***Sign Height*** may be increased by one (1) provided that the additional ***Building Sign*** is a ***Graphic Sign***; and

   (d) The maximum number of ***Building Signs*** for a ***Corner Premises*** may be increased by one (1), provided that the additional one (1) ***Building Sign*** is displayed on the ***Side-Street*** side of the ***Building***.

5. Any ***Premises*** located directly on the ***Gulf of Mexico*** may ***Erect*** and display one ***Free-Standing Sign*** between the ***Building*** and the soft beach sand area, but not in the soft beach sand area, intended and used solely for communication with patrons of the ***Premises***, provided that the ***Area*** of such ***Sign*** shall not exceed sixteen (16) square feet and shall be included in the aggregate ***Building Sign Area*** of the ***Premises***.

6. The aggregate ***Sign Area*** of one or more ***Building Signs*** shall be measured as follows:

(a) Where a ***Building Sign*** is enclosed by a border or any background material, panel, trim, cabinet, color or illumination which differentiates the ***Sign*** from the ***Building*** or background, the ***Sign Area*** shall be the ***Area*** within such enclosure or line of differentiation.

(b) Where a ***Building Sign*** is composed of letters, pictures, graphics or symbols attached directly to a wall, ***Canopy*** or ***Building***, and the letters, pictures, graphics or symbols are not enclosed by a border or any background material, panel, trim, cabinet, color or illumination which differentiates the ***Sign*** from the ***Building*** or background, a single polygon with no more than eight straight sides will be drawn around and enclose the perimeter of all such letters, pictures, graphics or symbols and the ***Sign Area*** will be the ***Area*** of the polygon.

C. Each ***Premises*** in a ***Business District*** (except a ***Premises*** within a ***Shopping Center***) with one or more ***Buildings*** is ***Permitted*** one (1) ***Free-Standing Sign Statuary*** not exceeding ten (10) feet in ***Height*** including any base, provided that (i) no graphic presentation of alphabetic or pictorial symbols or representations designed to communicate information is attached or associated with such ***Statuary***, and (ii) the aggregate ***Sign Area*** of any ***Free-Standing Sign*** on the same ***Premises*** does not exceed two-thirds (2/3) of the maximum ***Area Permitted*** for such ***Sign*** under this ***Sign Code***.

D. ***Sign Statuary*** incorporated in or associated with an ***On-Premises Sign*** shall be included in the ***Area*** of such ***Sign*** by measuring a two-dimensional view of the ***Sign Face***, and the ***Area*** of such ***Statuary*** as so measured may not exceed one-third (1/3) of the ***Area*** of the ***Sign***.

E. For each ***Shopping Center***, the following ***On-Premises Signs***, subject to the following requirements, are ***Permitted***:

1. For each improved ***Street*** abutting the ***Shopping Center***, one (1) ***Free-Standing Sign*** bearing the name and identification of the ***Shopping Center*** and of the establishments on the Premises, the maximum ***Sign Area*** of which shall be based on the ***Gross Leasable Area*** ("***GLA***") within the ***Shopping Center***, as follows:

   (a) Neighborhood ***Shopping Center***- less than 30,000 square feet ***GLA*** - maximum ***Sign Area***: four hundred (400) square feet.

   (b) Community ***Shopping Center***- at least 30,000 or more square feet ***GLA*** - maximum ***Sign Area***: eight hundred (800) square feet.

2. Each establishment located within a ***Shopping Center*** is ***Permitted***:

   (a) One (1) ***Building*** or ***Canopy Sign*** not to exceed two (2) square feet of ***Sign Area*** for each lineal foot of establishment ***Frontage*** within the ***Center;*** provided that in the event such establishment has more than one such ***Frontage***, for the purposes of this section each ***Frontage*** shall be considered a separate establishment, and

(b) One (1) hanging (but not swinging) ***Projecting Sign*** not to exceed one (1) foot by six (6) feet, or the width of the ***Canopy***, whichever is less.

F. Each ***Building*** in a ***Business District*** shall be allowed without ***Permit*** therefore, ***Window Signs*** which cover or occupy no more than twenty-five percent (25%) of each ***Building Glass Area***. Additional window ***Signs*** are prohibited.

5.07.08 *Sign Permit* Applications

A. A ***Sign Permit*** application for a ***Sign*** that is required by this ***Sign Code***, or separate ***City Council*** resolution, shall be prepared and submitted on forms available at the ***Building*** Department. The ***Sign Permit*** is in addition to any ***Permit*** required by the ***Florida Building Code*** or other applicable health and safety code or law, and the issuance of a ***Sign Permit*** creates no rights with respect to any other ***Permit*** or under any body of law other than this ***Sign Code***. The applicant shall furnish the following information on or with the ***Sign Permit*** application form:

1. Name, address and telephone number of the person making application for the ***Permit***. If the applicant is anyone other than the property owner, the applicant shall provide written authorization from the property owner ***Permitting*** the installation of the ***Sign***.

2. Name, address and telephone number of the property owner. If the owner is an entity other than an individual, list the contact person's name and telephone number.

3. Name, address and telephone number of the business tenant, if applicable. If the tenant is an entity other than an individual, list the contact person's name and telephone number.

4. Name, address, telephone and license number of the contractor, if applicable. If the contractor is an entity other than an individual, list the contact person's name and telephone number.

5. Address and ***Bay County Property Appraiser's*** parcel identification number of the property upon which the ***Sign*** is to be located.

6. Dimensions, elevation and ***Area*** of the proposed ***Sign***, drawn to scale.

7. For an ***On-Premises Sign***, the ***Frontage*** of the ***Premises*** and the ***Building Frontage***, as needed to determine the ***Area*** of the ***Sign***.

8. For an ***On-Premises Sign***, a photograph of the ***Facade*** of each principle ***Building***, photographs of all ***On-Premises Signs*** on the same ***Premises***, and a statement listing, by reference to the photographs, the ***Area*** of each ***On-Premises Sign*** computed as required by this ***Sign Code***.

9. For a ***Free-Standing On-Premises Sign***, a ***Site Plan*** of the ***Premises*** indicating in feet and inches the location of the ***Sign*** in relation to all property lines, public rights-of-way, easements, ***Building***s and any other ***Free-Standing Sign*** on the ***Premises***.

10. For an ***On-Premises Building Sign***, the ***Façade*** elevation showing all existing ***Signs***, the proposed ***Sign*** and all windows and doors, all drawn to scale with dimensions given for the ***Facade*** and for each element required to be shown

11. For an ***Off-Premises Sign***, descriptions and ***Street*** addresses of the closest two (2) ***Off-Premises Signs***, the distance from the location of the proposed ***Sign*** to each of those ***Signs***, measured as required by this ***Sign Code***, and including a map or drawing showing the route of measurement

12. Number of ***Faces***. If a ***Multi-Vision Sign***, the method of changing ***Faces***.

13. For a ***Free-Standing Sign***, all sign dimensions, including the ***Height*** of the top of the ***Sign*** and the distance between the bottom of the ***Sign*** and grade.

14. Dimensions of the ***Sign Structure***, if any.

15. ***Sign*** illumination, specifying illumination type, placement and intensity.

16. For an Illuminated ***Sign***, a complete application for an electrical ***Permit*** submitted, with appropriate fee, by a qualified and licensed electrical contractor.

17. Three (3) copies of the plans, specifications, calculations and details, signed and sealed by an engineer licensed in Florida documenting the applicable wind load and demonstrating compliance with the ***Florida Building Code*** for:

    (a) A ***Free-Standing Sign*** exceeding one hundred (100) square feet in ***Sign Area*** of any ***Face***, or

    (b) A ***Projecting Sign***s over twenty-four (24) square feet in ***Sign Area*** of any ***Face***.

    This requirement is in addition to any ***Permitting*** or substantive requirement imposed from time to time by the ***Florida Building Code*** or similar law.

18. Landscape plan, as applicable.

19. If applicable, the cost to repair and the cost to replace a ***Sign*** damaged by casualty, certified by a ***Sign*** contractor licensed to do business in the ***City*** and who does not have a direct or indirect economic or other interest in the subject ***Sign***.

20. If the value of construction is $2,500.00 or greater, a certified ***Copy*** of notice of commencement shall be required prior to ***Permit*** issuance.

21. Signature of applicant verifying accuracy of information supplied.

B. An application for a ***Permit*** shall be accompanied by a ***Permit*** fee in the amount of twenty-five dollars ($25.00) reflecting the actual or reasonably anticipated expenses associated with the application, which fee may be changed from time to time by resolution of the ***City Council*** to reflect changed expenses associated with processing ***Permit*** applications.

C. Any ***Permit*** issued through mistake of fact or law shall confer no right upon the permittee and such ***Permit*** shall be revoked by the ***City Manager*** or his designee upon discovery of such mistake, and the ***Sign*** for which the ***Permit*** was obtained shall be corrected or removed immediately by the owner or person entitled to possession thereof.

D. A ***Permit*** shall become null and void if the ***Sign*** for which the ***Permit*** was issued has not been ***Erected*** and completed within a period of one hundred eighty (180) days after the date of issuance. Only one thirty (30) day extension may be granted by the ***City Manager*** or his designee for good cause shown. A fee shall not be refunded.

E. When a ***Sign Permit*** has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate in any material respect from the size, location and design of the ***Sign*** or ***Sign Structure*** represented in the application for such ***Permit***.

F. The ***City Manager*** or designee may make or require any inspections to ascertain compliance with the provisions of this ***Sign Code***, the comprehensive plan of the ***City***, this ***LDC***, the ***Florida Building Code*** and any other law.

G. If the work under any ***Sign Permit*** is proceeding in violation of this ***Sign Code***, the ***Florida Building Code***, or any other ordinance of the ***City***, or should the ***City*** be denied access to inspect the work, or should it be found that there has been any false statement or misrepresentation of a material fact in the application or plans on which the ***Permit*** was based, the ***Permit*** holder shall be notified of the violation, denial or falsity. If the ***Permit*** holder fails or refuses to make corrections within ten days, or within three business days ***Permit*** access or demonstrate revised material facts justifying the ***Permit***, it shall be the duty of the ***City Manager*** or designee to revoke such ***Permit*** and serve notice upon such ***Permit*** holder. Such notice shall be in writing and signed by the ***City Manager*** or his designee. It shall be unlawful for any person to proceed with any part of work after such notice is issued.

H. ***Sign Permit*** Application Review.

1. An applicant shall deliver a ***Permit*** application to the ***Building*** Department, or such other office as may be designated by the ***City Manager***. The application shall be reviewed for a determination of whether the proposed ***Sign*** meets the applicable requirements of this ***Sign Code*** and any applicable ***Building*** code or land development regulation. The review of the ***Permit*** application shall be completed within forty-five (45) days following receipt of a completed application, and any applicable fees, not counting the day of receipt and not counting any Saturday, Sunday, or legal holiday which falls upon the first or the forty-fifth (45) day after the date of receipt. A ***Sign Permit*** shall either be approved, approved with conditions (meaning legal conditions existing in the ***Sign Code***, ***Building*** code or land development regulations, such as dimensional requirements), or disapproved, and the decision shall be reduced to writing. A disapproval shall include or be accompanied by a statement of the reason(s) for the disapproval. In the event that no decision is rendered within forty-five (45) calendar days following submission, the application shall be deemed denied. If disapproval is the consequence of a failure to decide upon the application within the deadline set forth herein, the ***City Manager*** or

designee shall upon request refund any applicable fee to the person who paid the fee. In the event that no decision is rendered within forty-five (45) calendar days following submission, the application shall be deemed denied and the applicant may appeal to the ***Planning Board***.

2. In the case of an approval with conditions or disapproval an applicant may ask for reconsideration of the decision on the grounds that the ***City Manager*** or designee may have overlooked or failed to consider any fact(s) that would support a different decision. A written request for reconsideration accompanied by such additional fact(s) as the applicant may wish the ***City Manager*** or designee to consider, shall be filed with the ***City Manager*** or designee within ten (10) calendar days after receipt of the decision. No fee shall be required for a request for reconsideration. Upon the timely filing of a request for reconsideration, the decision of the ***City Manager*** or designee shall be deemed stayed and not a final decision, until the request for reconsideration is decided. The request for reconsideration shall be decided within seven (7) days of receipt by the ***City***, not counting any intervening ***Saturday, Sunday***, or ***City*** holiday. Such decision shall be in writing and shall include a statement of the reason(s) for the decision. If the disapproval of the request for reconsideration was a consequence of a failure to decide upon the application within the deadline set forth herein, the ***City Manager*** or designee shall verify upon request that any applicable fee was refunded even if the ***City Manager*** or designee approves the application upon reconsideration.

3. All decisions shall be mailed, transmitted electronically, or hand delivered to the applicant. A record shall be kept of the date of mailing, electronic transmittal, or hand delivery. For the purposes of calculating compliance with the forty-five (45) day deadline for a decision upon an application or the seven day deadline for a decision upon request for reconsideration, the decision shall be deemed made when deposited in the mail, transmitted electronically, or hand delivered to the applicant.

4. As exceptions to the foregoing, the forty-five (45) day deadline for approval and the seven (7) day deadline for a decision upon receipt of a request for a reconsideration shall not apply (that is, the time shall be suspended):

   (a) In any case in which the application requires a variance from any provision of the ***LDC***, the ***City Code of Ordinances***, a rezoning of the property, or an amendment to the comprehensive plan of the ***City***. In such cases, the time shall be suspended until a final decision is made upon the application for the variance, rezoning, or comprehensive plan amendment.

   (b) If the applicant is required to make any change to the application in order to obtain an unconditional approval, the time shall be suspended while the applicant makes such change.

   (c) If an applicant is required to obtain an approval from any other governmental agency, the time shall be suspended until such approval is obtained.

(d) In any of the foregoing cases, the applicant may elect to seek a variance, rezoning of the property, or an amendment to the comprehensive plan of the ***City***, make no change to the application, or obtain an approval that may be required by another governmental agency, and may instead demand a decision upon the ***Sign Permit*** application as filed, subject to obtaining a variance, rezoning of the property, or an amendment to the comprehensive plan of the ***City***, or approval by another agency being obtained. In such event, the ***City Manager*** or designee shall make a decision on the application as appropriate within five (5) business days after receiving such demand. If a decision is not made in such a time, the application shall be deemed denied and the ***City Manager*** or designee shall verify that any applicable fee was refunded to the person who paid the fee.

5. An application which is materially incomplete or which is not accompanied by the required fee shall not be deemed accepted and the time for review of the application shall not commence until a complete application accompanied by the required fee is filed with the ***Building*** Department or successor office designated by the ***City Manager***. In addition, the ***City Manager*** or designee shall, within forty-five (45) days of receipt of an incomplete or unpaid application, send the applicant a written explanation of the deficiencies in the application and ask that the deficiencies be remedied, explaining that the application cannot proceed forward otherwise and the review will be suspended pending receipt of the required information or documentation. The applicant must then submit a new application with the deficiencies corrected in order for it to be considered by the ***City Manager*** or designee.

6. Any person aggrieved by the decision of the ***City Manager*** or designee upon his or her ***Sign Permit*** application shall have the right to appeal to the Planning Board as provided in this LDC. Failure to timely appeal the decision regarding a ***Sign*** application by the ***City Manager*** or designee shall waive the right to appeal, but constitute a failure to exhaust administrative remedies for purposes of a subsequent judicial action.

I. It shall be unlawful for any person or business or the person in charge of the business to ***Erect***, construct, alter or maintain an outdoor advertising display ***Sign***, as defined in the ***Florida Building Code***, without first obtaining a ***Building Permit*** from the ***City*** in accordance with the provisions of the ***Florida Building Code*** and applicable law. ***Permit*** fees for a ***Building Permit*** shall be paid in accordance with the applicable ***City*** fee schedules. The requirement of a ***Building Permit*** under the ***Florida Building Code*** is separate and independent of the requirement for a ***Sign Permit*** under this ***Sign Code***.

5.07.09 Existing Signs

A. ***Illegal Signs***. Any ***Sign*** existing as of the effective date of this ***Sign Code***, or on the effective date of any amendment to this ***Sign Code*** (i) which was not ***Erected*** pursuant to a valid ***Permit*** from the ***City*** if required or (ii) which did not comply in all respects with ***City*** ordinances in effect immediately prior to such effective date or (iii) which was required by ***City*** ordinance in effect immediately prior to such

effective date to be removed due to the passage of time or any other reason, regardless of whether the ***City*** shall have commenced any enforcement action against such ***Sign*** or any person, and any ***Sign*** reclassified as an ***Illegal Sign*** pursuant to section 5.07.09C, is hereby deemed to be an "***Illegal Sign***" and such ***Sign***, the ***Premises*** upon which it is located, and the person or persons responsible for such ***Sign*** shall be subject to the remedies and penalties provided by law.

Upon a determination by the ***City Manager*** or his designee and written notice at any time to the owner or person entitled to possession of an ***Illegal Sign*** that such ***Sign*** exists, in addition to any other remedy or penalty that may be available to the ***City***, the owner or person entitled to possession of an ***Illegal Sign*** shall be obligated to remove such ***Sign*** and any associated ***Sign Structure*** within twenty (20) days after receipt of such notice unless an appeal of such determination has been previously filed with the ***Planning Board*** and is pending or has been resolved in the permittee's favor.

B. ***Legal Signs***. Any ***Sign*** existing on the effective date of this ***Sign Code*** which was ***Erected*** pursuant to a valid ***Permit*** from the ***City*** if required, and which complies in all respects with ***City*** ordinances in effect immediately prior to such effective date, and which conforms to the provisions of this ***Sign Code***, and any subsequent amendment hereto, is hereby deemed to be a "***Legal Sign***" and shall be entitled to a ***Permit*** or renewed ***Permit*** evidencing that fact upon application and payment of a registration fee in the amount of $5.00 to be applied against the actual or reasonably anticipated expenses associated with the registration. The fee may be changed from time to time by resolution of the ***City Council*** to reflect changed expenses associated with registration.

C. ***Attrition and removal of Nonconforming Signs***. Any ***Sign*** existing on the effective date of this ***Sign Code***, or the effective date of any amendment to this ***Sign Code***, which complied in all respects with ***City*** ordinances in effect immediately prior to such effective date, and is not an ***Illegal Sign***, but which does not conform to the provisions of this ***Sign Code***, or any amendment to this ***Sign Code***, either independently or in conjunction with other ***Sign***s is hereby deemed to be a ***Nonconforming Sign***.

1. A ***Nonconforming Sign*** may not be enlarged but may be maintained (i) by painting or refinishing the surface of the ***Sign Face*** and ***Sign Structure***, or by replacing damaged panels, so as to keep the appearance of the ***Sign*** the same as it was upon the adoption of this ***Sign Code*** or subsequent amendment hereto which resulted in such ***Sign*** becoming a ***Nonconforming Sign***, or (ii) by replacement of light bulbs or similar expendable electrical devices, and repair and replacement of electrical components for safety reasons only and not to improve or upgrade the appearance or utility of the ***Sign***, or (iii) by lawfully changing the content of its ***Face***. In the event that a ***Nonconforming Sign*** is damaged by fire, wind, flood or other sudden casualty and the cost to repaint and repair such ***Sign***(including the ***Sign Structure***) does not exceed fifty percent (50%) of the cost to replace such ***Sign***, then the ***Sign*** may be repaired provided (i) a ***Permit*** therefore is obtained within thirty (30) days after such casualty, (ii) the repair is commenced within twenty (20) days after the issuance of such ***Permit*** and diligently pursued to completion, and (iii) the

repaired ***Sign*** will comply with all applicable ***Building*** and electrical codes. If after completion of such repair in accordance with such ***Permit*** such ***Sign*** does not fully comply with this ***Sign Code***, it shall nonetheless continue to be a ***Nonconforming Sign***.

2. Except as provided in the preceding paragraph, any repainting or any structural or other substantive repair, rebuilding, or ***Maintenance*** work to a ***Nonconforming Sign*** shall be deemed a waiver of the nonconforming status of the ***Sign***, shall render any prior ***Permit*** void and shall result in the reclassification of such ***Sign*** as an ***Illegal Sign*** to be removed pursuant to sub-section C.1. of this section.

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

3. An ***Abandoned Sign*** cannot become or continue to be a ***Non-Conforming Sign***.

4. The nonconforming status of all such ***Sign***s shall expire on January 1, 2001, or such other date as may be stated in the ordinance adopting the amendment to this ***Sign Code*** which makes the ***Sign*** non-conforming, and all such ***Nonconforming Sign***s shall be made to conform with this ***Sign Code***, if possible, or be removed before that date. Where two ***Off-Premises Sign***s are non-conforming due to their proximity to each other, the first in time shall be deemed the first in right and the second shall be removed. The ***City Manager*** may, and upon written request of the owner or person entitled to possession of a ***Nonconforming Sign*** shall, notify in writing the owner or person entitled to possession of a ***Nonconforming Sign*** that the ***Sign*** is nonconforming and the reasons therefore, and that the ***Sign*** must be made to conform or be removed before the date of the expiration of the ***Sign's*** non-conforming status, which date shall be stated. The notice shall state that the owner or person entitled to possession of the ***Sign*** may appeal: (i) the determination of nonconformance, (ii) the validity or applicability of this ***Sign Code***, or (iii) the necessity of a variance, by appeal to the Planning Board as provided in section 9.03.00 of this ***LDC***. The notice shall also state that failure to appeal within thirty (30) days after receipt of the notice shall constitute an acceptance of the ***City's*** determination respecting the ***Sign*** and a waiver of any objection to the validity or application of this ***Sign Code*** to the ***Sign***. The purpose of such advance notice is to allow affected parties an opportunity to appeal and resolve contested issues prior to the expiration of nonconforming status.

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

5. Upon a determination by the ***City Manager*** or his designee and written notice to the owner or person entitled to possession of such ***Sign*** that a ***Nonconforming Sign*** has become a ***Dilapidated Sign*** or an ***Abandoned Sign***, or has lost its nonconforming status by waiver or expiration pursuant to this section, the owner or person entitled to possession of such ***Sign*** shall remove such ***Sign*** within twenty (20) days after receipt of such notice.

5.07.10 Enforcement.

A. ***Right of Entry***. The ***City Manager*** or his designee shall have the authority to enter upon the public or quasi-public portion of any ***Premises*** within the ***City*** containing a ***Sign*** for the limited purpose of enforcing the provisions of this ***Sign Code***.

B. Violation sticker. When a ***Sign*** exists in violation of this ***Sign Code***, the ***City Manager*** or his designee may, in addition to any other remedy available, follow the following procedure:

1. The ***City Manager*** or his designee shall attach a highly visible sticker of at least forty (40) square inches reading "***VIOLATION***" to the ***Sign Face***. In the event the ***Sign*** is one of a number of ***Signs*** in violation due to excessive aggregate Area, the sticker shall be placed prominently on one of the larger ***Signs***. The sticker shall include the date that it was attached to the ***Sign*** and instructions to call the appropriate ***City*** office to obtain a ***Permit*** application for the ***Sign***. It shall be unlawful for any person other than the City Manager or his designee to remove the ***Sign*** violation sticker, and the sticker shall so state.

2. Within fourteen (14) days of attachment of the violation sticker, the owner or person entitled to possession of the ***Sign*** shall bring the ***Sign*** into conformity with this ***Sign Code***, if necessary and possible, and if required submit a completed application for a ***Permit*** and fee for a ***Permit*** for the ***Sign***. If the application and fee is not submitted timely, or if the application must be denied, or if the ***Sign*** is not or cannot be brought into conformity with this ***Sign Code*** in a timely manner, the ***City Manager*** or his designee shall have the ***Sign*** removed and impounded without any further notice.

3. The owner or person entitled to possession of a ***Sign*** impounded may recover same prior to the expiration of the thirty-day impoundment period upon the payment to the ***City*** of the costs incurred in impounding such ***Sign***, including attorney's fees. In the event any ***Sign*** is not so claimed within thirty (30) days, the ***City Manager*** or his designee may dispose of the ***Sign*** in the same manner as surplus or abandoned ***City*** property.

C. Impoundment of ***Prohibited Signs***. The ***City Manager*** or his designee shall have the authority to remove all ***Signs***, without notice to the owners thereof, prohibited by this ***Sign Code***, and to impound them for a period of thirty (30) days. The owner or person entitled to possession of a ***Sign*** impounded may recover same prior to the expiration of the thirty-day impoundment period upon the payment to the ***City*** of the costs incurred in impounding such ***Sign***, including attorney's fees. In the event any ***Sign*** is not so claimed within thirty (30) days, the ***City Manager*** or his designee may dispose of the ***Sign*** in the same manner as surplus or abandoned ***City*** property.

D. Any person who violates any provision of this ***Sign Code*** is guilty of an offense and upon conviction thereof, shall be punishable as provided by section 1-12 of the code of ***Ordinances*** of the City of Panama City Beach. Each person shall be deemed guilty of a separate offense for every day the violation of this ***Sign Code*** is continued or ***Permitted*** to continue.

E. Any ***Sign*** placed on public property or within any ***Street*** or pedestrian right of way open to the public, except in conformance with the requirements of this ***Sign Code***, shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the ***City*** shall have the right

to recover from the owner or person placing such ***Sign*** the cost of removal and disposal of such ***Sign***.

F. Any ***Sign Erected*** or displayed in violation of the provisions of this ***Sign Code*** or other applicable provisions of the ***Code of Ordinances*** of the City of Panama City Beach, is deemed to be a public nuisance subject to abatement as provided by law. This remedy is cumulative and in addition to any other remedy available to the ***City*** under this or any other law.

G. In addition to other remedies, the ***City Manager*** or his designee, through the City Attorney, may institute any appropriate action or procedure to bring about compliance with any of the provisions of this ***Sign Code***.

5.07.11 Reserved.

5.07.12 Severability.

A. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ***Sign Code*** is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ***Sign Code***.

B. ***Severability where Less Speech Results***. Without diminishing or limiting in any way the declaration of severability set forth above or elsewhere in this ***Sign Code***, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ***Sign Code*** is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ***Sign Code***, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt ***Signs*** to ***Permitting*** or otherwise.

C. ***Severability of Provisions Pertaining to Prohibited Signs or General Sign Standards***. Without diminishing or limiting in any way the declaration of severability set forth above or elsewhere in this ***Sign Code***, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ***Sign Code*** or any other law is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ***Sign Code*** that pertains to prohibited ***Sign***s or general ***Sign*** standards, including specifically those ***Signs*** and ***Sign***-types prohibited and not allowed under section 5.07.04 of this ***Sign Code*** and those general ***Sign*** standards set forth in section 5.07.05 of this ***Sign Code***. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 5.07.04 of this ***Sign Code*** is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection,

paragraph, subparagraph, sentence, phrase, clause, term, or word of section 5.07.04. Further still, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 5.07.05 of this ***Sign Code*** is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 5.07.05.

D. ***Severability of Prohibition or Limitation on Billboards***. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ***Sign Code*** and/or any other ***Code*** provisions and/or laws are declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect the prohibition or limitation ("cap and replace") of ***Off-Premises Commercial Sign***s or "billboards" contained in this ***Sign Code***.

E. ***Severability of Portions of Definition of "Sign."*** If any part, sentence, phrase, clause, term, or word of the definition of ***Sign*** in this ***Sign Code***, or any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ***Sign Code*** employing that definition, is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect any other part, sentence, phrase, clause, term, or word of the definition of ***Sign*** or any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ***Sign Code***.

F. Reference is made to the fact that the definition of ***Sign*** is intended to treat murals and other public art as a ***Sign***, ***Permitted*** within the limitations prescribed for all ***Signs*** and otherwise prohibited, because the ***City*** has found and determined, and here states, that there is no logical or constitutional way to distinguish between certain elements of what traditionally and universally has been considered a ***Sign***, including some ***Commercial Sign***s, and what traditionally and universally has been considered a mural or other public art, and that the adverse secondary effects (visual clutter, aesthetic nuisance, traffic distraction, etc., as described in the recitals to this ***Sign Code***) attributable to "traditional" ***Signs*** on the one hand and to murals or other public art on the other hand are materially the same, and that there is no practical and enforceable way for the ***City*** to fairly and consistently distinguish between all elements of "traditional" ***Signs*** and murals or other public art so as to regulate them separately. In addition, the ***City*** has found and determined, and here states, that creating a second regulatory scheme for murals and other public art will inevitably result in murals or other public art being added to or associated with "traditional" ***Signs***, thereby increasing the size, number and mass of what for all practical purposes appears to be signage within the ***City*** beyond that which the people of the City of Panama City Beach have found to be for them and their lifestyles a reasonable time, place and manner limitation. Nonetheless, if for any reason the regulation of murals and other public art as a ***Sign*** is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality or invalidity shall not affect those portions of the definition of ***Sign*** describing "traditional" ***Signs***, especially billboards and ***Off-Premises***

Commercial Signs, and ***On-Premises Commercial Signs***, which shall continue to be regulated.

[**Cross references:** Display of ***Signs*** by ***Building***, general and ***Residential*** contractors, § 8-96; restrictions on posting on public property § 16-4.**State law references:** Municipal authority to establish ***Sign*** ordinance, F.S. § 166.0425; outdoor advertisers, F.S. Ch. 479.]

5.08.00 DOGGIE DINING ACT

5.08.01 Title; Enactment

A. This section shall be known as the Doggie Dining Act.

B. Pursuant to section 509.233(2), Florida Statutes, there is hereby created in the City of Panama City Beach, Florida, a local exemption procedure to certain provisions of the United States Food and Drug Administration Food Code, as amended from time to time and as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and professional Regulation, in order to allow patrons' ***Dog***s within certain designated outdoor portions of ***Public Food Service Establishment***s, which exemption procedure may be known as the City of Panama City Beach ***Dog*** Friendly Dining Program.

(Ord. No. 1139, § 1, 2-12-09)

5.08.02 Definitions

As used in this section 5.08.00:

Division – the ***Division*** of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation.

Dog – an animal of the subspecies canis lupus familiaris.

Outdoor Area – an area adjacent to a ***Public Food Service Establishment*** intended for ***Use*** by patrons of such ***Public Food Service Establishment***s, which area is not heated or cooled in conjunction with the ***Public Food Service Establishment*** it serves and is not enclosed by walls, doorways and closeable windows covering 100% of the combined surface area of the vertical planes constituting the perimeter of the area.

Public Food Service Establishment – Any ***Building***, ***Vehicle***, place or structure where food is prepared, served or sold for immediate consumption on or in the vicinity of the ***Premises***, called for or taken out by customers or prepared prior to being delivered to another location for consumption.

(Ord. No. 1139, § 1, 2-12-09)

5.08.03 Permit Required, Applications

A. To protect the health, safety and general welfare of the public, a ***Public Food Service Establishment*** is prohibited from having any ***Dog*** on its ***Premises*** unless it possesses a valid permit issued in accordance with this section 5.08.00.

B. Applications for a permit under this section 5.08.00 shall be made to the ***City Manager*** or his designee, on a form provided for such purpose by the ***City***

Manager and shall include, along with any other such information deemed reasonably necessary by the ***City Manager*** to implement and enforce the provisions of this section 5.08.00:

1. The name, mailing address and telephone contact information of the permit applicant and the subject food service establishment.

2. A diagram and description of the ***Outdoor Area*** to be designated as available to patrons' ***Dog***s, including dimensions of the designated area; a depiction of the number and placement of tables, chairs and restaurant equipment, if any; the entryways and exits to the designated ***Outdoor Area***; the boundaries of the designated area and of any other areas of outdoor dining not available for patrons' ***Dog***s; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the ***City Manager***. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.

3. A description of the days of the week and hours of operation that patrons' ***Dogs*** will be permitted in the designated ***Outdoor Area***.

4. All application materials shall contain the appropriate license number for the subject ***Public Food Service Establishment*** issued by the ***Division***.

5. A permit fee of fifty dollars ($50.00).

C. Each permit shall expire on the December 31 next following issuance, regardless of when issued.

D. The ***City Manager*** reserves the right to deny the application for a permit under this section 5.08.00 to any ***Public Food Service Establishment*** found to have violated the provisions of this section 5.08.00 in three (3) or more instances during the twelve (12) months preceding the date of receipt of the permit application.

(Ord. No. 1139, § 1, 2-12-09)

5.08.04 General Regulations; Cooperation

In order to protect the health, safety and general welfare of the public and pursuant to section 509.233, Florida Statutes, all permits issued pursuant to this section 5.08.00 are subject to the following requirements:

A. All ***Public Food Service Establishment*** employees shall wash their hands promptly after touching, petting or otherwise handling any ***Dog***. Employees shall be prohibited from touching, petting or otherwise handling any ***Dog*** while serving food or beverages or handling tableware or before entering other parts of the ***Public Food Service Establishment***.

B. Patrons in a designated ***Outdoor Area*** shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated ***Outdoor Area***.

C. Employees and patrons shall be instructed that they shall not allow ***Dogs*** to come in to contact with services dishes, utensils, tableware, linens, paper products or any other items involved in food service operations.

D. Patrons shall keep their ***Dogs*** on a leash at all times and shall keep their ***Dog***s under reasonable control.

E. Dogs shall not be allowed on chairs, tables or other furnishings.

F. All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.

G. Accidents involving ***Dog*** waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated ***Outdoor Area***.

H. At least one sign reminding employees of the applicable rules, including those contained in this part and those additional rules and regulations, if any, included as condition of a permit issued by the ***City Manager***, shall be posted in a conspicuous location frequented by employees within the ***Public Food Service Establishment***. The mandatory sign shall be not less than eight and one half inches in width and eleven inches in height and printed in easily legible typeface of not less than twenty-point font size.

I. At least one sign reminding patrons of the applicable rules, including those contained in this part and those additional rules and regulations, if any, included as a condition of a permit issued by the ***City Manager***, shall be posted in a conspicuous location within the designated outdoor portion of the ***Public Food Service Establishment***. The mandatory sign shall be not less than eight and one half inches in width and eleven inches in height and printed in easily legible typeface of not less than twenty-point font size.

J. At all times while the designated outdoor portion of the ***Public Food Service Establishment*** is available to patrons and their ***Dog***s, at least one sign shall be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the ***Public Food Service Establishment***, the purpose of which shall be to place patrons on notice that the designated outdoor portions of the ***Public Food Service Establishment*** is currently available to patrons accompanied by their ***Dog*** or ***Dogs***. The mandatory sign shall be not less than eight and one-half inches in width and eleven inches in height and printed in easily legible typeface of not less than twenty point font size

K. Dogs shall not permitted to travel through indoor or undesignated outdoor portions of the ***Public Food Service Establishment*** and ingress and egress to the entrance into or passage through any indoor or undesignated outdoor portion of the ***Public Food Service Establishment***.

L. A permit issued pursuant to this section 5.08.00 shall not be transferred to a subsequent owner upon the sale or transfer of a ***Public Food Service Establishment***, but shall expire automatically upon such sale or transfer. The subsequent owner shall be required to reapply for a permit pursuant to this section 5.08.00 if such

owner wishes to continue to accommodate patrons' ***Dogs***. Permit must be displayed in a prominent location.

(Ord. No. 1139, § 1, 2-12-09)

5.08.05 Enforcement, Penalty

A. The provisions of this section 5.08.00 are cumulative. Nothing herein shall be construed to permit any activity or condition which would constitute a nuisance or be contrary to any law or legal duty. Notwithstanding the issuance of a permit issued in accordance with this section 5.08.00, a ***Public Food Service Establishment*** may still be in violation of other provisions of law.

