CITY COMMISSION MEETING 3-26-19
Agenda Item
Request Form

ITEM: Final reading of Ordinance 2675 amending the Land Development Regulations

BACKGROUND INFORMATION: The City's Planning Department proposes to revise the Land Development Regulations (LDRs). The revision has been the culmination of a 3 year period which involved meetings with the Planning staff, the Planning Board and Stantec, the City's Planning Consultant. In addition, multiple Planning Board workshops were held throughout the period providing public input into the proposal.

The Planning Board considered the proposed Land Development Code at its regularly-scheduled meeting on November 5, 2018. The Board unanimously voted to recommend approval of the proposal.

DEPARTMENT HEAD RECOMMENDATION: Conduct a final reading of the ordinance.

ORDINANCE NO. 2675

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 November 5, 2018;

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 26th Day of March, 2019.

CITY OF PANAMA CITY, FLORIDA

By______________________________
Greg Brudnicki, Mayor

ATTEST:

____
T.D. Hachmeister, City Clerk

Get a handle on how to effectively & rapidly manuever the development order processes of the City

PANAMA CITY, FLORIDA

PLANNING 101

PLANNING DEPARTMENT
City of Panama City, FL

UNIFIED LAND DEVELOPMENT CODE
A Reference Guide for the Citizens!

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CHAPTER 101 – GENERAL

Sec. 101-1. Title. This Chapter shall be entitled and may be referred to as the Unified Land Development Code ("ULDC").

Sec. 101-2. Purpose and Intent. This ULDC is enacted pursuant to the requirements and authority of F.S. Ch. 163, pt. II (the Local Government Comprehensive Planning and Land Development Regulation Act) and the general powers confirmed in F.S. Ch. 166 (Home Rules Powers Act) and the Constitution of the State of Florida.

The purpose of the ULDC is to implement further the Comprehensive Plan of the City by establishing regulations, procedures and standards for review and approval of all development and uses of land and water in the City. Further, the ULDC is adopted in order to foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, and progressive development and redevelopment of the City. It is the intent of this ULDC that the development process in the City of Panama City be efficient, in terms of time and expense; effective, in terms of addressing the natural resource and public facility implications of proposed development; equitable, in terms of consistency with established regulations and procedures, and show respect for the rights of property owners, and the consideration for the interests of the citizens of the City.

The ULDC shall provide a cohesive blueprint for development and redevelopment of the City by addressing strategies to accommodate growth while maintaining neighborhood integrity; ensuring appropriate height and site development requirements and design guidelines; ensuring appropriate transitions and linkages between different neighborhoods and uses; encouraging more walkable neighborhoods; buffering neighborhoods and existing development from the encroachment of incompatible uses; limiting the intensity of future development and redevelopment in a manner that is consistent with current development patterns and that minimizes further negative impacts to the City's infrastructure, traffic congestion, hurricane evacuation clearance times and quality of life and implementing specific development or redevelopment goals or plans that may be established for particular areas by the City Commission or redevelopment that is provided by expressly authorized conditional use approval.

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

Sec. 101-3. - Interpretation. The following rules of interpretation and construction shall apply to this ULDC:

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 ULDC, 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 ULDC, 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 ULDC, 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.

E. In the event that any question arises concern-

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ing the application of regulations, performance standards, definitions, development criteria, or any other provision of this Chapter, the Planning Director shall be responsible for interpretation and shall look to the City's Comprehensive Plan for guidance. Responsibility for interpretation by the Director shall be limited to standards, regulations and requirements of this Chapter, but shall not be construed to include interpretation of any technical codes, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or chapters of this ULDC.

Sec. 101-4. - Applicability. Except as specifically provided for in this section, the provisions of this Unified Land Development Code shall apply to all development and redevelopment undertaken in the City. No development or redevelopment shall be commenced, except in accordance with this Land Development Code (ULDC).

A. Exceptions. No newly adopted provisions of this ULDC 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 6 months prior to the effective date of this ULDC 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 ULDC 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 ULDC 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.

Sec. 101-5. - Abrogation. This ULDC is not intended to repeal, abrogate or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of Bay County.

Sec. 101-6. - Relationship to other laws. If any subject of this ULDC is controlled by any other law, statute, ordinance or regulation, then that which imposes the more stringent standard or requirement shall govern.

Sec. 101-7. – No Duty to Enforce Private Covenants and Restrictions. This ULDC does not affect any private agreement or condition such as a deed restriction or covenant. Regardless of whether or not such private restrictions or covenants are less restrictive or impose a higher standard than the provisions of this ULDC, the City has no duty or right to enforce those private restrictions or covenants.

Sec. 101-8. - Severability. This Land Development Code (ULDC) 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 ULDC shall not be affected thereby.

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CHAPTER 102 - ADMINISTRATIVE PROCESSES.

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 Unified Land Development Code.

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 **or exemption** 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 storm water runoff; or negatively impact native vegetation within a special treatment zone as provided in section **104-63**. 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.

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.

Sec. 102-24. - Development review process.
A. Developers shall comply with the following procedures:

1. An application **form** for development approval must be obtained from the City, which shall be in the form**at** 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 102-28.

B. Development review procedures are divided into three primary reviews according to the purpose of the application. The review required for each type of development is as follows:

1. Less Than Minor Development Review. Less Than Minor Development Review requires approval by staff. Activities subject to Less Than Minor Development Review are described in Section 102-**26**.

2. Minor Development Review. Minor Development Review requires review by staff and approval of the Technical Review Committee (TRC). Activities subject to Minor Development Review are described in Section 102-**27**.

3. Major Development Review. Major Development Review requires review by staff and the Technical Review Committee, followed by a public hearing before the Planning Board. Major Development activities must be approved by the Planning Board. Activities subject to Major Development Review are described in Section 102-**28**.

C. Table **102-1** contains a list of the types of applications and identifies the entities responsible for reviewing and issuing decisions on applications.

(See Next Page)

Table 102-1: Types of Applications and Entities Responsible for Recommendation and Final Decisions

Type of Application	Staff[1]	TRC	Planning Board	City Commission
Amendment to the Comp. Plan	R		R	D
Amendments to the ULDCs	R		R	D
Annexations	R			D
Appeal of Administrative Decisions	R		D	
Communication Towers	R	R*	D*	
Development Agreements	R		R	D
Development Orders (Less Than Minor)	D			
Development Orders (Minor)	R	D		
Development Orders (Major)	R	R	D	
Amendments to Development Orders	D			
Expansion or Modification of Nonconformities	R		D	
Subdivision Plats				
Preliminary Plats	R	R	R	D
Final Plats	R	R	R	D
Replats	R	R	R	D
Minor Plats (5 lots or fewer)	D			
Permits (signs, docks, boat structures, grading, lot clearing, etc.)	D			
PUD	R	R	R	D
Rezoning	R		R	D
Vacations (Easements, ROW, Plats)	R		R	D
Variances	R		D	
Zoning Determination	D			

1. Staff means the Planning Director and/or his/her staff
D = Final Decision Authority
R = Recommendation

* Except for those approved administratively by staff and the TRC, per Chapter 110, Section 110-42

Sec. 102-25. – Conceptual Site Plan (CSP) review.

A. Necessity for filing .

1. While there is no requirement to file a Conceptual Site Plan (CSP), all applicants have the option to file a CSP to the Planning and Economic Development Department prior to submitting an application for regular Site Plan approval. The applicant is encouraged to participate in a pre-application meeting with appropriate city staff for CSP applications. The applicant may begin plan review by filing a regular site plan application and including applicable fees.

2. The TRC will review the CSP application for conformity with this chapter and other development regulations. The Planning Director or his/her designee will notify the applicant of the results

of the review. The CSP will be considered as a separate document to the regular site plan review.

B. Optional submittal. A CSP application shall include the following:

1. Conceptual site plan application.

a. Statement of ownership of the proposed development, and the names, mailing addresses, email addresses, telephone numbers, and any project engineers, architects, planners or any others representing the developer;

b. Legal description;

c. Current zoning designation;

d. Schematic representation of the proposed use, including building size, shape, and location on the site;

e. Schematic representation of vehicular and pedestrian circulation within the site, including driveways, parking areas, and loading areas;

f. Schematic representation of storm water pond location(s);

g. Schematic representation of points of connection to the public rights-of-way; and

h. Other relevant features, as may be requested by the city staff or provided by the applicant.

Sec. 102-26. Less Than Minor Development Approval Review.

A. Activities subject to Less Than Minor Development review are:

1. Construction or renovation of an individual, single-family, detached residence, duplex, triplex, or quadraplex on one lot or parcel; or mobile home; or the construction of an accessory structure on a lot or parcel with legal access.

2. Placement of a single factory-built manufactured home, as herein defined and according to the requirements of the city's manufactured housing standards set out in Chapter 110 on one lot or parcel.

3. 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.

4. "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 the application forms provided by the Planning Department.

2. Compliance with site plan requirements in Section 102-29.

3. Compliance with other applicable standards as specified in chapters of this Unified Land Development Code.

C. Additional information may be required for development activities in designated special treatment zones and overlays.

D. Staff may issue development orders for Less Than Minor Development activities, upon Staff review and approval.

Sec. 102-27. – Minor Development Approval Review.

A. Activities subject to Minor Development review are:

1. Any residential development with a density of 5 units **or less** per acre.

2. Any nonresidential development, whether or not in connection with a residential development, of 10 acres or less.

3. Any development in the Light Industry zoning district, including distribution, storage and warehousing facilities, of 10 acres or less.

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

5. Any development involving telecommunication facilities that are designated as requiring approval by city staff in Chapter 110.

B. Criteria for review:

1. Compliance with the general standards specified in the application forms provided by the Planning Department.

2. Compliance with attendant concurrency require-

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ments in Chapter 113.

3. Compliance with site plan requirements in Section 102-29.

4. Compliance with other applicable standards as specified in chapters of this Unified Land Development Code.

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

D. Minor development orders may be issued by the TRC or the Director without further approval.

Sec. 102-28. – Major Development Approval Review.

A. Activities subject to Major Development review include:

1. Amendments to the text of this Unified Land Development Code or the Official Zoning Map;

2. Comprehensive Plan and Future Land Use Map amendments.

3. Any manufactured home subdivision development.

4. Any development in the Heavy Industry zoning district.

5. Any commercial development over three stories in height.

6. Any development involving telecommunication facilities that are designated as requiring approval by the Planning Board in Chapter 110.

7. Any development activity which is not subject to Less Than Minor or Minor Development review.

B. Criteria for review:

1. The general standards specified in the application forms provided by the Planning Department.

2. Concurrency requirements set forth in Chapter 113.

3. Site plan requirements set forth in Section 102-29.

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

5. An impact assessment shall address the following issues:

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

b. Suitability of site conditions including topography and soils and any site modifications necessary to accommodate the proposed development;

c. Ingress and egress to roadways;

d. Drainage or storm water management;

e. Vehicular traffic, including on site parking;

f. Noise;

g. Lighting;

h. Public safety or potential public nuisance;

i. Impacts on natural resources; and

j. Such other criteria deemed necessary by the Planning Director or the Planning Board.

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

D. Development orders may be issued for Major Development activities only after review by the Director, review by the Technical Review Committee, and approval by the Planning Board. Appeals to Planning Board decisions on Major Development activities shall be considered by the City Commission.

Sec. 102-29. - Development Order Approval Applications.

A. Any application for development order approval shall be submitted together with a site plan in accordance with the requirements of this section. The application shall include:

1. Concurrency requirements set forth in Chapter 113;

2. Site plan requirements set forth in Section 102-29; and

3. Other applicable development standards as specified in other chapters of this Unified Land Development Code.

B. Site plans or other information concerning requests for amendments to the comprehensive plan or unified land development code shall be submitted on forms approved by the Planning Department.

C. In addition to the requirements outlined in subsection A., Planned Unit Development (PUD) requirements are defined in Chapter 104 – Zoning Districts

D. In addition to the requirements outlined in subsection A., Plat requirements are defined in Chapter 111.

Sec. 102-30. - Site plan and approval required.
A. The developer, or their authorized agent, shall submit a minimum of 4 copies of the proposed site plan, drawn to an acceptable scale, to the Director. Except for Less Than Minor Development 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, a digital version shall be provided for all AutoCAD-produced drawings.

B. 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; **The site plan shall depict conformance with clear sight triangle, as determined following the current edition of the FL DOT Design Standard 546 applied to adjacent streets and driveways** ;

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.

C. The site plan for Less Than Minor Development 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.

D. The site plan for Minor and Major Development 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; % 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.

4. The existing and proposed grades, the drainage and erosion control plan, and the proposed structures with appropriate topographic contour intervals or spot elevations **with particular attention to perimeter grading**;

5. 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;

6. Natural features such as wetlands, shoreline, lakes or ponds, and protected trees; man-made 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;

7. 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;

8. The size and location of all existing and proposed public and private utilities or easements; water and sewer tap locations; sewer clean outs and turns; and water meter types, sizes, and locations; and

9. All proposed landscaping, landscaped buffers, and the dimensions and location of all proposed signs.

Sec. 102-31. - Review period. All applications for development approval shall be submitted to the Director. Required city staff and Technical Review Committee 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 may be completed within 25 days. Applications which are determined to be incomplete shall be promptly returned to the applicant.

Sec. 102-32. - 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.

Sec. 102-33. - 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.

Sec. 102-34. - Certifications. Unless waived by the Director, all certifications of forms or materials required by the Unified Land Development Code must be completed and affixed before the document or application will be considered for development review.

Sec. 102-35. - Development orders.

A. Development orders may be issued by the Planning Director or his/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 building permits shall be issued for a development until a development order has been issued and all conditions satisfied pursuant to the provisions of this Unified Land Development Code.

B. Development order requirements. The decision to issue a development order shall be based upon the following requirements, 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 Unified Land Development 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.

D. Issuance and validity of development orders.

1. Upon the approval of a development, the applicant shall have one year from the date of approval to obtain his development order.

2. Upon the approval of a Major development order, the Planning Department shall within 10 days after the date of such approval send ~~written~~ **notification** to the applicant advising the applicant that he or she has one year from the date of the approval of the development to obtain the development order from the department. The notice shall be sent 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 or her agent has advised the department, in writing, of a change in their address before the notice was sent. If an applicant fails to obtain his or her development order within the one-year period, the approval shall become null and void and the applicant or his or her 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.

3. Unless otherwise specified in the development order, a development order shall remain effective for a period of 12 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., FDEP and the CORPS. Extensions may be granted by the Director in the event the developer is unable to obtain other applicable permits pursuant to subsection (c) above.

4. Notwithstanding the provision in subsection (3), if a development order is ~~timely~~ challenged **(as defined by Florida Statutes)** 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 Unified Land Development 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.

Sec. 102-36. - Exceptions. No development order shall be required when:

1. A development order has been issued by the City prior to the adoption of this Unified Land Development 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 Unified Land Development Code.

Sec. 102-37. - 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 developer shall also provide the City with an as-built survey in a format specified by the Planning Department, and other certifications as required by City departments. The Director or the Director's designated representative shall, within 5 working days after receipt of such notice and required related documentation, 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 5 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.

Sec. 102-38. - 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 Unified Land Development Code.

Secs. 102-39.—102-40. - Reserved.

Sec. 102-41. - Amendments to the comprehensive plan / zoning changes.

A. Requests for Plan Amendments / zoning changes shall be submitted to the Planning Department 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 / zoning changes involving small-scale developments may be considered by the Planning Board at any regular or special meeting in accordance with section 102-42.

B. Requests for small scale and large-scale Plan Amendments and the associated zoning changes will be considered by the Planning Board after review by

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the Planning Department and public notice. Final action shall be taken by the City Commission in accordance with section 102-42.

C. The Planning Department shall submit to the State and planning agency Plan Amendments approved by the City Commission for consistency review pursuant to F.S. § 163.3184 and 163.3187.

