ORDINANCE NO. 2553

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF PANAMA CITY, FLORIDA; PROVIDING FOR A REPEALER, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PANAMA CITY, FLORIDA:

WHEREAS, the City of Panama City Commission has adopted the Panama City Comprehensive Plan within which are included goals, objectives, and policies related to the adoption of land development regulations; and

WHEREAS, Chapter 163, Part II, Section 3201, the Florida Statutes, requires the implementation of these goals, objectives, and policies through the adoption of consistent land development regulations; and

WHEREAS, Chapter 163, Part II, Section 3202, of the Florida Statutes requires each county and municipality to adopt or amend and enforce land development regulations that are consistent with and implement the adopted comprehensive plan within one (1) year after submission of the revised comprehensive plan for review to the state; and

WHEREAS, the Planning Board, in its capacity as the Local Planning Agency, considered this request, found it consistent with the goals, objectives and policies of the local Comprehensive Plan, and recommended approval at a properly advertised public hearing on February 9, 2015;

NOW THEREFORE, IT BE ORDAINED by the City Commission of Panama City, Florida, amends the Land Development Regulations as follows:

Section 1. The Land Development Regulations are to be amended to reflect the following changes:

(See Exhibit A)

Section 2. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

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 All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall become effective upon passage.

PASSED, APPROVED, AND ADOPTED at the regular meeting of the Commission of the City of Panama City, Florida on the 10th Day of March, 2015.

CITY OF PANAMA CITY, FLORIDA

By_____
Greg Brudnicki, Mayor

ATTEST:

_____
T.D. Hachmeister, City Clerk

Subpart B - LAND DEVELOPMENT REGULATION CODE

Chapter 101 - GENERAL PROVISIONS

Sec. 101-1. - Title.

Chapters 101 through 107 of the Panama City Municipal Code shall be entitled the "Land Development Regulation" and may be hereinafter referred to as "the Code." (CPLDR 1993, § 1-1; Ord. No. 2420, § 1(Exh. A), 12-13-2011)

Sec. 101-2. - Interpretation.

The following rules of interpretation and construction shall apply to this Land Development Regulation:

(a) All words used in the present tense include the future; all words in the single number include the plural and the plural the singular; the words "person," "developer," "occupant," "lessee," "builder," and "owner" include a firm, corporation, or other corporate entity as well as a natural person. The word "used" shall be deemed to include the words "arranged," "designed," or "intended to be used," and the word "occupied" shall be deemed to include the words "arranged," "designed," or "intended to be occupied."

(b) In computing any period of time prescribed or allowed by this Land Development Regulation, 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 days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

(c) Unless otherwise defined in this Land Development Regulation, words and phrases shall be construed according to the common and approved usage of the language. Technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(d) In the interpretation of an application of this Land Development Regulation all provisions shall be liberally construed in favor of the objectives and purposes of the city and deemed neither to limit nor repeal other powers granted under state statutes. (CPLDR 1993, § 1-3; Ord. No. 2420, § 1(Exh. A), 12-13-2011)

Sec. 101-3. - Definitions.

The following words, terms and phrases, when used in this Land Development Regulation, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abutting. Having a common border with, or being separated by such a common border, by an alley, right-of-way, or easement.

Access. A means of vehicular or pedestrian approach, entry to, or exit from property.

Access management. The process of providing and managing access to land development while preserving the flow of traffic in terms of safety, capacity, speed, and concurrency.

***Access point* (or *connection*).** That place or location where either of these occur:

(1) A driveway, a local street, or a collector street intersecting an arterial street;

(2) A driveway or a local street intersecting a collector street; or

(3) A driveway or a local street intersecting a local street.

Accessory structure. A subordinate, ancillary, and detached structure customarily used in connection with the principal use or structure on the same lot, parcel or property. At a minimum, accessory structures can be no larger than 60 percent of the principal structure and shall include, but not [be] limited to, apartments, storage buildings, shops, garages, carports, utility buildings, private kennels, greenhouses, swimming pools, and patios.

Accessory use. A subordinate or ancillary use of land, or structure or improvements thereon, customarily used in connection with the occupation of the principal use or structure upon the same lot, parcel or property.

Adaptive reuse. Rehabilitation or renovation of existing building(s) or structures, including historic building(s), for any use(s) other than the present use(s).

Adult congregate living facility (ACLF). A type of residential care facility as defined in F.S. § 400.402.

Adverse impact. A negative consequence for the physical, social, or economic environment resulting from an action or project.

Affordable housing. Dwelling accommodations for which no more than 30 percent of the occupant's gross income is spent for rent or PITI (Principal, Interest, Taxes and Insurance) payments.

Alley. A roadway generally dedicated to public use affording only a secondary means of access to abutting property and not intended for general traffic circulation.

Ambient. Surrounding on all sides; used to describe measurements of existing conditions with respect to traffic, noise, air, and other environments.

Amenity. Aesthetic or other characteristics of a development that increase desirability to a community or its marketability to the public. Although they may vary from one development to the other, amenities may include unified building design, recreational facilities (e.g., a swimming pool or a tennis court), security systems, riparian or other views, landscaping and tree preservation, or attractive site design.

Apartment. Any building or portion thereof used to provide three or more separate dwelling units, which may share means of ingress and egress and other essential facilities, and which is renter-occupied rather than owner-occupied.

Applicant. A person, corporation, partnership, joint venture, governmental body, agency, or authorized representative who files an application for any purpose to the city for approval.

Application. Any document submitted by an applicant for the following purpose:

(1) Concurrency management purposes, to include concurrency encumbrance certificates.

(2) Approval of a development.

(3) Approval of signage.

(4) Proportionate fair share analysis or agreement.

(5) Request for a future land use map amendment, or any text amendment to the comprehensive plan.

(6) Request for a zoning change to the official zoning map, or any text amendment to the City Land Development Regulation.

(7) Any other permit granted by the planning and land use division.

Area* or *area of jurisdiction. The total area of jurisdiction for the City of Panama City as established by its municipal Charter and any subsequent annexations, including those boards and agencies of and sponsored by the city.

Arterial road. A roadway providing service which is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed, as classified by the Florida Department of Transportation.

Beach. The zone of unconsolidated material that extends landward from the mean low-water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

Bicycle and pedestrian ways. Any road, path or way, which is open to bicycle travel and foot traffic and from which motor vehicles are excluded.

Bottle Club. *An alcoholic beverage establishment as defined by Florida State Statutes that is not licensed to sell alcoholic beverages but provides facilities for the on premises consumption of alcoholic beverages by its patrons.*

Block. Land usually bounded on all sides by roadways or other physical boundaries such as water or public space, and not traversed by a through roadway (not including alleys).

Board of administrative appeals. The duly appointed appeals board for the City.

Boarding house. An establishment, which provides, in return for compensation, lodging for five or more persons and regularly prepared meals served without the ordering of portions from a menu.

Boathouse. A partially or fully enclosed structure including a roof located over a water body and used for the storage or mooring of boats or vessels.

Boatyard. See *Marine facility.*

Buffer. A specified land area, together with any planting, landscaping, fencing or any physical structure erected on the land used to visibly separate, shield or block noise, lights, or other incompatibilities between land uses.

Buildable area. The area of a lot remaining after the minimum yard and open space requirements of this Land Development Regulation have been met.

Building. Any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a firewall shall be considered as a separate building.

Building official. The chief building official or building inspector for Bay County or the city.

Building permit. An official document or certificate issued by the city-approved agency authorizing performance of building or construction activity.

Bulk regulations. Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which buildings can be located, including coverage, setbacks, height, impervious surface ratio, floor area ratio, and yard requirements.

Capacity. The availability of a public service or facility to accommodate users, expressed in an appropriate unit of measure, such as gallons per day or average daily trips.

Capacity, available. Capacity of a particular facility or service which is available and not encumbered or reserved through the development order or building permit process.

Capacity, encumbered. Capacity which is reserved and has been removed from the available capacity bank through the issuance of a concurrency encumbrance certificate.

Capacity, permitted. Capacity which has been removed from the encumbered capacity bank and has been committed to a particular property as the result of the issuance of a building permit.

Capacity, programmed. The capacity of a facility or service at some time in the future as a result of planned, but not completed, improvements.

Capacity, vested. Capacity which has been withdrawn from the available capacity bank through issuance of a trip-based vesting determination, planned unit development, developers agreement, or other phasing agreement.

Central business district (CBD). That area established by the city commission that delineates a specific geographic area where businesses, offices, residential, and mixed use form an urbanized downtown.

Certificate of acceptance. A written document issued by the city when the applicant for a development order has requested an inspection and has been found to be fully and completely in compliance with the pertinent requirements of this Land Development Regulation. This issuance of this certificate is mandatory prior to the issuance of a certificate of occupancy by the building official.

Child care facility. Any establishment, which provides child care for more than five children, unrelated to the operator, for compensation.

Child care, family day care home. An occupied residence in which child care is regularly provided for no more than five children, for compensation.

City. The City of Panama City, a municipal corporation.

City clerk. The duly appointed clerk of the city.

City commission. The elected legislative body of the city.

City manager. The duly appointed city manager of the city.

Civic. Of or relating or belonging to a governmental entity.

Clinic. A structure where patients who are not lodged overnight are admitted for examination and treatment by any health care provider.

Clubs, neighborhood recreation or social. Buildings or facilities owned and operated by a corporation or association for neighborhood social or recreational purposes but not operated primarily for profit or the rendering of services which are customarily carried on as a business and not limited to special interest groups or gatherings.

Clustering. The grouping together of structures and infrastructure on a portion of a development site.

Coastal planning area. The land area seaward of the Category 3 hurricane evacuation zone limit and all included coastal resources.

Coastal or shore protection structures. Shore-hardening structures, such as seawalls, bulkheads, revetments, rubblemound structures, groins, breakwaters, and aggregates of materials other than natural beach sand used for beach or shore protection to prevent erosion or to protect other structures from waves and hydrodynamic forces including beach and dune restoration.

Coastal resources. Estuarine shorelines, marine wetlands, water-dependent land uses, public waterfront access areas, waterfront recreation areas, estuarine, oceanic waters, and submerged lands.

Code enforcement officer. Any duly authorized code enforcement official of the city or county if this responsibility has been so delegated.

Collector road. A roadway providing service for moderate traffic volume, moderate trip length, and moderate operating speed, as classified by the Florida Department of Transportation.

Commercial uses. Activities within land areas, which are predominately connected with the sale, rental and distribution of products, or performance of services.

Community development department. The duly established community development department of the city.

Community residential home. A dwelling licensed by the state which provides a living environment for seven to 14 unrelated individuals including disabled or handicapped persons, developmentally disabled or nondangerous mentally ill persons or children.

Comprehensive plan. The adopted comprehensive plan for the city, pursuant to F.S. § 163.3177.

Concurrency. A growth management concept intended to ensure that the necessary public facilities and services are available concurrent with the impacts of development.

Concurrency encumbrance certificate. A letter or certificate issued by the city based upon a determination by the planning and land use division that adequate capacity exists for each public service and facility that is impacted by a proposed development, which reserves such capacity for a time certain.

Concurrency evaluation. An evaluation by the planning and land use division based on adopted level of service standards to assess whether or not public facilities and services needed to support development are available concurrent with the impacts of such development.

Condominium. That form of ownership by one or more persons of a unit of real property in which there is, appurtenant to each unit, an undivided share in common elements.

Conservation uses. Land uses, which conserve or protect natural resources or environmental quality within areas designated for flood control, protection of coastal resources, protection of quality or quantity of groundwater or surface water, floodplain management, fisheries management, or protection of vegetative communities or wildlife habitats and similar uses meant to protect natural resources of the city.

Consistency. Furthers or does not contradict with.

Consistency evaluation. The study of how particular uses can exist in harmony to each other, or the study of how the use of land corresponds to city adopted documents.

Contiguous. Directly adjoining (also can be defined as abutting).

Convalescent home. An institution for the care of recovering patients.

County. Bay County, Florida.

Demand. The requirements or burden placed on public facilities or services at the present time or projected future time.

Density, gross. The total number of dwelling units divided by the total site area, less rights-of-way.

Density, net. The total number of dwelling units divided by the buildable area of the overall site, less rights-of-way, water bodies, wetlands or other areas that are unbuildable.

Developer. Any person, including a governmental agency, undertaking any development.

Developer's agreement. A city commission approved agreement between a person or entity associated with the development of land including, but not limited to, agreements associated with development orders issued pursuant to F.S. § 380.06, and the city as defined by F.S. §§ 163.3220—163.3243.

Development. The word "development" shall have the same meaning as set forth in F.S. § 380.04, as may be amended or superseded. Notwithstanding the foregoing, the term "clearing of land" shall have the meaning as set forth in this Land Development Regulation.

Development activities, large-scale. Residential development involving more than five acres of land and a density of more than five dwelling units per acre, or developments, singularly or in combination with residential development, of more than three acres of land.

Development activities, small-scale. Residential development involving five acres of land or less and a density of five dwelling units per acre or less or developments, singularly or in combination with residential development, of three acres or less of land.

Development order. Any order granting, or granting with conditions an application for permitting the development of land.

Director. The city officer or employee designated by the city manager to administer or enforce any part of this Land Development Regulation.

District. An area designated within the city.

Division, planning. The division of planning and land use services of the city.

Dock. A fixed or floating structure, including moorings, used for berthing buoyant vessels.

Docks, common. A dock owned and maintained by common ownership agreement such as, but not limited to, a condominium or home owners association.

Docks, shared. A dock shared between two adjacent properties or property owners, of which the properties are used residentially, which is subject to an access and maintenance easement.

Drainage basin. The area defined by topographic boundaries which carries stormwater to a drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin.

Drainage detention structure. A structure which collects and temporarily stores stormwater for the purpose of treatment through physical, chemical, or biological processes and is designed to provide for the gradual release of the stormwater.

Drainage facility. A system designed to collect, convey, hold, divert or discharge stormwater, including stormwater sewers, canals, detention structures, and retention structures.

Drainage retention structure. A structure designed to collect and completely retain a given volume of stormwater upon the premises.

Dripline. The outermost perimeter of the crown of a tree as projected vertically to the ground.

Duplex. A residential building containing two separate dwelling units joined by a common wall.

Dwelling or dwelling unit. A single housing unit providing complete, independent living facilities for one housekeeping unit.

Dwelling, detached single-family. A building containing one dwelling unit not attached to any other dwelling unit.

Dwelling, multifamily. A residential building containing three or more separate dwelling units, including triplexes, quadraplexes, or apartments.

Easement. An implied grant of a way of necessity or a statutory way of necessity exclusive of common-law rights as defined in the pertinent Florida Statutes or an implied or express right to use a parcel of property for a particular purpose or purposes.

Educational uses. Any land or structure used for educational purposes that are licensed by the Florida Department of Education, whether public or private.

Extended care facility. An institution devoted to providing medical, nursing, or custodial care for an individual over a prolonged period, such as during the course of a chronic disease or the rehabilitation phase after an acute illness.

Family. Two or more persons residing together in a house, apartment, or dwelling unit, where the association of the occupants is premised upon or based upon a legal or moral obligation of mutual support or the dependency of an occupant upon the support of another in the household.

FDOT. The Florida Department of Transportation.

Fence. A barrier erected to prevent escape or intrusion, to mark a boundary or border, or to provide a buffer between properties, land uses, or land use districts.

Filling (service) station. Any building, structure, or land used for the dispensing and sale, or offering for sale at retail, any motor fuels, oils, or accessories, and which may offer in conjunction therewith a minor motor vehicle repair as distinguished from general motor vehicle repairs.

Flood insurance rate map (FIRM). The official map of the city on which the federal insurance administrator has delineated both special areas and risk zones applicable to the city.

Floodplains or flood zone. Areas subject to flooding as identified on flood insurance rate map or flood hazard boundary maps.

Foster care facility. A structure which houses foster residents and provides a family living environment for the residents, including such supervision and care as may be necessary to meet the physical, emotional or social needs of the residents.

FSUTMS. The Florida Standard Urban Transportation Model Structure, as established by the Florida Department of Transportation for the use in travel demand forecasting.

Garage apartment. An accessory building with storage capacity for not less than two motor vehicles, the second floor of which is designed as a residence for not more than one family and is subordinate to the principal structure.

Group home. (See Community residential home.)

Hard surface. Compacted shell, limestone, asphalt, concrete, or other similar substances.

Hazardous waste. Waste, which, because of its physical, chemical, or infectious characteristics, may significantly contribute to an increase in mortality, cause a serious illness or pose a potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

Height. The vertical distance from the highest point on a structure, excepting any chimney or antenna, to the predeveloped average ground level where the walls or other structural elements attach to the ground, except where the requirements of section 9-85 apply to development within areas of special flood hazard.

Historic resources. All areas, districts or sites containing properties listed on the Florida Master Site File, the National Register of Historic Places, or designated by the city as historically, architecturally, or archaeologically significant via the placement on the Historic Site Survey of 1987 or subsequent updates.

Historical nonconforming waterfront development. Development containing a principal, waterfront building or structure which has been used continuously for 50 years or more for nonprofit, water dependent activities.

Home occupation. Any occupation, profession or service conducted entirely within a dwelling and carried on by a resident thereof, the conduct of which is clearly incidental to the use of the structure for residential purposes. A "home occupation" shall not include retail sales on the premises.

Home office of convenience. A use where the occupant of a home conducts no business other than by phone or mail, where no persons are employed by the resident, and where an office is needed for the purpose of sending and receiving mail and telephone calls, maintaining records, and other similar functions.

Hospice center. A facility for the care of terminally ill patients.

Hotel. A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, entertainment and recreation facilities ancillary to the hotel use, and is licensed as a public lodging establishment by the state.

Impervious surface. Any surface or material which prevents the absorption of water into soil, including buildings, structures, and pavement.

Impervious surface ratio (ISR). The ratio of the total impervious surface area to the gross area of a lot or parcel.

Industrial uses. Any activity within land areas predominantly connected with manufacturing, assembly, processing, or storage of products resulting from such activities.

Infrastructure. Structures which serve the common needs of the city, such as: sewage disposal systems; potable water systems; potable water well system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

Intensity. The degree to which land is used, developed, or otherwise altered from its natural undeveloped state.

Junkyard. An open area where used or secondhand parts and materials are salvaged, recycled, bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, cloths, paper, rags, plumbing fixtures, rubber tires and bottles, but excluding motor vehicle wrecking yards.

Kennel. An establishment which houses and provides care for household pets and where grooming, breeding, boarding, training or selling of animals is conducted for profit.

Kennel, private. An accessory structure used for purposes of providing shelter or restraining household pets.

Land. The earth, water, and air, above and below, or ground surface, and including any improvements or structures affixed to or customarily regarded as land.

Land Development Regulation. Those portions of the Municipal Code that the city is obligated to enforce pursuant to F.S. ch. 163, which regulate the development and/or use of real property within the city limits.

Land use. Development that has occurred on the land, the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan or element or portion thereof, land development regulations, or a land development code, as the context may indicate.

Land use district. A categorization or grouping of activities, uses, types of developments (land uses) according to common characteristics as established in the future land use element of the City of Panama City Comprehensive Plan and shown on the official land use map.

Landscaping. Land enhancement or beautification resulting from planting of trees, grass, shrubs, or other plant materials, or by altering ground contours.

Laundry, self-service (laundromat). A business renting machines and equipment to individual customers for the washing, drying and otherwise processing of laundry, under supervision.

Level of service. An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on or related to the operational characteristics of the facility.

Local planning agency. An appointed commission or board designated to make recommendations to the city commission regarding the comprehensive plan, land development regulations, or other tasks as assigned by the elected governing body.

Local road. A roadway providing service which is of relatively low traffic volume, short average trip length or minimal through traffic movement, and high-volume land need access for abutting property.

Lot. A parcel, tract, or area of land established by plat, subdivision, deed, or other instrument of conveyance.

Lot, corner. A lot abutting two or more intersecting streets (see Diagram 1.1).

Lot coverage. The area of a lot or parcel covered by buildings, structures, pavement, or other impervious surface.

Lot depth. The depth of lot is the distance measured from the midpoint of the front lot line to the midpoint of the opposite rear lot line.

Lot, flag. A lot which is only accessible from the right-of-way by a very long and narrow strip of the same lot, and where the bulk of the lot has no right-of-way frontage. (see Diagram 1.1)

Lot frontage. The property line affronting a roadway right-of-way which provides the principal access and is used by the U.S. Postal Service for the delivery of mail to the structure located on the property.

Lot, interior. A lot abutting only one street or vehicular right-of-way (see Diagram 1.1).

Lot of record. A subdivision lot, the title to which has been recorded in the official records of Bay County, Florida.

Lot split. Division of land into two lots where no drainage, roadway or other improvement except installation of utilities is required **and the lots have direct access to a street or roadway**.

Lot, substandard. Any lot that does not conform in area or width to the minimum requirements of this Land Development Regulation.

Lot, through. A lot that extends through the block from one street right-of-way to another street right-of-way (see Diagram 1.1).

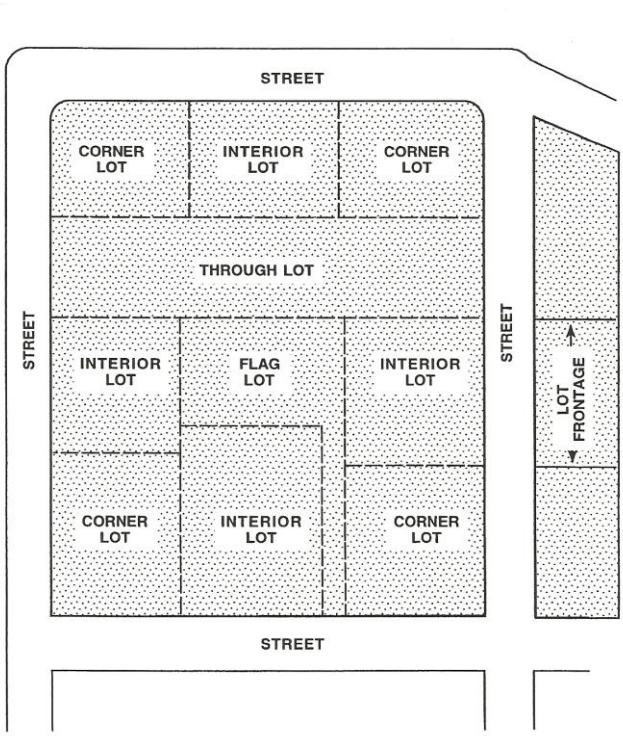


Diagram 1.1 Definitions of Types of Lots

Lot width. The mean horizontal distance between the side lot lines, measured at right angles to the depth.

Low income families. "Lower income families" as defined under the applicable Florida State guidelines.

Major thoroughfare. Any principal arterial, minor arterial or collector roadway as classified by the Florida Department of Transportation.

Manufactured building. A closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured for installation or erection as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer certified in conformance with this part. This does not apply to mobile homes.

Manufactured home. A mobile home fabricated on or after June 15, 1976, in an off-site 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 National Manufactured Home Construction and Safety Standards Act. Such home is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles.

Manufactured home subdivision. Two or more contiguous platted lots which have been improved for the placement of manufactured homes for residential use on single lots with private ownership of the lots.

Manufacturing. The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials. Manufacturing does not include artisan or craftsman type activities when such activities do not produce noise, dust, glare, odors, or vibration beyond the property line of the location of such activity.

Manufacturing, heavy. The manufacture or compounding process of raw materials. Any activity engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors, or vibration beyond its property line.

Manufacturing, light. The manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building.

Marina, commercial. Any dock or facility offering spaces for boat dockage or slip rentals not associated with the regular fabrication, repair, construction or maintenance of boats or vessels or the removal of boats or vessels from the water for such purposes. Any dock, with or without spaces for slip rental, where fuel or merchandise may be purchased, shall be deemed a commercial marina.

Marina, private. Any dock or facility having spaces for boat dockage or slip rentals, the use of which is restricted to membership of a private club or organization, including yacht clubs, sailing associations and other like and similar types or [of] organizations.

Marine facility. Any business associated with the construction, fabrication, refurbishing, repair or maintenance of boats or vessels, including equipment installation thereon or the removal of any boat or vessel from the water for any such purpose.

Mitigation, development. The improvement to a public facility or service to reduce the impact of a proposed development.

Mitigation, hazard. The reduction, elimination, redirection, or avoidance of the effect of the impact or risk of a hazard to human life or personal property.

Mixed use. Areas intended to provide a functional mix of residential and nonresidential activities or uses.

Mobile home. An obsolete term used herein to describe a single-wide home or trailer, prefabricated in whole or part and not complying with the HUD Code or DCA requirements and without DCA insignia. A newer mobile home is allowed in a mobile home park as a replacement for an older mobile home, provided that it is not older than 15 years old.

Mobile home park. An obsolete term used to describe an area where spaces are rented to mobile home owners. It is no longer authorized for new developments in the city.

Motel, tourist court, motor lodge. A group of attached or detached buildings containing individual sleeping units and providing automobile storage or parking space, in connection therewith, for transients.

Motor vehicle. The word "motor vehicle" shall have the meaning set forth in F.S. ch. 320.

Multifamily attached dwellings. A structure that contains three or more dwelling units that share common walls or floor/ceilings with one or more units. Multifamily attached dwellings includes structures commonly called apartments, condominiums, and townhouses.

Multiple-resident dwelling. A structure designed or used for residential occupancy by more than two people, with or without separate kitchen or dining facilities, roominghouses, boardinghouses, fraternities, sororities, dormitories, and like accommodations.

Neighborhood commercial. Commercial operations not exceeding 20,000 square feet.

Newspaper of general circulation. A newspaper published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates (but not including those newspapers intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising).

Nonconforming structure. A structure that does not conform to the provisions of this Land Development Regulation as of the date of adoption.

Nonconforming use. A lawful land use existing at the time of passage of this Land Development Regulation or amendments thereto, which does not conform with the regulations of the district in which it is located.

Nursing home. A facility for treatment of the ill, infirm, or elderly, as defined in the pertinent Florida Statutes.

Open space. Land which primarily remains in its natural or undeveloped state.

Open space ratio (OSR). The amount of open space area remaining on a lot or parcel as compared to the impervious surface area of the same lot or parcel.

Parcel of land. An area of land capable of being described with such definition that its locations and boundaries may be legally established.

Park. A parcel of land intended for neighborhood, community, or regional recreational use.

Park model trailer (also referred to as *park model cabin, park model camper, park model home, FEMA park model* or *recreational park model trailer*). A park model trailer is a recreational vehicle primarily designed and intended to provide temporary living quarters for recreation, camping, or seasonal use (for periods up to 180 days). It is built on a single chassis, mounted on wheels, with a gross trailer area generally not exceeding 400 square feet. Those models, which exceed 400 square feet in size, must meet standards of the U.S. Department of Housing and Urban Development (HUD) and have a HUD permit decal placed on them.

A park model trailer may be allowed in any zoning district only after a State or National declared natural disaster (such as a hurricane) in which major property/houses have been destroyed. These units may be allowed as temporary housing until such time as the destroyed home/structure has been rebuilt or repaired on their property, but not to exceed one year unless extended by the approval of 75 percent of the city commissioners.

Upon its setup on a property, the park model unit will be permitted by the county building department after it has met all applicable standards related to wind zones, setbacks, flood zones and building code regulations.

Park model trailers shall not be allowed in mobile home parks for rental purposes in the city.

Park, community. An area reserved for recreational space with a minimum acreage of 2.5 acres.

Park, neighborhood. An area reserved for recreational space with a minimum acreage of one-half acre.

Parking lot. An area or parcel of land used for temporary, off-street parking of vehicles.

Person. An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Personal service. Services generally provided by a nonretail business or professional office, which are offered entirely on the business premises. Such businesses include: professional and business offices, clinics, laboratories, educational services, and beauty salons.

Planning official. The designated employee of the city who manages the planning and land use department, and who is appointed by the city manager.

Playground. A recreation area intended for the use of children and having playground equipment.

Pollution. The presence of any noise or contaminant, which alters the chemical, physical, biological, or radiological integrity of the air, water, or ground.

Potable water facilities. A system of structures designed to collect, treat, or distribute potable water, including water wells, treatment plants, reservoirs, and distribution mains.

Premises. A lot or parcel of land together with all structures, buildings, grounds or other appurtenances located thereon.

Principal structure. The central or primary structure located on a lot or parcel.

Produce and fruit stand. A structure built for the display and sale of fresh produce only, but not prepackaged or home prepared or refrigerated foods.

Project. The particular lot, tract of land, project or other development unit for which the applicant files an application under this [Land Use] Regulation.

Public access. An area of land or other means of ingress or egress which legally enables members of the public to enter upon or to utilize public facilities, parks, water bodies, or other public areas.

Public facilities. Utilities and services provided to the public, including transportation systems or facilities, sewer systems or facilities, solid waste systems or facilities, drainage systems or facilities, potable water systems or facilities, educational systems or facilities, parks and recreation systems or facilities and public health systems or facilities.

Public/institutional uses. Activities in structures or upon lands which are owned, leased, or operated by a government, quasi-public, or nonprofit entity, such as civic and community centers, churches, hospitals, libraries, police stations, fire stations, government administration buildings, education and military facilities.

Public services. Programs determined necessary by local government for the operation and maintenance of public facilities and infrastructure as well as educational, health care, social and like programs necessary to support the comprehensive plan or as required by local, state, or federal law.

Quadraplex. A residential building containing four separate dwelling units joined by common walls.

Recreational uses. Athletic, musical, and entertainment activities occurring in areas designated for such purposes.

Recreational vehicle (RV). Motor vehicles or trailers as set forth in the pertinent Florida statutes. RVs shall not be allowed in mobile home parks for rental purposes in the city.

Residential care facilities. Residential care facilities are those facilities providing both housing (for varying periods of time) and health care services. Among such facilities are adult congregate living facilities, group care homes, recovery homes, residential treatment facilities, emergency shelters, and nursing homes, as any of the preceding may be defined in the pertinent Florida Statutes.

Residential docks and boat structures. Accessory structures built over a body of water for the purpose of mooring boats and watercraft, consisting of two slips per dwelling unit, for recreational purposes.

Residential uses. Dwellings and homes upon land for the housing of a family and personal belongings.

Restaurant. An establishment whose principal business is the sale of food and/or beverages for consumption within the restaurant, i.e., sit-down atmosphere.

Restaurant, fast food. An establishment, including drive-in restaurants, whose principal business is the sale of a wide range of food or beverages in a ready-to-consume state and usually served in disposable containers and meant to be consumed within the restaurant building; within a motor vehicle parked on the premises; or off the premises as carryout orders.

Restrictive covenant. A provision within a document of conveyance, deed or an instrument which restricts or limits the use of land.

Right-of-way. Land in which the state, a county, or a municipality owns the fee simple title or has an easement for transportation or utility use, or both.

Roadway functional classification. The assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads, and collector roads, which may be categorized within the classification as principal, major or minor network and grouped into urban and rural categories.

Salvage yard. A business which collects, dismantles, salvages, or stores waste material, inoperative appliances, inoperative motor vehicles, or other products or machinery for the purpose of resale either as used parts or reusable materials.

Sanitary sewer facilities. Structures or systems designed for the collection, transmission, treatment, or disposal of sewage including mains, interceptors, treatment plants and disposal systems.

Setback. The distance between the lot line and a vertical plane of the structure where such structure meets the ground.

Shoreline. The interface of land and water as determined by the mean high tide line.

Sign. Any writing (including letter, word, or numeral), pictorial presentation (including illustration or decoration), emblem (including device, symbol, or trademark), flag (including banner or pennant), or any other figure of similar character, that:

(1) Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;

(2) Is used to announce, direct attention to, or advertise; and

(3) Is visible from outside a building.

A sign includes writing, representation, or other figures of similar character, within a building, only when illuminated and located in a window.

Sign, portable. A sign that is not permanently affixed to a structure or the ground.

Site plan. The development plan for one or more lots or parcels which depicts existing and proposed conditions of the lot(s) or parcel(s) including all the requirements set forth in this Land Development Regulation.

Skilled nursing facility. An institution or part of an institution that meets criteria for accreditation established by the sections of the Social Security Act. Skilled nursing care facilities include rehabilitation and various medical and nursing procedures.

Solid waste. Garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations, and sludge from a waste treatment works, water supply treatment plants, or air pollution control facilities.

Stormwater. The flow of water which results from a rainfall event.

Street or roadway. A public vehicular thoroughfare which affords primary means of access to abutting property.

Street line. The boundary line or right-of-way line running along both sides of a public vehicular thoroughfare.

Structural alterations. Any change, except for repairs or replacement of the supporting members of a building, such as loadbearing walls, columns, beams, girders, floor joists, roof joists or any extension of them.

Structure. A mode of building constructed or installed on a lot or parcel of land, including a moveable structure, while it is located on the land, and which can be used for housing, business, commercial, recreational, or office purposes either temporarily or permanently. "Structure" also includes billboards, swimming pools, and signs.

Subdivision. The division of land into two or more lots or parcels. If the subdivision divides one lot into two lots and there are no required improvements **and the lots have direct access to a street or roadway**, it may be considered a lot split.

Subdivision, major. All subdivisions not considered to be minor subdivisions.

Subdivision, minor. The division of land into no more than five lots where no drainage, roadway, or other improvements except installation of utilities is required.

Sustainable development. Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Townhouse. A single-family dwelling unit constructed as part of a group of not less than two dwelling units with individual entrances, and which share a common or similar floor plan, that are constructed for resale to individual owners, all of which are contiguous, customarily owner-occupied, and share a common wall.

Tree. Any woody perennial plant which has a trunk diameter of no less than three inches and normally grows to an overall height of no less than 15 feet.

Triplex. One residential building containing three separate dwelling units joined by common walls.

Unnecessary hardship. Any case where a property owner is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence. This includes but is not limited to any instance where the property owner cannot realize a reasonable return on the property in question, provided that lack of return is substantial as demonstrated by competent financial evidence; that the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood. Unnecessary hardships do not include those hardships that have been self-created.

Used car lot. A parcel of land used only for the display and sale of used automobiles, excluding junkyards and storage of wrecked autos.

Variance. An administrative exception that permits the reasonable use of a site for which it is zoned that would otherwise not qualify for such development, due to one or more area land use regulations. Such exceptions may include a reduction in yard requirements, setbacks and impervious surface ratios.

Vegetation (natural). Species of indigenous, naturally occurring plants which normally grow in the absence of development or landscaping.

Vested development. A development that has received development order approval under laws and policies enacted prior to an amendment to the comprehensive plan or land development regulations.

Water bodies. Permanently or temporary flooded lands with water depth such that water, and not the air is the principal medium, which may be part of wetlands and are also referred to as water courses, waterways, etc. Water bodies include rivers, estuaries, creeks and streams, drainageways, ponds and lakes, and sloughs.

Water-dependent uses. Activities which can be carried out only on, in or adjacent to water areas because the use requires direct access to the water body for: waterborne transportation including ports, marinas; waterborne recreation activities; electrical generating facilities; or water supply.

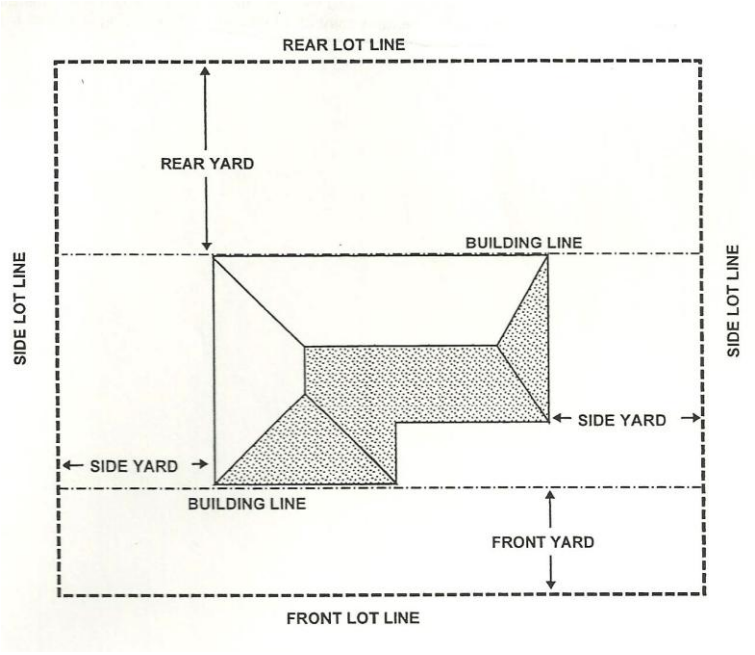
Wetlands. That which is defined in F.S. § 373.019(22), (2007).

Yard, front. An open space across the full width of a lot, extending from the front line of a building or any projections thereof (except the roof overhang or uncovered steps), to the front lot line (see Lot line, front) (see Diagram 1.2).

Yard, rear. An open space extending across the full width of the lot and between the rear lot and rear line of the building, or any projections thereof (except the roof overhang or uncovered steps) (see Diagram 1.2).

Yard, side. An open unoccupied space on the same lot with the main building, situated between the side line of a building, or any projections thereof, and side lot line (excluding roof overhang) (see Diagram 1.2).

Diagram 1.2 — Definition of Yard Setbacks



Zero lot line house. An attached, single-family housing unit, with one or more common walls, designed for owner occupancy. Zero lot line houses include patio houses, garden homes, townhouses, row houses, duplexes, and the like.

(CPLDR 1993, § 1-4; Ord. No. 2330, § 1, 2-10-2009; Ord. No. 2331, § 1, 11-25-2008; Ord. No. 2386, § 1(Exh. A), 5-11-2010; Ord. No. 2420, § 1(Exh. A), 12-13-2011; Ord. No. 2491, § 1(Exh. A), 4-9-2013)

Sec. 101-4. - Purpose and intent.

The purpose of this Land Development Regulation is to utilize and strengthen the existing role of the city in growth management, comprehensive planning, and land development regulation and to maintain present advantages as well as guide and control future development within the municipal limits of the city and the outer fringe, in conjunction with neighboring authorities.

This Land Development Regulation is therefore deemed necessary so as to preserve and enhance present advantages of landowners; encourage the most appropriate use of land, water and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within the jurisdiction of the city. Through comprehensive planning and land development regulation, it is the intent of the city to preserve, promote, protect, and improve the health, welfare, safety, comfort, and good order of its people and environment.

The provisions of this Land Development Regulation are declared to be the minimum requirements necessary to protect human, environmental, social, and economic resources; and to maintain, through orderly growth and development, the character and stability of present and future land use within the city.

(a) *Comprehensive plan.* This Land Development Regulation shall implement the comprehensive plan, including its goals pertaining, but not limited to:

(1) The subdivision of land;

(2) The use of land and water;

(3) The compatibility of uses;

(4) The provision of open space areas;

(5) The protection of lands and facilities subject to seasonal or periodic flooding through stormwater management;

(6) The protection of environmentally sensitive lands;

(7) Signage;

(8) The regulation of concurrency to ensure the availability of public facilities and services needed to serve approved projects or developments; and

(9) The regulation of on-site traffic and parking.

(CPLDR 1993, § 1-5; Ord. No. 2420, § 1(Exh. A), 12-13-2011)

Sec. 101-5. - Applicability.

Except as specifically provided for in this section, the provisions of this Land Development Regulation shall apply to all development undertaken in the City. No development shall be commenced except in accordance with this Land Development Regulation.

(a) *Exceptions.* No provisions of this Land Development Regulation or any amendments shall affect the validity of any lawfully issued and effective development order or building permit if:

(1) The development order was issued within six months prior to the effective date of this Land Development Regulation or any amendment thereto, or,

(2) The respective building permit was issued for the approved development order and is considered an active permit.

(3) If a building permit is issued, and the development activity continues without interruption (except because of war, natural disaster, or acts of God) until the development is complete, then the development shall be deemed vested.

(b) *Previously approved development permits.* Permits for approved projects that have not expired by the effective date of this Land Development Regulation or any amendment must meet only the requirements of the Code in effect when the development order was approved. If any building permit expires or is otherwise invalidated before the commencement of construction, the proposed development shall comply with the requirements of this Land Development Regulation and any applicable amendments hereto.

(c) *Consistency with plan.* Nothing in this section shall be construed to authorize a development that is inconsistent with the city's comprehensive plan.

(CPLDR 1993, § 1-6; Ord. No. 2420, § 1(Exh. A), 12-13-2011)

Sec. 101-6. - Relationship to other laws.

If any subject of this Land Development Regulation is controlled by any other law, statute, ordinance or regulation, then that which imposes the more stringent standard or requirement shall govern.

(CPLDR 1993, § 1-9; Ord. No. 2420, § 1(Exh. A), 12-13-2011)

Sec. 101-7. - Severability.

This Land Development Regulation and its various articles, sections, subsections, provisions and clauses thereof are hereby declared to be severable and, if any part is adjudged unconstitutional or invalid, the remainder of the Land Development Regulation shall not be affected thereby.

(CPLDR 1993, § 1-10; Ord. No. 2420, § 1(Exh. A), 12-13-2011)

Chapter 102 - ADMINISTRATION AND ENFORCEMENT

ARTICLE I. - IN GENERAL

Sec. 102-1. - Public purpose.

The purpose of this chapter is to set forth responsibilities and procedures for the administration of this Land Development Regulation Code.

(CPLDR 1993, § 2-1)

Sec. 102-2. - Applicability.

(a) Administrative procedures described in this chapter shall apply to all development activities undertaken within the city, unless specifically excepted.

(b) It shall be unlawful to commence the clearing of land, excavations for, or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except necessary repairs, not affecting the external or party walls, chimneys, stairways or heights of buildings) of any structure, including accessory structures, until the director has issued a development order for such work.

(c) The unlawful activity termed "clearing of land" in subsection (b) above shall not include general lot clearing, removal of underbrush, or clearing of unprotected trees as long as neither protected trees nor their root systems are cut, removed, or damaged during said process. However, nothing contained in this definitional clarification shall authorize any other unlawful activities described above without a development order, e.g., introducing "fill" to a tract as provided in F.S. § 380.04(2); modification of the contours of the land so as to cause/increase erosion or untreated stormwater runoff; or negatively impact native vegetation within a special treatment zone as provided in section 105-123. Additionally, "clearing of land," as authorized herein shall not authorize the owner or developer to avoid the installation of a protective barrier around protected trees as required in chapter 105 during the clearing process.

(CPLDR 1993, § 2-2)

Secs. 102-3—102-22. - Reserved.

ARTICLE II. - DEVELOPMENT REVIEW PROCEDURES

Sec. 102-23. - Purpose and intent.

The purpose of this article is to provide a uniform system for the review of development or redevelopment activities undertaken within the city.

(CPLDR 1993, § 2-3.1)

Sec. 102-24. - Development orders.

(a) *Building permits; certificates of occupancy.* Development orders may be issued by the planning official or his or her designee after review and approval of an application for a development order and may be conditionally issued subject to project approval by other governmental bodies having jurisdiction over the development. No permits shall be issued for a development until a development order has been issued and all conditions satisfied pursuant to the provisions of this Land Development Regulation Code.

(b) *Development order guidelines.* The decision to issue a development order shall be based upon the following guidelines, including but not limited to:

(1) The proposed development must not be in conflict with or contrary to the public interest;

(2) Unless otherwise exempted, the proposed development must be consistent with the comprehensive plan and the provisions of this Land Development Regulation Code;

(3) The proposed development must not impose a significant financial liability or hardship for the city;

(4) The proposed development must not create an unreasonable hazard or nuisance, or constitute a threat to the general health, welfare or safety of the city's inhabitants;

(5) The proposed development must comply with all other applicable laws, statutes, ordinances, regulations or codes.

(c) *Other permits required.* In addition to obtaining a development order from the city, the developer must also obtain all other applicable permits or exemptions as may be required by law. In the event approval from the city is prerequisite to obtaining other required permits, the city shall issue a letter of intent which states that the proposed development is in compliance with this Land Development Regulation Code, and that such approval is conditioned upon the developer obtaining all other required permits. The developer must provide proof to the city that all permits or exemptions have been granted prior to receiving a development order.

(d) *Issuance and validity of development orders.*

(1) Upon the approval of a Level 1, 2, or 3 development, the applicant shall have one year from the date of approval to obtain his development order. If the project is a Level 3 development, the department of planning and land use (the "department") shall within ten days after the date of such approval, mail written notice to the applicant advising the applicant that he has one year from the date of the approval of his development to obtain his development order from the department. The notice shall be sent by certified mail, return receipt requested, postage prepaid, and be addressed to the applicant at the address set forth in his application or to the agent of owner who may have filed the application on behalf of the owner. The notice must state the expiration date of the one-year period. If the expiration date falls on a Saturday, Sunday, or other legal holiday, the expiration shall be extended to the next working day. If the notice is returned to the department unserved, the notice shall nevertheless, be deemed effective notice to the applicant, unless the applicant or his agent has advised the department, in writing, of a change in their address before the notice was mailed. If an applicant fails to obtain his development order within the one-year period, the approval shall become null and void and the applicant or his successor in interest will have to reapply for a new development order. Payment of all attendant fees is a prerequisite of entitlement to a development order.

(2) An applicant who has an approved development on which a development order has not been issued on the effective date of this section, shall have one year from the effective date of this section to obtain his development order, otherwise the approval of the development shall be null and void. The department shall, within ten days after the effective date of this section, mail a written notice to all applicants of Level 3 developments, or their agents, of an approved development advising them of the date by which they must obtain their development order. All requirements and conditions set forth in subsection (a) as to the required notice and conditions applicable to obtaining a development shall apply to approved developments on the effective date of this section. At the time the development order is issued, the development order shall be in compliance with the comprehensive plan for the city.