B. In accordance with section 509.233(6), Florida Statutes, the ***City Manager*** shall accept and document complaints related to the Doggie Dining program within the ***City*** and shall timely report to the ***Division*** all such complaints and the ***City's*** enforcement response to such complaint. The ***City Manager*** shall also timely provide the ***Division*** with a copy of all approved applications and permits issued pursuant to this section 5.08.00.

C. The provisions of this section may be enforced by the ***City Manager***. Any person determined to have willfully failed to comply with any provision of this section 5.08.00 shall be guilty of an offense punishable as provided in section 1-12 of the ***City Code***. Each ***Dog*** on the ***Premises*** of a ***Public Food Service Establishment*** in violation of this section 5.08.00 shall constitute a separate offense. This penalty is in addition to any other remedy available to the ***City***.

(Ord. No. 1139, § 1, 2-12-09)

Cross references: Ordinances establishing or amending the ***Zoning Map*** saved from repeal, § 1-7(11); ***Buildings*** and ***Building*** regulations, Ch. 8; ***Flood*** plain management, Ch. 11; planning, Ch. 17; ***Streets***, sidewalks and other public places, Ch. 19; ***Subdivision*** regulations generally, Ch. 20; applicability of zoning ordinance to ***Subdivision*** regulations, § 20-16. **State law references:** Local government comprehensive planning act, F.S. § 163.3161 et seq.

5.09.00 UNIFIED DEVELOPMENT IN MULTIPLE DISTRICTS

Where a single ***Development***, ***Use*** or ***Structure***, including any ***Accessory Use*** or ***Accessory Structure*** dependent thereon, spans two or more ***Zoning Districts*** or ***Overlay Districts*** or a combination both, the following rules shall apply:

A. The site design and development standards, any standards for special situations and any supplemental standards for specific uses applicable within each of the several ***Districts*** shall apply to that portion of the ***Development***, ***Use*** or ***Structure*** located within each respective ***District***.

B. Any ***Accessory Use*** or ***Accessory Structure*** located in a ***District*** other than the ***District*** within which its ***Principal Use*** or ***Principal Structure*** is located must be (i) permissible in the ***District*** within which such ***Accessory Use*** or ***Accessory Structure*** is located, and (ii) customarily proportionate or compatible with both the ***Principal Uses*** and ***Principal Structures*** permitted in the ***District*** within which such ***Accessory Use*** or ***Accessory Structure*** is located.

C. The effect of the rule stated in sub-sections] (A) or (B) shall not be considered a hardship in support of any ***Variance*** to avoid the application of that rule regardless of the configuration of the subject ***Lot***.

(Ord. # 1261, 2-14-13)

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Chapter 6. Concurrency Management and Infrastructure Improvements Requirements

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6.01.00 GENERALLY

6.01.01 Purpose and Intent

This chapter sets forth the requirements regarding the design of public facilities and requirements to ensure that public facilities are available when needed to provide service to ***Development***.

6.02.00 CONCURRENCY MANAGEMENT SYSTEM

6.02.01 Applicability

A. Unless specifically exempted below, a concurrency determination shall be required for all ***Development*** involving a ***Local Development Order***.

B. A concurrency determination shall be made as part of the application and review process for a ***Local Development Order***. A determination that concurrency standards are satisfied is a requirement for the issuance of a ***Local Development Order***. Requirements for ***Local Development Orders*** are set forth in Chapter 10.

C. The following proposed ***Development*** is exempt from a determination of concurrency:

1. ***Development*** that is vested for concurrency.

2. ***Development*** that is subject to a valid unexpired ***Local Development Order*** issued prior to the adoption of this ***LDC***.

3. ***Development*** that is subject to a valid unexpired ***Building Permit*** from the ***City*** issued prior to the adoption of the ***LDC***.

4. Construction of a ***Single Family Dwelling*** on a ***Platted Lot***.

5. Construction of ***Accessory Buildings*** within a district designated for ***Residential Use***.

6. Expansion of a non-residential structure by less than 300 square feet, for which the ***City*** has determined has a *de minimis* impact.

6.02.02 Facilities Subject to Concurrency

A. The following facilities and services are subject to concurrency requirements: potable water, schools, sanitary sewer, drainage, parks and ***Recreation***, solid waste and roadways.

B. The level of service standards for facilities subject to concurrency are set forth in the Comprehensive Plan.

6.02.03 Criteria for Transportation Concurrency

The following standards are required for transportation facilities and services:

A. The necessary facilities and services are in place and available at the time the ***Local Development Order*** is issued; or

B. The necessary facilities are under construction at the time the ***Local Development Order*** is issued; or

C. The ***Local Development Order*** includes a condition that the necessary facilities will be in place prior to issuance of a ***Certificate of Occupancy*** and that the ***Certificate of Occupancy*** will not be issued unless the necessary facilities are in place; or

D. The necessary facilities are specifically identified and guaranteed in an enforceable development agreement, which includes the following conditions:

1. Commencement of actual construction of the facilities within one (1) year following issuance of the ***Local Development Order***; or,

2. Provision of facilities and services within one (1) year following issuance of the ***Local Development Order***.

E. For ***Lots*** within the ***TCEA***, as an additional alternative, the applicant may provide proportionate fair share mitigation, pursuant to section 6.06.00 or other innovative transportation system mitigation contemplated by the ***TCEA*** and acceptable to the ***City***.

F. The requirements of a traffic study are included in the ***Development Order Application***. Applicants are encouraged to schedule a pre-submittal meeting with the ***City*** to discuss any specific issues that may be involved with the particular site to be evaluated.

6.02.04 Criteria for Concurrency for Schools Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Parks and Recreation

The following standards are required for facilities and services for schools, sanitary sewer, solid waste, drainage, potable water, and parks and recreation:

A. The necessary facilities and services are in place and available at the time the ***Local Development Order*** is issued;

B. The necessary facilities are under construction at the time the ***Local Development Order*** is issued;

C. The ***Local Development Order*** includes a condition that the necessary facilities will be in place prior to issuance of a ***Certificate of Occupancy*** and that the ***Certificate of Occupancy*** will not be issued unless the necessary facilities are in place; or

D. The necessary facilities are specifically identified and guaranteed in an enforceable development agreement, which includes the condition that all facilities and services will be in place when the impacts of the ***Development*** occur.

6.02.05 Determination of Concurrency

A. A concurrency determination shall be based on the information provided in the Infrastructure Impact Report(s) as described in Chapter 10.

B. The concurrency determination shall compare the impacts of the proposed ***Development*** on each public facility or service identified in section 6.02.02A with the available capacity for each facility or service at the adopted level of service standard.

1. Capacity availability shall be based upon the total capacity of the facility at the adopted level of service standard, minus the capacity required to meet the needs of existing ***Development*** and minus the capacity reserved for ***Developments*** with valid, unexpired ***Building Permits*** or ***Local Development Orders***.

2. Capacity availability shall be verified with documentation from service providers which indicates that capacity is available and that capacity will be reserved when a ***Local Development Order*** is issued.

3. A concurrency determination that is based upon facilities that are under construction or guaranteed in an enforceable development agreement shall be accompanied by documentation from the service provider that the facility or service will be available as described in the conditions of the ***Local Development Order***.

4. Where a proposed ***Development*** cannot meet the concurrency requirements, the project may be approved in stages or phases. A ***Local Development Order*** shall be issued only for the stage or phase that meets the concurrency requirements as set forth herein.

6.03.00 SANITARY SEWER SYSTEMS

6.03.01 Connection Required

A. All ***Development*** within the ***City*** shall connect to central sewer service where required in Chapter 23 of the ***Code of Ordinances***.

B. Fees and connection charges are required as set forth in Chapter 23, Article III, of the ***Code of Ordinances***.

C. All ***Development*** shall comply with the requirements of the Health Code as set forth in Chapter 13 of the ***Code of Ordinances***.

6.03.02 Design Requirements

The design, connection and operating requirements of Chapter 23, Article IV, of the ***Code of Ordinances*** shall be met.

6.03.03 Use of Septic Tanks

Where septic tanks are permissible, the following standards shall be met:

A. A minimum ***Lot*** area of 20,000 square feet is required.

B. Compliance with the standards and criteria of section 23-13 of the ***Code of Ordinances*** is required.

C. Septic tanks and drain fields shall not be located within seventy-five (75) feet of a wetland.

D. Septic tanks and drain fields shall not be located within the 100-year ***Flood*** plain.

6.04.00 POTABLE WATER SYSTEMS

6.04.01 Applicability

All ***Development*** within the ***City*** shall connect to a public water system, where required by chapter 23 of the ***Code of Ordinances***.

6.04.02 Design Requirements

The design, connection and operating requirements of Chapter 23, Article V, of the ***Code of Ordinances*** shall be met.

6.05.00 STORMWATER MANAGEMENT

Stormwater management requirements are found in Section 3.05.00 of this ***LDC***.

6.06.00 PROPORTIONATE SHARE TRANSPORTATION MITIGATION

6.06.01 Purpose

The purpose of this chapter is to describe the method whereby the impacts of ***Development*** on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as proportionate fair share mitigation as required by and in a manner consistent with § 163.3180(16), F.S.

(Ord. No. 1053, § 2, 2-22-07)

6.06.02 Applicability

Proportionate fair share mitigation shall be available to all applicants for ***Developments*** in the ***City*** that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility governed by the City of Panama City Beach transportation concurrency management system, including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations. As part of the ***City's*** transportation concurrency management system, all ***Development*** not exempted from transportation concurrency requirements as *de minimis* by virtue of meeting the *de minimis* standards specified in §163.3180(6)(2006), F.S. shall be required to submit a traffic study prepared in accordance with generally accepted planning and engineering standards demonstrating traffic impacts of the proposed ***Development***. Whenever the *de minimis* exemption from transportation concurrency requirements is not readily apparent, an applicant for ***Development*** shall be required to provide the ***City*** a traffic study prepared in accordance with generally accepted planning and engineering standards demonstrating the applicability of the exemption.

(Ord. No. 1053, § 2, 2-22-07) (Ord. #1254, 11/14/13)

6.06.03 Minimum Requirements for Proportionate Fair Share Mitigation

Notwithstanding the ***City's*** transportation concurrency requirements, an applicant for ***Development*** may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair share mitigation, but only under the following conditions:

A. The proposed ***Development*** is consistent with the ***City's*** comprehensive plan, this section and applicable land development regulations.

B. The City of Panama City Beach 5-Year Capital Improvement Program (CIP) includes transportation improvements that, upon completion, will fully mitigate for the additional traffic generated by the proposed ***Development***.

C. If the City of Panama City Beach concurrency management system indicates that the capacity of the transportation improvement set forth in the CIP has already been consumed by the allocated trips of previously approved ***Development*** or the CIP does not reflect the transportation improvement needed to satisfy concurrency, then the ***City*** may choose to allow an applicant to satisfy

transportation concurrency through proportionate fair share mitigation by contributing to an improvement that, upon completion, will fully mitigate for the additional traffic generated by the proposed ***Development*** but is not contained in CIP, as follows:

1. The City Council must vote to add the improvement to the CIP no later than the next regularly scheduled update of the CIP. To qualify for consideration under this section, the proposed improvement must be determined to be financially feasible pursuant to § 163.3180(16) (b) 1, F.S., consistent with the comprehensive plan and in compliance with the provisions of this section. The term "financial feasibility" under this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate for the impacts of the proposed ***Development*** on transportation facilities.

2. If the funds allocated for the CIP are insufficient to fully fund construction of a transportation improvement required by the transportation concurrency management system, the ***City*** may enter into a Binding Proportionate Fair Share Agreement with the applicant pursuant to the Florida Local Government Development Agreement Act, § 163.3220-163.3243, F.S. or as a condition precedent of ***Development*** approval authorize construction of that amount of the ***Development*** on which the proportionate fair share is calculated for which the proposed proportionate fair share mitigation will, in the opinion of the ***City*** or the governmental entity maintaining the transportation facility, significantly benefit the impacted transportation system. Criteria governing this opinion include whether the proposed transportation improvements that would constitute proportionate fair share mitigation are to be contained in an adopted short- or long-range transportation plan or program of the ***City***, TPO, FDOT or local or regional transit agency. Proposed improvements not reflected in an adopted transportation plan or program that would significantly reduce ***Access*** problems and congestion, trips or increase mobility in the impacted transportation system, such as new roads, additional right of way, service roads, operational improvements, improved network ***Development***, increased connectivity, roadway drainage or transit oriented solutions, may also be considered at the discretion of the ***City***. Any ***City*** improvement or improvements funded by proportionate fair share mitigation pursuant to this subsection must be adopted into the CIP at the next regularly scheduled update of the CIP.

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

3. Onsite or offsite transportation improvements required for public safety which do not create an increase in the capacity of the affected transportation facility and onsite roadway improvements are not acceptable proportionate share mitigation measures.

D. Any improvement project proposed to meet the developer's fair share obligation must meet design standards of the ***City*** for locally maintained roadways and those of the Florida Department of Transportation (FDOT) for the state highway system.

(Ord. No. 1053, § 2, 2-22-07)

6.06.04 Intergovernmental Coordination

Pursuant to the policies in the intergovernmental coordination element of the ***City's*** comprehensive plan, the ***City*** shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate fair share mitigation. An interlocal agreement may be established with other affected jurisdictions for this purpose.

(Ord. No. 1053, § 2, 2-22-07)

6.06.05 Application Process

Proportionate fair share mitigation shall be governed by the following procedures:

A. Within ten (10) days of the determination of a lack of capacity to satisfy transportation concurrency, the applicant for ***Development*** shall be notified in writing of proportionate fair share mitigation and this section.

B. Prior to submitting an application for proportionate fair share mitigation, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options and related issues.

C. Eligible applicants shall submit an application to the ***City*** that includes the application fee set by resolution of the City Council, as such fee may be amended from time to time and the following:

1. Name, address and phone number of owner(s), developer and agent;
2. Property location, including ***Parcel*** identification numbers;
3. Legal description and survey of property;
4. Project description, including type, intensity and amount of ***Development***;
5. Phasing schedule, if applicable;
6. Description of requested proportionate fair share mitigation method(s);
7. Estimated value of the proposed fair share mitigation pursuant to this section and
8. Copy of concurrency application.

D. The Planning and ***Building*** Department ("Department") and the Engineering Department shall review the application and determine that the application is sufficient and complete within ten (10) days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of proportionate fair share mitigation and this section, then the applicant will be notified in writing of the reasons for such deficiencies within 20 business days of submittal of the application. If such deficiencies are not remedied by the applicant within sixty (60) days of notification, the Department shall deny the application. The Department may grant an extension of time if requested in writing from the applicant not to exceed sixty (60) days to cure such deficiencies, provided that

the applicant has shown good cause for the extension and has taken reasonable steps to affect a cure.

E. Pursuant to section 163.3180(16)(e), F.S., proposed proportionate fair share mitigation for ***Development*** impacts to facilities on the Strategic Intermodal System requires the concurrence of the Florida Department of Transportation (FDOT). In such event, the applicant shall submit evidence that FDOT concurs with the proposed proportionate fair share mitigation prior to the ***City's*** approval of the associated ***Development***.

F. Within sixty (60) days from the date at which the application is deemed sufficient, complete and eligible, the Department shall evaluate the application pursuant to this section and thereafter shall notify the applicant in writing whether the proposed proportionate fair share mitigation application and Certificate of Concurrency has been approved, approved with conditions or denied. A copy of the notice shall be provided to the FDOT for any proposed proportionate fair share mitigation proposed on a Strategic Intermodal System (SIS) facility, as well as any other FDOT facility. In addition to the initial application fee specified in section 6.06.05C, the applicant shall reimburse the ***City*** for all fees, expenses and internal costs incurred by the ***City*** in negotiating alternative mitigation pursuant to section 6.06.03C.

G. Appeals of the decisions of the Department pursuant to this section shall be to the Planning Board pursuant to the procedures specified in 0 of this LDC, as amended from time to time.

(Ord. No. 1053, § 2, 2-22-07; Ord. No. 1151, § 1, 5-14-09) (Ord. #1254, 11/14/13)

6.06.06 Methodology for Determining Proportionate Fair Share Mitigation

The following shall describe the methodology to determine proportionate fair share mitigation.

A. A ***Development*** shall not be required to pay more than its proportionate fair share. The fair ***Market Value*** of the proportionate fair share mitigation for the impacted facilities shall not differ among the forms of proportionate share mitigation.

B. The methodology to be used by the Planning Official to calculate an applicant's proportionate fair share mitigation shall be as provided for in section 163.3180(16) and (12), F.S., as follows:

> "Based upon the cumulative number of trips from the proposed ***Development*** expected to reach roadways during peak hours from the complete built-out of a stage or phase being approved, divided by the change in peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement eligible pursuant to section 6.06.02 and necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of the developer payment, of the eligible improvement necessary to maintain the adopted level of service."

Or, more specifically:

Proportionate Fair share = > [[(***Development*** $Trips_i$)/(SV $Increase_i$)] × Cost $_i$]

Where:

Development Trips $_i$ = Those trips from the stage or phase of ***Development*** under review that are assigned to roadway segment "i" and have triggered a deficiency per the concurrency management system or have further degraded the LOS of an already deficient roadway segment;

SV Increase $_i$ = Service volume increase provided by the eligible improvement to roadway segment "i" per section 6.06.02;

Cost $_i$ = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right of way acquisition, planning, engineering, inspection and physical ***Development*** costs directly associated with construction at the anticipated cost in the year it will be incurred.

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

C. The term "cumulative" used above includes only those trips from the stage or phase of a ***Development*** being considered in the application. The trips expected to reach the failing roadway for this calculation are those identified in the ***Development***'s traffic impact analysis. All assumptions used in the proportionate fair share calculation should be consistent with those used by the City of Panama City Beach transportation concurrency management system.

D. In the context of the formula for the proportionate fair share calculation "***Development*** trips" means only those trips that trigger or cause a concurrency deficiency or are adding trips to an existing deficiency in a roadway segment.

E. For the purposes of determining proportionate fair share mitigation, the ***City*** shall determine improvement costs based upon the actual cost of the improvement as obtained from the capital improvements element, the CIP, the TPO Transportation Improvement Program or the FDOT Work Program. Where such information is not available, improvement cost shall be determined using one of the following methods:

1. An analysis by the ***City*** of costs by cross section type that incorporates data from recent projects and is updated annually. In order to accommodate increases in construction material costs, project costs shall be adjusted by the inflation factor established by the United States Department of Commerce; or

2. The most recent issue of FDOT *Transportation Costs,* as adjusted based upon the type of cross section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT Work Program shall be determined using this method in coordination with the FDOT District.

F. If a proposed form of proportionate fair share mitigation is other than financial then the value of the proportionate fair share mitigation improvement shall be determined using one of the methods provided in this section.

G. If the fair ***Market Value*** of an alternative form of fair share mitigation is less than the total proportionate fair share obligations as determined above, the applicant must pay the difference.

H. If land or right-of-way dedication is proposed as a form of proportionate fair share mitigation, the value of the land or right of way shall be the fair ***Market Value*** established by an independent appraisal approved by the ***City*** at the time of the application and at no expense to the ***City***. The applicant shall supply a survey and legal description of the land or right of way and a title insurance commitment to the ***City*** at no expense to the ***City*** with the application and shall at closing deliver clear title by warranty deed or easement to the ***City*** and title insurance for the fair ***Market Value*** of the interest conveyed in form and through an underwriter acceptable to the ***City***.

(Ord. No. 1053, § 2, 2-22-07)

6.06.07 Certificate of Concurrency for Proportionate Fair Share Mitigation

Upon approval of an application for proportionate share mitigation, the following requirements shall apply:

A. Notwithstanding the concurrency requirement of the ***City's*** comprehensive plan and land ***Development*** regulations, upon approval of an application for proportionate fair share mitigation, the ***City*** shall issue to the applicant a Certificate of Concurrency acknowledging concurrency for transportation facilities, either (1) conditioned upon payment of the agreed to proportionate fair share mitigation permitted by this section or (2) accompanied by a Binding Proportionate Fair Share Agreement between the ***City*** and the applicant pursuant to the Florida Local Government Development Agreement Act, § 163.3220-163.3243, F.S., setting forth the terms of the mitigation, including such issues as the amount, nature and timing of donations, construction or funding to be provided by the developer and any other matters necessary to effect mitigation in accordance with this ordinance and specifying the amount and timing of any impact fee credits or reimbursements that will be provided by the local government as required by state law. Any ***Local Development Order***, as defined in section 6.06.07B, shall be conditioned upon the applicant's performance of any such agreement. Every Binding Proportionate Fair Share Agreement shall specify the time by which all donations, construction and funding to be provided by the developer shall be unconditionally delivered to the ***City***, with such timing stated in terms of a date certain or clearly determinable stage of ***Development***. The time of delivery shall be before or materially concurrent with the transportation impacts for which mitigation is contributed.

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

B. Should the applicant fail to apply for a ***Building Permit*** or submit a ***Residential Plat*** for final approval within 12 months of the date of the Certificate of Concurrency,

then the Certificate of Concurrency and the approval of the application for proportionate fair share mitigation shall expire and be considered null and void and the applicant shall be required to reapply. Prior to expiration, the ***City Manager*** or his designee may grant in writing an extension of up to an additional 12 months if requested in writing from the applicant showing good cause for the extension. ***Local Development Order*** means the approval of an application for a ***Site Plan***, ***Subdivision Plat***, ***Variance*** or ***Rezoning***, which does not authorize ***Development*** without any required ***Building Permit***.

C. Where no Binding Proportionate Fair Share Agreement has been entered, payment of the proportionate fair share mitigation funds are due in full prior to issuance of a ***Building Permit*** or recording of a final, ***Residential Plat***, whichever shall first occur and shall be nonrefundable. If the payment is submitted more than 12 months from the date of the issuance of the Certificate of Concurrency, then the proportionate fair share mitigation shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to section 6.06.00 and adjusted accordingly.

D. If an applicant enters into a Binding Proportionate Fair share Agreement which permits the issuance of a ***Building Permit*** or the recording of a final, ***Residential Plat*** prior to the satisfaction of all the applicant's obligations thereunder, such Agreement shall require a presentment bond or unconditional letter of credit in favor of the ***City*** in form acceptable to the ***City Manager*** and issued by a bank or surety with a high credit rating and in sufficient dollar amount to insure the timely satisfaction of the applicants obligations or such other, comparable security as may be accepted by resolution of the City Council.

E. Dedication of land or right-of-way for facility improvements to the ***City*** as proportionate fair share mitigation must be completed prior to issuance of the Certificate of Concurrency or approval of the final ***Plat***.

F. Any requested change to a ***Development*** project subsequent to a ***Development*** order may be subject to additional proportionate fair share mitigation to the extent the change would generate additional traffic that would require mitigation. In such event, the applicant for ***Development*** must submit an application and fee pursuant to this section. Abandonment of a project or a change lessening traffic impacts shall not result in any refund or return of any proportionate fair share contribution previously made.

G. Applicants may submit a letter to withdraw a request to make a proportionate fair share mitigation contribution any time prior to the issuance of the Certificate of Concurrency. The application fee, reimbursement and the associated advertising and other costs and expenses of the ***City*** will not be refunded.

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

H. The ***City*** may consider joint applications for proportionate fair share mitigation to facilitate collaboration among multiple applicants on improvements to a shared

transportation facility and may coordinate with other jurisdictions on proportionate fair share mitigation through interlocal agreements.

(Ord. No. 1053, § 2, 2-22-07)

6.06.08 Appropriation of Fair Share Revenues

At the time the proportionate fair share mitigation funds are received pursuant to this section, the proportionate fair share mitigation funds shall be deposited as follows:

A. Proportionate fair share mitigation funds shall be placed in the appropriate project account for funding of scheduled improvements in the CIP or as otherwise established in the terms of the Certificate of Concurrency or conditional ***Development*** approval. At the discretion of the ***City***, proportionate fair share revenues may be used for operational improvements which increase capacity prior to construction of a project from which the amount of the proportionate fair share contribution was derived. Proportionate fair share mitigation funds may also be used as the fifty (50) percent local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).

B. In the event a scheduled facility improvement is removed from the CIP, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that in the discretion of the ***City*** would mitigate the impacts of ***Development***.

C. Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in section 339.155, F.S., then the ***City*** may coordinate with other impacted jurisdictions and agencies to apply proportionate fair share mitigation funds and public contributions and seek funding for improving the impacted regional facility under the FDOT Transportation Regional Incentive Program (TRIP). Such coordination shall be ratified by the ***City*** through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

(Ord. No. 1053, § 2, 2-22-07)

6.06.09 Impact Fee Credit for Proportionate Fair Share Mitigation

The following requirements shall apply regarding impact fee, if any, credits and proportionate fair share mitigation.

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

A. Proportionate fair share mitigation paid under this section shall be applied as a credit against any applicable ***City*** road impact fees only when a transportation facility for which proportionate fair share mitigation has been completed has a segment which was included in the calculation of the ***City's*** impact fees. Credits will be given for that portion of the applicant's transportation impact fees that would have been used to fund the improvements on which the proportionate fair share mitigation is calculated. If the proportionate fair share mitigation is based on only a portion of the ***Development***'s traffic, the credit will be limited to that portion of the impact fees on which the proportionate fair share mitigation is based.

B. Impact fee credits for the proportionate fair share mitigation will be determined when the transportation impact fee is calculated for the proposed ***Development***. If the applicant's proportionate fair share mitigation is less than the ***Development***'s anticipated road impact fee for the specific stage or phase of ***Development*** under review, then the applicant or its successor must pay the remaining impact fee amount to the ***City*** pursuant to the applicable ordinance.

C. Proportionate fair share mitigation is intended to mitigate the transportation impacts of a proposed ***Development*** at a specific location. As a result, any road impact fee credit based upon proportionate fair share mitigation for a proposed ***Development*** cannot be transferred to any other location.

(Ord. No. 1053, § 2, 2-22-07)

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Chapter 7. Special Overlay Districts

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7.01.00 GENERALLY

It is the intent and purpose of this Chapter to establish and adopt zoning overlay districts to govern the ***Use*** of land and water within such districts.

7.02.00 ESTABLISHMENT OF SPECIAL 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.

7.02.01 Pier Park Overlay District

A. The Pier Park Overlay District is a sub-district of the CH district and is comprised of that portion of the Pier Park Community Redevelopment Area described upon attached Exhibit A of Ordinance Number 1023.

B. ***Setbacks.*** In addition to all other applicable requirements of this Zoning Ordinance, ***New Development*** in the Pier Park Overlay District must meet the following ***Lot*** and ***Building*** requirements. In the event of an inconsistency between the provisions of this section and the other requirements of the ***LDC*** or the City of Panama City Beach ***Code of Ordinances***, the provisions of this section shall control.

1. Minimum ***Setbacks***:

   (a) Front Beach Road, Panama City Beach Parkway and Powell Adams Road: twenty-five (25) feet

(b) All internal Roads: five (5) feet

(c) Minimum ***Side Setbacks***: zero (0) feet

(d) Minimum ***Rear Setback***: ten (10) feet plus four (4) inches per each foot of ***Building Height*** over forty (40) feet.

C. Maximum *Impervious Surface:* Eighty (80) percent, excluded from all computations is the ***City*** property west of the west boundary of Pier Park Drive. ***Impervious Surface*** may be clustered such that the ***Impervious Surface*** ratio exceeds 80% for a given ***Parcel***. In order to cluster, the impacted property owners must submit to the ***City*** for approval a plan which shows which ***Parcels*** (receiving ***Parcels***) will exceed the Eighty (80) percent ***Impervious Surface*** ratio and which ***Parcels*** (sending ***Parcels***) will remain less than the Eighty (80) percent ***Impervious Surface*** ratio. The aggregate of sending and receiving shall in no case exceed the Eighty (80) percent ***Impervious Surface*** ratio. The exclusive purpose of this limitation is to limit the intensity of ***Development***; accordingly, for the sole purpose of this calculation and no other purpose, stormwater ponds may be considered pervious areas.

D. Sidewalks. Sidewalks may be constructed of any material providing a hard, level and non-skid walking surface capable of supporting an imposed load of one hundred (100) pounds per square foot.

E. Signs. In addition to all other applicable requirements of this ***LDC***, the following sign regulations shall apply to ***New Development*** in the Pier Park Overlay District. In the event of an inconsistency between the provisions of this subsection and the other requirements of this ***LDC*** or the City of Panama City Beach ***Code of Ordinances***, the provisions of this subsection shall control.

1. No ***Off-Premises Signs*** shall be permitted.

2. Only the following ***Building Signs*** shall be permitted and a single ***Building*** shall be limited to one of the following alternatives:

(a) **Alternative one.** The Pier Park Overlay District shall not be considered a ***Shopping Center***. Nevertheless, each separately owned or operated business establishment located within a ***Building*** containing multiple business establishments shall be permitted one (1) ***Building Sign*** or ***Canopy Sign*** and one (1) hanging (but not swinging) ***Projecting Sign***, each to advertise that business and each the same size as if in a ***Shopping Center***, provided such ***Building*** has a ***Frontage*** and such ***Signs*** are located on the ***Frontage*** side of the ***Building***.

In addition, the rear (but not the side) of such a ***Building*** with a ***Frontage***, that is the side opposite the ***Building Frontage***, may be considered a separate "rear ***Building Frontage***" for the purpose of permitting one (1) square foot of ***On-Premises Building Sign Area*** to be placed on the rear of that ***Building*** for each linear foot of "rear ***Building Frontage***," provided that the aggregate ***Area*** of all such rear ***Building Signs*** shall not exceed thirty percent (30%) of the area of the rear side of that ***Building***. The maximum number of such rear ***Building Signs*** at any given time shall be the

greater of three (3) or the number of tenants or separate businesses operating within the ***Building*** at that time. The manner of determining the number and aggregate size of such rear ***Building Signs*** shall be as for ordinary ***Building Signs***. A rear ***Building Sign*** advertising the branded name of a business currently operating anywhere within the Pier Park Overlay District shall be considered an **On-*Premises Sign*** for the purpose of this section.

(b) **Alternative two.** ***On-Premises Building Signs*** as specified in this subsection.

(c) **Alternative three.** A single ***Building*** occupied by one or more business establishments shall be permitted one (1) square foot of aggregate ***On-Premises Building Sign Area*** for each linear foot of the perimeter of the heated and cooled space of that ***Building*** by which to advertise the business or businesses operating within that ***Building***. The maximum number of such ***Building Signs*** shall be seven (7). The aggregate area of all such ***Building Signs*** on a single side of that ***Building*** shall not exceed thirty percent (30%) of the area of that side. The manner of determining the number and aggregate size of such ***Building Signs*** shall be as for ordinary ***Building Signs***.

3. No ***Free-Standing Signs*** shall be permitted, except:

(a) The existing Pier Park entrance signs.

(b) Four (4) ***On-Premises Sign Structures*** and ***Signs***, one (1) which shall not exceed fifty (50) feet in ***Sign Height*** and five hundred (500) square feet in ***Sign Area*** visible from any one point and three (3) of which shall not exceed twenty-five (25) feet in ***Sign Height*** and two hundred (200) square feet in ***Sign Area*** visible from any one point. A ***Sign*** advertising the branded name of a business currently operating anywhere within the Pier Park Overlay District shall be considered an ***On-Premises Sign*** for the purpose of this subsection.

(c) An archway constructed over Pier Park Drive proximate to Front Beach Road and an archway constructed over Bluefish Drive proximate to and south of the internal ***Access*** road parallel to Panama City Beach Parkway, each containing only the words "Pier Park," "Panama City Beach" and the registered service mark of the master developer of the Pier Park Overlay District, with no other advertising.

(d) For each ***Intersection***, excluding ***Intersections*** with Powell Adams Road, Front Beach Road and Panama City Beach Parkway, one (1) or two (2) directional ***Signs*** not exceeding six (6) feet in ***Sign Height*** and sixteen (16) square feet in ***Sign Area*** visible from any one point and placed proximate to the ***Intersection***, provided that only ***Street*** names and the name of and direction to one or more businesses operating within the Pier Park Overlay District or to egresses from the Overlay District are placed on such ***Signs***.

(e) One free-standing ***Monument Sign*** not exceeding seven (7) feet in ***Sign Height*** and seventy (70) square feet in ***Sign Area*** for each ***Premises*** placed adjacent to a ***Street*** or a publicly accessible vehicular thoroughfare.

4. Except as provided in this subsection, no ***Banners*** shall be permitted (including by way of example and not limitation) "Grand Opening" or "Coming Soon" or "Sale" ***Banner*** or the announcement of a ***Community Event***).

(a) A temporary ***Banner*** covering a ***Sign*** which has been damaged by windstorm or other casualty shall be permitted, provided such ***Banner*** is displayed for no more than (i) the forty-five (45) day period following such windstorm or casualty or (ii) the one hundred eighty (180) day period following such windstorm or casualty provided that at all times after the forty-fifth (45th) day the owner or person entitled to possession of such damaged sign has entered a binding, arms-length contract for the total repair or replacement of such damaged ***Sign*** and the reason such contract has not been completed is in no way attributable to any act or omission of such owner or person entitled to possession of such damaged ***Sign***.

(b) Permanent, decorative standards placed and maintained by the master developer of the Pier Park Overlay District or by an association representing the majority of the business occupants of the Pier Park Overlay District, shall be permitted upon public or common light poles, provided that such standards bear a common or related design intended to aesthetically unify the Pier Park Overlay District, do not advertise any business, event or thing and each standard is maintained in a clean, neat, whole and new appearing condition. Notwithstanding the forgoing, the standards may contain the words "Pier Park," "Panama City Beach" and the registered service mark of the master developer of the Pier Park Overlay District, with no other advertising.

F. Parking. In addition to all other applicable requirements of this ***LDC***, the following parking regulations shall apply to ***New Development*** in the Pier Park Overlay District. In the event of an inconsistency between the provisions of this subsection and the other requirements of the ***LDC*** or the City of Panama City Beach ***Code of Ordinances***, the provisions of this subsection shall control.

1. Four and one-half (4.5) ***Parking Spaces*** shall be required for each one thousand (1000) feet of gross leaseable space, retail space, office space, movie theater space, restaurant space, entertainment space, service space or other commercial space.

2. The ***Parking Spaces*** required by law for any business operating within the Pier Park Overlay District may be located anywhere within the Pier Park Overlay District, provided that all ***Parking Spaces*** required by law for any business located within the Pier Park Overlay District are always available to the business invitee of any business operating within the Pier Park Overlay District.

(Ord. No.1023)

G. Height Limitations. Except as permitted in this section, no structure located anywhere in the Pier Park Overlay District shall exceed a height of sixty-five (65) feet except:

1. Amusements or amusement facilities may be permitted to a height of one-hundred and six (106) feet. As a matter of right, however, one amusement or amusement facility may be erected up to two-hundred and six (206) feet in the area designated as Central Commercial in the Pier Park Development of Regional Impact Development Order.

2. One permanent, free standing Beach Ball Drop structure designed and constructed for the purpose of to showcase the City's annual Beach Ball Drop may be permitted to a height of one-hundred twenty-five (125) feet.

(Ord. No. 1370, 12/10/15)

7.02.02 Traditional Neighborhood Overlay District

A. District Intent: The general intent of the Traditional Neighborhood Overlay District (***TNOD***) is to provide a flexible, alternative district, within the CH zoning district, to encourage imaginative and innovative housing types and design for the unified ***Development*** of tracts of land, within overall density and ***Use*** guidelines established herein and in the Comprehensive Plan. This overlay district is characterized by a mixture of functionally integrated housing types and non-***Residential Uses*** as specified in this section.