D. The procedure for the 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 / zoning change unless it makes a positive finding, based on competent evidence, on each of the following:

1. The proposed Plan Amendment / zoning change will not degrade level of service standards established in the comprehensive plan, or minimum concurrency requirements;

2. The proposed Plan Amendment / zoning change is in harmony with the general intent of the comprehensive plan;

3. The proposed Plan Amendment / zoning change 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.

Sec. 102-42. - Variance process. Any person desiring to undertake a development activity that does not comply with this Unified Land Development 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~~ Planning Board so long as the variance does not require an amendment to the comprehensive plan, is not expressly prohibited and is not a use variance or is not contrary to the public health, safety, and welfare, and is granted due to an unnecessary hardship to the property owner.

A. Applicability. Variance requests that satisfy the criteria of section 102-42.D. are authorized from the following regulations and standards:

1. Height;
2. Yards;
3. Off-street parking and loading;
4. Landscaping and buffers;
5. Separation of uses;
6. Lot coverage;
7. Such other provisions of the code which do not specifically prohibit such requests.

B. The City shall not act upon any variance request that would:

1. Allow a use that is specifically or by inference prohibited in any zoning district classification, including an increase in the maximum density allowed within the zoning district;

2. Apply to any provisions for which the code specifically prohibits waiver or modification.

C. Supplemental application requirements.
In addition to the general application requirements, the applicant shall provide a site plan of sufficient detail to clearly identify the variance request, and an explanation of how the variance is in accordance with the criteria of section 102-42D.

D. Variance review criteria; city action. The Planning Board shall hold its public hearing and, after consideration of the staff recommendation and public input, if any, may deny, approve or approve with conditions the application for variance, based upon its determination that the petitioner has demonstrated that the criteria provided in the following subsections 1 through 5 have been satisfied:

1. That the requested variance maintains the basic intent and purpose of the subject regulations, particularly as it affects the stability and appearance of the City;

2. That the requested variance is otherwise compatible with the surrounding land uses and would not be detrimental to the community;

3. That the requested variance is consistent with, and in furtherance of, the goals, objectives and policies of the adopted Comprehensive Plan, as amended from time to time, and all other similar plans adopted by the City;

4. That the plight of the petitioner is due to unique circumstances of the property or petitioner which

would render conformity with the strict requirements of the subject regulations unnecessarily burdensome; and

5. That the variance requested is the minimum variance that is necessary to afford relief to the petitioner, while preserving the character, health, safety and welfare of the community.

E. In granting any variance, the Planning Board may prescribe conditions and safeguards intended to mitigate potential adverse impacts from the variance and to ensure that the intent and purpose of the code is maintained. Violation of such conditions and safeguards shall be deemed a violation of this Code.

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

Sec. 102-43. Effect of Variance approval or denial.
A. A variance shall run with land once established (i.e., not expired or revoked).

B. Whenever the Planning Board has denied a variance, the same shall not consider any further substantially equivalent request for variance on any part of the same property for a period of twelve (12) months from the date of such action (or date of any final court order upholding denial of the variance), unless this restriction is waived by a unanimous vote of the members of the planning board present at the time of the vote.

Sec. 102-44. - 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, or Planning Board (as applicable):

1. Variance requests. Advertisement in the local newspaper at least 10 days prior to the hearing before the Planning Board. Signage shall be placed on the parcel at least 10 days prior to the Planning Board 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 10 days prior to the Planning Board hearing.

2. Comprehensive Plan map amendments and zoning requests (see sec. 102-55). 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 10 days prior to the Planning Board 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~~ 10 days prior to the Planning Board hearing.

3. Vacations of rights-of-way (ROW) (see sec. 109-44D). Signage shall be placed at each end of the ROW subject segment at least 10 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 10 days prior to the City Commission hearing.

4. Development Order (DO). Development Orders for Major Development Applications shall require public notice on the property and on the City website. Signage shall be placed on the parcel upon determination of the public hearing date.

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 receipts shall be submitted to the Planning Department with the list of recipients 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 Planning Board hearing.

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4. The public notice shall be in the format supplied by the Planning Department.

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

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CHAPTER 103. – REVIEW AUTHORITY

Sec. 103-1. - Purpose. The following entities have authority to enforce certain provisions of this Unified Land Development Code.

Sec. 103-2. – Powers and Duties.

A. 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 Unified Land Development Code after a review of the recommendations of the Planning Board;

3. To approve, deny, or conditionally approve development orders for development activities, after the review of City staff and upon the recommendation of the Planning Board;

4. To approve 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 **F.S. § 163.3223**;

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

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 Unified Land Development Code.

B. Planning Board –General provisions. The functions, powers and duties of the Planning Board shall be as follows.

1. Established. The Planning Board is hereby designated and established as the local planning agency, pursuant to and in accordance with F.S. Ch. 163.

2. Collection and maintenance of information. To acquire and maintain in current form such basic information and materials as are necessary to an understanding of past trends, present conditions, and forces at work causing changes in these conditions. Such basic information and material may include maps and photographs of man-made and natural physical features of the area concerned, statistics on past trends and present conditions with respect to population, property values, economic base, land use and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the area and its various parts.

3. Comprehensive planning. To prepare and recommend to the City Commission a comprehensive and coordinated general plan for meeting present requirements and such future requirements as may be foreseen. To prepare and recommend amendments to the Comprehensive Plan.

4. Planning principles. To recommend to the City Commission principles and policies for guiding action in the development of the area.

5. Zoning regulations. To prepare and recommend for adoption to the City Commission a zoning ordinance and map for its political jurisdiction, and to, from time to time, recommend amendments or supplements to the zoning regulations and districts adopted.

6. Other regulations. To prepare and recommend to the City Commission other ordinances and resolutions promoting orderly development along the lines indicated in the Comprehensive Plan for the growth and improvement of the area.

7. Review of staff reports regarding proposed development. To determine whether the staff reports regarding a specific proposed development contain sufficient and appropriate findings of fact to determine the merits of a proposed development's compliance with the City Comprehensive Plan and Unified Land Development Code.

8. Public hearings. To conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the Comprehensive Plan, and such additional public hearings as deemed necessary.

9. Facility studies. To make, cause to be made or obtain special studies on the location, condition and adequacy of specific facilities of the area. These may

include, but are not limited to, studies on housing, commercial and industrial conditions and facilities, parks, playgrounds and other recreational facilities, public and private utilities, and traffic, transportation, and parking.

10. Dissemination of information. To keep the governing body and the general public informed and advised as to the foregoing matters.

11. Variances. The Planning Board shall have the duty and power to grant variances and hear and decide appeals as provided for in this Chapter.

12. Other duties. To perform any other duties which may be lawfully assigned to it by the City Commission.

C. Planning Board– Other provisions.

1. Membership Number. The Planning Board shall consist of five members, who shall be residents of the City of Panama City, Florida, as now or hereinafter defined, appointed by the City Commission of the City. All Board members shall serve terms of 2 years, with eligibility of reappointment. In addition, the Planning Board shall have a representative of the school board and the Naval Base as non-voting ex-officio members.

2. 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 Director shall give notice of the nonattendance of a member to the City Manager. Any vacancy in membership shall be filled for the unexpired term by the City Commission.

3. Presiding Member. Annually, 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. The 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 the Board shall be in charge of all proceedings before the Board, and shall take such action as necessary to preserve order and integrity of all proceedings.

4. 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. In addition, the City Commission may establish, by resolution, a schedule of fees to be charged for petitions to the board. Subject to the fiscal practices of the city, the 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.

5. Quorum and Procedure. No meeting of the Planning Board 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 the Board shall be considered and counted as a member and shall vote upon all actions requiring approval. The Chairperson of the Board may introduce any motion for action before the Board. The Board shall adopt rules for the transaction of its business and shall keep a record of its activities.

The concurring vote of at least 3 members shall be necessary to make a favorable recommendation to the City Commission regarding comprehensive plan amendments, revisions to this Unified Land Development 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

6. Public Meetings. All meetings of the Planning Board shall be public meetings, and public participation shall be encouraged in all matters before the Board. Meetings will be conducted at City Hall unless otherwise specified by the City Commission. The Board may establish a schedule for regularly held meetings and shall provide public notice thereof prior to any meeting.

D. Planning Director.

1. The Planning Director is responsible for the receipt, review and processing of all applications for rezoning, special use approval, project approval of preliminary subdivision plats and site plans, approval of final subdivision plats, text amendments, and for applications for all permits required by this Code.

2. The Planning Director is responsible for all administrative activities related to the use or occupancy of land and buildings under this Development Code.

3. The Planning Director serves as the administrative staff person to the Planning Board and chairs the Technical Review Committee (TRC).

4. The Planning Director interprets the City's Unified Land Development Code and the City's Comprehensive Plan for the City.

E. Building Department.

1. The Building Official/Inspector is hereby authorized, empowered and directed to regulate, determine and inspect any construction for compliance with all the State of Florida Building Regulations. Whenever in his opinion, by reason of defective or illegal work in violation of a provision of these regulations and/or the Florida Building Codes, the continuance of a building operation is contrary to public welfare, he may order all further work to be stopped and may require suspension of work until the conditions in violation have been remedied.

2. The Building Official/Inspector may employ inspectors who are qualified by their knowledge, training and experience to make inspections and examinations. The inspectors shall have the right to inspect anything covered by the Florida Building Regulations at such times as it may be deemed necessary to protect the public health and welfare.

3. The Building Official/Inspector shall conduct all plans review and issue all building permits and certificates provided for by and in conformity with the provisions of this Code, upon payment of fees.

F. Code Enforcement Officers.

1. A code enforcement officer is authorized to issue a citation to any person who, based upon personal investigation, the officer has reasonable cause to believe has committed a civil infraction in violation of the unified land development code.

2. Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed a violation of the code and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 60 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the specified time period, a citation may be issued to the person who has committed the violation. However, a reasonable time period to correct a violation prior to issuing a citation is not required if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

G. Naval Support Activity Panama City.

1. The Naval Support Activity Panama City is responsible for jointly monitoring all development activity within the City's Military Influence Overlay District (MIOD) to ensure that it complies with the City's MIOD, as addressed in Section 104-67 of this ULDC.

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2 admin. processes
section 3 *review authority*
4 zoning districts
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CHAPTER 104 - ZONING DISTRICTS

ARTICLE I. - IN 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.

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.

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:

Land Use Categories	
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)

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, FL." 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.

Sec. 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.

Symbol	Zoning District
(P)	Preservation
(REC)	Recreation
(SIL)	Silviculture
(P/I)	Public Institutional
(R-1)	Residential-1
(R-2)	Residential-2
(UR-1)	Urban Residential-1
(UR-2)	Urban Residential-2
(MH-1)	Manufactured Home-1
(~~MU-1~~)	~~**Mixed Use-1**~~
(MU-2)	Mixed Use-2
(MU-3)	Mixed Use-3
(DTD)	Downtown District
(StAD)	St. Andrews District
MDTD	Millville Downtown District
(CHD)	Cultural Heritage District
(GC-1)	General Commercial-1
(GC-2)	General Commercial-2
(LI)	Light Industrial
(HI)	Heavy Industrial

The summary bulk requirements of each zoning district is identified in Table 104-1 (next page) and described in detail in the following sections.

1 general
2 admin. processes
3 review authority
4 zoning districts section
5 design standards
6 environment protection
7 landscaping & buffering
8 parking & loading
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TABLE 104-1: Height, Bulk, Dimensional Summary

District	Maximum				Minimum				
	Density - Dwelling Unit	Lot Coverage	Maximum Building Height	Floor Area Ratio	Site Area on newly created lots	Lot Width	Setbacks		
							Front Yard	Side Yard	Rear Yard
Residential									
R-1	5.0/ac	6~~4~~0%	35'		6,000 sq. ft.	20'	20'	7'**	25' ~~30'~~
R-2	10.0/ac	50%	50'		3,000 sq. ft.	20'	20'	~~7'~~ 5'	20'
~~MU-1~~	~~5.0/ac~~	~~50%~~	~~35'~~	~~0.75~~	~~7,500 sq. ft.~~	~~20'~~	~~25'~~	~~7'~~	~~25'~~
Mixed Use									
MH-1	10.0/ac	75%	15'	0.75	4,000 sq. ft.	50'	15'	7'	15'
UR-1	15.0/ac	65%	80'	0.75	4,000 sq. ft.	-	15'	~~7'~~ 5'	20'
UR-2	30.0/ac	75%	120'	0.75		-	15'	~~12'~~ 5'/0'*	25' ~~30'~~
MU-2	10.0/ac	65%	65'	0.65		-	15'	~~12'~~ 5'/0'*	25' ~~30'~~
MU-3	20.0/ac	75%	65%	0.75		-	15'	~~12'~~ 5'/0'*	25' ~~30'~~
DTD	60.0/ac	100%	150'	5.0	Current parcel size	-	0'	0'	0'
StAD	35.0/ac	100%	125'	5.0	Current parcel size	-	0'	0'	0'
CHD	-	-	-	-	-	-	-	-	-
Commercial									
GC-1	N/A	70%	None	3	N/A	-	15'	~~7'~~ 5'	20'
GC-2	N/A	90%	None	3	N/A	-	15'	~~7'~~ 5'	20'
Industrial									
LI	N/A	80%	None	0.7	-	-	25'	5'	25'
HI	N/A	80%	None		-	-	25'	5'	25'
Special Purpose									
P	0	5%	25'	0	N/A	N/A	30'	30'	25' ~~30'~~
REC	0	40%	25'	0.2	N/A	N/A	25'	~~7'~~ 5'	25' ~~30'~~
SIL	1.0/20 ac	20%	50'	0.2	N/A	N/A	25'	~~7'~~ 5'	25' ~~30'~~
P/I	N/A	90%	None	0.7	N/A	N/A	15'	~~7'~~ 5'	10'/25'
PUD	~~20~~ 1/ac	Based on plan	Based on plan		Based on plan	Based on plan	Based on plan	Based on plan	Based on plan

** 10' from road on corner lots

* When a common wall is used in townhomes then a 0' setback can be used.

Zoning District

	R-1	R-2	MH-1	MU-2	MU-3	UR-1	UR-2	DTD	StAD MDTD CHD	GC-1	GC-2	PUD	P/I	P	R	LI
Residential																
Single family detached dwelling	A	A	A	A	A	A	A	A	A			A		A*		
Attached dwellings (up to 5)		A		A	A	A	A	A	A			A				
Duplexes, Triplexes, etc.		A		A	A			A	A			A				
Manufactured home			A													
Multi-family structure (up to 15/ac)				A	A	A	A	A	A		C	A				
Multi-family structure (up to 30/ac)								A	A		C	A				
Accessory uses or structures	A	A	A	A	A	A		A	A			A	A			A
Community residential home	A	A	A	A	A	A	A									
Commercial																
Neighborhood Scale Commercial				A	A	A	A	A	A	A	A	A				
Personal Services				A		A	A	A	A	A	A	A				
Bed & Breakfast Inns				A	A	A	A	A	A		A	A				
Professional Offices					A			A	A	A	A	A	A			
Repair Shops								A			A	A	A			
Big Box Retailers								A			A	A				
Business Park								A			A	A				
Adult Entertainment											A					
Restaurants, Cafes & Lounges				A[1]	A[1]	A[1]	A[1]	A	A[1]	A[1]	A	A				
Convenience Retail				A	A	A	A	A		A	A	A				
Open Air Retail								A	A		A	A				
Vehicle dealers											A					
Bars, Breweries & Pubs								A	A		A	A				
Specialty Food Stores								A	A		A	A				
Grocery Stores				A	A	A	A	A		A	A	A				
Cannabis Dispensing Facility											A					
Hotels, & Motels								A	A		A	A				
Printing, & publishing								A			A					
Transient Commercal Lodging				A	A	A	A	A	A			A				
Industrial																
Distribution																A
Recycling																A
Warehouse / storage								A			A		A			A
Wholesaling											A					A
Scrap processing																A
Manufacturing & Assembly																A
Industrial education								A			A					A
Vocational trade								A								A
Institutional																
Public Utilities	A	A	A	A		A	A	A	A	A	A	A	A		A	A
Government Agency								A	A		A	A	A		A	A
Passive Recreation	A	A	A	A	A	A	A	A	A		A	A	A	A	A	
Nature Preserves								A	A			A	A	A	A	
Wildlife Sanctuaries								A	A			A	A	A	A	
Boat Ramps & Marinas						A	A	A	A		A	A	A		A	
Cemeteries								A				A	A		A	
Schools, Private & Public	A	A		A	A	A	A	A	A			A	A		A	
Sports Facilities								A	A		A	A	A		A	
Community Centers								A	A			A	A		A	
Martial Arts/ Dance/Music				A	A	A	A	A	A	A	A	A	A		A	A
Campgrounds								A				A	A	A	A	
Health Care Facilities								A	A		A	A	A			
Equestrian Facilities								A	A			A	A		A	
Churches		A		A	A	A	A	A	A	A	A	A	A		A	
Nursing Home/Hospice Center								A	A		A	A	A		A	
Family Day Care Home	A	A	A	A	A	A	A	A			A					
Parking Lots				A	A	A	A	A	A	A	A	A	A	A	A	A
Parking Garages					A	A	A	A	A		A	A	A		A	A

A: Allowed **A[1]: Allowed but without a drive-thru** **C: Conditional - must be apartments** **Note: Table doesn't list the new ERB District**

Section 104-21. 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. The following bulk regulations shall apply to property zoned P:

1. The **impervious surface ratio (ISR)** shall be no greater than **0.05 (or 5%)** 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~~ 30 **feet**.