(3) Unless otherwise specified in the development order, a development order shall remain effective for a period of six months from the date of issuance, except for those issued for docks and boat structures whose expiration date shall be concurrent with that of applicable regulatory agencies with jurisdiction over the project, i.e., Florida Department of Environmental Protection and the Corps of Engineers. Extensions may be granted by the administrator in the event the developer is unable to obtain other applicable permits pursuant to subsection (c)

above. Under no circumstances shall a development order remain effective for a period of more than two years from the date of issuance, including any extension, unless there is an enforceable development agreement which provides to the contrary and unless it is for a dock or boat structure for which the expiration shall be concurrent with that of applicable regulatory agencies with jurisdiction over the project, i.e., Florida Department of Environmental Protection and the Corps of Engineers.

(4) Notwithstanding the provision in subsection (3), if a development order is timely challenged by a third party adverse to both the city and the applicant for the development order in any legal proceeding, then the time period for commencement of the work authorized by such permit shall be tolled until the final disposition of that legal proceeding challenging the development order. The final disposition of the legal proceeding challenging the development order shall serve as the date of issuance of the development order for the limited purposes of determining the term of the development order as contemplated in subsection (3).

(e) *Development agreement.* To provide flexibility and to insure that the intent of this Land Development Regulation Code is satisfied, the city may enter into a development agreement with a developer. Development agreements shall be governed by the provisions of F.S. §§ 163.3220—163.3243, as amended.

(CPLDR 1993, § 2-3.2; Ord. No. 2280, § 1, 10-23-2007; Ord. No. 2331, § 1, 11-25-2008)

Sec. 102-25. - Exceptions.

No development order shall be required when:

(1) A development order has been issued by the city prior to the adoption of this Land Development Regulation Code and development has commenced and continued in good faith in reliance upon such order.

(2) The development or redevelopment activity is included as part of a larger plan of development or a phased development for which a development order is issued pursuant to this Land Development Regulation Code.

(CPLDR 1993, § 2-3.3)

Sec. 102-26. - Development review process.

(a) Developers shall comply with the following procedures:

(1) An application for development approval must be obtained from the city, which shall be in the form prescribed by the director and shall be completed by the developer or the developer's authorized agent.

(2) The completed application shall constitute a request from the developer for development approval when submitted to the director along with the site plan requirements specified in section 102-27

(b) Developers shall comply with the following procedures:

(1) *Level 1.*

a. Activities subject to Level 1 review are:

1. Construction or renovation of an individual, single-family, detached residence, duplex, triplex, or quadraplex on one lot or parcel;

2. Placement of a single factory-built manufactured home, including either a DCA approved RDMH structure or a HUD approved SDMH structure, as herein defined and according to the requirements of the city's manufactured housing standards set out in chapter 105, article VII on one lot or parcel;

3. Construction or placement of an accessory structure as defined in chapter 104, article V;

4. Remodeling, renovation, expansion, or other similar activity involving alterations or additions to an existing, residential structure within the property lines on which the structure is located; or

5. "Signage activity" including the construction, location, or installation of signs pursuant to chapter 106

b. Criteria for review:

1. Compliance with the general standards specified in section 102-24

2. Attendant concurrency requirements in chapter 103

3. Site plan requirements in section 102-27

4. And other applicable standards as specified in chapters of this Land Development Regulation Code.

c. Additional information or impact assessment may be required for development activities in designated special treatment zones.

d. Level 1 development orders may be issued by the director or the director's authorized agent without further approval.

(2) *Level 2.*

a. Activities subject to Level 2 review include:

1. Any residential development or signage activity excluded from Level 1 review;

2. Any residential development of five acres or less with a density of not more than five units per acre or less; or any nonresidential development, whether or not in connection with a residential development, of ten acres or less;

3. Any expansion, modification, or enlargement, or enlargement onto adjacent properties, of commercial buildings in that area of the city, zoned GC and lying between and/or fronting on Grace Avenue and Magnolia Avenue, bounded on the north by 14th Street and, if extended, on the south by St. Andrews Bay, which relate to: (i) buffering, (ii) coverage and/or open space, (iii) parking requirements, (iv) set back requirements on modification of grandfathered buildings, (v) interior remodeling and (vi) minor exterior changes, including without limitation such changes as exterior coatings/sealants, windows, roof repairs, roof line modifications, roof skylights, awnings, and building signs.

b. Criterion for review:

1. The general standards specified in section 102-24

2. Concurrency requirements set forth in chapter 103

3. Site plan requirements set forth in section 102-27

4. Other applicable development standards as specified in other chapters of this Land Development Regulation Code.

c. Additional information or impact assessment may be required for development activities in special treatment zones.

d. Level 2 development orders may be issued after review and approval by the director.

e. The director may request the recommendations of the planning board for Level 2 developments, when the project does not clearly fall within the guidelines of this Land Development Regulation Code.

(3) *Level 3.*

a. Activities subject to Level 3 review are:

1. Any development activity which is not subject to Level 1 or Level 2 review.

2. Any development over three stories in height located in RLD or MU districts or involving communications and other tower structures.

3. Any development of regional impact as defined in F.S. ch. 380.

4. Any industrial development.

5. Any manufactured home subdivision development.

6. Any expansion, enlargement, replacement or reconstruction of a building or structure within an historical nonconforming waterfront development.

b. Level 3 review must satisfy the criteria for Level 2 developments, plus an assessment of impacts expected to result from the proposed development.

c. An impact assessment shall address the following issues:

1. Adequacy of public facilities and services to serve the proposed development;

2. Suitability of site conditions including topography and soils and any site modifications necessary to accommodate the proposed development;
3. Ingress and egress to roadways;
4. Drainage or stormwater management;
5. Vehicular traffic, including onsite parking;
6. Required permits from other governmental agencies;
7. Noise;
8. Lighting;
9. Public safety or potential public nuisance;
10. Impacts on natural resources; and
11. Such other criteria deemed necessary by the director or the planning board.

d. Additional information or activities assessment may be required for development activities in special treatment zones.

e. A landowner seeking to expand, enlarge, replace or reconstruct a building or structure within an historical nonconforming waterfront development has the burden of establishing that the three conditions specified in section 102.79(b)(7) will be met, namely proportionality, absence of an increase in any incompatibility, and the absence of an increase in the burden of any associated nonconforming use. At that point, in order to deny the request the burden shall shift to the city to demonstrate by competent substantial evidence that granting the request will worsen one or more of the issues listed in subsections [(b)(3)c. 1—10.] of this section. As an alternative to denial, the development approval may impose upon the building or structure approved specific conditions and requirements to address an issue of concern.

f. Development orders may be issued for Level 3 development activities only after review by the director, review by the planning board and approval by the city commission. The decision of the city commission shall control over that of the director and the planning board.

(CPLDR 1993, § 2-3.4; Ord. No.2330, § 1, 2-10-2009)

Sec. 102-27. - Site plan and approval required.

(a) Any application for development approval shall be submitted together with a site plan in accordance with the requirements of this section.

(b) The developer, or their authorized agent, shall submit a minimum of three copies of the proposed site plan, drawn to an acceptable scale, to the director. Except for Level 1 activities, all site plans shall be certified by a land surveyor, landscape architect, architect, or engineer licensed by the State of Florida, unless waived by the director. In addition, computer disks shall be provided for all AutoCAD-produced drawings.

(c) The site plan for signage activities shall include:

(1) A site plan sketch which depicts the relationship of the proposed sign to all significant sign conditions including setbacks, buildings, adjoining roadways, protected lands, protected trees, and other circumstances likely to be affected by the location, construction, or erection of the sign;

(2) The site plan shall also include a legal description of the site; the name, address, and telephone number of the owner of the property, the developer, the designer or contractor as the case may be; and the date of site plan preparation.

(d) The site plan for Level 1 activities shall include:

(1) A vicinity sketch showing: the relationship of the site to adjacent designated land uses and streets; location of the proposed development on the site (lot or parcel), including driveways and parking; access to adjacent streets; percent of the site to be covered by impervious surfaces; flood zones and base flood elevations, spot elevations, and finished floor elevations, and environmental features including wetlands, shoreline vegetation or construction on submerged lands, if any, and the location of protected trees;

(2) The boundary lines and dimensions of the area shown in the site plan including angles, dimensions, and references; a north directional arrow; map scale; and the proposed use of the lands;

(3) A legal description of the site; the name, address, and telephone number of the owner, developer, and designer or contractor (if applicable); and the date of site plan preparation.

(e) A site plan for Level 2 and 3 activities shall include detailed drawings which show the following:

(1) All information required for Level 1 site plans;

(2) The existing and proposed grades, the drainage and erosion control plan, and the proposed structures with appropriate topographic contour intervals or spot elevations;

(3) The shape, size, and location of all structures, including the flood elevations; the floor area and ground coverage ratios, and the relative finished ground and basement floor grades;

(4) Natural features such as wetlands, shoreline, lakes or ponds, and protected trees; manmade features such as existing roads, sidewalks, walls, fences, or other structures, indicating which are to be retained, removed, or altered; the adjacent properties and their existing uses; and land use designations;

(5) Proposed streets, driveways, sidewalks, and parking facilities; vehicular turnarounds, curb cuts, and loading areas; the location of solid waste receptacles; the inside radii of all curbs; the width of streets, driveways, and sidewalks; the total number of available parking spaces specifying the type of construction with critical dimensions; and the ownership of the various facilities;

(6) The size and location of all existing and proposed public and private utilities or easements; water and sewer tap locations; sewer cleanouts and turns; and water meter types, sizes, and locations; and

(7) All proposed landscaping, landscaped buffers, and the dimensions and location of all proposed signs.

(f) Site plans or other information concerning requests for amendments to the comprehensive plan shall be submitted on forms approved by the director. (CPLDR 1993, § 2-3.5)

Sec. 102-28. - Review period.

All applications for development approval shall be submitted to the director. Required reviews and subsequent recommendations shall be completed by the city within 30 days after the date the division is satisfied that the application contains all required information, except for affordable housing applications which ~~shall~~ **may** be completed within 25 days. Applications which are determined to be incomplete shall be promptly returned to the applicant. (CPLDR 1993, § 2-3.6)

Sec. 102-29. - Withdrawal of applications.

Application for development approval may be withdrawn at any time prior to final action. Any fees or charges required for development review shall be forfeited by the applicant upon the withdrawal of an application. (CPLDR 1993, § 2-3.7)

Sec. 102-30. - Fees and charges.

The city commission may establish by resolution and periodically adjust the schedule of fees or charges for development review. No development orders shall be issued until all applicable fees and charges have been paid by the applicant.

(CPLDR 1993, § 2-3.8)

Sec. 102-31. - Certifications.

Unless waived by the director, all certifications of forms or materials required by the Land Development Regulation Code must be completed and affixed before the document or application will be considered for development review.

(CPLDR 1993, § 2-3.9)

Sec. 102-32. - Final site inspection and acceptance.

(a) The construction of all developments shall comply with all conditions of the development order and site plan, or development agreement, if applicable.

(b) Upon completion of the development, the developer shall provide a "notice of development completion" to the director. The director or the director's designated representative shall, within five working days after receipt of such

notice, conduct a final site inspection to ensure that the development was constructed in accordance with the approved development order or development agreement.

(c) The director shall, within five working days following a final site inspection, either accept or reject the completed development.

(1) Upon acceptance, the director shall certify that the completed development is in compliance with the approved development order or development agreement and shall authorize the building official to issue a certificate of occupancy;

(2) If the completed development is rejected, the director shall provide written notice to the developer and the building official describing the basis or circumstances upon which the development was rejected.

(d) No certificate of occupancy shall be issued, nor shall the utilities or electric service be connected, nor acceptance of dedicated streets or easements be authorized until a certification of acceptance is issued by the director.

(CPLDR 1993, § 2-3.10)

Sec. 102-33. - Right of entry.

The director or the director's designated representative shall have the right to enter upon any public or private property at all reasonable times before, during or after the development to inspect the improvement or premises to insure compliance with this Land Development Regulation Code. (CPLDR 1993, § 2-3.11)

Secs. 102-34—102-54. - Reserved.

ARTICLE III. - ADMINISTRATIVE RESPONSIBILITIES

Sec. 102-55. - Purpose.

The purpose of this article is to define administrative responsibilities under this Land Development Regulation Code.

(Ord. No. 2331, § 1, 11-25-2008)

Sec. 102-56. - City commission.

The city commission shall have final authority on the following matters:

(1) To adopt and amend the comprehensive plan, including land use districts shown on the land use map, after a review of the recommendations of the planning board;

(2) To adopt and amend the provisions of this Land Development Regulation Code after a review of the recommendations of the planning board;

(3) To approve, deny, or conditionally approve development permits for level 3 large-scale development activities, after the review of city staff and upon the recommendation of the planning board;

(4) To approve order of the annexation of outlying areas into the city, and to assign land use designations to annexed areas;

(5) To vacate or abandon public ways, including rights-of-way and easements;

(6) To approve development agreements as specified in article II of this chapter;

(7) Approve community redevelopment plans pursuant to F.S. § 163.360(5), (2008).

(8) To take any and all other final action not otherwise delegated to a board or to staff, which is deemed necessary and desirable to implement the provisions of this Land Development Regulation Code.

(Ord. No. 2331, § 1, 11-25-2008)

Sec. 102-57. - Planning board and board of adjustment—General provisions.

(a) *Membership.* The planning board and the board of adjustment shall each consist of five members and be appointed by the city commission. Voting members must be residents of the city. The planning official shall serve as a non-voting ex-officio member of each board and shall be responsible for providing such support and technical assistance

as the boards may require. All members shall serve terms of two years, with eligibility for reappointment. In addition, the planning board shall have a representative of the school board as a non-voting ex-officio member.

(b) *Removal.* Members of each board shall serve at the pleasure of the city commission and without compensation for services rendered. Any member may be removed by the city commission with or without cause. In the event any member is no longer a resident or is convicted of a felony or an offense involving moral turpitude, the city commission shall terminate the appointment of such person as a board member. Should any member fail to attend three consecutive, duly called meetings of the board, such member's appointment to the board shall be subject to termination by the city commission. The planning official shall give notice of the nonattendance of a member to the city manager.

(c) *Presiding member.* Annually, the board of adjustment and the planning board shall each elect a chairperson and a vice-chairperson from among the respective members of each board, and may create such other offices as necessary for the conduct of its affairs. Each board shall also appoint a secretary, who may be an officer or employee of the city, but not a board member. The presiding officer of each board shall be in charge of all proceedings before the respective boards, and shall take such action as necessary to preserve order and integrity of all proceedings.

(d) *Funding.* The city commission shall appropriate funds, at its discretion, to cover the fees and expenses necessary to discharge the functions of the planning board and of the board of adjustment. In addition, the city commission may establish, by resolution, a schedule of fees to be charged for petitions to each board. Subject to the fiscal practices of the city, each board may expend all sums appropriated and other sums available to it from fees, gifts, grants, or other sources, upon approval by the city commission.

(e) *Quorum and procedure.* No meeting of the planning board or of the board of adjustment may be called to order, nor may any business be transacted by such board without a quorum of at least three members being present. The chairperson of each board shall be considered and counted as a member and shall vote upon all actions requiring approval. The chairperson of each board may introduce any motion for action before the board. Each board shall adopt rules for the transaction of its business and shall keep a record of its activities.

(f) *Public meetings.* All meetings of the board of adjustment and the planning board shall be public meetings, and public participation shall be encouraged in all matters before each board. Meetings will be conducted at City Hall (9 Harrison Avenue, Panama City, Florida) unless otherwise specified by the city commission. Each board may establish a schedule for regularly held meetings and shall provide public notice thereof prior to any meeting.

(Ord. No. 2331, § 1, 11-25-2008)

Sec. 102-58. - Local planning agency.

(a) *Established.* Pursuant to and in accordance with F.S. ch. 163, the planning board is hereby designated and established as the local planning agency.

(b) *Duties and responsibilities of local planning agency.* The duties and responsibilities of the planning board shall include, but not be limited to, the following:

(1) To prepare amendments to the comprehensive plan, to hold at least one public hearing, after due public notice, to review proposed amendments, and to make recommendations to the city commission based thereon.

(2) To monitor the effectiveness of the comprehensive plan, to recommend to the city commission such changes in the comprehensive plan as may be from time to time required, and prepare reports required by F.S. ch. 163.

(3) To review proposed changes to this Code and report their findings to the city commission as to the consistency of the proposal with the adopted comprehensive plan, or element or portion thereof. However, the planning board shall not have the right to reconsider petitions requesting a change of the land use district or a change of zoning for a particular parcel of property or any portion thereof more frequently than six months after the date it was last considered by the planning board irrespective of any change in ownership of the parcel of property.

(4) To assess the goals, objectives, and policies of the comprehensive plan and make recommendations to the city commission of any changes the board may deem appropriate to improve the effectiveness of the plan, as required by state statutes.

(5) To review applications for development approval which are subject to the board's authority, and make recommendations to the city commission as to the approval or denial of such applications, stating the basis therefore.

(6) To review other development activities upon the planning official's request.

(7) To perform any other functions, duties, and responsibilities assigned to it by the city commission, or by law.

(8) To grant or deny variances from the bulk regulations of the city ancillary to the approval of projects or developments subject to their jurisdiction, if the conditions set forth in section 102-81 are satisfied. All other variances shall be subject to the jurisdiction of the board of adjustment.

(9) Prior to consideration of a community redevelopment plan by the community redevelopment agency (CRA) board, review such plan for conformity with the comprehensive plan. The planning board shall submit written recommendations with respect to the consistency with the comprehensive plan to the CRA board within 60 days after receipt of the plan for review pursuant to F.S. § 163.360(4), (2008).

(c) *Amendments, approval.* The concurring vote of at least three members shall be necessary to make a favorable recommendation to the city commission regarding comprehensive plan amendments, revisions to this Land Development Regulation Code, and development orders. All other actions shall require the concurring vote of a majority of the members present at a meeting having a quorum.

(Ord. No. 2331, § 1, 11-25-2008)

Sec. 102-59. - Board of adjustment.

(a) *Established.* There is hereby established a board of adjustment for the City of Panama City.

(1) *Duties and responsibilities.* The board of adjustment shall have the authority to:

a. Hear and decide appeals from any decision, determination, or interpretation by any administrative official with respect to the provisions of this Land Development Regulation Code.

b. Approve or deny variances from the bulk regulations contained in this Land Development Regulation Code, with exception to minimum lot size requirements for newly platted subdivisions, or any self-imposed hardship.

(b) *Initiation of appeals.* An appeal may be initiated by an owner, applicant, or adjacent property owner aggrieved or affected by any order, decision, determination, or interpretation by an administrative official with respect to the provisions of this Land Development Regulation Code so long as the appeal does not require an amendment to the comprehensive plan, does not conflict with the provision that expressly prohibits an action and does not constitute a use variance. The appeal shall state the following:

(1) The legal description, address and project name (if applicable) that pertains to the appeal.

(2) The provisions of the Land Development Regulation that pertain to the appeal with the administrative official's interpretation, and the applicant's interpretation outlined. Reasons why the applicant believes the administrative official's interpretation is incorrect must be stated.

(c) *Procedures.* An appeal petition in the form prescribed by the planning official must be filed with the division within ten working days of the decision or action to be appealed. The filing of such appeal petition will require the administrative official whose decision is appealed to forward to the division, within five working days, any and all records concerning the subject matter of the appeal. Failure to file such appeal shall constitute a waiver of any rights to appeal any interpretation or determination made by an administrative official.

(d) *Effect of filing an appeal petition.* The filing of an appeal petition shall stay the proceedings unless the administrative official rendering such decision, determination, or interpretation certifies, in writing, to the board and the applicant that a stay would pose an imminent threat to life or property, in which case the board shall not stay the appeal. The board may review such certification and grant or deny a stay of the proceedings.

(e) *Actions of the board of adjustment.* The board of adjustment shall consider the appeal petition at its next scheduled meeting following receipt of all records concerning the subject matter of the appeal which shall be held not less than 15 days and no more than 45 days after the appeal is filed. Upon the conclusion of the hearing, the board of adjustment shall issue and publish its decision in writing (but in no event later than 30 days) and send a copy thereof to the petitioner. The board may reverse, affirm, or modify the decision, determination, or interpretation appealed from, and, in so doing, shall be deemed to have all the powers of the official or board from which the appeal is taken, including the power to impose conditions to be complied with by the petitioner. The decision of the board of adjustment shall be final and binding on all parties.

(f) *Vote required.* The concurring vote of at least three members shall be necessary for the approval of an appeal petitions. All variances shall require the concurring vote of a majority of the members then present and voting at a meeting having a quorum.

(g) *Appeal to the board of adjustment.* Any person or affected party aggrieved by any decision of the board of adjustment may appeal to the county circuit court or to a special magistrate if designated as part of the city's appeal process. Such appeal must be filed no later than 30 days after the appeal hearing before the board of adjustment. Review shall be by petition for writ certiorari, and shall be governed by Florida law.

(Ord. No. 2331, § 1, 11-25-2008)

Sec. 102-60. - Community redevelopment agency.

(a) The community redevelopment agency board, or a designated committee, shall review all applications for development approval and site plans for development proposed in the community redevelopment areas as specified in chapter 104

(b) Recommendations resulting from review specified in above shall be forwarded to the planning official for consideration in the final plan review.

(Ord. No. 2331, § 1, 11-25-2008)

Secs. 102-61—102-76. - Reserved.

ARTICLE IV. - PROTECTION OF LANDOWNER'S RIGHTS

Sec. 102-77. - Intent.

It is the intent of the city commission to ensure that each and every landowner has the beneficial use of property as that right is defined by law, and to afford all landowners who believe they have been deprived of such use relief through nonjudicial procedures.

(CPLDR 1993, § 2-5)

Sec. 102-78. - Development as a matter of right.

Developments as a matter of right are those which are permitted, allowable, or conditionally approved in a land use district provided the development complies with the comprehensive plan, this Land Development Regulation Code, and all other applicable laws, statutes, ordinances, codes or regulations.

(CPLDR 1993, § 2-5.1)

Sec. 102-79. - Nonconforming development.

(a) *Nonconforming uses.* Nonconforming uses are those land uses which are in existence on the effective date of this Land Development Regulation Code that do not comply with the provisions of this Land Development Regulation Code. Nonconforming uses may continue, subject to the following restrictions:

(1) *Public hazard.* The use must not constitute a threat to the general health safety and welfare of the public.

(2) *Expansions or extensions.* Nonconforming uses shall not be expanded or enlarged or increased or extended, including a nonconforming use associated with an historical nonconforming waterfront development.

(3) *Modifications of use.* Nonconforming uses may be modified or altered in a manner which decreases the nonconformity, but may not be modified or altered in a way which increases the nonconformity. Once a nonconforming use or part thereof is decreased in nonconformity, the nonconformity may not be increased thereafter.

(4) *Abandonment or discontinuance.* Where a nonconforming use is discontinued for six months or more or is otherwise abandoned, the existence of the nonconforming use shall terminate, and any further use of the premises shall comply with the provisions of this Land Development Regulation Code.

(5) *Change of ownership.* Change of ownership of other transfer of an interest in real property on which a nonconforming use is located shall not in and of itself terminate the nonconforming status of the premises.

(6) *Change in use.* Should a nonconforming use be converted in whole or in part to a conforming use, that portion of the nonconforming use so converted shall lose its nonconforming status.

(b) *Nonconforming developments.* Nonconforming developments are those buildings or structures which were in existence on the effective date of this Land Development Regulation Code and which, by design, location or construction, do not comply with the provisions of this Land Development Regulation Code. Nonconforming developments may remain in a nonconforming state subject to the following restrictions:

(1) *Public hazard.* The building or structure must not constitute a threat to the general health, safety and welfare of the public.

(2) *Ordinary repair and maintenance.* Normal and ordinary maintenance and repair to a nonconforming building or structure shall be permitted.

(3) *Expansion or extensions.* A nonconforming building or structure shall not be expanded or enlarged.

(4) *Damage or destruction.* Where a nonconforming building or structure is substantially damaged or destroyed, reconstruction of such development shall comply with the provisions of this Land Development Regulation Code. A structure shall be considered substantially damaged or destroyed if the cost of reconstruction or repair is 50 percent or more of the fair market value of the structure at the time of the damage or destruction. If the nonconforming development is comprised of multiple structures, the cost of reconstruction shall be measured against the combined fair market value of all of the structures in determining the issue of substantial damage.

(5) *Attrition.* If a building or structure has an age of 20 years or more and has not been actively occupied for a period of six months or more, then prior to reoccupation, the building or structure will be required to comply with the requirements of this Land Development Regulation Code, including but not limited to requirements relating to stormwater, height, density, intensity, setbacks, parking, open space, buffers, and landscaping.

(6) *Conflict.* In the event of conflict between the provisions of this section and chapter 105, article III, division 2, the provisions of such division shall prevail.

(7) *Historical nonconforming waterfront development.* Notwithstanding subsection (3), a building or structure which is part of an historical nonconforming waterfront development may be expanded, enlarged, replaced or reconstructed without strictly complying with the provisions of this Land Development Regulation Code provided that:

a. Such expansion, enlargement, replacement or reconstruction is in proportion to the expansion or enlargement of neighboring buildings or structures of similar form which has occurred during he life of the historical nonconforming waterfront development;

b. Such expansion, enlargement, replacement or reconstruction does not increase any incompatibility between the existing historical nonconforming waterfront development (HNWD) and development in the surrounding area; and

c. The burden of any associated nonconforming use upon the neighboring properties and owners is not increased.

(c) *Condemnation relief.*

(1) *Intent.* It is the intent to provide relief to the owners of land affected by roadway condemnation by allowing a relaxation of requirement of land use regulations which are necessary for reasonable use of the property and to provide relief where, as a result of land acquisition for condemnation purposes, substandard parcels are created, existing structures are rendered nonconforming, available parking area reduced, or use of property is otherwise curtailed.

(2) *Applicability.* This is meant to be applied where strict enforcement of this Land Development Regulation Code would have the effect of increasing the cost of land acquisition to the condemning authority and/or causing hardship to the landowner.

(3) *Requirements.*

a. Existing use areas which are not within the part taken, but, because of the taking, do not comply with the setback, buffer, minimum lot requirements, lot coverage, stormwater management, parking, open space, and landscape provisions of this Land Development Regulation Code, shall not be required to be reconstructed to meet such requirements and the remainders shall be deemed thereafter to be conforming

properties. The exemption thus created shall constitute a covenant of compliance running with the use of the land.

b. Any conforming building, vehicular use area, or other permitted use taken either totally or partially may be relocated on the remainder of the site without being required to comply with the setback and other provisions of this Land Development Regulation Code except that the relocated building, vehicular use area, or other permitted use shall be set back as far as is physically feasible without reducing the utility or use of the relocated building, vehicular use of the relocated building, vehicular use area, or other permitted use below its pretaking utility or use. The exemption thus created shall constitute a covenant of compliance running with the land.

c. Any properties in category (c)(3)a or (c)(3)b of this section which are thereafter destroyed, or partially destroyed, may be restored.

d. As to the exemptions in subsections (c)(3)a and (c)(3)b of this section, either the condemning authority or the landowner or both of them, after proper notification to the land owner, may apply in writing to the director for a determination that the granting of the exemption will not result in a condition dangerous to the health, safety, or welfare of the general public. The director shall, within 30 days of the filing of the application, determine whether or not the waiver of the setback requirement granted by this section will endanger the health, safety, or welfare of the general public. If the director determines that the granting of the exemption under this section will not constitute a danger to the health, safety, or welfare of the general public, the director shall issue a signed letter to all parties granting waivers. The letter shall specify the details of the waiver in a form recordable in the public records of the city. If the application is denied, the director shall issue a signed letter to the applicant specifying the specific health or safety ground upon which the denial is based.

e. Any development permits or variances necessary to relocate building, vehicular use areas, or permitted uses taken or partially taken can be applied for by the condemning authority and/or landowners and administratively granted for the property in question.

f. Any legally nonconforming existing land use which, as a result of the taking or reconstruction necessitated by the taking, would be required to conform shall continue to be a legally nonconforming land use.

(CPLDR 1993, § 2-5.2; Ord. No. 2330, § 1, 2-10-2009)

Sec. 102-80. - Vested rights.

A property owner's right of development prior to adoption of this Land Development Regulation Code shall be vested, even if such development does not comply with this Land Development Regulation Code, subject to the following circumstances:

(1) Final development approval has been granted to the developer by the city and a valid, unexpired building permit has been issued to the developer by the Bay County building department, provided the development is commenced within the permit period.

(2) Within six months after adoption of this Land Development Regulation Code the property owner received approval of vested rights status from the appeals board.

(3) All vested development shall be undertaken in strict conformity to the design plans and specifications approved by the city and the Bay County building department. Any modifications, additions or alterations to the approved plans and specifications shall not be considered vested development.

(CPLDR 1993, § 2-5.3)

Sec. 102-81. - Hardship relief; variances.

(a) Any person desiring to undertake a development activity that does not comply with this Land Development Regulation Code may apply to the planning official for a variance to the bulk regulations. All variances shall be subject to review and approval by the board of adjustment so long as the variance does not require an amendment to the comprehensive plan, is not expressly prohibited and is not a use variance. In addition, it is not contrary to the public health, safety, and welfare, and is granted due to an unnecessary hardship to the property owner.

(b) No variance shall supersede or abrogate the requirements of flood damage prevention, or the requirements of the National Flood Insurance Program.

(c) The board of adjustment shall make an initial determination whether the need for the proposed variance arises out of the topography, shape, environmental, or similar conditions of the particular site, or whether the condition is common to numerous sites in the surrounding area. Any decision as to the granting of a single-property variance shall be subject to the seven-point test. In a group-variance situation, the board shall make all required findings based on the cumulative effect of granting the variance to all properties similarly situated.

(d) No variance of the provisions of this Land Development Regulation Code shall be approved unless the following conditions are satisfied by substantial and competent evidence:

(1) Strict compliance with the provisions of this Land Development Regulation Code would deprive the property owner rights and privileges enjoyed by other properties in the area or same zoning district, or would render the enforcement of this Land Development Regulation Code impracticable;

(2) Conditions for which the variance is being applied are unique or unusual to the site or structure in question;

(3) The variance request is not based solely upon the desire to reduce the cost of developing the site;

(4) The variance shall not confer on the petitioner the grant of a special privilege, or be based on a self-imposed hardship;

(5) The proposed variance will not alter the essential character of the area surrounding the site;

(6) The proposed variance will not degrade level of service standards as established in the comprehensive plan;

(7) The effect of the proposed variance is in harmony with the general intent of this Land Development Regulation Code and the specific intent of the relevant provisions thereof.

(e) In approving a variance request, the board of adjustment may impose such conditions and restrictions deemed necessary to preserve the continuing intent of the comprehensive plan and the provisions of this Land Development Regulation Code.

(f) Any action of a variance request must state the reasons why the variance should be granted.

(g) No variance may be continued to another meeting unless there is need for additional time for discovery of the facts needed to address the request.

(h) The variance granted must be the minimum required to make reasonable use of the land.

(i) Variances for height may only be issued under the following circumstances:

(1) Existing floodways, surge zones, or easements on the site present an unnecessary hardship on the development of the site. (CPLDR 1993, § 2-5.4; Ord. No. 2185, § 3, 5-9-2006; Ord. No. 2331, § 1, 11-25-2008)

Sec. 102-82. - Amendments to the comprehensive plan.

(a) Requests for plan amendments shall be submitted to the planning official on forms to be provided by the city. The request shall be reviewed by the planning board which shall submit recommendations to the city commission for final action. Requests for plan amendments involving small-scale developments may be considered by the planning board at any regular or special meeting in accordance with section 102-83

(b) Requests for large-scale plan amendments will be considered by the planning board after ~~twice each year~~ after **review by the planning official and** public notice. Final action shall be taken by the city commission in accordance with section 102-83.

(c) The planning official shall ~~report~~ **submit** to the state land planning agency (DCA) plan amendments approved by the city commission for consistency review pursuant to F.S. § 163.3184.

(d) The procedure for amendment of the comprehensive plan shall comply with the requirements of F.S. ch. 163.

(e) The planning board shall not recommend approval of a plan amendment unless it makes a positive finding, based on competent evidence, on each of the following:

(1) The proposed plan amendment will not degrade level of service standards established in the comprehensive plan, or minimum concurrency requirements;

(2) The proposed plan amendment is in harmony with the general intent of the comprehensive plan;

(3) The proposed plan amendment will not exceed traffic limitations, cause a fire hazard, or create a hazard to the public health, welfare and safety;

(4) Changes in land use designations or districts must be compatible with adjacent land uses and districts, and one that will not become a potential nuisance. (CPLDR 1993, § 2-5.5; Ord. No. 2331, § 1, 11-25-2008)

Sec. 102-83. - Public notice process and participation/due process.

The purpose of this section is to set forth the requirements and procedures for public notice requirements to afford due process of law. Public notice requirements shall be as follows:

(a) Public notice requirements are mandatory for the following actions taken by the city commission, planning board, or board of adjustment (as applicable):

(1) *Variance requests.* Advertisement in the local newspaper at least ten days prior to the hearing before the board of adjustments. Signage shall be placed on the parcel at least ten days prior to the hearing. A public notice shall be mailed to surrounding property owners within a 300-foot radius of the subject parcel and be postmarked at least 14 days prior to the hearing.

(2) *Comprehensive plan map amendments and zoning requests.* Advertisement in the local newspaper at least 10 days prior to the hearing before the planning board (the local planning agency). Signage shall be placed on the parcel at least ten days prior to the hearing. A public notice shall be mailed to surrounding property owners within a 300-foot radius of the subject parcel, and shall be postmarked at least 14 days prior to the hearing.

(3) *Vacations of rights-of-way (ROW).* Signage shall be placed at each end of the ROW subject segment at least ten days prior to the first reading of the ordinance. If the vacation is an alleyway, a public notice shall be mailed to all property owners within the block of the subject request. Other ROW vacation requests shall require a public notice mailed to property owners within 200 feet of the segment. All mailed notices shall be postmarked at least 14 days prior to the city commission hearing.

(b) Public notices also have the following requirements:

(1) All public notice costs shall be borne by the applicant. This includes, but is not limited to, all costs incurred due to advertising in the local newspaper and postage.

(2) All notices shall be mailed through the U.S. Postal Service certified by the applicant, and such certification receipts shall be submitted to the planning official with the list of recipients at least one week prior to the corresponding hearing for verification. If the receipts cannot be verified against the list of recipients, this may be cause for delay of any applicable hearing.

(3) Public notices may not be mailed prior to 30 days before the scheduled hearing.

(4) The public notice shall be in the format supplied by the planning official.

(5) The applicant shall use the most recent property appraiser data for determination of the mailing list for surrounding property owners.

(CPLDR 1993, § 2-5.6; Ord. No. 2369, § 1, 12-15-2009)

Secs. 102-84—102-109. - Reserved.

ARTICLE V. - ENFORCEMENT AND PENALTIES

Sec. 102-110. - Purpose.

The purpose of this article is to designate responsibility and to provide procedures for the enforcement of this Land Development Regulation Code, and to establish penalties for violations.

(CPLDR 1993, § 2-6.1)

Sec. 102-111. - Enforcement responsibilities.

The provisions of this article shall be administered by the director, or his designated representative. In addition to other remedies provided by this Land Development Regulation Code and other applicable laws, regulations or ordinances, the director shall take the following actions when a violation has been determined to exist:

(1) No subsequent development approval or order or certificate of occupancy shall be issued until the violation has been corrected;

(2) The violator shall be informed that no further work or construction under an existing development approval or order shall be permitted until the violation is corrected. A "stop work" order shall be issued by the building official and shall become effective at the time of delivery to the violator or upon posting at the job site;

(3) No clearing of land or construction, erection, placement, commencement of any other form of development shall occur in the city without a development order, and then only in accordance with the conditions of such order. Any unauthorized development may be declared a public nuisance by the city commission pursuant to the provisions of chapter 12, article II.

(CPLDR 1993, § 2-6.2)

Sec. 102-112. - Enforcement procedures.

(a) The director shall initiate proceedings against violators of this Land Development Regulation Code.

(b) Except as provided in subsection (c) of this section, when a violation of this Land Development Regulation Code has been determined to exist, the director or his designated representative shall issue a written "notice of violation" and cause the same to be served, mailed, or delivered to the violator or posted on the premises. The notice shall refer to the provisions of this Land Development Regulation Code that are alleged to have been violated. The violator shall have ten working days from the date of notice of violation to correct the violation or to enter into written agreement with the city outlining what actions will be taken to correct the violation by a date certain. If, after the applicable period, the violation has not been corrected, the director shall issue a "stop order," if applicable, to the violator. The violator shall be subject to the penalties prescribed in section 102-114

(c) If the director has reason to believe that any violation of this Land Development Regulation Code presents an imminent threat to the public health, safety and welfare, a notice of intent and a notice of violation shall not be a prerequisite to action to avert such threat or danger.

(d) Extensions of the ten-day period to correct or remedy violations may be approved by the director upon demonstration of extenuating circumstances by the violator.

(e) Copies of all notices of intent or notices of violation shall be transmitted to the city manager.

(CPLDR 1993, § 2-6.3)

Sec. 102-113. - Appeals.

(a) An appeal of any notice of violation may be initiated by any person charged with a violation of this Land Development Regulation Code.

(b) Initiation of an appeal shall stay the imposition of penalties provided in section 102-114 until such time as a final order is issued by the appeals board.

(c) Appeals board shall conduct a hearing and make a determination at its next regularly held meeting and shall determine whether a violation exists or has occurred.

(d) At the hearing, the director shall have the burden of showing the existence of a violation to the satisfaction of the board. Formal rules of evidence will not apply to the proceeding.

(CPLDR 1993, § 2-6.4)

Sec. 102-114. - Penalties or remedies.

(a) *Criminal penalties.* Any person failing to comply with the provisions of the Land Development Regulation Code shall be guilty of an offense and shall, upon conviction, be subject to fine and imprisonment pursuant to section 1-8

(b) *Civil remedies.* If any building or structure is erected, constructed, reconstructed, altered, repaired, or maintained, or if any building, or structure, or land, or water is used in violation of this Land Development Regulation Code, the city may institute appropriate civil action in a court of competent jurisdiction to prevent, correct, or abate the violation, including, but not limited to, injunctive relief.

(c) *Citation.* After ten days following the service of a notice of violations, if no appeal has been taken, the violator may be fined an amount to not exceed $500.00 per day and such fine shall constitute a lien against the premises which are the subject of the violation. Each day that the violation continues shall be a separate offense.

(d) *Double fees.* Where work for which a development order is required by this Land Development Regulation Code is started or proceeded prior to obtaining said development order, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Land Development Regulation Code in the execution of the work nor from any other penalties prescribed herein.

(e) *Alternative remedies.* The sanctions and procedures provided for in this article are alternative remedies and do not prevent the city from enforcing this Land Development Regulation Code by other means, including, but not limited to, code enforcement board action.

(CPLDR 1993, § 2-6.5)

Chapter 103 - CONCURRENCY MANAGEMENT

Sec. 103-1. - Purpose.

The purpose of this chapter is to implement the concurrency provisions of the Panama City Comprehensive Plan, as mandated by Florida Statute and the Florida Administrative Code. No development order or permit shall be issued except in accordance with this chapter.

(Ord. No. 2417, § 1(Exh. A), 3-8-2011)

Sec. 103-2. - Applicability.

Development orders or permits shall not be issued unless public facilities and services which meet or exceed the adopted level of service standards are available concurrent with the impacts of the development, are properly mitigated, or are programmed within three years of the issuance of the development order in the capital improvements schedule as applicable. Public facility and service availability shall be deemed sufficient if the public facilities and services for a development are partly phased, or the development is phased, so that the public facilities and those related services which are deemed necessary by the city to operate the facilities necessitated by that development are available and meet the adopted level of service standards concurrent with the impacts of the development. Phased facilities and services to be provided by the city shall be included in and consistent with the capital improvements element of the comprehensive plan. Public facilities and services to be provided by the developer shall be guaranteed by an enforceable development agreement pursuant to F.S., § 163.3220, or by a development agreement pursuant to the pertinent sections of this land development regulation. For the purpose of determining if concurrency requirements are being met, the city shall use the minimum requirements of the comprehensive plan.

(Ord. No. 2417, § 1(Exh. A), 3-8-2011)

Sec. 103-3. - De minimis exceptions.

The following development requests shall be considered de minimis for the purposes of transportation concurrency evaluations:

(1) Single-family residential dwelling units on lawfully created lots or parcels of record, as defined by F.S., § 163.3180(6), except when the additional unit will adversely affect the adopted level of service standard for hurricane evacuation clearance times.

(2) Nonresidential development which does not individually exceed 110 percent of the service threshold at five percent of the roadway volume.

(Ord. No. 2417, § 1(Exh. A), 3-8-2011)

Sec. 103-4. - Required facility and service evaluations.

Level of service standards shall be established and maintained to ensure that adequate facility and service capacity will be available for future development and for purposes of assessing concurrency. The city shall establish and maintain a level of service standard for each public facility identified in the capital improvements element of the comprehensive plan.

(1) *Public facilities and services.* Public facilities and services subject to required evaluation are:

a. Transportation;

b. Sanitary sewer;

c. Solid waste;

d. Drainage;

e. Potable water;

f. Parks and recreation; and

g. Public schools.

(Ord. No. 2417, § 1(Exh. A), 3-8-2011)

Sec. 103-5. - Level of service standards and generation rates.

The following level of service standards and generation rates shall be used to evaluate available facility capacity and as a basis for issuance of development orders. All population statistics used for generation rates shall be sourced from the same data year, and the same data source, and shall be either the most recent U.S. Census data to include American Community Survey projections, or the University of Florida Bureau of Economic and Business Research estimates.

(1) *Transportation.* Levels of service standards and generation rates for transportation systems or facilities shall be as follows:

a. Levels of service for transportation systems or facilities shall be based upon the functional classifications of roadways. Volume and capacity standards used by the Florida Department of Transportation shall be used to determine projected impacts. Level of service standards are shown in table 103.1.

Table 103.1—Roadway Levels of Service Standards

Functional Classification Urban	Peak Hour Level of Service
US 98 (SR 30) Hathaway Bridge to Beck Avenue	Maintain
Business 98 (SR 30) Beach Drive to Hamilton Avenue	E
All other principal arterials	D
Minor arterials	E
Collectors	E
Local streets	E

b. Generation rates for roadways shall use the Institute of Transportation Engineers Trip Generation Manual, most recent version, unless otherwise agreed upon by the planning official and city engineer. Such agreement must be received in writing by the planning official.

(2) *Sanitary sewer systems or facilities.* Levels of service (LOS) standards and generation rates for sanitary sewer systems or facilities shall be as follows:

a. The level of service for the St. Andrews Waste Water Treatment Plant service area shall have an LOS standard of 4.5 million gallons per day for determining capacity against any proposed development. The most recent monthly Panama City three-month flow average shall be utilized for determining existing utilization rates.

b. The level of service for the Millville Waste Water Treatment Plant service area shall have an LOS standard of 4.5 million gallons per day for determining capacity against any proposed development. The most recent monthly Panama City three-month flow average shall be utilized for determining existing utilization rates.

c. Generation rates for sanitary sewer systems shall be assessed at 110 gallons of wastewater per capita per day for residential uses. Nonresidential uses shall be assessed at 166 gallons of wastewater per 1,000 square feet for nonresidential uses, or 90 percent of the potable water generated demand, whichever is greater.

(3) *Solid waste systems or facilities.* Levels of service standards and generation rates for solid waste systems or facilities shall be as follows:

a. The solid waste level of service standard shall be when five years of capacity remains at the Steelfield Landfill. This assessment shall be based on the most recent annual Bay County data issued.

b. The residential generation rate for solid waste shall be assessed at a rate of four and one-half pounds per capita per day. Nonresidential uses shall be assessed at a rate of 6.89 pounds of solid waste per 1,000 square feet of heated and cooled space.

(4) *Drainage systems or facilities.* Levels of service standards and generation rates for drainage systems or facilities shall be as follows:

a. *Stormwater quality.* Minimum stormwater quality level of service is retention of the runoff from the first one-half inch of rainfall for drainage areas less than 100 acres. For areas of 100 acres or more, the runoff from one inch of rainfall shall be retained with the runoff.

b. *Stormwater quantity.* For flood attenuation, the city will use the 25-year critical storm with facilities designed so the postdevelopment stormwater off-site discharge rate shall not be greater than the predevelopment discharge rate, as determined by the applicable Panama City Stormwater Master Plan, or by standard engineering analysis.

(5) *Potable water systems or facilities.* Levels of service and generation rates for potable water systems or facilities shall be as follows:

a. The level of service standard for determination of capacity shall be 90 percent of the permitted capacity of the Bay County water treatment plant(s). The assessment shall be based on the most current year's data as supplied by Bay County.

b. Residential uses shall be assessed at a rate of 125 gallons per capita per day for one residential unit. Nonresidential uses shall be assessed at a rate of 166 gallons per 1,000 square feet of heated and cooled space.

(6) *Parks and recreation systems or facilities.* Levels of service and generation rates for parks and recreation systems shall be as follows:

a. The level of service standard for determination of capacity for park and recreation systems shall be one acre of neighborhood park per 1,000 city population, in addition to two and three-fourths acres of community park per 1,000 city population.

b. The most recent annual park inventory prepared by the city shall be utilized for park space concurrency analysis.