B. Mixture of Housing Types and *Uses* Permitted: A Traditional Neighborhood Overlay District shall be comprised of at least five (5) acres. Properties in this district are required to be developed with at least three (3) distinct types of housing units, each of which shall comprise of at least ten (10) percent of the total land area dedicated to ***Platted Lots***. Examples of distinct types or styles of housing units include ***Single Family*** cottages and bungalows, rowhouses, apartment ***Buildings***, multi-***Story Single Family Townhome***s, ***Multi-family Dwellings*** and ***Single Family Dwellings***. Acreage dedicated to ***Streets***, stormwater, parks, etc... shall not be utilized in the calculation of the ten (10) percent ***Lot*** minimum. Permitted ***Uses*** shall be limited to that of the underlying CH zoning district.

All of the housing types do not have to be developed at the same time, nor is one housing type a prerequisite to another housing type. For the purpose of this section, "properties" refers to the overall parent ***Parcel*** of land that is assigned the Traditional Neighborhood Overlay district and not individual ***Lots*** within the parent ***Parcel*** of land. Whenever property designated for a Traditional Neighborhood shall not be subject to an approved Master Plan as hereinafter provided or upon invalidation of such a Master Plan, the property shall be subject to all land ***Development*** regulations applicable to the underlying CH zoning district generally, as amended from time to time.

For the purpose of this section, the Planning Board may recommend to the City Council for approval and inclusion in section 7.02.02D, regulations uniformly applicable to ***Manufactured Homes*** requiring such foundations, building materials, ***Roof*** slopes and skirting as will ensure structural and aesthetic compatibility with site built homes.

Non-residential ***Uses*** shall be permitted, but not encouraged, in a Traditional Neighborhood Overlay District provided that the applicant can demonstrate that such ***Uses*** are not only compatible with ***Residential Use*** but also affirmatively encourage ***Residential Use***, such as live-in shops or offices.

C. Density/Intensity

1. ***Residential Land Use*** shall not exceed a gross density of the underlying CH zoning district.

2. The following intensity standards shall also apply:

   (a) **Impervious coverage ratio**: Maximum of seventy (70) percent of ***Lot*** area.

   (b) ***Floor Area Ratio*** (non-residential ***Use*** only): Maximum permitted by the underlying CH zoning district regulation.

   (c) ***Building Height***: Maximum permitted by the underlying CH zoning district regulation.

   (d) ***Open Space***: Minimum of thirty (30) percent of ***Lot*** area.

   (e) Nothing in this section shall be utilized as a basis to exceed the maximum densities or intensities mandated by the ***City's*** Comprehensive Plan.

D. *Development* Standards and Procedures for Approval: Upon approval by the Planning Board as provided in this subsection and approval of a ***Plat*** by the City Council in accordance with ***LDC***, the Traditional Neighborhood Overlay District is intended to permit variation in ***Lot*** size, shape, width, depth, roadway standards and ***Building Setbacks*** as will not be inconsistent with the Comprehensive Plan and the density/intensity standards specified in this subsection and as will ensure compatibility with adjoining ***Development*** and adjoining ***Land Uses***. Innovative ***Development*** standards and principles are encouraged. The following ***Lot*** and ***Building*** standards shall apply:

   (a) Minimum ***Lot*** Area: 1,250 square feet

   (b) Minimum ***Lot*** Width at ***Front Setback***: 25 feet

   (c) Minimum Front ***Yard***: 5 feet for roads internal to the ***Development***. A minimum ***Setback*** of 25 feet is required adjacent to public roads that abut properties external to the ***Development***.

   (d) Minimum ***Side Yard***:
   Interior (to the ***Development***) 0 feet
   Exterior (adjacent to ***Parcels*** exterior to the ***Development***):

One ***Story***:	5 feet
Two Stories:	7 ½ feet
Three Stories:	10 feet

Four Stories and Over: 10 feet Plus 4 inches per each foot of ***Building Height*** over 40 feet

(e) Minimum ***Side Yard, Street***:
5 feet for roads internal to the ***Development***

15 feet adjacent to public roads that abut properties external to the ***Development***.

(f) Minimum Rear ***Yard***:
Interior (to the ***Development***): 0 feet

Exterior (adjacent to ***Parcels*** exterior to the ***Development***): 10 feet plus 4 inches per each foot of ***Building Height*** over 40 feet

E. Master Plan: A Master Plan shall be submitted by all owners of the property to be subjected to the Master Plan (collectively the "applicant") to the ***Building*** and Planning Department for review by the Planning Board. The Master Plan shall include, but not be limited to, all of the following:

1. A statement of objectives describing the general purpose and character of the proposed ***Development*** including type of structures, ***Uses***, ***Lot*** sizes and ***Setback***.

2. A vicinity map showing the location of the proposed ***Development***.

3. A boundary survey and legal description of the property.

4. Detailed perimeter buffering and landscaping plan.

5. Locations and sizes of ***Land Uses*** including a plan graphically depicting location, height, density, intensity and massing of all ***Buildings***. The plan shall additionally depict the location of all parking areas, ***Access*** points, points of connectivity to surrounding neighborhoods and similar areas that will be utilized for any purpose other than landscaping.

6. Location, type and density of housing types.

7. Detail of proposed roadway standards.

8. Type of zoning districts and existing ***Uses*** abutting the proposed Traditional Neighborhood Overlay district boundaries.

9. A detailed, written list and complete explanation of how the proposed Traditional Neighborhood is consistent with the requirements of this section.

10. The timeline for ***Development*** of the Traditional Neighborhood, including ***Development*** phases if applicable and setting forth benchmarks for monitoring the progress of construction of each phase, which benchmarks shall include, wherever applicable, land clearing, soil stabilization, construction of each landscaping element of horizontal infrastructure (roads, utilities, drainage, et cetera) and vertical infrastructure and improvements. The Final Development

Plan shall be submitted within one (1) year of Master Plan approval. The timeline must show that construction of the horizontal improvements will be commenced and substantially completed within one (1) year and two (2) years, respectively, after approval of the Final Development Plan; provided that in the event the Traditional Neighborhood is divided into phases, the timeline must show that construction of Phase I horizontal improvements will be commenced and substantially completed within one (1) year and two (2) years, respectively, after approval of the Final Development Plan and that the horizontal infrastructure for all remaining phases will be substantially completed within four (4) years after approval of the first Final Development Plan. In addition, the timeline must provide that ninety (90) percent of the land area of the Traditional Neighborhood, excluding horizontal infrastructure, will be built-out to its intended, final ***Use*** within ten (10) years.

11. Other applicable information as required on the Application for Master Plan Approval.

F. Master Plan is Conceptual: This section shall not be construed so as to require detailed engineering or ***Site Plan*** drawings as a prerequisite to approval by the Planning Board. An applicant may provide a concept plan showing the general types and locations of proposed ***Development***, ***Open Space***, conservation areas, etc. (bubble plan); however, detailed drawings and information consistent with the approved Master Plan will be required prior to issuance of a ***Local Development Order*** for any phase(s) of ***Development***. In the event that the Master Plan contains no provision for a particular matter that is regulated in the underlying CH district, then the ***Local Development Order*** shall be consistent with both the approved Master Plan and all regulations applicable within the underlying CH district generally.

G. Master Plan Approval Not by Right: A property owner has no legal right for approval of a Master Plan. Rather, the ***City*** shall approve a Master Plan only when it has determined that the applicant has demonstrated, to the satisfaction of the ***City***, that the Master Plan provides a sufficient ***Development*** plan that provides a mixture of housing types, is compatible with adjacent properties, is consistent with this section, applicable local, state and federal regulations and is consistent with the comprehensive plan.

H. Conditions of Approval: In order to approve a Master Plan or any revision thereto, the Planning Board shall first determine, in a public hearing after notice, that the following conditions (among others it deems appropriate) are met by the applicant:

1. That the ***Development*** is planned as one complex ***Land Use*** rather than as an aggregation of individual and unrelated ***Buildings*** and ***Uses***.

2. That the applicant has met the intent of this section by allocating sufficient acreage for ***Development*** of at least three housing types as listed in section 7.02.02B.

I. Progress Report to Planning Board: Upon Master Plan approval, the applicant shall submit a Progress Report to the Planning Board no later than the dates as

stated in the Master Plan. The Progress Report shall give a summary of the ***Development*** of the Traditional Neighborhood to date including number of ***Dwelling Units***, protection of natural resources, unanticipated events that have taken place and other benchmarks that measure progress in completing the approved Master Plan.

J. Revisions to an Approved TNOD Master Plan: Revisions to an approved ***TNOD*** Master Plan shall be made in accordance with section 10.15.00 of this ***LDC***.

K. Final *Development* Plan: Either concurrently or within one (1) year following zoning and Master Plan approval, all the owners of all or a portion of the property to the Master Plan shall submit one or more Final Development Plans covering all or part of the approved Master Plan. In the event that all the owners of the property subject to the Master Plan are not required to submit a Final Development Plan for a portion of the approved Master Plan, the remaining owners must at least consent in writing to that Final Development Plan. The Final Development Plan shall be reviewed by the ***Building*** and Planning Department for consistency with the approved Master Plan. A ***Local Development Order*** may be issued if the Department finds the Final Development Plan consistent with the Master Plan.

1. The Final Development Plan shall include all of the following:

   (a) Boundary survey and legal description of the property.

   (b) A vicinity map showing the location of the proposed ***Development***.

   (c) The location of all proposed ***Building*** sites including height of structures and ***Setbacks*** indicating the distance from property lines, proposed and existing ***Streets***, other ***Buildings*** and other man- made or natural features which would be affected by ***Building Encroachment***.

   (d) A table showing the acreage for each ***Land Use*** category, housing types and the average ***Residential*** density.

   (e) ***Lot*** sizes.

   (f) Common ***Open Spaces*** that are ***Use***able and operated by the developer or dedicated to a homeowner association or similar group. Common ***Open Space*** may contain such ***Recreation***al structures and improvements as are desirable and appropriate for the common benefit and enjoyment of residents of the Traditional Neighborhood.

   (g) All ***Streets***, thoroughfares, ***Access*** ways and pedestrian interconnections shall be designed to effectively relate to the major thoroughfares and maintain the capacity of existing and future roadways. Consistency with this requirement shall be determined by the Engineering Department.

   (h) ***Development*** adjacent to existing ***Residential*** areas or areas zoned for ***Residential Use*** shall be designed to reduce intrusive impact upon the existing ***Residential Uses***.

(i) ***Development*** shall be clustered away from environmentally sensitive features onto less environmentally sensitive features. Gross densities shall be calculated on the overall site.

(j) A utility service plan including sanitary sewer, storm drainage and potable water.

(k) A statement indicating the type of legal instruments that will be created to provide for management of common areas.

(l) If the project is to be phased, boundaries of each phase shall be indicated.

2. Construction and ***Development*** of the Traditional Neighborhood shall be completed in strict compliance with the timeline set forth in the Master Plan. The Planning Board may, upon good cause shown at a regular or special meeting, extend the period for beginning and completing construction of any benchmark, provided that the aggregate of all such extensions shall not exceed a period of one (1) year. Further extensions of time to complete a benchmark shall require an amendment to the Master Plan to amend the time line.

3. Unified Ownership***: A propert***y must be under single ownership or under unified control at the time the Traditional Neighborhood Overlay district is assigned, the Master Plan is approved and the ***Local Development Order*** is approved.

4. Interpretations: Any interpretation by the ***City*** staff in the review of the Final ***Development*** Plan may be appealed to the Planning Board.

(Ord. No. 925, §1, 2-24-05) (Ord. #1254, 11/14/13)

7.02.03 Front Beach Road Overlay Districts

CONTENTS (7.02.03)

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A. Purpose

This section creates four (4) overlay districts that are applicable along Front Beach Road, South Thomas Drive and Arnold Road south of Panama City Parkway (Back Beach Road) and are intended to:

1. Enhance the quality of life for residents;

2. Achieve greater compatibility between different ***Land Uses***, particularly between established neighborhoods and intensive tourist-based ***Development***;

3. Foster greater mobility by increasing the convenience of walking, biking and using transit;

4. Maintain allowable ***Uses*** in underlying zoning districts except when those ***Uses*** would interfere with the purposes of the district (e.g., ***Drive-Through*** windows);

5. Allow increased intensities in tourist-based areas when design objectives are met;

6. Achieve a higher quality of design that is vibrant, sustainable and that attracts visitors and provides long-term economic and fiscal benefits to the ***City*** and its residents; and

7. Use existing review and approval processes unless applicants seek deviations from the standards established in this section.

B. Applicability:

1. All of the standards in this section apply to ***New Development*** or ***Redevelopment***.

2. The standards of this section do not apply to:

   (a) Continuation of a permitted ***Use*** within an existing structure;

   (b) Changes of ***Use*** within existing structures that do not require increased parking;

   (c) Normal repair and maintenance of existing structures that do not increase its size or parking demand; and

   (d) Continuation of a ***Non-Conforming*** situation in accordance with section 9.02.00 of this ***LDC***.

3. Modifications to existing ***Non-Conforming*** structures or ***Uses*** may be authorized in accordance with section 9.02.02, provided that expansions increase conformance by reducing excess front ***Building Setbacks*** and front ***Yard*** parking. In lieu of the standard established in section 9.02.02B.4, an expansion, enlargement or modification that otherwise meets the standards in section 9.02.02B is considered de minimis even if it materially increases pedestrian traffic to or from the Subject Site.

C. Overlay Districts Established

To carry out the purposes and intent of this subsection, the following Overlay Districts are established as shown on the corresponding areas of the Official ***Zoning Map***:

1. **FBO-1** – the intent of this district is to establish appropriate standards for low intensity, predominantly ***Residential*** areas with relatively low ***Building Height***s.

2. **FBO-2** – the intent of this district is to establish appropriate standards for transitional areas between high-rise tourist-based ***Development*** and abutting ***Low Density Residential*** districts. These areas have relatively low ***Building Heights*** in proximity to ***Low Density Residential*** districts and FBO-1 districts, but allow for greater heights as distance increases.

3. **FBO-3** – the intent of this district is to establish appropriate standards for areas where high-rise tourist ***Development*** is allowed on the north side of Front Beach Road and the north side of South Thomas Drive.

4. **FBO-4** – the intent of this district is to establish appropriate standards for areas where high-rise tourist ***Development*** is allowed on the south side of Front Beach Road and the south side of South Thomas Drive.

D. Authorized *Land Uses*

Authorized ***Land Uses*** within the FBO-1, FBO-2, FBO-3 and FBO-4 districts shall conform with the permitted, ***Accessory*** or conditional ***Uses*** allowed by the underlying zoning district except as provided in this section.

1. The following ***Uses*** shall only be permitted via a ***Conditional Use*** approval in conformance with section 10.02.14 of this ***LDC***.

   (a) ***Drive-in or Drive-Through Facilities*** may be authorized subject to the conditions established in section 5.06.14.

   (b) Outdoor display and outdoor operations may be authorized subject to the conditions established in section 5.06.15.

2. The following ***Uses*** are not allowable in the area lying south of a continuation of the centerline of Front Beach Road (Scenic Highway 98) through South Thomas Drive and Thomas Drive, regardless of the zoning district designation and ***Land Use*** assignment:

   (a) Repair shops (light repair, small equipment repair);

   (b) Repair shops (large equipment, appliances);

   (c) ***Service Stations***;

   (d) ***Vehicle*** sales, rental or service; and

   (e) ***Zoos***.

3. Pursuant to the Comprehensive Plan-Future Land Use Element, the following ***Uses*** shall not be located within the Coastal High Hazard Overlay District:

   (a) Hospitals;

   (b) ***Nursing Homes*** or convalescent homes;

   (c) Institutional facilities and ***Licensed Facilities*** housing persons with limited mobility; and

   (d) Permanent ***Dwelling Units*** in excess of local emergency management capacity.

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

E. Density/Intensity

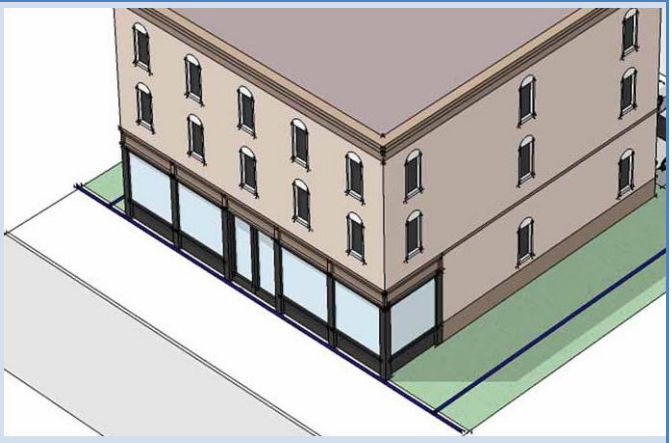
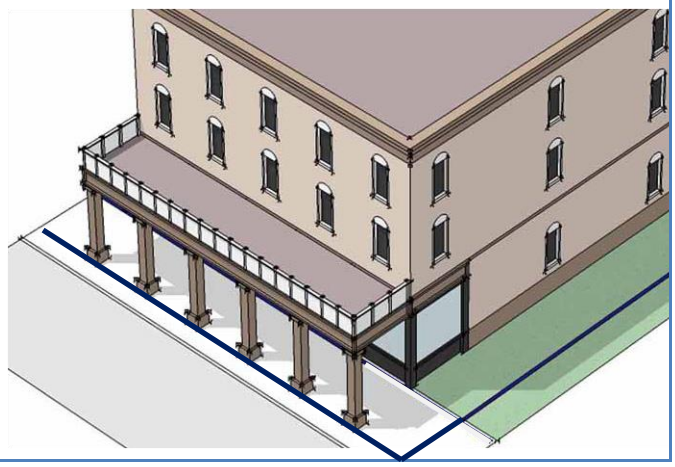
Maximum density of ***Residential Dwelling Units*** as measured in ***Dwelling Units*** per acre and maximum intensity for non-residential ***Development*** as measured by ***Floor Area Ratio*** shall be determined by the standards of the underlying zoning district except as modified herein. Maximum densities may not be achievable on sites abutting ***Low Density Residential*** districts or due to other site constraints. Where maximum densities are not achievable, the ***City*** has no obligation to provide density or intensity bonuses or deviate from any standards to provide the maximum density or intensity. Density or height bonuses provided herein are intended to promote better ***Building*** and site designs that will achieve the purposes of these districts.

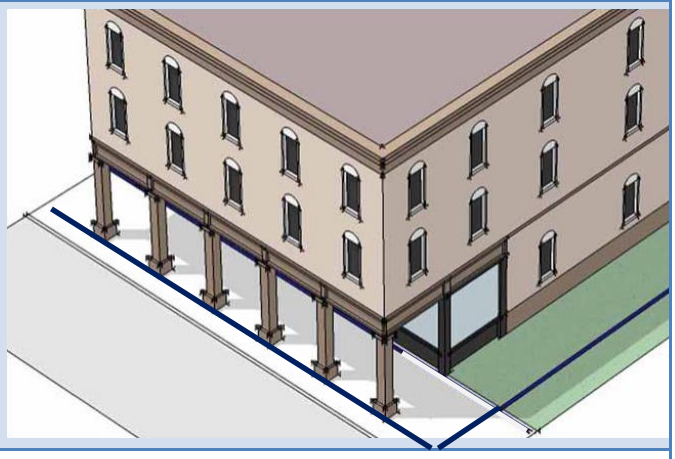
F. *Building* Fronts and *Setbacks*

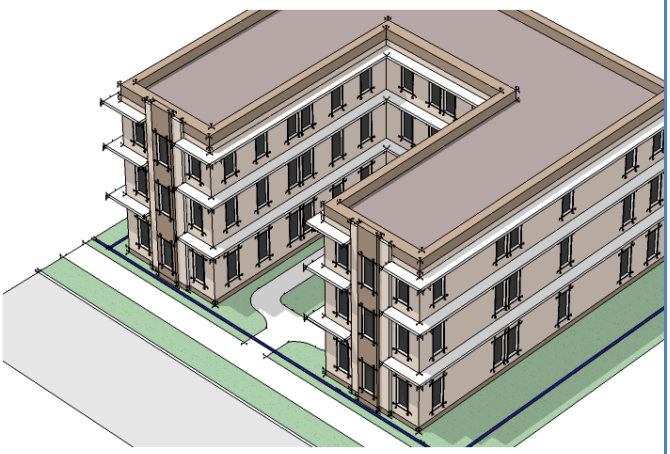
1. **Setback in Certain Areas.** For ***Lots*** in subdivisions platted prior to January 1, 2015, that are located in R-1 or R-2 districts on the north side of Front Beach Road, the setbacks of the underlying zoning districts also shall apply to all ***Development*** and ***Redevelopment.*** The setbacks for underlying zoning districts also shall apply to all ***Development*** and ***Redevelopment*** of a ***Parcel*** lying in whole or in part along Panama City Beach Parkway.

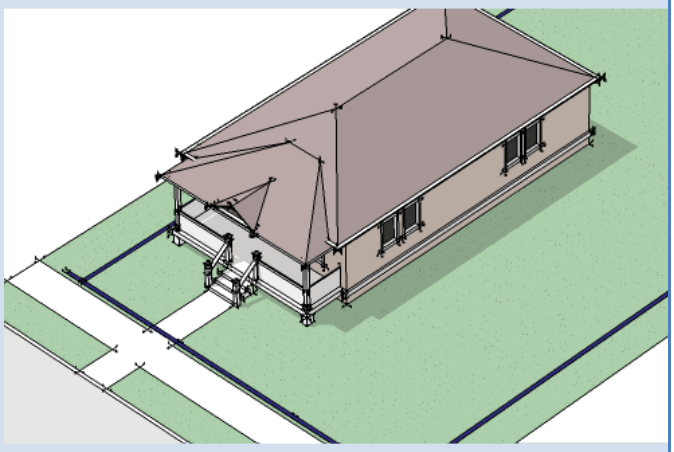
2. ***Building* Front Types Defined.** Table 7.02.03.A defines the ***Building*** front types permitted in FBO districts. All applications for ***Development*** within an FBO district shall assign each ***Building*** a specific ***Building*** front type and each ***Building*** shall be designed in accordance with the standards that apply to that ***Building*** front type, as established in this section. In addition to the building fronts established in this section, section 7.02.03L establishes standards allowing the establishment of buildings with porte cochere fronts in the FBO-4 district,

Table 7.02.03.A: *Building* Front Definitions

Group	Definition	Illustration
A	**Storefront.** A storefront is a ***Building*** front with the façade at or near the back of the sidewalk with the ***Building*** entrance at sidewalk grade. This ***Building*** front is conventional for retail, office, accommodations and mixed ***Use Buildings***. It has substantial ***Glazing*** on the sidewalk level and an awning that may overlap the sidewalk. Allowed in the FBO-2, FBO-3 and FBO-4 districts.	
A	**Gallery.** A gallery is a ***Building*** front with an attached cantilevered balcony or a lightweight colonnade overlapping the portion of a sidewalk located outside the public right-of-way. This ***Building*** front is conventional for retail, office, accommodations and mixed ***Use Buildings***. Allowed in the FBO-2, FBO-3 and FBO-4 districts.	

Group	Definition	Illustration
A	**Arcade.** An arcade is a ***Building*** front where the façade is a colonnade that overlaps the portion of the sidewalk located outside the public right-of-way. This ***Building*** front is conventional for retail, with other ***Uses*** in the occupied space above the colonnade. Allowed in the FBO-2, FBO-3 and FBO-4 districts.	
A	**Doorway.** A doorway is a ***Building*** front with the façade aligned with the back of the sidewalk and the entry door flush with the façade or recessed into the façade. This type is similar to storefront ***Frontage***s, except that they are primarily used for ***Residential*** entries. Allowed in the FBO-2, FBO-3 and FBO-4 districts.	
B	**Dooryard.** A dooryard is a ***Building*** front with the façade set back from the ***Frontage*** line behind an at-grade courtyard. This type buffers ***Residential*** and accommodations ***Uses*** from sidewalks and removes the private ***Yard*** from public encroachment. The dooryard is suitable to conversion for outdoor dining. Allowed in the FBO-1, FBO-2, FBO-3 and FBO-4 districts.	

Group	Definition	Illustration
B	**Terrace/Light Court.** A terrace/light court is a ***Building*** front with the façade set back from the ***Frontage*** line by an elevated terrace or light court. The court can potentially ***Access*** an additional unit or commercial space below ***Street*** grade. This type removes the private ***Yard*** from public encroachment. The terrace or light court may be suitable to conversion for outdoor dining. Allowed in the FBO-1, FBO-2, FBO-3 and FBO-4 districts.	
C	**Stoop.** A stoop is a ***Building*** front with the ***Facade*** near the sidewalk and the front entry stairs connect to the sidewalk. The ***Ground Story*** is elevated to provide privacy for ***Residential Uses***. The stoop ***Frontage*** is primarily for ***Residential Uses*** in short ***Setback*** situations. Allowed in the FBO-2, FBO-3 and FBO-4 districts.	
C	**Forecourt.** A forecourt is a ***Building*** front with a portion of the façade close to the ***Frontage*** line and the central portion is set back. The forecourt created may be suitable for vehicular ***Drop-Off***s. This type should be interspersed with other ***Frontage*** types. Forecourts are appropriate locations for large shade trees. This ***Building*** front is used for ***Residential*** and non-residential uses. Allowed in the FBO-2, FBO-3 and FBO-4 districts.	

Group	Definition	Illustration
C	**Lawn.** A lawn is a ***Building*** front with the façade is set back from the front ***Lot Line***. Attached porches may be permitted to encroach into front ***Yards*** and an open fence at the ***Frontage*** line is optional. This ***Building*** front is used for ***Residential*** and non-residential uses. Allowed in the FBO-1 district.	
C	**Common Lawn.** A common lawn is a ***Building*** front with a group of ***Buildings*** sharing a common lawn that opens to the ***Street***. This ***Building*** front is used for ***Residential*** and non-residential uses. Allowed in the FBO-1 district.	

3. **Allowed *Frontage* Types.** ***Building*** front types are only allowed in the FBO where an "A" is shown in Table 7.02.03.B for the corresponding ***Building*** front and FBO district. An applicant may select any ***Building*** front type that is allowed in the applicable zoning district. Table 7.02.03.B assigns each of the ***Building*** front types to a group. ***Setback*** standards for each of the groups of ***Building*** front types are listed in the following paragraphs 3, 4 and 5.

Table 7.02.03.B: Allowed *Building* Fronts by Overlay District

	Building Fronts									
Groups	A				B		C			
Districts	Storefront	Gallery	Arcade	Doorway	Dooryard	Terrace / Light Court	Stoop	Forecourt	Lawn	Common Lawn
FBO-1					A	A			A	A
FBO-2	A	A	A	A	A	A	A	A		
FBO-3	A	A	A	A	A	A	A	A		
FBO-4	A	A	A	A	*	*	A	A		

*Steps shall be allowed where necessary to comply with FEMA standards.

4. **Group "A" *Building* Front Standards.**

(a) ***Building Setbacks*** for ***Building*** Fronts listed under Group A in Table 7.02.03.B shall comply with the ***Setback*** requirements established in Table 7.02.03.C.

(b) ***Setbacks*** for ***Stories*** one through four (1-4) are the minimum or maximum ***Setbacks*** in feet for the applicable side of the ***Building*** for each of the first four ***Stories***. ***Setbacks*** for ***Stories*** five and above (5+) are the minimum ***Setbacks*** in feet for ***Stories*** above the fourth floor.

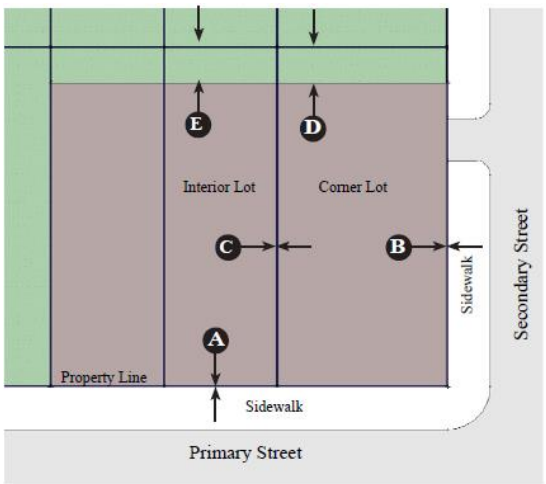
(c) On the south side of Front Beach Road and South Thomas Drive, the minimum side ***Setbacks*** apply to all portions of the ***Building*** for the first four (4) stories and the side ***Setbacks*** for the portions of ***Buildings*** taller than four (4) stories apply only to the portions of the ***Buildings*** that are above the fourth ***Story***.

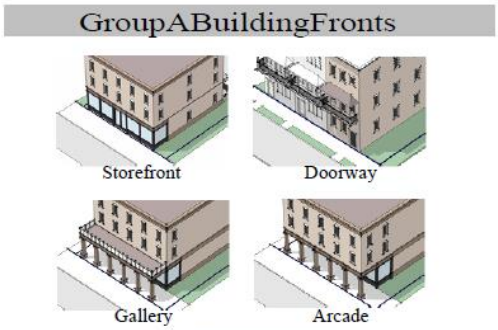
(d) For purposes of the FBO district regulations, the primary ***Street*** shall be Front Beach Road, South Thomas Drive or Arnold Road. Where a structure does not abut one of these ***Streets***, the primary ***Street*** shall be the ***Street*** with the highest order functional classification.

(e) Setbacks for yards facing ***Parcels*** within an FBO district that abut parcels in an R-1 district that is not within an FBO district shall comply with the ***Setback*** requirement for the underlying district unless the FBO district requires a greater ***Setback***.

(Ord. # 1292, 10-10-13)

Table 7.02.03.C: Group A *Setbacks*





Notes:

A – Front Setback
B – Exterior Lot Side Setback
C – Interior Lot Side Setback
D – Exterior Lot Rear Setback
E – Interior Lot Rear Setback

Table 7.02.03.C Setbacks for Group A Building Front Types (in feet)

Dimension	Setback		FBO-1	FBO-2	FBO-3	FBO-4
A	Front Setback (feet)	***Stories*** 1 – 4	N/A	Minimum and Maximum: the greater of 47 from CL or 5 from PL		
		Stories 5 +		Minimum: the greater of 62 from CL or 20 from PL		
B	Exterior Lot Side Setback (feet)	***Stories*** 1 – 4		5 maximum	5 maximum	5 maximum
		Stories 5 +		20 minimum	20 minimum	20 minimum
C	Interior Lot Side Setback (feet)	***Stories*** 1 – 3		0 minimum	0 minimum	10 minimum
		Stories 1-3 South of Front Beach or South Thomas		10 minimum	NA	10 minimum
		Story 4		0 minimum	0 minimum	10 minimum
		Story 4 South of Front Beach or South Thomas		15 minimum	NA	15 minimum
		Stories 5 +		10 minimum	10 minimum	20 minimum
		Stories 5 + South of Front Beach or South Thomas		20 minimum	NA	20 minimum
D	Rear Setback (feet)	All ***Stories*** –		FDEP or 25 min. if no FDEP	25 minimum	FDEP or 25 min. if no FDEP line is established

Notes:

1: At least 80% of the ***Building Facade*** shall be located at the ***Front Setback*** line for storefront, arcade, gallery & doorway, except as authorized for a porte cochere (see section 7.02.03L).

2: For ***Buildings*** located on ***Corner Lots***, at least the first 30 feet of the ***Building*** façade closest to the corner, shall be located at the ***Setback*** line. Lobby ***Building*** Front Type is exempt from this standard.

4: CL = centerline of Front Beach Road; PL = Property line

5. All ***Setbacks*** are measured from the Property line (or CL) to the ***Building Facade***.

6. Refer to section 7.02.03G for ***Front Yard*** standards for areas between the ***Building*** façade and the front property line.

7. NA – not applicable

5. **Group "B" *Building* Front Standards.**

(a) ***Building Setbacks*** for ***Building*** Fronts listed under Group B in Table 7.02.03.B shall comply with the setback requirements established in Table 7.02.03.D.

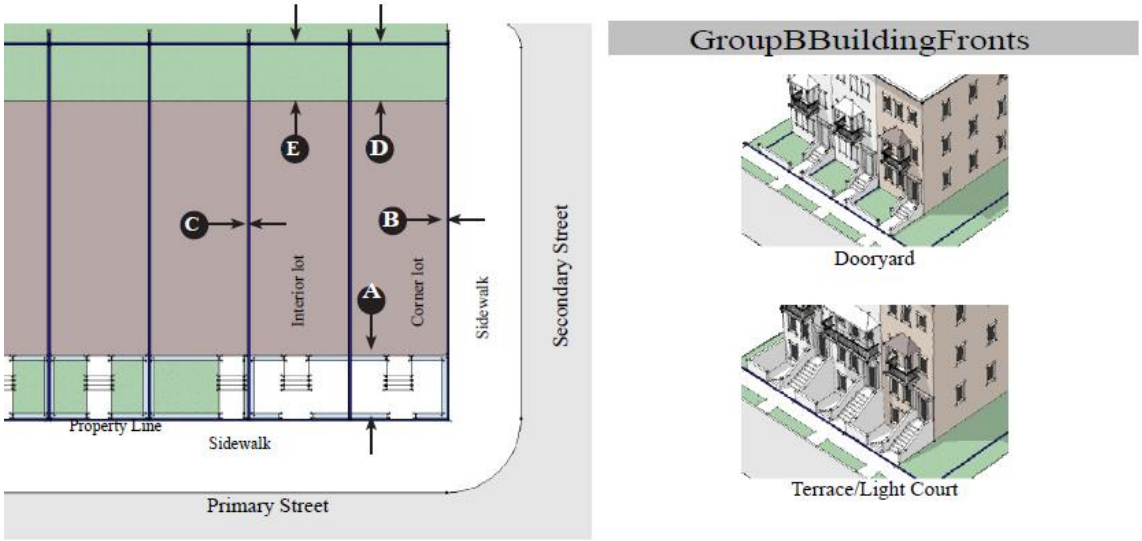
(b) ***Setbacks*** for ***Stories*** one through four (1-4) are the minimum or maximum ***Setbacks*** in feet for the applicable side of the ***Building*** for each of the first four (4) ***Stories***. ***Setbacks*** for ***Stories*** five (5) and above are the minimum ***Setbacks*** in feet for ***Stories*** above the fourth floor.

(c) On the south side of Front Beach Road and South Thomas Drive, the minimum side ***Setbacks*** apply to all portions of the ***Building*** for the first four (4) stories and the side ***Setbacks*** for the portions of ***Buildings*** taller than four (4) stories apply only to the portions of the ***Buildings*** that are above the fourth ***Story***.

(d) For purposes of the FBO district regulations, the primary ***Street*** shall be Front Beach Road, South Thomas Drive or Arnold Road. Where a structure does not abut one of these ***Streets***, the primary ***Street*** shall be the ***Street*** with the highest order functional classification.

(e) Setbacks for yards facing ***Parcels*** within an FBO district that abut parcels in an R-1 district that is not within an FBO district shall comply with the ***Setback*** requirement for the underlying district unless the FBO district requires a greater ***Setback***.