3. Minimum setbacks shall be:

   i. 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.

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

B. 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. Non-commercial 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.

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

Sec. 104-22. - Recreation (REC) zoning district.

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

A. The following **bulk regulations** shall apply to property zoned REC:

1. The **impervious surface ratio (ISR)** shall be no greater than **0.40 (or 40%)** of the total parcel area.

2. The **floor area ratio (F.A.R.)** shall be no greater than **0.20 or 20%**.

3. 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.

4. **Minimum setbacks** shall be:

i. **25 feet** from the front parcel lines.

ii. **~~3~~20 feet** from the rear parcel lines.

iii. **5 ~~7~~ feet** from the side parcel lines.

B. The following **uses** are **allowed** in the REC zoning district; all other uses are prohibited;

1. All uses allowed in the P zoning district.
2. Public or commercial uses such as playgrounds, splash parks, sports facilities, public marinas, boat ramps, and other public active recreation uses.
3. Equestrian facilities and trails.
4. 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.
8. Commercial nature preserves and wildlife sanctuaries.
9. Private recreation set aside for use of owners/residents in master planned developments.

C. Additional Requirements

1. Provide off-street parking as specified in Chapter 108.
2. Conform to the landscaping and buffering requirements as specified in Chapter 107.

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Sec. 104-24. - Silviculture (SIL) zoning district.

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

A. The following **bulk regulations** shall apply to property zoned SIL:

1. The **impervious surface ratio (ISR)** shall be no greater than **0.20 (or 20%)** of the total parcel area.

2. The **floor area ratio** shall be no greater than **0.20 (or 20%)**.

3. The **density** shall be no greater than **one** dwelling units **per 20 acres**.

4. All residential-use 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.

5. **Minimum setbacks** shall be:

i. **25 foot** from the front parcel lines.

ii. **30 foot** from the rear parcel lines.

iii. **5** ~~7~~ **foot** from the side parcel lines.

B. 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, 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.

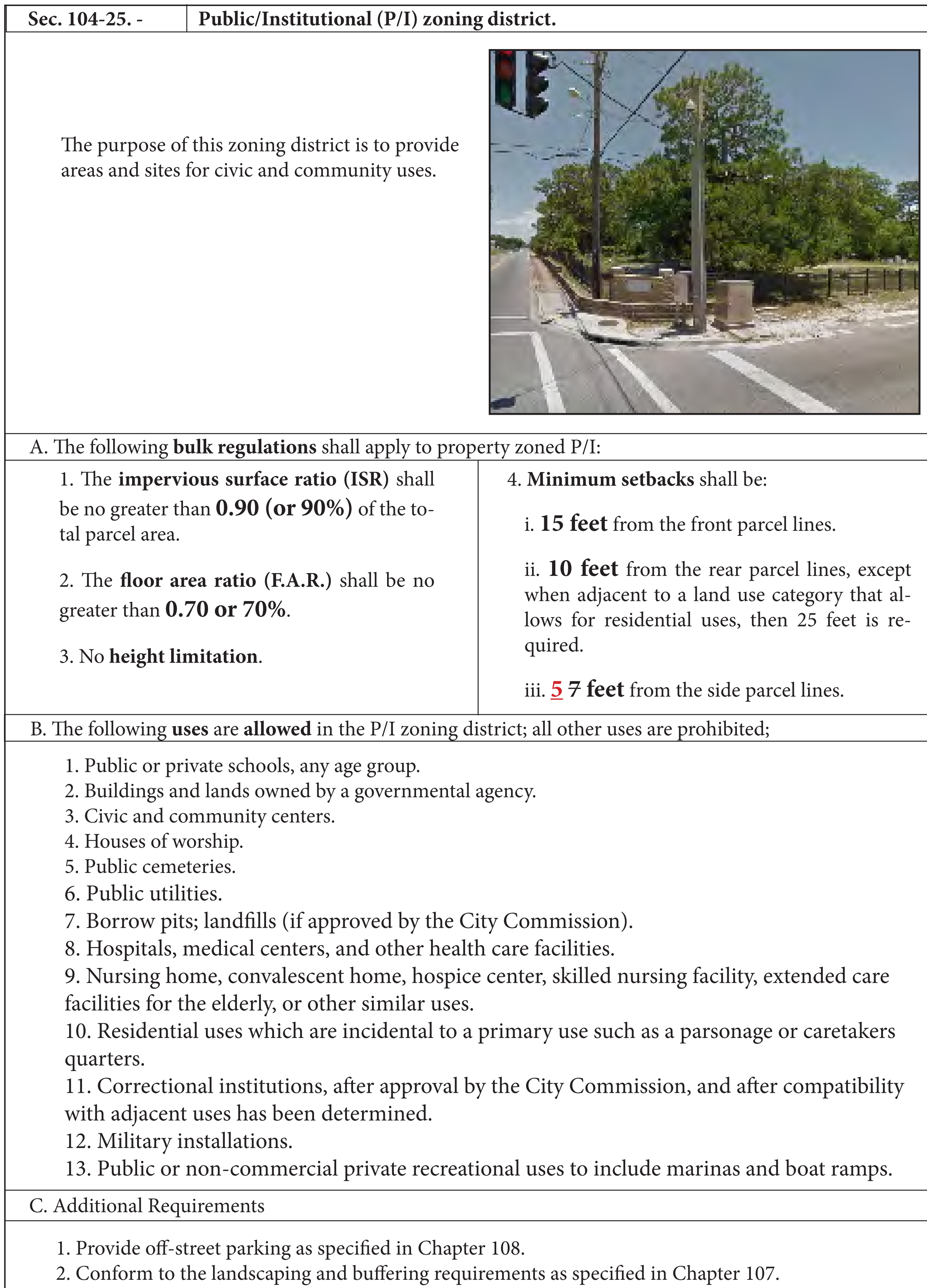
3. Single-family detached dwelling units, manufactured homes, and accessory dwelling units.

4. Public utilities.

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

Sec. 104-25. -	Public/Institutional (P/I) zoning district.

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



A. The following **bulk regulations** shall apply to property zoned P/I:

1. The **impervious surface ratio (ISR)** shall be no greater than **0.90 (or 90%)** of the total parcel area.

2. The **floor area ratio (F.A.R.)** shall be no greater than **0.70 or 70%**.

3. No **height limitation**.

4. **Minimum setbacks** shall be:

   i. **15 feet** from the front parcel lines.

   ii. **10 feet** from the rear parcel lines, except when adjacent to a land use category that allows for residential uses, then 25 feet is required.

   iii. 5 ~~7~~ **feet** from the side parcel lines.

B. 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 (if approved by the City Commission).
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 non-commercial private recreational uses to include marinas and boat ramps.

C. Additional Requirements

1. Provide off-street parking as specified in Chapter 108.
2. Conform to the landscaping and buffering requirements as specified in Chapter 107.

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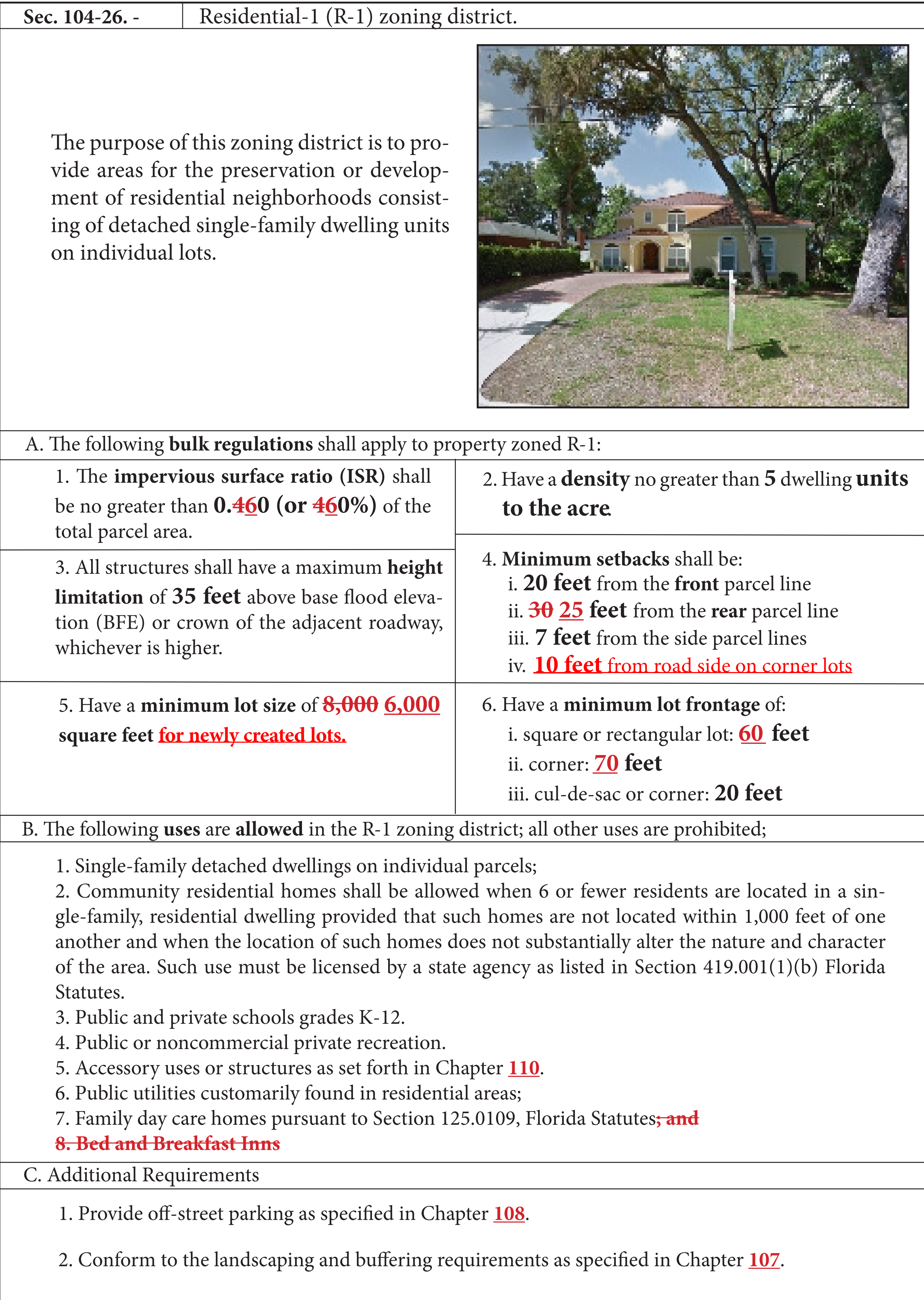

Sec. 104-26. - Residential-1 (R-1) zoning district.

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. The following **bulk regulations** shall apply to property zoned R-1:

1. The **impervious surface ratio (ISR)** shall be no greater than **0.~~4~~60 (or ~~4~~60%)** of the total parcel area.

2. Have a **density** no greater than **5** dwelling **units to the acre**.

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

4. **Minimum setbacks** shall be:
   - i. **20 feet** from the **front** parcel line
   - ii. ~~**30**~~ **25 feet** from the **rear** parcel line
   - iii. **7 feet** from the side parcel lines
   - iv. **10 feet** from road side on corner lots

5. Have a **minimum lot size** of ~~**8,000**~~ **6,000 square feet** for newly created lots.

6. Have a **minimum lot frontage** of:
   - i. square or rectangular lot: **60 feet**
   - ii. corner: **70 feet**
   - iii. cul-de-sac or corner: **20 feet**

B. 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 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 Section 419.001(1)(b) Florida Statutes.
3. Public and private schools grades K-12.
4. Public or noncommercial private recreation.
5. Accessory uses or structures as set forth in Chapter 110.
6. Public utilities customarily found in residential areas;
7. Family day care homes pursuant to Section 125.0109, Florida Statutes~~; and~~
~~8. Bed and Breakfast Inns~~

C. Additional Requirements

1. Provide off-street parking as specified in Chapter 108.

2. Conform to the landscaping and buffering requirements as specified in Chapter 107.

Sec. 104-27. -	Residential-2 (R-2) zoning district.

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

A. The following **bulk regulations** shall apply to property zoned as R-2:

1. The **impervious surface ratio (ISR)** shall be no greater than **0.650 (or 650%)** of the total parcel area.

2. Have a density no greater than **10 dwelling units to the acre**.

3. All structures shall a **maximum height limitation of 50 feet above base flood elevation (BFE)** or the crown of the road whichever is higher.

4. **Minimum setbacks** shall be:
   i. **20 feet** from the front parcel lines.

   ii. **20 feet** from the rear parcel lines, except when adjacent to a land use category that allows for residential uses, then 25 feet is required.

   iii. 5 ~~7~~ **feet** from the side parcel lines when:

a. 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 indivudal unit; and

b. The structure has multiple units under one roof and individual ownership for each unit, side setbacks may be decreased to 0 feet only when there is a common wall between units.

5. 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 semi-detached row house-type structure with a common wall.

6. **Minimum lot frontage** of:
   i. Detached Structures:
   a. square or **rectangular lot: 50 feet**
   b. **corner: 650 feet**
   c. **cul-de-sac or corner: 20 feet**

   ii. Attached Structures:
   a. **20 feet**

B. The following **uses** are **allowed** in the R-2 zoning district; all other uses are prohibited;

1. Single-family detached dwellings on individual parcels;
2. Community residential homes shall be allowed when 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 Section 419.001(1)(b) Florida Statutes.
3. Public and private schools grades K-12.
4. Public or noncommercial private recreation.
5. Accessory uses or structures as set forth in Chapter 104, Article IV and V.
6. Public utilities customarily found in residential areas;
7. Family day care homes pursuant to Section 125.0109, Florida Statutes;
8. ~~Bed and Breakfast Inns~~ **Duplexes, triplexes, quadplexes, etc.;** up to 5 units attached.

C. Additional Requirements

1. Provide off-street parking as specified in Chapter 108.
2. Conform to the landscaping and buffering requirements as specified in Chapter 107.

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Sec. 104-28. - Manufactured Home-1 (MH-1) zoning district.

The **purpose** of this zoning district is to provide areas for manufactured home subdivisions and parks.

A. The following **bulk regulations** shall apply to property zoned as MH-1:

1. The **impervious surface ratio (ISR)** shall be no greater than **0.75 (or 75%)** of the total parcel area.

2. Have a density no greater than **10 dwelling units to the acre**.

3. All structures shall have a **maximum height limitation of 15 feet above base flood elevation** (BFE) or the crown of the road whichever is higher.