(7) *Public school facilities.* The level of service standard for public school facilities is determined jointly by all statutorily nonexempt local government agencies within Bay County, in consensus with the Bay District School Board. Levels of service and generation rates for public school facilities shall be as follows:

a. The level of service standard for determination of capacity for public schools shall be as depicted in table 103.2. The Bay District School Board is responsible for the annual reporting of available FISH capacity.

Table 103.2—Public School Facilities
Level of Service Standards

Type of School		Level of Service
	Elementary	100% of FISH capacity
	Middle	100% of FISH capacity
	High	100% of FISH capacity

FISH—Florida Inventory of School Houses

b. Student generation rates for determination of capacity for public schools shall be as depicted in table 103.3.

The analysis shall calculate elementary students at 46 percent of the total number of students generated (grades K through 5); middle school students at 23 percent of the total number of students generated (grades 6 through 8); and high school students at 31 percent of the total number of students generated (grades 9 through 12) by dwelling type.

Student impacts shall be assessed by school family district boundaries.

Table 103.3—Public School Facilities;eol;Student Generation Rates

Type of Dwelling	Generation Rate
Single-Family Homes	0.3047
Multifamily Homes—Apartments	0.2706
Multifamily Homes—-Condominiums	0.0106
Mobile Homes	0.5053

Table 103.3—Public School Facilities;Student Generation Rate>

(Ord. No. 2417, § 1(Exh. A), 3-8-2011)

Sec. 103-6. - Adequate services and facilities capacities.

The availability of public facilities to include all facilities and services listed in section 103-4 shall not fall below the adopted level of service standards of the comprehensive plan and the land development regulations. The following requirements shall prevail specific to the service or facility:

(1) Sanitary sewer, solid waste, potable water supply and facilities, and stormwater systems shall be in place at the time of the issuance of the certificate of occupancy.

(2) The acreage for park space shall be dedicated or be acquired by the city prior to issuance of a certificate of occupancy, or funds in the amount of the developer's fair share shall be committed no later than issuance of the development order.

(3) Transportation facilities needed to serve new development shall be in place or under actual construction within three years after the issuance of the first building permit for uses or structures pertaining to the development that will result in traffic generation. However, for those sites located within the boundary of an adopted mobility plan, the city shall not assess transportation concurrency fair-share fees. In adopted mobility plan districts the city shall assess the adopted mobility fee. This fee shall be paid at the time the development order is issued.

(4) Prior to the issuance of a development order for those uses which contain residential dwelling units, the applicant shall obtain from the Bay District School Board facilities department verification that there is adequate capacity for the proposed development, or that appropriate mitigation has been made or programmed.

   a. The city shall not issue a development order if adequate public school capacity for school-aged children is not available, or is not in place or under construction within three years after the issuance of the development order, or is not mitigated by the developer through a legally binding document. Such determination shall be made by the Bay District School Board's authorized representative.

   b. The city shall consider the Bay District School Board's authorized representative's comments and findings on the availability of adequate school capacity when considering comprehensive plan future land use map amendments and/or zoning change requests where such amendment and/or request increases residential density.

(5) No development order shall be approved unless a corresponding concurrency encumbrance certificate has been issued or a determination is made that the development proposed is exempt from concurrency review.

(Ord. No. 2417, § 1(Exh. A), 3-8-2011)

Sec. 103-7. - Concurrency evaluations.

Any property owner may request a written concurrency evaluation based upon a proposed development. Such evaluation is nonbinding upon the city, and is to be used for informational purposes only. A concurrency evaluation is valid only for the date issued, and the circumstances of the evaluation may change. Concurrency evaluations are not to be construed as any type of vesting for any development.

Concurrency evaluations are subject to a fee as adopted in the city's fee schedule.

(Ord. No. 2417, § 1(Exh. A), 3-8-2011)

Sec. 103-8. - Concurrency management system.

The city shall independently evaluate the impact to public facilities and services for each proposed development. The projected need incurred by a proposed development for which adequate capacity is available shall be withdrawn from the available capacity of the public facilities and service levels in determining when the capacity thresholds have been met. No capacity reservation shall occur until issuance of a concurrency encumbrance certification pursuant to section 103-9.

The potential impacts on public facilities and services caused by proposed development shall be determined using the generation rates and thresholds set forth in section 103-5.

(1) *[Development orders.]* No development order shall be issued until capacity thresholds or level of service standards have been met or exceeded for a proposed development unless:

   a. The city agrees to make improvements necessary to satisfy level of service standards. A development order may be issued on the basis of such an agreement, however, the issuance of a certificate of occupancy shall be subject to the completion of the required improvements.

b. The subject site lies within an adopted mobility plan area. This exemption only applies to transportation concurrency.

c. Transportation improvements are funded and programmed to be in place within three years of issuance of the development order.

d. The proportionate fair share option for transportation systems, as described in section [chapter] 103A of this Code, is utilized.

e. Adequate school facilities will be in place or under actual construction within three years after the issuance of final subdivision or site plan approval.

f. The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by actual development of the property.

(2) *Acceptable methods of mitigation.* Appropriate forms of mitigation may include:

a. Contribution of land.

b. Contribution of funds.

c. Construction of improvements, acceptable to the City, to the adopted service standard.

(Ord. No. 2417, § 1(Exh. A), 3-8-2011)

Sec. 103-9. - Concurrency encumbrance.

If a development requires a concurrency evaluation, a concurrency encumbrance certificate must be issued in conjunction with issuance of a development order.

(1) Development orders cannot be issued without a concurrency encumbrance certificate.

(2) Concurrency encumbrance certificates are not valid prior to the issuance of a development order.

(3) Concurrency encumbrance certificates must not be analyzed or completed more than 30 days prior to the issuance of the applicable development order.

(4) A concurrency encumbrance certificate is valid for six months from the date of issuance of a development order.

(5) During the period from the time the development order is issued, until the first building permit is issued, the capacity of any given service shall be deemed encumbered and shall be removed from the available capacity bank.

(6) The capacity of any given service shall be deemed as permitted capacity after a building permit is issued, and shall be removed from the available capacity and encumbered capacity banks.

(7) Permitted capacity shall be returned to the encumbered or available capacity banks when a building permit expires and a certificate of acceptance is not issued for a project with an issued development order.

(8) A concurrency encumbrance certificate is not eligible for extension. If a development subject to the concurrency encumbrance certificate does not receive a building permit within the valid period of the development order, or such building permit expires, the applicant must apply for a new concurrency encumbrance certificate.

(9) If the development does not meet all levels of service at the time of the reissuance, the developer must mitigate the impacts of the development prior to the issuance of any building permit or commencement of construction.

(10) The issuance of a concurrency encumbrance certificate shall reserve capacity for the corresponding development as long as the development order remains active and valid.

(11) Concurrency encumbrance certificates are nontransferable [to] any other parcel.

(Ord. No. 2417, § 1(Exh. A), 3-8-2011)

Sec. 103-10. - Concurrency exemption.

Determinations of exemption from concurrency shall be made by the planning official or a designee. Exemptions may be based on vested rights determinations, reuse developments, de minimis criteria.

(1) Developments that are a reuse of an existing structure that has previously received a development order may be eligible for concurrency credits if [the] permitted use for such structure has not been discontinued or abandoned for a period not to exceed one year.

(2) If such credits are sought, the evaluation shall be based on the previous use of the structure, based on city records and/or Bay County Property Appraiser records.

(Ord. No. 2417, § 1(Exh. A), 3-8-2011)

Sec. 103-11. - Annual concurrency report.

(a) The city shall prepare an annual concurrency report which evaluates the status of the year's development order activity, including:

(1) Development orders that were issued;

(2) Projects that were issued a certificate of acceptance;

(3) Development orders that were approved but not issued due to nonpayment of funds;

(4) Development orders that expired due to lack of issuance of a building permit or inactivity; and

(5) Development orders that are under review, but not issued, at the time of the report.

(b) The annual concurrency report shall also evaluate each public facility and service indicating:

(1) The available capacity for each system at the beginning of the reporting period, and the end of the reporting period;

(2) Available capacity;

(3) Encumbered capacity;

(4) Permitted capacity;

(5) Vested capacity;

(6) A forecast of capacity needs based upon development orders that are under current review, but not issued; and

(7) Programmed capacity.

(c) As part of the annual update to the capital improvements element, the city shall prepare a report that lists the developments that qualifies as de minimum exceptions to identify all building permits that were exempt from concurrency evaluation. This report shall identify the total vehicular trips of all exemptions combined and how that total affects the transportation levels of service.

(Ord. No. 2417, § 1(Exh. A), 3-8-2011)

Chapter 103A - PROPORTIONATE SHARE MITIGATION

Sec. 103A-1. - 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 the proportionate fair-share program, as required by and in a manner consistent with F.S. § 163.3180(16).

(Ord. No. 2229, § 1, 12-12-2006)

Sec. 103A-2. - Applicability.

The proportionate fair-share program shall apply to all applicants for developments in the City of Panama City that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility governed by the city's concurrency management system, including transportation facilities maintained by Bay County, FDOT, or another jurisdiction that are relied upon for concurrency determinations.

(Ord. No. 2229, § 1, 12-12-2006)

Sec. 103A-3. - Exclusions.

The proportionate fair-share program does not apply to a development of regional impact (DRI) using proportionate fair share under F.S. § 163-3180(12), or to developments exempted from concurrency as provided in the comprehensive plan, in section 103-7 of the Code, and/or pursuant to the provisions of F.S. § 163.3180(6), governing de minimis impacts. Also excluded are transportation improvements required for public safety, onsite roadway improvements, or offsite improvements otherwise required by the Code for non-deficient roadway segments.

(Ord. No. 2229, § 1, 12-12-2006)

Sec. 103A-4. - Minimum requirements for proportionate fair-share mitigation.

Notwithstanding chapter 103 of the Code, an applicant for development may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair-share mitigation only under the following conditions:

(1) The proposed development is consistent with the comprehensive plan and applicable land development regulations.

(2) The city's five-year capital improvement element (CIE) includes capacity of the transportation improvements that, upon completion, will fully mitigate for the additional traffic generated by the proposed development.

(3) If the city's concurrency management system indicates that the capacity of the transportation improvement set forth in the CIE has already been consumed by the allocated trips of previously approved development or the CIE does not reflect the transportation improvement needed to satisfy concurrency, then the provisions of this section shall apply.

(4) The city may choose to allow an applicant to satisfy transportation concurrency through the proportionate fair-share program 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 the CIE as follows:

   a. The city commission votes to add the improvement to the CIE no later than the next regularly scheduled update of the CIE. To qualify for consideration under this section, the proposed improvement must be determined to be financially feasible pursuant to F.S. § 163.3180(16)(b)(1), consistent with the comprehensive plan, and in compliance with the provisions of this section. The term financial feasibility under this chapter means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed ten years to fully mitigate for the impacts of the proposed development on transportation facilities.

   b. If the funds allocated for the CIE are insufficient to fully fund construction of a transportation improvement required by the concurrency management system, the city may enter into a binding proportionate fair-share agreement with the applicant pursuant to section 102-24(e) of the Code or as a condition of development approval, to authorize construction of that amount of development which the proportionate fair share is calculated if the proposed proportionate fair-share mitigation will, in the opinion of the city or governmental entity maintaining the transportation facility, significantly benefit the impacted transportation system. Criteria governing this opinion shall 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 other local or regional transportation agency. Proposed improvements not reflected in an adopted transportation plan or program that would significantly reduce access issues, congestion, and number of trips, or increase mobility in the impacted transportation system (including new roads, additional right-of-way, service roads, operational improvements, improved network development, increased connectivity, additional roadway drainage, or transit oriented solutions) may also be considered at the discretion of the city. Any improvement(s) funded by proportionate fair-share mitigation must be adopted into the CIE at the next regularly scheduled update of the CIE.

(5) Any improvement project proposed to meet the developer's fair-share obligation must meet local design standards as well as those of the Florida Department of Transportation (FDOT) for the state highway system.

(Ord. No. 2229, § 1, 12-12-2006)

Sec. 103A-5. - Intergovernmental coordination.

Pursuant to the policies of the Intergovernmental Coordination Element of the city's comprehensive plan and applicable policies in the Bay County Transportation Planning Organization's Programs as amended, 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 any other affected jurisdiction for this purpose.

(Ord. No. 2229, § 1, 12-12-2006)

Sec. 103A-6. - Application process.

The proportionate fair-share program shall be governed by the following procedures.

(1) Within ten days of a determination of a lack of capacity to satisfy transportation concurrency, the applicant for development shall be notified in writing of the city's proportionate fair-share program.

(2) 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.

(3) Eligible applicants shall submit an application to the city that includes an application fee of $250.00 and the following:

a. Name, address, and phone number(s) of owner(s), developer, and any authorized agent;

b. Property location, including parcel identification numbers;

c. Legal description and survey of property;

d. Project description, including type, intensity, and distribution of development;

e. Any proposed phasing schedule;

f. Description of proposed proportionate fair-share mitigation methods;

g. Estimated value of the proposed fair-share mitigation pursuant to this chapter;

h. All necessary applications.

(4) Within ten business days of submittal, the director or their designee shall review the application and determine whether the application is complete and sufficient. If an application is determined to be insufficient, incomplete, or inconsistent with the general requirements of the program and this chapter, the applicant will be notified in writing within 20 business days of the submittal of the application. If the deficiencies are not remedied within 45 business days of notification, the director shall deny the application. The director may grant an extension of time if requested in writing. Any extension shall be no longer than 60 days and shall be subject to the applicant showing good cause for the extension and verification that the applicant has taken reasonable steps to remedy the deficiencies.

(5) Pursuant to F.S. § 163.3180(16)(e), 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.

(6) Within 60 business days from the date at which the application is deemed sufficient, complete, and eligible, the director shall evaluate the application pursuant to this chapter and subsequently notify the applicant in writing of the status of approval. A copy of the notification shall be provided to the FDOT for any proportionate fair-share mitigation proposed on a Strategic Intermodal System (SIS) facility or any other FDOT facility.

(7) Appeals of decisions of the director pursuant to this chapter shall be made directly to the city commission.

(Ord. No. 2229, § 1, 12-12-2006)

Sec. 103A-7. - Methodology for determining proportionate fair-share mitigation.

The following shall describe the methodology to determine proportionate fair-share mitigation.

(1) Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities, and may include public funds if the city commission authorizes the use of public funds.

(2) 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.

(3) The methodology to be used by the director to calculate an applicant's proportionate fair-share mitigation shall be as provided for in F.S. § 163.3180(12), as follows:

"The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build-out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost at the time of developer payment of the improvement necessary to maintain the adopted level of service."

OR

Proportionate Fair-Share = [[(Development Trips[1]) / (SV increase[1])] × Cost[1]]

Where:

Development Trips[1] = Those trips from the stage or phase of development under review that are assigned to a roadway segment "[1]" and have triggered a deficiency per the concurrency management system or have further degraded the LOS of an already deficient roadway segment;

SV Increase[1] = Service volume increase provided by the eligible improvement to roadway segment "[1]" per Section 130A-4,

Cost[1] = Adjusted cost of improvement to segment "[1]". 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.

(4) 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 in chapter 103

(5) In the context of the formula for the proportionate fair-share calculation, "development trips" apply only to those trips that trigger a concurrency deficiency or are adding trips to an existing deficient roadway segment.

(6) For the purpose 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:

a. 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

b. The most recent issue of FDOT transportation costs, as adjusted based upon the type of cross section; 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.

(7) 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.

(8) If the fair market value of an alternative form of fair-share mitigation is less than the total proportionate fair-share obligation as determined above, the applicant must pay the difference as a fee-in-lieu payment. The city is authorized to accept forms of proportionate fair-share mitigation that exceed the actual values calculated. Under no circumstances shall the city approve an application that obligates the city to compensate an applicant for proportionate fair-share mitigation that exceeds the value calculated.

(9) If the conveyance of land or a 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 with the application a survey and legal description of the land or right-of-way and a certificate of title or

title search of the land to the city at no expense to the city, and shall deliver clear title by warranty deed to the city at closing.

(Ord. No. 2229, § 1, 12-12-2006)

Sec. 103A-8. - Certificate of concurrency for proportionate fair-share mitigation.

Upon approval of an application for proportionate fair-share mitigation, the following requirements shall apply:

(1) Notwithstanding the requirements in chapter 103, upon approval of an application for proportionate fair-share mitigation, the city shall issue to the applicant a certificate of concurrency governing concurrency for transportation facilities, which shall explicitly set forth the proportionate fair-share mitigation required by this chapter.

(2) If within 12 months of the date of the certificate of concurrency the applicant should fail to apply for a building permit, the approval of the application for proportionate fair-share mitigation shall be considered null and void. At that time, the applicant will be required to reapply for a certificate of concurrency for the project. Extensions may only be granted by the director should the applicant show good cause in due diligence in their permitting process.

(3) Payment of the proportionate fair-share mitigation funds is due in full prior to issuance of the final development order or recording of the final plat and is nonrefundable. If the payment is submitted more than 12 months from the date of the issuance of the certificate of concurrency, the proportionate fair-share mitigation shall be recalculated at the time of payment based on the best estimate of the construction cost for the required improvement at the time of payment pursuant to section 103A-7 and shall be adjusted accordingly.

(4) If an applicant enters into a binding agreement or receives a development order which requires road improvements as a condition of development approval, such improvements must be completed prior to issuance of any certificates of acceptance (CA) or any final plat approval. A presentment bond payable to the city sufficient to ensure the completion of improvements shall be obtained.

(5) 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 acceptance or recordation of the final plat.

(6) 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 pursuant to this chapter.

(7) Applicants may submit a letter to withdraw from the proportionate fair-share program at any time prior to the issuance of the certificate of concurrency. The application fee and any associated advertising costs to the city will be nonrefundable.

(8) 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. 2229, § 1, 12-12-2006)

Sec. 103A-9. - Appropriation of fair-share revenues.

At the time the proportionate fair-share mitigation funds are received pursuant to this chapter, they shall be deposited as follows:

(1) Proportionate fair-share mitigation funds shall be placed in the appropriate project account for funding of scheduled improvements in the CIE or CIP, or as otherwise established in the terms of the certificate of concurrency, or as a condition of development approval. At the discretion of the city, proportionate fair-share revenues may be used for operational improvements prior to construction of a project from which the proportionate fair-share funds were derived. Proportionate fair-share mitigation funds may also be used as the 50 percent local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).

(2) 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 the city determines will mitigate the impacts of development.

(3) Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan pursuant to F.S. § 339.155, then the city may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share mitigation 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. 2229, § 1, 12-12-2006)

Sec. 103A-10. - Impact fee credit for proportionate fair-share mitigation.

The following requirements shall apply regarding impact fee credits and proportionate fair-share mitigation.

(1) Proportionate fair-share mitigation shall be applied as a credit against impact fees only when a transportation impact fee is applied. 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.

(2) 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.

(3) The 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. 2229, § 1, 12-12-2006)

Chapter 104 - ZONING DISTRICTS

ARTICLE I. - GENERAL

Sec. 104-1. - Public purpose.

The purpose of these zoning districts is to preserve, promote, and protect the public health, safety, and welfare including aesthetic qualities of life; to ensure adequate public facilities and services; to conserve and protect natural resources; and to ensure the compatibility of adjacent land uses to avoid nuisance conditions.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-2. - Applicability.

Development within each zoning district shall be consistent with the stated purposes, allowable uses and development standards as set forth in this chapter unless exempted, excepted, or an allowed nonconforming development.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-3. - Land use categories.

The future land use categories as established in the future land use element of the comprehensive plan shall be utilized in this chapter. They are restated for convenience as follows:

- Preservation (P);
- Recreation (REC);
- Silviculture (SIL);
- Public Institutional (P/I);
- Residential (R);

- Urban Residential (UR);
- Urban Community (UC);
- Mixed Use (MU);
- Downtown District (DTD);
- General Commercial (GC);
- Industry (I);
- Residential Vested (RV).

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-4. - Future Land Use Map.

The boundaries and designations of future land use categories shall be as described or depicted in the future land use element of the comprehensive plan, or amendments thereto, and shown on the map entitled "Future Land Use Map of the City of Panama City, Florida." A copy of this map shall remain on file in the office of the Planning and Land Use Division and shall be available for inspection by all interested persons during normal working hours.

(a) *Property contiguous to water.* Where property within the city is contiguous to a body of water, the zoning of such property shall apply to that area of submerged lands that are part of a submerged land lease or are within the boundary of the legal description of the parcel at large.

(b) *Boundaries of zoning districts.* Zoning district boundaries shall follow parcel lines, rights-of-ways, or natural feature boundaries.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Secs. 104-5—104-19. - Reserved.

ARTICLE II. - ZONING DISTRICT ALLOWABLE USES AND DEVELOPMENT STANDARDS

Sec. 104-20. - Zoning districts.

The following zoning districts are hereby established for the purposes of providing land development standards.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-21. - General development standards.

The following standards shall apply to development within the City, regardless of the zoning district classification.

(a) *Setbacks on odd-shaped lots.* Setbacks on odd-shaped parcels shall be determined by averaging the setback measures at right angles from the parcel line to the building corners.

(b) *Front setbacks on curves.* Front setbacks on a curve or cul-de-sac shall be determined by measuring at right angles from a line drawn through the front parcel line corners to the front of the building.

(c) *Setbacks on corners.* Setbacks for corner parcels shall be determined by measuring the front setback as the distance from the parcel line to the side of the building with the main entrance, while the other front yard setback shall be one-half the required front yard setback for that district. For corner lots with main entrances on both fronting streets, such as duplexes, the front yard setback shall be the same required front yard setback for that district for each main entrance side.

(d) *Wetlands setbacks.* Setbacks for state and federal jurisdictional wetlands shall be 30 feet from any structure, except for water dependent uses such as docks and boathouses.

(e) *Minimum building setbacks for accessory structures.* Three feet from any abutting parcel line not adjoining a street or alley; seven feet from a street or alley right-of-way line.

(f) *Measurement of setbacks.* Setbacks for primary structures shall be measured from the foundation or wall.

(g) *Measurement of setbacks for accessory structures and uses.* Setbacks for decks, pool decks, patios, and other accessory structures and uses shall be from the outermost point of such use or structure, to include roof eaves and pool decks.

(h) *Recreational vehicles or boats.* Recreational vehicles or boats may not be stored in the front yard or front parking area of any residence unless parked within a carport, garage or other permanent shelter, or behind approved fencing which shields the vehicle or boat from view.

(i) *Development south of Beach Drive.* All buildings, structures, piers, or docks, except those associated with governmental or utility operations, are prohibited in the area south of Beach Drive between Frankford Avenue and the Johnson Bayou Bridge.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-22. - Preservation (P) zoning district.

The purpose of this zoning district is to provide areas for the preservation and protection of environmentally sensitive areas, land and water resources, and critical habitats.

(a) Development on parcels designated as Preservation (P) on the zoning map shall:

(1) Limit parking to pervious surfaces with exceptions for that which is required by the Americans with Disabilities Act.

(b) The following bulk regulations shall apply to property zoned P:

(1) The impervious surface ratio shall be no greater than 0.05 of the total parcel area. Impervious surface may only be created for a purpose that will support passive recreational activities such as the development of a boardwalk, parking lot requirements, or a nature observation point.

(2) Structures, except for observation towers, shall have a height limit of 25 feet.

(3) Minimum setbacks shall be:

A 30-foot undisturbed, vegetative buffer between any development activity and the jurisdictional wetland line of the DEP or the U.S. Army Corps of Engineers.

A 75-foot undisturbed, vegetated buffer between any development and any streams or creeks.

(c) The following uses are allowed in the P zoning district; all other uses are prohibited:

(1) Uses which are strictly passive in nature, such as walking trails, observation points, open space, observation towers, and boardwalks.

(2) Noncommercial nature preserves and wildlife sanctuaries.

(3) Water/sewer lines, lift stations, pump stations, and roadways only when necessary to connect existing or proposed developments located outside of the preservation category. The development of the aforementioned utilities and/or roadways shall follow the requirements of conservation element policies 6.7.10, 6.7.11, and 6.7.12 of the comprehensive plan.

(4) Residential uses for quarters owned or operated by the U.S. Department of the Interior or a state agency.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-23. - Recreation-1 (REC-1) zoning district.

The purpose of this zoning district is to provide areas and sites for public recreation and park space.

(a) Development on parcels designated as Recreation-1 (REC-1) on the zoning map shall:

(1) Provide off-street parking as specified in chapter 105, article V.

(2) Conform to the landscaping and buffering requirements as specified in chapter 105, article II.

(b) The following bulk regulations shall apply to property zoned as REC-1:

(1) All structures shall have a maximum height limitation of 25 feet above base flood elevation (BFE) or the crown of the adjacent roadway, whichever is higher.

(2) The impervious surface ratios shall be no greater than 0.40 of the total parcel area.

(3) The floor area ratio shall be no greater than 0.20.

(4) Minimum setbacks shall be:

Twenty-five feet from the front parcel line.

Thirty feet from the rear parcel line.

Seven feet from the side parcel lines.

(c) The following uses are allowed in the REC-1 zoning district; all other uses are prohibited:

(1) All uses allowed in the P zoning district.

(2) Public uses such as playgrounds, splash parks, sports facilities, public marinas, boat ramps, and other public active recreation uses.

(3) Public equestrian facilities and trails.

(4) Public sporting and recreational camps.

(5) Public utilities, except for solid waste facilities and landfills.

(6) Commercial uses incidental or accessory to permitted uses above, such as retail sales of merchandise to support a recreational activity.

(7) Restaurants or cafes accessory to a park or preserve, so long as the commercial use functions as a subordinate or accessory use to the primary use.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-24. - Recreation-2 (REC-2) zoning district.

The purpose of this zoning district is to provide areas and sites for commercial recreation, and areas for private use of residents or owners of recreational areas for a development.

(a) Development on parcels designated as Recreation-2 (REC-2) on the zoning map shall:

(1) Provide off-street parking as specified in chapter 105, article V.

(2) Conform to the landscaping and buffering requirements as specified in chapter 105, article II.

(b) The following bulk regulations shall apply to property zoned as REC-2:

(1) All structures shall have a maximum height limitation of 25 feet above base flood elevation (BFE) or the crown of the adjacent roadway, whichever is higher.

(2) The impervious surface ratio shall be no greater than 0.40 of the total parcel area.

(3) The floor area ratio shall be no greater than 0.20.

(4) Minimum setbacks shall be:

Twenty-five feet from the front parcel line.

Thirty feet from the rear parcel line.

Seven feet from the side parcel lines.

(c) The following uses are allowed in the REC-2 zoning district; all other uses are prohibited:

(1) Commercial nature preserves and wildlife sanctuaries.

(2) Private recreation set aside for use of owners/residents in master planned developments.

(3) Commercial, for-profit uses such as playgrounds, splash parks, sports facilities, private marinas, boat ramps, and other public active recreation uses.

(4) Equestrian facilities and trails.

(5) Sporting and recreational camps.

(6) Public utilities, except for solid waste facilities and landfills.

(7) Commercial uses incidental or accessory to permitted uses above, such as retail sales of merchandise to support a recreational activity.

(8) Restaurants or cafes accessory to a park or preserve, so long as the commercial use functions as a subordinate or accessory use to the primary use.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-25. - Silviculture (SIL) zoning district.

The purpose of this zoning district is to provide areas for active silvicultural and agricultural production use, to include plants and animals, in addition to very low residential density uses.

(a) Development on parcels designated as Silviculture (SIL) on the zoning map shall:

(1) Have a density of no greater than one dwelling unit per 20 acres.

(b) The following bulk regulations shall apply to property zoned as SIL:

(1) All structures shall have a maximum height limitation of 50 feet above base flood elevation (BFE) or the crown of the adjacent roadway, whichever is higher.

(2) The impervious surface area shall be no greater than 0.20 of the total parcel area.

(3) The floor area ratio shall be no greater than 0.20.

(4) Minimum setbacks shall be:

Twenty-five feet from the front parcel line.

Thirty feet from the rear parcel line.

Seven feet from the side parcel lines.

(c) The following uses are allowed in the SIL zoning district; all other uses are prohibited:

(1) Farming activities, including, but not limited to, aquaculture, horticulture, floriculture, silviculture, crop production, sod farms, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

(2) Retail uses that are ancillary to the farming activities, including, but not limited to, the sale of eggs, honey, or hay where the product was grown on site.

(3) Single-family detached dwelling units, manufactured homes, and accessory dwelling units.

(4) Public utilities.

(5) Institutional uses and/or research facilities dedicated to agricultural education, provided such uses are ancillary to the farming activities.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-26. - Public/Institutional (P/I) zoning district.

The purpose of this zoning district is to provide areas and sites for civic and community uses.

(a) Development on parcels designated as Public/Institutional (P/I) on the zoning map shall:

(1) Provide off-street parking as specified in chapter 105, article V.

(2) Conform to the landscaping and buffering requirements as specified in chapter 105, article II.

(b) The following bulk regulations shall apply to property zoned as P/I:

(1) No height limitation.

(2) The impervious surface ratio shall be no greater than 0.90 of the total parcel area.

(3) The floor area ratio shall be no greater than 0.70.

(4) The minimum open space requirement is ten percent.

(5) Minimum setbacks shall be:

Fifteen feet from the front parcel line.

Ten feet from the rear parcel line, except when adjacent to a land use category that allows for residential uses, then 25 feet is required.

Seven feet from the side parcel lines.

(c) The following uses are allowed in the P/I zoning district; all other uses are prohibited:

(1) Public or private schools, any age group.

(2) Buildings and lands owned by a governmental agency.

(3) Civic and community centers.

(4) Houses of worship.

(5) Public cemeteries.

(6) Public utilities.

(7) Borrow pits; landfills.

(8) Hospitals, medical centers, and other health care facilities.

(9) Nursing home, convalescent home, hospice center, skilled nursing facility, extended care facilities for the elderly, or other similar uses.

(10) Residential uses which are incidental to a primary use such as a parsonage or caretakers quarters.

(11) Correctional institutions, after approval by the city commission, and after compatibility with adjacent uses has been determined.

(12) Military installations.

(13) Public or noncommercial private recreational uses to include marinas and boat ramps.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-27. - Residential-1 (R-1) zoning district.

The purpose of this zoning district is to provide areas for the preservation or development of residential neighborhoods consisting of detached single-family dwelling units on individual lots.

(a) Development on parcels designated as Residential-1 (R-1) on the zoning map shall:

(1) Have a density no greater than five dwelling units to the acre.

(2) Have a minimum lot size of 8,000 square feet.

(3) Provide off-street parking as specified in chapter 105, article V.

(4) Have a minimum lot frontage of:

Square or rectangular lot: 80 feet

Corner: 100 feet

Cul-de-sac or corner: 20 feet

(b) The following bulk regulations shall apply to property zoned as R-1:

(1) All structures shall have a maximum height limitation of 35 feet above base flood elevation (BFE) or the crown of the adjacent roadway, whichever is higher.

(2) The impervious surface ratio shall be no greater than 0.40 of the total parcel area.

(3) Minimum setbacks shall be:

Twenty feet from the front parcel line.

Thirty feet from the rear parcel line.

Seven feet from the side parcel lines.

(c) The following uses are allowed in the R-1 zoning district; all other uses are prohibited:

(1) Single-family detached dwellings on individual parcels;

(2) Community residential homes shall be allowed when six (6) or fewer residents are located in a single-family, residential dwelling provided that such homes are not located within 1,000 feet of one another and when the location of such homes does not substantially alter the nature and character of the area. Such use must be licensed by a state agency as listed in F.S. § 419.001(1)(b).

(3) Public and private schools grades K—12.

(4) Public or non-commercial private recreation.

(5) Accessory uses or structures as set forth in chapter 104, articles IV and V.

(6) Public utilities customarily found in residential areas.

(7) Family day care homes pursuant to F.S. § 125.0109.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-28. - Residential-2 (R-2) zoning district.

The purpose of this zoning district is to provide areas for the preservation or development of residential neighborhoods consisting of dwelling units which may be attached or detached structures.

(a) Development on parcels designated as Residential-2 (R-2) on the zoning map shall:

(1) Have a density no greater than ten dwelling units to the acre.

(2) Have a minimum lot size of 5,000 square feet for detached single-family structures. A minimum lot size of 3,000 square feet shall be required for duplex, triplex, quadraplex, or other semidetached rowhouse-type structure with a common wall.

(3) Provide off-street parking as specified in chapter 105, article V.

(4) For detached structures have a minimum lot frontage of:

Square or rectangular lot: 50 feet

Corner: 75 feet

Cul-de-sac or corner: 20 feet

(5) For attached structures, have a minimum lot frontage of 20 feet.

(b) The following bulk regulations shall apply to property zoned as R-2:

(1) All structures shall have a maximum height limitation of 50 feet above base flood elevation (BFE) or the crown of the adjacent roadway, whichever is higher.

(2) The impervious surface ratio shall be no greater than 0.50 of the total parcel area.

(3) Minimum setbacks shall be:

Twenty feet from the front parcel line.

Twenty feet from the rear parcel line.

Seven feet from the side parcel lines, except when:

i. The structure contains multiple units under the same ownership, the side setback shall be from the footprint of the building as a whole, and not each individual unit.

ii. The structure has multiple units under one roof and individual ownership for each unit, side setbacks may be decreased to zero feet only when there is a common wall between units.

(c) The following uses are allowed in the R-2 zoning district; all other uses are prohibited:

(1) All uses allowable in the R-1 zoning district.

(2) Attached dwellings, up to four units attached.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-29. - Urban Residential-1 (UR-1).

The purpose of this zoning district is to provide for the efficient use of land by allowing medium- to high-density residential development and neighborhood commercial uses within the same vicinity.

(a) Development on parcels designated as Urban Residential-1 (UR-1) on the zoning map shall:

(1) Have a density no greater than 15 dwelling units to the acre.

(2) Single-family detached housing must have a minimum lot size of 4,000 square feet. A minimum lot size of 3,000 square feet shall be required for duplex, triplex, or quadraplex, or other semidetached rowhouse-type structure with a common wall.

(3) Locate ingress and egress to minimize traffic impacts to adjacent neighborhoods.

(4) Provide off-street parking as specified in chapter 105, article V.

(5) Conform to the landscaping and buffering requirements as specified in chapter 105, article II.

(b) The following bulk regulations shall apply to property zoned as UR-1:

(1) *Height.* No structure nor any part thereof shall exceed a vertical height of 80 feet from the preconstruction ground elevation of the site to the ceiling of the highest habitable residential unit, plus 25 feet for roof and mechanical elevations, provided the ground floor elevation is above the base flood elevation as determined by a Florida registered surveyor. Where the site has various elevations, the height of the structure shall be measured from the base flood elevation of the site or the averaged site elevation, whichever is greater.

Height limit exception. The height limit of 80 feet may be exceeded if certain building and construction criteria are met, if recommended by the Board of Architects and approved by the City Commission. Under no circumstances shall the height of the structure exceed 110 feet from the pre-construction ground elevation to the ceiling of the highest habitable unit, plus twenty-five (25) feet for roof and mechanical elevations. Height enhancement criteria shall include the following:

Three feet of height for every one foot of additional side lot setback.

Not to exceed ten feet of height for each public access lane having a minimum width of ten feet to the estuary, if applicable, plus five feet of height, if maintained by the developer in perpetuity and recommended by the board of architects and approved by the city commission.

Five feet of height for appropriate use of low water demand plants in all required buffer or landscaped areas.

Five feet of height for the use of drip irrigation or other low water use methods, i.e., wastewater or gray water irrigation.

Ten feet of height for projects designed so as to provide a varied skyline to provide for light and wind dynamics on adjacent properties and natural systems.

Not to exceed ten feet of height based on a combination of unusual and unique architectural features; shoulder buildings below the maximum allowable height, public amenities associated with grounds or structures having public accessibility, but only if recommended by the board of architects and approved by the city commission.

Not to exceed ten feet of height based on a combination of the following, but only if recommended by the board of architects and approved by the city commission:

(i) Donation of environmentally sensitive lands to the city, subject to a conservation easement in perpetuity;

(ii) Donation of land of known archeological or historic value to the city, subject to a conservation easement in perpetuity;

(iii) Dedication of public space;

(iv) Public landscaping and maintenance off site; and

(v) Saving champion or heritage trees, or green area dedication to the public.

(2) The impervious surface ratio shall be no greater than 0.65 of the total parcel area.

(3) The floor area ratio shall be no greater than 0.50.

(4) Minimum setbacks for those developments with only a residential use shall be:

Twenty feet from the front parcel line.

Twenty feet from the rear parcel line.

Seven feet from the side parcel lines.

(5) Minimum setbacks for those developments that include a nonresidential use which is adjacent to residential uses shall be:

Twenty feet from the front parcel line.

Thirty feet from the rear parcel line.

Twelve feet from the side parcel lines.

(c) The following uses are allowed in UR-1 zoning district; all other uses are prohibited:

(1) All uses allowed in the R-2 zoning district.

(2) Multifamily structures.

(3) Neighborhood-scale commercial uses, not to exceed 20,000 square feet of heated and cooled space in size per parcel. Such uses may include:

i. Professional office and personal services.

ii. Bed and breakfast, not to exceed six rental rooms.

iii. Private child care or day care for children.

iv. Commercial recreational facilities.

v. Grocery and convenience retail including, but not limited to, beauty parlor, barber shop, laundromat, dry cleaner, and other retail establishments meant to serve the immediate vicinity.

vi. Athletic clubs, dance or music studios.

vii. Food establishments without a drive-through window.

viii. Other similar uses serving the neighborhood area.

(d) No more than 15 percent of this zoning district, in combination with the UR-2 zoning district, may be used for neighborhood commercial uses. This analysis shall be made on a continuous basis and shall be assessed on a city-wide basis.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-30. - Urban Residential-2 (UR-2).

The purpose of this zoning district is to provide for the efficient use of land by combining high-density residential development and neighborhood commercial uses within the same development.

(a) Development on parcels designated as Urban Residential-2 (UR-2) on the zoning map shall:

(1) Have a density no greater than 30 dwelling units to the acre.

(2) Locate ingress and egress to minimize traffic impacts to adjacent neighborhoods.

(3) Not be more than twice the maximum height allowed in an adjacent zoning district when the parcel is adjacent to property utilized for single-family detached housing.

(4) Provide off-street parking as specified in chapter 105, article V.

(5) Conform to the landscaping and buffering requirements as specified in chapter 105, article II.

(b) The following bulk regulations shall apply to property zoned as UR-2:

(1) *Height.* No structure nor any part thereof shall exceed a vertical height of 120 feet from the preconstruction ground elevation of the site to the ceiling of the highest habitable residential unit, plus 25 feet for roof and mechanical elevations, provided the ground floor elevation is above the base flood elevation as determined by a Florida registered surveyor. Where the site has various elevations, the height of the structure shall be measured from the base flood elevation of the site or the averaged site elevation, whichever is greater.

Height limit exception. The height limit of 120 feet may be exceeded if certain building and construction criteria are met, if recommended by the board of architects and approved by the city commission. Under no circumstances shall the height of the structure exceed 150 feet from the preconstruction ground elevation to the ceiling of the highest habitable unit, plus 25 feet for roof and mechanical elevations. Height enhancement criteria shall include the following:

Three feet of height for every one foot of additional side lot setback.

Not to exceed ten feet of height for each public access lane having a minimum width of ten feet to the estuary, if applicable, plus five feet of height, if maintained by the developer in perpetuity and recommended by the board of architects and approved by the city commission.

Five feet of height for appropriate use of low water demand plants in all required buffer or landscaped areas.

Five feet of height for the use of drip irrigation or other low water use methods, i.e., wastewater or gray water irrigation.

Ten feet of height for projects designed so as to provide a varied skyline to provide for light and wind dynamics on adjacent properties and natural systems.

Not to exceed ten feet of height based on a combination of unusual and unique architectural features; shoulder buildings below the maximum allowable height, public amenities associated with grounds or structures having public accessibility, but only if recommended by the board of architects and approved by the city commission.

Not to exceed ten feet of height based on a combination of the following, but only if recommended by the board of architects and approved by the city commission:

(i) Donation of environmentally sensitive lands to the city, subject to a conservation easement in perpetuity;

(ii) Donation of land of known archeological or historic value to the city, subject to a conservation easement in perpetuity;

(iii) Dedication of public space;

(iv) Public landscaping and maintenance off site; and

(v) Saving champion or heritage trees, or green area dedication to the public.

(2) The impervious surface ratio shall be no greater than 0.75 of the total parcel area.

(3) The floor area ratio shall be no greater than 0.75.

(4) Minimum setbacks for those developments with only a residential use shall be:

Fifteen feet from the front parcel line.

Twenty feet from the rear parcel line.

Seven feet from the side parcel lines.

(5) Minimum setbacks for those developments that include a nonresidential use which is adjacent to residential uses shall be:

Fifteen feet from the front parcel line.

Thirty feet from the rear parcel line.

Twelve feet from the side parcel lines.

(c) The following uses are allowed in UR-2 zoning district; all other uses are prohibited:

(1) All uses allowed in the UR-1 zoning district.

(d) No more than 15 percent of this zoning district, in combination with the UR-1 zoning district, may be used for neighborhood commercial uses. This analysis shall be made on a continuous basis and shall be assessed on a city-wide basis.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sect. 104-31. - Urban Residential-3 (UR-3).

The purpose of this zoning district is to provide areas for manufactured home subdivisions and parks.

(a) Development on parcels designated as Urban Residential-3 (UR-3) on the zoning map shall:

(1) Have a density no greater than ten dwelling units to the acre.

(2) Locate ingress and egress to minimize traffic impacts to adjacent neighborhoods.

(3) Provide off-street parking as specified in chapter 105, article V.

(4) Conform to the landscaping and buffering requirements as specified in chapter 105, article II.

(5) Manufactured housing dwelling units shall conform to the requirements of the National Manufactured Home Construction and Safety Standards as administered by the U.S. Department of Housing and Urban Development, or conform to the requirements of the Florida Department of Community Affairs, and bear such insignia.

(b) The following bulk regulations shall apply to property zoned as UR-3:

(1) All structures shall have a maximum height limitation of 15 feet above base flood elevation (BFE) or the crown of the adjacent roadway, whichever is higher.

(2) Individual lots in manufactured home subdivisions shall have a minimum lot size requirement of 4,000 square feet.

(3) The impervious surface ratio shall be no greater than 0.75 of the total parcel area.

(4) Minimum setbacks for individual lots shall be:

Fifteen feet from the front parcel line.

Fifteen feet from the rear parcel line.

Seven feet from the side parcel lines.

(5) Minimum setbacks for homes located within a manufactured home park shall be:

Fifteen feet from any property line.

Twenty feet between units or structures when oriented long side by long side.

Six feet between units or structures when oriented short end to short end.

Eight feet between units or structures when oriented long side to short end.

(c) The following uses are allowed in the UR-3 zoning district; all other uses are prohibited:

(1) Manufactured home subdivisions and manufactured home parks.

(2) Existing, grandfathered mobile homes, as specified in chapter 105, article VII.

(3) Community residential homes shall be allowed when six or fewer residents are located in a single-family, residential dwelling provided that such homes are not located within 1,000 feet of one another and when the location of such homes does not substantially alter the nature and character of the area. Such use must be licensed by a state agency as listed in F.S. § 419.001(1)(b).

(4) Public or noncommercial private recreation.

(5) Accessory uses or structures as set forth in chapter 104, articles IV and V.

(6) Public utilities customarily found in residential areas.

(7) Family day care homes pursuant to F.S. § 125.0109.

(d) Development within this zoning district shall comply with the requirements of chapter 105, article VII.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-32. - Mixed use-1 (MU-1) zoning district.

The purpose of this zoning district is to provide areas for existing residential development:

(a) Development on parcels designated as Mixed use-1 (MU-1) on the zoning map shall:

(1) Have a density no greater than five dwelling units to the acre.

(2) Have a minimum lot size of no less than 7,500 square feet.

(3) Provide off-street parking as specified in chapter 105, article V.

(4) Have a minimum lot frontage of:

Square or rectangular lot: 75 feet

Corner: 100 feet

Cul-de-sac or corner: 20 feet

(b) The following bulk regulations shall apply to property zoned as MU-1:

(1) All structures shall have a maximum height limitation of 35 feet above base flood elevation (BFE) or the crown of the adjacent roadway, whichever is higher.

(2) The impervious surface ratio shall be no greater than 0.50 of the total parcel area.

(3) Minimum setbacks shall be:

Twenty-five feet from the front parcel line.

Twenty-five feet from the rear parcel line.

Seven feet from the side parcel lines.

(c) The following uses are allowed in the MU-1 zoning district; all other uses are prohibited:

(1) All uses allowable in the R-1 zoning district.

(d) After the effective date of this regulation, no new single-family detached residential development on individual lots shall be designated as MU-1.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-33. - Mixed use-2 (MU-2) zoning district.

The purpose of this zoning district is to provide areas for medium- to high-density residential development, in combination with professional offices, educational, and low-intensity, neighborhood commercial uses.

(a) Development on parcels designated as Mixed use-2 (MU-2) on the zoning map shall:

(1) Have a density no greater than ten dwelling units to the acre.

(2) Locate ingress and egress to minimize traffic impacts to adjacent neighborhoods.

(3) Have a mixture of two or more uses within the same development. Such uses must be of the following categories: residential, office, retail, civic, educational, and light industrial.

(4) Provide off-street parking as specified in chapter 105, article V.