Table 7.02.03.D: Group B *Setbacks*



Notes:
A – Front Setback
B – Exterior Lot Side Setback
C – Interior Lot Side Setback
D – Exterior Lot Rear Setback
E – Interior Lot Rear Setback

Table 7.02.03.D Setbacks for Group B Building Front Types (in feet)

Dimension	Setback		FBO-1	FBO-2	FBO-3	FBO-4
A	Front Setback Along Front Beach Road, South Thomas Drive or Arnold Road (feet)	***Stories*** 1 – 4	min: the greater of 52 from CL; or 10 from PL max: the greater of 72 from CL; or 30 from PL	Minimum: the greater of 50 from CL or 8 from the PL. maximum: the greater of 62 from CL or 20		N/A
		Stories 5 +		Minimum: the greater of 62 from CL or 8 from the PL		
B	Front Setback Along Other ***Streets*** (feet)	***Stories*** 1 – 4	10 minimum 30 maximum	8 minimum 20 maximum	8 minimum 20 maximum	
		Stories 5 +		20 minimum	20 minimum	
	Exterior Lot Side Setback (feet)	***Stories*** 1 – 4	5 minimum	5 maximum	5 maximum	
		Stories 5 +		20 minimum	20 minimum	
C	Interior Lot Side Setback (feet)	***Story*** 1	0 minimum	0 minimum	0 maximum	
		1 ***Story*** building south of Front Beach or South Thomas	5 minimum	5 minimum	NA	
		Story 2	5 minimum	0 minimum	0 minimum	
		2 ***Story*** building south of Front Beach or South Thomas	7.5 minimum	7.5 minimum	NA	
		Story 3	10 minimum	0 minimum	0 minimum	
		3 ***Story*** building south of Front Beach or South Thomas	10 minimum	10 minimum	NA	
		Story 4	10 minimum	0 minimum	0 minimum	
		4 ***Story*** building south of Front Beach or South Thomas	15 minimum	15 minimum	NA	
		Stories 5+	NA	0 minimum	10 minimum	
		Stories 5 + south of Front Beach or South Thomas		20 minimum	NA	
D	Rear Setback (feet)	All ***Stories***	5 minimum	FDEP or 25 min. if no FDEP	25 minimum	

Notes:

1: At least 80% of the ***Building Facade*** shall be located at the front ***Setback*** line, except as authorized for a porte cochere (see section 7.02.03L).

2: For ***Buildings*** located on ***Corner Lots***, at least the first 30 feet of the ***Building Facade***, as measured from the front ***Building*** corner, shall be located at the ***Setback*** line.

3: CL = centerline of Front Beach Road; PL = Property line

4. All ***Setbacks*** are measured from the Property line (or CL) to the ***Building Facade***.

5. NA = Not Applicable

6. Refer to section 7.02.03G for ***Front Yard*** standards for portions of the ***Building Setback*** from the property line.

6. **Group "C" *Building* Front Standards.**

(a) ***Building Setbacks*** for ***Building*** Fronts listed under Group C in Table 7.02.03.B shall comply with the setback requirements established in Table 7.02.03.E.

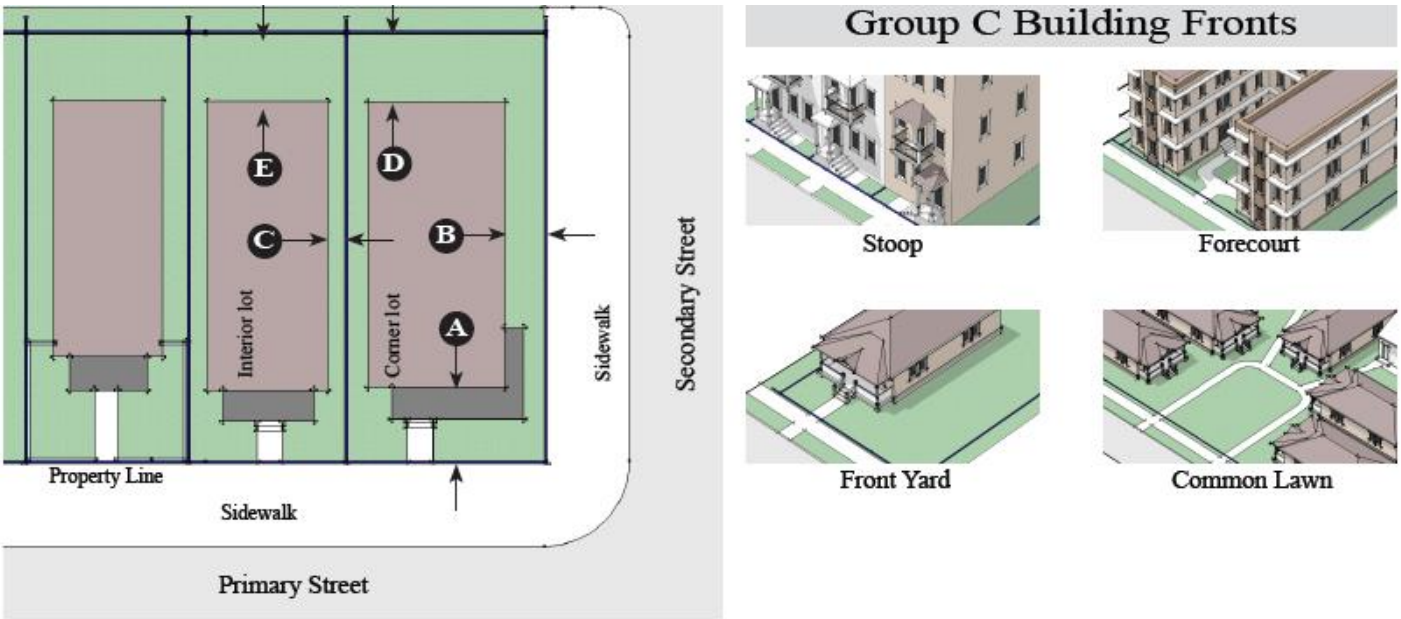
(b) ***Setbacks*** for ***Stories*** one through four (1-4) are the minimum or maximum ***Setbacks*** in feet for the applicable side of the ***Building*** for each of the first four ***Stories***. ***Setbacks*** for ***Stories*** five and above (5+) are the minimum ***Setbacks*** in feet for ***Stories*** above the fourth floor.

(c) On the south side of Front Beach Road and South Thomas Drive, the minimum side ***Setbacks*** apply to all portions of the ***Building*** for the first four (4) stories and the side ***Setbacks*** for the portions of ***Buildings*** taller than four (4) stories apply only to the portions of the ***Buildings*** that are above the fourth ***Story***.

(d) For purposes of the Front Beach Overlay district regulations, the primary ***Street*** shall be Front Beach Road, South Thomas Drive or Arnold Road. Where a structure does not abut one of these ***Streets***, the primary ***Street*** shall be the ***Street*** with the highest order functional classification.

(e) Setbacks for yards facing ***Parcels*** within an FBO district that abut parcels in an R-1 district that is not within an FBO district shall comply with the ***Setback*** requirement for the underlying district unless the FBO district requires a greater ***Setback***.

Table 7.02.03.E: Group C *Setbacks*



Notes:
A – Front Setback
B – Exterior Lot Side Setback
C – Interior Lot Side Setback
D – Exterior Lot Rear Setback
E – Interior Lot Rear Setback

Table 7.02.03.E Setbacks for Group C Building Front Types (in feet)

Dimension	Setback		FBO-1	FBO-2	FBO-3	FBO-4
A	Front Setback Along Front Beach Road (feet)	***Stories*** 1 – 4	minimum: the greater of 52 from CL; or 10 from PL maximum: the greater of 67 from CL; or 25 from PL	minimum: the greater of 47 from CL or 5 from PL maximum: the greater of 50 from CL or 8 from PL	minimum: the greater of 47 from CL or 5 from PL maximum: the greater of 50 from CL or 8 from PL	
		Stories 5 +		minimum: the greater of 62 from CL or 20 from PL		
B	Front Setback Along Other ***Streets*** (feet)	***Stories*** 1 – 4	10 minimum 25 maximum	3 minimum 8 maximum	0 minimum 8 maximum	0 minimum 8 maximum
		Stories 5 +		20 minimum	20 minimum	20 minimum
	Exterior Lot Side Setback (feet)	***Stories*** 1 – 4	5 minimum	0 - 5	0 - 5	0 - 5
		Stories 5 +		20 minimum	20 minimum	20 minimum
C	Interior Lot Side Setback (feet)	***Story*** 1-2 ***Story***	5 minimum	0 minimum	0 minimum	10 minimum
		1 ***Story*** building south of Front Beach or South Thomas		5 minimum	NA	10 minimum
		2 ***Story*** building south of Front Beach or South Thomas	7.5 minimum	7.5 minimum	NA	10 minimum
		Story 3	10 minimum	0 minimum	0 maximum	0 minimum
		3 ***Story*** building south of Front Beach or South Thomas	10 minimum	10 minimum	NA	15 minimum
		Story 4	10 minimum	0 minimum	0 minimum	0 minimum
		4 ***Story*** building south of Front Beach or South Thomas	15 minimum	15 minimum	NA	15 minimum
		Stories 5 +	NA	0 minimum	0 minimum	0 minimum
		Stories 5 + South of Front Beach or South Thomas		20 minimum	NA	20 minimum
D	Rear Setback (feet)	All ***Stories***	5 minimum	FDEP or 25 min. if no FDEP	25 minimum	FDEP or 25 min. if no FDEP

Notes:

1: At least 80% of the ***Building Facade*** shall be located at the front ***Setback*** line, except as authorized for a porte cochere (see section 7.02.03L).

2: At least 50% of the ***Building Facade*** shall be located at the front ***Setback*** line for the Forecourt, Lawn and Common Lawn.

3: CL = centerline of Front Beach Road; PL = Property line

4. All ***Setbacks*** are measured from the Property line (or CL) to the ***Building Facade***.

5. Refer to section 7.02.03G for ***Front Yard*** standards for portions of the ***Building Setback*** from the property line.

6. NA = not applicable

(Ord. #1254, 11/14/13; Ord. # 1329, 1-8-15; Ord. #1340, 4/9/15)

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

1. **Purpose.** Except where a porte cochere type ***Drop-Off*** is established pursuant to section 7.02.03L, an applicant may establish a single ***Front Yard*** no wider at any point than twenty (20) percent of the width of the front of the ***Building*** that establishes the rear line of the ***Front Yard***, provided that the applicant can demonstrate that such a ***Front Yard*** will accomplish each and every of the following things and that all of the requirements of this section 7.02.03G will be met.

   (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.**

   (a) Applicants are encouraged to provide ***Front Yards*** that include widened sidewalks, galleries, arcades, courtyards and other places for customers and the public to gather.

   (b) Where provided, ***Front Yards*** shall include the minimum combination of the items listed in Table 7.02.03.F as set forth in Table 7.02.03.G, 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. 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 and general location 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 ≤ 5	5 ≤ d < 15	15 ≤ d < 25	d ≥ 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				A	A
		Along Building Facade		A	A	A
	Clustered Ornamentals: Flowering trees, palms			A	A	A
	Planting Beds: ***Shrubs***, seasonal plantings	At the front property line or along the back edge of a sidewalk outside of the right-of-way	A	A	A	A
	Palms planted on 25 feet centers		A	A	A	A
3	Trees planted on 50 feet centers		A	A	A	A
	Decorative Fence 42 inch maximum height (see Section 7.02.03G.3(d))		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

(Ord. # 1334, 12-26-14)

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 ≤ 5	1	0	0
5 ≤ d < 15	0	2	0
15 ≤ d < 25	0	3	0
d ≥ 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

3. **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*** for ***Multi-Family***, Mixed ***Use*** or nonresidential ***Uses*** 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 supplemental 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 supplemental use approval, ***Front Yard*** improvements shall be limited to seating, decorative waste receptacles, fountains, water features and landscaping.

Standards for ***Single Family Residential Uses*** are generally set forth in section 4.02.00.

4. **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.

   (c) **Commercial *Use of Front Yards***. All or a portion of privately owned ***Front Yards*** may be used for dining areas or other commercial activities, subject to approval of a supplemental Standards for Specific Uses as provided in section 5.04.06.

(Ord. #1254, 11/14/13; Ord. # 1340, 4/9/15; Ord. #1335, 2/26/15; Ord. #1366, 11/12/15)

H. *Building Height* and Podium Standards

1. Table 7.02.03.H establishes the minimum and maximum ***Heights*** for ***Buildings*** in each of the FBO districts in terms of feet.

2. In each of the districts, additional height may be achieved through incentives established in Section 4.02.02E.

3. Table 7.02.03.I establishes standards for upper ***Stories*** that are built on top of the ***Building*** podium or base ***Stories***, which are defined in terms of maximum feet (***Stories***). Illustrations following the exhibit are conceptual only and are not intended to mandate the position of upper ***Stories*** on the podium, provided, however that in the FBO-3 and FBO-4 districts, the side ***Setbacks*** shall be increased by at least fifteen (15) feet above the lesser height of one hundred twenty (120) feet or ten (10) Stories. The ***City Manager*** is authorized to modify the ***Setback*** and podium standards for ***Buildings*** receiving height incentives to provide architectural flexibility while achieving the purposes of the FBO-3 and FBO-4 districts and retaining the net impact of reducing the

average floor area of all ***Stories*** above the required podium by twenty-five (25) percent of the ground floor area.

4. In a FBO-2 or FBO-3 district, ***Buildings*** thirty-five (35) feet tall or taller shall be set back from an FBO-1 or ***Low Density Residential*** district at least one hundred (100) feet. Starting at a distance of one hundred (100) feet from the applicable district boundary, ***Building Height*** may be increased to forty-five (45) feet. Beyond two hundred (200) feet, ***Building Height*** may be increased from forty-five (45) feet by one (1) foot for every one (1) foot increase in ***Setback***. See Figure 7.02.03.A.

5. In the FBO-1 district, ***Buildings*** may extend an additional ten (10) feet beyond the total height allowed in this section provided that the portion of the ***Building*** exceeding the total height includes a tower room only. Tower rooms are restricted to a maximum of one hundred (100) square feet in area, excluding stairwells.

6. In the FBO-1 district, the width of the third ***Story*** shall be not be greater than seventy-five (75) percent of the width of the ***Ground Story***. Width of each Story shall be measured at the widest part of the applicable ***Story*** parallel to the shoreline of the Gulf of Mexico.

Table 7.02.03.H: Minimum and Maximum *Building Heights* (in feet)

	FBO-1	FBO-2	FBO-3	FBO-4
Minimum	12	14	14	14
Maximum without Incentives	35	45	75	150
Maximum with Incentives	45	65	110	220

Notes:
1: ***Height*** shall be measured in accordance with section 4.02.02.
2: The maximum height may be limited in the FBO-2 or FBO-3 district by the provisions of section 7.02.03H.4.

Table 7.02.03.I: Podium Standards

Zone	*Building* Can Occupy No More Than 75% of the Ground Floor *Building* Footprint Above the Lesser of:
FBO-1	25 feet or 2 ***Stories***
FBO-2	45 feet or four ***Stories***
FBO-3	120 feet or 10 ***Stories***
FBO-4	120 feet or 10 ***Stories***

(Ord. #1254, 11/14/13; Ord. # 1340, 4/9/15)

Podium and Upper *Story* Illustrations

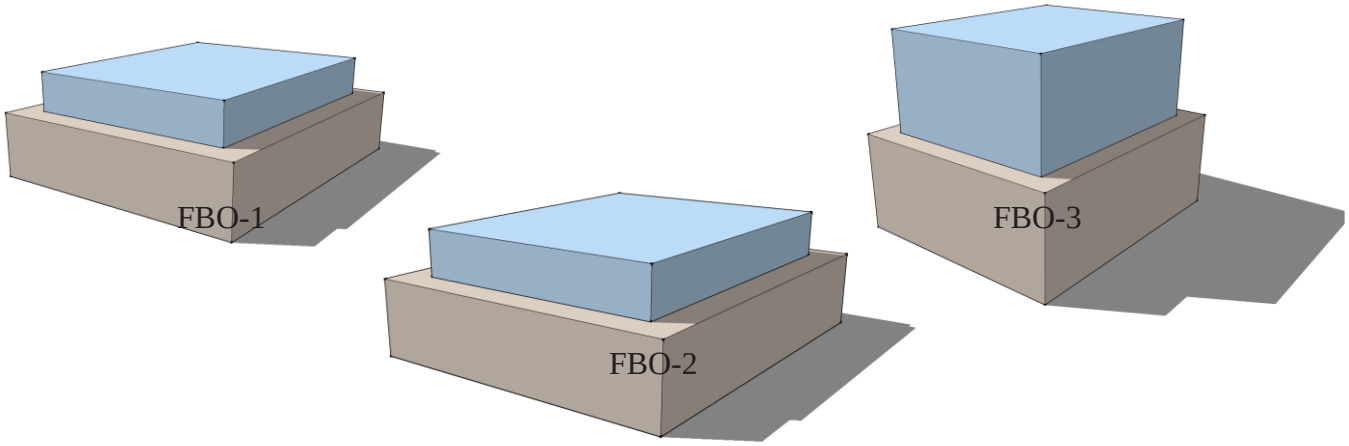
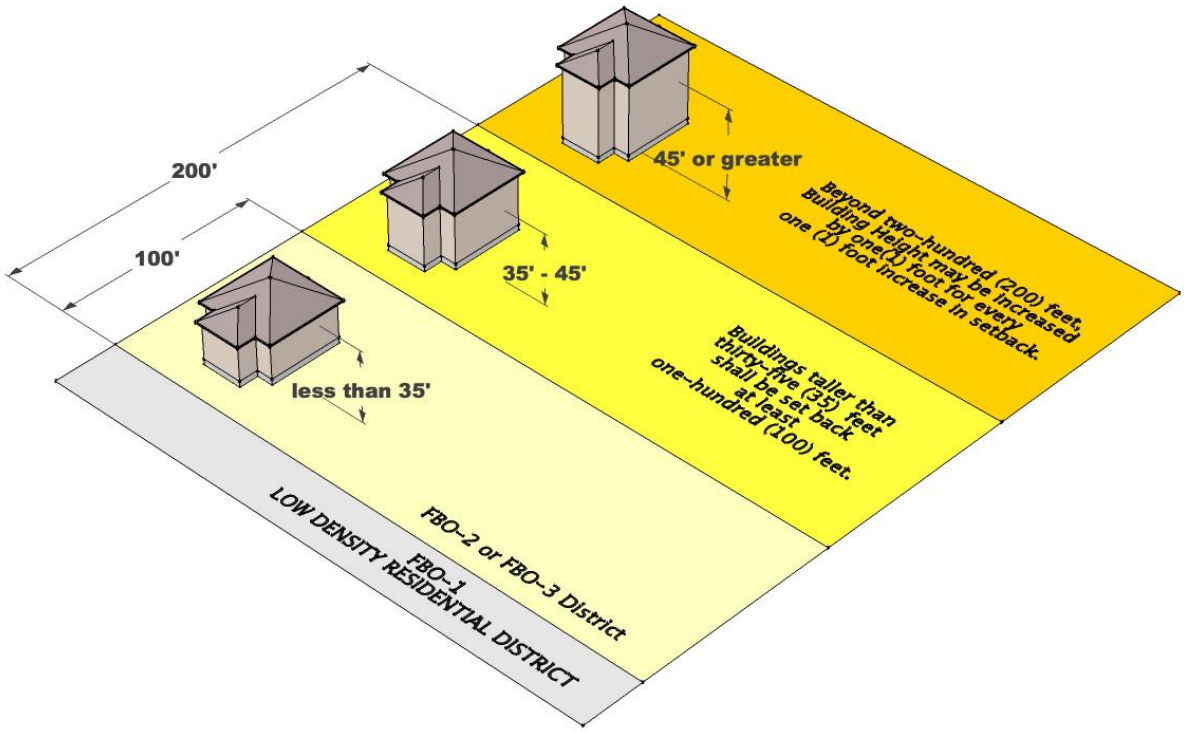


Figure 7.02.03.A: Setbacks for Buildings Taller Than 35 Feet



I. General Parking Requirements

All ***Uses*** shall provide on-site and overflow parking as required in section 4.05.00 and the ***City's*** Beach access parking mitigation requirements, except as modified by sections 7.02.03I and 7.02.03J. Parking shall be landscaped as required in section 4.06.04. The ***City*** finds that adequate parking is important for the economic success of commercial corridors. At the same time, excessive parking degrades the corridor's urban design and impedes the ***City's*** objectives for walkability and multi-modal transportation alternatives. Accommodating required parking on many properties will

be challenging due to small ***Lot*** sizes and the higher cost of structured parking. Dispersing parking off-site in a way that serves multiple properties provides a more efficient, cost-effective and sustainable way to serve the **FBO** districts' parking needs. For these reasons, the Front Beach overlay districts require that a certain percentage of parking be provided on-site, provide incentives for the ***Use*** of shared parking and establish a process to enable applicants to enter into parking partnerships that provide public benefits that offset the need to strictly comply with public parking policy.

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

1. **Minimum Parking Requirements.** All ***Uses*** shall provide ***Parking Spaces*** as required in section 4.05.02 (Parking), except where parking is shared as provided in section 7.02.03I.5 (Shared Parking) or where the developer participates in a parking partnership as provided in section 7.02.03I.6 (Parking Partnerships) of this section.

2. **Minimum On-site Parking.** Table 7.02.03.J establishes the minimum percentage of total parking requirements that must be provided on the same ***Parcel*** as the ***Use*** it serves, on a contiguous ***Parcel*** or on a ***Parcel*** that is on the opposite side of a ***Street***. For purposes of this requirement, parking will be determined to be on the opposite side of the ***Street*** if at least one-fourth of the ***Parking Lot*** or structure is included within an area that is directly opposite the ***Building*** or ***Use*** for which the parking is required. The remaining parking may be provided on-site, or provided off-site in accordance with paragraph 3 of this section, or by parking partnership in accordance with paragraph 6 of this section. For ***Uses*** not listed, the ***City Manager*** shall determine the percentage of parking required on-site by determining which ***Use*** in the table is most similar to the proposed ***Use***.

Table 7.02.03.J: Minimum On-Site Parking Requirements

Uses	Minimum Percentage of Required *Parking Spaces* Required On-Site
Residential	100%
Retail/Restaurant	70%
Office	80%
Lodging	90%
Entertainment	70%
Conference Centers	70%
Mixed ***Uses***	90%

3. **Location.** Parking, other than spaces provided on site in accordance with paragraph 2 of this section, shall be provided in any combination of the following locations approved by the ***City Manager:***

   (a) On another ***Lot*** or ***Parcel*** within five hundred (500) feet of the proposed ***Development***, as measured along the closest dedicated right-of-way or

pedestrian way from the front ***Building*** entry to the nearest point of the off-site ***Parking Lot*** or structure; or

(b) On another ***Lot*** or ***Parcel*** more than five hundred (500) feet but less than three-quarters of a mile from the proposed ***Development***, as measured along the closest dedicated right-of-way or pedestrian way from the front ***Building*** entry to the nearest point of the off-site ***Parking Lot*** or structure. Both the ***Development*** and the off-site parking facilities must be located within one hundred (100) feet of an existing transit facility. A "transit facility" includes a bus or tram shelter or multi-modal facility. The transit facility is "existing" if it is currently in existence, is under construction or is funded within the first two (2) years of the transit provider's Capital Improvements Program. If a ***Development*** relies on this section and the transit stop is closed through no fault of the property owner the owner can continue to rely on the parking.

(c) Within the public right-of-way along ***Local Streets*** interior to a subdivision as approved by the ***City***. No on-***Street*** parking shall be allowed on Front Beach Road, South Thomas Drive or Arnold Road.

(d) In a public ***Parking Lot*** through a parking partnership as provided in section 7.02.03I.6, below. One (1) space will be counted toward the minimum parking requirement for every public ***Parking Space*** for which the applicant provides via a parking partnership.

4. All off-site parking areas shall meet the following requirements:

(a) The off-site parking areas shall be connected to the ***Use*** they serve by a pedestrian connection meeting the requirements of sections 4.05.03 and 4.05.04, as applicable.

(b) The owner of the off-site parking area shall enter into a written agreement with the applicant that reserves the necessary spaces for the proposed ***Development***.

(c) The owner of the off-site parking area shall enter into a written agreement with the ***City*** that the off-site ***Parking Spaces*** shall not be disposed of except in conjunction with the sale of the ***Building*** with the parking area serves and that the off-site ***Parking Spaces*** will be reserved and maintained so long as they are required. The owner shall bear the expense of recording the agreement and shall agree that the agreement shall bind all heirs, successors and assigns.

5. **Shared Parking**. When a ***Parcel***, a single project or a block within a single project contains a mix of ***Uses***, the minimum parking requirement for the block may be reduced by up to the percentages shown in Table 7.02.03.K. When an applicant proposes a mix of three (3) or more ***Uses***, the ***City Manager*** shall consider the two dominant ***Uses*** and any supplemental studies provided by the applicant when determining the maximum percentage reduction for shared parking. For purposes of this section, ***Parcels*** under separate ownership shall

be considered a single project if permanent cross ***Access*** and the right to use shared parking is provided between parking areas on all abutting ***Lots***.

Table 7.02.03.K: Shared Parking Requirements

Uses	Maximum Percentage Reduction of Total Required *Parking Spaces*
Residential & Office	25%
Residential & Retail/Restaurant	10%
Office & Retail/Restaurant	25%
Lodging & ***Residential***	10%
Lodging & Office	20%
Lodging & Retail/Restaurant	10%

6. **Parking Partnerships.** The Planning Board may approve, at the time of ***New*** Development, ***Redevelopment*** or ***Change of Use***, the provision of a parking arrangement that does not strictly comply with standards for on-site or shared parking. The ability to ***Use*** a parking partnership is not a right, but may be approved as a condition by the Planning Board provided that such arrangement:

   (a) Is provided to the Board as evidence that the detriment resulting from the deviation from public policy is offset by the benefit of the parking provided by the arrangement;

   (b) Does not unreasonably burden vacant lands or existing ***Development*** which is not undergoing ***New Development***, ***Redevelopment*** or ***Change of Use***;

   (c) Provides for parking to be available concurrently with the issuance of a ***Certificate of Occupancy*** for the ***Use*** or ***Uses*** requiring the parking; and

   (d) Does not bar the subsequent lawful imposition of any assessment.

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

7. Bicycle Parking. Bicycle parking shall comply with the provisions of section 4.05.06 and shall be located so that the bicycle parking is within one hundred (100) feet of a public entry to the ***Building*** or ***Use*** it serves and that it does not interfere with pedestrian movement.

(Ord. # 1252, 12-13-12)

8. Motorcycle/scooter parking, reduction.

   (a) Motorcycle and scooter parking may substitute for required ***Parking Spaces*** for non-residential ***Uses***. Existing parking may be converted to take advantage of this provision.

   (b) Motorcycle and scooter parking may substitute for up to five (5) automobile spaces or five (5) percent of the required ***Parking Spaces***, whichever is less. For every four (4) motorcycle ***Parking Spaces*** provided, the automobile parking requirement may be reduced by one (1) space.

(c) Motorcycle and scooter ***Parking Spaces*** shall measure at least four (4) feet in width by eight (8) feet in length.

(d) Motorcycle and scooter ***Parking Spaces*** shall be identified or designated through the ***Use*** of signage or pavement markings.

9. Beach Parking
No ***New Development***, ***Redevelopment*** or ***Change of Use*** of any ***Premises*** located in whole or in part within an FBO district shall be permitted unless there is paid to the ***City*** an amount equal to six thousand five hundred ($6,500) for each fifty (50) linear feet or part thereof, of such ***Parcel*** which for all practical purposes is adjacent to the waters or the sand beach of the Gulf of Mexico.

J. Surface Parking Standards

1. Surface parking shall comply with the standards in sections 4.05.00 and 4.06.00, except as otherwise provided herein.

2. Surface parking areas located on-site shall be located in the rear ***Yard*** or in a ***Side Yard*** location provided that the ***Side Yard*** width does not exceed 100 feet or fifty (50) percent of the width of the ***Lot*** or ***Parcel***, whichever is less.

3. As shown in Figure 7.02.03.B-E, surface or garage parking for ***Single Family Residential*** lots along Front Beach Road shall be accessed from a side ***Street***, rear ***Street*** or ***Alley***, if available. Where side or rear ***Access*** is not available, garages and ***Parking Spaces*** shall be located behind the front of the ***Building*** in accordance with the figures.

4. Parking for lots with direct access to Front Beach Road, South Thomas Drive or Arnold Road shall be designed to enable drivers to enter and leave the lots in a forward gear. Figure 7.02.03.E shows sample ***Driveway*** configurations that enable compliance with this provision.

Figure 7.02.03.B: Illustration of Front Loaded Parking Condition

Figure 7.02.03.C: Illustration of Rear Loaded Parking Condition

Figure 7.02.03.D: *Parking Garage* Design with *Building* in Front

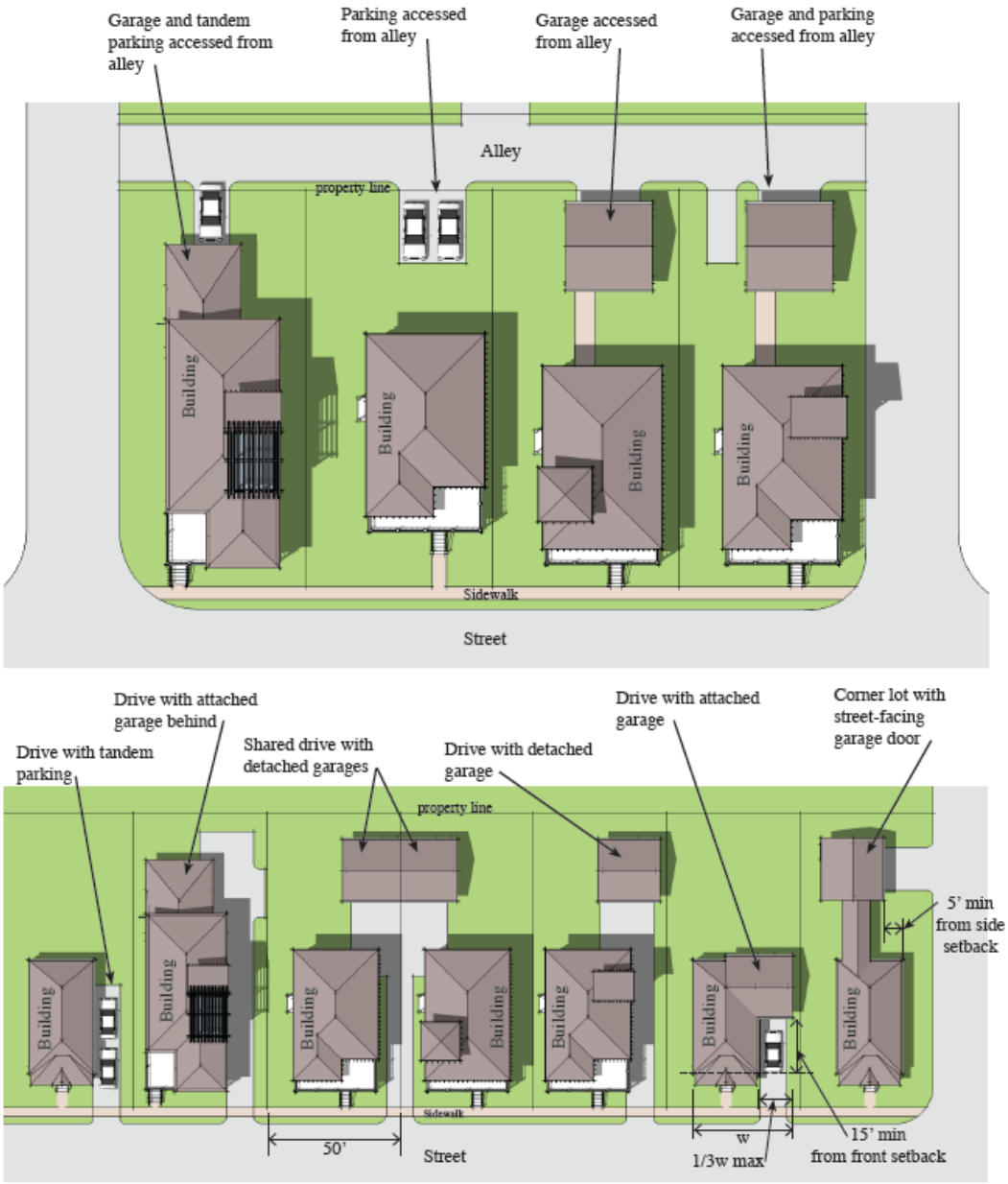


Figure 7.02.03.E: Additional Residential Parking Options

Note: Not To Scale

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

K. Parking Structures

Except as provided in this subsection, all ***Parking Structures*** shall meet the requirements of section 4.05.00.

1. **Location.** ***Parking Structures*** shall be located behind ***Buildings*** in the interior of blocks. ***Parking Structures*** that abut Front Beach Road, South Thomas Road or Arnold Streets shall provide a lining of retail, office or ***Residential Uses***, or window displays at the ***Street*** level along the entire ***Street Frontage***. These ***Uses*** shall include permitted ***Frontage***s as required by the applicable FBO district. ***Parking Structures*** are not allowed in the FBO-1 overlay district.

2. **Ground Floor *Building* Design.** ***Parking Structures*** shall have commercial ***Uses*** or window displays along the ground floor. However, one (1) ADA/State of Florida compliant pedestrian entrance to the ***Parking Structure*** may be located along each block. For purposes of the illustrations in this section, the primary ***Street*** shall be Front Beach Road, South Thomas Drive or Arnold Road.

   (a) When the ***Parking Structure*** includes a commercial ***Use*** lining the ***Building*** on the ***Street*** level, the retail or commercial liner shall provide a usable

depth of no less than 10 feet. At least seventy-five (75) percent of the ground floor wall area between two (2) Feet and seven (7) feet shall be ***Glazed*** and shall have a minimum transparency of seventy (70) percent. Figure 7.02.03.F through J illustrate these conditions.