4. **Minimum setbacks**:
   i. **20 feet** from the front parcel lines.
      i. For individual lots shall be:
         a. **15 feet** from the **front parcel** line.
         b. **15 feet** from the **rear parcel** line.
         c. **7 feet** from the **side parcel** line.

   ii. For **homes** located within a **manufactured home park** shall be:
      a. **25 feet** from any property line.
      b. **20 feet** between units or structures when oriented long side (length) by long side.
      c. **6 feet** between units or structures when oriented short end to short end (width).
      d. **8 feet** between units or structures when oriented long side to short end.

5. Individual lots in **manufactured home subdivisions** shall have a **minimum lots size requirement of 4,000 square feet**.

6. **Minimum lot width** of **50 feet**.

B. The following **uses** are **allowed** in the **MH-1 zoning district**; all other uses are prohibited;

1. Manufactured home subdivisions, manufactured home parks**, and single family homes**.
2. Existing, grand fathered mobile homes, as specified in Chapter 105, Article VII.
3. Community residential homes shall be allowed when 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 Section 419.001(1)(b), Florida Statutes.
4. Public or non-commercial private recreation.
5. Accessory uses or structures as set forth in Sec. 110-2 and Sec. 110-4.
6. Public utilities customarily found in residential areas.
7. Family day care homes pursuant to Section 125.0109, Florida Statutes.

C. Additional Requirements

1. Locate ingress and egress to minimize traffic impacts to adjacent neighborhoods.
2. Provide off-street parking as specified in Chapter 108.
3. Conform to the landscaping and buffering requirements as specified in Chapter 107.
4. 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 Economic Opportunity, and bear such insignia.
5. Development within this zoning district shall comply with the requirements of Chapter 109, Infrastructure and Public Improvements.

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

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

A. The following **bulk regulations** shall apply to property zoned as UR-1:

1. The **impervious surface ratio (ISR)** shall be no greater than **0.65 (or 65%)** of the total parcel area.

2. The **floor area ratio (F.A.R.)** shall be no greater than **0.75** or **75%**.

3. Have a density no greater than **15 dwelling units to the acre**.

4. **Height.** No structure nor any part thereof shall exceed a vertical height of **80 feet** from the pre-construction ground elevation of the site to the ceiling of the highest habitable 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.

i. **<u>Height limit exception</u>.** 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 **25** feet for roof and mechanical elevations.

a. **<u>Height enhancement criteria</u>** shall include the following:

(1) **3 feet of height** for every **one foot** of additional side lot setback.

(2) Not to exceed **10 feet** of height for each public access lane having a **minimum width of 10 feet** to the estuary, if applicable, plus 5 feet of height, if maintained by the developer in perpetuity and recommended by the Planning Board and approved by the City Commission.

(3) **5 feet** of height for appropriate use of **low water demand plants** in all required buffer or landscaped areas.

(4) **5 feet** of height for the use of **drip irrigation** or other low water use methods, i.e., wastewater or gray water irrigation.

(5) **10 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.

(6) Not to exceed **10 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 Planning Board and approved by the City Commission.

(7) Not to exceed 10 feet of height based on a combination of the following, but only if recommended by the Planning Board and approved by the City Commission:

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

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)

v. Saving champion or heritage trees, or green area dedication to the public.

5. Minimum setbacks.

i. For those developments with only a residential use shall be:

a. 20 feet from the front parcel line.

b. 20 feet from the rear parcel line.

c. 5 ~~7~~ feet from the side parcel lines.

d. Side setbacks may be decreased to 0 feet only when there is a common wall between units.

ii. For those developments that include a nonresidential use which is **adjacent to residential uses** shall be:
a. **20 feet** from the front parcel line.
b. **30 feet** from the rear parcel line.
c. **12 feet** from the side parcel lines.

6. Minimum Lot Size.
i. Single-family detached housing **minimum lot size** of **4,000 square feet**.

ii. Duplex, triplex, or quadraplex, or other semi-detached row house-type structure with a **common wall** must have a minimum lot size of **3,000 square feet**.

B. The **following uses** are allowed in **UR-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.

8. Bed and Breakfast Inns, not to exceed six rental rooms;

9. Attached dwellings;

10. Multi-family structures up to 15 dwelling units per acre;

11. **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 including, but not limited to, 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. Other similar uses serving the neighborhood area.

C. Additional Requirements.

1. Provide off-street parking as specified in Chapter 108.

2. Conform to the landscaping and buffering requirments as specified in Chapter 107.

3. No more than 15% 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.

4. Locate ingree and egress to minimize traffic impacts to adjacent neighborhoods.

Sec. 104-30. -	Urban Residential -2 (UR-2) zoning district.

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. The following **bulk regulations** shall apply to property zoned as UR-2:

1. The **impervious surface ratio (ISR)** shall be no greater than **0.75 (or 75%)** of the total parcel area.

2. The **floor area ratio (F.A.R.)** shall be no greater than **0.75** or **75%**.

3. Have a density no greater than **30 dwelling units to the acre**.

4. **Height.** No structure nor any part thereof shall exceed a vertical height of **120 feet** from the pre-construction ground elevation of the site to the ceiling of the highest habitable 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.

i. **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 pre-construction ground elevation to the ceiling of the highest habitable unit, plus **25** feet for roof and mechanical elevations.

a. **Height enhancement criteria** shall include the following:

(1) **3 feet of height** for every **one foot** of additional side lot setback.

(2) Not to exceed **10 feet** of height for each public access lane having a **minimum width of 10 feet** to the estuary, if applicable, plus 5 feet of height, if maintained by the developer in perpetuity and recommended by the Planning Board and approved by the City Commission.

(3) **5 feet** of height for appropriate use of **low water demand plants** in all required buffer or landscaped areas.

(4) **5 feet** of height for the use of **drip irrigation** or other low water use methods, i.e., wastewater or gray water irrigation.

(5) **10 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.

(6) Not to exceed **10 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 Planning Board and approved by the City Commission.

(7) Not to exceed 10 feet of height based on a combination of the following, but only if recommended by the Planning Board and approved by the City Commission:

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Sec. 104-30. - Urban Residential -2 (UR-2) (Continued).

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)

v. Saving champion or heritage trees, or green area dedication to the public.

5. Minimum setbacks.

i. For those developments with only a residential use shall be:

a. 15 feet from the front parcel line.

b. 20 feet from the rear parcel line.

c. 5 ~~7~~ feet from the side parcel lines.

d. Side setbacks may be decreased to 0 feet only when there is a common wall between units.

ii. For those developments that include a nonresidential use which is **adjacent to residential uses** shall be:

a. **15 feet** from the front parcel line.
b. **30 feet** from the rear parcel line.
c. **12 feet** from the side parcel lines.

6. Minimum Lot Size of **3,000 square feet**.

B. The **following uses** are allowed in **UR-2 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.

8. Bed and Breakfast Inns, not to exceed six rental rooms;

9. Attached dwellings;

10. Multi-family structures up to 30 dwelling units per acre;

11. **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 including, but not limited to, 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. Other similar uses serving the neighborhood area.

C. Additional Requirements.

1. Provide off-street parking as specified in Chapter 108.

2. Conform to the landscaping and buffering requirments as specified in Chapter 107.

3. No more than 15% 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.

4. Locate ingree and egress to minimize traffic impacts to adjacent neighborhoods.

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~~Sec. 104-31. - Mixed Use-1 (MU-1) zoning district.~~

~~The purpose of this zoning district is to provide areas for existing residential development.~~

~~A. 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 (or 50%) of the total parcel area.~~

~~3. The floor area rtio shall be no greater than 0.75 or 75%.~~

~~4. Minimum setbacks shall be:~~
~~i. 25 feet from the front parcel line.~~
~~ii. 25 feet from the rear parcel line.~~
~~iii. 7 feet from the side parcel lines.~~

~~B. 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:~~
~~i. Square or rectangular lot: 75 feet~~
~~ii. Corner: 100 feet~~
~~iii. Cul-de-sac or corner: 20 feet~~

~~C. The following uses are allowed in the MU-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.~~
~~8. Bed and Breakfast Inns, not to exceed six rental rooms;~~

~~D. After the effective date of this regulation, no new single-family detached residential development on individual lots shall be designated as MU-1.~~

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Sec. 104-31. -	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. The following **bulk regulations** shall apply to property zoned as **MU-2**:

1. The **impervious surface ratio (ISR)** shall be no greater than **0.65 (or 65%)** of the total parcel area.

2. The **floor area ratio** shall be not to exceed **0.65** or **65%**.

3. Have a density no greater than **10 dwelling units to the acre**.

4. All structures shall a **maximum height limitation of 65 feet above base flood elevation (BFE)** or the crown of the road whichever is higher.

5. **Minimum setbacks** shall be:
   i. **15 feet** from the **front** parcel line.
   ii. **20 feet** from the **rear** parcel line.
   iii. 5 ~~7~~ **feet** from the **side** parcel lines.
   iv. Side setbacks may be decreased to 0 feet only when there is a common wall between units.

6. Properties **adjacent to an R-1 or R-2** zoning district shall be **setback** a **minimum** shall be setback a minimum of:
   i. **15 feet** from the **front** parcel line.
   ii. **30 feet** from the **rear** parcel line.
   iii. **12 feet** from the **side** parcel lines.

B. The **following uses** are allowed in the MU-2 zoning district; all other uses are prohibited:

1. Single-family detached dwellings on individual parcels;
2. Community residential homes shall be allowed when 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 Section 419.001(1)(b) Florida Statutes.
3. Public and private schools grades K-12.
4. Public or noncommercial private recreation.
5. Accessory uses or structures as set forth in Chapter 104, Article IV and V.
6. Public utilities customarily found in residential areas;
7. Family day care homes pursuant to Section 125.0109, Florida Statutes;
8. Bed and Breakfast Inns;
9. Attached dwellings, up to 4 units attached.
10. Multi-family structures up to 15 dwelling units per acre.
11. 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 including, but not limited to, 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. Other similar uses serving the neighborhood area.
12. Uses with drive-through structural components, except for those uses associated with a restaurant business.
13. Retail business.

Sec. 104-31. -	Mixed-Use -2 (MU-2) (Continued).

C. Additional Requirements (continued)

1. No more than 70% of this zoning district, in combination with the MU-3 zoning districts, may be used for commercial, and 50% for low density residential uses. This analysis shall be made on a continuous basis and shall be assessed district wide. Individual projects that contain a mix of two or more uses shall be exempt from the percentages.

2. Locate ingress and egress to minimize traffic impacts to adjacent neighbrhoods.

3. Provide off-street parking, as specified in Chapter 108.

4. Conform to the landscaping and buffer requirements as specified in Chapter 107.

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Sec. 104-32. -	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. The following **bulk regulations** shall apply to property zoned as **MU-3**:

1. The **impervious surface ratio (ISR)** shall be no greater than **0.65 (or 65%)** of the total parcel area.

2. The **floor area ratio** shall be not to exceed **0.65** or **65%**.

3. Have a density no greater than **10 dwelling units to the acre**.

4. All structures shall a **maximum height limitation of 65 feet above base flood elevation** (**BFE**) or the crown of the road whichever is higher.

5. **Minimum setbacks** shall be:
   i. **15 feet** from the **front** parcel line.
   ii. **20 feet** from the **rear** parcel line.
   iii. 5 ~~7~~ **feet** from the **side** parcel lines.
   iv. Side setbacks may be decreased to 0 feet only when there is a common wall between units.

6. Properties **adjacent to an R-1 or R-2** zoning district shall be **setback** a **minimum** shall be setback a minimum of:
   i. **15 feet** from the **front** parcel line.
   ii. **30 feet** from the **rear** parcel line.
   iii. **12 feet** from the **side** parcel lines.

B. The **following uses** are allowed in the MU-2 zoning district; all other uses are prohibited:

1. Single-family detached dwellings on individual parcels;
2. Community residential homes shall be allowed when 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 Section 419.001(1)(b) Florida Statutes.
3. Public and private schools grades K-12.
4. Public or noncommercial private recreation.
5. Accessory uses or structures as set forth in Chapter 104, Article IV and V.
6. Public utilities customarily found in residential areas;
7. Family day care homes pursuant to Section 125.0109, Florida Statutes;
8. Bed and Breakfast Inns;
9. Attached dwellings, up to 4 units attached.
10. Multi-family structures up to 15 dwelling units per acre.
11. 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 including, but not limited to, 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. Other similar uses serving the neighborhood area.
12. Uses with drive-through structural components, except for those uses associated with a restaurant business.
13. Retail business.

Sec. 104-32. -	Mixed Use-3 (MU-3) (continued)

C. Additional Requirements.

1. No more than 70% of this zoning district, in combination with the MU-3 zoning districts, may be used for commercial, and 50% for low density residential uses. This analysis shall be made on a continuous basis and shall be assessed district wide. Individual projects that contain a mix of two or more uses shall be exempt from the percentages.

2. Locate ingress and egress points to minimize traffic impacts to adjacent neighborhoods.

3. Provide off-street parking as specified in Chapter 108.

4. Conform to the landscaping and buffer requirements as specified in Chapter 107.

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Sec. 104-33. -	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 bonuses.

A. The following bulk regulations shall apply to property zoned as DTD:

1. The **impervious surface ratio (ISR)** shall be no greater than **1.0 (or 100%)** of the total parcel area.

2. The **floor area ratio** shall be not to exceed **3.0** or **300% and shall only apply to nonresidential uses.** If a project utilizes the bonuses identified in 104-34.D, a **floor area ratio of 5.0** may be achieved.

3. Have a density no greater than **30 dwelling units to the acre**. If a project utilizes the bonuses identified in 104-34.D, then the **maximum density** may apply **up to 60 units per acre**.

4. **Height:**

i. 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.

ii. The height limitation of 120 feet may be exceeded if certain building and construction criteria are met 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.

iii. Height enhancement criteria shall include the following:

a. 3 feet of height for every foot of additional side lot setback.

b. Not to exceed 10 feet of height for each public access lane having a minimum width of ten feet to the estuary, if applicable, plus 5 feet of height, if maintained by the developer and its successors in perpetuity.

c. 5 feet of height for appropriate use of low water demand plants in all required buffer or landscaped areas.

d. 5 feet of height for the use of drip irrigation or other low water use methods, i.e., wastewater or gray water irrigation.

e. 10 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.

f. Not to exceed 10 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.

g. Not to exceed 10 feet of height based on a combination of the following:

(1). Donation of environmentally sensitive lands to the City, subject to a conservation easement in perpetuity;

(2). Donation of land known as archeological or historic value to the City, subject to a conservation easement in perpetuity;

Sec. 104-33. - Downtown District (DTD) zoning district.

4. **Height (continued)**

(3). Dedication of public space; and

(4). Public landscaping and maintenance off-site and saving champion or heritage trees or green area dedication to the public.

5. **Minimum setbacks:**
No minimum setbacks

B. The following uses are allowed in the DTD zoning district. All other uses are prohibited:

1. Civic uses such as meeting halls, libraries, post offices, schools, clubhouses, religious buildings, recreational facilities, higher education, museums, cultural societies, visual and performance arts buildings, municipal buildings, and substantially similar uses.

2. Professional office uses such as accountants, architects, attorneys, engineers, doctors, dentists, insurance sales, realtors, technology companies, and the like.

3. Open Air Retail such as Farmers' Markets, and Temporary Seasonal Produce Stands.

4. Hotels, Inns, and Bed and Breakfasts.

5. Artisan Production Establishment including wood working shops and sign fabricators.

6. Restaurants (no drive-thru) including sidewalk cafes, Dinner Clubs, Lounges and Coffee Shops.

7. Bars, Breweries, Microbreweries, Taprooms, Taverns, Pubs, and Sports Clubs.

8. Retail Uses such as Bait and Tackle Shops, Garden Supply Shops, Dress Shops, Jewelry Stores, Antique Shops, Hardware Stores, Grocery Stores, and Music Stores.