(5) Conform to the landscaping and buffering requirements as specified in chapter 105, article II.

(b) The following bulk regulations shall apply to property zoned as MU-2:

(1) All structures shall have a maximum height limitation of 65 feet above base flood elevation (BFE) or the crown of the adjacent roadway, whichever is higher.

(2) The impervious surface ratio shall be no greater than 0.65 of the total parcel area.

(3) The floor area ratio shall not exceed 0.65.

(4) Minimum setbacks shall be:

~~A maximum of 15~~ **Fifteen** feet from the front parcel line.

Twenty feet from the rear parcel line.

Seven feet from the side parcel lines.

Except, minimum setbacks for properties adjacent to a**n R-1, R-2 or MU-1** ~~MU, PUD, GC, or the Downtown District~~ zoning district shall be:

Fifteen feet from the front parcel line.

Thirty feet from the rear parcel line.

Twelve feet from the side parcel lines.

(c) The following uses are allowed in the MU-2 zoning district; all other uses are prohibited:

(1) All uses allowable in the UR-1 zoning district.

(2) Uses with drive-through structural components, except for those uses associated with a restaurant business.

(3) Retail business. (Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-34. - Mixed use-3 (MU-3) zoning district.

The purpose of this zoning district is to provide areas for medium- to high-density residential development, in combination with professional offices, educational, and low-intensity, neighborhood commercial uses.

(a) Development on parcels designated as Mixed use-3 (MU-3) on the zoning map shall:

(1) Have a density no greater than 20 dwelling units to the acre.

(2) Locate ingress and egress to minimize traffic impacts to adjacent neighborhoods.

(3) Have a mixture of two or more uses within the same development. Such uses must be of the following categories: residential, office, retail, civic, educational, and light industrial.

(4) Provide off-street parking as specified in chapter 105, article V.

(5) Conform to the landscaping and buffering requirements as specified in chapter 105, article II.

(b) The following bulk regulations shall apply to property zoned as MU-3:

(1) All structures shall have a maximum height limitation of 65 feet above base flood elevation (BFE) or the crown of the adjacent roadway, whichever is higher.

(2) The impervious surface ratio shall be no greater than 0.75 of the total parcel area.

(3) The floor area ratio shall not to exceed 0.75.

(4) Minimum setbacks shall be:

Fifteen feet from the front parcel line.

Twenty ~~Thirty~~ feet from the rear parcel line.

Seven ~~Twelve~~ feet from the side parcel lines.

Except, minimum setbacks for properties adjacent to a**n R-1, R-2 or MU-1** ~~MU, PUD, GC, or the Downtown District~~ **zoning district** shall be:

Fifteen feet from the front parcel line.

Thirty ~~Twenty~~ feet from the rear parcel line.

Twelve ~~Seven~~ feet from the side parcel lines.

(c) The following uses are allowed in the MU-3 zoning district; all other uses are prohibited:

(1) All uses allowable in the UR-1 zoning district.

(2) Uses with drive-through structural component.

(3) Retail business. (Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-35. - Downtown District (DTD) zoning district.

The purpose of this zoning district is to provide for the vitality of downtown Panama City as a safe **walkable** community of business, residential, commercial, cultural, government, public institutional, light industrial, and entertainment uses, including public green spaces and recreational access to the waterfront, while protecting the environment and enhancing the quality of life. **To encourage and promote economic growth and redevelopment downtown, higher residential density and non-residential intensities may be achievable within the Downtown District through development incentives.**

(a) Development on parcels designated as Downtown District (DTD) on the zoning map shall:

(1) Have a density of 30 dwelling units per acre. If the project **utilizes** the following incentives, then the maximum density **may** allow up to 60 dwelling units per acre

(i) Water projects that provide dedicated public access to the bay.

(ii) Waterfront projects that dedicate a public easement parallel to the bay.

(iii) Projects that include the rehabilitation and reuse of historic structures.

(iv) Projects that contribute to a network of parks and green space.

(v) Projects that utilize "green" or sustainable technology or development practices as part of the construction

process or site design.

(vi) Projects that offer more than 25 percent of the total project dwelling units as ~~affordable or workforce~~ ~~Housing~~ **residential dwelling units**.(2) Confine ground and building lighting to the property without causing direct light to protrude on adjacent properties.

(3) Provide off-street parking as specified in chapter 105, article V.

(4) Be given credit for existing impervious surface; provided the new development is built over the existing impervious surface. However, new development exceeding these areas or building in a different location on the property will be subject to the city's stormwater requirements.

(b) The following bulk regulations shall apply to property zoned as DTD:

(1) No structure or any part thereof shall exceed a vertical height of 120 feet from the preconstruction ground elevation of the site, plus 25 feet for roof and mechanical, provided that the ground elevation is above the base flood elevation as determined by a Florida registered land surveyor. Where the site has various elevations, the height as structured shall be measured from the base flood elevation of the site or the averaged site elevation, whichever is greater.

(2) The height limitation of 120 feet may be exceeded if certain building and construction criteria are met as may be recommended by the board of architects and approved by the city commission. Under no circumstances shall the height of the structure exceed 150 feet from the ground floor to the ceiling of the highest habitable unit, plus 25 feet for roof and mechanical appliances.

(3) Height enhancement criteria shall include the following:

(i) Three feet of height for every foot of additional side lot setback.

(ii) Not to exceed ten feet of height for each public access lane having a minimum width of ten feet to the estuary, if applicable, plus five feet of height, if maintained by the developer and its successors in perpetuity.

(iii) Five feet of height for appropriate use of low water demand plants in all required buffer or landscaped areas.

(iv) Five feet of height for the use of drip irrigation or other low water use methods, i.e., wastewater or gray water irrigation.

(v) Ten feet of height for projects designed so as to provide a varied skyline to provide for light and wind dynamics on adjacent properties and natural systems.

(vi) Not to exceed ten feet of height based on a combination of unusual and unique architectural features such as shoulder buildings below the maximum allowable height, public amenities associated with grounds or structures having public accessibility.

(vii) Not to exceed ten feet of height based on a combination of the following:

(a) Donation of environmentally sensitive lands to the city, subject to a conservation easement in perpetuity;

(b) Donation of land known as archeological or historic value to the city, subject to a conservation easement in perpetuity;

(c) Dedication of public space; and

(d) Public landscaping and maintenance offsite and saving champion or heritage trees or green area dedication to the public.

(4) The impervious surface ratio shall be no greater than 1.0 of the total parcel area.

(5) The floor area ratio (FAR) shall not exceed 5.0 and shall only apply to nonresidential uses

(6) Minimum setbacks shall be:

Zero feet from the front parcel line.

Zero feet from the rear parcel line.

Zero feet from the side parcel lines.

(c) The following uses are allowed in the DTD zoning district:

(1) All uses allowable in the GC-1, GC-2, R-1, R-2, MU-1, MU-2, MU-3, UR-1, UR-2, LI, PI, and REC zoning districts.

(d) All projects within the DTD District which include a change to a higher intensity and or density use will be subject to a level 3 review before the Planning Board and City Commission. This determination shall be made by the director at his or her discretion.

Additionally, projects which exceed three stories (or 30 feet) in height shall require a Level 3 review.

(Ord. No. 2440, § 1 (Exh. A), 1-10-2012)

Sec. 104-36. - General Commercial-1 (GC-1) zoning district.

The purpose of this zoning district is to provide areas for neighborhood commercial activity including retail sales and services, professional offices and services, and other similar land uses.

(a) Development on parcels designated as General Commercial-1 (GC-1) on the zoning map shall:

(1) Confine ground and building lighting to the property and without causing direct light to protrude on adjacent properties.

(2) Screen garbage receptacles, trash containers, and dumpsters from public view, using opaque materials.

(3) Provide off-street parking as specified in chapter 105, article V.

(4) Conform to the landscaping and buffering requirements as specified in chapter 105, article II.

(5) Not include any residential development.

(b) The following bulk regulations shall apply to property zoned as GC-1:

(1) No maximum height.

(2) The impervious surface ratio shall be no greater than 0.70 of the total parcel area.

(3) The floor area ratio shall not exceed 2.0.

(4) Minimum setbacks shall be:

Fifteen feet from the front parcel line.

Twenty feet from the rear parcel line.

Seven feet from the side parcel lines.

Except, minimum setbacks for developments adjacent to zoning districts that allow residential uses shall be:

Fifteen feet from the front parcel line.

Thirty feet from the rear parcel line.

Twelve feet from the side parcel lines.

(c) The following uses are allowed in GC-1 zoning districts; all other uses are prohibited:

(1) Neighborhood-scale commercial uses, not to exceed 20,000 square feet of heated and cooled space in size per parcel. Such uses may include:

i. Professional office and personal services.

ii. Private child care or day care for children.

iii. Commercial recreational facilities.

iv. Grocery and convenience retail such as beauty parlor, barber shop, laundromat, dry cleaner, and other retail establishments meant to serve the immediate vicinity.

v. Athletic clubs, dance or music studios.

vi. Food establishments without a drive-through window.

vii. Public utilities customarily found in residential areas.

viii. Other similar uses serving the neighborhood area.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-37. - General Commercial-2 (GC-2) zoning district.

The purpose of this zoning district is to provide areas for intensive commercial activity including retail sales and services, wholesale sales, shopping centers, professional offices and services, and other similar land uses.

(a) Development on parcels designated as General Commercial-2 (GC-2) on the zoning map shall:

(1) Confine ground and building lighting to the property and without causing direct light to protrude on adjacent properties. The maximum height of a light pole shall be 35 feet.

(2) Screen garbage receptacles, trash containers, and dumpsters from public view, using opaque materials.

(3) Provide off-street parking as specified in chapter 105, article V.

(4) Conform to the landscaping and buffering requirements as specified in chapter 105, article II.

(5) Not include any residential development.

(b) The following bulk regulations shall apply to property zoned as GC-2:

(1) No maximum height.

(2) The impervious surface ratio shall be no greater than 0.90 of the total parcel area.

(3) The floor area ratio shall not exceed 3.0.

(4) Minimum setbacks shall be:

Fifteen feet from the front parcel line.

Twenty feet from the rear parcel line.

Seven feet from the side parcel lines.

Except setbacks for developments that are adjacent to zoning districts which allow residential uses shall be:

Fifteen feet from the front parcel line.

Thirty feet from the rear parcel line.

Twelve feet from the side parcel lines.

(c) The following uses are allowed in GC-2 zoning districts; all other uses are prohibited:

(1) All uses allowable in the GC-1 zoning district.

(2) Shopping centers.

(3) Vehicle dealers and repair shops.

(4) Adult entertainment.

(5) Big box retailers.

(6) Printing, publishing or other similar establishments.

(7) Business park.

(8) Wholesaling, warehousing, and storage of goods or materials.

(9) Public utilities with exception to solid waste facilities and landfills.

(10) Other similar uses.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-38. - Light industry (LI) zoning district.

The purpose of the light industry zoning district is to provide areas for light industrial operations which have minimum nuisance attributes and do not cause excessive noise, smoke, pollutants, traffic by trucks or other similar characteristics normally associated with a heavy industrial operation, or invite the storage of chemical or petroleum products.

(a) Development on parcels designated as Light Industry (LI) on the zoning map shall:

(1) Conform to the industrial performance standards as specified in chapter 12, article V of the Municipal Code.

(2) Provide off-street parking as specified in chapter 105, article V.

(3) Landscaping and buffering is required as specified in chapter 105, article II.

(4) Complete a compatibility analysis of the proposed use with the existing adjacent uses, and the allowable uses as specified by the future land use map, as part of the development order application process.

(b) The following bulk regulations shall apply to property zoned as LI:

(1) No maximum height.

(2) The impervious surface ratio shall be no greater than 0.80 of the total parcel area.

(3) The floor area ratio shall not exceed 0.65, except when:

Warehouses defined as buildings with more than 90 percent of the area dedicated to storage or warehousing may have a 1.0 minimum floor area ratio. In no case shall the FAR of the site exceed 1.5 considering all structures.

(4) Minimum setbacks shall be:

No less than 25 feet from any property line at the perimeter of the zoning category boundary, except:

Industrial uses adjacent to lands designated as Industrial on the future land use map shall have a setback requirement of five feet from the property line.

(c) The following uses are allowed in LI zoning districts; all other uses are prohibited:

(1) Manufacturing and assembly.

(2) Private and commercial marinas and marine facilities.

(3) Business park.

(4) Vocational trade and industrial education.

(5) Public utilities.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-39. - Heavy Industry (HI) zoning district.

The purpose of this zoning district is to provide areas for heavy industrial operations to isolate them from other land uses.

(a) Development on parcels designated as Heavy Industry (HI) on the zoning map shall:

(1) Conform to the industrial performance standards as specified in chapter 12, article V of the Municipal Code.

(2) Provide off-street parking as specified in chapter 105, article V.

(3) Landscaping and buffering is required as specified in chapter 105, article II.

(4) Complete a compatibility analysis of the proposed use with the existing adjacent uses, and the allowable uses as specified by the future land use map, as part of the development order application process.

(b) The following bulk regulations shall apply to property zoned as HI:

(1) No maximum height.

(2) The impervious surface ratio shall be no greater than 0.80 of the total parcel area.

(3) The floor area ratio shall not exceed 0.65, except when;

Warehouses defined as buildings with more than 90 percent of the area dedicated to storage or warehousing may have a 1.0 minimum floor area ratio. In no case shall the FAR of the site exceed 1.5 considering all structures.

(4) Minimum setbacks shall be:

No less than 25 feet from any property line at the perimeter of the zoning category boundary, except:

Industrial uses adjacent to lands designated as Industrial on the future land use map shall have a setback requirement of five feet from the property line.

(c) The following uses are allowed in LI zoning districts; all other uses are prohibited:

(1) All uses allowable in the LI zoning category.

(2) Scrap processing.

(3) Recycling centers.

(4) Any industrial, manufacturing, distribution, storage or wholesaling use which is otherwise prohibited in any other zoning district.

(d) Heavy industrial uses shall not be located adjacent to any zoning category that allows for residential uses.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-40. - Determination of density or intensity.

(a) *Residential density.* Residential densities shall be determined by multiplying the allowable dwelling units per acre by the gross acreage of the lot or parcel to be developed. (Example: 15 units/acre × 2 acres = 30 units/acre.)

(b) *Lot coverage/open space ratio.* Lot coverage is the land area of any lot or parcel which can be covered by impervious surfaces such as buildings, parking lots, driveways or similar development. Open space is the land area remaining in a landscaped or natural state after development occurs. The allowable lot coverage/open space ratio shall be determined by multiplying the gross land area of any lot or parcel to be developed by the applicable lot coverage standard set forth for each land use district. (Example: 43,560 sq. ft. × 50% = 21,780 square feet allowable lot coverage, and 21,780 square feet open space.)

(c) *Splitting of residential lots of record.*

(1) Where a person owns two or more nonconforming contiguous lots of record which, when combined, meet the criteria of the current residential land use requirements, or where a person owns two or more nonconforming contiguous lots of record which have been improved and maintained as the residential premises of a single-family dwelling or a single-family dwelling residential plot, and which, when combined, meet the current residential land use requirements, the nonconforming lots may not thereafter be converted or redivided into nonconforming lots or sold as separate residential lots, if the lots as originally platted fail to comply with the

current density and land use requirements of this Land Development Regulation Code, with the following exceptions:

a. Mixed use districts are exempt from this requirement and any lots of record in a mixed use district may be divided and used for single-family dwelling lots provided they are a minimum of 40 feet wide.

b. If there are two or more existing single-family dwellings on the combined plot, the owner may divide the lots so each dwelling will have its own lot provided the director approves the resulting setbacks from the lot lines after such division.

(2) Use of single nonconforming lots of record where a lot of record was recorded in the official records of Bay County, Florida, prior to August, 1981, and fails to meet the current requirements for lot area or lot width; the lot may be used as a single-family dwelling plot provided:

a. The current land use district designation allows single-family dwellings.

b. Water supply and sanitary sewer levels of service are maintained, and either:

1. The lot abuts a public street and has not less than 20 feet frontage.

2. The lot has a minimum width of 40 feet.

(3) Splitting or dividing of a conforming lot, whether or not platted, the use of which is restricted to a single-family dwelling or zoned Residential Low Density (RLD) and limited to a Category A-1 Residential use shall not be permitted.

(4) The provisions hereof shall apply to a replacement of the residential structure whether the existing residential structure is condemned, removed, destroyed, demolished, or lost to a casualty.

(Ord. No. 2421, § 1(Exh. A), 12-13-2011)

Sec. 104-41. - Waiver of density or intensity requirements.

(a) The city shall have the right to waive the density or intensity requirements of this Land Development Regulation in all districts under the following circumstances (a waiver may be given under either subsection (a)(1) or (a)(2), but not both):

(1) Protect & preserve environmentally sensitive resources in habitat, so long as the developer assures such lands will be preserved in an undeveloped state by conveying to the city either a conservation easement in perpetuity, or the fee simple interest in the land. The waiver shall not exceed the following limitations:

a. Residential: Increase one dwelling unit per acre for each one acre preserved, or to reduce minimum lot sizes as provided in sections 104-29(c)(10) & 104-30(c)(9).

b. Nonresidential: Increase 5% lot coverage for each one acre preserved, up to a maximum lot coverage of 50% in RLD districts & 75% in MU districts.

(2) Provide access to public waterfront by an access easement in perpetuity, or the fee simple interest to an access way of not less than 12 feet in width at a location where topographic, vegetative & other conditions are suitable to public use. A waiver for the above-described purpose shall be allocated as follows:

a. Residential: Increase 0.5 dwelling units per acre for each public access way conveyed, but not to exceed a maximum density pursuant to sections 104-29(c)(10) & 104-30(c)(9).

b. Nonresidential: Increase 10% lot coverage for each public access way conveyed, but not exceeding a maximum lot coverage pursuant to sections 104-29(c)(10) & 104-30(c)(9).

(3) Provide housing, including affordable housing, for the elderly, physically or mentally handicapped, & others requiring special needs, where such housing is dedicated to the city either by deed conveying the fee simple interest or by an enforceable development agreement. A waiver for this purpose shall be limited on an increase of one dwelling unit per acre for each 5 special housing units to a maximum of 6 dwelling units per acre in RLD districts & 25 dwelling units per acre in MU districts.

(4) Provide incentives for redevelopment in revitalization special treatment zones identified in section 104-66. A waiver for this purpose shall permit increases in the lot area & the lot width, as well as maximum intensity for RLD districts as set

forth in section 104-29(c)(10) & shall provide the maximum density & intensity permitted in section 104-30(c)(9) in MU districts. (CPLDR 1993, § 4-6.9)

ARTICLE IIA. - PLANNED UNIT DEVELOPMENT (PUD)

Sec. 104-43. - Planned unit development (PUD).

(a) *Purpose.* The purpose and intent of a planned unit development (PUD) zoning district is to promote innovative and sustainable development. In order to achieve such purpose and intent, the PUD zoning district provides a regulatory vehicle for relief from the strict adherence to the requirements of the city's land development regulations in exchange for development that provides substantial public benefits which justify such relief. Examples of public benefits include, but are not limited to, donation of land for public recreational areas, integration of affordable housing, utilization of "green" development practices, installation of underground utilities, provision of greenway corridors, and enhanced protection of habitat.

(b) Each PUD zoning district shall, at a minimum, achieve the following objectives:

(1) Promote sustainable development that utilizes innovative design features;

(2) Preserve and incorporate natural environments into the design of the development;

(3) Incorporate a multi-modal transportation system;

(4) Integrate different housing types that fulfill the housing needs of a diverse population of various income levels; and

(5) Provide for a functionally integrated, mixed use community.

(c) An applicant does not have an entitlement to PUD zoning. Rather, the decision to grant PUD zoning lies in the sole discretion of the city commission.

(Ord. No. 2395, § 1(Exh. A), 8-24-2010)

Sec. 104-44. - Applicability.

A PUD zoning district shall be allowed only in the urban community and mixed use future land uses categories.

(Ord. No. 2395, § 1(Exh. A), 8-24-2010)

Sec. 104-45. - Development standards.

(a) *Compliance with the city's comprehensive plan.* Each PUD shall comply with all requirements of the future land use designation for the property proposed to be zoned PUD.

(b) *Compliance with the city's land development regulations.* Each PUD shall comply with all provisions of the city's land development regulations, except when the city commission expressly approves a deviation(s) from such provisions. Any deviation included in the PUD documents which the city commission does not expressly approve shall be deemed to be null and void.

(c) *Permitted uses.* A PUD may include any land use allowed in any zoning district provided such land use is consistent with the future land use category for the property.

(d) *Density.* The maximum density for residential uses is 20 dwelling units per acre. Property with an urban community future land use designation may exceed 20 dwelling units per acre if the PUD qualifies for density bonuses pursuant to subsection [104-43(l)].

(e) *Intensity.* The maximum intensity for nonresidential uses is a floor area ratio of 0.75. Property with an urban community future land use designation may exceed a floor area ratio of 0.75 when additional amenities are provided to benefit the public purpose and are approved by the city commission.

(f) *Height.* The maximum building height within the PUD shall be 100 feet above base flood elevation.

(g) *Compatibility.* All development proposed within the PUD shall be compatible with surrounding existing uses. Compatibility shall be determined in accordance with the requirements of section 104-38

(h) *Natural features.* All development proposed within the PUD shall minimize adverse impacts of development on the natural features and maximize the natural features as amenities for the development.

(i) *Transportation network.* The transportation network for each PUD shall comply with the following requirements:

(1) *Traffic network.* The PUD shall provide for the continuation of all existing highway, arterial, and [collector] roadway traffic. The transportation system shall connect to existing adjacent streets, pedestrian ways, and bicycle paths.

(2) *Circulation.* The transportation network within the PUD shall be designed to:

a. Provide safe and efficient flow of traffic;

b. Provide safe and effective access to land uses within the development and roadways adjacent to the development;

c. Accommodate future traffic circulation at established level of service standards, or mobility score (as applicable); and

d. Achieve interconnectivity among land uses.

(3) *Access.* Each unit or permitted use in the PUD shall have access to a public street directly or via an approved road, pedestrian way, court, or other area dedicated to public or private use, or a common element that guarantees such access.

(4) *Parking, loading, and storage.* Parking, loading, and storage within a PUD shall be designed to be functionally integrated into the development.

(5) *Pedestrian/bicycle network.* Each PUD shall include a unified pedestrian and bicycle circulation system.

(6) *Street design.* Specifications for street materials as set forth in the city ordinances shall serve as the minimum standards. Innovative and creative alternative designs for lane width, curbs, and drainage are encouraged in order to calm traffic, encourage non-vehicular transportation, and achieve design goals.

(j) *Water/wastewater.* Water, wastewater, and reuse lines for each PUD shall connect to existing public facilities. If there is not an existing public facility, the applicant shall construct an interim private utility which shall comply with applicable design standards. Utilization of the interim private utility shall cease once such public facility is extended to within 300 feet of the property.

(k) *Open spaces and recreation areas.* Each PUD shall include open spaces and recreation areas in order to provide appropriate recreational opportunities, protect sensitive natural areas, conserve areas of unique beauty or historical significance, provide structure to neighborhood design, and achieve compatibility with surrounding land uses.

(l) *Density bonuses.* The following density bonuses may be afforded as part of the approval process for property with an urban community future land use designation, and shall be based upon a point system. For the purposes of this section, one density point equates to an additional .5 units to the acre. This bonus shall be applied over the base amount of 20 units to the acre allowable by right. The following categories qualify for density bonus points:

(1) *Greenway corridor.* A greenway corridor shall consist of greenway segments that traverse the project site, and must be an average of ten feet wide with a minimum width of five feet. The greenway corridor shall be subject to a conservation easement that is dedicated to a governmental entity or a not-for-profit organization dedicated to the preservation of natural resources. The location of a greenway corridor shall be clearly indicated on the master site plan. Density bonus points shall be awarded based upon a minimum of two percent area.

(2) *Habitat protection/enhancement plan.* A habitat protection/enhancement plan shall identify the habitat that will be protected and/or enhanced, and shall provide an analysis of the environmental value of such protected and/or enhanced habitat. Such habitat shall be subject to a conservation easement that is dedicated to a governmental entity or a not-for-profit organization dedicated to the preservation of natural resources. Density bonus points shall be awarded based upon the percentage of site protected and/or enhanced, connectivity to adjacent conservation areas, and improved quality of protected lands. One density bonus point may be awarded for each ten percent of site protected and/or enhanced. One density bonus point may be awarded for each of the following items:

a. Connectivity to adjacent conservation areas; and

b. Improved quality of protected lands.

(3) *Green buildings.* Green buildings are buildings that have been certified by a third party such as the U.S. Green Building Council or the Florida Green Building Coalition as fulfilling certain energy and environmental design requirements. Density bonus points shall be awarded based upon on the level of certification (performance) with higher levels receiving more points. One density bonus point may be awarded for the lowest level of certification offered by a certifying body. One additional bonus point may be awarded for each additional level of certification offered by a certifying body. An applicant shall provide the appropriate documentation regarding the level of certification.

(4) *Integration of affordable housing.* Affordable housing is housing that fulfills the requirements of policy 3.1.1 of the comprehensive plan. Density bonus points ~~for shall~~ **may** be awarded based upon the percentage of dwelling units that qualify as affordable housing. One density bonus point may be awarded for each ten percent of affordable housing.

(Ord. No. 2395, § 1(Exh. A), 8-24-2010)

Sec. 104-46. - PUD application.

(a) An application for a rezoning to the PUD zoning district shall be submitted by only the owner of the property, a purchaser with written consent of the existing owner of the property, persons or entities having control of the property, or the authorized agent of one of the foregoing persons or entities.

(b) An application for a rezoning to the PUD zoning district shall include, at a minimum, the following:

(1) The names, addresses, and phone numbers of the owner, applicant, and representatives of the applicant.

(2) A legal description of the property, including total acreage.

(3) A document that demonstrates unified ownership or control of the property.

(4) A master site plan that demonstrates compliance with each of the development standards set forth in section 104-43 of this article, and which contains the following information:

a. General types and locations of proposed development including type of structures, lot sizes and setbacks, open space, conservation areas, transportation networks, and buffers;

b. A general transportation circulation plan; and

c. A description of uses including total number of dwelling units, total square footage of nonresidential uses, housing types, heights of buildings, and total amount of open space.

(5) A project narrative that demonstrates compliance with each of the development standards set forth in section 104-43 of this article.

(6) An analysis of the future land use categories and zoning districts for the properties surrounding the property proposed to be rezoned to PUD. Such analysis shall include the densities, intensities, and height limitations for each applicable future land use category and zoning district.

(7) An analysis of each requested deviation from the requirements of the city's land development regulations. Such analysis shall include:

a. A description of each requested deviation;

b. An explanation of the reason for the requested deviation; and

c. A comparison between the applicable requirement of the city's land development regulations and the requested deviation.

(8) A list of the public benefits proposed in the PUD and an analysis which demonstrates that such proposed public benefits are sufficient to justify the requested deviation(s) from the city's land development regulations.

(9) A list of all permits sought by and/or received by the applicant. Such list shall include:

a. The type of permit;

b. The applicable agency;

c. The contact person for the applicable agency; and

d. The status of the permitting process.

(10) An environmental assessment report which contains the following information:

a. A general estimate of the type and extent of upland habitat types;

b. A general estimate of the extent and configuration of areas expected to fall within the regulatory jurisdiction of the United States Army Corps of Engineers and the Northwest Florida Water Management District;

c. A description of the quality of the onsite wetland habitats, if applicable;

d. A preliminary analysis regarding the presence of protected wildlife and plant species based on direct observation during a field investigation;

e. A preliminary mitigation analysis; and

f. An identification of special environmental designations on or within close proximity to the property.

(11) Any proposed development agreements and sureties as required.

(12) A proposed development schedule, including phasing if applicable.

(13) An analysis of the anticipated impacts of the proposed development, including:

a. Park space;

b. Potable water demand;

c. Wastewater demand;

d. Public school facility demand;

e. Stormwater facilities;

f. Transportation impacts; and

g. Solid waste demand by phase, if applicable.

(14) A written summary of the neighborhood meeting which includes the information mandated by subsection 104-43(b)(5).

(15) A written summary of requested density bonuses points with supporting documentation for such density bonus points.

(16) A natural resources assessment report that identifies the location of any significant historical and architectural resources, wildlife habitat (including endangered and threatened species), floodplains, wetlands, and other similar environmental features, as well as the method and manner of their protection. The natural resources assessment report shall identify land features that shall be preserved or used to minimize adverse impacts of development on the natural features and maximize the natural features as amenities for the development. If significant historical and/or architectural resources, wildlife habitat, or other significant features are found that have not been previously recorded on Florida's Natural Site File, the applicant shall provide a copy of the natural resources assessment report to the Florida Department of State concurrently with the applicant's submission of a PUD rezoning application.

During the review process, the city planning department may determine that additional information is necessary.

(c) The requirement to submit a master site plan shall not be construed as requiring detailed engineering or site plan drawings as part of the PUD rezoning application. Detailed engineering or site plan drawings will be required prior to issuance of a development order for any phase(s) of development.

(Ord. No. 2395, § 1(Exh. A), 8-24-2010)

Sec. 104-47. - PUD review process.

(a) *Preapplication conference.* The applicant shall participate in at least one preapplication conference with the city planning department. The requirements for the preapplication conference are as follows:

(1) The applicant shall request in writing one or more preapplication conference(s) with the city planning department. The applicant's written request shall provide a brief description of the proposed PUD, including the location and number of acres proposed in the PUD.

(2) Within five business days, the city planning department shall provide a written response to the request for a preapplication conference, setting forth the date, time, and place of the meeting, and whether any other city, county, or state agency will be attending the conference.

(3) The preapplication conference may consist of more than one meeting. The initial meeting shall address:

a. The scale and scope of the proposed project;

b. The sustainability of the proposed project;

c. An evaluation of the methodology to be employed by the applicant and the city planning staff; and

d. The environmental advantages and constraints of the site.

The applicant and the city planning department shall discuss the applicable. goals, objectives, and policies of the city's comprehensive plan, the applicable requirements of the city's land development regulations, and all other pertinent regulations.

(4) Upon completion of the preapplication stage of the PUD rezoning process, the applicant and the city planning department shall prepare a memorandum of understanding (MOU) which generally outlines the proposed PUD. Failure to identify any requirement or procedure at the preapplication conference or in the MOU shall not relieve the applicant from complying with such requirement or procedure, nor shall such failure constitute a waiver of such requirement or procedure. The information provided at the preapplication conference is intended to guide the applicant and shall not be binding upon the city or the applicant.

(5) No person shall rely upon any comment or expression of any nature concerning the proposed PUD at the preapplication conference(s) as a representation that the city will ultimately approve or deny the proposed PUD.

(b) The applicant shall conduct a neighborhood meeting within 60 days of the completion of the MOU. The purpose of the neighborhood meeting is to educate occupants and owners of nearby lands about the proposed PUD rezoning, receive comments, address concerns about the proposed PUD rezoning, and resolve conflicts and issues, where possible. The requirements for such neighborhood meeting are as follows:

(1) *Time and place.* The neighborhood meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land proposed to be rezoned. The meeting shall be scheduled to occur after 5:00 p.m. on a weekday.

(2) *Notification.* The applicant shall provide notification of the neighborhood meeting a minimum of ten business days in advance of the meeting by placing notice in a newspaper of general circulation and by mailing notice to all owners of property located within 400 feet of the land proposed to be rezoned. The applicant shall obtain the list of such owners from the most recent version of the property owners of record provided by the county property owner. The applicant shall mail notice of the neighborhood meeting to the city manager. The notification shall state the time and place of the neighborhood meeting.

(3) *Conduct of meetings.* At the neighborhood meeting, the applicant shall explain the proposed PUD rezoning, inform attendees of the character and nature of the PUD review process, respond to comments and questions that the attendees may have regarding the application, and propose ways to resolve conflicts.

(4) *Staff attendance.* City staff may attend the neighborhood meeting for the purpose of advising the attendees regarding applicable provisions of the city's land development regulations, but shall not serve as facilitators or become involved in negotiations at the neighborhood meeting.

(5) *Written summary of neighborhood meeting.* The applicant shall provide the city planning department with a written summary of the neighborhood meeting. The written summary shall include the following information:

a. A list of the individuals who attended the neighborhood meeting;

b. A summary of the issues addressed during the neighborhood meeting;

c. A summary of the comments provided by the individuals who attended the neighborhood meeting; and

d. Any other information the applicant deems appropriate.

(c) *Application submission and sufficiency determination.*

(1) After completion of the neighborhood meeting, the applicant may submit an application for a rezoning to the PUD zoning district. Such application shall contain all of the documents required pursuant to section 104-42 of this article.

(2) Within 30 days after receipt of an application for a rezoning to the PUD zoning district and the requisite filing fee, the city planning department shall determine whether the application is sufficient.

a. If the application is not sufficient, the city planning department shall provide written notice to the applicant specifying the deficiencies. The city planning department shall take no further action until the applicant remedies the deficiencies and provides all required application items.

b. If the application is sufficient, the city planning department shall notify the applicant in writing of the application's sufficiency and that the application is ready for the public hearing process.

(d) *Public hearing process.*

(1) *Local planning agency.* After the city planning department determines that the application is sufficient, the city planning department shall prepare a staff report regarding the application's compliance with the requirements of sections 104-41 through 104-45, and schedule a public hearing before the local planning agency. The local planning agency shall:

a. Determine whether the application complies with the requirements of sections 104-41 through 104-45

b. Determine whether the proposed public benefits are sufficient to justify the requested deviation(s) from the city's land development regulations; and

c. Forward a recommendation to the city commission.

(2) *City commission.* The city commission shall:

a. Consider the application at two public hearings (a first and second reading);

b. Determine whether the application complies with the requirements of sections 104-41 through 104-45

c. Determine whether the proposed public benefits are sufficient to justify the requested deviation(s) from the city's land development regulations; and

d. Vote to approve, deny, or approve with conditions the application.

(e) *Expiration.* The master site plan for the PUD shall expire two years from the date of approval by the city commission unless the applicant obtains a development order from the city for the entire project or a portion of the project if phased. The master site plan for the PUD shall expire if the applicant fails to comply with the phasing schedule for the PUD. If the master site plan for the PUD expires, the applicant must reapply for a PUD rezoning and conform to the current requirements of the city's land development regulations.

(f) *Extension.* An applicant may request a one-year extension of the expiration date, provided such request is filed with the city 45 days prior to the expiration date. The city commission shall review the PUD against the current regulations and conditions when considering whether to grant the request for an extension.

(g) *Modifications.* All modifications to the PUD, including the master site plan, must be reviewed by the local planning agency, and approved by the city commission with the same process and formality required for the initial approval of the PUD rezoning.

(h) *Issuance of development orders.* City commission approval of an application for a rezoning to the PUD zoning district shall be required prior to or concurrent with the granting of any development order for a PUD project.

(Ord. No. 2395, § 1(Exh. A), 8-24-2010)

Secs. 104-48—104-60. - Reserved.

ARTICLE III. - SPECIAL TREATMENT ZONES

Sec. 104-61. - Purpose.

In addition to the land use districts established in section 104-3, special treatment zones shall be depicted on the future land use map. These zones are for areas which, by the nature of their environmental, economic, social, cultural, historic, or blighted conditions, deserve special consideration.

(CPLDR 1993, § 4-7.1)

Sec. 104-62. - Applicability.

All applicable provisions of this Land Development Regulation Code shall apply in all special treatment zones, as well as those in this article.

(CPLDR 1993, § 4-7.2)

Sec. 104-63. - Conservation special treatment zones (CSTZ).

(a) Designated conservation special treatment zones include the following:

(1) *Flood zones.* Flood zones shown on flood insurance rate map(s), Community Panel Numbers 120012 0005 D and 120012 0010 D;

(2) *Potential wetlands.* Wetlands shown on the national wetlands inventory map for Panama City as published by the U.S. Fish and Wildlife Service;

(3) *Marine resources.* Bodies of water including estuarine water bodies, estuarine shoreline and seagrass beds as shown on the national wetlands inventory map for Panama City published by the U.S. Fish and Wildlife Service;

(4) *Wildlife habitat.* Includes Audubon Island and other areas which provide habitat for endangered or threatened species as specified in the "Official Lists of Endangered Fauna and Flora in Florida" published by the Florida Game and Freshwater Fish Commission.

(b) All development undertaken in a conservation special treatment zone shall comply with the environmental protection standards set forth in chapter 105, article III.

(CPLDR 1993, § 4-7.3(1))

Sec. 104-64. - Historic Special Treatment Zone (HSTZ).

(a) The Panama City Historic Site Survey, 1987, shall be used to identify properties subject to the historic preservation requirements of this section. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as it may be amended from time to time, shall be used to determine the need for historic preservation and as a guideline for the rehabilitation of historic structures.

(b) All development or redevelopment in HSTZ shall be evaluated as to its potential impact on historic resources, and shall be subject to review and approval of the planning board.

(c) Incentives may be granted to developers for restoration or rehabilitation of properties identified in the Panama City Historic Site Survey with approval of the city manager.

(CPLDR 1993, § 4-7.3(2))

Sec. 104-65. - Community Redevelopment Areas.

(a) The purpose of the community redevelopment agency is to provide for the development or redevelopment of designated CRA districts in accordance with the plans, visions, guidelines, or other regulatory documents that pertain to the particular CRA district.

(b) Development or redevelopment within the CRA districts shall comply with the corresponding CRA plans as may be amended from time to time. Site plans or design plans for development or redevelopment undertaken in any designated CRA district with adopted design guidelines, regulations, or plans shall be reviewed and approved by the CRA board or its designated committee, prior to development orders being issued by any city agency or department.

(c) Development incentives set forth below in subsection 104-66(b) may also be granted in any CRA district upon approval by the community redevelopment agency and the city.

(CPLDR 1993, § 4-7.3(3); Ord. No. 2331, § 1, 11-25-2008)

Sec. 104-66. - Revitalization of CRA Districts.

(a) *Purpose.* The CRAs include areas, as identified on the future land use map and zoning map which, by the nature of their physical attributes, transitional or blighted conditions, or other associated circumstances, are considered target areas for redevelopment or revitalization efforts.

(b) *Incentives.*

(1) Incentives for development in the CRAs may be granted by the planning board prior to issuance of a development order and subject to the approval of the city manager. Redevelopment incentives will be funded by the CRA and may include:

a. Waiver of density or intensity requirements pursuant to 104-36, as allowed by the comprehensive plan.

b. Waiver or reduction of impact fees, tap-on fees, reconnection fees or development review fees depending on the size and nature of the development.

(2) Incentives for new development shall be made available only for level 3 large-scale development activities, except for programs or activities available through the community development department for affordable housing.

(3) Developers of property within the CRA districts shall include any request for incentives in their application for development approval.

(4) To qualify for development or redevelopment incentives, the CRA board or reviewing department must determine that the proposed development will accomplish at least five of the following:

a. Reduce or eliminate areas where slum or blighted conditions occur;

b. Substantially improve the aesthetics or general appearance of the area;

c. Improve existing, vacant commercial or light industrial structures for occupancy, as allowable within each land use district;

d. Increase ad valorem tax revenues by increasing assessed value, or removing existing exemptions;

e. Provide a stimulus or an "anchor" which will promote further redevelopment of adjacent or surrounding areas within the CRA district;

f. Be compatible with abutting land uses or land use districts which are not included in the CRA district;

g. Promote a public purpose or otherwise further the public interest; and

h. Maintain all adopted level of service standards.

(CPLDR 1993, § 4-7.3(4); Ord. No. 2331, § 1, 11-25-2008)

Sec. 104-67. - St. Andrews Historic Neighborhood Overlay.

(a) *Purpose.* The purpose of this ordinance is to encourage a compatible revitalization and redevelopment of properties in the St. Andrews historic district through development of vacant parcels and the redevelopment of existing properties. To accomplish this purpose, the city may reduce the minimum lot size to no less than 5,000 square feet and front and rear setback requirements to no less than 12.5 feet based upon a finding that the underlying land use regulations would result in the construction of structures not in keeping with the scale and character of the existing structures within the district. The reductions granted in favor of an applicant for specific design proposals shall not be subject to transfer without prior approval of the city commission.

(b) *District defined.* Application: The St. Andrews historic neighborhood is defined as those parcels depicted on the St. Andrews historic neighborhood overlay map located south of Highway 98 and north of St. Andrews Bay, between Liddon and Frankford Avenues on file in the Office of the City Clerk, which is by reference made a part hereof.

(c) *Modifications to minimum requirements.*

(1) *Variance.* Minimum lot area and setback requirements. Upon the approval of the St. Andrews Waterfront Partnership and the city planning board, the city commission may modify the minimum lot area and setback requirements hereof.

(2) *Minimum criteria.* The St. Andrews historic neighborhood overlay design standards on file in the office of the city clerk are incorporated by reference into this Code. All modifications must conform to the referenced Standards and be consistent with the following criteria:

a. Walls shall be constructed of materials that match the area's historic materials in composition, size, shape, color, pattern and texture.

b. Foundations shall be designed to retain the neighborhood's relationship between the height of the foundation and the exterior framing.

c. Windows and doors shall have substantial conformity to the building's historic character.

d. The structure shall conform to the character of the neighborhood and not overshadow existing structures in form or design.

(d) *Declaration of variance.* Properties granted a variance will be evidenced by a declaration filed in the official records of Bay County, Florida. The variance, however, is subject to the construction of improvements upon which the variance was granted. Should the owner of the property fail to comply with the conditions of the variance, the zoning classification of the property that applied to the property before its inclusion in the historical district shall apply to property on which the variance was granted. (Ord. No. 2219, § 1, 11-14-2006)

Sec. 104-68. - Naval Support Activity (NSA) Panama City Military Influence Overlay District (MIOD).

(a) *Purpose.* The Military Influence Overlay District (MIOD) is established to ensure that the Naval Support Activity (NSA) Panama City remains viable and able to fulfill their mission.

(b) *District defined.* The NSA Panama City MIOD Boundary is identified as those portions within the incorporated City of Panama City boundary as shown in the Comprehensive Plan on Map 2. The NSA Panama City MIOD boundary consists of the NSA Panama City Land Use/Water Interface Military Influence Area and the NSA Panama City Frequency Military Influence Area located within the incorporated City of Panama City.

(c) *Joint review.* All development applications within the NSA Panama City MIOD which, if approved, would affect the intensity, density, or use of land shall be jointly reviewed by the Panama City Planning and Land Use Department and NSA Panama City prior to final action.

(1) Within ten working days of receipt of the application comments and accompanying data and analysis from the commanding officer or his designee must be provided to the city in writing and will be considered as part of the review process. Comments regarding comprehensive plan amendments shall be forwarded to the state land planning agency.

(2) Comments may assess the following criteria:

i. Whether the proposal is compatible with the Joint Land Use Study adopted in October 2009;

ii. Whether NSA Panama City's mission or operations will be adversely affected by the proposal;

iii. Whether the proposal will have an effect on the economic vitality of the installation; and/or

iv. Whether any mitigation efforts could be made to reduce or eliminate any adverse impact of the proposal to the installation or its operation(s). (Ord. No. 2490, § 1(Exh. A), 4-9-2013)

Secs. 104-69—104-90. - Reserved.

ARTICLE IV. - ACCESSORY USES

Sec. 104-91. - Purpose.

This article is intended to regulate the type, location, configuration and conduct of accessory uses to ensure that such uses are not physically or aesthetically harmful to residents of surrounding areas.

(Ord. No. 2386, § 1(Exh. A), 5-11-2010)

Sec. 104-92. - Accessory apartments (granny flat or domestic quarters).

(a) *Intent.* Accessory apartments provide alternate housing for elderly persons, and living quarters for housekeeping or maintenance service persons on-premises. While providing for these benefits, this section is also intended to protect the residential character of neighborhoods where accessory apartments are located.

(b) *Standards.* Accessory apartments may be allowed in zoning districts that allow for residential uses provided that all of the following requirements shall be met:

(1) No more than one accessory apartment shall be permitted on any residential lot.

(2) Mobile homes shall not be used as an accessory apartment.

(3) The accessory apartment shall be located and designed in such a manner so that it will not interfere with the appearance of the principal structure as a single-family dwelling unit, to include limitations on the size of the accessory structure. The accessory dwelling unit cannot exceed 50 percent of the primary structure's habitable square footage in size.

(4) No variations, adjustments, or waivers to the requirements of this Land Development Regulation Code shall be permitted in order to accommodate an accessory apartment. (Ord. No. 2386, § 1(Exh. A), 5-11-2010)

Sec. 104-93. - Home occupations and home offices of convenience—Generally.

A home occupation and a home office of convenience shall be allowed in a bona fide dwelling unit subject to the following conditions:

(a) No person other than members of the family residing on the premises shall be engaged in such occupation or business activity.

(b) The use of the premises for a home occupation or home office shall be clearly incidental and subordinate to its use as a residence, and shall not alter the residential character of the structure.

(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the existence of a home occupation or home office.

(d) No home occupation shall occupy more than 25 percent of the first-floor area of the dwelling. No accessory building, freestanding or attached, shall be used for a home occupation.

(e) No home office or home occupation shall generate an increase in vehicular traffic volume above that normally expected in a residential neighborhood, and any vehicular parking shall be off the street.

(f) No equipment, tools, or process shall be used in a home occupation which would interfere with the use or enjoyment of neighboring properties because of noise, vibration, glare, fumes, odors, or electrical disturbance. In the case of electrical disturbance, no equipment or process shall cause visual or audible interference in any radio, telephones, or television receivers or fluctuations of in-line voltage off the premises.