Figure 7.02.03.F: Parking Garage Design with Building in Front

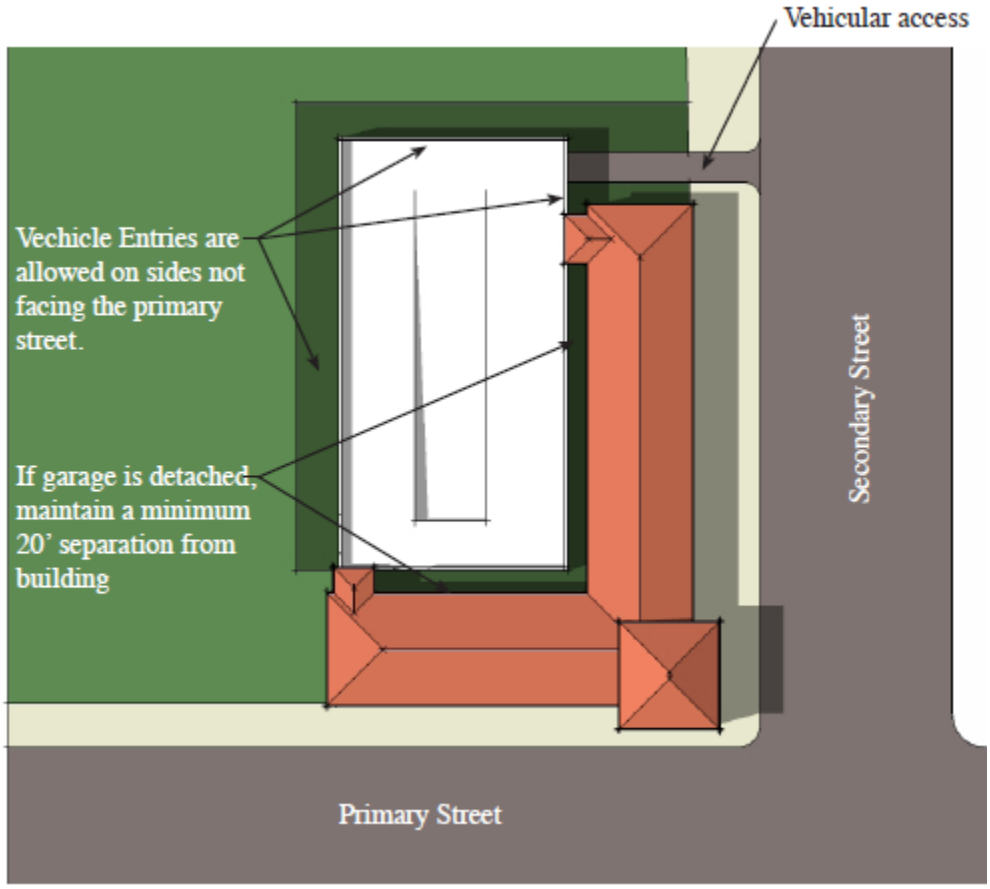


Figure 7.02.03.G: Building Design, Building in Front of Parking Garage

Figure 7.02.03.H: *Parking Garage* Design with Liner *Building*

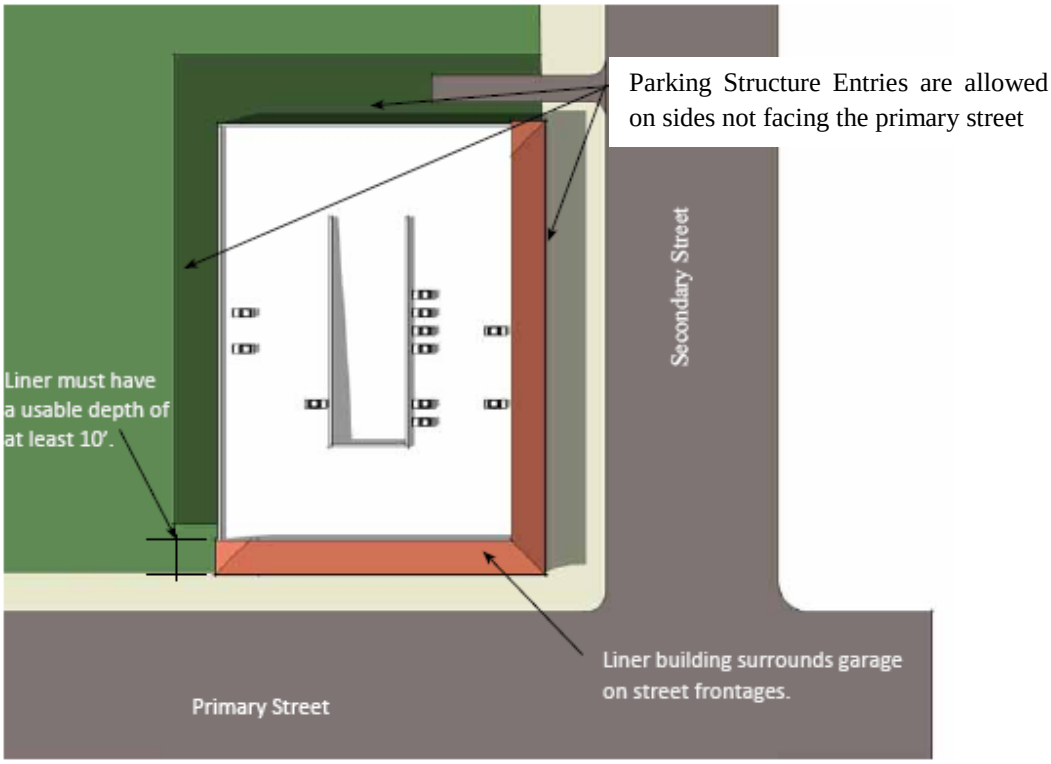


Figure 7.02.03.I: *Building* Design, Liner *Building*

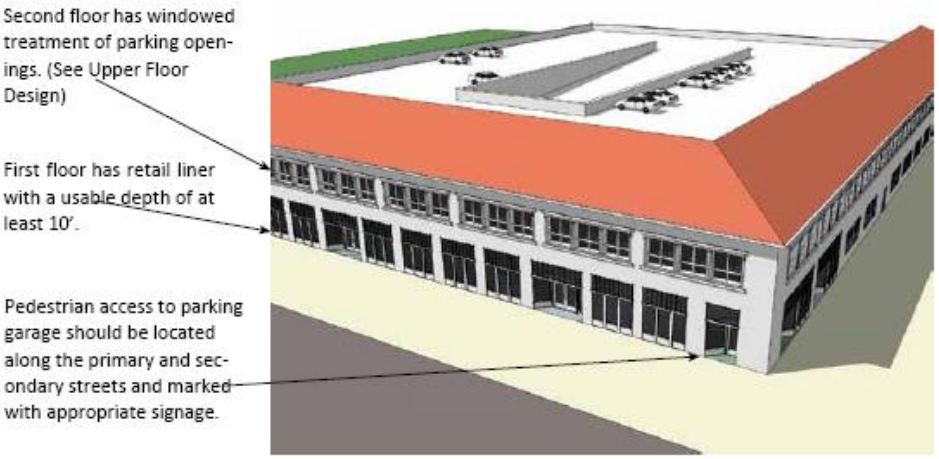


Figure 7.02.03.J: *Ground Floor* Design, *Liner Building*

(b) When the ***Parking Structure*** includes window displays lining the ***Building*** on the ***Street*** level, window displays shall provide a usable depth of no less than three feet. Blinds, curtains or glass with greater opacity may be used in display windows without active displays. At least fifty (50) percent of the ground floor wall area between two (2) feet and seven (7) feet shall be ***Glazed*** and shall have a minimum transparency of seventy (70) percent. Figure 7.02.03.K and L illustrate these conditions.

Figure 7.02.03.K: *Building* Design, Window Display

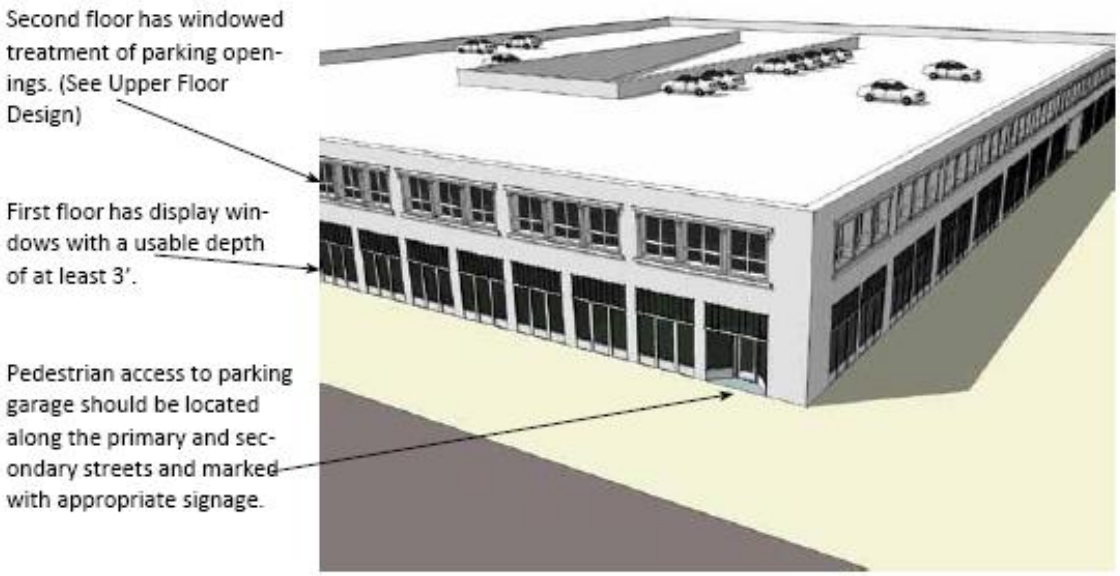


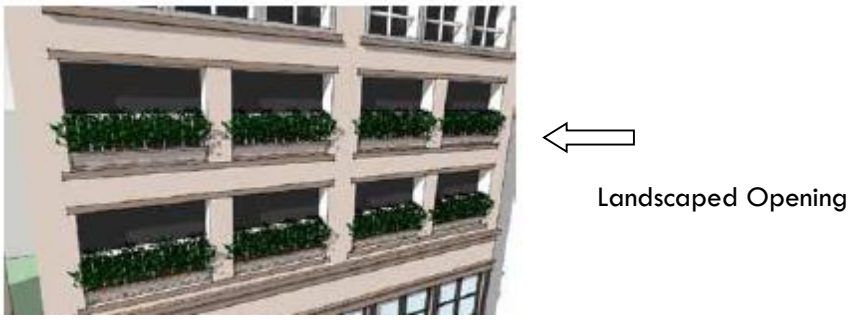
Figure 7.02.03.L: *Ground Floor* Design, Display Windows

(c) ***Parking Structures*** that provide a lining of retail or commercial ***Uses*** at the ***Street*** level shall be classified according to the requirements of section 7.02.03K. and meet the applicable regulations.

3. **Upper *Story* Design.** No less than sixty (60) percent of the upper ***Stories*** of any ***Parking Garage*** wall facing a public right-of-way shall consist of exposed openings. The opening shall be designed with one or more of the following treatments, shown below:

(a) Landscaped opening. Planter boxes shall be installed within or in front of the openings. Planter boxes shall be maintained with live plants. A lattice with a maximum of fifty (50) percent opacity may be installed to cover the opening. Figure 7.02.03.M illustrates this treatment.

Figure 7.02.03.M: Landscaped Opening

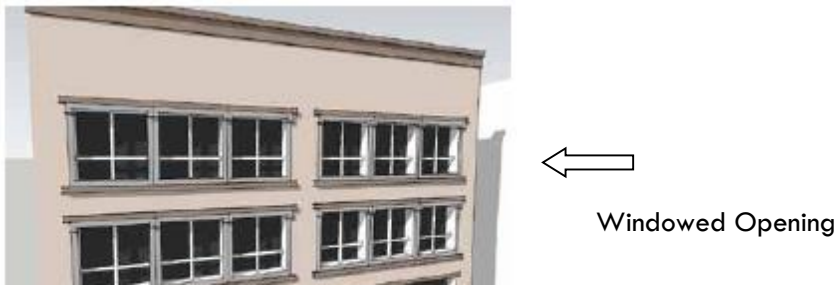


(b) Fenced opening. A rail shall be installed across the opening to give the appearance of a balcony. Figure 7.02.03.N illustrates this treatment.

Figure 7.02.03.N: Fenced Opening

(c) Windowed opening. The openings shall be framed and mullions added to give the appearance of large windows. Figure 7.02.03.O illustrates this treatment.

Figure 7.02.03.O: Windowed Opening



4. ***Building* design and materials.** ***Parking Structures*** shall comply with the ***Building*** design and ***Building*** material requirements of the applicable overlay district.

(Ord. # 1340, 4/9/15)

L. Drop-Offs

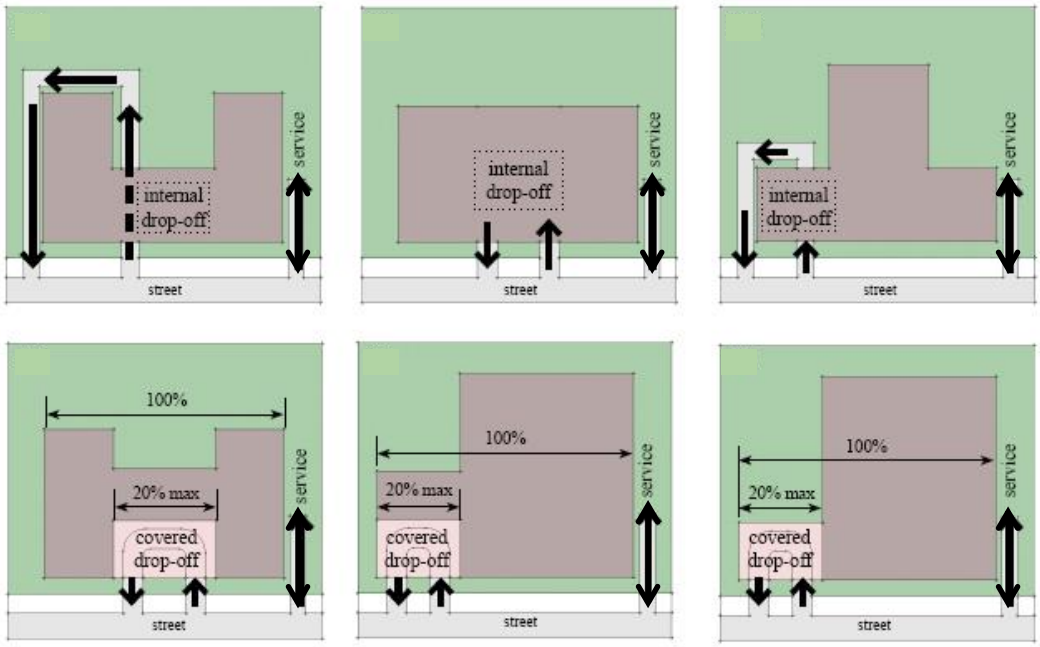
Driveways and ***Drop-offs*** not associated with a long-term parking area shall comply with the following standards and may use any of the applicable designs shown in Figure 7.02.03.P:

1. All ***Drop-offs*** shall be limited to one-way traffic.

2. While ***Drop-offs*** may be separated by a distance of twenty (20) feet or more, the combined width of internal drop internal ***Drop-Off*** openings may not exceed twenty (20) percent of ***Building*** width. Internal ***Drop-Off*** areas are defined as being covered by additional ***Story***(s) of the ***Building***.

3. Service bays are not allowed on the front of ***Buildings*** facing Front Beach Road, South Thomas Drive or Arnold Road. They may be internal to the ***Building***.

Figure 7.02.03.P: Drives and Drop-Off Design Alternatives



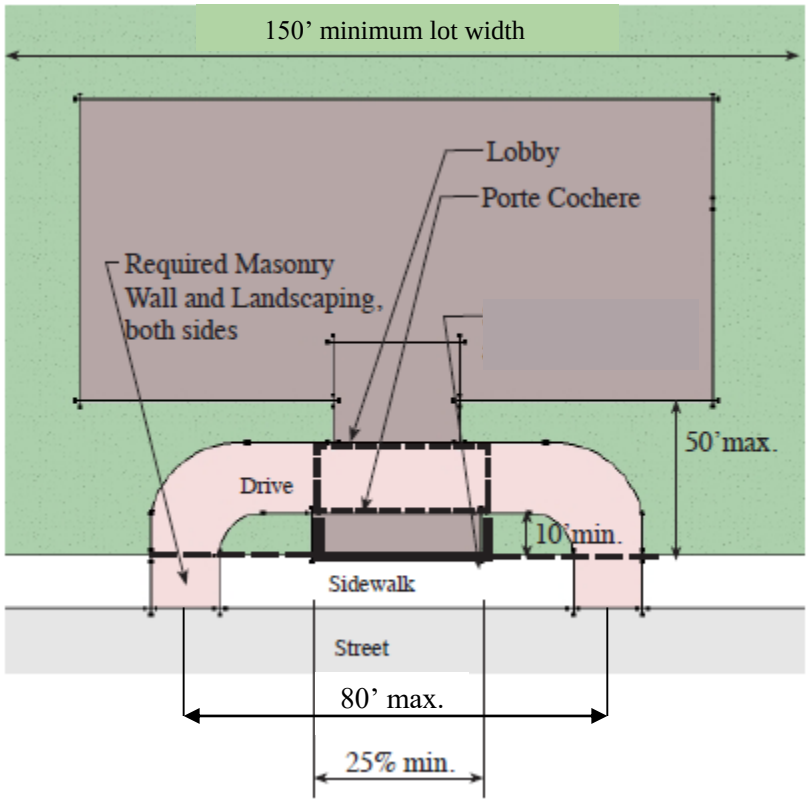
4. Covered ***Drop-Off*** areas or portes cochere may be established in the FBO-4 district in accordance with this paragraph and Figure 7.02.03.Q:

   (a) The minimum parcel width shall be one hundred fifty (150) feet;

   (b) The maximum distance between the centerlines of ***Driveways*** providing access to and from the porte cochere shall not exceed eighty (80) feet measured at the curb;

   (c) The covered ***Drop-Off*** areas shall not exceed twenty-five (25) percent the total width of the ***Building*** they front. Covered ***Drop-Off*** areas are defined as being covered by a ***Roof*** or balcony and not having any additional ***Stories*** above their footprint.

Figure 7.02.03.Q: Porte Cochere Design



M. Pedestrian *Crosswalks* and Crossovers

Crossovers shall comply with the standards established in section 4.05.04.

N. *Building* Design Standards

1. *Building* Materials.

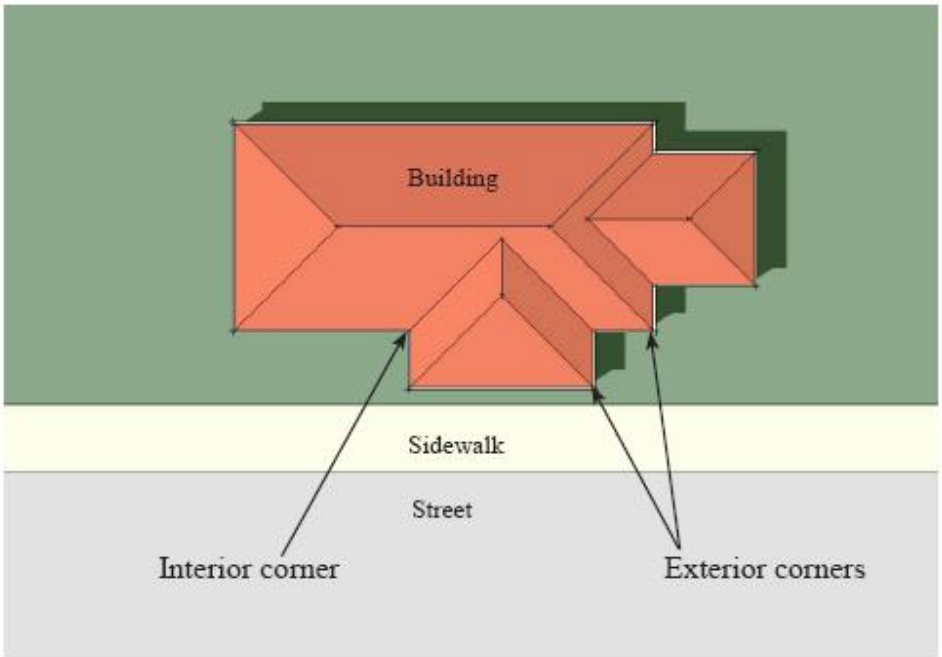
   (a) In the FBO-1 and FBO-2 districts, no more than two (2) materials shall be visible on any exterior façade, not including windows, doors, foundation walls, columns, chimneys, soffits and trim. If two wall materials are used, heavier-weighted materials shall be located below lighter-weighted materials, as defined in Table 7.02.03.L and separated by a horizontal joint. Vertical changes in material shall not occur within two (2) feet of an exterior corner. When possible, vertical changes in materials shall occur at interior corners (see Figure 7.02.03.R). Allowed materials include wood, stone, brick, stucco, architectural block (split faced), and cementitious materials.

Table 7.02.03.L: Exterior Materials by Weight

Heavy weight materials	Medium weight materials	Light weight materials
Brick	Stucco	Horizontal siding
Stone		Vertical siding
		Shingle siding

(b) ***Building*** exteriors in the FBO-3 and FBO-4 districts shall be clad in masonry materials only. Masonry materials include stone, brick or stucco. Cementitious materials that mimic wood lap siding are not an approved masonry material for any building that is more than three (3) stories in ***Height***. No more than two materials shall be visible on any exterior façade, not including windows, doors, foundation walls, soffit, columns and trim. If two wall materials are used, heavier-weighted materials shall be located below lighter-weighted materials, as defined in Table 7.02.03.L and separated by a horizontal joint. Changes in material along a horizontal plane shall not occur within two (2) feet of an exterior corner. When possible, these horizontal changes in materials shall occur at interior corners. (see Figure 7.02.03.R)

Figure 7.02.03.R: Interior and Exterior Corners



2. Front Porches and Stoops. (See Figure 7.02.03.S and Figure 7.02.03.T)

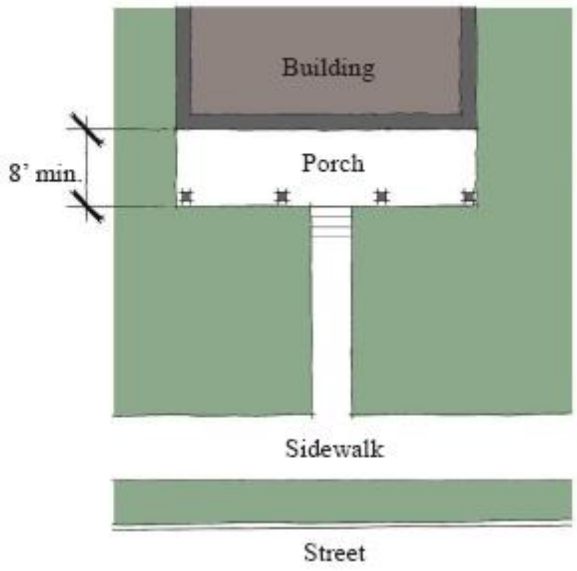
(a) Porches and stoops shall be raised a minimum of thirty (30) inches above the grade of the sidewalk.

(b) Front porches shall be a minimum of eight (8) feet deep. Porch beams shall be visible. Porch column width shall match the width of the porch

beams. To the greatest practical extent, columns and piers should be evenly spaced.

(c) Handicapped ramps used in conjunction with a front porch or stoop shall be constructed of masonry, concrete, pressure treated lumber or composite lumber, and shall not be located on a ***Street***-facing side of the porch.

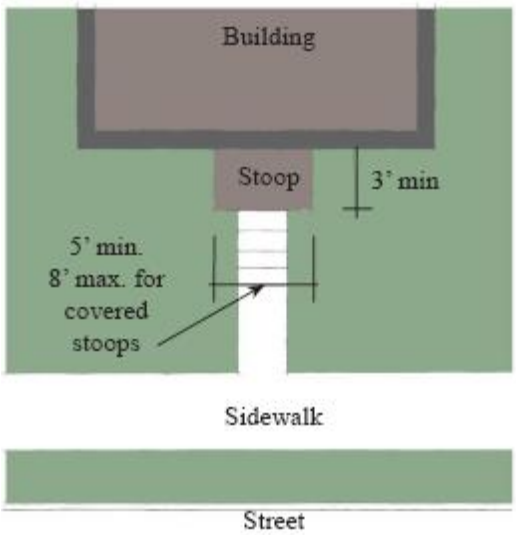
Figure 7.02.03.S: Porches



3. Stoops and covered stoops shall be constructed of stone, brick, concrete, pressure treated materials and composite materials, and shall be a minimum of three (3) feet deep and a minimum of five (5) feet wide. A covered stoop greater than eight (8) feet wide shall be considered a porch.

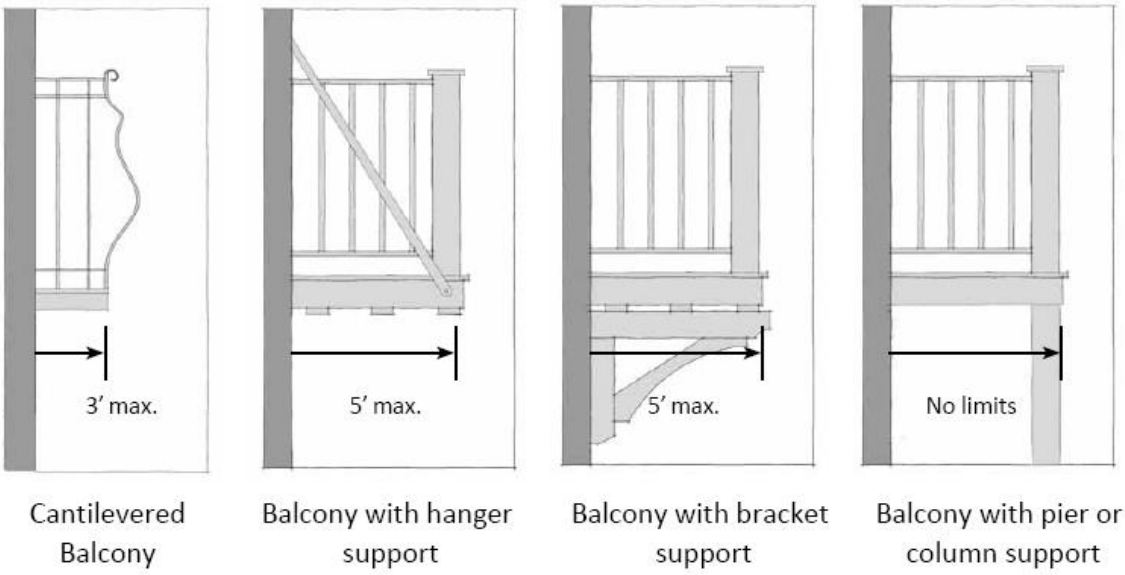
4. Covered stoops shall have a visible means of support for the ***Roof*** consisting of beams and columns, piers or brackets. Columns and piers shall have the same width and spacing requirements as columns and piers for porches. Stoops and covered stoops shall be accessed by stairs.

Figure 7.02.03.T: Stoops



5. **Balconies.** Balconies facing adjacent to and facing the sandy shore of the beach shall extend no further than three (3) feet beyond the ***Building*** wall without the *use* of brackets, hangers, piers or columns. Balconies extending from three (3) to five (5) feet from the ***Building*** wall shall incorporate the use of brackets, hangers, columns or piers as a visible means of support. A balcony extending beyond five (5) feet from the ***Building*** wall shall use walls, columns or piers as a visible means of support. (see Figure 7.02.03.U)

Figure 7.02.03.U: Balconies



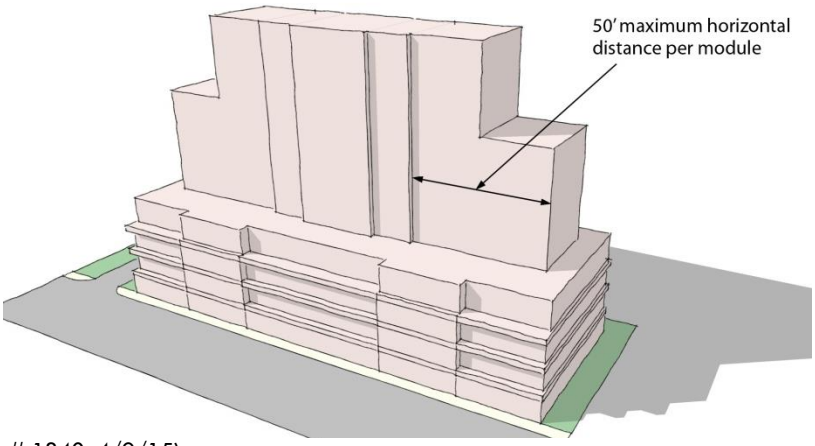
6. **Mechanical Unit Location.** Mechanical equipment shall not be located at the front of a ***Building.*** Mechanical equipment shall be located in areas that are screened from the public streetscape or public ***Access*** ways by the sides and

rears of ***Buildings*** or within mechanical areas inside the ***Buildings***. ***Roof***-top mechanical equipment shall be screened by a wall that is equal to the height of the equipment being screened.

7. **Utilities.** On-site utilities shall be screened or incorporated into building insets to the greatest practical extent.

8. **Modulation.** In the FB0-3 and FBO-4 districts, recesses and projections shall be used to create shadow lines to break up the massing of all ***Buildings*** taller than four (4) ***Stories*** that have more than seventy-five (75) feet of ***Frontage*** along Front Beach Road and South Thomas Drive for all ***Stories*** above the fourth ***Story***. The minimum depth of modulation shall be two (2) feet. The minimum horizontal width shall be five (5) feet and the maximum horizontal width per module shall be fifty (50) feet. (see Figure 7.02.03.V)

Figure 7.02.03.V: Modulation



(Ord. # 1340, 4/9/15)

O. Reserved

P. Large Site *Development*

1. Purpose. This subsection establishes standards for the ***Development*** of large sites located in one or more FBO districts to encourage ***Development*** that achieves the following objectives:

   (a) Improving connectivity between adjacent ***Developments*** and reducing reliance on Front Beach Road to carry all east-west traffic;

   (b) Accommodating parking on internal ***Local Streets***;

   (c) Supporting bicycling, walking and transit ***Use***;

   (d) Minimizing traffic speeds;

   (e) Maintaining a sense of enclosure along the ***Streets***;

   (f) Ensuring compatibility through design and gradual transitions in height and ***Development*** intensity;

(g) Promoting a compatible mix of ***Uses*** that results in greater internal trip capture; and

(h) Providing a variety of common areas and outdoor spaces within the ***Development***.

2. Applicability. This section 7.02.03P applies to any ***Parcel*** or combination of contiguous ***Parcels*** under ***Common Ownership or Control*** that encompass five (5) or more acres.

3. Procedures for Large Site Development. Applications for large site ***Development*** shall follow the procedures in section 7.02.03Q.1(b).

4. ***Street*** Types and Specifications. Front Beach Road, South Thomas Drive and Arnold Road ***Street*** design shall be consistent with the standards established by the CRA in the Front Beach Road Streetscape Design Guidelines Manual. Internal ***Streets*** on ***Parcels*** abutting Front Beach Road shall be designed and constructed to connect to adjacent properties unless the ***City*** finds that the benefits of improved traffic flow, emergency ***Access*** and public safety are outweighed by resulting environmental damage or neighborhood disruption. Internal ***Streets*** shall comply with section 4.04.04.

5. On-***Street*** Parking. ***Parking Spaces*** shall be provided on ***Streets*** that are internal to large developments.

Q. FBO District Development Procedures

1. Approvals Required. (see Table 7.02.03.M)

(a) Applications for ***Development*** approval within the FBO districts are processed in accordance with Chapter 10 of the ***LDC***, except as modified by this subsection.

(b) A Large Site Development (see section 7.02.03P) requires approval of a Master Plan that follows the Type V (Master Plan) review procedures established in Chapter 10.

(c) A ***Plat*** cannot be approved by the City Council until the Master Plan has been approved by the Planning Board through the Type V approval process. All ***Plats*** shall be consistent with the Master Plan.

(d) All other ***Development*** requires Type 1 approval.

Table 7.02.03.M: Summary of Approval Requirements

Development Category	Type I Process	Type II Process	Type V Process	Type VI Process
Large Site *Development* or Conditional *Use*, no *Subdivision*	✓		✓	
Large Site *Development* or Conditional *Use*, with *Subdivision*	✓	✓	✓	
All other Uses or Development	✓			
***Variance* requests**				✓

2. Concept Plan. This section does not require detailed engineering or ***Site Plan*** drawings as a prerequisite to approval required by the Planning Board. An applicant may provide a concept plan showing the general types and locations of proposed ***Development*** and ***Street*** layouts (such as a bubble plan) before submitting a formal Type I, II or V application. The ***Building*** and Planning Department and the Engineering Department may submit informal comments on the Concept Plan. However, any comments relating to the Concept Plan are for the applicant's convenience and do not have any binding effect on subsequent approvals.

3. Master Plan. Master Plan approval is subject to section 10.10.00 of the ***LDC***, except as provided below:

   (a) The provisions of section 10.10.01E and section 10.10.02C.2 do not apply to the approval of a Master Plan in the FBO Districts and alternative procedures and standards are provided below.

   (b) A property owner has the burden of proof to demonstrate that the Master Plan complies with the FBO district standards.

   (c) In lieu of section 10.10.02C.2, the applicant shall demonstrate:

      (1) For a Large Site ***Development***, that the proposed ***Development*** conforms to the standards established in section 7.02.03 in addition to all applicable requirements of this subsection; or

      (2) For a ***Conditional Use*** other than a Large Site ***Development***, that the proposed ***Development*** conforms to all applicable requirements of this subsection and the conditions established in section 5.06.00.

4. Changes to Master Plans. Changes to master plans may be authorized subject to the provisions of section 10.15.00.

5. Final Development Plan. After final approval of a Master Plan, the applicant shall submit a final development plan for Type I Review (see section

10.06.00). An approved final development plan is required before issuance of a ***Building Permit***.

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

6. Modification of FBO Standards

(a) Intent. The ***City*** desires to maintain the design integrity and functionality of the FBO district, while providing flexibility and the ability to provide quality ***Development*** on the relatively small ***Lots*** that characterize the Front Beach Road corridor.

(b) Categories of Standards. Table 7.02.03.N establishes three (3) categories of standards:

(1) **Not Modifiable.** Those regulations that cannot be modified or varied are considered essential to the concept of reducing the number and length of automobile trips and to achieve the purposes of the FBO districts.

(2) **Administrative Modifications.** Those regulations that can be modified by: (1) the ***Building*** and Planning Department if only a Type I approval is required or (2) by the agency with final approval authority if a Class II or Class V approval is required. The approving agency can modify any standard listed as subject to an administrative modification in Table 7.02.03.N by up to 10%, subject to the standards set out below. Any modification that exceeds this threshold requires a ***Variance***. In order for an application for an administrative modification to be approved or approved with conditions, the approving agency must make a positive finding, based on the evidence submitted, for each of the following:

i. The modification is needed due to the physical shape, configuration or topographical condition of the ***Lot*** and

ii. The modification is compatible with adjacent and nearby ***Development*** that conforms to the FBO district standards and

iii. The modification will not alter the essential character of the district or have a detrimental effect on the community health, safety or welfare.

(3) Those that can only be varied by the Planning Board through a Type VI process (see section 10.11.00). The applicant must demonstrate that the requested ***Variance*** meets the standards established in section 9.03.03 and must proffer an alternative condition that meets the purpose and intent of the FBO standards to the extent possible. If a standard is listed in Table 7.02.03.N, below as not modifiable or subject to an administrative modification, the standard is not subject to a ***Variance***.

Table 7.02.03.N: Standards

Standard	Reference (subsection of 7.02.03)	Not Modifiable	Ministerial Modification	Variance
Front Yards	G		✓	
Minimum Parking Requirements.	I		✓	
Shared Parking.	I	✓		
Parking Location	I			✓
Parking Lot Landscaping.	I		✓	
Parking Lot Design	I		✓	
Parking Mitigation	I	✓		
Parking Structure Location	K	✓		
Parking Structure Building Fronts	K	✓		
Parking Structure Building Materials	K	✓		
Parking Structures - Other Design Requirements	K			✓
Location of Frontage Types	F			✓
Front Setbacks (minimum)	F			✓
Front Setbacks (maximum)	F			✓
Side Setbacks (minimum)	F		✓	
Side Setbacks (maximum)	F			✓
Rear Setbacks (minimum)	F		✓	
Rear Setbacks (maximum)	F		✓	
Gallery Setback (maximum)	F		✓	
Build-to ratio (80% Building Facade shall be located at the front setback line for first 4 *Stories*)	F		✓	
Tower Rooms	F		✓	
Height in feet (maximum) and Building Stepbacks	H			✓
Podium Design	H		✓	
***Driveways* / Garages**	J			✓
Building Materials	N			✓
Modulation	N		✓	
Mechanical Unit Locations / Design	N		✓	
Porches / Balconies	N			✓
Drop-offs	L		✓	

(Ord. # 1340, 4/9/15)

7.02.04 Coastal High Hazard Area

A. The area included within the Coastal High Hazard Overlay District is that area shown in the Comprehensive Plan ***Coastal High Hazard Area*** Map.