9. Dance and Martial Arts Studios or Schools and Fine Arts Centers, Theaters and Auditoriums.

10. Specialty Food Stores such as Meat Markets, Delicatessens and Bakeries.

11. Commercial Marinas, private and public.

12. Parking Garages and Parking Lots.

B. Uses Allowed (continued)

13. Passive Recreational Establishments with activities such as picnicking, jogging, cycling, and hiking.

14. Residential uses including single and multi-family.

15. Service businesses such as watch repair, printing companies, financial institutions, and similiar uses.

16. Warehousing provided the buildings compliment the areas where they are located.

C. Additional Requirements.

1. All projects within the DTD District which include a change to a higher intensity and/or density use will be subject to a review before the Planning Board.

Additionally, projects which exceed 3 stories (or 30 feet) in height shall require review before the Planning Board.

2. Confine ground and building lighting to the property without causing direct light to protrude on adjacent properties.

3. Credit shall be applied 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.

D. Downtown Bonuses.

Development may exceed the maximum base floor area ratio (F.A.R.) of 3.0 if the applicant proposes certain public benefits or development amenities. The City Commission will make the determination of the maximum amount that may be earned for F.A.R. bonuses on a project-by-project basis. The public benefits and development amenity bonuses being proposed may include but not be limited to: urban open space, additional parking spaces, public plazas, pedestrian linkages, and public roof top activities.

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Sec. 104-34. - St. Andrews Downtown District (StAD) zoning district.

The purpose of this zoning district is to preserve the working waterfront and eclectic nature of downtown St. Andrews. Redevelopment of the area is encouraged which includes business, residential, commercial, cultural, and entertainment uses, including public green spaces and recreational access to the waterfront.

A. The following bulk regulations shall apply to property zoned as StAD:

1. The **impervious surface ratio (ISR)** shall be no greater than **1.0 (or 100%)** of the total parcel area.

2. The **floor area ratio** shall be not to exceed **5.0** or **500%.**

3. Have a density no greater than **35 dwelling units to the acre**.

4. **Height:**

No structure or any part thereof shall exceed a vertical height of 100 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.

Where the block is across the street from a residential zoning district, the vertical height along the side of the new development shall be limited to 40 feet.

5. Minimum setbacks:

No minimum setbacks

B. The following **uses** are **allowed** in the **StAD** zoning district. **All other uses are prohibited:**

1. Civic uses such as meeting halls, libraries, post offices, schools, clubhouses, religious buildings, recreational facilities, higher education, museums, cultural societies, visual and performance arts buildings, municipal buildings, and substantially similar uses.

2. Professional office uses such as accountants, attorneys, engineers, doctors, realtors and the like.

3. Open Air Retail such as Farmers' Markets, and Temporary Seasonal Produce Stands.

4. Hotels, Inns, and Bed and Breakfasts.

5. Artisan Production Establishment including wood working shops.

6. Restaurants (no drive-thru) including sidewalk cafes, Dinner Clubs, Lounges and Coffee Shops.

7. Bars, Breweries, Microbreweries, Taprooms, Taverns, Pubs, and Sports Clubs.

8. Specialty Retail Uses such as Bait and Tackle Shops, Garden Supply Shops, and Dress Shops.

9. Dance and Martial Arts Studios or Schools and Fine Arts Centers, Theaters and Auditoriums.

10. Specialty Food Stores such as Meat Markets, Delicatessens and Bakeries.

11. Commercial Marinas, private and public.

12. Parking Garages and Parking Lots.

13. Passive Recreational Establishments with activities such as picnicking, jogging, cycling, and hiking.

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14. Technology and support services.

15. Residential uses including single and multi-family.

C. Additional Requirements.

1. Any existing business, as of the date of this District, that is redeveloped or improved by more than 50% of its value shall go before the Planning Board for approval. Approval shall be required if the business is not currently permitted under the District's allowable uses. The proposed building shall be required to meet the current Florida Building code.

2. Confine ground and building lighting to the property without causing direct light to protrude on adjacent properties.

3. Credit shall be applied 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.

4. Restrict residential dwelling units from occurring on the ground floor of any development directly facing or located on Beck Avenue. The ground floor shall be devoted exclusively to commercial, retail or office uses.

5. Maintain and promote the historic architectural character through the scale and massing of buildings. New construction shall utilize historic design elements that are complimentary to the neighborhood character. Renovations to existing buildings should retain historic elements and/or add historic elements in keeping with the historic look and character of the area.

6. Provide off-street parking as specified in Chapter 108.

7. At least 75 percent (75%) of all visible walls and roofs shall be made of wood, brick, non-mirrored glass, terracotta, stucco over masonry, textured concrete block, roof tiles or shingles, architectural concrete panels, or noncorrosive standing-seam metal roof or similar materials.

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Sec. 104-35. - Millville Downtown District (MDTD) zoning district.

The purpose of this zoning district is to preserve the eclectic nature of Millville's 3rd Street Commercial Area. Redevelopment of the area is encouraged which includes business, residential, commercial, cultural, and entertainment uses.

A. The following bulk regulations shall apply to property zoned as MDTD:

1. The impervious surface ratio (ISR) shall be no greater than 1.0 (or 100%) of the total parcel area.

2. The floor area ratio shall be not to exceed 5.0 or 500%.

3. Have a density no greater than 25 dwelling units to the acre.

4. Height:

No structure or any part thereof shall exceed a vertical height of 60 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.

Where the block is across the street from a residential zoning district, the vertical height along the side of the new development shall be limited to 40 feet.

5. Minimum setbacks:

No minimum setbacks

B. The following **uses** are **allowed** in the **MDTD** zoning district. **All other uses are prohibited:**

1. Civic uses such as meeting halls, libraries, religious buildings, museums, cultural societies, and similar uses.

2. Professional office uses such as accountants, attorneys, engineers, doctors, realtors and the like.

3. Hotels, Inns, and Bed and Breakfasts.

4. Artisan Production Establishment including wood working shops.

5. Restaurants (no drive-thru) including sidewalk cafes, Dinner Clubs, Lounges and Coffee Shops.

6. Bars, Breweries, Microbreweries, Taprooms, Taverns, Pubs, and Sports Clubs.

7. Specialty Retail Uses such as Bait and Tackle Shops, Garden Supply Shops, and Dress Shops.

8. Dance and Martial Arts Studios or Schools and Fine Arts Centers, Theaters and Auditoriums.

9. Specialty Food Stores such as Meat Markets, Delicatessens and Bakeries.

10. Passive Recreational Establishments.

11. Residential uses including single and multi-family .

C. Additional Requirements.

1. At least 75% of all visible walls and roofs shall be made of wood, brick, non-mirrored glass, terracotta, stucco over masonry, or similar materials.

2. Provide off-street parking per Chapter 108.

Sec. 104-36. - Cultural Heritage (CHD) zoning district.

The purpose of this zoning district is to preserve the heritage and cultural aspects of the traditional Dr. Martin Luther King, Jr. Boulevard area, south of Highway 98 (15th Street). Redevelopment of the area is encouraged which includes business, residential, commercial, cultural, and entertainment uses.

A. The following bulk regulations shall apply to property zoned as CHD:

1. The impervious surface ratio (ISR) shall be no greater than 1.0 (or 100%) of the total parcel area.

2. The floor area ratio shall be not to exceed 5.0 or 500%.

3. Have a density no greater than 35 dwelling units to the acre.

4. Height:

   No structure or any part thereof shall exceed a vertical height of 60 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.

   Where the block is across the street from a residential zoning district, the vertical height along the side of the new development shall be limited to 40 feet.

5. Minimum setbacks:

   No minimum setbacks

B. The following uses are allowed in the MDTD zoning district. All other uses are prohibited:

1. Public Institutional uses such as meeting halls, religious buildings, museums, cultural societies, parks and similar uses.

2. Professional office uses such as accountants, attorneys, engineers, doctors, and the like.

3. Hotels, Inns, and Bed and Breakfasts.

4. Artisan Production Establishment including wood working shops.

5. Restaurants (no drive-thru) including sidewalk cafes, Dinner Clubs, Lounges and Coffee Shops.

6. Bars, Breweries, Microbreweries, Taprooms, Taverns, Pubs, and Sports Clubs.

7. Specialty Retail Uses.

8. Dance, Arts, and Music Studios or Schools and Fine Arts Centers, Theatres and Auditoriums.

9. Specialty Food Stores such as Meat Markets, Delicatessens, Bakeries or Grocery Stores.

10. Hospitals, medical offices, clinics, etc.

11. Residential uses including single and multi-family .

C. Additional Requirements.

1. At least 75% of all visible walls and roofs shall be made of wood, brick, non-mirrored glass, terracotta, stucco over masonry, or similar materials.

2. Provide off-street parking per Chapter 108.

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Sec. 104-37. - 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. The following bulk regulations shall apply to property zoned as GC-1:

1. The impervious surface ratio shall be no greater than 0.70 (or 70%) of the total parcel area.

2. The floor area ratio (FAR) may not exceed 2.0 (or 200%).

3. No maximum height.

4. Minimum setbacks shall be:
   - i. 15 feet from the front parcel line.
   - ii. 20 feet from the rear parcel line.
   - iii. 5 ~~7~~ feet from the side parcel lines.

5. Minimum setbacks for development adjacent to zoning districts that allow residential uses shall be:
   - i. 15 feet from the front parcel line.
   - ii. ~~30~~ 25' feet from the rear parcel line.
   - iii. 12 feet from the side parcel lines.

B. 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 a 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-thru window.
   - vii. Public utilities customarily found in residential areas.
   - viii. Other similar uses serving the neighborhood area.

C. Additional Requirements.

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 108.

4. Conform to the landscaping and buffering requirements as specified in Chapter 107.

5. Not include any residential development.

6. The exterior of building facades visible from Highway 98 or Harrison Avenue shall not be constructed of metal unless:
   - i. such wall is not visible by a pedestrian standing within the vehicular right-of-way of Highway 98 or Harrison Ave; or
   - ii. such wall is completely covered by one or more of the following materials:
     - Brick
     - Stone
     - Stucco
     - Synthetic stucco
     - Cementitious materials
     - Exterior insulation finish system (EIFS)
     - Wood siding, provided that such siding is applied with no panel exceeding twelve (12) inches in height
     - Other non-ferrous material may be permissible, if determined by the Planning Department as a matter of fact to be aesthetically comparable and at least as opaque, weather resistant, and permanent as the materials listed above.

Sec. 104-38. - General Commercial -2 (GC-2) 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. The following **bulk regulations** shall apply to property zoned as GC-2:

1. The impervious surface ratio shall be no greater than 0.90 (or 90%) of the total parcel area.

2. The floor area ratio (FAR) may not exceed 3.0 (or 300%).

3. No maximum height.

4. Minimum setbacks shall be:
   i. 15 feet from the front parcel line.
   ii. 20 feet from the rear parcel line.
   iii. 5 ~~7~~ feet from the side parcel lines.

5. Minimum setbacks for development adjacent to zoning districts that allow residential uses shall be:
   i. 15 feet from the front parcel line.
   ii. ~~30~~ 25' feet from the rear parcel line.
   iii. 12 feet from the side parcel lines.

B. 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 (excluding scooter rental /sales).
4. Adult entertainment subject to the requirements of Chapter 7, Article III of the Municipal Code.
5. Big box retailers.
6. Printing, publishing or other similar establishments.
7. Business park.
8. Wholesaling, warehousing, and indoor storage of goods or materials.
9. Public utilities with exception to solid waste facilities and landfills.
10. Cannabis Dispensing Facilities, and

11. Other similar uses.

C. Additional Requirements.

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 108.

4. Conform to the landscaping and buffering requirements as specified in Chapter 107.

5. Not include any residential development.

6. The exterior of building facades visible from Highway 98 or Harrison Avenue shall not be constructed of metal unless:
   i. such wall is not visible by a pedestrian standing within the vehicular right-of-way of Highway 98 or Harrison Ave; or
   ii. such wall is completely covered by one or more of the following materials:

- Brick
- Stucco
- Cementitious materials
- Wood siding, provided that such siding is applied with no panel exceeding twelve (12) inches in height
- Stone
- Synthetic stucco
- Exterior insulation finish system (EIFS)
- Other non-ferrous material may be permissible, if determined by the Planning Dept. as a matter of fact to be aesthetically comparable and at least as opaque, weather resistant, and permanent as the materials listed above.

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Sec. 104-39. - Light Industrial (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. The following bulk regulations shall apply to property zoned as LI:

1. The impervious surface ratio shall be no greater than 0.80 (or 80%) of the total parcel area.

2. The floor area ratio (FAR) may not exceed 1.0 (or 100%).

3. No maximum height.

4. Minimum setbacks shall be:
   i. No less than 25 feet from any property line at the perimeter of the zoning category boundary, except as described in Sec. 104-37.A.4.ii (below).

   ii. Industrial uses adjacent to lands designated as Industrial on the Future Land Use Map (FLUM) shall have a setback requirement of 5 feet from the property line.

B. 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.

C. Additional Requirements.

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 108.

3. Landscaping and buffering is required as specified in Chapter 107.

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.

Sec. 104-40. - Heavy Industrial (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. The following **bulk regulations** shall apply to property zoned as HI:

1. The **impervious surface ratio** shall be no greater than **0.80 (or 80%)** of the total parcel area.
2. The **floor area ratio (FAR)** may not exceed **0.85 (or 85%)**.
3. **No maximum height.**
4. **Minimum setbacks** shall be:
   i. No less than 25 feet from any property line at the perimeter of the zoning category boundary, except as described in Sec. 104-37.A.4.ii (below).

   ii. Industrial uses adjacent to lands designated as Industrial on the Future Land Use Map (FLUM) shall have a setback requirement of 5 feet from the property line.

B. The **following uses** are **allowed** in **HI zoning** districts; all other uses are prohibited:

1. All uses allowed in the LI zoning category.
2. Scrap processing.
3. Recycling centers.
4. Any industrial, manufacturing, distribution, storage or warehousing use which is otherwise prohibited in any other zoning district.

C. Additional Requirements.

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 108.
3. Landscaping and buffering is required as specified in Chapter 107.
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.
5. Heavy industrial uses shall not be located adjacent to any zoning category that allows for residential uses.

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ARTICLE IIA. - PLANNED UNIT DEVELOPMENT (PUD)

Sec. 104-41. - 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 Unified Land Development Code 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. Encourage developers to exercise greater ingenuity and imagination in the planning and development or redevelopment of tracts of land under unified control than generally is possible under the more traditional zoning regulations;

2. To promote the enhancement of housing, employment, shopping, traffic circulation, recreational opportunities for the people of the City;

3. Allow a diversification of uses, structures and open space in a manner compatible with both the existing and approved development of land surrounding and abutting the PUD site;

4. Provide a means for land to be used more efficiently, and for utilization of smaller networks of utilities and streets;

5. To promote the conservation of natural features and resources by means of retaining the natural amenities of land and encouraging scenic and functional open space; and

6. Give the developer reasonable assurance of approval of a PUD application before the applicant expends complete design monies, while providing the City with assurances that the PUD will be developed according to approved specifications.

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.

Sec. 104-42. - Types of PUD's. The types of PUD's are:
A. Residential: Predominantly residential and may include any type housing unit, in any combination.

B. Mixed Use: Predominantly non-residential.

Sec. 104-43. - Demonstration of Applicability. The provisions of this Chapter shall apply generally to the creation and regulation of all Planned Unit Developments. Where there are conflicts between the provisions of this Chapter, subdivision or other applicable ordinances or regulations, this Chapter shall apply. A proposed Planned Unit Development must demonstrate the following:

A. Granting of the PUD will result in a recognized and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.

B. The base zoning district's allowable uses shall control at least seventy-five percent (75%) development within a PUD, and shall be specifically approved as part.

C. The PUD may depart from the strict conformance with the development standards, use and specific content regulations of this Code to the extent specified in the concept and/or preliminary plan and documents authorizing the PUD. These deviations/departures shall result in the form of provision of exceptional amenities, design excellence, etc.