(g) Outdoor storage of materials is prohibited.

(h) A home occupation and a home office shall be subject to all appropriate city occupation licensing requirements, fees, and other business taxes.

(i) Retail sales and the routine delivery of parcels is prohibited.

(j) Home office business activities shall be limited to that conducted by phone or mail.

(k) A home occupation does not include the following:

(1) Beauty shops and barbershops having more than one chair;

(2) Studios for group instruction;

(3) Public dining or tearoom facilities;

(4) Antique or gift shops;

(5) Outdoor repair shops;

(6) Food processing;

(7) Nursery schools, kindergartens, or child day care centers; and

(8) Construction/building activities.

(l) A home occupation shall include the fabrication of "arts and handicrafts" provided no retail sales are made at the dwelling, and shall include only individual instruction.

(Ord. No. 2386, § 1(Exh. A), 5-11-2010)

Sec. 104-94. - Home occupations and home offices of convenience—Utilities.

Any structure in which a home occupation or a home office of convenience is allowed shall be considered nonresidential for purposes of utility billing pursuant to chapter [23] of this Code.

(Ord. No. 2386, § 1(Exh. A), 5-11-2010)

Sec. 104-95. - Recreation and community centers, dining rooms and other amenities.

Residential and nonresidential development projects may provide meeting centers, recreational and fitness facilities, snack shops, and central dining halls or cafeterias provided:

(a) Such facilities shall be provided for the exclusive use of employees or residents of the project, and shall not be open to the general public.

(b) Only directional signs on-premises shall identify the facilities and no offsite signs or advertisement of the facility shall be permitted.

(c) Parking for such facilities shall be provided according to section 105-181 of this Code.

(Ord. No. 2386, § 1(Exh. A), 5-11-2010)

Secs. 104-96—104-118. - Reserved.

ARTICLE V. - ACCESSORY STRUCTURES

Sec. 104-119. - Generally.

It is the purpose of this section to regulate the type, installation, configuration, and use of accessory structures in order to ensure that they are not harmful either aesthetically or physically to residents in the surrounding areas.

(a) *General standards and requirements.* Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:

(1) There shall be an authorized principal development on the parcel. Deleting language for the reason that if the existing development were not conforming due to setbacks, height, etc., an accessory structure would not be allowable.

(2) All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Land Development Regulation Code.

(3) Accessory structures shall not be located in a required buffer or landscape area.

(4) Accessory structures shall be included in all calculations of impervious surface and stormwater runoff, floor area ratio (for commercial uses only), density, and in and any other site design requirements applicable to the principal use of the lot.

(5) Accessory structures may be subject to development review and shall require a site development plan and attendant documentation as required by chapter 102 of this Code, as applicable.

(6) Accessory structures shall be allowed only on side or rear yards, unless otherwise specified herein.

(7) No accessory structure shall be used for industrial storage of hazardous, incendiary, noxious, or pernicious materials.

(Ord. No. 2386, § 1(Exh. A), 5-11-2010)

Sec. 104-120. - Storage buildings, shops, utility buildings, greenhouses, garages, carports, and accessory buildings.

(a) Storage buildings, shops, utility buildings, greenhouses, garages, carports, and other accessory structures shall not be located closer than three feet from any abutting interior property line or seven feet from the right-of-way line of any street, roadway or alley.

(b) Motor vehicles, mobile homes, trailers or recreational vehicles shall not be used as storage buildings, utility buildings, or other like uses.

(Ord. No. 2386, § 1(Exh. A), 5-11-2010)

Sec. 104-121. - Private swimming pools.

(a) *Unenclosed swimming pools.* Unenclosed swimming pools, whether attached or unattached to the principal structure's foundation, shall be constructed with a minimum rear setback of five feet and minimum side setback of five feet. The measurement shall be from the outermost edge of the pool deck to the property line.

(b) *Location and proximity of power lines.* No overhead electric power lines shall pass over any pool unless enclosed in conduit and rigidly supported; nor shall any power line be nearer than ten feet above or around the pool's water edge.

(c) *Enclosed swimming pools.*

(1) Enclosed swimming pools shall be considered a part of the principal structure if attached to the principal structure with an enclosure having a permanent, impervious roof and capable of being converted at a later date to an actual room by the addition of solid walls. In such case, the enclosed pool shall comply with applicable building location requirements, setbacks, intensity and other development requirements of [this] Code.

(2) Enclosed swimming pools with a transparent, screened enclosure and screened, pervious roof, whether or not attached to the principal structure shall have a minimum rear setback of 15 feet and a minimum side setback of seven feet. The measurement shall be from the outermost edge of the pool deck or enclosure foundation to the property line.

(d) *Conflicting provisions.* The setback requirements established herein for swimming pools and their enclosures shall supersede any conflicting requirements established elsewhere for accessory buildings, and such conflicting provisions are hereby amended to the requirements set forth herein.

(Ord. No. 2386, § 1(Exh. A), 5-11-2010)

Sec. 104-122. - Fences.

(a) Fences or hedges may be located in the front setback areas, as well as the side and rear yard setback areas. No fences or hedges shall exceed four feet in height from aggregate grade when placed in the front yard of residential land use districts or on property used for residential purposes. A fence located in the side and rear yard setbacks shall not exceed eight feet in height from aggregate grade.

(b) No fence shall block the sight distance of motor vehicles on the adjacent roadways or exit points.

(c) Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.

(d) No fence or hedge shall interfere with drainage on the site, unless such structure is designed for stormwater management. Gates or removable fences may be required for access to city drainage easements.

(e) No fence, wall or similar structure shall be located in or upon any body of water or submerged lands, nor restrict public access to or along any estuarine shoreline.

(f) Fences in front yard areas for commercial or industrial uses shall not exceed four feet in height within ten feet of the front property line. The planning official may allow fences of total visual screening to be erected closer to the front property line upon written request to shield objectionable aesthetic views or nuisances from the public with a reduced landscape buffer. Otherwise, landscaping shall be provided consistent with this Land Development Regulation Code for off-street parking areas in the ten-foot front setback area.

(Ord. No. 2386, § 1(Exh. A), 5-11-2010)

Sec. 104-123. - Decks, patios.

(a) Any enclosure of a deck or patio shall be subject to the development review and site plan requirements as specified in chapter 102 of this Code.

(b) If the deck or patio is attached to the principal structure, all setbacks for principal structures shall apply; if attached to an accessory building, all setbacks for accessory buildings shall apply.

(Ord. No. 2386, § 1(Exh. A), 5-11-2010)

Sec. 104-124. - Satellite dishes/antennae.

(a) Satellite dishes shall be permitted in side and rear yards only, and may be located on rooftops only upon proof of the suitability of the supporting structure by the property owner to the planning official.

(b) Satellite dish antennas and other antennas shall be installed according to the building official and according to manufacturer's specifications and any other applicable regulations.

(c) Satellite dishes shall be maintained clear of all nearby electric lines.

(d) The satellite dish or antenna shall be of a nonreflective surface material and shall be made, to the extent possible, in such manner to conform and blend with the surrounding area and structures.

(e) No advertising or signage of any type shall appear on the antenna.

(f) No satellite dish or antenna shall be used for any commercial purposes and shall service the principal structure only.

(g) Satellite dish and antenna installation shall be limited to one installation per lot or dwelling.

(h) The requirements of this section shall not be applicable in zoning districts that allow for commercial or industrial uses.

(Ord. No. 2386, § 1(Exh. A), 5-11-2010)

Sec. 104-125. - Docks and boat structures.

To better protect the natural resource of the city's shoreline and provide standards for water-dependent structures in areas that allow for residential development, docks and boat structures shall be permitted in all zoning districts that allow for residential development provided:

(a) The structure(s) receives a development order from the city and meets the requirements of this section.

(b) The dock structure is solely ancillary to use of the upland residence contiguous to the body of water over which the structure is built and shall not allow for more than two boat slips per lot or one and one-half per dwelling for common docks.

(c) The homeowner's construction plans shall include a stamped and sealed survey indicating the required setback to adjoining riparian rights lines and meeting all of the following requirements:

(1) The structure shall not include any enclosed building with walls or doors for living quarters except for the sole storage of recreational equipment and supplies.

(2) The structure shall only be used for recreational, noncommercial activities, including a prohibition of the mooring of commercial vessels.

(3) There shall be no dredging except for that which is necessary to install pilings.

(4) The dock structure shall not impede the flow of water, nor navigation.

(5) Placement of a dock on property with at least 65 feet of shoreline shall be as follows:

1. Docks with access walkways shall be set back no less than 25 feet from any property line perpendicular to the water body.

2. Docks without access walkways shall be set back no less than ten feet from any property line perpendicular to the water body.

(6) Placement of a dock on property with less than 65 feet of shoreline shall be equally centered between the property lines perpendicular to the water body.

(7) Placement of the dock in the water area shall comply with the following:

1. The access portion of the dock shall not exceed a width of four feet;

2. Extension of the dock into the watercourse shall not be any longer than necessary to reach a maximum water depth of four feet below mean low water (low tide) or 25 feet, whichever is greater. However, the dock shall not extend further than 20 percent of the width of the waterbody regardless.

3. No portion of the dock shall be less than five feet from the riparian property line except for a shared dock. Common docks must meet all requirements of this section.

(d) The structure complies with the permitting requirements of all other governmental agencies having jurisdiction over the project. Evidence of an exemption from such compliance must be furnished by the homeowner before approval shall be granted.

(e) The use of the structure shall be limited to the mooring or docking of private recreational vessels only.

(f) For situations where the owners of adjacent properties have determined that a shared dock is preferable, the property owners shall comply with all above requirements, except that the dock may lie on the shared property line. A shared dock is subject to the following requirements:

(1) An attendant and private access easement shall be established to the owners on each property, and shall be presented to the city at the time of application.

(2) Any shared dock shall gain prior approval from all outside agencies and jurisdictions, as applicable, prior to the issuance of a development order by the city.

(3) A shared dock must include a notarized application request from all property owners involved.

[g] All other dock or boat structures shall require city commission approval.

(Ord. No. 2386, § 1(Exh. A), 5-11-2010)

Secs. 104-126—104-148. - Reserved.

ARTICLE VI. - COMMUNICATIONS CELL SITES AND ANTENNAS

DIVISION 1. - GENERALLY

Sec. 104-149. - Purpose.

(a) The purpose of this article is to establish general guidelines for the siting of wireless communications cell sites and antennas. The goals of this article are to:

(1) Protect residential areas and land uses from potential adverse impacts of cell sites and antennas;

(2) Encourage the location of cell sites in nonresidential areas;

(3) Minimize the total number of cell sites throughout the community;

(4) Strongly encourage the joint use of new and existing cell sites as a primary option rather than construction of additional single-use cell sites;

(5) Encourage users of cell sites and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimized;

(6) Encourage users of cell sites and antennas to configure them in a way that minimizes the adverse visual impact of the cell sites and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

(7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;

(8) Consider the public health and safety of communication cell sites; and,

(9) Avoid potential damage to adjacent properties from cell site failure through engineering and careful siting of cell site structures.

(b) In furtherance of these goals, the city shall give due consideration to the city's comprehensive plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of cell sites and antennas.

(CPLDR 1993, § 4-10.1)

Sec. 104-150. - Definitions.

As used in this article, the following terms shall have the meanings set forth below:

Alternative support structure means manmade structures, except cell sites, including, but not limited to buildings, power poles, trees, clock towers, bell steeples, light poles, water towers and similar alternative-design mounting structures which allow for attachment of antennas that camouflage or conceal the presence of antennas.

Antenna means any exterior transmitting or receiving device mounted on a cell site, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals. The types include:

(1) Dish or parabolic which is used for point-to-point communications.

(2) Dual-polarized (or cross-polarized) which eliminates the "top-hat" configuration of panel antennas by keeping the thin antennas very close to the mount.

(3) Panel which is a sectorized antenna unit (pointed in three directions) commonly used in cellular and PCS systems and which can resemble plastic or glass light casings, such as seen on street lights, standing on their ends. Panel antennas are getting smaller, some appearing like fluorescent lights standing on their ends.

(4) "Whip" which is an omni-directional antenna that is a very thin element pointing up or down from its mount.

Backhaul network means the lines that connect a providers cell sites to one or more cellular telephone switching office, and/or long distance providers, or the public switch telephone network.

Camouflaged means a structure designed to support one or more antenna but designed to unobtrusively blend into the existing surroundings, disguised so as to not have the appearance of a cell site. Such cell site shall be consistent in size and scale with the type of object it is designed to resemble. Where the reviewing authority has the option of varying setback requirements if the cell site can be integrated into existing or proposed structures, the test for interpreting whether a cell site is integrated should be whether the cell site truly resembles the structure in question, not whether it functions exactly like the structure in question (for example, a cell site mount designed to look like the light standards existing on a site, but without any light fixture attached).

Cell site means any mount, structure or tower, greater than 15 feet in height, that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice cell sites, guyed cell sites, or monopole cell sites. The term includes radio and television transmission cell sites, microwave cell sites, common-carrier cell sites, cellular telephone cell sites, alternative tower structures, and the like. The term includes the structure and any support thereto.

Commission means the mayor and city commission of the city.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Guyed cell site means a communication mount that is supported, in whole or in part, by guy wires and ground anchors.

Height means, when referring to a cell site or other structure, the distance measured from the finished grade of the parcel to the highest point on the cell site or other structure, including the base pad and any antenna.

Manager means the city manager of the city or his designee.

Monopole cell site means a communication cell site consisting of a single pole, constructed without guy wires and ground anchors.

Mounts are the structures or surface upon which antennas are mounted. There are four types:

(1) Ground-mounted, which are mounted on the ground, i.e.:

a. Guyed tower, which is a monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

b. Lattice tower, which is a type of mount that is self-supporting with multiple legs and cross-bracing of structural steel.

c. Mast, which is a thin pole that resembles a light standard or a telephone pole. The dual-polarized (or cross-polarized) antenna is usually deployed on a mast.

d. Monopole, which is a thicker mount than a mast that is self-supporting with a single shaft of wood, steel or concrete. A monopole is generally structurally acceptable up to 200 feet in height AGL (above ground level), above which its structural integrity is challenged by wind and deflection.

(2) Roof-mounted which are mounted on the roof of a building.

(3) Side-mounted which are mounted on the side of a building.

(4) Structure-mounted which are mounted on a structure other than a building.

Macrocell are usually used in remote areas where they may have their own power source from diesel or propane power supplies.

Microcell are the smaller, shorter cell sites used to serve smaller areas and often located within right-of-ways.

Preexisting cell sites and preexisting antennas means any cell site or antenna for which a building permit or special use permit has been properly issued prior to the effective date of the ordinance from which this article is derived, including permitted cell sites or antennas that have not yet been constructed so long as such approval is current and not expired.

(CPLDR 1993, § 4-10.2)

Sec. 104-151. - Applicability and exceptions.

(a) *Cell sites and antennas.*

(1) *New:* All new cell sites or antennas in the city shall be subject to these regulations, except as provided in this section.

(2) *Existing:* Any cell site which existed and was maintained in good order on the effective date of the ordinance from which this article is derived, and which does not conform to the provisions of this article, is declared nonconforming. Such nonconforming cell sites may be legally maintained and continued in use notwithstanding that it does not conform with the regulations contained herein.

(b) *Amateur radio station operators/receive only antennas.* This article shall not govern any cell site, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for "receive only" antennas.

(c) *Expansion, modification or extension of preexisting cell sites or antennas.* Other than the requirements of the FCC and applicable building and safety codes, preexisting cell sites and preexisting antennas shall not be required to meet the requirements of this article, unless they are expanded or extended in height or otherwise modified in outer dimensions, in which case said modifications must be made in compliance with this article.

(d) *AM array.* For purposes of implementing this article, an AM array, consisting of one or more cell site units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one cell site. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the cell sites included in the AM array.

(e) *Direct broadcast, etc.* Antennas which receive direct broadcast satellite service, video programming services via multipoint distribution services which are one meter or less in diameter in residential zones and three meters or less in diameter in nonresidential zones shall not be required to meet the requirements of this article.

(f) *Customer premises equipment.* Telecommunication equipment on the premises of a telecommunication customer for the use of the occupants of the premises are not subject to the requirements of this article.

(g) *Mobile stations.* Equipment which is not fixed and ordinarily moves, such as the end user's equipment, e.g., wireless telephone, is not subject to the requirements of this article.

(CPLDR 1993, § 4-10.3)

Sec. 104-152. - Nonconforming uses.

(a) *No expansion of nonconforming use.* Cell sites that are constructed, and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

(b) *Preexisting cell sites.* Preexisting cell sites shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new cell site of like construction and height) shall be permitted on such

preexisting cell sites. New construction other than routine maintenance on a preexisting cell site shall comply with the requirements of this article.

(c) *Rebuilding damaged or destroyed nonconforming cell sites or antennas.* Notwithstanding section 104-154, bona fide nonconforming cell sites or antennas that are damaged or destroyed less than 50 percent may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in sections 104-249(d) and 104-249(e). The type, height, and location of the cell site on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 90 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the cell site or antenna shall be deemed abandoned.

(CPLDR 1993, § 4-10.11)

Sec. 104-153. - Authority of engineering department.

(a) The engineering department in conjunction with the utilities department of the city shall:

(1) Provide review of the construction methods and means of installation proposed to be used by the applicant for its backhaul network to be located within the city's lands and rights-of-way;

(2) Provide review of the proposed route(s) and depths of connection to be used by the applicant, for its backhaul network within the city's lands and rights-of-way; and

(3) Calculate the construction fee(s) and costs to be paid by the applicant for construction within the city's lands and rights-of-way through which the applicant's backhaul network shall operate.

(b) If the applicant considers any work demanded of it to be outside reasonable requirements, or if it considers any decision or ruling of the engineering department to be unreasonable, it may file a written protest within ten days of the written instruction of the engineering department, with the city manager, stating clearly and in detail the applicant's objections and the reasons therefor. Unless the applicant shall file such written protest with the city manager within such ten day period, it shall be deemed to have waived all grounds for such protest and to have accepted the requirements, decision or ruling of the department of engineering as just and reasonable and as being within the scope of the applicant's obligations under this article.

(CPLDR 1993, § 4-10.5)

Sec. 104-154. - Removal of abandoned antennas and cell sites.

Any antenna or cell site that is not operated for a continuous period of six months shall be considered abandoned, and the owner of such antenna or cell site shall remove the same within 90 days of receipt of notice from the city notifying the of such abandonment. Failure to remove an abandoned antenna or cell site within said 90-day shall be grounds to remove the cell site or antenna at the owner's expense. If there are two or more users of a single cell site, then this provision shall not become effective until all users cease using the cell site, unless such continued use should be considered impractical from a financial and public safety standpoint. The city, upon default of a user, may use the bond required under section 104-182, either to continue maintenance or to remove the abandoned cell site.

(CPLDR 1993, § 4-10.9)

Secs. 104-155—104-176. - Reserved.

DIVISION 2. - REQUIREMENTS

Sec. 104-177. - Generally.

No cell site, including permitted extensions or modifications, and antennas, shall be authorized to exceed a maximum height, in the aggregate, of 185 feet. No cell site may be located within a residential area (RLD or MU district). It shall be unlawful for any person, firm or corporation to erect, construct in place, place or re-erect, replace, or repair any cell site without first making application to the city's department of land use and code enforcement and securing a development order approving said activity.

(CPLDR 1993, § 4-10.4)

Sec. 104-178. - Accessory buildings and structures.

Accessory buildings or structures to communication cell sites shall not include offices, long-term vehicle storage, outdoor storage, broadcast studios except for temporary emergency purposes, or other structures or uses which are not needed to send or receive transmissions. Transmission equipment shall be automated to the greatest extent economically feasible to reduce traffic and congestion. Where the site abuts or has access to a collector street, access for motor vehicles shall be limited to the collector street. All buildings and support equipment shall comply with division 5 of this article and with the then applicable noise standards.

(CPLDR 1993, § 4-10.4(A))

Sec. 104-179. - Additional antennas.

Any additional antennas, receipt or transmission dishes, or other similar receiving or transmitting devices proposed for attachment to an existing communication cell site shall require review in the same manner as the existing cell site was originally approved. The intent of this requirement is to ensure compliance with the structural integrity, visual aesthetics, radiation standards and other standards established herein for locating communication cell sites upon which additional antennas, communication dishes, etc., are to be installed. The application for approval to install additional antennas, dishes or other similar receiving devices shall include certification from a Florida-registered structural engineer, or other professional accepted by the city indicating that the additional device or devices installed will not adversely affect the structural integrity of the communication cell site mount. A visual impact analysis shall be included as part of the application for approval to install one or more additional communication devices to an existing cell site.

(CPLDR 1993, § 4-10.4(B))

Sec. 104-180. - Aesthetics.

Cell sites and antennas shall meet the following requirements:

(1) Cell sites shall either maintain a galvanized steel finish, or subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

(2) At a cell site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(3) If an antenna is installed on a structure other than a cell site, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(CPLDR 1993, § 4-10.4(C))

Sec. 104-181. - Aircraft hazard.

Communication cell sites shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration (FAA). Each application to construct a communication cell site shall include proof of application for approval from the FAA and shall be submitted with each application for a communication cell site. Based upon the location or height of a proposed communication cell site, the city may require a statement of no objection from the Bay County/Panama City International Airport. A development order for an approved communication cell site shall not be issued until FAA approval is obtained.

(CPLDR 1993, § 4-10.4(D))

Sec. 104-182. - Bond for performance, maintenance and/or removal upon default.

(a) Together with its application for approval for the construction and use of a cell site, the applicant must provide proof, acceptable to the manager, that it will provide a performance bond, upon final approval of its site permit, either in cash or by insurance policy issued by a properly licensed insurance company, duly authorized to do business in the State of Florida, Bay County, and the City of Panama City. Said bond shall be for an amount (taking into consideration: financial stability of applicant; whether the tower is collapsible within its own footprint; method of demolition; what special safety precautions will be necessary; and landfill disposal fees determined by resolution of the city commission, equal to, the following; provided that such bond shall not in the aggregate exceed $75,000.00:

(1) The amount that would be required to perform emergency maintenance on the cell site facility, upon the failure of the applicant to provide ordinary and necessary maintenance requested by the city, plus

(2) The amount that would be required to safely take down, remove, and legally dispose of the cell site mount, all buildings, electrical paraphernalia, and other improvements related to the operation thereof, upon failure of the applicant to duly remove said cell site as otherwise provided in this article.

(b) The requirement for this bond shall be continuing in nature during the term of the permit and any extensions thereof and may be revised from time to time during the term and any extensions of the applicant's permit, then taking into consideration reasonable adjustments for the original objectives of the bond, plus any modifications thereto.

(c) Should said bond be allowed to lapse or for any reason become unsecured, then at the election of the city, the applicant's permit may be revoked by the city, and the applicant shall be required to cease use of the facilities immediately. Further, should the applicant fail to cure said defects within ten days, the bond shall be payable to the city, and the city may exert its rights to a lien against applicant's other properties for any other expenses, costs and attorney's fees incurred in addition the amount of said bond.

(CPLDR 1993, § 4-10.4(E))

Sec. 104-183. - Building codes; safety standards; inspection.

(a) *Codes.* To ensure the structural integrity of cell sites, the owner of a cell site shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time.

(b) *Inspections.* The manager, at the expense of the applicant, may require periodic inspection of communication cell sites to ensure structural integrity. Inspections shall be conducted by properly licensed engineers selected by the city licensed to practice in the State of Florida. The results of such inspections shall be provided to the manager. Such inspections may be required as follows:

(1) Monopole cell sites - at least once every ten years;

(2) Self-support cell sites - at least once every five years;

(3) Guyed cell sites - at least once every three years.

(c) *Removal.* If, upon inspection, the city concludes that a cell site fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the cell site, the owner shall have 30 days to bring such cell site into compliance with such standards. Failure to bring such cell site into compliance within said 30 days shall constitute grounds for the removal of the cell site or antenna at the owner's expense.

(CPLDR 1993, § 4-10.4(F))

Sec. 104-184. - Certification by specialized engineer required.

All applications for construction of a communication cell site shall be submitted accompanied by certifications which include the information serving as the basis for such certifications and certified by a State of Florida Licensed Professional Engineer, specializing with expertise in each area required by the city, including but not limited to, structural soundness, electrical, radio communication facilities, and operational compliance at the conclusion of the construction by an engineer having those qualifications. The applicant must provide an independent certification for each category of construction and installation by one so licensed and specialized.

(CPLDR 1993, § 4-10.4(G))

Sec. 104-185. - Clustering.

Placement of more than one communication cell site on a land site is required and may be located as close to each other as technically feasible unless it can be affirmatively shown to be impossible from a practical standpoint and for reasons other than expense, certified to by the applicant's engineer, duly licensed in the specialty causing the impossibility of clustering and provided cell site failure characteristics of the communication cell site on the site will not result in multiple communication cell site failures based on the certification of the applicant's engineer in the event that one communication cell site fails or will not present unacceptable risk to any other communication cell site on the site.

(CPLDR 1993, § 4-10.4(H))

Sec. 104-186. - Collocation, multiple antennas, and cell site plan.

The city requires the users of cell sites and antennas to collocate multiple users on each cell site and to cluster cell sites within close proximity of each other, unless it can be affirmatively shown to be impossible from a practical standpoint and for reasons other than expense, certified to by the applicant's engineer, duly licensed in the specialty causing the impossibility of collocation or clustering. To this end, users are required to submit future location plans which disclose future planned sites for additional cell sites and/or collocations. Applicant users should submit a single application for approval of multiple cell sites, collocation sites, and/or multiple user mounts. In such event and when possible, the application shall be given priority in the review process and a height bonus, not to exceed 20 feet per additional user, but not to exceed the maximum height limitations of this article.

(CPLDR 1993, § 4-10.4(I))

Sec. 104-187. - Fencing and landscaping.

(a) An eight-foot fence or wall, as measured from the finished grade of the site, shall be required around the base of a communication cell site. The fence shall set back a minimum of ten feet from the base of the communication cell site. The required fence or wall may include an appropriate anticlimbing device.

(b) Landscaping, consistent with the requirements of this Land Development Regulation Code, shall be installed around the entire perimeter of the fence. Additionally, trees, at least eight feet in height at planting, and planted at intervals sufficiently close to afford full screening within two years, shall be planted around the entire perimeter of the fence. Landscaping may be required around the perimeter of the fence and around any or all anchors or supports if deemed necessary to buffer adjacent properties. The city commission may require landscaping in excess of the requirements of this Land Development Regulation Code if it determines that additional landscaping is necessary to ensure compatibility with adjacent land uses.

(CPLDR 1993, § 4-10.4(J))

Sec. 104-188. - Franchises.

Owners and/or operators of cell sites or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the city have been obtained and shall file a copy of all required franchises with the manager.

(CPLDR 1993, § 4-10.4(K))

Sec. 104-189. - High voltage and "no trespassing" warning signs.

(a) If high voltage is necessary for the operation of the communications cell site or any accessory structures, "HIGH VOLTAGE - DANGER" warning signs shall be permanently attached to the fence or wall and shall be spaced not more than 40 feet apart.

(b) "NO TRESPASSING" warning signs shall be permanently attached to the fence or wall and shall be spaced not more than 40 feet apart.

(c) The letters for the "HIGH VOLTAGE - DANGER" and "NO TRESPASSING" warning signs shall be at least six inches in height. The two warning signs may be combined into one sign. The warning signs shall be installed at least five feet above the finished grade of the fence.

(d) The warning signs may be attached to freestanding poles if the content of the signs might be obstructed by the landscaping requirements imposed pursuant to this article.

(CPLDR 1993, § 4-10.4(L))

Sec. 104-190. - Hurricane evacuation routes.

Communication cell sites shall not be constructed at a height and location that, in the event of cell site failure, the cell site may totally or partially block or impede any road or street designated as a hurricane evacuation route.

(CPLDR 1993, § 4-10.4(M))

Sec. 104-191. - Inventory of existing sites.

Each applicant for an antenna and/or cell site shall provide to the manager an inventory of its existing cell sites, antennas, or sites approved for cell sites or antennas, that are either within the jurisdiction of the city or within one mile of

the border thereof, including specific information about the location, height, and design of each cell site. The manager may share such information with other applicants applying for administrative approvals or special use permits under this article or other organizations seeking to locate antennas within the jurisdiction of city, provided, however, that the manager is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

(CPLDR 1993, § 4-10.4(N))

Sec. 104-192. - Lighting.

Artificial lighting of communication cell sites shall be limited to mandatory safety lighting required by county, state, or federal regulatory agencies possessing jurisdiction over communication cell sites. For each communication cell site requiring lighting, the applicant shall seek FAA approval of a dual lighting system. Security lighting around the base of a communication cell site may be provided if such lighting does not adversely affect adjacent property owners.

(CPLDR 1993, § 4-10.4(O))

Sec. 104-193. - Measurements.

For purposes of measurement, cell site setbacks and separation distances shall be calculated and applied to facilities located in the city irrespective of municipal and county jurisdictional boundaries.

(CPLDR 1993, § 4-10.4(P))

Sec. 104-194. - Monopoles, communications dishes prohibited.

Unless specifically authorized by the city commission, communications dishes may not be installed upon multiple communication cell sites.

(CPLDR 1993, § 4-10.4(Q))

Sec. 104-195. - Noninterference.

Each application for conditional use to allow construction of a communication cell site shall include either a preliminary or a certified statement that the construction of the communication cell site, including reception and transmission functions, will not interfere with the usual and customary transmission of reception of radio, television, etc., service enjoyed by adjacent residential and nonresidential properties. In the event that only a preliminary statement is submitted with the application, a final, certified statement of noninterference shall be provided and approved by the city prior to the issuance of a development order. The statement shall be prepared by an engineer or architect licensed to practice in the State of Florida. If any reasonable complaints or allegations of interference are raised by adjacent residential and nonresidential properties, the city, at the expense of the applicant, may require an inspection of the communication cell site. The applicant shall be required to correct any confirmed complaints or allegations of interference. Applicants failing to correct problems may subject it to having their approval revoked and the communication cell site removed, at the applicant's expense.

(CPLDR 1993, § 4-10.4(R))

Sec. 104-196. - Not essential services.

Cell sites and antennas shall be regulated and permitted pursuant to this article and shall not be regulated or permitted as essential services, public utilities, or private utilities.

(CPLDR 1993, § 4-10.4(S))

Sec. 104-197. - Public notice.

For purposes of this article, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance, in addition to any notice otherwise required by the Land Development Regulation Code.

(CPLDR 1993, § 4-10.4(T))

Sec. 104-198. - Radiation standard.

All communication cell sites shall comply with the "then-current" standards of the Federal Communications Commission for nonionizing electromagnetic radiation (NIER) and electromagnetic fields (EMF), including the American National Standard Institute's (ANSI) public safety standards with regard to human exposure on affected properties. Each conditional use application for a communication cell site shall include preliminary or certified documentation or such statement from a Florida registered electrical engineer or, other professional accepted by the city, indicating compliance with these public safety standards. The city may hire a consultant to evaluate the required NIER, EMF, or ANSI documentation. The fee charged by the consultant shall be paid by the applicant. In the event only a preliminary statement is submitted with the application, a final, certified statement will be provided and approved by the city prior to the issuance of a development order. The city shall have the right, but not the obligation, to evaluate the cell site once a year to monitor compliance with the above standards, such monitoring to be conducted at the applicant's expenses.

(CPLDR 1993, § 4-10.4(U))

Sec. 104-199. - Setback.

Unless otherwise provided, all communication cell sites shall comply with the following setback standards:

(1) Fall communication cell sites not related to roof-mounted communications use shall have setbacks from all property lines equal to 120 percent of the height of the proposed structure. This setback provision may be waived or modified by the city commission in its discretion provided the applicant submits a certified, signed and sealed statement from a Florida registered professional structural engineer which demonstrates that the cell site would collapse within the designed and specified fall radius depicted on the plans. Cell sites related to roof mounted communications use need only satisfy building setbacks for the zoning district in which the cell site is located. This less stringent setback provision is in recognition of the FCC's PRB-1 preemption for amateur radio communications;

(2) In cases where the cell site is not related to roof-mounted communications use, the fall radius (120 percent of the cell site height or other approved design fall radius) shall not encroach upon existing off-site structures or adjacent residentially designated property;

(3) The base of the communication cell site must be separated from the nearest boundary of any residential zoning district by a minimum distance equal to the greater of: 500 feet, or a distance in feet determined by multiplying the height of the cell site by a factor of three;

(4) The distance of any guy anchorage or similar device shall meet the same setbacks as otherwise required in that zoned district;

(5) All accessory buildings or structures shall meet the minimum yard requirements for the respective zoning district in which they are located, but not less than 25 feet from any property line adjacent to an arterial or collector roadway or ten feet from any other property line.

(CPLDR 1993, § 4-10.4(V))

Sec. 104-200. - Signs and advertising.

The use of any portion of a communication cell site for signs or advertising purposes, including company name, banners, streamers, balloons, etc., is prohibited.

(CPLDR 1993, § 4-10.4(W))

Sec. 104-201. - State or federal requirements.

All cell sites must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate cell sites and antennas. If such standards and regulations are changed, then the owners of the cell sites and antennas governed by this article shall bring such cell sites and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring cell sites and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the cell site or antenna at the owner's expense.

(CPLDR 1993, § 4-10.4(X))

Secs. 104-202—104-225. - Reserved.

DIVISION 3. - ADMINISTRATIVELY APPROVED USES

Sec. 104-226. - Generally.

The following provisions shall govern the issuance of administrative approvals for cell sites and antennas:

(1) The manager may administratively approve the uses listed in this article, not to exceed such heights as authorized herein, and in no event to exceed a maximum aggregate height of 185 feet.

(2) Each applicant for administrative approval shall apply to the manager providing the information set forth in sections 104-249(a) and 104-249(c) and a nonrefundable fee as established by resolution of the city commission to reimburse the city for the costs of application review.

(3) The manager shall review the application for administrative approval and determine if the proposed use complies with sections 104-177, 104-249(d) and 104-249(e).

(4) The manager shall respond to each such application within 45 days after receiving it by either approving or denying the application.

(5) In connection with any such administrative approval, the manager may, in order to encourage shared use, administratively waive any zoning district setback requirements in section 104-249(d) or separation distances between cell sites in section 104-249(e) by up to 50 percent, if justified by use of camouflaged mounts, monopoles, or collapsible mounts, and so long as the same does not endanger the public in the event of mount failure.

(6) In connection with any such administrative approval, the manager may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing cell site to monopole construction.

(7) If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to division 4 of this article prior to filing any appeal that may be available under this Land Development Regulation Code.

(CPLDR 1993, § 4-10.6(A))

Sec. 104-227. - List of administratively approved uses.

The following uses may be approved by the manager after conducting an administrative review:

(1) *Property.* Antennas or cell sites located on property owned, leased, or otherwise controlled by the city, subject to a maximum height limitation of 185 feet, provided a license or lease authorizing such antenna or cell site has been approved by the city.

(2) *LI or HI.* Locating a cell site or antenna, not exceeding 185 feet in height, including the placement of additional buildings or other supporting equipment used in connection with said cell site or antenna, in any light or heavy industrial zoning district.

(3) *Existing structures.* Locating antennas on existing structures or cell sites consistent with the terms of subsections (4) and (5) below.

(4) *Antennas on existing structure*s. Any antenna which is not attached to a cell site may be approved by the manager as an accessory use to any commercial, industrial, professional, institutional, or multifamily structure of eight or more dwelling units, provided:

a. The antenna does not extend more than 20 feet above the highest point of the structure;

b. The antenna complies with all applicable FCC and FAA regulations; and

c. The antenna complies with all applicable building codes.

(5) *Antennas on existing cell sites.* An antenna which is attached to an existing cell site may be approved by the manager, and to minimize adverse visual impacts associated with the proliferation and clustering of cell sites, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

a. *Collocation.* A cell site which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same cell site type as the existing cell site, unless the manager allows reconstruction as a monopole.

b. *Height:*

1. An existing cell site may be modified or rebuilt to a taller height, not to exceed 20 feet over the cell site's existing height, to accommodate the collocation of an additional antenna, but not to exceed the maximum heights of this article, as established herein by zoning district classification.

2. The height change referred to in subsection (5)c.1. may only occur one time per communication cell site.

3. The additional height referred to in subsection (5)c.1. shall not require an additional distance separation as set forth in division 4 of this article. The cell site's premodification height shall be used to calculate such distance separations.

c. *On-site location.*

1. A cell site which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within 50 feet of its existing location.

2. After the cell site mount is rebuilt to accommodate collocation, only one mount may remain on the site.

3. A relocated on-site cell site shall continue to be measured from the original cell site location for purposes of calculating separation distances between cell sites pursuant to section 104-249(e). The relocation of a cell site hereunder shall in no way be deemed to cause a violation of section 104-249(e).

(6) *GC or P/I.*

a. New cell sites may be located in general commercial or public/institutional zoning districts, provided a Florida licensed professional structural engineer certifies the cell site can structurally accommodate the number of shared users proposed by the applicant if the manager concludes the cell site is in conformity with the goals set forth herein and the requirements of division 2 of this article; the cell site meets the setback requirements in section 104-249(d) and separation distances in section 104-249(e); and the cell site meets the following height and usage criteria:

1. For a single user, up to 90 feet in height;

2. For two users, up to 120 feet in height; and

3. For three or more users, up to 150 feet in height.

b. Notwithstanding the foregoing, the height limitation for city- owned property shall be 185 feet.

(7) *Location of alternative support structure.* Locating any alternative support structure for a cell site in a zoning district other than light or heavy industrial that in the judgment of the manager in conformity with the goals set forth herein.

(8) *Cable microcell network.* Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable, telephone, or electrical wire supports, or similar technology that does not require the use of cell sites.

(CPLDR 1993, § 4-10.6(B))

Secs. 104-228—104-247. - Reserved.

DIVISION 4. - SPECIAL USE PERMITS

Sec. 104-248. - Generally.

Provided that no cell sites may be located within RLD or MU districts or exceed, in the aggregate, 185 feet in height, the following provisions shall govern the issuance of special use permits for certain other cell sites or antennas when recommended by the planning board and approved by the mayor and city commission:

(1) If the cell site or antenna is not a permitted use under this article or permitted to be approved administratively pursuant to division 3 of this article, then a special use permit shall be required for the construction of a cell site or the placement of an antenna in all zoning districts.

(2) Applications for special use permits under this article shall be subject to the procedures and requirements of the land development regulations, except as modified in this article.

(3) In granting a special use permit, the planning board and city commission may impose conditions to the extent they conclude such conditions are necessary to minimize any adverse effect of the proposed cell site on adjoining properties.

(4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a Florida licensed engineer, subject to the certification requirements of section 104-184

(5) An applicant for a special use permit shall submit the information described in this article and a nonrefundable fee as established by resolution of the city commission to reimburse the city for the costs of reviewing the application.

(CPLDR 1993, § 4-10.7(A))

Sec. 104-249. - Cell sites.

(a) *Information required.* In addition to any information required for applications for special use permits pursuant to the land development regulations, applicants for a special use permit for a cell site shall submit the following information:

(1) A scaled site plan clearly indicating the location, type and height of the proposed cell site, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), comprehensive plan classification of the site and all properties within the applicable separation distances set forth in subsection (e) of this section, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed cell site and any other structures, topography, parking, and other information deemed by the manager to be necessary to assess compliance with this article.

(2) Legal description of the parent tract and leased parcel (if applicable).

(3) The setback distance between the proposed cell site and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

(4) The separation distance from other cell sites described in the inventory of existing sites submitted pursuant to division 2 of this article shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing cell sites and the owner/operator of the existing cell sites, if known.

(5) A landscape plan showing specific landscape materials.

(6) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

(7) A description of compliance with division 2 of this article, subsections (d) and (e) of this section and all applicable federal, state or local laws.

(8) A notarized statement by the applicant as to whether construction of the cell site will accommodate collocation of additional antennas for future users.

(9) Identification of the entities providing the backhaul network for the cell site(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

(10) A description of the suitability of the use of existing cell sites, other structures or alternative technology not requiring the use of cell sites or structures to provide the services to be provided through the use of the proposed new cell site.

(11) A description plan of the feasible or planned locations of future cell sites or antennas by the applicant within the city based upon existing physical, engineering, technological or geographical limitations in the event the proposed cell site is erected and a site map showing existing cell sites located within five miles of the proposed location.

(12) Maps or drawings depicting communication coverage areas for the cell site.

(b) *Factors considered in granting special use permits for cell sites.* In addition to any standards for consideration of special use permit applications pursuant to the Land Development Regulation Code, the planning board shall

consider the following factors in determining whether to issue a special use permit, although the planning board may waive or reduce the burden on the applicant of one or more of these criteria if the planning board concludes that the goals of this article are better served thereby:

(1) Height of the proposed cell site;

(2) Proximity of the cell site to residential structures and residential district boundaries;

(3) Nature of uses on adjacent and nearby properties;

(4) Surrounding topography;

(5) Surrounding tree coverage and foliage;

(6) Design of the cell site, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(7) Proposed ingress and egress; and

(8) Availability of suitable existing cell sites, other structures, or alternative technologies not requiring the use of cell sites or structures, as discussed in subsection (c) of this section.

(c) *Availability of suitable existing cell sites, other structures, or alternative technology.* No new cell site shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning board that no existing cell site, structure or alternative technology that does not require the use of cell sites or structures can accommodate the applicant's a proposed antenna. An applicant shall submit information requested by the planning board related to the availability of suitable existing cell sites, other structures or alternative technology. Evidence submitted to demonstrate that no existing cell site, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(1) No existing cell sites or structures are located within the geographic area which meet applicants engineering requirements.

(2) Existing cell sites or structures are not of sufficient height to meet applicant's engineering requirements.

(3) Existing cell sites or structures do not have sufficient structural strength to support applicants proposed antenna and related equipment.

(4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing cell sites or structures, or the antenna on the existing cell sites or structures would cause interference with the applicant's proposed antenna.

(5) The fees, costs, or contractual provisions required by the owner in order to share an existing cell site or structure or to adapt an existing cell site or structure for sharing are unreasonable. Costs exceeding new cell site development are presumed to be unreasonable.

(6) The applicant demonstrates that there are other limiting factors that render existing cell sites and structures unsuitable.

(7) The applicant demonstrates that an alternative technology that does not require the use of cell sites or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new cell site or antenna development shall not be presumed to render the technology unsuitable.

(d) *Setbacks.* The following setback requirements shall apply to all cell sites for which a special use permit is required; provided, however, that the planning board may reduce the standard setback requirements if the goals of this article would be better served thereby:

(1) Cell sites must be set back a distance equal to at least 120 percent) of the height of the cell site from any adjoining lot line.

(2) Guys and accessory buildings must satisfy the minimum zoning district setback requirements, provided, however, not closer than 25 feet from any property line and adjacent to an arterial or collector roadway or ten feet from any other property line.

(e) *Separation.* The following separation requirements shall apply to all cell sites and antennas for which a special use permit is required; provided, however, that the planning board may reduce the standard separation requirements if the goals of this article would be better served thereby:

(1) *Separation from off-site uses/designated areas.*

a. Cell site separation shall be measured from the base of the cell site to the lot line of the off-site uses and/or designated areas as specified in table 1, except as otherwise provided in table 1.

b. Separation requirements for cell sites shall comply with the minimum standards established in table 1.

Table 1

Off-Site Use/Designated Area	Separation Distance
Single-family or duplex residential units[1]	500 feet or 300 percent height of cell site, whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	500 feet or 300 percent height of cell site[2], whichever is greater
Vacant unplatted residentially zoned lands[3]	200 feet or 200 percent height of cell site, whichever is greater
Existing multifamily residential units greater than duplex units	200 feet or 200 percent height of cell site greater than duplex units, whichever is greater
Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply

[1]Includes modular homes and mobile homes used for living purposes.

[2]Separation measured from base of cell site to closest building setback line.

[3]Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than duplex.

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(2) *Separation distances between cell sites.* Separation distances between cell sites shall be applicable for and measured between the proposed cell site and preexisting cell sites. The separation distances shall be measured by drawing or following a straight line between the base of the existing cell site and the proposed base, pursuant to a site plan, of the proposed cell site. The separation distances (listed in linear feet) shall be as shown in table 2.

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Table 2

Existing Cell Sites - Types

	Lattice	Guyed	Monopole 75 Feet in Height or	Monopole Less Than 75 Feet in

			Greater	Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 feet in height or greater	1,500	1,500	1,500	750
Monopole less than 75 feet in height	750	750	750	750

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(f) *Security fencing.* Cell sites shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anticlimbing device; provided, however, that the planning board may waive such requirements, as it deems appropriate.

(g) *Landscaping.* The following requirements shall govern the landscaping surrounding cell sites for which a special use permit is required; provided, however, that the planning board may waive such requirements if the goals of this article would be better served thereby:

(1) Cell site facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the cell site compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.

(2) In locations where the visual impact of the cell site would be minimal, the landscaping requirement may be reduced or waived.

(3) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as cell sites sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(CPLDR 1993, § 4-10.7(B))

Secs. 104-250—104-276. - Reserved.

DIVISION 5. - BUILDINGS OR OTHER EQUIPMENT STORAGE

Sec. 104-277. - Antennas mounted on structures or rooftops.