B. Pursuant to the Comprehensive Plan-Future Land Use Element, the following ***Uses*** shall not be located within the Coastal High Hazard Overlay District:

1. Hospitals;
2. ***Nursing Homes*** or convalescent homes;
3. Institutional facilities and ***Licensed Facilities*** housing persons with limited mobility; and
4. Permanent ***Dwelling Units*** in excess of local emergency management capacity.

7.02.05 Lake Powell Overlay Zone

A. Applicability

(a) The provisions of this section apply to all land within 200 feet of the shoreline of Lake Powell.

(b) The shoreline of Lake Powell shall be determined by the mean high water line.

B. The site design requirements for the Lake Powell Overlay Zone are set forth below:

1. Notwithstanding the provisions of the zoning district, ***Land Uses*** within the Lake Powell Overlay Zone shall be limited to ***Single Family Dwellings.***
2. The maximum density shall not exceed two (2) units per acre.
3. The ***Impervious Surface*** ratio for ***Lots*** within the Lake Powell Overlay Zone shall not exceed forth (40) percent.
4. A minimum of twenty-five (25) percent of the surface area of each ***Lot*** shall contain ***Native Vegetation.***
5. Septic tanks are prohibited within the first 100 feet from the shoreline of Lake Powell.
6. Septic tanks may be prohibited in the area beyond 100 feet from the shoreline up to 200 feet from the shoreline where the ***City*** determines that the land is not suitable for septic tank locations due to topography, soil types or extent of groundwater. Such determinations shall be made on a case-by-case basis.
7. Septic tanks are prohibited within 100 feet from the wetlands jurisdictional boundary established by FDEP on tributaries to Lake Powell.

7.02.06 Naval Support Activity Panama City Military Influence Overlay District

A. Purpose

The Naval Support Activity Panama City Military Influence Overlay District (NSA-PC MIOD) is established to ensure that the continually changing missions of the local military installations are facilitated to the greatest extent possible. The City shall support the U.S. Navy in its operation of Naval Support Activity Panama City (NSA-PC) so that the facilities remain viable and able to fulfill their missions. The district and the three (3) Military Influence Areas are established to encourage compatible land use patterns, protect the public health, safety and general welfare, and help prevent encroachment from incompatible development.

B. Boundaries

The NSA-PC Military Influence Overlay District (NSA-PC MIOD): The NSA-PC Military Influence Overlay District which corresponds with the area located on Exhibit 16 of the Comprehensive Plan and as shown on the ***Zoning Map***. The NSA-PC MIOD includes the following Military Influence Areas as shown in the referenced exhibits of the Comprehensive Plan: The NSA-PC Land Use and Anti-Terrorism Force Protection Military Influence Area, depicted on Exhibit 17; the NSA-PC Land Use Water Interface Military Influence Area, depicted on Exhibit 18; and the NSA-PC Frequency Military Influence Area depicted on Exhibit 19.

C. Application Coordination

1. The ***City*** shall notify the commanding officer (or their appointed representatives) of NSA-PC of any proposed Comprehensive Plan amendments (map or text), amendments to this ***LDC*** or applications for ***Development Orders*** that are proposed in or affect any area found to be in the NSA-PC MIOD.

2. The ***City*** shall consider NSA-PC's input and concerns during its review of such planning, regulatory and development proposals. The ***City*** also shall assess the compatibility of any planning, regulatory and development proposal as provided in the following criteria:

   (a) Whether such proposal is compatible with the findings of the Naval Support Activity Panama City Joint Land Use Study, November 2009;

   (b) Whether the military installation's mission will be adversely affected by the proposal;

   (c) Whether such proposal creates any frequency interferences that are incompatible with the current mission of NSA-PC. To implement this provision, the City shall ensure that all future commercial and industrial development located inside the NSA-PC Frequency Military Influence Area shall register with the Planning Department and specifically describe any frequency spectrum that is generated or emitted by the proposal.

   (d) Whether such proposal is compatible with the NSA-PC water based activities. To implement this provision, the ***City*** shall ensure that all

applications for development orders, including docks, piers, boat slips, boat launches, and marinas located within the NSA-PC Land Use Water Interface Military Influence Area shall be submitted to the Planning Department to review for compliance with this provision.

(e) Whether such proposal is compatible with the mission of the NSA-PC based on the NSA-PC Land Use and Anti-Terrorism Force Protection Military Influence Area. A component of this Influence area is the West Microwave Tower Corridor. Within this corridor a 250-foot height limitation shall be enforced to prevent vertical obstructions and ensure noninterference with signal pathways and critical communication lines. Any building or structure, including chimneys; water, fire, radio, and television towers; smokestacks; flagpoles; and similar structures and their necessary mechanical appurtenances, such as elevator shafts, and ventilation equipment shall be limited to 250 feet in height.

3. Nothing herein shall be construed to limit the ability of NSA-PC to request a review of an application for a ***Development Order***, when such application may, in the opinion of NSA-PC, present a potential conflict in compatibility.

(Ord. # 1247, 12-13-12)

7.02.07 Breakfast Point Overlay District

A. Applicability. The provisions of this section shall apply to all property described upon attached Exhibit A.

B. Site Design Requirements. In addition to all other requirements of the Land Development Code, new development in the Breakfast Point Overlay District must meet the following lot and building requirements. In the event of an inconsistency between the provisions of this Section 7.02.07 and the other requirements of the LDC or the City of Panama City Beach Code of Ordinances, the provisions of this Section 7.02.07 shall control.

1. Notwithstanding the provisions of the zoning district, Land Uses within the Breakfast Point Overlay District shall be limited to Single Family Dwellings and Residential Community Accessory Uses.

2. Setbacks:

(a) Minimum Front Yard: ten (10) feet

(b) Minimum Rear Yard: ten (10) feet

(c) Minimum Side Yard for one-story structure: five (5) feet

(d) Minimum Side Yard for two-story structure: seven and a half (7.5) feet

(e) Minimum Side Yard Street: ten (10) feet

3. Definition of One-Story Structure. For purposes of this Section 7.02.07 only, a one-story Structure may include an accessory living space located within the Structure's attic, between the ceiling of the Structure's ground floor and its roof and between its rafters or trusses supporting its roof, provided, however,

(a) with regard to the Structure, (1) there is no vertical displacement of any exterior perimeter wall of the accessory living space; (2) there are no windows in the accessory living space overlooking an adjacent, residential lot (typically no side windows); (3) the roof pitch does not exceed a ratio of 12:12; and (4) no decking or other projection extends from any exterior wall of the accessory living space.

(b) with regard to the accessory living space, (1) it is a finished, air conditioned space; (2) it is accessible only by stairs on the Structure's interior; (3) it is not used for home occupations; and (4) it does not exceed 850 square feet.

(Ord. # 1272, 5-9-13; Ord. # 1340, 4/9/15)

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Chapter 8. Decision-Making and Administrative Bodies

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8.01.00 GENERALLY

The City Council has established the decision-making and administrative bodies identified in this chapter for the purpose of implementing the provisions of the ***LDC***.

8.02.00 ALL BOARDS

8.02.01 Attendance

Each Board member shall attend all meetings. The Board shall consider asking for the resignation of any member who has been absent for three (3) regular meetings during the period of twelve (12) consecutive months.

8.02.02 By-laws

A. Each Board may enact by-laws not inconsistent with this LDC to govern its operation and procedure, including, but not limited to:

1. The designation of officers other than the chairman. Each board shall elect a vice chairman for a term corresponding with the chairman's term, who shall serve in the absence of the chairman as the chairman;
2. The duties of officers;
3. Voting procedures;
4. Scheduling or calling and notice of regular and special meetings;
5. Order of business; and
6. Preparation of minutes.

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

B. In the event of any conflict between the provisions of the ***LDC*** and the by-laws, the provisions of the ***LDC*** shall control.

8.02.03 Parliamentary Authority

All meetings may, but shall not be required to be conducted in accordance with parliamentary procedure as set forth and explained in the latest revised edition of Robert's Rules of Order which shall serve as the guidelines for fair and efficient procedure. The secretary of each board shall be a full time employee of the ***City*** designated by the ***City Manager*** and who shall keep minutes, notices, correspondence and records of the board.

8.02.04 Qualifications, Removal and Vacancy

A. Each Board member shall be a resident and a qualified elector of the ***City***. Current members who reside outside the City limits may remain on the Board until they resign or are replaced.

B. Each Board member, except Planning Board members, serves at the pleasure of the City Council and may be removed at any time without cause.

C. ***Cause***: Any one or more of the following shall constitute sufficient cause for dismissal of any member of the Planning Board and shall be determined by majority vote of the City Council, after notice and opportunity for hearing given to that member:

1. Violation of state or federal law, excluding civil infractions;

2. Willful failure to perform the member's duties or responsibilities;

3. Failure to attend three Planning Board meetings per calendar year which are not excused by the Planning Board. The Chairman of the Planning Board shall report to the City Council the third unexcused absence in any calendar year and the Chairman's recommendation either that the member be removed for cause or that the Chairman makes no recommendation;

4. Violation of the Florida Code of Ethics for Public Officers (FS Chapter 112) applicable to a Planning Board member, which Code is incorporated herein by reference;

5. Giving any private party any unwarranted benefit, advantage or preference in the discharge of the member's official duties through partiality, evident bad faith or gross negligence;

6. Publicly misrepresenting the position of the Planning Board or the City or representing personal positions as positions of the Planning Board or the City; or

7. Engaging in conduct unbecoming a public official that damages the reputation or credibility of the Planning Board or the City, or failure to conduct himself or herself in a civil manner with respect to any matter within the purview of the Planning Board.

(Ord. # 1249, 12-13-12)

D. When any vacancy occurs, the City Council shall appoint a new member to serve the unexpired term of the member whose death, resignation, incapacity or removal creates the vacancy.

8.02.05 Quorum

For the purpose of transacting business at any meeting, a majority of the Board members shall constitute a quorum. Any action of the Board shall require the majority of the quorum.

8.03.00 PLANNING BOARD

8.03.01 Authority

The Planning Board, which was originally established pursuant to Ordinance No. 200A, adopted on July 28, 1977, as amended, is hereby confirmed and continued.

8.03.02 Membership and Terms

A. The Planning Board shall consist of seven (7) members who shall be appointed by the City Council and who shall be entitled to receive such compensation as the City Council may determine.

B. The members shall serve staggered terms of four (4) years each, with three (3) or four (4) new members appointed every two (2) years, alternatively.

C. The chairman of the Planning Board shall be appointed by the City Council annually.

D. When any vacancy occurs on the planning board, the City Council shall appoint a new member to serve the unexpired term of the member whose death, resignation or incapacity creates the vacancy.

E. Any member of the Planning Board may be removed by the City Council for good cause shown, but only upon request to the council of a majority of the members of the board. Any such request shall be made by an official letter from the planning board to the City Council, stating the facts of the case and requesting removal of the member for cause. Removal shall create a vacancy which shall be filled as provided in subsection D.

F. In addition to the foregoing members, the ***City Manager*** shall serve as an ex officio member of the Planning Board. He shall not be entitled to vote and shall not be included in the determination of a quorum.

G. In addition to the foregoing members, a representative of the Bay County School Board, a representative of Naval Support Activity Panama City and a representative of the Airport Authority for the Northwest Florida Beaches International Airport shall serve as an ex officio member of the Planning Board. He/she shall not be entitled to vote and shall not be included in the determination of a quorum.

H. All members of the Planning Board shall be residents and qualified electors of the ***City***.

(Code 17-19) (Ord. #1254, 11/14/13)

8.03.03 Roles and Responsibilities

The Planning Board shall have the following roles and responsibilities:

A. To hear, consider and make recommendations to the City Council regarding proposals for amendments to the Comprehensive Plan.

B. To hear, consider and make recommendations to the City Council regarding proposals for amendments to the ***LDC***.

C. To hear, consider and make recommendations to the City Council regarding proposals for amendments to the Official ***Zoning Map***.

D. To hear, consider and approve or deny applications for conditional ***Uses***.

E. To conduct public hearings and render decisions in compliance with the requirements of the ***LDC***.

F. To hear, consider and approve or deny applications for Master Plans of Planned Unit ***Developments*** and Traditional Neighborhood ***Developments*** or modifications thereof.

G. To hear, consider and recommend action on applications for annexation (or de-annexation) into (or out of) the City of Panama City Beach.

H. To review Large-Site Developments and certain variances from the FBO regulations as specified in Chapter 7.

I. To sit as the Tree Board for the City of Panama City Beach. The Tree Board shall have the following responsibilities:

1. To study, investigate, counsel and develop and update annually and administer a plan for the care, preservation, pruning, planting, re-planting, removal or disposition of trees and ***Shrubs*** in parks, ***City*** right-of-ways and in all other public areas. Such plan will be presented annually to the City Council and, upon approval and funding, shall constitute the official Comprehensive Tree Plan for the City of Panama City Beach, Florida.

2. To review the ***City's*** ordinances related to landscaping and tree protection and recommend to the City Council all necessary amendments. Such review shall occur by December of Each year.

J. To procure and suggest plans for the arrangement of the ***City*** with a view to its general improvements and probable future growth and demands. These plans are to take into consideration:

1. The extension of the ***City*** works into adjacent territory;

2. The improvements and changes in public utilities and lines of transportation by surface and water;

3. The location, widths and grades of ***Streets*** necessary for the best treatment of the ***City***;

4. The ***Development*** and improvement of waterfronts with seawalls and wharves;

5. The location and design of public ***Buildings***; municipal decoration and ornamentation;

6. ***Residential***, commercial and industrial ***Land Use*** and extensions thereof; and

7. The existing park, ***Recreation*** and boulevard systems and any such extensions thereof as may be deemed advisable.

K. (Code 17-18)To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination or interpretation made by the ***City Manager***, or his designee or the City Engineer, which is related to the *LDC*, excepting building codes and other matters within the jurisdiction of the Examining Board; and
(Ord No1241 9-13-12)

L. To authorize a ***Variance*** from a provision of the *LDC*.
(Ord No1241 9-13-12)

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Chapter 9. Variation from Code Requirements

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9.01.00 GENERALLY

The purpose of this chapter is to provide mechanisms for obtaining relief from the provisions of this ***LDC*** where hardship would otherwise occur. Two forms of hardship are addressed: (1) section 9.02.00 addresses hardship that would be caused if ***Non-Conforming Development*** were required to immediately come into compliance with this ***LDC***; and (2) section 9.03.00 addresses the hardship that may be caused in particular cases by the imposition of the ***Development*** design standards of this ***LDC***.

9.02.00 EXISTING NON-CONFORMING DEVELOPMENT

9.02.01 Continuation of Non-Conforming Development

A. Subject to section 9.02.02, ***Non-Conforming Development*** may remain in ***Use*** and in place in its nonconforming state, if such ***Development*** is otherwise lawful and in existence on the date of enactment or subsequent amendment of this ***LDC***. Notwithstanding the forgoing, ***Motor Scooter Rental Uses*** are subject to the limitations upon the number of ***Scooters*** at each location set forth in sub-section D of this Section.

(Ord. # 1304, 3/27/14; Ord. #1351, 11/12/15)

B. Nothing in this chapter shall be construed to prevent the ordinary and routine maintenance and repair of nonconforming structures. A non-conforming structure may be issued a roofing permit, regardless of the other provisions of this section.

C. Where an existing ***Use*** is located in conformity with this ***LDC*** (or similar, preceding law), the subsequent establishment of a neighboring ***Use***, which due to distance limitations would make the pre-existing use non-conforming, shall not cause the prior ***Use*** to be in violation of this ***LDC***. Such ***Use*** shall not become a non-conforming ***Use*** but shall continue as if a lawful, conforming ***Use*** except that the ***Use*** shall be brought into full compliance with the ***Use*** regulations in this ***LDC*** upon discontinuance of occupancy and/or ***Use*** of the ***Development*** for a period of more than 180 days in any 365-day period.

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

D. Any location with eighty (80) ***Scooters*** or fewer offered for rental consistently during the summer of 2015 shall be limited to offering a maximum of sixty (60) ***Scooters.*** Any other ***Scooter*** rental location shall be limited to the following maximum number of rental ***Scooters***:

- Immediately: Seventy-five percent (75%) of the number of ***Scooters*** consistently offered for rent at that location during the summer of 2015.
- After September 5, 2016: Fifty percent (50%) of the number of ***Scooters*** consistently offered for rent at that location during the summer of 2015.
- After September 5, 2017: Sixty (60) ***Scooters***.

The City shall prepare and issue for each ***Non-Conforming Use Scooter Rental*** location a number of medallions unique to that location and each ***Scooter*** available for rent at a ***Non-Conforming Use*** must have one of those medallions affixed to it. Excess medallions must be returned to the City on or before September 5, 2016, and September 5, 2017. Medallions may be used only at the location for which issued.

(Ord. #1351, 11/12/15)

9.02.02 Expansion, Enlargement or Modification of *Non-Conforming Development or Uses*

Non-conforming Development or the use thereof shall not be expanded, enlarged or modified, unless:

A. The expansion, enlargement or modification reduces the extent and burden of the nonconformity; or

B. The expansion, enlargement or modification meets each of the following criteria and is, therefore, deemed to be de minimis:

1. The expansion, enlargement or modification does not increase the economic value by more than ten (10) percent of the full ***Assessed Value*** of the site on which the ***Non-Conforming Development*** is located ("Subject Site");

2. The expansion, enlargement or modification would not adversely affect the properties surrounding the Subject Site;

3. The expansion, enlargement or modification would not degrade any level of service below the level established for the Subject Site by the Comprehensive Plan;

4. The expansion, enlargement or modification would not materially increase pedestrian or vehicular traffic to or from the Subject Site; and

5. A Local Development Order has been issued finding that the expansion, enlargement or modification complies with the criteria in this section and that the ***Non-Conforming Development*** status of the property or ***Use*** has not been Terminated under any of the provisions of Section 9.02.03; and

6. Enforcement of the prohibition against expansion, enlargement or modification would either:

(a) Impose an undue hardship upon the owner of the Subject Site and the undue hardship is not shared generally by others similarly situated; or

(b) Fail to serve the useful purpose of ultimately eliminating, or at least not increasing, the burden imposed upon the policies and priorities of this LDC by the subject non-conformance.

(Ord. #1254, 11/14/13, Ord. # 1304, 3/27/14)

9.02.03 Termination of Non-Conforming Development

Non-conforming Development shall be brought into full compliance with the ***Use*** regulations and the ***Development*** design and improvement standards in this ***LDC***, in conjunction with the following:

A. The discontinuance of occupancy and/or ***Use*** of a ***Non-Conforming Development*** or ***Use*** for a period of more than 180 days in any 365-day period;

(Ord. # 1304, 3/27/14)

B. Expansion, enlargement or modification of the ***Non-Conforming Development*** other than that set forth in section 9.02.02 and other than the conversion of a flat roof to a new pitched roof (gable or hip with at least a 4:12 pitch) which roof otherwise complies with the roof requirements of this code;

C. The amount of land devoted, in whole or in part, to the ***Non-Conforming Development*** is increased; or

D. Reconstruction of the ***Principal Structure*** after the structure has been substantially destroyed by any means, whether voluntarily or involuntarily. A structure is "substantially destroyed" if the cost of reconstruction exceeds sixty (60) percent of the structure's ***Assessed Value***. If there are multiple ***Principal Structures*** on a site, the cost of reconstruction shall be compared to the combined ***Assessed Value*** of all ***Principal Structure***s. A ***Non-Conforming Single Family Residence*** may be rebuilt provided the new building footprint is contained within the previously existing building footprint.

9.02.04 Substandard Subdivision Lots

A ***Building Permit*** for a ***Single Family Dwelling*** shall be issued for a ***Substandard Subdivision Lot*** provided all of the following conditions are met:

A. The ***Lot*** was not a ***Substandard Subdivision Lot*** under the Zoning Ordinance, if any, in effect at the time the ***Subdivision Plat*** establishing it was duly approved and recorded;

B. All applicable Site Design and ***Development*** Standards (other than those making the ***Lot*** a ***Substandard Subdivision Lot***), other requirements and standards in this ***LDC*** and other requirements and standards of law are satisfied; and

C. If the ***Lot*** was part of a larger ***Parcel*** and ***Building*** site, neither its owner nor any predecessor in title to its owner conveyed or otherwise disposed of the right to incorporate any land adjoining the ***Lot*** into the ***Parcel*** and ***Building*** site subsequent to the adoption of this ***LDC***.

9.03.00 VARIANCES

9.03.01 Generally

The Planning Board may authorize a ***Variance*** from the site and ***Building*** design or ***Development*** standards set forth in the ***LDC*** (except where expressly prohibited) where the Board has determined that the requirements of this subsection have been met. The Planning Board may not authorize a ***Variance*** from any standard, requirement or provision of the ***Sign Code*** except that the Board may authorize a ***Variance*** from the setback requirements for a ***Sign*** where the Board has determined that the requirements of this subsection have been met.

9.03.02 Procedure

A. Applications

1. An application for a ***Variance*** shall include the submittals required in Chapter 10.

2. The application for a ***Variance*** shall include a statement explaining how the ***Variance*** request conforms to the requirements listed in section 9.03.00.

B. Review of Applications

An application for a ***Variance*** shall be reviewed pursuant to the applicable procedures set forth in Chapter 10.

9.03.03 Required Findings

A. In order for an application for a ***Variance*** to be approved or approved with conditions, the Planning Board must make a positive finding, based on the evidence submitted, with regard to each of the following provisions:

1. There is a specific hardship affecting the ***Development*** of the ***Lot*** resulting from the strict application of the provisions of the ***LDC***;

2. The hardship is not a result of actions of the owner and is not based solely on a desire to reduce ***Development*** costs;

3. The need for the proposed ***Variance*** is due to the physical shape, configuration or topographical condition of the ***Lot*** in such a manner as to distinguish it from other adjacent or nearby ***Lots*** or from other ***Lots*** in the district;

4. The proposed ***Variance*** is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby ***Lots*** or other ***Lots*** in the district;

5. The proposed ***Variance*** will not substantially increase congestion on surrounding ***Streets***, will not increase the danger of fire or other hazard and will not otherwise be detrimental to the health, safety or general welfare of the public;

6. The proposed ***Variance*** will be compatible with adjacent and nearby ***Development*** and will not alter the essential character of the district;

7. The effect of the proposed ***Variance*** is consistent with the purposes of the ***LDC***; and

8. The effect of the proposed ***Variance*** is consistent with the Comprehensive Plan.

B. The applicant for a ***Variance*** has the burden of proof of demonstrating that the application for a ***Variance*** complies with each of the requirements of section 9.03.03A.

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

9.03.04 Restricted or Conditional *Variance* and Termination

A. The Planning Board may impose such conditions and restrictions as may be necessary to allow a positive finding for any of the factors listed in section 9.03.03A.5 and 6.

B. After written notice of violation and reasonable opportunity to cure has been given to the property owner, the ***City Manager*** shall terminate a restricted or conditional ***Variance*** for a violation of the restriction or condition imposed that materially negated the related positive finding. This can be done at any point in time after expiration of the time to cure.

9.03.05 Limitation on Time to *Use Variance*

Any ***Variance*** authorized by the Planning Board and not used and acted upon in a real and substantial way by the applicant or the applicant's successor in interest within one (1) year from the date on which the decision of the Planning Board is reduced to a written order or if appealed the date on which the order becomes final, shall be deemed ***Abandoned*** and be void and of no further force and effect.

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Chapter 10. Application, Review and Decision-Making Procedures

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10.01.00 GENERALLY

10.01.01 Purpose and Intent

This chapter sets forth the procedures for receiving, reviewing and rendering decisions on applications for ***Development*** approval, through ***Local Development Orders***, ***Building Permits***, amendments to this ***LDC*** and amendments to ***Local Development Orders*** and for appealing such decisions. It is the ***City's*** intent that the procedures set forth in this chapter shall be followed in order to seek approval for any ***Development***.

10.01.02 Local Development Orders and Building Permits Required

A. A ***Local Development Order*** shall be issued to indicate approval of any ***Site Plan***, ***Subdivision Plat***, ***Variance***, ***Rezoning***, or expansion, enlargement or modification of ***Non-Conforming Development*** or ***Use***.

B. Except as provided in section 10.01.03 or 10.01.05, a valid and current ***Local Development Order*** shall be required prior to the issuance of any ***Building Permit*** to authorize ***Development*** or a ***Change of Use***.

C. No ***Development*** or ***Change of Use*** shall be made or continued without a lawful ***Building Permit***.

(Ord. # 1304, 3/27/14)

10.01.03 Applicability to *Development* and Exceptions

A. The applicability of the provisions of the ***LDC*** to ***Development*** and exemptions from those provisions are set forth in Chapter 1. In addition, the following proposed ***Development***, if otherwise qualified, may obtain a ***Building Permit*** without a ***Local Development Order***:

1. The construction of a ***Single Family Dwelling*** or a duplex within a district designated for ***Residential Use***.

2. The construction of ***Accessory Structures*** within a district designated for ***Residential Use***.

3. Modifications to the interior of a legal conforming structure, when such modifications are not associated with a change in ***Use***.

4. Modifications to the façade of a legal conforming structure, when such structure is not in a designated historical district.

5. Expansion of a legal conforming non-residential structure by less than 300 square feet.

6. Any ***Residential Development*** for which a ***Site Plan*** is not required.

B. Nothing herein shall exempt the foregoing from any requirement of obtaining a ***Building Permit***.

10.01.04 Expiration of Local Development Orders and Building Permits

A. A ***Local Development Order*** shall expire automatically after six (6) months of issuance unless a longer period of time is specifically provided in the ***Local Development Order*** or ***Building Permit***.

B. Prior to its expiration, a ***Local Development Order*** or ***Building Permit*** shall be extended once for an additional three (3) months, provided that:

1. A written request for such an extension is provided to the ***Building*** and Planning Department prior to the ***Local Development Order's*** expiration date; and

2. Payment of the extension fee is submitted with the written request.

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

10.01.05 Applicability to a *Change of Use* and Exceptions

A. The applicability of the provisions of the ***LDC*** to a ***Change of Use*** and exemptions from those provisions, are set forth in Chapter 1. In addition, a proposed ***Use*** meeting all of the following conditions and being otherwise qualified may obtain a ***Building Permit*** without a ***Local Development Order***.

1. The proposed ***Use*** conforms to the requirements of the Comprehensive Plan and this ***LDC***;

2. The proposed ***Use*** does not increase density;

3. Any proposed modifications to an existing ***Building*** are only to the façade or interior of the ***Building***;

4. The proposed ***Use*** does not require a greater number of ***Parking Spaces*** than the existing ***Use***;

5. The proposed ***Use*** does not require a greater number of ***Parking Spaces*** than are currently available on the site.

6. The proposed ***Use*** does not increase the amount of ***Impervious Surface***, whether due to expansion of an existing ***Building***, proposed construction of additional ***Buildings*** or an addition to paved areas for any purpose; and

7. All required ***Building Permits*** are obtained.

B. When a ***Local Development Order*** is required due to a proposed ***Change of Use***, all standards and procedures of the Comprehensive Plan and this ***LDC*** shall apply to the proposed new ***Use***.

10.01.06 Fees Required

A fee shall be paid with the filing of all applications for ***Local Development Orders*** and ***Building Permits*** and for administrative appeals, in the amount specified in the current fee schedule employed by the Planning and ***Building*** Department and

Engineering Department, as amended from time to time by resolution of the City Council.

10.01.07 Fees for Independent Review of Applications

The ***City*** is authorized to enter into a contract with persons who have expertise necessary for the review of an application or a specific technical aspect of an application. The costs of such review shall be paid by the applicant, in accordance with a fee schedule adopted and amended from time to time by resolution of the City Council.

10.01.08 Certificate of Occupancy

A. A ***Certificate of Occupancy*** is the only demonstration that the ***Use*** and occupancy of land or ***Buildings*** conform to the requirements of this ***LDC***. A ***Certificate of Occupancy*** shall be received by the property owner prior to the ***Use*** or occupancy of land or ***Buildings***.

B. When a ***Change of Use*** occurs, as set forth in section 10.01.05, a new ***Certificate of Occupancy*** shall be required. This section shall not be construed to apply to the transfer of ownership or the change of occupants, except as provided in section 10.01.05.

10.01.09 Computation of Time

Weekends and ***City*** holidays shall be excluded in the computation of any period of time of less than seven (7) days specified in this Chapter.

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

10.02.00 APPLICATION REQUIREMENTS

10.02.01 Submittal Requirements for All Applications

A. Submittal requirements necessarily contemplate a wide variety of circumstances and it is understood that some information may be unnecessarily burdensome to produce. The City Manager may alter submittal requirements on a case by case basis for good cause shown, to tailor the application to the specific request being made, provided that the alteration will not materially affect the ability to evaluate compliance with the LDC. Unless waived by the ***City Manager***, each application shall contain the following information:

1. A completed form provided by the Building and Planning Department;

2. Name, address, telephone number, facsimile number, email address and signature of the property owners;

3. When the applicant is a representative of the property owner, a statement acknowledged by the owners before a notary public authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures;

4. A sketch obtained no more than two (2) years prior to the filing of the application, containing the legal description, land area and existing improvements located on the site;

5. Written documentation that the property owner, has or will comply with all applicable notice requirements of this LDC; and

6. Payment of the required application fee.

B. The ***City Manager*** may waive any submittal requirement that the ***City Manager*** determines to be unnecessary for a particular application.

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

10.02.02 Basic Submittal Requirements for *Lot Splits*, *Site Plans*, *Subdivision Plats*, PUD Master Plans, PUD Final *Development* Plans, TNOD Master Plans, TNOD Final *Development* Plans, *Telecommunications Towers*, Telecommunications *Antennas* and Conditional *Uses*.

A. Each application for a ***Lot Split, Site Plan, Subdivision Plat, PUD*** Master Plan, ***PUD*** Final ***Development*** Plan, ***Telecommunications Tower***, Telecommunication ***Antenna*** or Conditional ***Use*** shall contain the following information:

1. All information required pursuant to section 10.02.01;

2. Name, address, telephone number and facsimile number of the plan or ***Plat*** preparer;

3. Date of preparation and date(s) of any modifications, north arrow and written and graphic scale;

4. Legal description of the property, consistent with the survey, if a survey is required;

5. A vicinity map showing the location of the property;

6. Future Land Use Map designation for the property;

7. Zoning designation for the property;

8. Additional plans, documents and reports as deemed necessary by the ***City Manager***; and

9. Information required for the specific type of application, as specified in sections 10.02.03 through 10.02.07, as applicable.

B. All ***Site Plans, Plats*** and sketches of a ***Lot Split*** shall be drawn to a scale approved by the City Manager.

(Ord. # 1253, 12-13-12)

10.02.03 Additional Submittal Requirements for *Site Plans*

Each application for a ***Site Plan*** shall contain the following information:

A. All information required pursuant to section 10.02.02.

B. Location and ***Use*** of any existing and proposed, principal or ***Accessory Buildings*** and structures, including ***Setbacks***, required ***Yards***, ***Building Height***s and other dimensional requirements of the ***LDC***.

C. Pedestrian ***Access*** Plan showing the proposed vehicular ***Access*** points, ***Driveway*** design, on-site parking, internal circulation, ***Crosswalk*** or ***Pedestrian Crossover*** and sidewalks.

D. Location of utilities, utility service and easements.

E. Topographic survey, soil report and a grading, drainage and erosion control plan.

F. Proposed buffer and landscaping plan.

G. Location of significant natural features and habitats.

H. Habitat Management Plan and wetlands (for those areas identified in the Comprehensive Plan).

I. Delineation of proposed phases.

J. Summary block containing:

(a) Total acreage;

(b) Total square footage;

(c) Impervious area calculation;

(d) Floor area ratio;

(e) Total number of ***Parking Spaces***, required and provided; and

(f) Total number of ***Dwellings***/rooms.

K. Infrastructure impact reports, if required by this LDC.

L. Stormwater Management Plan which meets the requirements of Chapter 3 of this LDC.

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

10.02.04 Additional Submittal Requirements for *Subdivision Plats* and Lot Splits

A. Each application for a preliminary or final ***Subdivision Plat*** shall contain all of the following information.

1. All information required pursuant to section 10.02.02.

2. *Development* specifications: area of the tract, proposed number and layout of ***Lots*** and blocks, location, names and widths of proposed roadways and easements.

3. Location of land to be dedicated or reserved for *Public Use* for rights-of-way, easements, schools, ***Open Spaces*** or other ***Public Uses***.

4. Locations of utilities, utility service and connections.

5. Location of all ***Protected Trees*** pursuant to section 4.06.06.

6. Topographic survey, soil report and a grading, drainage and erosion control plan.

7. Location of significant natural features and habitats.

8. Environmental impact report.

9. When required elsewhere by this ***LDC***, infrastructure impact reports.

10. Stormwater Management Plan which meets the requirements of Chapter 3 of the ***LDC***.

11. A boundary survey of the subject property obtained, prepared under the responsible direction and supervision of a profession surveyor and mapper, and prepared not later than two years prior to submittal of the application.

12. A title opinion of an attorney at law licensed in Florida or a certification by a title company licensed in Florida to issue title insurance, demonstrating that all parties with an interest of record in the subject property have appropriately joined in the dedication of the ***Plat***. The opinion or certification shall be made by reference to the legal description shown on the plat and submitted pursuant to the application, and shall be dated, or updated, no less than 60 days prior to final approval of the ***Plat***.

13. If the ***Plat*** dedicates or otherwise proposes any improvements or utility facilities designated or intended for ***Public Use***, then either (i) evidence that the construction of those items has been completed, that they are not encumbered and that they have been approved by the City Engineer, or (ii) a fully executed performance agreement and security therefor satisfying the requirements of section 10.19.04.

(Ord. # 1308, 3/27/14)

B. Each application for a ***Lot Split*** shall contain all of the following information, unless determined by the ***City Manager*** to be inapplicable or an undue hardship based upon circumstances unique to the particular *Lot* in question:

1. All information required pursuant to section 10.02.02.

2. Development specifications: area of the tract, proposed number and layout of Lots and blocks, location, names and widths of proposed roadways and easements.

3. Location of land to be dedicated or reserved for ***Public Use*** for rights-of-way, easements, schools, ***Open Spaces*** or other ***Public Uses***.

4. Locations of utilities, utility service and connections.

5. Location of all Protected Trees pursuant to section 4.06.06.

6. Stormwater Management Plan which meets the requirements of Chapter 3 of the ***LDC***.

7. A sketch to scale of the described *Lots*, *Parcels*, tracts, etc., showing the assessor's property identification numbers for contiguous parcels, the metes and bounds along the property lines, and the approximate locations of rights of way and easements located within or abutting said lots, parcels, tracts, etc. The sketch shall have been obtained no more than thirty (30) days prior to the filing of the application.

(Ord. # 1253, 12-13-12)

10.02.05 Additional Submittal Requirements for Large Site Development, TNOD and PUD Master Plans

Each application for a large site development, ***TNOD*** or ***PUD*** master plan shall contain the following information:

A. All information required pursuant to section 10.02.02.

B. A statement of objectives describing the general purpose and character of the proposed ***Development***, including type of structures, ***Uses***, ***Lot*** sizes and ***Setbacks***.

C. A boundary survey.

D. Perimeter buffering and landscaping.

E. General location and size of ***Land Uses***.

F. Type of zoning districts and existing ***Uses*** abutting the proposed ***Development*** boundaries.

G. A detailed, written list and complete explanation of how the proposed ***Development*** differs from any provision of the ***LDC***, including a comparison with the ***Lot*** and ***Building*** standards of the underlying zoning district. If the master plan is approved, any such difference not listed or explained shall not be recognized or permitted and no such difference shall be implied of inferred.