Sec. 104-44. - Procedure for Approval. Before approval of a PUD, the land must receive approval of a preliminary development plan and a final development plan following the procedures and standards of this chapter. No building permits may be issued until the final plan and accompanying data have been submitted, approved, and recorded. Application for PUD consideration must be submitted and processed in the following manner:

A. Pre-Application Conference. The conference shall be related to and include an exchange of information regarding the development of the site under the PUD procedures. It shall be the applicant's responsibility to demonstrate consistency with the goals, objectives and policies of the Comprehensive Plan, Land Devel-

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opment Code, and all other applicable regulations and procedures. The applicant shall request in writing a pre-application conference with the Planning Director. The written request should provide a brief description of the proposed PUD, i.e., size, location, description of uses, total square footage of nonresidential uses, nonresidential floor areas ratio, description of nonresidential uses, description of housing types, building heights, total amount of open space, listing of deviations from bulk standards requested, number of phases, location of all wetlands and habitat preservation area, etc. The Planning Director shall give a written notice to the applicant stating the date, time, and the attendees for the conference. The Director shall inform the applicant of the non-refundable application fee, who can apply, PUD application package information, applicant's responsibility for ensuring conformance and compatibility to the City's Comprehensive Plan, Code, and physical characteristics of the site.

B. Preliminary PUD Development Plan. After the pre-application conference, the applicant may submit a completed application along with four (4) copies of the preliminary plan and one (1) digital copy. Within twenty (20) working days of receipt of a PUD application, the Planning Director shall determine whether the application is sufficient, and:

1. If the Planning Director determines the application is not complete, the applicant will be informed about the specific deficiencies. No further actions shall be taken until the deficiencies are corrected and the application is resubmitted.

2. When the application is determined complete, the Planning Director shall notify the applicant of the application's sufficiency and that the application is ready for preliminary review. The applicant shall submit five (5) copies of the accepted preliminary plan.

C. The preliminary development plan shall include:

1. Future land use and zoning district boundaries;

2. An accurate legal description of the entire area under immediate development within the planned development;

3. A Master Plan of the entire development area; including total number of residential units and unit types, total number of nonresidential units, and total square footage for each type of development;

4. A development phasing schedule including sequence for each phase, approximate size of the area in each phase, and proposed phasing of construction of public recreation and common open spaces, and specified location of buildings;

5. Total land area, and approximate location and amount of open space included in each area;

6. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress; and

7. Evidence that the property/development will be under unified supervision or control such as the establishment of a homeowner association.

8. Other documentation reasonably necessary to permit satisfactory review under the requirements of this Code and other applicable City ordinances.

D. The City Commission shall approve, approve with modifications, or deny the plan, unless the applicant requests an extension. The final PUD development plan review, for all or part of the development, must be submitted within six (6) months after the preliminary development plan is approved. Subsequent phases must be submitted in general conformance with the phasing schedule by the applicant with the preliminary development plan. The City Commission shall be permitted to require an applicant to make reasonable contributions including, but not limited to any combination of the following:

1. Dedication of land for public park purposes;

2. Dedication of land for public school purposes;

3. Dedication of land for public road right-of-way purposes;

4. Construction of or addition to roads and utilities serving the proposed project when such construction or addition is reasonably related to the traffic or utility demand to be generated;

5. Installation of required traffic safety devices; and

6. Preservation of areas containing significant natural, environmental, historic, archaeological or similar resources.

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7. There shall be a rational nexus between the impacts of the development and such contribution and the cost of the contribution shall not exceed the development's proportionate share of the total costs of the improvement.

E. Any modification by the developer of an approved preliminary PUD development plan must not:

1. Increase the proposed number of dwelling units by more than five percent (5%);

2. Involve a reduction of the area set aside for open space and usable open space, or a substantial relocation of such area;

3. Increase by more than five percent (5%) the total lot coverage of all buildings and structures within the PUD; or

4. Increase by more than five percent (5%) in the height of any buildings.

F. Final PUD Development Plan. The Planning Department shall approve, approve with modifications, or deny the plan. The final plan shall include:

1. An accurate legal description of the entire area under immediate development within the planned development;

2. A PUD of all lands which are parts of the final plan being submitted, and meeting all the requirements for a final plan as established in F.S. 177. If lands that are a subject of the final plan are to be subdivided, then a subdivision plat is also required;

3. Accurate legal descriptions of each separate use area, including common open space;

4. An accurate site plan;

5. A schedule for development;

6. An environmental impact analysis, if required.

7. A concurrency analysis that meets the requirements set forth in this code;

8. Certificates, seals, and signatures required for the dedication of lands, and recording the document;

9. Tabulation of separate non-subdivided use area, including land area, number of buildings, number of dwelling units, number of bedrooms, and dwelling units per acre; and

10. The final PUD development plan must be in substantial compliance with the approved preliminary development plan.

Sec. 104-45. - Changes to Final Development Plan. The Planning Director may approve those minor changes following an approved final PUD development plan. In general a minor change shall include any change to the interior of the development which does not increase density or intensity, or which does not decrease buffers or open space. Any other changes shall only be approved pursuant to the process set forth in Section 104-43-104-44.

Sec. 104-46. - Effect of PUD Zoning District. Any development of a PUD must be undertaken and carried out in accordance with:

A. The approved final PUD development plans.

B. The Comprehensive Plan and applicable Land Development Code.

C. Such other conditions or modifications as may be attached to the PUD.

Secs. 104-47. Amendments to Built Planned Unit Developments. Any part or all of a PUD which is built may be the subject of an application for a variance or other approval covered by the Land Development Code. The applicant must be the owner of the property and the owners of the remainder of the original PUD must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.

For purposes of this sections, the term "build" means that the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouse, entrance signs, entrance ways and other similar items identified as part of the final approved master concept plan have been constructed and acknowledged by the City as complete. In the case of PUDs that include residential structures, the term "built" does not mean that all residential structures have been constructed on individual platted lots.

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Sec. 104-48. Area and density requirements.

A. A PUD must be at least one (1) acre in area.

B. No minimum lot area or width shall be required within a PUD, provided that the density of the development complies with the density set forth in the Comprehensive Plan for the future land use district in which the property is located, and provided further that the proposed lot lines are shown on the master concept plan.

Sec. 104-49. Fees. Each applicant for a PUD shall pay a fee to the City for the processing and examination of development plans or an amendment thereto.

Secs 104-50—104-60. - Reserved.

ARTICLE III. - SPECIAL TREATMENT ZONES AND OVERLAYS

Sec. 104-61. - Purpose. In addition to the zoning districts established in section 104-20, special treatment zones and overlays shall be depicted on the Zoning Map. These zones and overlays are for areas which, by the nature of their environmental, economic, social, cultural, historic, or blighted conditions, deserve special consideration.

Sec. 104-62. - Applicability. All applicable provisions of this Unified Land Development Code shall apply in all special treatment zones and overlays, as well as those in this article.

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);

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 106.

Sec. 104-64. - St. Andrews Historic Treatment Zone (HTZ).

A. Purpose. The purpose of this zone 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 development 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 Planning Board.

B. District defined. The St. Andrews historic treatment zone is defined as those parcels depicted on the St. Andrews historic neighborhood 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 City's Planning Director, the Planning Board 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:

i. Walls shall be constructed of materials that match the area's historic materials in composition, size, shape, color, pattern and texture.

ii. Foundations shall be designed to retain the

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neighborhood's relationship between the height of the foundation and the exterior framing.

iii. Windows and doors shall have substantial conformity to the building's historic character.

iv. 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.

Sec. 104-65. - 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 Department and NSA Panama City, prior to final action.

1. Within 10 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).

Sec. 104-66. - Gateway Overlay (GO) (Formerly known as the Tourist Corridor Overlay)

A. Purpose. The purpose of the Gateway Overlay (GO) is to promote the general health, safety and welfare of the community; to create a sense of place that is aesthetically appealing for those traveling through the City; to encourage innovative development projects that set standards for landscaping, community design and aesthetics; to establish consistent and harmonious design standards for public improvements and private property development along Highway 98 and parts of Harrison Avenue so as to unify the distinctive visual quality of the Corridor.

B. District Defined. The GO applies to non-residential land parcels of record within the City having frontage along major roadways of U.S. Highway 98 / 15th Street; Harrison Avenue; Highway 368 / 23rd Street; Business U.S. Highway 98; **Highway 390**; and Highway 77**. The district applies to property within 400 feet of the roadway (on each side of the road).**

No Certificate of Occupancy regarding any Building Permit or Development Order shall be granted prior to assurance that requirements of this Chapter have been met.

C. Design Requirements. Refer to Chapter 105 for design requirements in the GO.

D. Prohibited Uses:

1. The following uses are prohibited in the GO:

i. Sale **and use** of mobile/manufactured homes;

ii. Flea markets; bazaars, yard sales, or similar sales;

iii. Any business commonly known as "check cashing," or any business which, as a material part of its services, provides future employment wages or other compensation (often known as "payday loans," or

"payday advances");

iv. Dating services, escort services, valet services;

v. Pawnshops, as defined by section 539.001(2), Florida Statutes;

vi. Bail bond agencies, as defined by section 648.25(1), Florida Statutes;

vii. Palm readers, fortune tellers, tarot card readers, psychics, and similar businesses;

viii. Bottle clubs;

ix. Any business which, as a material part of its services, provides loans secured by vehicle titles (often known as "car-title loans");

x. Impound yards; automobile wrecking; recycling yards; and similar uses;

xi. Recreational vehicle (RV) sales, storage, repair;

xii. Stand-alone car wash facilities;

xiii. Mobile home parks;

xiv. Heavy equipment sales, service, and storage;

xv. Self-Service Storage Facilities;

xvi. Dispatch office and vehicle fleet parking, storage and maintenance;

xvii. Labor pools;

xviii. Adult entertainment;

ixx. Manufacturing of chemical products;

xxi. Contractor storage or salvage yard;

xxii. Towing service and

xxiii. Window tinting.

E. Transit Facilities:

1. Developments greater than 100,000 square feet shall designate a minimum one hundred (100) square foot area on the site plan as a transit stop if requested by the Bay Town Trolley.

F. Seasonal Sales:

1. Seasonal sales items shall not occupy any required parking spaces, parking lot aisles, or required landscaping buffers or areas.

Sec. 104-67. - East Robison Bayou Planned Unit Development (ERB)

A. Purpose. The purpose and intent of the ERB zoning district is to provide an opportunity for limited non-residential and residential development on certain real property located along Frankford Avenue and adjacent to East Robinson Bayou with Parcel Identification Numbers 26656-030-000 and 26656-020-000. The ERB zoning district shall be allowed only in the East Robinson Bayou future land use category.

B. Permitted Uses: Each residential lot shall be used solely for a single-family detached residence. Non-residential uses shall be limited to professional and business offices, retail uses, restaurants and food establishments, and medical healthcare services.

C. Height: The maximum building height for a single-family residence shall be forty-five (45) feet. The maximum building height for a non-residential structure shall be fifty (50) feet.

D. Intensity: The maximum intensity for non-residential uses is a floor area ratio of 2.0 to be located on one 1. non-residential lot approximately 1.68 acres in size, which shall be located adjacent to Frankford Avenue.

E. Density: The maximum density in the ERB zoning district is nine (9) residential lots ranging in lot sizes of 0.37 acres to 0.75 acres.

F. Impervious Surface Ratio: The maximum ISR for a residential lot is 0.60 of the total parcel area. The maximum ISR for the non-residential lot is 0.70 of the total parcel area.

G. Residential Setbacks and Lot Sizes: Minimum setbacks shall be: (1) front – 20 feet; (2) rear – 10 feet; (3) side – 5 feet; and (4) waterfront – 20 feet. The minimum lot size shall be 15,000 square feet, and the minimum lot frontage shall be 50 feet.

H. Non-Residential Setbacks: Minimum setbacks shall be: (1) front – 15 feet; (2) rear – 20 feet; (3) side – 7 feet; and (4) waterfront – 20 feet.

I. Community Dock: A community dock shall be allowed in accordance with FDEP and ACOE permits.

Secs. 104-68—104-90. - Reserved.

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CHAPTER 105 – DESIGN STANDARDS

Sec. 105-1. - Purpose and intent. The purpose of this chapter is to provide site design and improvement standards applicable to specific areas within the City. The provisions are intended to ensure functional and attractive development. The standards allow for flexibility in site design, while ensuring compatibility with adjacent uses.

Sec. 105-2. - General Citywide Setback Standards. The following standards shall apply to development within the entire City, regardless of the zoning district classification.

A. Setbacks.

1. Measurement of setbacks. Setbacks for primary structures shall be measured from the foundation or wall.

2. 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.

3. Setbacks on curves. **Setbacks should follow a curve of the street, road or alley.**

4. ~~**Setbacks on corners. Setbacks for corner parcels shall be determined by measuring the front setback as a 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.**~~

Setbacks on road right-of-ways. All new structures built along road right-of-ways should adhere to a front yard setback along that road. If the lot is a corner lot then it must adhere to two front setbacks.

5. 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.

6. Accessory structures setbacks. Three feet from any abutting parcel line not adjoining a street or alley; 7 feet from a street or alley right-of-way line.

7. 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.

Sec. 105-3. – Appearance Standards for Single-Family Dwellings.

A. Applicability. To promote consistency within residential neighborhoods in the City, the following architectural and aesthetic standards shall apply to all single-family residences in the City within any land use district, except as follows:

1. MH-1 District;

2. Mobile home parks; and

3. Any other single-family residence located in a subdivision which is subject to covenants and restrictions which regulate exterior appearance and aesthetics when such covenants apply to all lots within the subdivision. Such subdivisions shall be deemed to be similar in appearance and are therefore exempt from the requirements of this section.

B. Architectural and aesthetic standards.

1. Roof.

i. The roof shall have a minimum overhang of 12 inches.

ii. The roof pitch shall be equal to or greater than the roof pitches of the majority of homes in the surrounding neighborhood, but not less than 4 inches of rise for every 12 inches of run.

~~**iii. The roof covering shall consist of asphalt shingles, tile, slate, wood shakes, wood shingles, or any other roof covering that appears on the majority of homes in the surrounding neighborhood.**~~

2. The electric meter box shall be permanently affixed to the single family structure.

3. Exterior steps, if any, shall be permanently affixed to the foundation or a façade stem wall.

4. Foundation.

i. Each single-family residence shall have a permanent foundation or permanent enclosure around the perimeter of any elevated home that presents

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a clean, uncluttered appearance. A permanent foundation may include break-away walls, when required in flood areas.

ii. The foundation and finished architectural elevation shall be substantially similar in appearance to the foundation and finished architectural elevations of residences in the surrounding neighborhood.

5. Siding.

i. Each single-family residence shall have siding material consisting of brick, stucco, stone, wood shingles, masonry, a vinyl covering, or any other material that appears on the majority of homes in the surrounding neighborhood.

ii. This provision does not require a residence's siding to be constructed from certain materials, only that the siding has the appearance of such material.

Sec. 105-4. – Gateway Overlay District (GO) Design Standards.

A. Purpose. The purpose of the Gateway Overlay District (GO) is to promote the general health, safety and welfare of the community; to create a sense of place that is aesthetically appealing for those traveling through the City; to encourage innovative development projects that set standards for landscaping, community design and aesthetics; to establish consistent and harmonious design standards for public improvements and private property development along the major corridors so as to unify the distinctive visual quality of these roadways.

B. District Defined. The GO District applies to non-residential land parcels of record within the City limits having frontage along the major roadways of U.S. Highway 98 / 15th Street; Harrison Avenue; Highway 368 / 23rd Street; Business U.S. Highway 98; Beck Ave; **Highway 390;** and Highway 77. **The district applies to property within 400 feet of the roadway (on each side of the road).**

No Certificate of Occupancy regarding any Building Permit or Development Order shall be granted prior to assurance that requirements of this Chapter have been met.

C. Entryways.

1. At least one public entrance shall be located facing the major roadway and connected by a pedestrian sidewalk. Such entrance may be to tenant spaces other than the primary tenant.