The equipment cabinet or structure used in association with antennas mounted on structures or rooftops shall comply with the following:

(1) The cabinet or structure shall not contain more than 400 square feet of gross floor area or be more than eight feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure, if over 100 square feet of gross floor area or six feet in height, shall be located on the ground and shall not be located on the roof of the structure.

(2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 30 percent of the roof area.

(3) Equipment storage buildings or cabinets shall comply with all applicable building codes.

(CPLDR 1993, § 4-10.8(A))

Sec. 104-278. - Antennas mounted on towers.

The equipment cabinet or structure used in association with antennas mounted on ground-based towers shall be located in accordance with the following:

(1) In commercial or industrial districts, the unmanned equipment cabinet or structure shall be no greater than eight feet in height or 400 square feet in gross floor area.

(2) The structure or cabinet shall be screened by a solid fence eight feet in height and by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.

(CPLDR 1993, § 4-10.8(B))

Sec. 104-279. - Modification of building size requirements.

The requirements of section 104-277 may be modified by the manager in the case of administratively approved uses or by the planning board in the case of uses permitted by special use to encourage collocation.

(CPLDR 1993, § 4-10.8(C))

Secs. 104-280—104-306. - Reserved.

DIVISION 6. - ABANDONMENT OF COMMUNICATION TOWERS

Sec. 104-307. - Compelling public interest.

The city commission finds and declares that, because of the national public policy of ensuring that the wireless communications industry and its evolving new technologies are accommodated notwithstanding the undesirable effects that communication sites may have on the aesthetics of communities and neighborhoods, there is a compelling public interest in ensuring that communication towers are promptly disassembled, dismantled, and removed once they are no longer being used. Further, it is found that there is substantial risk that towers may cease being used in large numbers if there is a concentration or consolidation of competitors within the industry or if even newer technologies arise, obviating the need for towers.

(CPLDR 1993, § 4-10.10(A))

Sec. 104-308. - Abandonment defined.

In the event the use of any cell site has been discontinued for a period of 90 consecutive days, the cell site shall be deemed to be abandoned. Determination of the date of the abandonment shall be made by the manager, who shall have the right to request documentation and/or affidavits from the cell site owner/operator regarding the issue of site usage. Failure or refusal for any reason by the owner/operator to respond within 20 days to such a request shall constitute prima facie evidence that the communication site has been abandoned. Upon a determination of abandonment and notice thereof to the owner/operator, the owner/operator of the site shall have an additional 90 days within which to reactivate the use of the site or transfer the site to another owner/operator who makes actual use of the site within the 90-day period, or dismantle and remove the cell site. At the earlier of 90 days from the date of abandonment without reactivation or upon completion of dismantling and removal, any special exception and/or variance approval for the original cell site shall automatically expire.

(CPLDR 1993, § 4-10.10(B))

Sec. 104-309. - Duty to remove abandoned cell sites.

(a) Notwithstanding the provisions of section 104-308, upon abandonment of a communication site and the failure or refusal by the owner/operator to either reactivate the site or dismantle and remove it within 90 days, the following person or entities (the "responsible parties") shall have the duty jointly and severally to remove the abandoned site:

(1) The owner of the abandoned cell site (and, if different, the operator of the abandoned cell site;

(2) The owner of the land upon which the abandoned cell site is located;

(3) The lessee, if any, of the land upon which the cell is located;

(4) The sublessee or sublessees, if any, of the land upon which the tower is located;

(5) Any communication service provider who or which by ceasing to utilize the tower or otherwise failing to operate any of its transmitters or antennas on the cell site for which it leased space or purchased the right to space on the cell site for its transmitters or antennas and such ceasing or failure to utilize the cell site in fact caused the cell site to become abandoned;

(6) Any person to whom or entity to which there has been transferred or assigned any license issued by the Federal Communications Commission and under which the cell site owner/operator operated the cell site;

(7) Any person or entity (or their respective parent or subsidiary, or managing partner or general partner), which has purchased or acquired, through merger or otherwise, all or a substantial portion of the assets of the cell site owner or operator.

(b) The abandoned cell site shall be removed on or before the 90th day after receipt by the responsible party or parties of a notice from the manager ordering its removal. The duty imposed by this subsection shall supersede and otherwise override any conflicting provision of any contract, agreement, lease, sublease, license, franchise or other instrument entered into or issued on and after the effective date of this article.

(CPLDR 1993, § 4-10.10(C))

Sec. 104-310. - Enforcement.

The city manager shall take such actions from time to time as are necessary or useful to enforce the duty and requirements imposed by this article, and in the course of enforcement the city manager may avail himself of any one or more of the following:

(1) Proceedings to enforce this article may be brought before the code enforcement board in the manner allowed by general law and this Code.

(2) Proceedings to enforce this article may be brought before the circuit court, and in such proceedings, the city shall be entitled to all remedies at law and in equity, including (but not limited to) injunctive relief. Further, upon a determination that a defendant has violated a duty or requirement of this article, the court shall award reasonable attorneys' fees and costs to the city, including fees and costs incurred by the city on appeal.

(3) Upon directive by the city manager, the city may withhold from any person or entity in violation of this article all future development permits and otherwise may refrain from processing any applications by the violator for approval of any zoning changes, special exceptions, variances, site plans, subdivision plans, plats, developments of regional impact, substantial deviations from DRI development orders, substantial changes to planned developments, right-of-way utilization permits, building permits, cable television franchises (or renewals thereof or amendments thereto), or any other city regulatory permits or approvals.

(4) The city may remove the cell site using the funds or surety bonds, if any, deposited under section 104-182 by the responsible parties and thereafter initiate judicial proceedings against the responsible parties for any portion of the cost not covered by the deposited funds or surety bonds. If the responsible parties include the owner of the land on which the abandoned cell site is or was located, such portion of the cost shall be assessed against the land, and the city may file a lien thereon. The lien of the assessment shall bear interest and shall have priority and be collectable at the same rate and in like manner as provided under Florida law and this Code for special assessments.

(CPLDR 1993, § 4-10.10(D))

Secs. 104-311—104-330. - Reserved.

ARTICLE VII. - RESERVED Chapter 105 - GENERAL DEVELOPMENT STANDARDS

ARTICLE I. - IN GENERAL

Sec. 105-1. - Public purpose.

The purpose of this chapter is to provide design and improvement standards for development activities undertaken within the city in order to provide a definitive process for review of applications for approval of developments which are consistent with the comprehensive plan.

(CPLDR 1993, § 5-1)

Sec. 105-2. - Compliance.

No building or structure shall be constructed, erected, placed or maintained, nor any development or land use commenced within the city inconsistent with this chapter.

(CPLDR 1993, § 5-2)

Sec. 105-3. - Responsibility for improvements; compliance.

All costs of planning, design, construction, installation, or compliance with the requirements of this Land Development Regulation Code or other regulations, or associated with any improvement or development shall be the responsibility of the developer.

(CPLDR 1993, § 5-3)

Secs. 105-4—105-24. - Reserved.

ARTICLE II. - LANDSCAPING AND BUFFER AND OFF-STREET PARKING STANDARDS

Sec. 105-25. - Purpose.

The purpose of this section is to control vehicular and pedestrian traffic, to provide and preserve aesthetic surroundings, to reduce stormwater runoff and surface heat in paved areas, to provide for open spaces and to provide visual and noise buffers between inconsistent adjacent land uses.

(CPLDR 1993, § 5-4.1)

Sec. 105-26. - Landscaped buffers.

(a) *Buffer requirements between allowable land uses.* The following table is intended to identify buffer requirements between allowable land uses. All conditional uses shall have buffers imposed at the time of consideration by the planning board.

	A1	A2	A3	A5—A10	A11	B	C	D	E	F	G	H
All districts/Category A1		*	*	*	*	*	*	*	*	*	*	*
MU category A2					*	*	*	*	*	*	*	*
MU category A3	*				*	*	*	*	*	*	*	*
MU category A5—A10	*	*	*				*	*		*	*	*
MU category E	*	*	*	*	*					*	*	*
GC category B	*	*	*							*	*	*
GC category C	*	*	*	*	*						*	
GC category D	*	*	*	*	*							
GC category A5—A10	*						*	*		*	*	*
GC category A11	*	*	*	*			*	*	*	*	*	*

LI	*	*	*	*	*	*			*			
LI category A5-A10	*						*	*		*	*	*
LI category A11	*	*	*				*	*	*	*	*	*
HI	*	*	*	*	*	*	*		*			
REC	*	*	*	*	*	*						
P/I	*	*	*		*					*	*	*

Indicates buffer is required between corresponding districts and land uses.

Legend:

Land Uses:	Districts	
A1:	Single-family dwelling	RLD: Residential low density
A2:	Duplex attached dwelling	MU: Mixed use
A3:	Triplex, quadraplex attached	GC: General commercial
A4:	Mobile home/manufactured housing	LI: Light industrial
A5:	Multifamily attached dwellings, less	HI: Heavy industrial
	than 10 units	REC: Recreational
A6:	Multifamily attached dwellings, 10	P/I: Public/Institutional
	units or more	
A7:	Apartments	
A8:	Community residential homes (group homes, adult congregate living facilities, etc.)	

A9:	Board houses	
A10:	Bed and breakfast	
A11:	Reserved	
A12:	Reserved	
B:	Professional Offices	
C:	Commercial, low intensity	
D:	Commercial, high intensity	
E:	Public/institutional	
F:	Light industrial	
G:	Heavy industrial	
H:	Water dependent	

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(b) *Waivers.* Required buffers may be waived by the director:

(1) In special treatment zones, upon the recommendation of the downtown improvement board or community development board, to properties in this respective jurisdiction.

(2) If a waiver is necessary to preserve existing native vegetation, and the purpose of the buffer is substantially fulfilled.

(c) *Size of required landscape buffers.*

(1) A buffer at least five feet wide and six feet in height is required between abutting residential uses as in the above table.

(2) A buffer at least nine feet wide and eight feet in height is required between all other land uses as identified in the above table.

(CPLDR 1993, § 5-4.2)

Sec. 105-27. - Buffer location.

(a) *Location.* All required buffers shall run the entire length of the side and rear property lines, except for areas of ingress and egress, provided, however, that no buffer shall block the sight distance of motor vehicles on the adjacent roadways or exit points.

(b) *Pedestrian access.* Gate or door entrances of no more than five feet in width for public pedestrian access are encouraged and may be installed between residential properties and adjacent commercial uses.

(CPLDR 1993, § 5-4.3(A))

Sec. 105-28. - Buffer density.

All required buffers shall be sufficiently dense to screen the land use from the view of the adjacent property. If the planting is sparse or does not block abutting land uses from view, a visual screen or fence may be required in conjunction with the vegetated buffer. However, wholly vegetated buffers are preferred.

(CPLDR 1993, § 5-4.3(B))

Sec. 105-29. - Responsibility for buffers.

Where a proposed development is to be located adjacent to an existing use and a buffer is required between the uses, sections 104-29(c)(10) and 104-30(c)(9), the responsibility to provide the required buffer is upon the owner or developer of the incoming use.

(CPLDR 1993, § 5-4.3(C))

Sec. 105-30. - Accessory structure locations.

No accessory structure, garbage collection sites or receptacles, parking, or other use shall be located in a required landscape or buffer area, except for drainage and irrigation structures.

(CPLDR 1993, § 5-4.3(D))

Sec. 105-31. - Landscape requirements for off-street parking areas.

(a) *Generally.* In all districts, except Category A, 1—4 uses, LI and HI uses, ten percent of the impervious areas used for off-street parking, except for ingress and egress drives, will be landscaped as follows:

(1) *Setback areas.* Except for ingress and egress points, all vehicular drives shall not be closer than:

a. Ten feet to the front property line;

b. Four feet to either side of property line; or

c. Four feet to the rear property line.

The setback area will be landscaped and included in the ten percent landscape requirements.

(2) *Placement of trees.* Trees shall be planted around the parking area as follows:

a. Front off-street parking setback area: Counting any existing trees, one tree from the city replant list shall be planted for every 25 linear feet of lot frontage.

b. Credit to offset the number of trees shall be given for preservation of existing trees when such tree is listed on the city replant list.

c. Trees may be clustered or varied, according to landscape design.

(3) *Visual screen.* Where no buffer exists, or if a buffer is too sparse to block the parking area from the view of adjoining uses, a visual screen at least 18 inches high at time of planting shall be required to block the parking area from the view of the adjoining property.

(4) *Interior landscape areas.*

a. Any interior part of an off-street parking lot not delineated as a space for parking or driving will be planted and landscaped, and may be included in the ten percent landscaping requirement.

b. Exemption: HI land uses are exempt from landscaping requirements for interior portions of off-street parking areas.

c. At intervals of every 15 adjacent parking spaces, there shall be a landscaped area of not less than nine feet by 20 feet which shall include at least one tree from the city replant list. Alternative designs which provide for landscaped area and trees in the interior of the parking area meeting the area requirements hereof may be approved by the director.

(b) *Design standards.*

(1) All landscape designs should take into account stormwater runoff, erosion, and drainage.

(2) No vehicle shall overhang, protrude or extend into any setback line or interior landscape area.

(3) All landscape plans and buffer zone plans must show adequate irrigation facilities to maintain the plantings.

(4) All off-street parking landscape area and buffer designs shall be prepared and signed by a licensed nurseryman or landscape architect and submitted to the director for approval.

(5) For purposes of this section, a licensed nurseryman shall be as defined in F.S. § 581.011(13); and a landscape architect shall be as defined in F.S. § 481.303(3).

(CPLDR 1993, §§ 5-4.4, 5-4.4(A))

Sec. 105-32. - Planting time of year.

Plants shall be installed during the period of the year most appropriate to the particular species, as determined by a licensed nurseryman or landscape architect. If compliance with this requirement delays planting until after the issuance of a certificate of occupancy, the developer or property owner may be required to post a performance bond sufficient to pay all costs of the required planting before the certificate will be issued.

(CPLDR 1993, § 5-4.4(B))

Sec. 105-33. - Landscape and buffer composition.

(a) *Buffers.* Buffers may be comprised of trees, shrubs, vines or other vegetation and may be combined with vegetative screens, berms, or fences upon director's approval.

(b) *Off-street parking areas.* Approved landscape materials for off-street parking areas shall include: vines, lawn grass, natural ground cover, pebbles, brick pavers, mulch, low-growing plants, or other vegetation and existing trees and shrubs.

(c) *Trees.*

(1) *Size.* All trees required to be planted shall be at least six feet tall when planted and shall reach a minimum mature height of 15 feet and normal adult drip line of 15 feet in diameter.

(2) *Native trees.* All trees shall be selected from the city replant list (5-5.9) unless soil and other conditions do not favor survival, but only if verified by a licensed nurseryman or landscape architect. Native trees and existing trees are preferred if possible.

(d) *Shrubs and hedges.*

(1) All plantings should be spaced in a manner to effectively screen the land use from the view of adjoining structures within one year from planting.

(2) All plants shall be healthy and free of disease and pests at the time of planting.

(3) When planted, shrubs and hedges shall be at least 18 inches high from ground elevation to the top of the plant.

(e) *Natural ground covers.* Natural ground covers will be planted and spaced in a manner that will provide 75 percent coverage within one year.

(f) *Lawn grasses.* Grasses should be planted in a manner to achieve permanent coverage within one year. Grasses may be planted by seeding, sprigging, plugging or sodding.

(g) *Artificial materials.* Synthetic plants and artificial material will not satisfy landscaping requirements. Nonporous surface covers shall not be used under mulches and pebbles.

(h) *Artificial planters.* Artificial planters, if planted with live plants, will satisfy the landscape requirements if they meet the following criteria:

(1) *Shrub planters:* Must be at least 18 inches deep and have at least ten square feet of area.

(2) *Tree planters*: Must be at least 30 inches deep and have at least 25 square feet of area.

(CPLDR 1993, § 5-4.5)

Sec. 105-34. - Maintenance and irrigation.

(a) *Responsibility.* The property owner shall be responsible for maintaining all landscaping and vegetated buffers.

(b) *Plant material.* Maintenance includes:

(1) Mowing, pruning, litter removal, irrigation or watering, fertilizing, and replacing all dead plant material.

(2) All plants shall be maintained in a healthy, pest and disease free condition.

(c) *Visual screens, fences and planters.* The maintenance of visual screens, fences and artificial planters includes, but is not limited to, repairing, replacing damaged or deteriorated portions, and painting.

(d) *Failure to maintain.* The failure to maintain landscaping, buffers, visual screens, fences and artificial planters according to the requirements of this section will constitute a nuisance as defined in chapter 12, article II.

(CPLDR 1993, § 5-4.6)

Sec. 105-35. - Special exemption.

The director is authorized to grant exceptions to landscape requirements:

(1) Where compliance is not feasible due to circumstances unique to the property; or

(2) Where it will interfere with utility lines and other public service facilities; or

(3) Where the requirements of the section are satisfied to the greatest extent possible in keeping with the purposes of this section.

(CPLDR 1993, § 5-4.7)

Secs. 105-36—105-58. - Reserved.

ARTICLE III. - ENVIRONMENTAL PROTECTION STANDARDS

DIVISION 1. - GENERALLY

Sec. 105-59. - Purpose.

The purpose of this article is to provide standards to restrict development activities which contribute to the destruction or pollution of environmentally significant resources and to establish those resources to be protected.

(CPLDR 1993, § 5-5.1)

Sec. 105-60. - Applicability.

A developer should apply the provisions of this article to a proposed development site before any other development design work is done. Those portions of a proposed development which are determined to contain environmentally significant resources shall be protected from development activity. No development order may be issued until the provisions of this article have been met.

(CPLDR 1993, § 5-5.2)

Sec. 105-61. - Environmentally significant resources.

Environmentally significant resources are those identified as being within the conservation special treatment zones set forth in section 104-63, and the following:

(1) Wetlands;

(2) Marine resources including sea grass beds, estuaries, submerged lands, and estuarine shoreline;

(3) Soils;

(4) Identified wildlife habitat;

(5) Drainageways and stormwater systems;

(6) Designated flood zones; and

(7) Protected trees.

(CPLDR 1993, § 5-5.3)

Sec. 105-62. - Wetlands.

(a) *Generally.* Wetlands are those under the permitting authority of the department of environmental regulation and defined in F.S. ch. 403 and/or the U.S. Army Corps of Engineers and defined in part 33, Code of Federal Regulations.

(b) *Protection standards.* All development activities in identified wetlands are prohibited unless:

(1) Valid permits are obtained from the department of environmental regulation and/or the U.S. Army Corps of Engineers prior to the approval of the city, subject, however, to the provisions of section 102-24(c);

(2) Appropriate mitigation of destroyed or damaged wetlands is provided by the developer pursuant to the provisions of, ch. 62-312 Florida Administrative Code;

(3) The development activities are determined not to be contrary to the public interest as defined in the comprehensive plan.

(CPLDR 1993, § 5-5.4)

Sec. 105-63. - Marine resources.

(a) *Sea grass beds.* No development activities may be undertaken in areas containing marine sea grass beds or adjacent areas when the development activity would contribute to the deprivation of the sea grass beds unless:

(1) Valid permits have been obtained from all jurisdictional agencies prior to the approval of the city, subject, however, to the provisions of section 102-24(c);

(2) Appropriate mitigation of destroyed or damaged sea grass beds is provided by the developer pursuant to the provisions of ch. 62-312, Florida Administrative Code.

(b) *Estuaries and submerged lands.* No development activities may be undertaken on submerged lands or estuarine water column below mean high water unless permits or exemptions are obtained from all appropriate jurisdictional agencies.

(c) *Estuarine shoreline.* In addition to the requirements of subsections (a) and (b), no development or construction activity shall be permitted on upland areas within 30 feet of the mean high tide line of any estuarine water body. Within this restricted area, all natural shoreline vegetation shall be preserved for a distance of 20 feet landward from the mean high tide line, except that a corridor not to exceed 15 feet in width may be cleared for access to the water.

(CPLDR 1993, § 5-5.5)

Sec. 105-64. - Wildlife habitat.

(a) *Generally.* A development shall not be permitted if it would significantly damage or destroy the habitat of species listed as endangered or threatened in the "Official Lists of Endangered and Potentially Endangered Fauna and Flora in Florida," published by the Florida game and fresh water fish commission.

(b) *Protection standards.* An owner or developer of any areas identified as a habitat for endangered or threatened species shall provide a study that reflects the value and extent of such habitat. If the species of habitat needs to be protected, the protection shall be established either as a condition of development approval or as part of an enforceable development agreement.

(CPLDR 1993, § 5-5.7)

Sec. 105-65. - Flood zones protection standards.

(a) Flood zones are those identified on the official flood insurance rate maps for Panama City, Florida (Community Panel Numbers 120012 0005 D and 120012 0010 D).

(b) The development of hospitals, nursing homes, or similar institutions is prohibited within designated flood zones.

(c) All development activity permitted to be undertaken in designated flood zones shall comply with the provisions of chapter 9

(CPLDR 1993, § 5-5.8)

Secs. 105-66—105-88. - Reserved.

DIVISION 2. - STORMWATER MANAGEMENT AND SOIL CONSERVATION

Sec. 105-89. - Generally.

(a) *Public purpose.* This division is intended to provide standards to control pollution, flooding, situation, and erosion; to protect surface and groundwater resources; to allow landowners reasonable use of their property; and to prevent an increase of stormwater runoff caused by development.

(b) *Application.* Any new building or structure; any building or structure having an age of 20 years or more and which has not been continuously and actively used or occupied for a period of six months or more; a building or structure that sustains physical damages of 50 percent or more; or the enlargement of any or structure shall comply with the then existing stormwater requirements provided the grounds or site on which the building or structure is located is adequate to accommodate the retention requirements. If the grounds or site on which the building or structure is located is not adequate to accommodate the retention requirements, the city shall have the discretion to waive up to 25 percent of the number of parking spaces required under this Land Development Regulation Code if such waiver is necessary to meet the stormwater requirements. Stormwater requirements may be reduced or waived entirely where the site cannot accommodate compliance with the stormwater requirements upon approval of the appeals board.

(c) *Exemptions.*

(1) Developments which discharge directly into an existing stormwater treatment facility with sufficient reserve quality and quantity capacity as determined by the director or into estuarine water will not require flood attenuation, however, compliance with water quality standards and siltation controls shall be required.

(2) Developments which must meet a stricter stormwater management standard mandated by another agency.

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

(4) Emergencies requiring immediate action to prevent substantial and immediate harm or danger to the public or environment. A report of any emergency action will be made to the city as soon as possible.

(5) Single-family detached dwellings, duplex, triplex, and quadraplex units and accessory structures that are not part of a larger development.

(6) Developments which do not alter or add more than 2,000 square feet of impervious surface to include semi-impervious gravel parking and are not part of a larger phased plan of development.

(d) *Panama City stormwater master plan.* The Panama City stormwater master plan ("stormwater plan") shall dictate the required level of water quality treatment and flood attenuation based on the adequacy or inadequacy of drainage basins in the stormwater plan.

(e) *Requirements for finished floor elevations.* All finished floor elevations for residential and commercial development must be at least 12 inches higher than the crown of all adjacent streets at their highest point or 12 inches above the curb, whichever is greater. The drawings should clearly show the finished floor elevations along with the street crown and curb elevations of all adjacent streets. Requests for deviations from this requirement may be approved by the City Engineer, or the City Engineer’s designee. In cases where this requirement is waived by the City Engineer, the provisions of Chapter 9, Drainage and Flood Damage, shall still apply. Property owners receiving a waiver of this requirement must sign a Hold Harmless Agreement with the City, which will be recorded with the Bay County Clerk of Court.

(f) *Miscellaneous.* This division supersedes section 102-79 to the extent of any conflict.

(CPLDR 1993, § 5-5.6; Ord. No. 2318, § 1, 7-22-2008; Ord. No. 2330, § 1, 2-10-2009; Ord. No. 2331, § 1, 11-25-2008)

Sec. 105-90. - Developer stormwater and erosion control plan.

(a) For all developments not exempt from these stormwater requirements, the owners or developers shall submit to the director a proposed stormwater and erosion control plan prepared by a registered, Florida engineer based on the city stormwater plan.

(b) The purpose of a proposed plan is to suggest measures to meet stormwater quantity (flooding) and quality (siltation, erosion, pollution) controls and flood prevention requirements for all roadways, properties, and structures which may be affected by runoff during and after construction.

(c) Each proposed plan shall give:

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

(2) Location map and aerial photo of the development site which clearly outlines project boundaries.

(3) A description of predevelopment hydrologic and environmental conditions of the site including:

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

b. Stormwater runoff direction, volume, and flow rate.

c. Adjacent upland acreage, if any.

d. Nearby wetlands and other environmentally significant resources as described in section 105-61

e. Groundwater levels.

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

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

h. Other like information deemed necessary by the city to evaluate the characteristics of the affected area, the potential impact in city water, and the acceptability of proposed compensating measures.

(4) Components of the proposed stormwater and erosion control plan including:

a. Projected post development stormwater runoff direction, volume, and flow rate, and a before-and-after construction chart reflecting the volume and flow rate.

b. An erosion and sedimentation control plan.

c. Construction and design plans for stormwater improvements.

d. Other post development site conditions, such as any projected impact upon environmentally significant resources or existing drainage channels.

e. Any related information deemed necessary by the director to evaluate the impact or effectiveness of the proposed plan.

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

(d) The director may waive portions of information required above where it is deemed inapplicable or otherwise unnecessary for the evaluation of the particular site conditions.

(e) Engineers and developers are encouraged to use information published in chapter 6 of the Florida Development Manual: A Guide to Sound Land and Water Management, published by FDEP, in conjunction with their own expertise, to assure stormwater best management practices (BMP's) are properly designed and constructed for their particular site and situation.

(f) Engineers and developers are encouraged, where practicable, to use regional stormwater retention/detention facilities in lieu of site-specific facilities.

(CPLDR 1993, § 5-5.6(A))

Sec. 105-91. - Stormwater treatment and control standards.

(a) *Pollution control (quality).* All development not exempt shall provide for stormwater treatment as follows:

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

(2) The retention and detention of a greater amount of stormwater may be required in areas of special concern as designated in the city stormwater master plan. Detention with filtration, with a safety factor of three, may be used only in special applications, when approved by the director.

(3) All requirements of the Florida Department of Environmental Regulation shall be complied with.

(4) All stormwater discharge facilities shall have sediment controls and skimming devices.

(5) Off-site discharge flows shall be limited to nonerosion velocities.

(b) *Flood control (quantity).* All developments not exempt shall provide for flood attenuation as follows:

(1) At a minimum, facilities shall be provided to attenuate a 25-year frequency storm event of critical duration so the post development stormwater off-site peak discharge rate shall be not greater than predevelopment rate.

(2) Developments which discharge stormwater directly into estuarine waters shall not be subject to storm quantity standards.

(3) The capacity of all stormwater facilities shall comply with the city stormwater master plan and be verified by a licensed Florida engineer upon the completion of the project.

(c) *Erosion and siltation control.* All developments not exempt shall provide for erosion and sedimentation control as follows:

(1) The plan for erosion and siltation control proposed by a developer shall provide for both temporary measures during construction and permanent control measures.

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

(3) During land grading, sediment basins, sediment traps, perimeter berms, filter fabric fences, or hay bales shall be installed according to the approved erosion control plan before and during all land grading operations.

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

(5) 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.

(d) *Waiver.* The submission of an erosion and siltation control plan may be waived by the director for minor developments such as residential developments subject to development review Level 1 described in section 102-26(b)(1).

(CPLDR 1993, § 5-5.6(B))

Sec. 105-92. - Stormwater and erosion control plan adherence and maintenance.

(a) *Adherence.* Once approved, an applicant shall adhere to the stormwater and erosion control plan and any amendments to the plan must be approved by the city.

(b) *Certification.* After completion of the project, the director may require the project engineer to certify that the control measures meet the stormwater treatment, flood attenuation, and erosion and siltation standards outlined in the plan.

(c) *Inspection.* The owner, engineer, or contractor 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.

(d) *Maintenance.* Upon completion, all control systems shall be maintained by the owner. By agreement, the city or other agencies may accept the responsibility of maintenance.

(e) *Failure to maintain.* If the owner fails to control systems on the property, any flooding, pollution, erosion, or siltation may be:

(1) Declared a nuisance pursuant to chapter 12, article II, and abated. The costs of nuisance abatement shall be assessed against the owners and their property as provided by special assessment, as a nuisance lien or as otherwise provided by law; or

(2) Evaluated as to its impact upon city stormwater drainage systems. The cost of accommodating the increased flows shall be assessed against the owners and their property;

(3) The owner shall be subject to penalties and fines pursuant to section 1-8

(CPLDR 1993, § 5-5.6(C))

Sec. 105-93. - Off-site stormwater and sedimentation control facilities.

(a) Upon director 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.

(b) In lieu of on-site facilities, developers may request to participate in existing or in a planned public or regional stormwater facilities, pursuant to a development agreement with the city, which by its terms shall require the developer to pay.

(c) Where off-site facilities are expected to process and detain stormwater flows from any development, the developer shall submit all information required under section 105-90(c).

(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.

(CPLDR 1993, § 5-5.6(D))

Secs. 105-94—105-114. - Reserved.

DIVISION 3. - TREE PROTECTION

Sec. 105-115. - Generally.

No owner or developer, agent or representative shall cut down, destroy, remove or move, or injure or commit any act that would cause damage to any protected tree located on any property within the city without approval from the director.

(CPLDR 1993, § 5-5.9(1); Ord. No. 2453, § 1(Exh. A), 7-10-2012)

Sec. 105-116. - Protected trees and measurement.

(a) *Protected trees.* Protected trees shall include:

(1) All dogwood and redbud trees with a DBH of three inches or more.

(2) All other trees which have a DBH of eight inches or more.

(3) All pine trees which have a DBH of 18 inches or more.

(b) *Definitions.*

(1) The term *"diameter at breast height (DBH)"* is defined as the circumference in inches of the tree trunk divided by pi (3.141), measured at a height of 54 inches from the base of the tree.

(2) The term *"caliper"* is defined as the circumference in inches of the tree trunk divided by pi (3.141), measured at the base of the trunk. Caliper is used to size nursery-grown trees.

(3) The term *"footprint"* is defined as the outside perimeter of any structure.

(4) The term *"person"* is defined to include any natural person, corporation, partnership, trust, or any other entity or association.

(CPLDR 1993, § 5-5.9(2); Ord. No. 2203, § 1, 8-8-2006; Ord. No. 2453, § 1(Exh. A), 7-10-2012)

Sec. 105-117. - Exceptions.

Trees otherwise protected may be removed, but only with the approval of the director, under the following circumstances:

(1) *Single-family residential lots.* Single-family residential lots shall be exempt from the tree regulations within the footprint of any residential structure, including garage, carport, driveway and swimming pool. With regard to heritage, specimen, champion and historic trees protected by subsection (7) hereof, this exemption is limited to those circumstances where all setback requirements have been met.

(2) *Other uses.* Commercial, multifamily residential, industrial, institutional, and recreational lots shall be exempt from the tree regulations within the footprint of the building structure, the required runoff retention area and the required parking area, except for historic, specimen, heritage or champion trees protected by section 105-121. A historic, specimen, heritage or champion tree may be removed only if it is in the footprint of the structure and where all setback requirements have been met. The director may give credit toward landscaping requirements for existing trees preserved within the footprint if protected pursuant to section 105-122. All protected trees to be removed or preserved shall be shown on the site plan. The site plan shall also show buffer areas to be preserved and new trees to be planted pursuant to article II of this chapter and compliance with the landscape and buffer standards hereof.

(3) *Diseased, damaged or hazardous trees.* Trees that are visibly diseased or damaged to the extent that the life of a tree has been virtually terminated or its growth or foliage substantially impaired, or that constitute a threat to public safety or damage to property may be removed.

(4) *Pruning and trimming.* Ordinary pruning or trimming of trees and tree limbs is an exempt activity.

(5) *Emergency conditions and commercial tree growers.*

a. *Emergency waivers.* The city commission or its designated representative may waive all or part of these requirements in the event of natural disasters such as hurricanes, tornadoes, floods, or hard freezes. In such cases, the period of waiver shall not exceed ten days, unless extended by the city commission.

b. *Commercial tree growers.* Licensed plant and tree nurseries shall be exempt from the terms and provisions of this subsection when trees planted or growing on the premises of said licensee are so planted and growing for sale to the general public in the ordinary course of business.

c. *Utility and public work operations.*

1. Tree pruning and tree removal by duly constituted communication, water, sewer, electrical, or other utility companies or federal, state, county, or municipal agencies providing like services, or engineers or surveyors working under a contract with such utility companies or agencies shall be exempt, provided the removal is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility service to its customers, and provided that the activity is conducted in a manner to avoid any unnecessary removal. The removal or pruning of trees in and around aerial electrical utility lines shall not exceed the guidelines of the National Electrical Safety Code necessary to achieve safe electrical clearance. All pruning and trimming shall be done in accordance with National Arborists Association Standards, except as otherwise provided.

2. Public works projects by governmental agencies are exempt from the tree regulations in the same manner as utility companies.

(6) *Rights-of-way.* The clearing of a path for an existing or new road right-of-way is exempt. The width of the path shall not exceed the right-of-way width standards for each type roadway established in this Land Development Regulation.

(7) *Nuisance and/or exotic trees.* Trees that are declared nuisance and/or exotic trees by the Florida Exotic Pest Plant Council (FLEPPC) in its latest list of invasive plant species.

(CPLDR 1993, § 5-5.9(3); Ord. No. 2453, § 1(Exh. A), 7-10-2012)

Sec. 105-118. - Conditions for tree removal.

(a) The developer or owner shall provide a site drawing which accurately depicts protected trees on the site, including location, type of protected tree and diameter in inches at breast height, in order to minimize the removal of protected trees. The protected trees depicted on the site drawing shall be marked on the site with "surveyor's ribbon" or other similar material in order that the city's staff can confirm the accuracy of the site drawing. Should the site drawing presented be inaccurate or the size of the tract be so substantial that confirmation of the accuracy of the site presented would either work an undue hardship on staff or result in an unreasonable expense to the city, the director may at his/her discretion require a tree survey of the site, certified by an engineer, surveyor, landscape architect or mapper, licensed in the State of Florida.

(b) Once the requirements of subsection (a), above, have been met, the developer or owner shall satisfy one or more of the following conditions:

(1) The 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, utility, 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 and the lines may not reasonably be relocated.

(4) The tree creates a substantial hazard to operators of motor vehicles or bicycles and pedestrian traffic because of its location.

(5) The tree is diseased, insect-ridden, or weakened by age, abuse, storm, or fire and is likely to cause injury to persons or damage to structures or other improvements.

(6) Any law or regulation requires the removal.

(CPLDR 1993, § 5-5.9(4); Ord. No. 2453, § 1(Exh. A), 7-10-2012)

Sec. 105-119. - Replacement of removed trees.

(a) Any protected trees removed by an owner or developer shall be replaced at the expense of the owner or developer with a species identified on the tree replant list.

(b) Each removed tree shall be replaced with a new tree or trees having a total tree caliper equivalent to that of the diameter at breast height of the tree removed.

(c) Single-trunk replacement trees shall be a minimum of one-inch caliper and a minimum of six feet in overall height.

(d) A replacement tree may be a tree moved from one location to another on the site.

(e) If in the judgment of the director, the site cannot accommodate the total number of required replacement trees as a result of insufficient planting area, the applicant shall make a monetary contribution to the tree protection and related expenses trust fund. The amount of such contribution shall be determined as follows:

(1) For every diameter inch of replacement trees required, the contribution shall be equal to the retail value of a two-inch caliper, nursery-grown shade tree plus the cost of planting. The retail value and planting cost per diameter inch shall be calculated by the city by taking the average published price of container-grown or balled and burlapped two-inch caliper laurel oak. The retail and planting value per diameter inch shall be adjusted annually. The city may permit the planting of trees upon city property in lieu of monetary contributions.

(2) The maximum mitigation replacement required for any developer shall be 100 diameter inches per acre subject to proration where fractional acreage is involved or 50 percent of the total protected diameter inches of the trees removed from the lot, whichever is greater.

(f) Any replacement tree, planted for credit, which dies within one year of planting, shall be replaced by a tree having not less than a three-inch diameter at the time of planting, at the expense of the owner or developer responsible for the replacement of the tree removed.

(g) No replacement trees with the potential to reach a height of 18 feet or greater shall be planted or otherwise located under or within ten feet on either side of overhead utility lines.

(CPLDR 1993, § 5-5.9(5); Ord. No. 2453, § 1(Exh. A), 7-10-2012)

Sec. 105-120. - Tree replant list.

The following is the tree replant list:

(1) *Small trees:*

a. Crepemyrtle (Lagerstroemia indica).

b. Devil's walkingstick (Aralia spinosa).

c. Fringe tree (Chionanthus virginicus).

d. Goldenrain tree (Koelreuteria elegans).

e. Holly, dahoon (Ilex cassine).*

f. Hop-hornbeam (Ostrya virginiana).
g. Hornbeam (Carpinus caroliniana).
h. Plum, wild (Prangustifolia).
i. Magnolia, oriental (Magnolia spp.).
j. Sparkleberry tree (Vaccinium arboreum).
k. Plum, American (Prunus americana).
l. Fringe tree, Chinese (Chionanthus retusa).
m. Smooth redbay (Persea borbonia).*
n. Pear, Bradford (Pyrus calleryana Bradford).
o. Glossy privet (Ligustrum lucidum).
p. Loquat (Eriobotrya japonica).
q. Red buckeye (Aesculus pavia).
r. Hawthorns (Crateagus spp.).
s. Silverbell (Halesia coroliniana).
t. Yaupon holly (Ilex vomitoria).
u. Ashe magnolia (Magnolia ashei).
v. Crab apple (Malus angustifolia).
w. Wax myrtle (Myrica cerifera).
x. Flatwoods plum (Prunus umbellata).
y. Hoptree (Ptelea trifoliata).
z. Myrtle oak (Quercus myrtifolia).
aa. Virginia stewartia (Stewartia malacodendron).
bb. Rust blackhaw (Viburnum rufidulum).
cc. Dogwood.

(Trees numbered r.—cc. are native.)

(Trees numbered p.—cc. are suitable for planting underneath utility lines.)

(2) *Medium and large trees:*

a. Ash, white (local) (Fraxinum americana).*
b. Birch, river (Betula nigra).*
c. Basswood (Tilia caroliniana).
d. Catalpa, southern (Catalpa bignonoides).
e. Cedar, Atlantic white (Chamaecyparis thyoides).
f. Southern red [cedar] (Juniperus silicicola).
g. Cherry laurel (Prunus caroliniana).*
h. Cottonwood (Populus deltoides).
i. Cypress, pond (Taxodium ascendens).
j. Bald cypress (Taxodium discithum).
k. Elm, Florida (Ulmus americana floridana).*

l. Elm, winged (Ulmus alata).*
m. Hickory (Carya spp.).*
n. Loblolly bay (Gordonia lasianthus).
o. Maple, Florida (Acer barbatum floridanum).*
p. Mulberry, red (Morus rubra).
q. Oak, post (Quercus stellata).*
r. Oak, Shumard (Quercus shumardii).*
s. Oak, southern red (Quercus falcata).*
t. Oak, swamp chestnut (Quercus michauxii).*
u. Oak, white (Quercus alba).*
v. Live oak (Quercus virginiana).
w. Palm, cabbage (Sabal palmetto). (Note: Palm trees are acceptable only if approved by the director.)
x. Palm, pindo (Butia capitata).
y. Persimmon (Diospyros virginiana).
z. Pine, spruce (Pinus glabra).
aa. Sweetbay (Magnolia virginiana).*
bb. Gum, sweet or red (Liquidambar styraciflua).
cc. Tulip tree (Liriodendron tulipifera).
dd. Tupelo, water (Nyssa aquatica).
ee. Walnut, black (Juglans nigra).*
ff. Waxmyrtle (Myrica cerifers).*

*Denotes shade trees.

Source: Native Trees for North Florida, Florida Cooperative Extension Service, University of Florida.

(CPLDR 1993, § 5-5.9(6); Ord. No. 2453, § 1(Exh. A), 7-10-2012)

Sec. 105-121. - Historic, specimen, champion, and heritage trees.

(a) A historic tree is one that has been designated by the city commission as one of notable historical interest and value to the city because of its location or historical association with the community.

(b) A specimen tree is one that has been officially designated by the city commission to be of high value because of its type, size, age, or other relevant criteria.

(c) A champion tree is one that has been identified by the Florida Division of Forestry as being the largest of its species within the State of Florida or by the American Forestry Association as being the largest of its species in the United States. Any tree in the city selected and duly designated as a Florida State Champion, United States Champion, or World Champion by the American Forestry Association shall be protected.

(d) A heritage tree is any tree with a diameter of at least 30 inches or seven feet ten inches in circumference, whichever dimension is less, measured at a point 54 inches above ground level. Heritage trees shall be considered protected trees.

(e) No historic, champion, heritage, or specimen tree shall be removed unless there is a specific provision in this Land Development Regulation providing an exemption therefore.

(CPLDR 1993, § 5-5.9(7); Ord. No. 2453, § 1(Exh. A), 7-10-2012)

Sec. 105-122. - Protection of trees during development activities.

(a) *Generally.* To assure the health and survival of protected trees, no person shall engage in any activity that would result in injury to any tree from the following causes:

(1) Mechanical injuries to roots, trunk, and branches;

(2) Injuries by chemical poisoning;

(3) Injuries by grade changes;

(4) Injuries by excavations;

(5) Injuries by paving;

(6) Any other avoidable consequence that may cause or contribute to tree injury.

(b) *Tree protection zone.* A circular tree protection zone shall be established around each protected tree as follows:

(1) If the drip line is less than six feet from the trunk of the tree, the zone shall be that area within a radius of six feet around the tree.

(2) If the drip line is more than six feet from the trunk of the tree, but less than 20 feet, the zone shall be that area within a radius of the full drip line around the tree.

(3) If the drip line is 20 feet or more from the trunk of the tree, the zone shall be that area within a radius of 20 feet around the tree.

(c) *Development prohibited within the tree protection zone.* All development activities, except those specifically permitted by paragraph e below, shall be prohibited within the protection zone of any protected tree. This prohibition shall include vehicular parking and storage of materials within the tree protection zone.

(d) *Fencing of tree protection zone.* Prior to the commencement of construction, the developer shall enclose the entire tree protection zone within a fence or similar barrier as follows:

(1) Wooden or similar posts at least 1.5 × 3.5 inches shall be implanted in the ground deep enough to be stable and with at least three feet visible above ground.

(2) The protective posts shall be placed not more than six feet apart and shall be linked together by a rope or chain.

(e) *Permitted activities within the tree protection zone.*

(1) Trenching by utility companies shall be allowed except where the trees are historic, specimen, champion, or heritage, in which event the excavation shall be tunneled.

(2) Sodding and ground cover: Placement of sod or other ground covers including ground surface preparation for such covers.

(CPLDR 1993, § 5-5.9(8); Ord. No. 2453, § 1(Exh. A), 7-10-2012)

Sec. 105-123. - Preservation of native vegetation.

In addition to the tree preservation requirements, development sites shall comply with the following requirements for the preservation of native shrubs and ground covers:

(1) Within the conservation or special treatment zone, 25 percent of the site populated by native shrubs or ground cover shall be preserved.

(2) Within all other districts, a minimum of ten percent of the total area of the site populated by native shrubs or ground cover shall be preserved.

(3) Native shrubs and ground cover on a site may be used to satisfy the buffer and vehicular landscaping requirements of article II of this chapter.

(CPLDR 1993, § 5-5.9(9); Ord. No. 2453, § 1(Exh. A), 7-10-2012)

Sec. 105-124. - Preservation of protected trees and native vegetation as grounds for reduction in required parking.

(a) A reduction of required parking spaces may be required by the director when the reduction would result in:

(1) The preservation of a protected tree, or

(2) The preservation of native shrubs and ground cover in a quantity exceeding the minimum requirements of section 105-123

(b) The following reduction of required parking shall apply if it prevents the removal of a protected tree or native vegetation that is located within the area designated as a vehicular use area. The following reduction schedule shall apply:

REDUCTION SCHEDULE	
Number of Required Parking Spaces	Reduction in Required Parking Spaces Allowable
1—4	0
5—9	1
10—19	2
20 or more	10% of total number of spaces (total reduction regardless of number of trees or percentage of native vegetation preserved)

(c) The director may grant further reductions when necessary to save protected trees.

(CPLDR 1993, § 5-5.9(10); Ord. No. 2453, § 1(Exh. A), 7-10-2012)

Sec. 105-125. - Unauthorized tree removal.

(a) All sanctions and remedies in this section are cumulative to each other and to all other provisions. No protected tree shall be removed unless the removal is authorized by a removal permit or development order from the City of Panama City.

(b) Any person who removes a protected tree without authorization by the city shall be subject to a penalty not to exceed $1,000.00 per tree, or confinement in jail for a period not to exceed 60 days, or both, and the revocation of his license to do business in the City of Panama City for a period of six months.

(c) Should any owner, developer, or contractor remove a protected tree without authorization by the city, any development order issued or building permit previously issued by the city shall be revoked and, if not issued, then denied, until the owner has satisfied all mitigation requirements.

(d) Except for "clearing of land" as defined and provided for in section 102-2 or as otherwise provided herein, should an owner or developer remove any tree without authorization, the owner or developer shall pay to the city a sum of money equal to twice the amount of mitigation damages determined on the basis of diameter inches of the trees removed, plus any revenues that the tree or trees would have produced if sold a at prevailing market value. The money limitation set forth in section 105- 119(e)(1) shall have no application to the amount so determined above.