H. A detailed explanation of the public benefit which justifies allowing the property owner to deviate from otherwise applicable minimum requirements of the ***LDC***.

I. A timeline for the ***Development***, which addresses the following items:

1. ***Development*** phases, if applicable and benchmarks for monitoring the progress of construction of each phase. Wherever applicable, the benchmarks shall include:

   (a) Land clearing;

   (b) Soil stabilization;

   (c) Construction of each landscaping element of horizontal infrastructure, including, but not limited to, roads, utilities and drainage; and

(d) Vertical infrastructure and improvements.

2. The Final Development Plan shall be submitted within one (1) year of master plan approval. The timeline shall show that construction of the horizontal improvements will be commenced and substantially completed within one (1) year and two (2) years, respectively, after approval of the final development plan; provided that in the event the ***Development*** is divided into phases, the timeline shall show that construction of Phase I horizontal improvements will be commenced and substantially completed within one (1) year and two (2) years, respectively, after approval of the first final development plan and that the horizontal infrastructure for all remaining phases will be substantially completed within four (4) years after approval of the final development plan.

3. The timeline shall provide that ninety (90) percent of the land area of the ***Development***, excluding horizontal infrastructure, will be built-out to its intended, final ***Use*** within ten (10) years of approval of the master plan.

4. Proposed dates for the submittal of progress reports.

J. Other applicable information as required on the application for ***Development*** master plan or which the applicant may desire to submit to demonstrate satisfaction of the conditions set forth in this ***LDC***.

K. This section shall not be construed so as to require detailed engineering or ***Site Plan*** drawings as a prerequisite to approval by the Planning Board. An applicant may provide a concept plan showing the general types and locations of proposed ***Development***, ***Open Space***, conservation areas, etc. (bubble plan); however, detailed drawings and information consistent with the approved master plan will be required prior to approval of a final development plan for any phase(s) of ***Development***. In the event that the master plan contains no provision for a particular matter that is regulated in the underlying zoning district or the prior zoning district in the case of a PUD generally, then the final development plan approval shall be consistent with both the approved Master Plan and all regulations applicable within the underlying or prior zoning district.

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

10.02.06 Additional Submittal Requirements for PUD Final *Development* Plans

Each application for a ***PUD*** final development plan shall contain the following information:

A. All information required pursuant to section 10.02.02.

B. A boundary survey.

C. The location of all proposed ***Building*** sites, including height of structures and ***Setbacks*** indicating the distance from:

1. Property lines;

2. Proposed and existing ***Streets***;

3. Other ***Buildings***; and

4. Other man-made or natural features that would be affected by the ***Building*** encroachment.

D. A table showing the acreage for each ***Land Use*** category and the average ***Residential*** density.

E. ***Lot*** sizes.

F. Common ***Open Spaces*** that are ***Use***able and operated by the developer or dedicated to a homeowners association or similar group. Common ***Open Space*** may contain such ***Recreation***al structures and improvements as are desirable and appropriate for the common benefit and enjoyment of the residents of the ***PUD***.

G. A utility service plan, including sanitary sewer, storm drainage and potable water.

H. A statement indicating the type of legal instruments that will be created to provide for management of common areas.

I. Boundaries of each phase shall be indicated, if the project is to be phased.

J. Identification of the public benefit that was approved in the ***PUD*** Master Plan.

K. A plan graphically depicting location, height, density, intensity and massing of all ***Buildings***. The plan shall additionally depict the location of all parking areas, ***Access*** points, points of connectivity to surrounding neighborhoods and similar areas that will be utilized for any purpose other than landscaping.

L. Infrastructure impact reports.

10.02.07 Additional Submittal Requirements for *Telecommunications Towers* and *Antennas*.

Each application for a ***Telecommunications Tower*** or ***Antenna*** shall contain the following information:

A. All information required pursuant to section 10.02.02.

B. Evidence of proper Federal Communications Commission licensure.

C. A statement of intent that collocators will be permitted in cases where devices are required or proposed to accommodate more than one (1) provider. The positions of anticipated collocator ***Antennas*** on the mount and the space provided for collocator equipment shelters shall be shown on all ***Site Plans*** and elevations.

D. Certification by the Naval Support Activity – Panama City and the Airport Authority that, as proposed, the device should not cause harmful electrical interference with any ***City***-operated radio frequency devices in existence at the time of the application and certification that the applicant acknowledges its obligation to take all steps necessary to resolve any interference that actually occurs.

E. Certification as to compliance with or exemption from, any Federal or State regulations applicable to siting.

F. Certification that the proposed mount complies with regulations administered by the FAA, FCC and any State reviewing authority or that the mount is exempt from those regulations.

G. Description of liability insurance or binding for the device.

H. Identification of all existing users (including the applicant) on the support structure to be replaced. This listing shall include existing ***Antennas***, types of support structure and mounting positions for each such ***Use***r and shall identify the FCC radio service for each such facility. The applicant shall also identify the proposed location for each such ***Antenna*** as well as any additional facilities which such ***Use***r intends to place upon the proposed replacement structure.

I. For each such existing user, the applicant shall identify any future loading for which it has been requested to reserve capacity for future ***Use***. For any such users for which the applicant is not reserving future space, the applicant shall certify that it has contacted each such users and has been advised that such users does not anticipate requiring any additional support structure capacity at that site in the future.

J. The applicant shall identify all prospective users of the support structure, not identified above, for which it has either entered into negotiations or agreed to provide space on the support structure. The applicant shall identify:

1. The proposed mounting location for each ***Antenna*** to be utilized by each such prospective users; and

2. The capacity for which the applicant has been requested to reserve future loading capacity.

K. The applicant shall identify all additional capacity that will be available for future ***Collocation Use*** at the proposed structure beyond the ***Collocation*** users identified in section 10.02.07B-J.

L. A full set of engineering drawings, which drawings shall be stamped by a registered Florida engineer, specifying the dimensions of all structural members and mounting facilities to be incorporated into the support structure for all loading identified in sections 10.02.07H-K and shall expressly identify each such ***Antenna*** as having been incorporated into the support structure design. These drawings shall also include the foundation design for the proposed structure. In addition, the registered Florida engineer shall certify compliance with both the then-current EIA/TIA 222 standard as well as the applicable provisions of the Standard Building Code, which include a 120-mph wind load, as defined by the American Society of Civil Engineers, Publication No. 7 of 1993 (ASCE 7-93) and the 1997 Standard Building Code or its then-current replacement. Where conflicting standards are set forth in those documents, the more stringent standard shall be utilized in the design.

M. An estimate of the cost to remove all structures in the event that the structure is abandoned or discontinued, and a bond guaranteeing the costs of removal. The cost estimate shall be signed and certified by a general contractor licensed in Florida.

10.02.08 Submittal Requirements for Protected Tree Removal Permit

A. Applications shall be submitted to the ***Building*** and Planning Department. In addition to the submittal requirements of section 10.02.01, the following information is required for a tree removal permit:

1. If the application is for the removal of three (3) or fewer trees, a tree survey which contains the location and identification of the trees requested to be removed.

2. If the application is for the removal of four (4) or more trees, a certified tree survey which shows the following:

   (a) Location of all trees, identifying their species;

   (b) Location, including footprint, of all proposed and ***Existing Structures*** and other planned improvements which require the removal of the ***Protected Trees***;

   (c) Indication of trees to be retained, trees to be removed, diseased trees, trees endangered by motor ***Vehicle*** ingress and egress to rights-of-way and the location of protective barriers as required by section 4.06.06; and

   (d) Proposed grade changes that might adversely affect or endanger the trees, with specifications on how to maintain the trees.

B. A tree replacement and replanting plan shall be submitted, showing the location and specification of all replacement trees pursuant to and consistent with the tree replacement and relocation standards in section 4.06.06E.

C. The ***City Manager*** shall conduct a field check of the tree removal application. The applicant shall physically mark each tree on the site to be removed with flagging tape or a similar device.

D. Applications shall be reviewed by the ***City Manager*** for compliance with the requirements of section 4.06.06.

E. Except for applications that are included as part of the application and review for ***Site Plan*** approval or ***Subdivision Plat*** approval, applications shall be reviewed and processed in accordance with the requirements of section 10.14.01F, G and H.

10.02.09 Submittal Requirements for Petitions for Voluntary Annexation

A Petition for a Voluntary Annexation shall contain the following information:

A. All information required pursuant to section 10.02.02.

B. The applicant shall submit an analysis of the annexation criteria set forth in Chapter 171, *Florida Statutes*.

C. The signatures of all owners of the property proposed to be annexed.

D. Title evidence demonstrating that the Petition of Voluntary Annexation bears the signatures of all owners of the property proposed to be annexed.

E. A boundary survey of the property proposed to be annexed.

F. A complete legal description of the property proposed to be annexed.

G. An excerpt of the ***City's*** Official ***Zoning Map***, with the property proposed to be annexed depicted.

H. Stormwater acknowledgement consent.

10.02.10 Submittal Requirements for *Rezoning*

An application to change the zoning district classification of property shall contain the following information:

A. All information requested in section 10.02.02.

B. A boundary survey of the property proposed to be annexed.

C. The current and proposed zoning district classification for the property for which the amendment is sought.

D. An analysis of the consistency of the proposed amendment with all requirements of the Comprehensive Plan and the ***LDC***.

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

10.02.11 Submittal Requirements for Land Clearing Permit

A ***Land Clearing Permit*** shall be issued by the City Manager upon application containing the following information and accompanied by the following fee:

A. A ***Site Plan*** in sufficient detail to show compliance with the provisions of this LDC;

B. A stormwater and erosion control plan in sufficient detail to demonstrate compliance with section 3.05.00of this LDC;

C. A brief description of the means and methods of work to demonstrate compliance with section 4.08.00;

D. The ***Street*** address and legal description of the subject property, the name and mailing address of the owner of the subject property and evidence of ownership; a copy of such information printed from the most recent ad valorem tax roll shall suffice;

E. Written permission of the owner if different from the applicant; and

F. An application fee.

10.02.12 Submittal Requirements for Requests for *Variances*

An application for a request for a ***Variance*** from the Planning Board shall contain the following information:

A. All information required pursuant to section 10.02.02.

B. A statement setting forth:

1. All facts and circumstances upon which the applicant intends to rely for the requested ***Variance***; and

2. An analysis of each of the criteria set forth in section 9.03.03A.

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

10.02.13 Requirements for Infrastructure Impact Reports

A. Traffic impact reports shall be prepared by a registered Florida engineer and shall contain an analysis of on-site and off-site traffic impacts, including:

1. Existing average daily traffic;

2. Existing level of service for adjacent and affected roadways;

3. Post ***Development*** average daily traffic;

4. Post ***Development*** level of service;

5. Potential conflicts with pedestrian and bicycle traffic;

6. Sight distances;

7. ***Intersection*** operations and improvements; and

8. Other potential impacts identified by the ***Building*** and Planning Department.

B. Transportation system design shall address the design of ***Streets***, ***Access*** points, ***Driveway***s, ***Alley***s, sidewalks and other components of the ***Street*** system.

C. Stormwater drainage reports shall be prepared by a registered Florida engineer and shall contain an analysis of pre- and post-***Development*** drainage conditions, including:

1. Graphic description of upstream drainage for stormwaters expected to flow through the ***Development***;

2. Data showing the quantity and location of water entering and discharging from the site sufficient to evaluate compliance with the stormwater requirements and other applicable law;

3. Description of proposed methods for erosion control at discharge points;

4. Potential impact on downstream properties;

5. Analysis of the capacity of public stormwater drainage facilities to accept anticipated stormwater runoff;

6. Any proposed measures to mitigate adverse impacts from stormwater drainage; and

7. Other information as required by the ***Building*** and Planning Department.

D. Utility capacity analysis reports shall be prepared by a registered Florida engineer and shall address the pre- and post-***Development*** capacity of existing and proposed gas, potable water, electrical and sanitary sewer systems. Evidence shall be provided that the applicant has given notice of the proposal to applicable utility providers.

10.02.14 Additional Submittal Requirements for Requests for Conditional *Uses*

A. All information required pursuant to section 10.02.02.

B. An analysis of the proposed request using the general and ***Use*** specific criteria of section 5.06.00.

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

10.02.15 Additional Submittal Requirements for Requests for Traditional Neighborhood Overlay District Master Plan Approval and Final Development Plans

A. All information required pursuant to section 10.02.02.

B. An information analysis of the proposed request using the criteria of section 7.02.02K.

10.02.16 Additional Submittal Requirements for Requests for Expansion, Enlargement or Modification of *Non-Conforming Development* or *Uses*

A. All information required pursuant to section 10.02.02.

B. An analysis of the proposed request using the general and specific criteria of section 9.02.02.

(Ord. # 1304, 3/27/14)

10.03.00 NOTICE REQUIREMENTS

10.03.01 Generally

A. All notices required by this chapter shall contain the following information:

1. The name of the applicant;

2. The location of the property for which ***Development*** approval is sought;

3. The nature of the approval sought by the applicant;

4. The type of review, re-hearing or appeal applicable to the application for ***Development*** approval; and

5. The date, time and place of any applicable public hearings on the application.

B. Any notice required by this ***LDC*** to be ***mailed, posted or published*** (except a notice required by Florida Statutes to be given on a different schedule) shall be ***mailed, posted or published*** as appropriate at least fifteen (15) days before the applicable public hearing.

C. Any notice required by the Florida Statutes to be published in a newspaper shall comply with the applicable requirements of the Florida Statutes as to form, content, time and manner of ***Publication***.

10.03.02 Neighborhood Notice

A. When required by this ***LDC***, the applicant shall provide ***Neighborhood Notice***, by U.S. Postal Service certified mail. Within five (5) days after such ***mailing***, the applicant shall provide sworn proof of ***Mailing*** to the ***Building*** and Planning Department.

B. The applicant shall be responsible, as part of the application process for sending certified letters to surrounding property owners whose names and addresses are known by reference to the most recent ad valorem tax rolls of Bay County, giving notice of the requested action a along with the date, time and place of the hearing. The form of the letter shall be approved by the ***City*** prior to mailing. Notice letters shall be sent to all owners of surrounding property lying in whole or in part within such distance of the boundary of the subject property as shall be specified in the applicable procedures.

C. The notice letter shall be mailed at least twenty (20) days prior to the hearing and proof of mailing shall be submitted to the ***City*** as part of the application. A good faith effort to mail notice to all such owners whose names and addresses are shown on a list generated by the Bay County property Appraiser's automated mass appraisal system by that system referring to its cadastral (tax) map shall be conclusively deemed in compliance with the requirement to mail notice. Failure of any such owner to receive such notice, even if never mailed, shall not affect the jurisdiction of the board to consider the issue or validity of the board's decision.

D. Failure of such an owner to receive such notice shall not affect the jurisdiction of the decision-making entity to consider the application or the validity of such entity's decision.

10.03.03 Posted Notice

A. When required by this ***LDC***, the ***Building*** and Planning Department , or the Engineering Department in the case of a ***Subdivision Plat***, shall post a sign on the property that is the subject of an application. The sign shall be located in a

manner to ensure that it is visible on each portion of the subject property that fronts on a roadway.

B. The sign shall contain a copy of the notice required by section 10.03.01.

C. Failure to maintain or replace a sign properly posted shall not affect the jurisdiction of the decision-making entity to consider the application or the validity of such entity's decision.

D. ***Posted Notice*** may be removed after conclusion of the hearing of which notice is given or as specified or if neither of the forgoing apply, thirty (30) days after it is first posted.

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

10.03.04 Published Notice

When required by this ***LDC***, the ***Building*** and Planning Department shall publish, or cause to be published, a notice in a standard size or tabloid size newspaper of general paid circulation in the ***City***. The newspaper shall be of general interest and readership, not one of limited subject matter and shall be ***published*** at least five (5) days a week.

10.03.05 Mailed Notice

A. When ***notice*** by ***mail*** is permitted or required by this ***LDC***, the ***notice*** shall be ***mailed*** with the US Postal Service Certified Mail. Unless otherwise specified in this ***LDC***, notice shall be mailed by the ***Building*** and Planning Department.

B. ***Notice*** shall be deemed complete upon ***mailing*** regardless of receipt.

(Ord. # 1324, 11-13-14)

10.04.00 CLASSIFICATION OF APPLICATIONS

10.04.01 Generally

There are six (6) different categories of applications: Type I, Type II, Type III, Type IV, Type V or Type VI. An application will be reviewed based upon the category to which it is assigned by the Building and Planning Department in accordance with sections 10.04.02-07.

10.04.02 Applications Subject to Type I Review – Notice of Intent Proceedings

The following applications shall be processed pursuant to the Type I procedures:

A. A ***Site Plan*** approval;

B. A ***Land Clearing Permit*** or a ***Tree Removal Permit***;

C. Administrative approval of a preliminary ***Subdivision Plat*** to confirm compliance of the subject lands, lots, ***Streets*** and other features with the substantive requirements of this LDC;

D. A planned unit development ***Final Development Plan***;

E. A traditional neighborhood overlay district ***Final Development Plan;***

F. Approval of a ***Lot Split;***

G. Approval of a Request for Expansion, Enlargement or Modification of a ***Non-Conforming Development*** or ***Use;*** and

H. Approval of any local development order not classified elsewhere in this LDC.
(Ord. # 1253, 12-13-12; Ord. #1254, 11/14/13; Ord. # 1304, 3/27/14)

10.04.03 Applications Subject to Type II Review – Quasi-Judicial Proceedings

The following application, which pertains to quasi-judicial decisions, which are required to be made by the City Council, shall be processed pursuant to the Type II procedures:

A. Statutorily required approval of final ***Subdivision Plats*** for compliance as to form with state law and review for compliance with additional requirements, if any, imposed by this LDC on the form of ***Subdivision Plats;***

B. A Zoning or ***Rezoning*** which does not involve one or more ***Lots*** of land that in the aggregate are so large as to affect the community as a whole and accordingly constitute a legislative and not a quasi-judicial action;

C. Conditional ***Uses*** involving any ***Parcel*** or combination of contiguous ***Parcels*** encompassing more than three (3) acres of land (a large conditional ***Use***); and

D. City Council rehearing of decisions of the Planning Board pursuant to section 10.17.00.
(Ord. # 1304, 3/27/14)

10.04.04 Applications Subject to Type III Review – Legislative Proceedings

The following applications, which all pertain to legislative decisions, shall be processed pursuant to the Type III procedures:

A. A Zoning or ***Rezoning*** which involves one or more ***Parcels*** of land that, in the aggregate, are so large as to affect the community as a whole and accordingly does not constitute a quasi-judicial action;

B. Any annexation; and

C. Comprehensive Plan Amendment
(Ord. #1254, 11/14/13; Ord. # 1271, 4-25-13; Ord. # 1304, 3/27/14)

10.04.05 Applications Subject to Type IV Review - Telecommunications Proceedings

The following applications shall be processed pursuant to the Type IV procedures:

A. Telecommunications Tower or Antenna;

B. Reserved

10.04.06 Applications Subject to Type V Review – Planning Board Proceedings

The following applications shall be processed pursuant to the Type V procedures:

A. Planned unit development Master Plan;

B. Traditional Neighborhood Overlay Development Master Plan (***TNOD***);

C. Large site development (see section 7.02.03P);

D. Variances to the FBO district requirements;

E. Conditional ***Uses*** involving any ***Parcel*** or combination of contiguous ***Parcels*** encompassing three (3) or less acres of land (small conditional ***Uses***).

(Ord. # 1271, 4-25-13; Ord. # 1304, 3/27/14)

10.04.07 Applications Subject to Type VI Review

The following applications shall be processed pursuant to the Type VI procedures.

A. ***Variances*** before the Planning Board;

B. Appeal of a termination of a restricted or conditional ***Variance;***

C. An Administrative Appeal to the Planning Board is not a Type VI proceeding.

10.05.00 GENERAL PROCEDURES

10.05.01 Determination of Completeness and Consistency with Regulations

A. The ***Building*** and Planning Department and the Engineering Department shall each provide notice by mail to the applicant within thirty (30) days (except as provided below) of receipt of an application stating that the application is complete and that the proposed action complies with the applicable provisions of the Comprehensive Plan and ***LDC*** or stating with specificity any deficiencies which, if cured, would make the application properly completed and in compliance with applicable regulations. Failure to timely provide such notices shall not be deemed an acknowledgement of completeness and consistency with applicable regulations. Notwithstanding the forgoing, such notice shall be provided with respect to any wireless communication facility application within twenty (20) business days of receipt. FS 365.172(11)(d)(3)(2005).

B. The applicant shall have forty-five (45) days from the date of each notice to correct the deficiencies. Until the applicant corrects the deficiencies, the Departments will take no further action for processing the application. If the applicant fails to correct the deficiencies within the forty-five (45) day period, the application shall be deemed withdrawn.

C. Plans submitted in response to a notice specifying deficiencies shall be processed according to 10.05.01(A). The applicant shall then respond to any further notice by the Departments according to 10.05.01(B).

D. The ***Building*** and Planning Department and the Engineering Department shall each process the application for review and action in accordance with the procedures applicable to that type of application as established by the respective Department.

10.06.00 TYPE I PROCEDURES – NOTICE OF INTENT PROCEEDINGS

10.06.01 Generally

The procedures set forth in this section, are applicable to all applications subject to Type I review, which are listed in section 10.04.02.

10.06.02 Procedures After Completeness Determination

A. When the ***Building*** and Planning Department and the Engineering Department determine that the application is consistent with the requirements of the Comprehensive Plan and the ***LDC***, the ***Building*** and Planning Department shall issue a Notice of Intent to issue a ***Local Development Order, PUD*** or ***TNOD Final Development Plan*** approval or preliminary ***Plat*** approval. The Notice of Intent shall contain the following information:

1. The information required in section 10.03.01;
2. A statement notifying affected parties of their right to file a written request for a public hearing before the Planning Board;
3. The requirements for such a written request; and
4. The deadline for filing such a written request.

B. As soon as practicable after issuance, the Notice of Intent shall be ***mailed*** to the applicant and noticed by ***Publication.***

C. An ***Adversely Affected Person*** may file a written request for a hearing with the ***Building*** and Planning Department within five (5) days of ***Publication*** of the Notice of Intent. The written request for a hearing shall identify the specific sections of the Comprehensive Plan and/or the ***LDC*** that the application violates and describe how such sections are not met. Amendments to the written request for a hearing may be made no less than ten (10) days prior to the Planning Board's public hearing on the application.
(Ord. # 1328, 2/12/15)

D. If a written request for a hearing has not been filed within five (5) days of ***Publication*** of the Notice of Intent, the ***Building*** and Planning Department shall issue the ***Local Development Order PUD*** or ***TNOD Final Development Plan*** approval or ***Building Permit*** for which application was made.

E. If a written request for a hearing has been filed within five (5) days of ***Publication*** of the Notice of Intent, the ***Building*** and Planning Department shall schedule a quasi-judicial hearing on the application before the Planning Board.

F. In the event the ***Building*** and Planning Department or the Engineering Department determine that the application is complete but that the proposed action fails to comply with the requirements of the Comprehensive Plan and the ***LDC***, the ***Building*** and Planning Department shall issue a notice of intent to deny the application which shall be subject to the notice and appeal procedures provided in this section, except that if a request for a hearing is not timely and properly made by an ***Adversely Affected Person***, the application for the ***Local Development Order, PUD*** or ***TNOD Final Development Plan*** approval or ***Building Permit*** shall be deemed denied upon expiration of the time for requesting a hearing without the necessity of further action by the ***Building*** and Planning Department.

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

10.06.03 Procedural Requirements Regarding a Request for Hearing to Address a Notice of Intent

A. The ***Building*** and Planning Department and the Engineering Department shall prepare a written report to the Planning Board setting forth the Department's analysis of the pending application. The report shall be available to the applicant and the general public no less than five (5) days prior to the Planning Board's public hearing on the application.

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

B. The hearing shall be conducted under the procedures for Administrative Appeals and City Council rehearings specified in sections 10.16.00 and 10.17.00.

10.07.00 TYPE II PROCEDURES – QUASI-JUDICIAL PROCEEDINGS

10.07.01 Generally

The procedures set forth in this section, are applicable to all applications subject to Type II review, which are listed in section 10.04.03.

10.07.02 Procedures After Completeness Determination

A. Final Subdivision Plats

1. Within thirty (30) days of the Building and Planning Department's, the Engineering Department's and the City Attorney's determination that the final plat application is complete, the Building Department shall schedule a public hearing on the proposed plat before the City Council.

2. The *Building* and Planning Department and the Engineering Department shall each prepare a written report to the City Council regarding the respective Department's analysis of the pending application. The report shall be available to the applicant and the general public no less than five (5) days prior to the City Council's public hearing on the plat

3. The City Council shall conduct a quasi-judicial hearing on the application and determine whether to approve or deny the plat. In addition to notice of

hearing by *Publication* as required by the Florida Statutes, notice of the City Council hearing shall be by *Posted Notice*.

4. All quasi-judicial hearings shall be conducted pursuant to the requirements of section 10.13.00.

B. Zoning, Rezoning, Large Conditional Use, and New Wireless Tower or Antenna (no *Colocation*)

1. Within thirty (30) days of the Building and Planning Department's determination that the application is complete, the Department shall schedule a public hearing on the application before the Planning Board.

2. The Building and Planning Department shall prepare a written report to the Planning Board regarding the Department's analysis of the pending application. The report shall be available to the applicant and the general public no less than five (5) days prior to the Planning Board's public hearing on the application.

3. The Planning Board shall conduct a quasi-judicial hearing on the application and prepare a recommendation to the City Council. Public Notice of the Planning Board quasi-judicial hearing shall be provided by ***Posted Notice***, ***Publication*** and ***Neighborhood Notice*** (300 feet).

4. The City Council shall conduct a quasi-judicial hearing on the application and determine whether to approve, approve with conditions or deny the application. In addition to notice of hearing by ***Publication*** as required by the Florida Statutes, notice of the City Council hearing shall be by ***Posted Notice***.

5. All quasi-judicial hearings shall be conducted pursuant to the requirements of section 10.13.00.

(Ord. # 1253, 12-13-12; Ord. #1367, 11/12/15)

10.08.00 TYPE III REVIEW PROCEDURES- LEGISLATIVE PROCEEDINGS

10.08.01 Generally

The procedures set forth in this section are applicable to all applications subject to Type III review, which are listed in section 10.04.00.

10.08.02 Procedures After Completeness Determination

A. When the ***Building*** and Planning Department determines that the application is complete, the Department shall schedule a public hearing on the application before the Planning Board.

B. The ***Building*** and Planning Department shall prepare a written report to the Planning Board regarding the Department's analysis of the pending application. The report shall be available to the applicant and the general public no less than five (5) days prior to the Planning Board's public hearing on the application.

C. The Planning Board shall conduct a public hearing on the application and prepare a recommendation to the City Council.

D. Public Notice of the Planning Board public hearing shall be provided by ***posting***, ***Publication*** and ***Neighborhood Notice*** (300 feet).

E. The City Council shall conduct a public hearing on the application and determine whether to approve, approve with conditions or deny the application.

F. In addition to notice of hearing by ***Publication*** as required by the Florida Statutes, notice of the City Council hearing shall be by ***posting.***

(Ord. # 1271, 4-25-13; Ord. #1254, 11/14/13)

10.09.00 TYPE IV PROCEDURES – TELECOMMUNICATIONS PROCEEDINGS

10.09.01 Generally

A. The procedures set forth in this section are applicable to all applications subject to Type IV review, which are listed in section 10.04.05.

B. In the case of a declared local, state or federal emergency that directly affects the ***City's*** administration of all permitting activities, the ***City*** may require a one-time waiver by the applicant of the time-frames set forth in this section. Other than this one-time waiver, the ***City*** may request, but not require, an applicant to waive the time-frames set forth in this section.

C. The applicant may voluntarily waive the time-frames set forth in this section.

10.09.02 Procedures After Completeness Determination -- New Wireless Tower or *Antenna* -- No *Collocation*

An application for a new wireless tower or ***Antenna***, which does not involve ***Collocation***, shall be processed as follows:

A. If the ***Building*** and Planning Department determines that the application is complete, the application shall be processed in accordance with the requirements of section 10.07.02B.

(Ord. #1367, 11/12/15)

B. The City Council shall render its decision within ninety (90) business days after the date on which the applicant submits a properly completed application to the ***City***. See section 365.172(11)(d), Florida Statutes.

C. If the City Council fails to act within the ninety (90) business day time-frame mandated by section 10.09.02B, the application shall be deemed automatically approved and the applicant may proceed with placement of the facility without interference or penalty by the ***City***.

10.09.03 Procedures After Completeness Determination -- *Collocation* of Wireless Communications Facility -- Height Increase

A. An application for the ***Collocation*** of a wireless communications facility, which increases the height of the ***Existing Structure***, shall be processed pursuant to the requirements of section 10.09.02, except the time-frame for the City Council to render its decision is forty-five (45) business days after the date on which the applicant submits a properly completed application to the ***City***. See section 365.172(11)(d), Florida Statutes.

B. If the City Council fails to act within the forty-five (45) business day time-frame mandated by section 10.09.03A, the application shall be deemed automatically approved and the applicant may proceed with placement of the facility without interference or penalty by the ***City***.

10.09.04 *Collocation* of Wireless Communications *Antenna* -- No Height Increase.

An applicant seeking approval to collocate a wireless communications ***Antenna*** on an above-ground structure and any related equipment to service the ***Antenna***, is not required to obtain a ***Local Development Order***, provided the height of the ***Existing Structure*** is not increased. Rather, the applicant shall apply for a ***Building Permit*** in accordance with applicable law.

10.10.00 TYPE V PROCEDURES – PLANNING BOARD PROCEEDINGS

(Ord. # 1304, 3/27/14)

10.10.01 Generally

A. The procedures set forth in this section are applicable to all applications subject to Type V review, which are listed in section 10.04.06.

B. Notice of the Planning Board quasi-judicial hearings shall be provided by ***Neighborhood Notice***, ***Posting*** and ***Publication*** (300 feet).

C. All quasi-judicial hearings shall be conducted pursuant to the requirements of section 10.13.00.

D. A property owner has no legal right for approval of a Master Plan. Rather, the ***City*** shall approve a ***PUD*** Master Plan only when it has determined that the applicant has demonstrated, to the satisfaction of the ***City***, that the ***PUD*** Master Plan provides a sufficient public benefit to justify allowing the property owner to deviate from otherwise applicable minimum requirements of the ***LDC***.

E. For approval of a ***TNOD*** Master Plan, the Planning Board shall follow the requirements of Section 7.02.02.

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

10.10.02 Procedures After Completeness Determination

A. Within thirty (30) days of the ***Building*** and Planning Department's determination that the application is complete, the Department shall schedule a public hearing on the application before the Planning Board.

B. The ***Building*** and Planning Department shall prepare a written report to the Planning Board regarding the Department's analysis of the pending application. The report shall be available to the applicant and the general public no less than five (5) days prior to the Planning Board's public hearing on the application.

C. The Planning Board shall conduct a quasi-judicial hearing on the application and determine whether the following conditions (among others it deems appropriate) are met by the applicant:

1. That the ***Development*** is planned under unified ownership and control rather than as an aggregation of individual and unrelated ***Buildings*** and ***Uses;***

2. That the applicant has met the intent of the applicable sections addressing ***PUD*** or ***TNOD;***

3. That the applicant is providing sufficient public benefit to allow the applicant to deviate from the regulations applicable within the underlying zoning district generally; and

4. That the applicant meets the Conditional use criteria set forth in Section 5.06.00

(Ord. #1254, 11/14/13 Ord. #1367, 11/12/15)

D. At the conclusion of the quasi-judicial hearing or within thirty (30) days thereafter, the Planning Board's decision shall be reduced to a proposed, written order containing conclusions of applicable law, findings of relevant fact and signed by the chairman or vice-chairman and attested by the Board's secretary.

E. Notice of the proposed order shall be mailed to the applicant and any person who shall have requested a copy during or at the conclusion of the public hearing. A sign-up sheet for such notice requests shall be provided and announced at the public hearing. Such notice shall include a copy of the proposed order, a description of the persons entitled to appeal and a statement of the appeal procedures set forth in this section.

F. Within ten (10) days after mailing the notice of proposed order, the ***City***, the applicant or an ***Adversely Affected Person*** who appeared at the hearing shall be entitled to file with the secretary of the Planning Board a written request for a rehearing before the City Council. The written request for a rehearing shall set forth the specific grounds for such request. Any amendments to the written request for a rehearing may be made no less than ten (10) days prior to the City Council's public hearing on the application.

(Ord. # 1328, 2/12/15)

G. If no such request is timely filed, the Planning Board's proposed order shall become final and the City Council shall have no jurisdiction in the matter.

H. If such a request is timely filed, the Planning Board's proposed order shall be superseded by the City Council's final action on the request pursuant to section 10.17.00.

10.10.03 Revisions to Master Plan

Any revisions to an approved Master Plan shall be submitted to the Planning Board for approval with the same procedures and formality as approval of the original Master Plan.

(Ord. # 1271, 4-25-13)

10.10.04 Progress Report to Planning Board

Upon Master Plan approval, the applicant shall submit a Progress Report to the Planning Board no later than the dates as stated in the Master Plan. The Progress Report shall give a summary of the ***Development*** of the to date including number of ***Dwelling Units***, square footage of non- ***Residential Development***, protection of natural resources, unanticipated events that have taken place and other benchmarks that measure progress in completing the approved Master Plan.

10.10.05 Invalidation of Master Plan

Failure to complete a benchmark by the time specified in the Master Plan timeline shall, upon notice and hearing, result in the invalidation of the Master Plan and Final ***Development*** Plan by written order of the Planning Board. Upon invalidation of the Master Plan, all land ***Development*** regulations applicable to the underlying zoning district in the case of a TNOD, the prior zoning in the case of a PUD or other regulations in effect prior to the approval of the Master Plan, as applicable shall apply to the property which was the subject of the Master Plan.

10.11.00 TYPE VI PROCEDURES – VARIANCE PROCEEDINGS

10.11.01 Generally

A. The procedures set forth in this section are applicable to all applications subject to Type VI review which are listed in section 10.04.07. A Type VI review is not an administrative appeal.

B. Notice of the Planning Board quasi-judicial hearings shall be provided by ***Neighborhood Notice***, ***posting*** and ***Publication***. For ***Neighborhood Notice*** of a variance for an existing or proposed structure more than forty (40) feet in height, a distance of 500 feet shall be used. For ***Neighborhood Notice*** of all other variances, a distance of 150 feet shall be used.

C. All quasi-judicial hearings shall be conducted pursuant to the requirements of section 10.13.00.

10.11.02 Procedures after Completeness Determination

A. Within thirty (30) days of the ***Building*** and Planning Department's determination that the application is complete, the Department shall schedule a public hearing on the application before the Planning Board.

B. The ***Building*** and Planning Department shall prepare a written report to the Planning Board regarding the Department's analysis of the pending application. The report shall be available to the applicant and the general public no less than five (5) days prior to the Planning Board's public hearing on the application.

C. The Planning Board shall conduct a quasi-judicial hearing on the application.

D. At the conclusion of the quasi-judicial hearing or within 30 days thereafter, the Planning Board's decision shall be reduced to a proposed, written order containing conclusions of applicable law, findings of relevant fact and signed by the chairman or vice-chairman and attested by the Board's secretary.