2. Parcels located on major roadways shall provide interconnectivity between adjacent parcels where feasible.

D. Facades.

1. To improve the view along the corridor, large undifferentiated wall planes shall be avoided.

2. Building facades visible from the major roadways shall be articulated with recesses and projections. Recesses and projections shall be a minimum of six inches (6") in depth and a minimum of three (3) feet long within each 100 feet of facade length.

3. Building facades facing the major roadways shall include a minimum of three (3) of the following design elements along no less than sixty (60) percent of their length:

i. Arcade;

ii. Awnings/shutters/canopies, located over or next to doors or windows;

iii. Clock, bell tower, or cupola;

iv. Decorative light fixtures;

v. Decorative landscape planters or window flower boxes containing flowers and landscaping;

vi. Raised cornice parapets over the doors;

vii. Medallions;

viii. Clear glass display window(s) that cover at least twenty (20) percent of one facade or thirty (30) percent of two facades;

ix. Overhanging eaves extending out from the wall at least three (3) feet with a minimum eight (8) inch fascia; and

x. Architectural details other than those listed above, which are integrated into the building and overall design, such as artwork, decorative tile work, or decorative columns/pilasters.

4. All building facades visible from the major roadways shall include a minimum of two design elements listed in Section 105-2.D.3 along no less than 40% of

their length.

5. At least 75 percent of all visible walls shall be made of wood, brick, stone, stucco, synthetic stucco, exterior insulation finish system (E.I.F.S.), wood, architectural concrete panels, or similar non-ferrous materials determined by the director as a matter of fact to be aesthetically comparable and at least as opaque, weather resistant and permanent as one or more of the foregoing materials.

6. Roofs shall be noncorrosive standing-seam metal, tiles, shingles or similar materials.

E. Roof Treatment.

1. Variations in roof lines shall be used to add interest and reduce the massing of buildings. Roof features shall be in scale with building mass.

2. At a minimum of two locations the roof edge or parapet shall have a vertical change of a minimum of three feet from the dominant roof design. At least one such change shall be located on the facade facing the major roadways.

F. Access Management.

1. New curb cuts shall be minimized. New developments shall provide vehicular access to adjacent vacant parcels, and if possible to developed parcels, by means of connected parking lots, shared driveways, cross-access easements, or other inter-parcel connections.

2. Stub-outs and other design features shall be provided that make it visually obvious that the abutting properties are accessible thru cross-access points.

3. Siting of buildings shall take into consideration the relationship of the site to adjacent buildings and internal street systems and driving aisles to promote interconnectivity between adjacent land uses. Separation of buildings by internal streets or driving aisles may be required to promote connectivity and promote pedestrian orientation.

4. Stormwater ponds and landscaping that prohibits pedestrian access shall be located so as to minimize pedestrian impediments.

G. Lighting.

1. Lighting should be from concealed sources (i.e., the light source or bulb itself is not visible) and be of a kind that does not distort colors.

2. Lighting should be of a downcast directional or cut-off type capable of shielding the light source from direct view and providing well-defined lighting patterns. Exceptions may be permitted for lower voltage accent lighting such as traditional coach lights.

3. Outdoor lighting must not spill over onto adjoining properties, buffers, highways, nor impair the vision of motor vehicle operators.

H. Outdoor Storage.

1. All outside storage, service areas, refuse removal areas, loading areas or displays of goods shall be screened from the view of all public rights-of-ways.

I. Fences and Walls.

1. No fences or walls should be located in the front and/or corner side yard unless they are of a decorative nature and approved for use by the Planning Department.

2. New freestanding or retaining walls must be made of stone, brick, or similar materials.

J. Accessory Structures.

1. Accessory structure(s) should be of a style, color, and materials consistent with the main structure(s).

2. Dish or satellite antennas should not be visible from a public or private street.

K. Signs.

1. Free standing ground monuments are the preferred choice of signs along the corridor. The maximum height shall be 35 feet; the maximum size per face shall be 120 feet.

Sec. 105-5. – Dumpsters.

A. All placement and use of dumpsters and garbage containers shall fully comply with the requirements of this section.

B. A dumpster shall be required for the following specific uses regardless of gross floor area: restaurants, grocery stores, convenience stores and multifamily development of eight or more units.

C. A dumpster shall be required for all commercial, mixed use, and industrial development where the total gross floor area of all buildings on the site is 2,000 or more square feet.

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D. Multifamily development of less than eight units or commercial, mixed use, and industrial development that is less than 2,000 square feet of gross floor area may provide either a dumpster or individual garbage containers.

E. Dumpsters shall meet the following standards:

1. Dumpsters shall be located on a paved surface of sufficient size to accommodate the dumpster.
2. The dumpster location shall be easily accessible for pickup.

3. Dumpsters shall be located to the rear or side of the principal building.

4. Dumpsters shall not be located within any required buffer area, landscaped area, including parking lot landscaping, or stormwater management area.

5. Dumpsters shall be set back from any adjacent property designated or used for residential purposes a minimum of 30 feet.

6. Dumpsters shall be located a minimum of 20 feet from the exterior wall of a building, unless a closer distance is acceptable based on the fire rating of the wall and approved by the City.

7. Dumpsters shall be screened as follows:

i. All four sides shall be screened and the enclosure shall be constructed of concrete block, poured concrete, recycled plastic, lathe and stucco over styrofoam, or other durable, opaque material. Under no circumstances shall chain link fence woven with slats made of vinyl, aluminum, or any other material be used for screening enclosures subject to this Chapter. The enclosure shall have a decorative, finished appearance to compliment the principal structures on site and shall be maintained in good repair and appearance at all times.

ii. Screening shall be in the form of **deciduous or** evergreen trees and shrubs, or a solid opaque fence or gate. Plants shall be planted in a double-staggered row to form a continuous hedge, and shall be planted to allow the installation of a gate for access.

iii. Trees and shrubs shall comply with the specifications for landscaping materials set forth in Chapter 105, except that shrubs shall be a minimum of **one and a half** feet in height at the time of planting. Trees shall be selected from the City's tree replant list and shall be planted a maximum of eight feet apart, on center.

iv. A gate shall be of an opaque material of color and material complimentary of the enclosure and shall provide access with a minimum 12' opening.

8. Screening enclosures in existence as of the effective date of this Chapter are exempt from the requirements of this section. However, if an existing screening enclosure is substantially rebuilt (cost of reconstruction exceeds 50% of the replacement value of the original structure) or replaced, the requirements of this Chapter must be met.

F. Garbage containers shall meet the following standards:

1. Containers shall be of a size and type provided by the City.

2. A stable, firm, and level surface shall be provided, both in the permanent location and the pickup location.

3. Containers shall be located to the rear or side of the principal building, except when moved to the front for pickup.

4. Containers shall be screened from view from adjacent properties and the public right-of-way. Screening may be provided by shrubs planted in a double-staggered row on three sides or by a wooden or masonry enclosure on three sides.

5. Containers shall not be located in any required buffer area, landscaped area, including landscaped parking lots, or stormwater management area.

Sec. 105-6. – Gasoline Service Station and Auto Repair.

A. A gasoline service station is permissible in the mixed use, commercial, and industrial zoning districts, subject to the district standards and the design standards set forth in this section.

B. The term "gasoline service station" includes convenience stores with gas pumps, and establishments that provide the following accessory uses, in addition to gas pumps: fast food restaurants, drive-thru restaurants, groceries, sundries, supplies for the traveling public, food, and beverages.

C. Access requirements for gasoline service stations:

1. Access shall be from a collector or arterial street.

2. Access shall be a minimum of 50 feet from a street intersection as measured at the intersection of the street centerlines.

D. Gasoline service station pump islands shall be set back a minimum of twenty (20) feet from any property line.

E. Underground storage tanks shall be designed, located, and monitored in full compliance with State requirements. Evidence of such compliance shall be provided to the City.

F. Oil drainage pits and hydraulic lifts shall be located as follows:

1. Such uses shall be within an enclosed structure.

2. Such uses shall be set back a minimum of 50 feet from any property line.

G. Gasoline service stations located within 100 feet of any property designated for residential uses shall meet the following standards:

1. The buffer shall be two times the buffer that is otherwise required by Table 107.1.

2. An opaque or solid fence shall be required on any side or rear property line that is within 100 feet of any property in a residential land use district. The fence shall be a minimum of six feet in height, but not more than 8 feet in height.

3. The decorative or finished side of the fence shall face outward.

H. Drive-thru lanes for restaurants or car wash facilities associated with the gasoline service station shall be located a minimum of 100 feet from any property designated for residential uses. Distance shall be measured from the outermost edge of the drive-thru lane to the property line of property designated for residential use.

I. All exterior lighting shall be directed and shielded to avoid direct illumination of adjacent properties.

J. Audio amplification systems, including, but not limited to, telephone loudspeakers or paging systems, shall be located to ensure that the sound cannot be heard on adjacent properties.

K. Any repair services shall be provided only within an enclosed building.

L. Vehicle parts, supplies, damaged parts, or other materials and supplies shall be stored within an enclosed building.

M. Canopies over gas pumps or pump islands shall meet the setback requirements for the land use district in which they are located.

N. The sale of vehicles is prohibited on the gasoline service station site and any adjacent right-of-way.

Sec. 105-7. – Commercial Daycare, Pre-School, and Nursery School.

A. Day care centers shall provide proof of compliance with State standards.

B. Playgrounds shall be provided in a size and type required by State standards. The following additional standards shall apply:

1. The playground shall be located in the rear yard. Where site characteristics prevent location of a playground in the rear yard, and adequate space is available in the side yard, a playground may be located in the side yard. Location of a playground in the front yard is prohibited.

2. The playground shall be fully fenced.

3. The playground shall be located no closer than 50 feet to any adjacent property designated as a residential land use district.

Sec. 105-8. – Outdoor Storage.

A. Outdoor storage is prohibited on vacant property in all zoning districts.

B. Outdoor storage shall be fully screened from view from adjacent properties and from public rights-of-way by a fence, wall, landscaping, berm or buffer.

1. Where a fence or wall is proposed, the fence or wall shall be solid **(not chain link)** and either wooden, or masonry, a minimum of six feet in height, and a maximum of eight feet in height.

C. Stored materials shall not exceed the height of the fence.

D. Outdoor storage of parts and materials shall be maintained in a neat and orderly manner.

E. Outdoor storage shall include goods, materials, **equipment** and vehicles with current tag and registra-

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tion.

F. The storage area shall be maintained in a stabilized, dust-free surface.

Sec. 105-9. – Automobile Vehicle Sales. Automobile vehicle sales established for new or used vehicles are permissible in the commercial and industrial zoning districts, subject to the standards for the district and the supplemental standards set forth in this ULDC.

A. Automobile vehicle sales establishments may sell, rent, or lease vehicles, including watercraft that are currently licensed.

B. Automobile vehicle sales establishments shall be located a minimum of 100 feet from any property designated for residential use.

C. All areas for display or sale shall be provided with a paved, or stabilized, dust free surface. Areas used for display or sale of vehicles shall not include any parking spaces required to meet the standards of Chapter 108.

D. Mechanical repairs, body, and paint repairs are permitted as an accessory use to facilities providing new or used vehicles, and watercraft. Such repairs shall only be conducted within an enclosed building which meets all applicable federal and State requirements, including health, safety and fire prevention regulations.

E. All property lines adjacent to vehicle displays shall have installed a permanent fence, landscaping, and a parking block to prevent vehicles from accidentally rolling from the display area.

F. The owner of the vehicle sales establishment shall prepare a plan and inventory for the safe storage of flammable or hazardous materials to be stored or used on the property. The plan shall provide for the prevention, containment, recovery, and mitigation of spilled fuel or other hazardous material. The inventory shall be submitted to the City prior to the building permit approval, listing the type, quantity, and location of these materials. The inventory shall be kept current pursuant to direction provided by the City.

G. Vehicles, signs, banners, tents, or other items shall not be stored, parked, displayed, or otherwise placed on public rights-of- way at any time.

H. All exterior lighting shall be directed or shielded to avoid illumination of adjacent properties.

I. Audio amplification systems, including, but not limited to, telephone loudspeakers or paging systems, shall be located to ensure that they cannot be heard on adjacent properties.

J. All outside storage and loading areas shall be fully screened from view from adjacent properties and the public right-of-way. Screening may be landscaping or enclosed by a wooden, masonry, or solid fence. Where landscaping is provided, the landscaping shall meet the standards set forth in Section 107. Where a fence is provided, the fence shall be a maximum of 8 feet in height. The finished side shall face outward.

Sec. 105-10. – Mini-Warehouse and Self-Storage Facilities. Mini-warehouse or self-service storage facility shall be permitted within the GC-2 and Industrial Districts and shall comply with the following:

1. Use shall only be for dead storage of personal property not otherwise prohibited herein.

2. There shall be no use that is noxious or offensive because of odors, dust, noise, fumes or vibrations.

3. There shall be no storage of flammable liquids or other dangerous materials or chemicals, or storage of animals.

4. Such facility shall be completely enclosed and climate controlled within 300 feet of a public road.

5. There shall be no activity, including, but not limited to, band practice, which causes the assembly of people not using the facility for dead storage.

6. There shall be no unlawful use of a facility or part thereof.

7. No storage is permitted within the Gateway Overlay District or along the tourist corridors in the City.

Sec. 105-11. – 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.

Sec. 105-12. – 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.

Sec. 105-13. – Marinas.

A. 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.

B. Applicability. The standards and criteria set forth in this section shall apply to all new marina developments and the expansion of any existing marina.

C. 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.

D. 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. 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.

E. Location by land use district.

1. All marinas are prohibited in residential districts.

2. Marinas may be allowed in Urban Residential, Mixed Use, and General Commercial districts as conditional uses and as allowable uses in LI and HI districts.

F. Location criteria and development standards.

1. All new marinas or marina expansions shall comply with the following criteria and standards:

i. The upland area must be of sufficient size to accommodate parking, utility and support facilities;

ii. Provide public access, if applicable;

iii. 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;

iv. Demonstrate the capability to provide cleanup of oil spills within boundaries of the leased area;

v. Provide a hurricane mitigation and evacuation plan for residents of live-aboard vessels;

vi. Designate future upland spoil site(s) for maintenance dredging activities, if applicable;

vii. Be located in a manner to afford immediate access to natural channels so that minimum or no dredging shall be required;

viii. 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;

ix. Maintain water quality standards required by F.S. Ch. 403;

x. Be located in areas having adequate water depth to accommodate the proposed boat use without disturbance of bottom habitats;

xi. Delineate immediate access points with channel markers that indicate speed limits and any other applicable regulations or conditions;

xii. Be located in appropriate land use districts;

xiii. Be located in areas away from sea grass beds, oyster reefs and other important fish and shellfish spawning and nursery areas;

xiv. Demonstrate a public need and economic viability and feasibility;

xv. Prohibit the discharge from any boat or vessel of any oil, fuel, grease, paint, solvent, construction

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debris, or other similar substances.

Sec. 105-14. – Sidewalk Cafe – Flexible Street Cafe Program.

A. Generally. Sidewalk dining that is compatible with other uses of the public sidewalk is encouraged within the CRAs. The City finds that sidewalk cafés encourage a pedestrian-oriented environment, help to create a visually attractive atmosphere and streetscape, and promote overall commerce.

B. Declarations. In adopting these regulations, the City Commission has found and declared that:

1. There exists the need for outdoor eating establishments in certain pedestrian oriented areas of Downtown to provide a unique environment for relaxation and food consumption.

2. Because of the high intensity of development in certain commercial corridors in the downtown area, the lack of adequate vacant land and the need to encourage the redevelopment of existing structures, there exists a need to provide an opportunity for outdoor dining to be located on sidewalks in the public right-of-way.

3. The existence of sidewalk cafés encourages additional pedestrian traffic to these areas and encourages more downtown activity and further redevelopment.

