

ORDINANCE NO. 1406

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE; AMENDING THE DEFINITIONS OF BUILDING AND MODULAR HOME; AMENDING THE SITE DESIGN STANDARDS TO CLARIFY AND CONFIRM THE NATURE OF A PERMANENT BUILDING INTENDED FOR HUMAN OCCUPANCY IN THE CITY; AMENDING ACRONYMS AND CITATIONS TO PROPERLY REFER TO DBPR'S AUTHORITY TO APPROVE MODULAR HOMES AS PERMANENT BUILDINGS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

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

SECTION 1. From and after the effective date of this ordinance, Section 1.07.00 of the Land Development Code of the City of Panama City Beach related to Acronyms and Definitions, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

**1.07.01 Acronyms**

*dbh* – diameter at breast height

*DCA* – Florida Department of Community Affairs

**DBPR—Florida Department of Business and Professional Regulation**

...

**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.

...

***Building*** – A **site-built** permanent structure with two or more opposing sides and a ***Roof*** and intended for human occupancy, **which is not designed to be moved once erected.**

...

**Modular Home** – A *Residential* structure, built in sections (modules) at a factory, assembled on site and bearing the insignia of the *DCA- DBPR or its successor regulatory state agency* on the inside of the home's electrical panel, **designed for erected or installation on a site built permanent foundation.**

SECTION 2. From and after the effective date of this ordinance, Section 4.02.00 of the Land Development Code of the City of Panama City Beach related to Site Design Standards, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

## 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. **A structure originally designed to be mobile may not be altered (by removal of tongue, axle, wheels or all of such features and subsequent anchoring to permanent foundation) to become a Building intended to contain a permanent Use involving human occupancy.** 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.

SECTION 3. From and after the effective date of this ordinance, Section 5.04.11 of the Land Development Code of the City of Panama City Beach related to Single Family Dwellings and Modular Homes, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

**5.04.011 Single Family Dwellings and Modular Homes (~~DCA~~ DBPR Approved)**

- A. **Single Family Dwellings** and ~~DCA~~ DBPR 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.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 5. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Land Development Code, and unless a contrary ordinance is

adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 6. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 9<sup>th</sup> day of March, 2017.

  
MAYOR

ATTEST:

  
CITY CLERK

EXAMINED AND APPROVED by me this 9<sup>th</sup> day of March, 2017.

  
MAYOR

Published in the Panama City News Herald on the 27<sup>th</sup> day of Feb., 2017.

Posted on pcbgov.com on the 13<sup>th</sup> day of March, 2017.