(CPLDR 1993, § 5-5.9(11); Ord. No. 2453, § 1(Exh. A), 7-10-2012)

Sec. 105-126. - Protection of trees on public lands.

The Panama City Department of Leisure Services shall be responsible for the care, maintenance, and preservation of all trees and landscaping on city properties. The department of leisure services is authorized to implement community programs and a community forestry plan to foster awareness and support for the preservation of trees and other native plant life.

(CPLDR 1993, § 5-5.9(12); Ord. No. 2453, § 1(Exh. A), 7-10-2012)

Secs. 105-127—105-150. - Reserved.

ARTICLE IV. - UTILITIES

Sec. 105-151. - Utilities.

This article is intended to provide basic standards for availability of utilities services.

(CPLDR 1993, § 5-6)

Sec. 105-152. - Applicability.

(a) *Electricity and telephone.* All residential developments shall have available a source of electricity and telephone that is adequate to accommodate the permitted development.

(b) *Water and sewer.* All habitable development within the city shall be connected onto the city water and sewer system and, if not available, within three months of the availability of such service. All connections or extensions of the water or sewer systems shall comply with the Florida Building Code, as it may be amended from time to time, and/or, if applicable, state laws and regulations.

(c) *Fire hydrants.* The developers of any residential developments shall provide a system of fire hydrants which meet or exceed the standards set forth in Recommended Standards for Water Works, as it may be amended from time to time.

(d) *Drainage.* In addition to the requirements set forth in article III, division 2, all drainage structures or conveyances shall be designed and constructed to accommodate stormwater runoff produced by a 25-year, critical duration storm event and, if applicable, comply with the requirements of chapter 14-86, Florida Administrative Code (FDOT drainage permit).

(CPLDR 1993, § 5-6.1)

Sec. 105-153. - Utility easements.

When a developer installs water, sewer, electrical power, telephone or cable television facilities which will be owned, operated or maintained by a public utility or another entity, other than the developer, the developer shall transfer title to such utility together with attendant easements to such entity.

(CPLDR 1993, § 5-6.2)

Secs. 105-154—105-174. - Reserved.

ARTICLE V. - TRAFFIC CIRCULATION AND PARKING

Sec. 105-175. - Public purpose.

This article establishes minimum requirements applicable to transportation systems, including public and private streets, bikeways, pedestrian ways, parking, loading areas, and access to and from public streets. The standards are intended to minimize the traffic impacts of development.

(CPLDR 1993, § 5-7.1)

Sec. 105-176. - Functional classifications of roadways.

Functional classifications of roadways within the city are as follows:

(1) *Principal arterial roadways.*

a. U.S. 231 (SR 75): City limits to Business U.S. 98 (Sixth Street).

b. 23rd Street (SR 368).

c. U.S. 98 (15th Street): Everitt Avenue to middle of Hathaway Bridge.

d. Business U.S. 98: Everitt Avenue to Beck Avenue.

e. Business U.S. 98 (Beck Avenue to 15th Street).

f. Harrison Avenue: Business U.S. 98 (Sixth Street) to U.S. 98 (15th Street).

(2) *Minor arterial roadways.*

a. East Avenue (SR 389): Business U.S. 98 (SR 30) to city limits.

b. Cove Boulevard (SR 77): Business U.S. 98 (SR 30) to city limits.

c. 11th Street (CR 28): City limits to Beck Avenue.

d. Airport Drive (SR 391).

e. St. Andrews Boulevard (SR 390): That portion within city limits.

f. Lisenby Avenue (CR 327): 15th Street to 23rd Street.

g. Beck Avenue: 15th Street to 23rd Street.

(3) *Collector roadways.*

a. Everitt Avenue: Business U.S. 98 (SR 30) to 11th Street (CR 28).

b. Third Street: Everitt Avenue to Sherman Avenue.

c. Sherman Avenue: Third Street to 11th Street (CR 28).

d. Fourth Street: Watson Bayou to Beach Drive.

e. Cove Boulevard: Business U.S. 98 (SR 30) to Cherry Street.

f. Cherry Street/Beach Drive: Cove Boulevard to Business U.S. 98 (SR 30).

g. Jenks Avenue: Fourth Street to city limits.

h. Balboa Avenue: Beach Drive to 15th Street.

i. 19th Street: U.S. 231 (SR 75) to U.S. 98 (SR 30A).

j. Lisenby Avenue: Beach Drive to 15th Street.

k. Frankford Avenue: 15th Street north to end of roadway.

l. 15th Street/Michigan Avenue: Beck Avenue to 23rd Street.

m. Baldwin Road: SR 390 to Harrison Avenue.

(CPLDR 1993, § 5-7.2)

Sec. 105-177. - Design standards.

(a) *Generally.* All highways, roads, streets, and rights-of-way shall be designed and constructed to comply with the requirements of the most recent edition of the Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways, Florida department of transportation (the "Green Book"), unless otherwise specified in this Land Development Regulation Code.

(b) *Topography.* All street systems of a proposed development shall be designed and constructed to avoid environmentally sensitive areas and to the extent possible conform to the natural site topography to preserve existing hydrological and vegetative patterns, and to minimize erosion and site alteration.

(c) *Coordination with surrounding area.* All proposed street systems shall be designed and constructed to coordinate with existing roadways. If adjacent lands are unplatted, stub-outs shall be provided in the new system for future connection to the roadway system of the adjacent unplatted land.

(d) *Residential street systems.*

(1) Streets in a proposed subdivision or other residential area shall be designed to accommodate intra-neighborhood traffic rather than through traffic.

(2) Streets in residential areas shall be the sole vehicular access to any lots which abut any collector or arterial roadway or right-of-way.

(e) Intersections shall be designed and constructed so that:

(1) The flattest possible grade on the approach to and at the intersection is achieved.

(2) The roads intersect at right angles, and in no event less than 75 degrees.

(3) The roads, where possible, coincide with existing intersections. Where an offset (jog) is necessary, the distance between centerlines of the intersecting streets shall be no less than 150 feet.

(4) If more than one street is to intersect with an existing street, they shall be no less than 400 feet apart, measured from centerline to centerline. When the intersected street is an arterial way, this distance shall be no less than 700 feet.

(f) *Safety lanes.* All shopping centers and malls shall provide a fire and safety lane of a minimum width of ten feet contiguous and adjacent to the exterior perimeter of the structure or of any walkway affronting the structure. Where there are at least two traffic lanes having a minimum width of 12 feet each, adjacent to the walkway building or structure, this requirement will be deemed to have been met. A sign shall be posted at 50-foot intervals which states: "Fire Safety Lane. Parking, standing or stopping of motor vehicles prohibited at all times."

(CPLDR 1993, § 5-7.3)

Sec. 105-178. - Rights-of-way.

(a) *Rights-of-way width.* Right-of-way requirements for road construction shall be as follows:

Principal arterial	150 ft.
Minor arterial	100 ft.
Collector	100 ft.
Local	60 ft.
Local, affordable housing	50 ft.

(b) *Pavement width and materials testing.* Pavement width of roadways shall be as follows:

	Four-Lane	Two-Lane
Principal arterial	60 ft.	36 ft.
Minor arterial	60 ft.	36 ft.
Collector	60 ft.	36 ft.
Local	48 ft.	24 ft.

Testing of pavement materials may be required pursuant to standards specified in chapter 108.

(c) *Protection and use.*

(1) No encroachment shall be permitted into city rights-of-way, except as authorized by the city.

(2) Use of the right-of-way for public or private utilities, including, but not limited to, sanitary sewer, potable water, telephone wires, cable television wires, gas lines, or electricity transmission, shall be allowed subject to the placement specifications in the technical construction standards manual in section 105-177, or the equivalent, and other applicable laws or regulations.

(3) Sidewalks and bicycle ways shall be placed within the right-of-way.

(d) *Vacations of rights-of-way.* Applications to vacate a right-of-way may be approved upon a finding that all of the following requirements are met:

(1) The requested vacation is consistent with the traffic circulation element of the city comprehensive plan.

(2) The right-of-way does not provide the sole access to any property and if the alternative access is not limited solely to a way of egress and ingress.

(3) The vacation would not jeopardize the current or future location of any utility.

(4) The proposed vacation is not detrimental to the public interest.

(5) The proposed vacation does not eliminate a public accessway to the water, unless comparable or better public access is provided by the person requesting the vacation.

(CPLDR 1993, § 5-7.4)

Sec. 105-179. - Access control.

(a) *State highway system.* All driveways, access points, entrances or exits or other vehicular connections to the state highway system must be authorized by the Florida department of transportation. Vehicular connection permits must be obtained by developers pursuant to chapter 14-96, Florida Administrative Code, if required before the issuance of a development order by the city.

(b) *Collector and local streets.* Location and spacing of access points and intersections shall comply with the technical construction standards manual and the requirements of section 105-177

(c) *Emergency access.*

(1) All residential subdivisions or multifamily developments, including manufactured home subdivisions, having roadway segments over 500 feet in length shall have at least two roadway outlets to accommodate emergency ingress and egress needs.

(2) Roadway outlets shall not be located closer than 100 feet from one another.

(CPLDR 1993, § 5-7.5)

Sec. 105-180. - Bicycle and pedestrian ways.

(a) *Installation.* Any new developments shall have bicycle pathways, or sidewalks, or both when the need for such facilities has been established as an integral part of the city's nonautomotive traffic circulation system. The requirement for bicycle paths or sidewalks shall be based on the following criteria:

(1) When it is necessary to connect or complete an existing bicycle path or sidewalk system;

(2) The installation of bicycle paths or sidewalks would not adversely affect public safety;

(3) The cost of providing bicycle paths or sidewalks is not excessively disproportionate to the need or use; and

(4) Other available criteria dictate the need of such a pathway or pathways.

(b) *Technical construction standards.* Required bicycle paths and sidewalks shall be designed and constructed in compliance with the standards in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, published by the Florida department of transportation.

(CPLDR 1993, § 5-7.6)

Sec. 105-181. - Off-street parking and loading.

(a) *Generally.* The purpose of required parking spaces is to provide enough onsite parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time.

(1) Off-street parking spaces shall be provided upon the erection or enlargement of any building or structure or upon an increase in the capacity of any building or structure, including, but not limited to, dwelling units, guestrooms, floor area, seating capacity, employment or patronage.

(2) No on street public parking spaces may be used in calculating the number of parking spaces required of any business, except:

a. Where a business has as designated employment, seating or patronage capacity of 25 persons or more or,

b. Where 25 percent of the minimum parking requirements is satisfied by available off-street public parking facilities located on the same side of the block and which is not separated by a major street or thorough-fare and is located within 500 feet of the business, only if the access is not interrupted by a fence, wall, or other structure separating the business from the off-street parking area. The measurement from the business to the parking area shall be measured from the entrance of the business to the entrance of the parking facility along the commonly traveled and approved pedestrian walkway or route between the business and the parking facility.

(3) Off-street parking requirements shall be as follows:

Use	Spaces Required
Dwellings	
Single-family, duplex, cluster or townhouse	2 per unit
Apartment or condominium	1.5 per unit plus 1 per 10 units
Community residential homes	1 per bedroom
Hotels, motels, and mobile home parks	1 per unit home plus 2 per office
Boarding homes	1 per bedroom
Dormitories	1 per each 3 beds
Public assembly	
Church, temple or other place of worship	1 per 4 seats in main assembly hall
Fraternal organization or private club	1 per 300 sq. ft. gross floor area plus 1.5 per bedroom
Auditorium, theater, gymnasiums or convention halls	1 per 4 seating spaces
Libraries or museums	1 per 500 sq. ft gross area

Private schools, kindergartens, and day care centers	1 per 4 seats in assembly hall plus 1 per classroom
Amusement place, dancehall, swimming pool or exhibition hall	1 per 4 seating spaces or 1 per each 100-sq. ft. of floor or grounds used for amusement or assembly.
Health facilities	
Hospitals	1.75 per bed
Sanitariums, convalescent homes or similar institutions	1 per 500 sq. ft. of gross floor area
Animal hospitals	1 per 400 sq. ft. of gross floor area
Medical, dental and health offices and clinics	1 per 300 sq. ft. of gross floor area
Funeral parlors or mortuaries	1 per each 4 chapel seats
Business	
Bowling alley	5 per alley
Food stores and drugstores	1 per 300 sq. ft. of gross floor area (over 4,000 sq. ft.: use 1 per 100 sq. ft. of gross floor area)
Commercial, retail, business personal services	1 per 300 sq. ft. of gross floor area, and 1 space per 1,000 sq. ft. of gross floor area used for storage.
Health spa or club	1 per 300 sq. ft. of gross floor area
Business and professional offices	1 per 300 sq. ft. of gross floor area
Banks or other financial institutions	1 per 300 sq. ft. of gross floor area
Printing, publishing or broadcasting	1 per 300 sq. ft. of gross floor area
Restaurant, lounge or establishment for the consumption of beverages on-premises	1 per 100 sq. ft. of floor area or 1 per 4 seats, whichever is greater
Drive-in restaurants	Subject to approval by the director
Shopping centers	1 per each 300 sq. ft. of gross floor area up to 15-acre center, and 1 per each 200

	sq. ft. gross floor area for over 15-acre center
Convenience food stores	Subject to approval by the director
Mini-warehouse (self-storage units)	5 spaces at the office. Drive aisles must be 25—30 feet to provide additional parking area at individual storage units.
Marina	1 space per 4 wet slips, 1 space per 4 dry storage racks, and 1 space per 300 sq. ft. of office/retail space. Facilities which include boat ramps must have one vehicular parking space per boat trailer parking space.
Light industrial uses	1 space per 1,500 sq. ft. of gross floor area up to 20,000 sq. ft., and 1 space per 2,500 sq. ft. of gross floor area in excess of 20,000 sq. ft., and 1 space per 300 sq. ft. of office area.
Heavy Industrial uses	1 space per 1,500 sq. ft. of gross floor area up to 20,000 sq. ft., and 1 space per 2,500 sq. ft. of gross floor area in excess of 20,000 sq. ft., and 1 space per 300 sq. ft. of office area.

(b) Special zones. Off-street parking requirements for existing buildings in the Downtown and St. Andrews Community Redevelopment Areas shall be calculated as follows:

(1) Past parking demands based on past use and floor area, on a case by case basis.

(2) Parking requirements for proposed new use based on existing parking requirements.

(3) If the new parking requirement exceeds the, current parking availability additional off-street parking must be provided.

(4) Additional off-street parking may be provided through private agreements with others or by agreements with the community redevelopment board to use space in public lots. Such agreements must be approved by the city commission. Such agreements must follow the provisions of subsection (a)(2) of this section.

(c) *Location of off-street parking.* The parking spaces shall be provided on the same lot as that of the structure it serves or within 500 feet of the principal entrance thereto, as measured along the most direct pedestrian walkway.

(d) *Joint use of off-street parking space.* No part of an off-street parking area required for any building or land use shall be used as a parking facility for another or other land use, except where the parking demands of different uses occur at different times which in turn shall be supported by:

(1) A notarized statement from all property owners involved stating that the activities of each building or land use, which creates a demand for parking occurs at different times.

(2) An agreement between the parties for maintenance of the parking area.

(3) An agreement providing that so long as there is not a conflict in the demand for parking between the different land uses that would violate the minimum standards of this chapter, the agreement would continue in full force and effect; otherwise it would terminate. Nothing in this division shall be construed to prevent the joint use of off-street parking space by two or more buildings or land uses if the total parking spaces when used together is more than the total requirements for the various individual land uses or buildings computed separately.

(e) *Off-street parking lot requirements.* All parking areas shall be surfaced with materials approved by the director; properly drained and landscaped; designed for pedestrian safety and provide direct access to a public street or alley. Each off-street parking space shall have a minimum width of nine feet and a minimum length of 20 feet. Each lot

containing five or more spaces shall have an off-street vehicular maneuvering area so that no vehicle will be required to back into or from any public street or alley.

(f) *Access between abutting areas.* The director may require driveway access between abutting off-street parking areas when such access is considered necessary.

(g) *Off-street loading and unloading requirements.* There shall be provided on the same lot as that of the principal structures (other than single-family, duplex, triplex or quadraplex dwellings) adequate space for vehicular off-street loading, unloading, and the maneuvering of commercial vehicles. Any vehicular off-street vehicular maneuvering area shall be located within the parking area. All vehicular loading and maneuvering areas shall be surfaced with a dustless material, and shall have direct access to a public street or alley. A minimum of one such loading space shall be provided for all nonresidential buildings or structures where six or more parking spaces are required, plus one additional space for each 10,000 square feet (or fraction thereof) of area.

(h) *Permanent reservation.* The area reserved for off-street parking or loading shall not be reduced in area or converted to any other use unless the use it serves is discontinued or modified in a manner that does not require the use of the parking facility, except where equivalent parking or loading space is provided in accordance with the provisions hereof.

(i) *Drainage.* All parking or maneuvering areas shall be designed and engineered so that the drainage will run to the existing drainage structures or otherwise comply with criteria in article II, division 2 of this chapter.

(j) *Handicapped parking requirements.* Any commercial development or residential rental complex offering parking to the general public shall provide motor vehicle parking spaces for the exclusive use of physically disabled persons who have been issued parking permits pursuant to Florida Statutes in compliance with the following:

(1) All angled or perpendicular parking spaces shall be a minimum of 12 feet wide.

(2) Parallel parking spaces shall be located at the beginning or end of a block or adjacent to driveway entrances.

(3) Each parking space shall be conspicuously outlined in blue paint and shall be posted and maintained with a permanent, above-grade sign bearing the international symbol of handicapped accessibility and the caption "Parking by Disabled Permit Only."

(4) All spaces shall have an adjacent access aisle of not less than five feet wide.

(5) All spaces shall be accessible to a curb ramp when necessary.

(6) The minimum number of special parking spaces shall be one per 25 total spaces up to 100 spaces and thereafter one additional space per 50 total spaces.

(CPLDR 1993, § 5-7.7; Ord. No. 2331, § 1, 11-25-2008)

Secs. 105-182—105-200. - Reserved

ARTICLE VI. - SUBDIVISION STANDARDS AND PLAT APPROVAL

Sec. 105-201. - Scope.

This article establishes minimum standards for the platting of land and the development of commercial or residential subdivisions.

(CPLDR 1993, § 5-8.1)

Sec. 105-202. - Compliance.

All subdivision development and platting must comply with requirements of this article and F.S. ch. 177.

(CPLDR 1993, § 5-8.2)

Sec. 105-203. - Submission of documents and fees.

(a) *Engineering documents.* Plans, specifications and development documents shall be submitted to the city for review and shall be prepared by a professional engineer registered in the State of Florida.

(b) *Required submittals.* Documents to be submitted shall include the following:

(1) Plans: Four sets, or as specified;

(2) Specifications: Four sets, or as specified;

(3) Documents of other governmental agencies (permits from DEP, FDOT, COE, etc.): Two sets;

(4) "As built" utility plans and a location map; and

(5) Title and conveyance instruments of proposed restrictive covenants, deed restrictions, homeowner's agreements, and other similar documents: Four copies each.

(c) *Fees.* The developer shall pay all fees associated with obtaining the development order, as well as all fees and deposits for utilities, before commencing construction.

(d) *Development agreement.* Prior to any plat approval by the city commission, the person, firm or corporation submitting the plat shall enter into a written agreement with the city guaranteeing the improvements set forth in the plat shall be installed as described. Alternatively, the developer may post a bond, or a security deposited deemed necessary by the city to ensure the installation of the requirement improvements.

(CPLDR 1993, § 5-8.3)

Sec. 105-204. - Plat approval.

(a) Once the necessary documents, and fees and agreements have been submitted to the director, they shall be subject to the review of the planning board. Final approval of any plat is vested in the city commission.

(b) Upon final approval of a plat, the subdivider or developer shall deliver a reproducible Mylar of the recorded plat to the director, which shall become the property of the city.

(CPLDR 1993, § 5-8.4)

Sec. 105-205. - Plat data requirements.

The following information shall be submitted to the director plus any additional information as deemed necessary by the director:

(1) *Statutory requirements.*

a. Certificate of title, certified survey name of the plat, and dedications pursuant to F.S. ch. 177.

b. An original drawing at a scale of 100 feet to one inch, or larger, on sheets 24 inches wide by 30 inches long, and if more than one is used, the sheets shall be indexed. The drawing shall comply with the requirement of F.S. § 177.091. In addition to the drawings mentioned above, computer disks shall be provided for all AutoCAD-produced drawings.

(2) *Topographic drawings and data.*

a. *Ground elevations.* Ground elevations based on a datum plane approved by the city, showing spot elevations along all drainage channels or swales at a minimum distance of 100 feet, except that slopes of more than two percent must show contours at every five feet if regular, and every two feet for irregular land surfaces.

b. *Land conditions.*

1. Hydrologic conditions, drainageways, waterways pursuant to article II, division 2 of this chapter;

2. Conservation and special treatment zones and environmentally sensitive canals;

3. Rock outcrop, wooded areas and trees identified as required by article II, division 3 of this chapter; and

4. All existing improvements and fixtures.

c. *Subsurface conditions.*

1. Test results;

2. Spot location of test on a site drawing;

3. Depth to groundwater, unless test pits are dug to a depth of five feet.

d. *Vicinity map.* Map shall show existing improvements in and surrounding the plat, including:

1. Land use districts adjacent to the tract;

2. Transportation systems adjacent to the tract including all existing rights-of-way, railroads, and airports, as well as all prior easements or dedications for rights-of-way. The drawing shall indicate type of surface material used on each roadway and the elevation of the centerlines, curbs, gutters, and walls.

3. Utilities systems and facilities adjacent to the tract, including the location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains, gas lines, fire hydrants, and the location of electric poles, telephone poles, and streetlights.

e. *Adjacent community services.* Community services adjacent to the tract shall be submitted in a list or shown on a drawing, and shall include elementary and high schools, parks and playgrounds, places of significant employment, shopping centers, hospitals and churches, and any other public or nonpublic community features which may influence or be influenced by the proposed subdivision.

f. *Subdivision plan.* Overlay on a topographic survey shall be submitted showing the proposed layout of streets, blocks, and lots, alleys, easements, utilities, dedications, open spaces, and recreation areas. Location of proposed multifamily dwellings and other proposed developments shall be shown. Streets and other proposed improvements shall comply with F.S. ch. 177.

(CPLDR 1993, § 5-8.5)

Sec. 105-206. - Plat design standards.

(a) *Blocks and lots.*

(1) *Area.* A block shall not exceed 1,200 feet or be less than 400 feet in length.

(2) *Uses.* The dimension of nonresidential lots shall provide for off-street parking and service facilities necessary for the intended use.

(3) *Buffer.* A buffer of at least five feet in width shall be provided along the length of the property line of lots abutting an arterial or collector roadways or other adverse use.

(4) *Lots.* Lot dimensions, setback, and like criteria shall comply with chapter 104. Double and reverse lot widths shall be avoided, unless they are necessary to separate a residential development from a vehicular traffic artery or to overcome unique topographic conditions.

(5) *Monuments.* The developer shall set monuments in accordance with the requirements of F.S. ch. 177. All other lot corners shall be marked with iron pipes not less than three-fourths inch in diameter and 24 inches long, set flush with the finished grade of the ground.

(b) *Streets.* All proposed rights-of-way shall be designed according to article V of this chapter and shall comply with:

(1) *Grading.* All streets, roads and alleys shall be graded to accommodate construction and pavement to the required cross section.

(2) *Utility lines.* The nearest edge of any paved surface shall not be closer than 15 feet to an existing electric or gas transmission line, and shall comply with the requirements of the National Electrical Safety Code.

(3) *Fills.* All suitable material from roadway cuts may be used to construct fills, approaches, and like endeavors. All excess materials shall be removed from the site according to sound engineering practices.

(4) *Curbs and gutters.* Permanent six-inch concrete curbs with an integrated 18-inch concrete gutter, or a 24-inch concrete valley curb or dike curb and gutter, if approved by the director, shall be placed on the edge of all streets.

(5) *Sidewalks and crosswalks.* Sidewalks of four to five feet in width and four inches deep shall be constructed on both sides of streets unless deemed unnecessary by the director. Crosswalks may also be required by the director.

(6) *Installation of utilities.* Prior to cover-up, all utility systems shall be approved by the city.

(7) *Protection of natural features.* Streets or parkways may be required to run parallel to watercourses or be curbed to avoid the loss of natural features such as large trees, historical areas and like community assets protected by this Land Development Regulation Code.

(c) *Pavement base.* After preparation of the subgrade, the road bed shall be surfaced with four inches of compacted sand-asphalt hot mix. Where soil conditions are favorable the director may approve the use of six inches of compacted shell, sand-clay, or other suitable material. A stabilized subgrade to support the pavement base shall be prepared and stabilized to a minimum of 80 pounds per square inch, or as required by the then-current Florida department of transportation bearing method.

(d) *Easements and dedications.*

(1) Utility easements: Shall not be less than 20 feet in width.

(2) Where a watercourse, drainageway, channel or stream traverses a subdivision or tract, the owner shall grant the city a stormwater or drainage easement deemed necessary for the maintenance thereof.

(3) Streets shall be dedicated to the city upon completion.

(4) Where a proposed park, playground, school or other public use is located in whole or in part in a subdivision, the city may require the dedication or reservation of such area for such purpose.

(e) *Large tracts or parcels.* When land is subdivided into parcels larger than ordinary lots, the subdivision design shall provide for future street rights-of-way and land dedication areas for future resubdivision of the lots reasonably anticipated to occur with the passage of time.

(CPLDR 1993, § 5-8.6)

Sec. 105-207. - Design standards for stormwater management.

The design of stormwater and drainage control shall conform to the provisions set forth in article II, division 2 of this Code, and the requirements set forth herein.

(1) *Cross drains.* Piped cross drains shall be provided to accommodate the natural flow of water, and shall be of sufficient length to fully traverse the roadway and attendant slopes. The sizing of the drains shall be subject to the approval of the director, but in no case less than 18 inches. Cross drains shall be built on straight lines and grade, and laid on a firm base. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends fitted and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the roadbed to avoid the pressure of impact, and in no event shall the top of the pipe be less than one foot below the surface or six inches below the base course, whichever is greater. All pipe material will be subject to the approval of the city.

(2) *Ditches, swales, detention or retention ponds.* All drainageways must be grassed and have sufficient easement width to allow access for maintenance equipment and vehicles.

(CPLDR 1993, § 5-8.7)

Sec. 105-208. - Design standards for water supply and sanitary sewers.

(a) *Water supply system.*

(1) Water mains shall be constructed in such a manner to adequately serve domestic demands and fire protection needs.

(2) The sizes of water mains, their location and the types of valves and hydrants, and installation, shall conform to the specification of the Recommended Standards for Water Works, as it may be amended from time to time.

(3) The city may require the developer to install a larger water main than that needed to service a particular development, and if so, the difference between the price of the water main as needed and that required by city shall be paid by the city.

(4) The crossing of an existing paved city street will be bored, unless otherwise approved by the city.

(5) Testing of materials may be required to ensure compliance with the standard specified in chapter 108

(b) *Sanitary sewers.*

(1) All subdivision lots in the service area of a public wastewater system shall be connected thereto.

(2) Minimum sanitary sewer grades and velocities:

	Size	Grade (percent)
	8" pipe	0.40
	10" pipe	0.25
	12" pipe	0.15
	15" pipe	0.15
	18" pipe	0.12
	21" pipe	0.10

Minimum velocity shall be two f.p.s. at one-half full flow, or, in unusual cases, the city may approve 1.3 f.p.s. flows.

(3) All crossings of existing paved city streets will be bored, unless otherwise directed by the city.

(4) If a sanitary pumping station is required to service the area to be developed, the developer may be required to pay the prorated cost of any existing pumping so utilized based on the flow capacity from the development or the cost of enlarging the stations necessary to handle the sewage flows.

(5) Testing of materials may be required to ensure compliance with the standards set forth in chapter 108

(CPLDR 1993, § 5-8.8)

Secs. 105-209—105-239. - Reserved.

ARTICLE VII. - MANUFACTURED HOUSING STANDARDS

Sec. 105-240. - Public purpose.

The purpose of this article is to provide standards for the location and placement of individual manufactured homes and manufactured home subdivisions.

(CPLDR 1993, § 5-9.1)

Sec. 105-241. - Applicability.

The use of mobile homes within the city limits (if not built in compliance with the federal manufactured housing construction and safety standards of the HUD Code or approved by DCA as a manufactured home, with insignia attached) is not allowed unless currently in existence and used as a single-family residence, and then only so long as continuously used as a single-family residence without a break in such use for more than six months or until any change in ownership, after which the right of use shall terminate and said mobile home shall be removed from the property. Manufactured homes shall comply with the requirements hereof.

(CPLDR 1993, § 5-9.2.1)

105-242. - Definitions.

When used in this ordinance, the following words and phrases have the meaning as defined in this section. Terms not defined herein have the same meaning as is found in section 101-3 and most dictionaries where consistent with the context. The terms "must," "will," and "shall" are mandatory in nature indicating that an action has to be done. The term "may" is permissive and allows discretion regarding an action. When consistent with the context, words used in the singular number include the plural, and those used in the plural number include the singular. Words used in the present tense include the future. The word "developer" includes a "firm," "corporation," "copartnership," "association," "institution," or "person." The word "lot" includes the words "plot," "parcel," "site" and "space." The words "used" or "occupied" as applied to any land or include in its meaning the words "intended," "arranged" or "designed," "to be used" or "occupied."

DCA: Florida Department of Community Affairs of the State of Florida.

Double wide: An obsolete term used to describe a mobile home having a width of generally between 20 and 28 feet.

Dwelling: A or portion thereof designed, arranged, or used principally for residential occupancy, not including motels, hotels, boarding houses, or rooming houses.

HUD: U.S. Department of Housing and Urban Development.

Manufactured home: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the site, bearing a label certifying that it is built in compliance with the federal manufactured housing construction and safety standards (24 CFR 3280) HUD Code, or inspected by an approved inspection agency conforming to the requirements of DCA, and bearing an insignia of approval. The term single-family dwelling shall include manufactured homes when placed on permanent foundations. For purposes of this Land Development Regulation Code, manufactured homes acceptable to be used for residential purposes within the city are distinguished by two types as follows:

(1) *Residential design manufactured homes, (hereinafter referred to as RDMH structures)* are manufactured homes also called "modular homes," bearing a DCA seal, certifying code compliance, meeting the following residential design standards which shall be used in determinations of similarity in appearance between RDMH structures, with permanent foundations approved as provided in this subsection, and compatible in appearance with site-built housing which has been constructed in adjacent or nearby locations. An RDMH structure is not permitted to be used as a storage.

   a. *Minimum width of main body.* Minimum width of the main body of the RDMH as located on the site shall be in excess of 16 feet, as measured across the narrowest portion. This is not intended to prohibit the offsetting of portions of the home.

   b. *Minimum roof pitch; minimum roof overhang; roofing materials.* The pitch of the home's roof shall have a minimum vertical rise of eight feet for each 12 feet of horizontal run and minimum roof overhang shall be six inches. The roof shall be finished with a type of shingle that is commonly used in conventional residential dwellings constructed in adjacent or nearby locations. Built-up composition roof may not be used.

   c. *Exterior finish; light reflection.* The exterior siding of the home shall consist of wood, hardboard, brick, masonry, or vinyl which is generally acceptable for site-built housing which has been constructed in adjacent or nearby locations; provided, however, that reflection for such exterior shall not be greater than from siding coated with clean white gloss exterior enamel.

   d. *Foundation.* The tongue, axles, transporting lights, and towing apparatus shall be removed and the home installed on a site-built, permanent foundation that is not designed to be moved once it is installed. Construction of a permanent, nonload bearing, perimeter curtain wall of concrete block, with minimum thickness of four inches, extending at a minimum from the ground surface to the bottom starter of the exterior wall surfaces of the home, unpierced except for required ventilation and access.

   e. *Site orientation of the manufactured home.* RDMH structures shall be placed on lots in such a manner as to be compatible with and reasonably similar in orientation to the site-built housing which has been constructed on adjacent or nearby locations.

(2) *Standard design manufactured homes (hereinafter referred to as SDMH structures)* are manufactured homes certified as meeting HUD Code, but not meeting residential design standards contained herein. An SDMH structure is not permitted to be used as a storage. The tongue, axles, transporting lights, and towing apparatus shall be removed and the home installed on a site-built, permanent foundation that is not designed to be moved once it is installed.

Manufactured home lot: An area of land within a planned manufactured home subdivision designed to accommodate one manufactured home.

Manufactured home subdivision: A parcel developed and intended for use as a residential area occupied by manufactured homes; and conforming to an approved development plan with appropriate and adequate community services, recreation facilities, utilities, streets, and sidewalks provided by the developer; where the resident owns the manufactured home and the manufactured home lot or where the resident rents the manufactured home and lot, both of which are owned as one by the developer or other third party. All manufactured homes located within a manufactured home subdivision must be installed in accordance with section 105-244, and all manufactured home subdivisions shall be designed in accordance with the applicable provisions of section 105-245

Manufactured housing: A general term used to describe a type of housing that is produced, either completely or partially in a factory.

Mobile home: An obsolete term used herein to describe a home, prefabricated in whole or part and not complying with the HUD Code or DCA requirements and without DCA insignia.

Mobile home park: An obsolete term used to describe an area where spaces are rented to mobile home owners. It is no longer authorized for new developments.

National manufactured home construction and safety standards: The national code for all manufactured homes built since June 15, 1976, written and administered by the U.S. Department of Housing and Urban Development; also known as the "HUD Code."

Prefabricated home: A general term used to describe any home constructed in a factory setting including manufactured homes, modular homes and industrialized homes.

Sectional home: A general term used to describe any home constructed in a factory setting, especially manufactured homes.

Single-wide: An obsolete term used to describe a mobile home or manufactured home having a width of between eight and 16 feet.

Trailer: An obsolete term used to describe a mobile home not constructed to HUD Code or DCA requirements.

Trailer court: An obsolete term. See "mobile park."

Trailer park: An obsolete term. See "mobile park."

Travel trailer: A vehicle designed as a temporary dwelling for travel or recreational uses, not more than eight feet in width and not more than 30 feet in length.

Travel trailer park: A lot on which are parked two or more travel trailers for a period of less than 30 days.

Wall curtain: A nonload bearing perimeter curtain wall of concrete block or stucco on wire mesh, with a minimum thickness of four inches, extending at a minimum from the ground surface to the bottom starter of the exterior wall surfaces of the home, unpierced except for required ventilation and access.

(CPLDR 1993, § 5-9.2.2)

Sec. 105-243. - Placement of individual manufactured homes.

(a) After the effective date of this article, an individual mobile home dwelling unit may not be located within the city unless: it has been approved as either an RDMH or SDMH structure and meets all other requirements of this Land Development Regulation Code.

(b) After the effective date of this article, only residential designed manufactured homes approved as RDMH structures, shall be permitted to be placed in Mixed Use Districts zoned MU-2, MU-3, MU-4, MU-5 and MU-6 as an allowable use, subject to the requirements and limitations which shall be applicable to districts set out in section 104-30 and this article applying to such residential use, including minimum lot size, yard and spacing, setback requirements, percentage of lot coverage, off-street parking requirements and approved foundations as described herein. Such RDMH structures shall be placed on lots in such a manner as to be compatible with and reasonably similar in orientation to the site built housing which has been constructed in adjacent or nearby locations.

(c) After the effective date of this article, standard designed manufactured homes approved by HUD may be placed only: (a) in districts zoned MU-6; (b) as a temporary government office on government property; (c) as a temporary

classroom on school property; (d) as a temporary construction office (no sleeping quarters allowed) on a construction site approved by a valid development order; or (e) as a replacement for a previous mobile home of the same approximate size in a mobile home park, where the park was in existence prior to 1999, and when said mobile home replaced has not been removed for more than six months.

(d) All manufactured homes must be installed in accordance with those regulations promulgated by DCA pursuant to F.S. § 553.38(1), and those local requirements of the city as authorized under F.S. § 553.38(2), relating to the following:

(1) Land use and zoning requirements;

(2) Fire zones;

(3) setback requirements;

(4) Side and rear yard requirements;

(5) Site development requirements;

(6) Property line requirements;

(7) Subdivision control;

(8) Onsite installation requirements;

(9) Review and regulation of architectural and aesthetic requirements;

(10) Landings of the requisite composition and size as per the Florida Building Code.

(e) Manufactured homes, once placed on real property, as herein authorized, must be returned for ad valorem tax purposes annually as an improvement to and part of the real property.

(f) Manufactured homes are not permitted to be used as storage buildings.

(CPLDR 1993, § 5-9.3)

Sec. 105-244. - Manufactured home subdivisions.

(a) Manufactured home subdivisions are allowed in MU-6 zoning districts for RDMH homes only.

(b) The minimum parcel area for a subdivision shall be seven acres; the minimum parcel width for portions used for entrances and exits for residential purposes shall be 200 feet. The density of manufactured homes shall not exceed six manufactured home lots per acre. The minimum lot area shall be 5,000 square feet; and the minimum lot width shall be 50 feet. At least 50 percent of the planned lots shall be completed, which shall include water, sewer, other utilities, storm water treatment, and landscaping, before a certificate of acceptance is issued.

(c) A manufactured home in a manufactured home subdivision shall not be less than 14 feet from another manufactured home. The following minimum setbacks shall apply for manufactured homes located on lots within a manufactured home subdivision:

(1) Front: 25 feet from lot line;

(2) Side(s): 7 feet from lot line;

(3) Rear: 15 feet from lot line;

(4) For curved, cul-de-sac, or odd-shaped lots: As required by the director.

(d) No manufactured home shall be permitted within 25 feet of a street, right-of-way or perimeter lot line.

(e) Each manufactured home lot shall have either a stabilized pad of not less size than the outer perimeter of the approved manufactured home intended to be set thereon or an approved foundation and an outdoor concrete patio of at least 180 square feet located near the main entrance. Manufactured homes located in manufactured home subdivisions shall have the wheels, axles and tongue removed, the bottom of the trailer shall be enclosed with a customary mobile home screen or skirt, and it shall have an entrance porch and an improved driveway. Where lots on the perimeter of the subdivision abut an adjacent single-family development, they shall:

(1) Contain only RDMH structures meeting all residential design standards in accordance with these regulations; or

(2) Provide a 25-foot landscaped buffer from the property line; or

(3) Provide a screening material along the property line such as a solid fence or wall not less than six feet high.

(f) All utilities shall be below ground except central pumps or tanks, which shall be fully screened from view.

(g) Each manufactured home subdivision shall contain one or more developed recreation areas, accessible to all sites. The recreational area shall not be less than 1,000 square feet for each six manufactured home sites.

(h) A landscaped buffer not less than 25 feet in width shall be located along the boundary of each manufactured home subdivision except where crossed by driveways.

(i) Accessory buildings may not be placed on lots located along the perimeter of the subdivision; and otherwise only in the rear yard at least three feet from the property line.

(j) Each manufactured home lot shall have two improved parking spaces.

(k) All streets in manufactured home subdivisions must be paved and comply with the following minimum road widths: one-way streets not less than 14 feet; two-way streets not less than 24 feet, if dedicated to and maintained by the city; however, if maintained as private drives: one-way streets, not less than ten feet; two-way streets not less than 20 feet.

(l) All manufactured home subdivisions shall provide for and have central refuse containers, appropriately grouped and screened.

(m) There shall be three parking spaces for each 300 square feet of service buildings.

(n) All manufactured homes located within the subdivision shall be required to be installed according to the HUD Code, regulations promulgated by DCA pursuant to F.S. § 553.38(1), and those local requirements authorized by F.S. 553.38(2). No certificate of occupancy shall be issued by the administrative official until compliance with these regulations is met.

(o) The owner of each lot in a manufactured home subdivision shall annually return his/her lot and the manufactured home thereon as an improvement to real estate for ad valorem tax purposes.

(p) All manufactured housing developments approved prior to the adoption of this article shall be declared conforming developments and shall be exempt from these regulations for minimum lot size, area, and setbacks when permits are requested for replacement of existing manufactured or mobile homes.

(CPLDR 1993, § 5-9.4)

Sec. 105-245. - Parking.

No unoccupied mobile homes shall be stored or parked in any residential district or public place.

(CPLDR 1993, § 5-9.5)

Sec. 105-246. - Temporary permit for use during construction.

A temporary permit may be obtained from the official for the temporary use of a mobile home used exclusively as an on-site office during construction of a project.

(CPLDR 1993, § 5-9.6)

Sec. 105-247. - Temporary permit for use as office.

The official may issue a temporary permit for the use of a mobile home as an office in all districts of the city except RLD provided the use is limited to the sale of units in a multifamily housing development, and the manufacturer of the mobile home is an approved manufacturer by the State of Florida. The permits issued pursuant to this provision shall be limited to a period of one year from date of issuance. Mobile homes used as a sales office must comply with all tiedown, landscaping, utility connections, parking and skirting requirements, set forth herein.

(CPLDR 1993, § 5-9.7)

Secs. 105-248—105-272. - Reserved.

ARTICLE VIII. - MARINA DEVELOPMENT STANDARDS

Sec. 105-273. - Public purpose.

The development and operation of marinas is an activity potentially detrimental to recreation, fish life, navigation, waterfront accessibility and aesthetic values shared by the public at large, and shall be properly managed according to the minimum standards of this section. The purpose of this section is to provide standards and criteria intended to minimize the potential detrimental effects caused by marina development.

(CPLDR 1993, § 5-10.1)

Sec. 105-274. - Applicability.

The standards and criteria set forth in this section shall apply to all new marina developments and the expansion of any existing marina.

(CPLDR 1993, § 5-10.2)

Sec. 105-275. - Other permits or approvals.

All required permits and approvals from government agencies having jurisdiction over a marina development are a prerequisite to the issuance of a development order by the city. Notwithstanding the above, the city may issue a letter of intent if such letter is necessary to obtain the required permits or approvals from other agencies provided the developer (or the applicant) has provided the city with reasonable assurances the other required permits or approvals can be obtained.

(CPLDR 1993, § 5-10.3)

Sec. 105-276. - Types of marinas.

Marinas are classified and defined as follows:

(1) Commercial marina, which is defined as a facility offering in-water boat dockage or slip rentals not associated with fabrication, construction, repair or maintenance of boats or vessels or the removal of boats or vessels from the water for such purposes. Any docking facility, with or without dock or slip rentals, providing fuel or offering merchandise for sale shall be deemed a commercial marina.

(2) Marine facility, which is defined as a business associated with the construction, fabrication, refurbishing, maintenance, repair (including equipment installation) of boats and vessels, or the removal of any boat or vessel from the water for any such purpose. A marine facility will not be considered a marina for any purpose.

(3) Private marina, which is defined as any dock or facility offering spaces for boat dockage or slip rentals, the use of which is restricted to membership in a private club or organization, including yacht clubs, boating clubs, boating and sailing associations, and other like and similar types of organizations.

(CPLDR 1993, § 5-10.4)

Sec. 105-277. - Location by land use district.

(a) All marinas are prohibited in RLD districts.

(b) Marinas may be allowed in MU and GC districts as conditional uses and as allowable uses in LI and HI districts.

(c) Any marina facility must be located in LI or HI land use districts.

(CPLDR 1993, § 5-10.5)

Sec. 105-278. - Location criteria and development standards.

All new marinas or marina expansions shall comply with the following criteria and standards:

(1) The upland area must be of sufficient size to accommodate parking, utility and support facilities;

(2) Provide public access, if applicable;

(3) Not be located in an area identified as inappropriate for marina development in the Marina Siting Study for West Florida (West Florida Regional Planning Council; June 1984) unless appropriate mitigating actions are taken;

(4) Demonstrate the capability to provide cleanup of oil spills within boundaries of the leased area;

(5) Provide a hurricane mitigation and evacuation plan for residents of live-aboard vessels;

(6) Designate future upland spoil site(s) for maintenance dredging activities, if applicable;

(7) Be located in a manner to afford immediate access to natural channels so that minimum or no dredging shall be required;

(8) All marinas will provide pumpout facilities or holding tanks adequate to serve the anticipated volume of waste. Commercial marinas and those with live-aboard traffic must provide upland sewage facilities and shall prohibit inappropriate sewage pumpout;

(9) Maintain water quality standards required by F.S. ch. 403;

(10) Be located in areas having adequate water depth to accommodate the proposed boat use without disturbance of bottom habitats;

(11) Delineate immediate access points with channel markers that indicate speed limits and any other applicable regulations or conditions;

(12) Be located in appropriate land use districts;

(13) Be located in areas away from sea grass beds, oyster reefs and other important fish and shellfish spawning and nursery areas;

(14) Demonstrate a public need and economic viability and feasibility;

(15) Prohibit the discharge from any boat or vessel of any oil, fuel, grease, paint, solvent, construction debris, or other similar substances.

(CPLDR 1993, § 5-10.6)

Sec. 105-279. - Reserved.

ARTICLE IX. - PARKING AND STORAGE OF PORTABLE STORAGE CONTAINERS AND CONSTRUCTION DUMPSTERS—PERMITS

Sec. 105-280. - Definitions.

As used herein, the phrases below shall have the following definitions:

Construction dumpsters: A large container designed to receive, transport and dump construction debris. A "construction dumpster" is a mobile waste container which is moved from the generation point to the disposal or transfer/processing point over roadways within the city.

Portable storage containers: A transportable enclosure rented for use as temporary, on-site storage. Portable storage containers are also commonly referred to using the trade name "PODS".