E. Notice of the proposed order shall be mailed to the applicant and any person who shall have requested a copy during or at the conclusion of the public hearing. A sign-up sheet for such notice requests shall be provided and announced at the public hearing. Such notice shall include a copy of the proposed order, a description of the persons entitled to appeal and a statement of the appeal procedures set forth in this section.

F. Within ten (10) days after mailing the notice of proposed order, the ***City***, the applicant or an ***Adversely Affected Person*** who appeared at the hearing shall be entitled to file with the secretary of the Planning Board a written request for a rehearing before the City Council. The written request for a rehearing shall identify the specific grounds for such request. Any amendments to the written request for a rehearing may be made no less than ten (10) days prior to the City Council's public hearing on the application.
(Ord. # 1328, 2/12/15)

G. If no such request is timely filed, the Planning Board's proposed order shall become final and the City Council shall have no jurisdiction in the matter.

H. If such a request is timely filed, the Planning Board's proposed order shall be superseded by the City Council's final action on the request pursuant to section 10.17.00.

10.12.00 MODIFICATIONS, CONTINUANCES and WITHDRAWAL OF PENDING APPLICATIONS

10.12.01 Modification to Pending Applications

An applicant shall submit any proposed modification to an application to the ***Building*** and Planning Department.

10.12.02 Request for Continuance of Public Hearing

A. An applicant may request, in writing, a continuance of the public hearing.

B. If the ***Building*** and Planning Department receives the written request for a continuance at least seven (7) days prior to the public hearing at which the application is scheduled to be heard, the applicant's request for a continuance will

be automatically granted. An applicant is not entitled to more than two (2) automatic continuances.

C. If the ***Building*** and Planning Department receives the written request for a continuance less than seven (7) days prior to the public hearing at which the application is scheduled to be heard, the applicant is not entitled to an automatic continuance. The decision-making entity will consider the request for a continuance and shall only grant such request upon a demonstration by the applicant of good cause for a continuance.

D. Failure by the ***City*** to disclose to the applicant more than ten (10) days before the hearing any data or analysis which is materially adverse to the application and previously unknown to the applicant, shall be rebuttably presumed to be good cause for a continuance.

E. If an applicant receives a continuance, other than a continuance due to tardy initial disclosure of adverse data or analysis by the ***City***, the applicant shall reimburse the ***City*** for all advertising costs associated with rescheduling the public hearing for the application. If the applicant does not reimburse the ***City*** for such costs by ten (10) days prior to the rescheduled hearing, the hearing will be cancelled and the application will be deemed withdrawn.

10.12.03 Withdrawal of Pending Applications

A. An applicant may withdraw an application at any time prior to issuance of a ***Local Development Order***. The applicant shall provide written notice of the withdrawal to the ***Building*** and Planning Department.

B. If the ***Building*** and Planning Department receives an applicant's written notice of withdrawal less than seven (7) days prior to the public hearing at which the application is scheduled to be heard, the applicant shall be precluded from re-filing the same or substantially same application for the subject property for a period of three (3) months.

C. If the ***Building*** and Planning Department receives an applicant's written notice of withdrawal at least seven (7) days prior to the public hearing at which the application is scheduled to be heard, the three (3) month preclusion contained in section 10.12.03B is inapplicable.

D. If an application is withdrawn, fees and costs will neither be refunded nor credited to any subsequent application.

10.13.00 QUASI-JUDICIAL HEARINGS

10.13.01 Generally

A. A quasi-judicial hearing shall be scheduled when all required reports and procedures have been completed. A quasi-judicial hearing shall not be scheduled until an applicant has paid all outstanding amounts.

B. A quorum of the decision-making entity shall be present.

C. The hearing shall be conducted in a manner to protect the due process rights of the applicant and affected parties.

D. All testimony presented by the applicant, an ***Adversely Affected Person***, any witness for a party or the staff (other than legal advice given by the City Attorney) shall be given under oath.

E. The applicant, an ***Adversely Affected Person*** and the staff may cross-examine any person presenting information at the hearing.

F. An electronic record shall be made of the hearing.

G. A member of a decision-making entity shall not willfully participate in an ex parte communication regarding a pending application. All ex parte communications are presumed prejudicial, unless the approximate date and general substance of the ex parte communication is disclosed at the beginning of the quasi-judicial hearing at which the decision-making entity considers the pending application. The ***City*** may rebut the presumption of prejudice by demonstrating the absence of any actual prejudice to any party challenging the validity of a decision-making entity's decision on the basis of ex parte communications.

H. Members of the general public may provide comment during the hearing. If a member of the general public desires his or her testimony to be considered as potential competent substantial evidence, such person shall be placed under oath and subject to cross-examination. For final ***Subdivision Plat*** approval testimony and action on the application shall be limited to issues of compliance with chapter 177 FS and this LDC.

I. The deliberations of the decision-making entity shall be guided by Robert's Rules of Order and such other rules and procedures as may be adopted by the decision-making entity. The decision-making entity may question the applicant, other parties, witnesses and the ***City*** staff at any time during the hearing.

J. The decision-making entity may approve, approve with conditions, deny, or where required, make its recommendation upon the matters under consideration. The decision shall be based upon competent substantial evidence presented during the hearing.

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

K. The decision-making entity shall enter a written order which contains findings of fact and conclusions of law in support of its decision.

L. The decision-making entity's written order shall be filed with the Clerk of that entity.

10.13.02 Procedures

A quasi-judicial hearing shall be conducted generally in the following order:

A. The chairman of the decision-making entity shall call the hearing to order at the time specified on the public notice.

B. Staff shall confirm that the notice requirements were met.

C. Each member of the decision-making entity shall disclose the existence and general substance of any conflicts and ex parte contacts.

D. A staff member shall present staff's analysis of the pending application.

E. The applicant shall present evidence supporting the application and shall bear the burden of demonstrating that the application should be granted.

F. An affected party is entitled to present evidence opposing the application.

G. Public comment.

H. Rebuttal by staff, any affected party and the applicant.

I. Conclusion of the evidentiary portion of the hearing.

J. Closing arguments by staff, any affected party and the applicant.

K. Deliberation by the decision-making entity.

10.13.03 Denial of Application

If the decision-making entity denies an application, the applicant cannot refile the same or substantially same application for the subject property for a period of one (1) year.

10.14.00 PROCEDURES AND REQUIREMENTS FOR *BUILDING PERMITS* AND TEMPORARY *USE* PERMITS

10.14.01 Generally

A. ***Building Permits*** are required for new construction of ***Buildings*** and structures, signs, fences, walls, ***Accessory Buildings***, temporary ***Buildings*** and modifications to Existing Structures, subject to the administrative procedures set forth in the ***FBC***.

B. ***Building Permits*** are required for electrical, plumbing, heating and air conditioning, gas or swimming pool installation, subject to the administrative procedures set forth in the ***FBC***.

C. The ***City Manager*** is authorized and directed to establish and submit to the City Council for approval by resolution, from time to time, an Engineering Technical Manual to specify technical standards for stormwater improvements, sanitary sewer connections, potable water connections, reuse water connections, ***Street*** and other public works construction, sidewalk construction, paving, land clearing and such other similar matters as may be addressed in such a resolution. No ***Building Permit*** shall be issued for ***Development*** not in compliance with those technical standards.

D. Applications shall be submitted to the Building and Planning Department and shall comply with the submittal requirements of section 10.02.00 et seq.

E. Applications shall be reviewed by the ***City Manager*** for compliance with the requirements of this ***LDC***, including the Engineering Technical Manual.

F. The ***City Manager*** shall render his written decision, within thirty (30) days of the submittal of a complete application, to approve, approve with conditions or deny the application.

G. ***Mailed Notice*** of the ***City Manager***'s decision to approve, approve with conditions or deny the application shall be given to the applicant. ***Posted Notice*** of the ***City Manager***'s decision to approve or approve with conditions shall be provided and may be removed ten (10) days after first posting.

H. The applicant or, if the decision is to approve or approve with conditions an ***Adversely Affected Person,*** may appeal the ***City Manager***'s decision by filing a notice of Administrative Appeal to the Planning Board with the ***City*** Clerk within ten (10) days after the later of the ***Mailed Notice*** or the ***Posted Notice.*** The written notice of appeal shall identify the specific grounds of such appeal. Amendments to the stated grounds for appeal set forth within the notice may be made no less than ten (10) days prior to the City Council's public hearing on the application.

(Ord. #1254, 11/14/13; Ord. # 1328, 2/12/15)

10.14.02 Temporary *Use* Permits

The establishment of a temporary ***Use*** or structure requires a temporary ***Use*** permit, subject to the following requirements:

A. Applications shall be submitted to the ***Building*** and Planning Department. In addition to the submittal requirements of section 10.02.00et seq, the application shall include a drawing and drawing notes to show the proposed location and site features for the temporary ***Use*** or structure, demonstrating compliance with the requirements of this ***LDC***.

B. Applications shall be reviewed by the ***City Manager*** for compliance with the requirements of section 5.03.00.

C. Applications shall be reviewed and processed in accordance with the requirements of Section 10.14.01F and 10.14.01H.

D. Reserved.

(Ord. # 1239, 9-13-12; Ord. # 12509, 12-13-12)

E. In addition to all other requirements of section 10.14.02, an information copy of an application to establish a temporary ***Use*** or structure as part of a ***Special Event*** as defined and regulated in Article II of Chapter 4 of the City of Panama City Beach ***Code of Ordinances*** must be furnished to the Chief of Police or his designee, to ensure compliance with that Article.

10.15.00 PROCEDURES AND REQUIREMENTS TO AMEND *LOCAL DEVELOPMENT ORDERS*

10.15.01 Generally

An amendment to a ***Local Development Order*** may constitute either a non-substantial or substantial deviation. The following regulations establish the procedures for such deviations.

10.15.02 Non-Substantial Deviations

A. Non-Substantial Deviations Defined. A non-substantial deviation includes changes to a ***Local Development Order*** that do not alter the overall characteristics of the total plan and that create no adverse impacts on adjacent ***Uses*** or public services and facilities. Non-substantial deviations include:

1. changes in location and type of landscaping and/or screening so long as the approved character and intent is maintained;

2. changes in the orientation of portions of parking areas so long as the effectiveness of the overall site circulation and parking is maintained; parking areas shall be relocated not closer than twenty (20) feet to any ***Residential*** structure or ten (10) feet to any ***Street*** or right-of-way lines; and the number of ***Parking Spaces*** shall not be reduced by the relocation;

3. changes in the location of sidewalks and pathways, provided that continuity of pedestrian circulation remains;

4. the reorientation, but not complete relocation of structures;

5. changes that will not impact properties or ***Uses*** outside of and adjacent to the ***Development***; or

6. redesign of ***Open Space*** that does not decrease the Recreational, buffering or environmental benefits of the ***Open Space***.

B. Prohibitions. No minor change authorized by this section may cause any of the following:

1. Any increase in the number of ***Dwelling Units*** on the site;

2. A change in the ***Use*** of the site or ***Building*** as specified in the ***Local Development Order***;

3. Any reconfiguration of locations for ***Buildings***, structures, parking areas, landscaped areas or stormwater control structures;

4. Any relocation or reconfiguration of ***Driveways*** or other vehicular ***Access***;

5. Any change involving damage or destruction of natural resources including, but not limited to, ***Protected Trees***, wetlands and shoreline buffers;

6. Any changes involving additional acreage or an increase in the dimensions or property boundaries of the site;

7. Any increase of 1,000 square feet or more of gross floor area or impervious area;

8. Any increase in structure height of more than five (5) feet;

9. Any increase in the number of stories;

10. Any change in the phasing schedule which affects the timing or the amount of improvements or the satisfaction of specific conditions;

11. Any reduction in ***Yards***, ***Setbacks*** or ***Open Space*** of more than five (5) percent;

12. A change to any condition that was included in the ***Local Development Order***; or

13. Any change that affects the compatibility of the proposed project.

10.15.03 Procedural Requirements for Non-Substantial Deviations

Any non-substantial deviation from a Local Development Order shall be reviewed pursuant to the requirements for Type I Review as set forth in section 10.06.00.

10.15.04 Substantial Deviations

All proposed changes to a Local Development Order other than those listed as non-substantial deviations shall be considered substantial deviations. Any substantial deviation from an approved ***Local Development Order*** will necessitate a formal amendment of such order. All such amendments shall be reviewed and processed in the same manner and procedure as was used to approve the original ***Development***.

10.16.00 ADMINISTRATIVE APPEALS

10.16.01 Applicability

An ***Adversely Affected Person*** may appeal an administrative decision to the Planning Board.

10.16.02 Time for Filing Administrative Appeal and Submittal Requirements

An administrative appeal shall be filed with the office and within the time period specified in the ***LDC*** for such appeal or if no office or time period is so specified, with the ***City Manager*** and within thirty (30) days of the administrative decision that is the subject of the administrative appeal. An administrative appeal shall include:

A. All information required pursuant to section 10.02.01, which has not been previously provided in the pending application.

B. A copy of the decision order or ruling from which the administrative appeal is taken.

C. The date of the decision order or ruling which is the subject of the administrative appeal.

D. The grounds for the administrative appeal, including a summary of any argument in support thereof which the applicant wishes to advance to the Planning Board. Amendments to the grounds for appeal may be made in writing no less than ten (10) days prior to the Planning Board's public hearing on the appeal.

(Ord. # 1328, 2/12/15)

10.16.03 Stay of Proceedings

The filing of an administrative appeal stays all proceedings in furtherance of the action that is the subject of the administrative appeal, unless the ***City Manager*** certifies to the Planning Board that a stay would cause imminent peril to life and property. In such a case, the proceedings shall not be stayed unless the person who has filed the appeal obtains a restraining order from either the Planning Board or a Circuit Court. The Planning Board shall not issue a restraining order unless notice of the request has been provided to the ***City Manager***.

10.16.04 Hearing Before the Planning Board

A. Time

1. A hearing before the Planning Board on an Administrative Appeal shall be scheduled and held within forty-five (45) days of the filing of the Administrative Appeal, not counting the day of receipt and not counting any Saturday, Sunday or legal holiday which falls upon the forty-fifth (45th) day.

2. With respect to any appeal from the denial in whole or in part of an application made under the ***Sign Code*** (herein a "***Sign*** Application Appeal"), if the Board fails to meet and commence the hearing within such forty-five (45) day period, the appeal will be deemed denied and the decision of the City Manager or designee regarding the sign application will be deemed a final decision subject to immediate appeal to a court of competent jurisdiction. The Board shall render a written decision on a ***Sign*** Application Appeal within ten (10) days following the commencement of the hearing, failing which the appeal shall be deemed denied and the decision of the City Manager or designee will be deemed a final decision subject to immediate appeal to a court of competent jurisdiction. The applicant may waive or extend these deadlines and proceed to a hearing before the Board.

B. The ***Building*** and Planning Department shall prepare a written report to the Planning Board regarding Department's analysis of the pending Administrative Appeal. The report shall be available to the person filing the Administrative Appeal and the general public no less than five (5) days prior to the Planning Board's public hearing on the application.

C. The Planning Board shall conduct a quasi-judicial hearing, pursuant to the requirements of section 10.13.00 on the Administrative Appeal.

D. Notice of the quasi-judicial hearing shall be provided by ***Posting*** and ***Publication***.

E. At the conclusion of the quasi-judicial hearing or within thirty (30) days thereafter, the Planning Board shall issue a proposed order to:

1. Reverse, wholly or partly, the administrative decision that is the subject of the Administrative Appeal;

2. Affirm, wholly or partly, the administrative decision that is the subject of the Administrative Appeal; or

3. Modify the administrative decision that is the subject of the Administrative Appeal.

F. The Planning Board's decision shall be reduced to a proposed, written order containing conclusions of applicable law, findings of relevant fact and signed by the chairman or vice-chairman and attested by the Board's secretary.

G. Notice of the proposed order shall be mailed to the party who invoked the jurisdiction of the Planning Board and any person who shall have requested a copy during or at the conclusion of the public hearing. A sign-up sheet for such notice requests shall be provided and announced at the public hearing. Such notice shall include a copy of the proposed order, a description of the persons entitled to appeal and a statement of the appeal procedures set forth in this section.

H. Within ten (10) days after mailing the notice of proposed order, the ***City***, the party who invoked the jurisdiction of the Planning Board or an ***Adversely Affected Person*** who attended the hearing shall be entitled to file with the secretary of the Planning Board a request for rehearing before the City Council. The written request for a rehearing shall identify the specific grounds for the request. Any amendments to the written request for a rehearing may be made no less than ten (10) days prior to the City Council's public hearing on the application.
(Ord. # 1328, 2/12/15)

I. If no such request is timely filed, the Planning Board's proposed order shall become final and the City Council shall have no jurisdiction in the matter.

J. If such a request is timely filed, the Planning Board's proposed order shall be superseded by the City Council's final action on the request pursuant to section 10.17.00.

K. Once an administrative decision concerning a ***Sign*** is appealed, the City Manager or designee shall take no further action on the matter pending the Board's decision, except for unsafe ***Signs*** which present an immediate danger to the public in which event the ***City*** may pursue any legal remedy available to it.

L. In the case of a hearing concerning an interpretation of the ***Sign Code*** or the denial in whole or in part of an application made under the ***Sign Code,*** the person who invoked the jurisdiction of the Board and any ***Adversely Affected Party*** who attended the hearing and is aggrieved by a decision of the Planning Board, including the ***City***, may elect to request a rehearing before the City Council as provided above or, alternatively, the applicant may elect to seek judicial review

in a court of competent jurisdiction in which case the City Council shall have no further jurisdiction until the judicial review is completed.

10.17.00 CITY COUNCIL REHEARING OF DECISIONS OF THE PLANNING BOARD

10.17.01 Scheduling of Rehearing Before the City Council

Within ten (10) days of the filing of a timely and authorized request for rehearing of a decision of the Planning Board, the ***City Manager*** shall schedule the rehearing within forty-five (45) days of the receipt of the request for rehearing, unless all parties consent to additional time.

(Ord. #1254, 11/14/13; Ord. # 1304, 3/27/14)

10.17.02 Notice

A. Notice of the rehearing before the City Council shall be provided by ***posting*** and ***Publication***.

B. In addition to the notice provided pursuant to paragraph A, a minimum of fifteen (15) days' written notice shall be provided to:

1. The party who invoked the jurisdiction of the Board;
2. The party requesting the rehearing; and
3. Any person who provided his name and address to the Board below during the Board's hearing on the matter for which a request for a rehearing has been filed and requested notice of any rehearing.

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

10.17.03 Stay of the Board's Decision

The timely filing of a valid request for rehearing shall stay the Board's decision until the City Council has issued its decision.

10.17.04 Rehearing Before the City Council

A. The City Council shall conduct a quasi-judicial hearing in accordance with the requirements of section 10.13.00.

B. When a rehearing has been requested by a purported ***Adversely Affected Person***, before accepting evidence on the merits the ***Council*** shall inquire, accept evidence and make a determination of whether the person is in fact and law ***Adversely Affected***. If no party with standing has requested the hearing, the ***City Council*** shall dismiss the request for lack of jurisdiction without considering the merits. The ***Council*** may take into consideration but shall not be bound by a prior determination of the ***Planning Board*** in the same matter that a person is an ***Adversely Affected Person***.

(Ord. # 1304, 3/27/14)

C. The ***City*** staff shall introduce into the record the minutes and exhibits that were introduced during the Board's hearing.

D. The party requesting the rehearing shall have the burden of going forward with the evidence and the privilege of opening and closing the rehearing.

E. The party invoking the jurisdiction of the Board shall bear the burden of proof.

F. The City Council shall base its decision upon the record of the Board's hearing, which may, but shall not be required to, include a verbatim transcript and such additional evidence as may be submitted to the City Council during the rehearing.

10.17.05 Final Decision

A. The City Council shall affirm, clarify, modify or reverse, in whole or in part, the decision of the Board below.

B. The City Council shall enter a written order signed by the Mayor or Vice Mayor and attested by the City Clerk.

C. The order of the Board, as affirmed, clarified, modified or reversed by the City Council, shall be the final decision of the ***City***.

10.18.00 CONSTRUCTION OF IMPROVEMENTS

10.18.01 Compliance with Local Development Orders and Building Permits

A. All construction of ***Buildings***, structures and systems shall comply with the construction or installation permit and the procedures and requirements of the ***FBC***.

B. Construction of facilities and improvements described in a ***Local Development Order*** shall be performed in strict compliance with the approved ***Local Development Order*** and any ***Building Permits***.

C. Any deviation for the ***Local Development Order*** and subsequent ***Building Permit***(s) shall require additional review of the change to the plans by the ***City*** and must be approved prior to commencement of work.

D. Upon completion of improvements, the applicant shall provide to the City Engineer record drawings sealed by a professional engineer, licensed in Florida, certifying that the actual construction conforms to the approved ***Site Plan***(s) and/or ***Subdivision Plat***(s).

E. All improvements shall be inspected by the ***City***. For the purposes of scheduling and conducting inspections, the applicant shall notify the ***City*** of commencement and completion of the following:

1. Clearing and grubbing;

2. All utilities prior to backfilling;

3. All concrete structures when steel is in place, prior to pouring;

4. Stabilized subgrade;

5. Curb and concrete work;

6. Roadway or ***Parking Lot*** base;

7. Wearing surface during application; and

8. The water and hydrant system.

F. Upon completion of the improvements, the applicant shall provide to the City Engineer the following:

1. A letter stating that the construction of the improvements has been completed and requesting final inspection and approval;

2. The testing reports and certificates of compliance from material suppliers;

3. As-built construction plans; and

4. Certification from a professional engineer, licensed in Florida, that the improvements have been constructed in conformity with the approved construction plans and specifications.

G. Upon receipt and review of the items listed in section 10.18.01E and after satisfactory final inspection by the City Engineer, the ***City Manager*** shall issue a certificate of completion.

H. All improvements required by this ***LDC*** shall be designed, installed and paid for by the developer. Such improvements include, but are not limited to, transportation facilities, potable water facilities, sewer facilities, stormwater and drainage facilities and ***Recreation*** facilities. Improvements required by this ***LDC*** shall be guaranteed as set forth in section 10.19.00.

10.19.00 INFRASTRUCTURE CONSTRUCTION, ACCEPTANCE AND MAINTENANCE

10.19.01 *Developments* Proposed with Public Improvements

All improvements designated for ***Public Use*** to be constructed by private parties shall be constructed in accordance with construction drawings and specifications approved in writing by the ***City***. All such improvements shall be constructed prior to acceptance by the ***City*** or within the time period specified in an escrow agreement that complies with the performance and security requirements of this part.

10.19.02 Construction Phasing Plan Required

The following ***Developments*** to be constructed by private parties shall require a written statement describing the date for commencement and completion of construction, by phase and a chart indicating the approximate construction period for each of the utilities and public and private roadway improvements, whether

designated or intended for ***Public Use*** or not, prior to approval of the utilities plan and public and private roadway improvements:

A. ***Subdivision Plats***;

B. ***Site Plans***; and

C. ***PUD*** Master Plans.
(Ord. # 1304, 3-27-14)

10.19.03 Construction of Improvements or Installation of Utility Facilities

A. The property owner shall notify the City Engineer a minimum of three (3) days prior to starting the private construction of improvements (including installation of utility facilities) designated or intended for ***Public Use***.

B. Construction or installation by private parties of utility facilities that are designated or intended for ***Public Use*** shall not commence or continue until and unless all the following obtain:

1. A current and valid ***Local Development Order*** issued by the ***City***;

2. The City Engineer has approved all construction plans and construction proceeds according to the approved plans; and

3. Where the improvements or utility facilities are being constructed on property owned or controlled by the ***City***, a performance agreement between the ***City*** and the third party meeting the requirements of Section 10.19.04.

(Ord. # 1304, 3-27-14)

10.19.04 Performance Agreements and Security

A. Before the City will consider a performance agreement, the developer or property owner shall submit to the City Engineer a cost estimate prepared by a licensed Florida civil engineer for construction of private improvements designated for ***Public Use*** based on normal construction practices and procedures. In lieu of an engineer's cost estimate, a property owner may provide bid contracts and other documentation sufficiently illustrating the owner's costs to have the improvements installed by a third party.

B. Construction of such improvements and completion of the performance agreement shall be ensured by one of the following:

1. An irrevocable and unconditional letter of credit in a form approved by the City Attorney in an amount of money sufficient to pay 110 percent of the costs of construction of all public improvements and public utilities. The City Engineer shall confirm that the amount is adequate. The City Manager shall approve the credit worthiness of the issuer of the letter of credit.

2. A cash deposit agreement with the ***City*** in form approved by the City Attorney in an amount of money sufficient to pay 110 percent of the cost of the improvements. The City Engineer shall approve the amount of deposit.

Upon approval, the City Engineer shall arrange for filing of the cash deposit with the ***City*** finance department. At the developer's request, the cash escrow shall bear interest at the locally prevailing pass book rate under the developer's tax identification number.

3. A performance and completion bond issued by a surety licensed to do business in the state of Florida in a form approved by the City Attorney and in an amount sufficient to pay 110 percent of the costs of construction of all public improvements and public utilities. The City Engineer shall confirm that the amount is adequate. The City Manager shall approve the credit-worthiness of the surety.

C. The performance agreement shall provide that no funds shall be released, nor shall the amount of the letter of credit be reduced, until all improvements have been installed by the developer and accepted by the ***City***.

D. If the property owner intends to have any part of the improvements installed by contractors or subcontractors, copies of the contracts, along with copies of performance and payment bonds naming the property owner as obligee, shall be submitted to the City Engineer and the City Attorney for approval. Approval shall be limited to the terms of performance.

E. The ***City*** may use all available deposited funds, draw the full amount of the letter of credit or make demand upon the surety to complete the required improvements when, in the opinion of the City Engineer, the following two (2) conditions are met:

1. No substantial work on the improvements has been accomplished for a period of eighty (80) days (in the absence of inclement weather conditions, intentional shutdowns, work stoppages, etc.); and

2. It is in the public interest to complete the required public improvements.

F. Prior to using available deposit funds or drawing upon the letter of credit, the City Engineer shall serve upon the property owner, by certified mail, return receipt requested, a letter requiring the property owner to resume work on the required improvement or show good cause in writing within thirty (30) days why the work on the required improvements has ceased. If the property owner resumes work and makes substantial progress on the required public improvements within thirty (30) days, the City Engineer shall not begin the work using the escrow funds or funds drawn under the credit. If the property owner does not respond to the notice to show cause or if the reasons cited by the property owner for failure to make progress are not deemed by the City Engineer to be sufficient or if the property owner resumes work but does not make substantial progress on the required improvements in the City Engineer's opinion, the owner's right to complete the improvements shall be waived and the ***City*** shall use the escrow funds or funds drawn under the credit to complete the required improvements. The City Engineer shall promptly notify the property owner of the ***City's*** intent to complete the improvements. The performance agreement shall provide (i) that failure of the City to comply with the notice or opportunity to cure provisions of this section shall not be asserted by any person or court to delay, prevent, enjoin or interfere with the City's use of the escrowed funds or the City's drawing and

using funds available under the unconditional and irrevocable letter of credit, and (ii) that the owner's or developer's sole remedy the city's for wrongful use, draw or notice to the surety shall be an action at law for damages, injunctive relief being expressly waived in the public interest.

G. If applicable, upon acceptance of the improvements, the balance upon deposit with the city shall be returned to the developer with any interest earned thereon, or the city shall release the letter of credit.

(Ord. # 1304, 3-27-14)

10.19.05 Responsibility for Maintenance

Any ***Development*** where improvements (including utilities) are proposed for dedication to the ***City*** shall comply with the following requirements:

A. To provide for repair of damage resulting from subsequent construction operations of the property owner or the property owner's contractors, the property owner shall be responsible for all maintenance of improvements for a period of not less than twelve (12) months following acceptance of the improvements by the City Engineer. If the property owner fails to begin maintenance or repair work within twenty-one (21) days of written notice from the City Engineer stating what work needs to be done, the ***City*** may complete the necessary work. The property owner shall then be liable for all costs incurred by the ***City***.

B. Upon acceptance by the ***City*** of the improvements, either the property owner shall furnish a maintenance bond guaranteeing completion of any maintenance required by the City Engineer for twelve (12) months after acceptance of the ***Development*** by the ***City*** or the ***City*** shall retain at least ten (10) percent of the original escrow funds required by section 10.19.04 as a maintenance deposit. The maintenance bond shall be satisfactory in form and content to the City Engineer and the City Attorney. The bond shall be released or balance of escrow funds returned to the property owner at the later date of twelve (12) months after acceptance of the ***Development*** or completion of maintenance required by the City Engineer. Upon acceptance of the improvements, the balance upon deposit in the escrow account shall be returned to the developer with any interest earned thereon.

10.19.06 Acceptance of Improvements

City acceptance of the improvements (including utilities) shall be by the City Council. The City Council shall accept improvements only upon recommendation by the City Engineer. The recommendation by the City Engineer shall be contingent upon satisfaction of each of the following conditions:

A. Fulfillment of the requirements for responsibility for maintenance as outlined by this part;

B. An opinion by the City Attorney that satisfactory and proper conveyances have been made by the applicant to the ***City***;

C. Improvements have been completed and are in good repair in accordance with approved plans and specifications reviewed by the City Engineer;

D. As-built drawings dated, certified and stamped by a registered Florida surveyor have been submitted to and accepted by the City Engineer, in a form acceptable to the ***City***;

E. All monuments have been placed; and

F. Except when a ***Development*** is approved as a phased ***Development***, a ***Development*** shall not be recommended for acceptance by the City Engineer or accepted by the City Council in part. A ***Development*** shall be accepted only as a whole as indicated in the Final ***Plat*** or ***Local Development Order*** and approved engineering drawings.

10.19.07 Installation and Maintenance Guarantees for Landscaping, Irrigation and Replacement Trees

A maintenance guarantee shall be provided to ensure that required landscaping, ***Irrigation System*** or ***Protected Trees*** are perpetually maintained in accordance with the provisions of this ***LDC***. For all ***Development*** projects, the applicant shall provide legal documents, approved by the ***City***, which ensure such maintenance after ***Building*** construction has occurred on the site. Such documents may include, but are not limited to, conservation easements, dedication of common ***Open Space***, tree protection easements, deed restrictions and homeowner association documents.

Amendments to the LDC

Ordinance Number	Change	Date Adopted
1239	Address temporary uses and parking lot vendors	9/13/12
1241	Dissolve the Board of Adjustment	9/13/12
1232A	Eliminate certain height and setback standards for animated signs	12/13/12
1244	Impose limitations on banners and prohibit digital light shows	12/13/12
1246	Establish penalty for violations of the LDC	12/13/12
1247	Establish Naval Support Activity Overlay	12/13/12
1248	Set height incentives for civil support space	12/13/12
1249	Define Cause and process for dismissal of board members	12/13/12
1250	Establish entertainment marketing and parking lot vending standards	12/13/12
1252	Enable bike parking to reduce certain motor vehicle parking	12/13/12
1253	Clarify lot split and final plat requirements	12/13/12
1257	Provide for expiration of conditional use approvals	1/10/13
1261	Establish rules for development of primary and accessory uses on lots in multiple districts	2/14/13
1268	Establish rules for temporary uses and structures and parking lot vending	2/25/13
1270	Modify rules for placement of street trees and reduce the minimum planting area for medium and large trees	4/25/13
1271	Provide for a type III review of certain conditional uses, type V review of conditional uses on small parcels and eliminating references to quasi-judicial hearings for type III legislative processes	4/25/13
1272	Establish the Breakfast Point Overlay District, defining a one-story structure that permits accessory living space and establishing limitations on the design and use of such space	5/9/13
1285	Clarify the definition of a projecting sign	8/22/13
1292	Amend the front setbacks for the FBO district along Panama City Beach Parkway and adjacent to R-1 zoned property	10/10/13
1254	Glitch Bill to clean up initial draft	11/14/13
1295	Defining and establishing rules for portable chemical toilets	2/13/14
1300	Requiring grandfathered uses to be within a permanent building within any commercial or industrial district	2/27/14
1304	Clarifying procedures related to non-conforming status, applications subject to type II or quasi-judicial review, and rehearings.	3/27/14

Ordinance Number	Change	Date Adopted
1308	Clarifying the definition of public use, authorizing completion and performance bonds for completion of improvement, and clarifying rules related to completion of improvements	3/27/14
1324	Amending procedural notice requirements and deleting requirement that notices be sent "return receipt requested"	11/13/14
1317	Clarifying that political messages shall be permitted on vehicle signs to the same extent as permitted commercial messages.	12/11/14
1331	Permitting the use of alternative paving materials in vehicular use areas without regard to whether such areas are also used for heavy equipment storage	12/26/14
1329	Correcting scriveners error in table setting forth setbacks for group C building front types in the FBO districts	1/8/15
1330	Amending the definition of flag to clarify that such signs shall be made of pliable material	1/8/15
1332	Revising site design footnote to eliminate inference that multi-dwelling units in the R2 district must be contained within one building	1/8/15
1334	Providing that the finished sides of fences shall face outward when running adjacent to a street and that fence surfaces shall prevent glare and other nuisances; and providing a cross-reference to fence standards governed by section 7.02.03G	1/8/15
1328	Modifying the review and decision-making procedures to require adversely affected parties who request appeals or rehearings to provide any amendments to the request no fewer than ten days prior to the hearing.	2/12/15
1335	Reclassifying the commercial use of front yards from a conditional use to a supplemental use.	2/26/15
1340	Clarifying the site design and development standards for existing residential lots in the FBO districts, providing for the modification of setbacks to accommodate portes cochere, increasing side setbacks in the FBO-3 and FBO-4 districts for portions of buildings exceeding 10 stories, and defining related terms.	4/9/15
1333	Providing that swimming pools may be enclosed with screening subject to setbacks.	11/12/15
1351	Relating to rented two-wheeled motor scooters and three or four-wheeled motor scooters.	11/12/15
1364	Relating to supplemental standards for duplexes, triplexes and quadplexes addressing setbacks and densities.	11/12/15
1365	Clarifying the maximum height for amusements.	11/12/15

Ordinance Number	Change	Date Adopted
1366	Clarifying standards for front yards, façades, flooring, design, lighting, fencing, glazing and furniture standards for multi-family, mixed-use and non-residential uses in Front Beach Overlay districts	11/12/15
1367	Amending procedures for large conditional uses, new stand-alone wireless towers or antennas and referencing applicable conditional use standards	11/12/15
1369	Permitting short-term rentals of single family dwellings south of Front Beach Road in R-1C zoning districts	12/10/15
1370	Establishing height limitations and exceptions for amusements and a beach ball drop structure in the Pier Park Overlay district	12/10/15
1368	Amending and restating flood management ordinance, designating a Floodplain Administrator, and establishing procedures and criteria for development in flood hazard areas	4/14/16

Amendments to the Zoning Map

Ordinance Number	Change	Date Adopted
1259	Barta/Stephani Rezoning	2/14/13
1262	Henry Avenue RZ (Map glitch)	2/28/13
1263	City Pier Park Triangle RX (map glitch)	2/28/13
1264	Hughes Resort RZ (map glitch)	2/28/13
1265	C&P LLC RZ (map glitch)	2/28/13
1266	Ibis Lake Triangle RZ (map glitch)	2/28/13
1269	Adopting Map of Overlay Dists.	4/11/13
1272	Breakfast Point Overlay District	5/9/2013
1291	Breakfast Point Zoning	10/10/13
1342	0.69 acres at 17561 Front Beach Road from FBO-2 to FBO-4	4/9/15
1344	1.26 acres located at 190 Cobb Road from R-1A to CH	5/26/2015
1375	4.43 acres at 8752 Thomas Drive and 3011 Joan Avenue to CH	1/14/16