(Ord. No. 2467, § 1, 10-9-2012)

Sec. 105-281. - Permit required.

Any owner or occupier of residential property who causes or allows a portable storage container or construction dumpster to be parked, placed or stored on a residential lot must obtain within five business days, a portable storage container/ construction dumpster permit from the city. Such permit shall permit a portable storage container or construction dumpster to be parked, placed or stored within the city for up to 60 days and shall include the portable storage container/ construction dumpster's serial/rental number, the name and address of lot owner/ occupant, date of its placement on the lot, date that removal is required and local telephone number of the provider of the portable storage container or construction dumpster. This article does not apply to individuals building a new single family residence.

(1) A portable storage container or construction dumpster may be parked, placed or stored on a residential lot abutting the right-of-way for more than 60 days if the residence is under construction or reconstruction pursuant to a valid building permit. The portable storage container or construction dumpster shall be removed no later than ten days after the expiration of the building permit or substantial cessation of construction for a period of more than 60 days, whichever is sooner.

(2) Notwithstanding anything above, the permit period may be extended by the planning director for additional periods of up to 60 days upon good cause shown.

(3) There shall be no fee for the permit; however, the planning director is authorized to pass through all city costs to any person and/or lot owner who causes the city to incur costs for inspections, cleanup, removal or to otherwise remedy violations of this article.

(Ord. No. 2467, § 1(Exh. A), 10-9-2012)

Sec. 105-282. - Placement.

No portable storage container or construction dumpster may be parked, placed or stored on the paved surface of any public or private street of the city or within the public rights-of-way of the city: Any portable storage container or construction dumpster that is placed within the city must be placed on an asphalt, concrete, gravel, or hard paved surface.

(Ord. No. 2467, § 1(Exh. A), 10-9-2012)

Sec. 105-283. - Display of permit.

All residential lots permitted to have a portable storage container or construction dumpster parked, placed or stored on such residential lot must display the permit on the inside of a window or door of the residence, which permit shall be visible from the right-of-way.

(Ord. No. 2467, § 1(Exh. A), 10-9-2012)

Sec. 105-284. - Setbacks.

No portable storage container or construction dumpster may be parked, placed or stored closer than seven feet from the side or rear property line and ten feet from the front property line.

(Ord. No. 2467, § 1(Exh. A), 10-9-2012)

Sec. 105-285. - Portable storage containers.

In addition to the requirements of section 105-282 above, all portable storage containers on residential lots must also meet the following requirements:

(1) The portable storage container shall only be moved, delivered or removed between the hours of 7:00 a.m. and 6:00 p.m.;

(2) The portable storage container shall not be used for living quarters;

(3) The portable storage container shall not be used to store flammables, explosives, firearms or noxious chemicals;

(4) No items, equipment or materials may be stored outside the portable storage container at any time;

(5) The portable storage container shall not be externally illuminated or have any utilities connected to it; and

(6) The portable storage container shall not exceed eight and one-half feet in height, eight feet in width or 16 feet in length.

(Ord. No. 2467, § 1(Exh. A), 10-9-2012)

Sec. 105-286. - Construction dumpsters.

In addition to the requirements of section 105- 282 above, all construction dumpsters on residential lots must also meet the following requirements:

(1) All construction dumpsters shall be subject to and comply with the provisions of Chapter 23, Article IV, the city's Solid Waste Code;

(2) No waste shall be kept, stored or accumulated outside a construction dumpster;

(3) Construction dumpsters shall be kept free from standing water, non- construction wastes, vermin and insects or other nuisances; and

(4) The construction dumpster shall only be moved, delivered or removed between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday. (Ord. No. 2467, § 1(Exh. A), 10-9-2012)

Sec. 105-287. - Violations.

Portable storage containers or construction dumpsters kept in violation of this section shall be subject to permit revocation and/or immediate removal in addition to being a violation punishable pursuant to Chapter 102, Article V of the Municipal Code of the City of Panama City. Failure to obtain a permit pursuant to this section is a violation punishable pursuant to section 102-114 of the Code. (Ord. No. 2467, § 1(Exh. A), 10-9-2012)

Chapter 106 - SIGN REGULATIONS

Sec. 106-1. - Public purpose.

The purpose of this chapter shall be to coordinate the type, placement, and physical dimensions of signs within the city; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; and to guarantee equal treatment under the law through accurate recordkeeping and consistent enforcement. These goals shall be accomplished by regulation of the display, erection, use, and maintenance of signs. The placement and physical dimensions of signs are regulated primarily by land use district and type of roadway. No sign shall be permitted as a principal or accessory use except in accordance with the provisions of this chapter. (CPLDR 1993, § 6-1)

Sec. 106-2. - Scope.

This chapter shall not relate to building design. Nor shall this chapter regulate official traffic control or governmental signs; the copy and message of signs; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government, or noncommercial organization; gravestones; barber poles; religious symbols; commemorative plaques; display of street numbers; **hospital emergency room signs;** or any display or construction not defined herein as a sign. (CPLDR 1993, § 6-2)

Sec. 106-3. - Definitions.

In addition to the definitions set forth in section 101-3, the following definitions shall apply to this chapter:

Abandoned sign: A sign which no longer identifies or advertises a bona fide business; lessor, service, owner, product, or activity, or for which no legal owner can be found.

Animated sign: Any sign which uses movement or change of lighting to depict action or to create a special effect or scene.

Awning: A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework.

Awning sign: A sign painted on, printed on, or attached against the surface of an awning.

Banner: A sign on which copy or graphics may be displayed, made of paper, plastic, fabric or any flexible, nonrigid material with no enclosing framework or frames. For purposes of this ordinance, the term "banner" shall not be deemed to include flexible sign face substrates, which are used as the enclosed face on advertising signs using back illumination, consisting generally of a polyester scrim embedded between two layers of white pigmented vinyl formulated to accepted opaque and translucent films, and meeting Federal Standards #191-A (Textile Test Methods).

Billboard: (See *Off-premises sign*.)

Changeable copy sign (automatic): A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.

Changeable copy sign (manual): A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.

Clearance (of a sign): The smallest vertical distance between the grade of the adjacent street and the lowest point of any sign, including framework, embellishments, poles and supports, extending over that grade.

Construction sign: A temporary sign identifying an architect, contractor, subcontractor, financial institution, developer or material supplier participating in construction on the property on which the sign is located.

Copy: The wording on a sign surface in either permanent or removable letter form.

Directional/information sign: An on-premises sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment.

Downtown special treatment/zone: For purposes of the sign regulations of the city, that area of the city zoned GC, and being more particularly described as the boundaries of the downtown improvement board in Ordinance No. 911, adopted December 10, 1974, and May 27, 1975, recorded in the office of the city clerk, which is hereby incorporated by reference as fully as if set out herein.

Double-faced sign: A sign with two faces.

Electrical sign: A sign or sign structure in which electrical wiring, connections, or fixtures are used.

Electronic message center: (See *Changeable copy sign, automatic*.)

Facade: The entire building front including the parapet.

Face of sign: The area of the sign in which the copy is placed.

Festoons: A string of ribbons, tinsel, small flags, or pinwheels.

Flashing portable or on-premises sign: A sign which contains an intermittent, sequential, or rotating light source or which, through reflection or other means, creates an illusion of flashing, intermittent, or rotating light but excluding changeable copy signs.

Floating sign: A sign affixed to a vessel, boat, barge, buoy or other floating structure which is placed or located upon any surface water.

Freestanding sign: A sign supported upon the ground by poles or braces and not attached to any building.

Frontage: The length of the property line of any one premises along a public right-of-way on which it borders.

Frontage, building: The length of an outside building wall facing a public right-of-way.

Governmental sign: Any temporary, portable or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility; or used for any other public purpose.

Height (of a sign): The vertical distance measured from the highest point of the sign, including embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is greater.

Humorous sign: A temporary, movable sign which describes a humorous or special event such as a birthday, anniversary, wedding, etc., and which does not contain any advertising copy.

Identification sign: A sign whose copy is limited to the name and address of a building, institution, or person, activity or occupation being identified.

Illegal sign: A sign which does not meet the requirements of this chapter and which has not received legal nonconforming status.

Illuminated sign: A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental sign: A small sign, emblem, or decal, located on the window or wall of the building, informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or sign indicating hours of business.

Lot: A parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record or survey map.

Maintenance: For the purposes of this chapter, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Mansard: A sloped roof or roof-like facade architecturally comparable to a building wall.

Marquee: A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

Marquee sign: Any sign attached to or supported by a marquee structure.

Monument sign: A sign designed to be mounted on a concrete footing or similar support which allows the base of the sign structure to be placed at grade level and not supported by poles or attached to other structures.

Nameplate: A nonelectric, on-premises identification sign giving only the name, address, and occupation of an occupant or group of occupants.

Nonconforming sign:

(1) A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations.

(2) A sign which does not conform to the requirements provided herein but for which a variance has been issued.

Occupancy: The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

Off-premises sign: A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising."

On-premises sign: A sign which pertains to the use of the premises on which it is located.

Owner: The record owner of the property. For the purposes hereof, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the city, e.g., a sign leased from a sign company.

Painted wall sign: Any sign which is applied with paint or similar substance on the face of a wall.

Parapet: The extension of a false front or wall above a roofline.

Plaza sign: An on-premises sign of a facility which is a multiple occupancy complex for more than one business, consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

Point of purchase display: Advertising of a retail item on the product display, e.g., an advertisement on a product dispenser.

Political sign: For the purposes of this chapter, a temporary sign used in connection with a local, state, or national election or referendum.

Portable sign: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, not including portable governmental signs.

Premises: A parcel of land including its buildings and appurtenances which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Projecting sign: A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Real estate sign: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Roofline: The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Roof sign: Any sign erected over or on the roof of a building.

Rotating sign: A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

Sign: Any device, structure, fixture, or placard using graphics, symbols, or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services.

Sign, calculation of area of:

(1) *Projecting and freestanding:* The area of a freestanding or projecting sign shall have all faces of the sign counted in calculating its area. The area of the sign shall be measured as follows if the sign is composed of one or more individual faces:

(2) *Single-faced signs:* For single-faced signs facing in only one direction, the area within the perimeter of the face on which written or graphic advertising copy is exhibited in the cabinet or module shall constitute the area of that sign. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is no written or graphic advertising copy on such embellishments. For billboards, the measurable area shall also not include standard name plates, not exceeding six feet by one foot, identifying the owner of the sign, e.g. "Lamar," "Board Works," etc.

(3) *Multifaced signs:* For multifaced signs, the area within the perimeter of each face on which written or graphic advertising copy is exhibited of each cabinet or module shall be summed and then totaled to determine the total area of that sign. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is no written or graphic advertising copy on such embellishments, but with the exception of billboards as specified in subsection 6-15.2.2., shall include the total of all faces, whether multifaced, back-to-back, or V-shaped. For billboards, the measurable area shall also not include standard name plates, not exceeding six feet by one foot, identifying the owner of the sign, e.g. "Lamar," "Board Works," etc.

(4) *Total sign area:* Unless otherwise qualified, e.g. square footage "per face," any reference in this chapter to "sign area" or to a square footage without more, shall mean total square footage of all faces for the sign.

(5) *Wall signs:* The area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. If there is no such continuous perimeter enclosure line, then the combined areas of the individual figures, plus the normal space between such figures shall be considered the total sign area.

Snipe sign: A temporary unpermitted sign, banner or poster of any material whatsoever that is attached in any way to a utility pole, tree, fence, conventional sign pole(s) or pedestal, or any other similar object located or situated on public or private property. Snipe signs shall not include "posted property" signs.

St. Andrews Special Treatment Zone: For purposes of the sign regulations of the city, that area of the city, zoned GC, and being more particularly described as the boundary of St. Andrews Redevelopment area in a resolution, adopted August 23, 1988, recorded in the office of the city clerk, which is hereby incorporated by reference as fully as if set out herein.

Subdivision identification sign: A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Temporary sign: A sign not constructed or intended for long term use.

Tri-action or tri-vision sign: A sign which consists of a series of aluminum triangles which are mechanically turned/rotated at timed intervals by an electric motor. All of the louvers rotate at one time or in sequence, taking approximately one second to change from one graphic to the next, like a slide projector changing from one picture to the next.

Under-canopy sign: A sign suspended beneath a canopy, ceiling, roof, or marquee.

Use: The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

V sign: A sign shaped and constructed like the letter "V" which consists of two faces, each of which may exhibit advertisements or messages, with the backs joined on one end, and with an interior angle not exceeding 45 degrees.

Vehicle sign: A sign or message painted upon or affixed to a vehicle or trailer for advertisement purposes which is not a standardized, uniform registered or licensed logo of the business.

Wall sign: A sign attached parallel to and extending not more than 12 inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

Window sign: A sign installed inside a window and intended to be viewed from the outside.

(CPLDR 1993, § 6-3)

Sec. 106-4. - Applicability.

No person shall erect, place or maintain a sign within the city except in accordance with the provisions of this chapter.

(CPLDR 1993, § 6-4)

Sec. 106-5. - Prohibited signs.

(a) It shall be unlawful for any person to erect or display within the city any of the following prohibited signs and their respective support structure:

(1) Swinging signs.

(2) Snipe signs.

(3) Sidewalk and sandwich signs not expressly exempted from this law.

(4) Portable signs, except those used for humorous announcements or governmental purposes.

(5) Any sign in the area between the shoreline and the road right-of-way in the area along Beach Drive between Johnson Bayou and Frankford Avenue.

(6) A sign which contains any flashing light.

(7) A sign which at any point below nine feet above grade contains any moving or animated lights or parts, contains any electronic components, or gives the appearance of animation or movement.

(8) Vehicle signs, (including signs on trailers) are prohibited except for standardized, uniform, registered or licensed business logos on business vehicles or trailers. Such vehicles or trailers, with proper logos, may only be parked at the physical location of the business which the logo represents, when not in use for the primary business intended. Such vehicles or trailers may not be parked and left unattended in areas, away from the physical location of the business, for purposes of advertisement, e.g. parking lots not owned and operated by the vehicle's owner.

(9) Any sign which emits a sound, odor, or visible matter.

(10) Any sign or sign structure which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.

(11) Any sign or sign structure which obstructs the view of, may be confused with or purports to be a governmental or official traffic direction or safer sign, or any official marker erected by city, state or federal authority.

(12) Any sign which obstructs or impairs driver vision at vehicular ingress/egress points or intersections.

(13) Any sign using the words "stop," "danger" or any comparable word, phrase, symbol or character in a manner that tends to mislead, confuse or distract a vehicle driver.

(14) Sign statuary exceeding the limits imposed by this chapter.

(15) Any sign on or within any street or public right-of-way, coastal setback area, or St. Andrew Bay, except public traffic, safety and information signs erected and maintained by governmental authority and at public expense.

(16) A sign erected or displayed in any fresh water wetlands or salt marsh areas subject to periodic inundation by tidal saltwater.

(17) Any sign on or towed behind a boat or raft on waters within the city.

(18) Abandoned signs.

(19) Dilapidated signs.

(20) Inflatable signs.

(21) Window signs exceeding 25 percent of an building glass area.

(22) The following off-premises signs:

a. Bench signs,

b. Changeable copy signs, except as otherwise provided for off-premises billboard tri-vision signs,

c. Electronic signs,

d. Blank off-premises sign faces. This prohibition can be avoided by the display of public service information on a blank off-premises sign face.

e. "L" (two-faced at 90-degree angles),

f. Triangular (three-faced) signs,

g. Boxed (four-faced) signs,

h. All off-premises signs, other than billboard signs as authorized in section 106-15, directional signs as authorized in section 106-13, and governmental signs.

(23) Any sign not expressly exempted or allowed by this Land Development Regulation Code.

(24) Illegal signs.

(25) Roof signs.

(26) Banners, except for temporary banners as authorized in section 106-12(d)(12).

(b) The right to use prohibited signs shall neither be appealable nor subject to a request for variance from the appeals board, the planning board, or the city commission. Relief may only be sought through a court of competent jurisdiction.

(CPLDR 1993, § 6-5; Ord. No. 2331, § 1, 11-25-2008)

Sec. 106-6. - Approval required.

No person shall erect, place or construct any on-premises sign without first obtaining approval from the city, and a valid building permit, except as specified in section 106-7. No approval is required for a change of copy on one of the following:

(1) *Changeable copy signs,* provided the sign is not a prohibited sign; or

(2) *Painted or printed signs,* provided the sign on which the copy is to be changed is for the same business, no change in text occurs, and the sign is not a prohibited sign.

(CPLDR 1993, § 6-6)

Sec. 106-7. - Exempted signs not requiring approval.

The following types of signs are exempted from approval requirements but must be in conformance with all other requirements of this chapter and may only be displayed on private property at least five feet off of the nearest right-of-way line:

(1) Temporary construction signs of 32 square feet or less.

(2) Nameplates of two square feet or less.

(3) Political signs shall conform to the following standards:

a. *Placement.* Signs shall be placed on private property only and with the permission of property owner. The signs may be placed back-to-back, or single face, but multiple signs of the same candidate shall not be placed within ten feet of one another.

b. *Dimensions.* Political signs shall not exceed eight square feet per sign face and shall not exceed five feet in sigh height measured from aggregate grade.

c. *Timelines for placement.* Political signs shall not be permitted or displayed prior to 120 days before the election date and then only if a candidate has opposition. All political signs shall be removed within ten days after the election date or any run off election date. Where an election involves a primary and general election, political signs of candidates for a particular office shall be removed within ten days after the primary election date where the candidate is elected in a primary election and unopposed in the general election; otherwise, within ten days after the general election date.

(4) Public signs or notices, or any sign relating to an emergency.

(5) Real estate sign: one per premise, back-to-back, or single face as follows:

a. Not exceeding, in the aggregate including attachments, eight square feet for residential or vacant lots in RD or MU districts.

b. Not exceeding, in the aggregate including attachments, 16 square feet for commercial property.

c. Not exceeding, in the aggregate including attachments, 75 square feet for developmental or subdivision property.

Such signs must be removed within five days following sale, rental, or lease, and provided further that "Open House" signs must be removed at the end of the day of the open house event.

(6) Window signs, except in RLD districts.

(7) Unlighted, temporary humorous announcement signs provided such signs are removed within five days of installation.

(8) Pennants, festoons, streamers or balloons not expressly exempted from nor authorized by this law.

(9) Off-premises directional signs on leased property within an established industrial park in either an LI or HI district, for directional purposes in addition to name recognition, not to exceed four feet by eight feet, lighted or unlighted dictated by the normal working hours of the business, post supported with the bottom of the sign to be at least six feet above ground level, and with a minimum setback requirement for all parts of the sign of five feet from any right-of-way line.

(CPLDR 1993, § 6-7; Ord. No. 2313, § 1, 5-13-2008)

Sec. 106-8. - Maintenance.

All signs shall be properly maintained. Exposed surfaces shall be cleaned and painted if paint is required. Defective parts shall be replaced. The city manager shall have the authority under subsection 106-17(e) to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

(CPLDR 1993, § 6-8)

Sec. 106-9. - Lighting/illumination.

All signs may be lighted or illuminated consistent with the following provisions:

(1) Sign lighting shall not be installed or located so as to cause confusion with traffic control lights.

(2) Illumination by spotlights or floodlights may be allowed provided that no light emitted shines onto an adjoining property or into the eyes of persons driving or walking upon any roadway or sidewalk.

(3) Exposed incandescent lights shall not be used for lighting outdoor signs (e.g., exposed light bulbs without cover).

(4) Revolving beacons and flashing lights are prohibited.

(CPLDR 1993, § 6-9)

Sec. 106-10. - Licenses.

No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs without a valid occupational license and all required state and federal licenses.

(CPLDR 1993, § 6-10)

Sec. 106-11. - Indemnification.

All persons involved in the maintenance, installation, alteration, or relocation of signs near any public right-of-way or property shall agree to hold harmless and indemnify the city, its officers, agents, and employees, against any and all claims of negligence resulting from such work.

(CPLDR 1993, § 6-11)

Sec. 106-12. - Allowable on-premises signs; land use districts.

(a) *Signs permitted in all districts.* The following signs are allowed in all districts:

(1) All signs not requiring approval.

(2) One construction sign for each street abutting a construction project, not to exceed 32 square feet of sign area per face or 64 total square feet, if back-to-back faces, per sign. Such signs may be erected 120 days prior to beginning of construction and shall be removed 30 days following completion of construction.

(3) One attached nameplate per occupancy, not to exceed two square feet in sign area.

(4) "For sale" signs advertising vehicles, boats or other similar items for sale by owner provided such sign does not exceed one square foot of sign area.

(b) *Permitted signs in RLD districts.* The following signs shall be allowed in RLD land use districts; all other signs are prohibited.

(1) All signs allowed in section 106-7

(2) Two subdivision identification signs per subdivision, or development, not to exceed 32 square feet per face or 64 total square feet, if back-to-back faces, per sign.

(3) Temporary yard signs for garage sales, yard sales or similar events provided that the sign is removed by the installer or owner of said sign no later than the 24-hour period following the sale or event.

(4) For churches, synagogues or similar institutional uses one freestanding sign not exceed 32 square feet per face or 64 total square feet, if back-to-back faces, per sign.

(5) All allowed freestanding signs in RLD districts shall have a height limit of eight feet, and no portion of such sign, including base, support structure, or cabinet shall be located within five feet of any street, highway, or alley right-of-way.

(c) *Permitted signs in MU districts.* The following signs shall be allowed in MU districts; all other signs are prohibited.

(1) All signs not prohibited by section 106-5

(2) Two identification signs per apartment, townhouse, condominium or other multifamily residential development, not to exceed 32 square feet per face or 64 total square feet, if back to back, per sign.

(3) For commercial development allowed as a conditional use in the MU district, one freestanding sign and one wall sign per premises each of which shall not exceed 12 square feet per face or 24 total square feet, if back-to-back faces, per sign. For commercial development in MU district which abuts a principal arterial or collector roadway (see section 105-176), one freestanding sign and one wall sign per premises each of which shall not exceed 32 square feet per face or 64 total square feet, if back-to-back faces, per sign, provided such signs are located on an abutting arterial roadway, collector roadway, Jenks Avenue or Grace Avenue.

(4) All allowed freestanding signs in MU districts shall have a height limit of ten feet and no portion of such sign, including base, support structure, or cabinet shall be located within five feet of any street, highway, or alley right-of-way.

(d) *Permitted signs in GC districts.* The following signs shall be allowed in GC districts, all others are prohibited.

(1) All signs not prohibited in section 106-5

(2) Except for fruit stands, adult entertainment businesses, and plaza signages which are regulated elsewhere, one on-premise freestanding sign is allowed per premise for a business which fronts on a public street, plus one additional freestanding sign for each additional abutting public street; provided, however, the square footage of all of said freestanding signs shall not exceed 200 total square feet per face per sign or 400 square feet per sign if using back-to-back faces. As part of one of said on-premise freestanding signs fronting on a public street, it may include an electrical code approved display which has time and temperature messages, changeable copy (including stationary, lighted cabinets designed for manual changeable copy) or electronic messages, if they are located on the structure above nine feet, and if they:

a. Do not contain any flashing or strobe lights;

b. Do not emit any sounds;

c. Do not present lighting effects that are unusually distracting to vehicles; and

d. Do not cause the overall sign area per side to exceed 200 square feet.

(3) No portion of a freestanding sign, including base, support structure, or cabinet, shall be located within five feet of any street, highway, or alley right-of-way. In the case of electrified signs, the bottom of the sign and the exterior lighting enclosure shall not be less than 16 feet above grade in areas accessible by vehicles.

(4) Wall signs shall not exceed a maximum sign area of 200 square feet per wall per business. All wall surfaces of the building of an individual business facing in one direction, even though portions of the wall may be inset or outset from other portions, shall be considered one wall for purposes of calculation of maximum square footage per wall hereunder.

(5) One under-canopy sign per occupancy, not to exceed eight square feet in sign area.

(6) Incidental signs not to exceed four square feet in aggregate sign area per occupancy.

(7) The maximum permitted height for any on-premises sign shall be 50 feet above the grade of the adjacent street.

(8) Projecting signs shall conform to the requirements of the Florida Building Code and shall be permitted only where a public sidewalk abuts the side of the building on which the projecting sign is affixed.

(9) Plaza signs which must abut a major street or highway are only allowed in GC, LI, and HI districts, after obtaining approval in the form of a development order from the city and a valid building permit from Bay County. The structure, including supports, pole covers and sign panel cabinets, may not be taller than 50 feet and may not be closer than five feet from any abutting right-of-way. Plaza signs shall consist of a top panel, not exceeding 100 square feet per face or 200 total square feet, if back-to-back faces are used, which identifies the name of the complex or property owner and the street address of the complex. Individual fixed panels, not exceeding, without a variance, a total square footage of 200 square feet per side face or 400 square feet if using back-to-back faces, listing the names and advertisement information of the individual occupants of the complex, may be affixed below the top panel. Individual occupant panels or tenant panels may not exceed 20 square feet per occupant per face or 40 total square feet, if back-to-back faces are used. Individual panels may not have more than two displays on each facing. Plaza signs may be lighted and shall be constructed in compliance with all applicable code requirements and construction standards. If a complex abuts more than one major street or highway, it may have one plaza sign abutting each major street or highway. Use of a plaza sign shall be in lieu of the right of use of individual freestanding on-premises signs by the occupants.

(10) Directional signs, not to exceed two square feet per face or four total square feet, if back-to-back faces are used, may be located at points of ingress and egress; provided, however no portion of such signs, including base, support structure, or cabinet shall be located within five feet of any street, highway, or alley right-of-way.

(11) Monument signs may be used in lieu of, but not in addition to other on-premises freestanding or plaza signs. Monument signs shall not exceed 100 square feet per side face or 200 total square feet, if back-to-back faces are used, and no portion of such sign, including base, support structure, or cabinet shall be located within five feet of any street, highway, or alley right-of-way. Monument signs shall sit directly on grade on a proper concrete or similar material footings. Height for monument signs shall be approved by the director, based on reasonable safety concerns.

(12) Upon written application to the city's department of land use and approval, a temporary banner may be used in the city only under the following terms and conditions:

a. A temporary banner covering a sign in a business district which has been damaged by windstorm or other casualty, provided such banner is displayed for not more than the 45-day period following such windstorm or casualty; and

b. During a special event, such number of temporary banners for each premises in a business district as the city commission may approve and specify by resolution, provided that each such banner does not exceed 32 square feet in overall surface area and ten feet in height or width; is one-sided and located entirely against a solid structure or sign; and

c. For each premises in a general commercial (GC) district, (except a sexually oriented or adult business subject to the sign requirements for same), one temporary banner, provided:

1. Such banner is displayed not more than one time per year, for a length of time not to exceed 30 days, after it is registered as required by this law; and

2. Such banner is registered with the city (date, location, person responsible and such other information as the city manager may require). The city manager may delegate registration authority to such trustworthy, private persons with the city as are necessary to implement this requirement; and

3. Such banner does not exceed 32 square feet in overall surface area and ten feet in height or width, is one-sided and located entirely against a solid structure or sign, and is stretched tight and securely fastened at each corner or edge.

(e) *Permitted signs in P/I and REC districts.* The following signs shall be allowed in P/I and REC districts, all others are prohibited.

(1) All government signs.

(2) For any non-governmental institutional use, one freestanding sign not to exceed 32 square feet per side of sign area or 64 total square feet if back-to-back faces are used, and one wall sign not to exceed 32 square feet of wall area.

(3) All allowed freestanding signs in P/I and REC districts shall have a height limit of ten feet, and no portion of such sign, including base, support structure, or cabinet shall be located within five feet of any street, highway, or alley right-of-way.

(4) All public school signs shall be exempt from development order requirements; provided, however, that no portion of such sign, including base, support structure, or cabinet shall be located within five feet of any street, highway, or alley right-of-way.

(5) Directional signs, not to exceed two square feet per face or four total square feet if back-to-back faces are used, may be located at points of ingress and egress; however no portion of such signs, including base, support structure, or cabinet shall be located within five feet of any street, highway, or alley right-of-way.

(6) Temporary banners as authorized in subsection (d)(11).

(f) *Permitted signs in community redevelopment areas.* The following signs shall be allowed any of the community redevelopment areas, all others are prohibited.

(1) Signs by land use district as specified in this chapter.

(2) All signs must conform to the design criteria as specified in corresponding design guidelines.

(3) Signs approved prior to the effective date of this regulation.

a. All signs intended to be constructed or installed in any community redevelopment area must be reviewed and approved by the community redevelopment board, or a designated committee, as specified in section 102-59 and subsection 104-65(b) prior to issuance of a development order or permit being reviewed and issued by the city's land use division.

(4) Off-premises signs (billboards) are prohibited.

(g) *Permitted signs in LI and HI districts.* The following signs shall be allowed in LI and HI districts, all others are prohibited.

(1) Except for fruit stands and adult entertainment businesses signages which are regulated elsewhere, one freestanding on-premises sign not to exceed 200 square feet per side or 400 square feet if back to back and one wall sign per premises not to exceed 200 square feet per wall as determined under the provisions of section 106-3 and subsection (d)(4) of this section

(2) Signs in LI and HI districts shall conform to the provisions specified in subsection (d) of this section.

(3) No portion of an allowed freestanding sign in LI or HI districts, including base, support structure, or cabinet shall be located within five feet of any street, highway, or alley right-of-way.

(4) Directional on-premises signs, not to exceed two square feet per face or four total square feet if back to back faces are used, may be located at points of ingress and egress; however no portion of such signs, including base, support structure, or cabinet shall be located within five feet of any street, highway, or alley right-of-way.

(5) Plaza signs as authorized in subsection (d) of this section.

(6) Temporary banners as authorized in subsection (d) of this section.

(CPLDR 1993, § 6-12; Ord. No. 2331, § 1, 11-25-2008)

Sec. 106-13. - Portable signs.

All portable signs are prohibited, except those used for humorous announcements or governmental purposes or special church services, approved by the city manager or his designee, for a period not to exceed one week, one time per year.

(CPLDR 1993, § 6-13)

Sec. 106-14. - Nonconforming on-premises signs.

(a) *Nonconforming status of on-premises signs.* Any on-premises sign which existed and was maintained in good order on the effective date of this Land Development Regulation Code, and which does not conform to the provisions of this chapter is declared nonconforming.

(b) *Events terminating status.*

(1) Except as provided in F.S. § 70.20, nonconforming on-premises signs may be legally maintained and continued in use except as specified in section 106-17(e) until the earlier of the following events occurs or unless it is a prohibited sign:

a. *Discontinued use.* Where a nonconforming on-premises sign is abandoned or discontinued for a period of six consecutive months, the existence of the legal nonconforming use shall terminate and said sign shall thereafter be considered an illegal sign subject to removal as specified in section 106-17(e).

b. *Change of ownership.* Where there is a change in ownership or other transfer of an interest in the real property on which the legal nonconforming on-premises sign is located, the legal nonconforming use shall terminate and said sign shall thereafter be considered an illegal sign subject to removal as specified in section 106-17(e).

c. *Change of text.* Where there is a change of text on the copy.

d. *Damaged, destroyed.* The sign is damaged or destroyed more than 50 percent of its value.

e. *Prohibited.* The sign becomes a prohibited sign.

(2) A legal nonconforming on-premises sign may not be relocated, moved, enlarged, made higher or lower, or altered in any way, and no additional faces including vinyl or other material coverings may be added thereto, unless otherwise expressly provided herein. However, such signs may be maintained and repaired. The limited change of a face panel, without one of the other additional prohibited modifications listed above (i.e. (b)(1)a. or (b)(1)b. or (b)(1).c. or (b)(1)d. or (b)(1)e.), may be authorized by the director. Repairs for or to nonconforming signs shall be approved by the director prior to any repair being made.

(3) The owner and sign contractor shall be jointly and severally responsible for notifying the department of land use and code enforcement when one of the above events (i.e. (b)(1)a. or (b)(1)b.) occurs involving a legal nonconforming on-premises sign. Failure to do so coupled with an attempt to change face panels or otherwise modify such sign shall be punishable as determined reasonable by the city's code enforcement board, including revocation of all business licenses.

(4) No applications for variances shall be accepted by the city for consideration after the effective date of this chapter unless based on the strict requirements of section 106-17(f).

(c) *Maintenance and repair.* Nonconforming signs shall be subject to all provisions of this chapter regarding safety, maintenance and repair.

(d) *Removal and impoundment of prohibited signs.*

(1) The city manager or his designee shall have the authority to remove all signs, without notice to the owners thereof, prohibited by this law, and to impound them for a period of 30 days. The owner or person entitled to possession of a sign impounded may recover same prior to the expiration of the 30-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 30 days, the city manager or his designee may dispose of the sign in the same manner as surplus or abandoned city property.

(2) Any person who violates any provision of this law is guilty of an offense and upon conviction thereof, shall be punishable as provided by section 1-8. Each person shall be deemed guilty of a separate offense for every day the violation of this law is continued or permitted to continue.

(3) Any permit issued through mistake of fact or law shall confer no right upon the permitted 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.

(4) Any sign erected or displayed in violation of the provisions of this law or other applicable provisions of this Land Development Regulation Code of the city 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

(5) 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 law.

(CPLDR 1993, § 6-14)

Sec. 106-15. - Off-premises signs (outdoor advertising billboards).

(a) *Scope.* This section shall apply to off-premises signs (both traditional and digital) which advertise an activity, business or service not usually conducted on or from the premises upon which the sign is located. Such off-premises signs include: "Single faced"; "two faced, back to back"; "V-faced"; and "tri-visioned."

(b) *Location restrictions.*

(1) Off-premise signs shall be allowed only on properties within the city which are both:

a. Adjacent to U.S. Highway 231, 15th Street, U.S. Highway 98 (not Bus. 98), 23rd Street, Highway 390, and Highway 77, and

b. In GC, LI or HI districts, and as otherwise restricted by this chapter.

(2) Off-premises signs are prohibited in the Downtown and St. Andrews improvement and special treatment zones.

(3) Off-premises signs are prohibited in historic zones.

(c) *Size of off-premises billboard signs.*

(1) On the federal-aid highway system (U.S. 231, U.S. 98, Business 98), size shall conform to the requirements of any agreement entered into by the state and the U.S. Secretary of Transportation and comply with state law.

(2) The maximum area for any one sign face shall be ten feet, six inches (10.5') by 36 feet, inclusive of any border and trim, but excluding the base or apron, supports and other structural member. A back-to-back sign shall be authorized to have two faces. A V-shaped sign shall be authorized to have two faces. Each advertising graphic, which alternately face in one direction, shall be considered to constitute a face of a tri-vision sign; therefore, a tri-vision sign is authorized to have three faces, all of which shall face in the same direction.

(3) The maximum size limitations shall apply to each facing of a sign structure. Signs may be placed back-to-back but shall not have more than two displays on each facing.

(d) *Spacing requirements.*

(1) An off-premises outdoor advertising billboard sign, whether "single faced," "two faced, back to back," "V-faced," or "tri-visioned," may not be established within 1,500 feet of any other off-premises outdoor billboard advertising sign, measured on the same side of the street. A tri-vision sign may only have two tri-vision back-to-back faces per location, or may have one standard billboard face on the reverse side (i.e. back-to-back construction). Notwithstanding the foregoing, off-premises outdoor billboard signs may not be placed closer than 125 feet from an area zoned for residential use.)

(2) Governmental and on-premises signs, as well as any other sign which does not constitute an outdoor advertising sign as defined herein, are excluded from subsection (d)(1) of this section.

(3) No off-premises sign shall exceed a height of 50 feet at its highest point. Such measurement shall be made from the ground level, at the base of the sign supports or from the pavement level of the street to which it faces, whichever is higher. The minimum clearance shall be ten feet from the bottom of the sign face to grade.

(e) *General sign restrictions and limitations for off-premises signs (billboards).*

(1) Off-premises signs shall not be permitted at any location abutting any street within 300 feet of any property used for public parks, public schools, church, courthouse, city hall or public museum abutting on the same street.

(2) No portion of off-premises signs, including base, support structure, or cabinet shall be located within five feet of any street, highway, or alley right-of-way.

(3) No sign shall be constructed which resembles any official marker erected by the city, state, or any governmental agency, or which by reason of position, shape, or color would conflict with the proper functioning of any traffic sign or signal.

(4) All signs shall be constructed in accordance with the prevailing building and electrical code, and as specified in section 106-16

(5) All signs shall be maintained in good and safe structural condition. The painted portions of outdoor advertising signs shall be periodically repainted and kept in good condition.

(6) No sign or part thereof shall be located on any property without the written consent of the property owner.

(7) The general area in the vicinity of any ground sign on undeveloped property must be kept free and clear of sign materials, weeds, debris, trash and other refuse.

(f) *Limitation on new off-premises signs (billboards).*

(1) By December 31, 1998, all owners or contractors having control over existing off-premises signs (hereinafter referred to as "billboards") provided to the city's department of land use and code enforcement an inventory of all of its existing billboards located within the city limits of Panama City. Said inventory included an address, site location map, description of the sign's dimensions and height, and a photograph of each billboard. Any signs not included in said inventory became illegal signs after December 31 and subject to the provisions for removal of the same. The city issued a billboard tag for each sign inventoried, after verification of the information reported in the inventory, which the owner or contractor having control over promptly posted on the appropriate billboard. Said billboard tags had a renewal date, before which each owner/contractor, after inspecting its billboard for safety purposes, presented to the city a sworn verification of inspection.

(2) No new off-premises (billboard) signs may be constructed within the city limits after December 31, 1998, except in compliance with the terms and provisions of this chapter.

(3) All off-premises signs lawfully classified as nonconforming signs on the effective date of this ordinance, are hereby declared to be legal nonconforming off-premises signs.

(4) The total number of legal off-premises signs (sometimes called off-premises billboard signs) within the city (including but not limited to previously classified nonconforming off-premises signs which are reclassified by this revised section) shall not exceed the total number in existence or lawfully permitted by the city on the effective date of this ordinance, and may be less. Should the number of off-premises billboard signs ever decrease, it shall not thereafter be increased.

(5) No off-premises billboard sign or associated sign structure may be enlarged or made higher, and no additional faces may be added thereto, unless otherwise expressly provided herein. Each off-premises billboard sign and any associated sign structure may be maintained, repaired and replaced in substantially the same location, and the content or copy thereof changed, at any time.

(6) In the event that any off-premises billboard sign or associated sign structure which is erected or displayed within 1,500 feet of any other off-premises sign, measured on the same side of the street, 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 60 days in any 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 50 percent of the cost to replace such sign.

then such sign (sometimes called a lost sign) shall become an illegal sign and together with any associated sign structure, be removed. In the event that two off-premises signs within 1,500 feet of each other, measured on the same side of the street, are so taken out of 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.

(7) The owner of a lost sign or the owner's assignee, after duly recording a transfer of the assignment with the city, but no other, shall be entitled to replace the lost sign with a replacement sign elsewhere in the city, provided:

a. Such lost sign and associated sign structure has 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 commission 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 1,500 feet of any other legal off-premises sign, measured on the same side of the street. (Notwithstanding the foregoing, such replacement sign may not be closer than 125 feet from an area zoned for residential use), and

d. Such residential sign is not erected or displayed less than 125 feet from any area zoned for residential use, and

e. The fee is paid and permit is issued for the erection or display of such replacement sign, and such replacement sign complies with this Land Development Regulation Code, and all other applicable state and local law, and

f. Such replaced sign is constructed and fully operational within 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 sign permitted in the city shall be reduced by one.

(8) As an alternative to replacing a lost sign, the owner of a lost sign, or the owner's assignee, after duly recording a transfer of the assignment with the city, but no other, shall be entitled to add one mechanically or electrically operated alternating face (sometimes called a "multi-vision" sign or "tri-vision" sign to the face of an existing legal off-premises sign for each face of the lost sign, provided:

a. Such lost sign and any associated sign structure has been removed at no public expense;

b. The aggregate square footage of the additional mechanical or electrical face does not exceed the difference between the (x) aggregate square footage of the faces of the one or more lost signs, which such owner or assignee has lawfully elected to convert to "multi-vision" or "tri-vision" or the like, and (y) the aggregate of such square footage previously so converted; and

c. The fee is paid and a permit is issued for the alteration of such off-premises sign, and the enlarged off-premises sign complies with this Land Development Regulation Code and all other applicable state and local laws.

(9) The minimum distance between off-premises signs shall be measured on the same side of the street. An off-premises sign shall be deemed to be located on the street nearest the sign.

(10) 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, and the total number of off-premises permitted in the city shall be reduced by one and no replacement sign or additional, mechanical or electrical face shall be permitted.

(11) Notwithstanding the foregoing, the total number of off-premises billboard signs permitted within the city shall be increased by the number of off-premises sign located upon unincorporated territory annexed into the city after the effective date of this revised chapter, and each such sign shall be treated as any other off-premises billboard 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 billboard signs permitted within the city shall be decreased by the number of off-premises billboard signs located upon incorporated territory that is deannexed into Bay County, Florida.

(12) The City may permit a new off-premises digital billboard sign provided that for every one (1) square feet of new space permitted, the permittee will remove three (3) square feet of space (of traditional or old off-premises billboard signs) from the City.

(g) Changeable messages on new digital off-premises billboard signs. A permit shall be granted for an automatic changeable facing, provided:

(1) The static display time for each message is at least six seconds;

(2) The time to completely change from one message to the next is a maximum of two seconds;

(3) The change of the message occurs simultaneously for the entire sign face;

(4) The application meets all other permitting requirements; and

(5) All signs with changeable messages shall contain a default design that will ensure no flashing, intermittent message, or any other apparent movement is displayed should a malfunction occur.

(CPLDR 2013, § 11-12)

Sec. 106-16. - Construction standards.

(a) *Anchoring.*

(1) No sign shall be suspended by nonrigid attachments that will allow the sign to swing in a wind.

(2) All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.

(b) *Wind loads.* All signs shall be designed and constructed to meet the wind loading requirements as set forth in the Florida Building Code. All signs of 25 feet or more in overall height shall bear the seal of a registered engineer.

(c) *Additional construction specifications.*

(1) No signs shall be erected, constructed, or maintained that would obstruct any fire escape, required exit, window or door opening used as a means of egress.

(2) No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation.

(3) Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with Florida Building Code specifications.

(4) All signs containing electrical components shall be constructed according to the specifications of the Florida Building Code as well as the specifications of Underwriters' Laboratories or other approved testing agency. All such signs shall have a clearly visible testing agency label permanently affixed.

(CPLDR 1993, § 6-16)

Sec. 106-17. - Administration and enforcement.

(a) *Administration.* The director shall be authorized to administer and carry out all provisions of this chapter, unless otherwise specified. Building inspection or code enforcement officials are empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the city for the purpose of inspection of a sign and its structural components and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during normal business hours except in cases of emergency.

(b) *Application for approval* Application for approval to erect, alter, or relocate a sign shall be made to the director upon a form provided by the city and shall include the following information:

(1) Name and address of the owner of the sign.

(2) Street address and legal description of the property on which the sign is to be located, along with the name and address of the property owner.

(3) The type of sign structure as defined in this chapter.

(4) A site plan showing the proposed location of the sign along with the locations and square footage areas of all signs existing on the same premises.

(5) Scale drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign.

(c) *Approval or denial.* The director shall approve or deny the application within ten days after a completed application is received and all applicable fees have been paid. If approved by the city, the applicant must also obtain a building permit from the Bay County building department before the sign can be erected or constructed on the premises.

(d) *Approval conditions.* Any approval issued by the director becomes null and void if work is not commenced within six months of the date of issuance, unless extended. If work is suspended or abandoned for six months, the approval shall expire and become null and void. If any sign is installed or placed on any property prior to the receipt of approval, the sign, including any embellishments, poles, and supporting structures, shall be removed. If any alteration, addition, or enlargement is made without any required approval, such alteration, addition, or enlargement shall be removed. No variance from these provisions shall be granted.

(e) *Repair and removal of signs.*

(1) If upon inspection, the city finds that a sign is abandoned or structurally, materially, or electrically defective, or in any way endangers the public, the director shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and prohibiting the use of sign and directing its repair or removal within 30 days of the date of the order.

(2) In cases of emergency, the city manager may cause the immediate removal of a dangerous or defective sign without notice where the sign presents a hazard to the public safety.

(3) The city manager may cause the removal of an illegal or unsafe sign in case of emergency, or for failure to comply with the orders of removal, relocation or repair, or upon determination that the sign has been abandoned for a period of six months. After the removal or demolition of the sign, written notice shall be mailed to the sign owner stating the date and nature of the work performed and demanding payment of costs incurred as certified by the city clerk. Removal of a sign shall include the removal of any embellishments, poles, and supporting structures.

(4) If the amount specified in the notice is not paid within 30 days of the notice, it shall become an assessment lien against the sign and the property on which it is located and subject to enforcement of the city in the same manner as other liens.

(5) The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the city.

(f) *Variances.* Any request for a variance from the strict application of the requirements of this chapter shall be made in accordance with section 102-81 and this subsection. It is the intent of this subsection to impose an elevated standard to be applied to a request for a variance, which elevated standard shall be in addition to the requirements of section 102-81. A variance from the application of the strict requirements of this chapter will not be granted unless:

(1) Due to exceptional physical conditions, such as exceptionally irregular, narrow, shallow or steep lots, strict application of this chapter would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building.

(2) Special circumstances or conditions apply to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building, and

(3) The granting of the variance is necessary for the reasonable use of the land or building and the variance as granted is the minimum variance that will accomplish this purpose.

(CPLDR 1993, § 6-17)