4. The presence of sidewalk cafés may impede the flow of pedestrian traffic on the public right of way.

5. There is a need for regulations and standards for the existence and operation of sidewalk cafes to facilitate a safe environment and avoid impeding pedestrian access on public right of way.

6. The establishment of permit conditions, specific location requirements and safety standards for sidewalk cafés is necessary to protect and promote the general health, safety, and welfare of the residents of the City.

7. The issuance of a sidewalk café license agreement shall not constitute nor shall it be construed to constitute a vacation or abandonment by the City of its interest in the right-of-way or any easements contained therein.

8. The establishment of a sidewalk café flexible streets program is the preferable method of implanting sidewalk cafes in Downtown to avoid large capital costs to the City and business owners who may desire to expand dining options.

C. License Agreement Required. It shall be unlawful for any person to operate a flexible street sidewalk café or install or place any sidewalk café facilities on any sidewalk, adjacent parking area or public right-of-way without a permit or license as provided by this section. Receipt of a sidewalk café license shall exempt the license holder from obtaining a "minor easement" from the City for any fixture or structure approved by the license. A sidewalk café license shall be a permit to use the sidewalk and related area of the right-of-way shall not grant nor shall it be construed or considered to grant any person any property right or interest in the sidewalk parking area or public right-of-way. A request for an exemption to the City's Alcohol Ordinance (Municipal Code Section 3-3) shall be made for those cafes desiring to serve alcoholic beverages in the café simultaneously with the request for use of the public right-of-way. Any individual or entity possessing, consuming, purchasing or selling alcoholic beverages pursuant to the City Commission approval shall do so only in designated areas and only during designated time periods authorized by license and shall do so in full compliance with all municipal and state laws and regulations.

D. Application, Permit and Fee. The City's Planning Department shall provide, review and accept the Sidewalk Café Permit Application from those interested in applying for this permit/license. Fee shall be nominal amount for the program.

E. Liability and Insurance.

1. By applying for a flexible streets sidewalk café license, any person owning or operating such use agrees to indemnify, defend, save and hold harmless the City, its officers, agents and employees from any and all claims, liability, lawsuits, damages and causes of action which may rise out of such activity. The owner or operator shall enter into a written agreement with the City to provide this indemnification. Such agreement must be reviewed by the City Attorney.

2. The owner or operator shall acquire and keep in full force and effect, at its own expense, insurance in the following amounts and types:

i. Commercial general liability in the amount of at least $1,000,000 per occurrence for bodily inju-

ry and property damage. The City shall be named as an additional insured on this policy and an endorsement must be issued as part of the policy evidencing compliance with this requirement. The flexible streets sidewalk café area must be added to the applicant's general liability insurance and the addition of the sidewalk café location must be referenced on the certificate of insurance.

ii. Liquor liability insurance is also required in the amount of $1,000,000.

iii. Workers' compensation and employers' liability as required by the State of Florida.

iv. All policies must be issued by companies authorized to do business in the State of Florida and rated A; VI or better by A.M.'s Key Rating Guide, latest edition.

v. The City shall receive at least 30 days written notice prior to any cancellation, non- renewal or material change in the coverage provided.

vi. Any person operating a sidewalk café shall provide, and must have approved by the City's Risk Manager, an original certificate of insurance as evidence that the above requirements have been met prior to the initiation of the sidewalk café. Failure to comply with all these requirements shall cause a suspension or revocation of all sidewalk café activities.

vii. The insurance policy shall be in effect from October 1 until September 30 of the following calendar year or during the period the flexible street sidewalk café area is under license with the City.

F. Standards and Criteria for Application Review.
The following standards and criteria shall be applied in reviewing an application:

1. A license for a flexible street sidewalk café shall be issued only to a person who has paid the business tax for a business establishment and who wishes to provide tables and chairs on the sidewalk(s) and right of way abutting such establishment for use by the general public in direct support of their business.

2. Flexible street sidewalk cafés are restricted to the sidewalk frontage of the abutting business establishment to which a permit has been issued as well as the specific area described in the approved license.

3. In the event the flexible street sidewalk café area of the permit extends to a sidewalk in front of another space in the same building or an adjacent property, the license holder must obtain written permission from the owners and tenants (if any) of the building or space abutting the additional sidewalk frontage and such approval must not have been revoked or suspended.

4. Flexible street sidewalks shall be located on sidewalks which are at least 10 feet in width. Sidewalks less than 10 feet but more than 8 feet in width may be considered for flexible streets sidewalk cafes provided the public safety issues created by the narrower width, including but not limited to sidewalk surface and separation of pedestrians from vehicular traffic, are adequately addressed. Sidewalk cafés may use the parking areas directly in front of the business with authorization in the license.

5. Flexible streets sidewalk cafés shall be located in a manner that promotes efficient and direct pedestrian movement and shall not block or impede pedestrian use of the sidewalk:

i. A minimum of 1 unobstructed pedestrian path at least 4 feet wide shall be maintained, parallel to the abutting business, at all times.

ii. A minimum of 1 unobstructed pedestrian path at least 42 inches wide shall be maintained to connect the sidewalk to the curb line of the adjacent flexible streets sidewalk café street/parking area. ADA compliance for access must also be provided at all times.

iii. Unobstructed passage shall be provided to building entrances which shall include at least a 2 foot clearance on each side of any entrance.

iv. In areas of congested pedestrian activity, the Police Department may require a wider pedestrian path.

6. The maximum width of the sidewalk café platform shall be 1 foot less than the total width of the adjacent parking stall, in order to be narrower than surrounding parked cars.

7. The surface of the sidewalk café platform shall be flush with the sidewalk.

8. Curbside drainage must not be impeded by the sidewalk café platform.

9. It is strongly recommended that the street asphalt

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not be damages or used to anchor the sidewalk café platform to the street/parking area.

10. The perimeter around the flexible streets sidewalk café area must be delineated using non-permanent fixtures such as decorative railings, chains, potted plants, or other approved fixtures. The anchoring of tables, chairs, umbrellas, awnings, canopies, railings or other fixtures may be approved by the Planning Department provided such anchoring meets all other applicable codes, ordinances and laws and the license holder provides adequate assurances that the sidewalk, parking area or right of way will be repaired in a manner consistent with City requirements concerning sidewalk repair in the event any anchored fixture is removed. Flexible street sidewalk café boardwalk connection platforms illustrated in Exhibit 1 shall be the preferred method of Sidewalk Café expansion in the parking area/right of way. This structure shall not be anchored.

11. Tables, chairs, umbrellas, canopies, plants, awnings and any other fixtures and/or furnishings shall be of uniform design and shall be made of quality materials and workmanship and repair to ensure the safety and convenience of users and to enhance the visual quality of the urban environment. Design, materials and colors shall be compatible with the abutting building for all locations, all proposed license requests must be attractive in quality and be similar in nature and character to illustrations in Exhibit 105-1 attached for reference/ examples. All furnishings in the licensed area shall be maintained in a quality manner for purposes of safety as a condition of the license.

12. The corner railings or posts of the flexible streets sidewalk café area should have reflective decals, medallions, or material attached on the street side, in order to provide clear boundaries to the cars driving along the right-of-way of Harrison Avenue and the associated side streets.

13. The license applies only to the flexible street sidewalk café area, related uses on private property are governed by other regulations.

G. <u>Conditions of flexible street sidewalk café license</u>. Sidewalk cafés permitted under this section shall be subject to the following conditions:

1. The license issued shall be personal to the license holder and any transfer of ownership must be consistent with Section 7-35 of the City's Municipal Code and approved by the City's Business License Department.

2. The Planning Department may require the temporary removal of a sidewalk café by the license holder when street, sidewalk, or utility repairs necessitate such action or when it is necessary to clear sidewalks for a parade permit or other permit issued by the City. The license holder shall not be entitled to any refund for such removal. The City shall not be responsible for any costs associated with the removal or the return and installation of any flexible streets sidewalk cafe fixtures.

3. The City may cause the immediate removal or relocation of all or any part of the flexible streets sidewalk café in emergency situations. The City, its officers, agents and employees shall not be responsible for any damages or loss of sidewalk café fixtures relocated during emergency situations and shall not be responsible for any costs associated with the removal or the return and installation of any sidewalk café fixtures.

4. The flexible streets sidewalk café shall be specifically limited to the area shown in the permit.

5. The sidewalk café shall be open for use by the general public and such use may be restricted to patrons of the license holder only during the hours of operation of the sidewalk café. The hours of alcohol consumption and sales must comply with all state and local laws and ordinances.

6. Tables, chairs, umbrellas, canopies, plants, awnings and any other fixtures used in connection with a sidewalk café shall be maintained with a clean and attractive appearance and shall be in good repair at all times, in order to facilitate a safe attractive environment.

7. Tables, chairs, awnings, canopies, umbrellas and any other decorative material shall be fire-retardant or manufactured of fire resistant material.

8. No tables, chairs or other fixtures used in connection with a sidewalk café shall be attached, chained, or in any manner affixed to any tree, post, sign or other fixture in the right of way.

9. The sidewalk café area including the area extending from the sidewalk café area into the street, shall be maintained in a safe, neat and orderly appearance

at all times and shall be cleared of all debris on a periodic basis during the day and at the close of each business day.

10. No additional outdoor seating authorized herein shall be used for calculating seating requirements pertaining to the location of, applications for, or issuance of a liquor license for any establishment nor shall the additional seats be used to claim any exemption from any other requirements of any City, county or state codes, ordinances or laws.

11. The opening and closing hours of sidewalk cafés shall not extend beyond the hours of operation for the abutting business establishment holding the sidewalk café license. The City may restrict the hours of operation for sidewalk cafés abutting residential uses.

12. The license holder shall notify the City, in writing, when operation of a sidewalk café begins. The notice shall be delivered to the City within 24 hours of such commencement.

13. No food preparation shall be allowed on the sidewalk. There shall be no cooking, storage, cooling or refrigeration or other equipment located in the sidewalk café area.

14. The license holder is responsible for the prompt repair of any damage to the sidewalk, public parking areas or right of way caused by the sidewalk café use, including damage caused by a patron.

15. Any table or chair shall not be placed within 5 feet of bus stops, fire hydrants, or counter service windows nor within 2 feet of any building entrances and/or exits.

16. Signs including pennants, flags, and banners are prohibited inside and outside of the sidewalk café area.

17. Not more than 1 menu board shall be allowed for each sidewalk café. The menu board shall not exceed four (4) square feet. The menu board shall be attached to the abutting building or other location approved by the Planning Department and must be in compliance with City Codes. All signage, including the menu board and signage on awnings, canopies and umbrellas and other fixtures, must be in compliance with City codes and CRA sign guidelines regulating signage.

18. Businesses which serve alcoholic beverages at the sidewalk café shall also meet the following requirements:

i. The business shall hold a current valid liquor license from the State.

ii. Containers used for dispensing alcoholic beverages shall be kept inside the business.

iii. The business shall hold a current business license from the City.

iv. The business shall pay the assigned license fee for holding current permit for the flexible street sidewalk café.

Secs. 105-15—105-25. - Reserved.

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CHAPTER 106. ENVIRONMENTAL PROTECTION

Sec. 106-1. - Purpose. The purpose of this Chapter is to provide standards to regulate development activities which could contribute to the destruction or pollution of environmentally significant resources, and to establish those resources to be conserved.

Sec. 106-2. - Applicability. A developer should apply the provisions of this Chapter 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 adverse impacts caused by development activity. No development order may be issued until the provisions of this Chapter have been met, and/or suitable mitigation is provided to prevent/offset adverse impacts to the protected resource.

Sec. 106-3. - 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:

A. Wetlands;

B. Marine resources including sea grass beds, estuaries, submerged lands, and estuarine shoreline;

C. Identified wildlife habitat;

D. Designated flood zones; and

E. Protected trees.

Sec. 106-4. - Wetlands.

A. Generally. Wetlands are those under the jurisdictional permitting authority of the Florida Department of Environmental Protection and defined in F.A.C. 62-340.300 (as amended); and/or the U.S. Army Corps of Engineers and defined in Title 33, Code of Federal Regulations (Chapter II, Part 328, section 328.3).

B. Protection standards. All development activities in jurisdictional wetlands are prohibited unless:

1. Valid permits are obtained from the Florida Department of Environmental Protection and/or the U.S. Army Corps of Engineers, subject, however, to the provisions of Section 102-33.C.;

2. Appropriate mitigation of destroyed or damaged wetlands is provided by the developer pursuant to the provisions of, Ch. 62-330 Florida Administrative Code (as amended);

3. The development activities are determined not to be contrary to the public interest as defined in the comprehensive plan.

C. Upland buffers to protect wetlands are required in accordance with Comprehensive Plan Policy 6.6.4.

Sec. 106-5. - 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 degradation 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 Chapter 102;

2. Appropriate mitigation of destroyed or damaged sea grass beds is provided by the developer pursuant to the provisions of Ch. 62-330, Florida Administrative Code.

B. Estuaries and submerged lands. No development activities may be undertaken on submerged lands or the 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.

Greater buffers may be required if the upland activity adversely impacts beneficial estuarine functions. The buffer requirement may be allowed to coincide with the setback requirements for landscaping requirements. Notwithstanding, the following exceptions shall apply:

1. **In any case, the buffer requirement shall not exceed the width of the estuarine water body when the water body is less than 20 feet across. However, the estuarine buffer cannot be smaller than that**

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required by any state or regulatory agency.

2. Project design and construction may be allowed in lieu of the required buffer when it can be demonstrated the design and construction provides protection to the water body that is equal or greater than the vegetated buffer, or restores the natural flow and function of the wetland. However, the estuarine buffer cannot be smaller than that required by any state or regulatory agency.

3. The development or construction activity is in the overriding public interest such as a public hazard, road, utilities, and resource-based recreational facilities.

Sec. 106-6. - 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 and Wildlife Conservation** Commission.

B. Protection standards. An owner or developer of any areas identified as a habitat for endangered or threatened species shall provide a study by a qualified biological consultant that defines the value and extent of such habitat. If the study determines that the 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. F.A.C. 68A-27 (as amended) administered by the Florida Fish and Wildlife Conservation Commission shall be adhered to.

Sec. 106-7. - Flood zones.

A. Flood zones are those identified on the official flood insurance rate maps for Panama City, Florida.

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 of the City's Municipal Code.

Secs. 106-8—106-10. - Reserved.

DIVISION 2. - STORMWATER MANAGEMENT AND SOIL CONSERVATION

Sec. 106-11. - Generally.

A. Public purpose. This division is intended to provide standards to control pollution, flooding, siltation, 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 6 months or more; any building or structure that sustains physical damages of 50% or more; or the enlargement of any 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% of the number of parking spaces required under this Land Development 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 and the applicant can demonstrate no adverse impact to offsite properties or resources upon approval of the Planning 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.

2. Developments which discharge directly into estuarine waters will not require flood attenuation, however, compliance with water quality standards and siltation controls shall be required.

3. Developments which must meet a stricter stormwater management standards mandated by another agency.

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

5. Emergencies requiring immediate action to prevent substantial and immediate harm or danger to

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the public or environment. A report of any emergency action will be made to the City as soon as possible.

6. Single-family detached dwellings, duplex, triplex, and quadraplex units and accessory structures that are not part of a larger development, provided that the developer shall demonstrate that no adverse impacts to offsite property(s) will result from the exempted activity.

7. Developments which do not ~~alter or~~ add more than 2,000 **net** square feet of impervious surface to include semi-impervious gravel parking and are not part of a larger phased plan of development, provided that the developer shall demonstrate that no adverse impacts to offsite property(s) will result from the exempted activity.

D. Panama City stormwater master plan. The **current** Panama City stormwater master plan ("stormwater plan") **or the current State Environment Resource Permit (ERC) standards, whichever is more stringent,** 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.

~~F. Miscellaneous. This division supersedes section 102-79 to the extent of any conflict.~~

Sec. 106-12. - Developer stormwater and erosion control plan.

A. For all developments exempt under 106-11.C., the owners or developers shall submit to the director a proposed site plan with site grading information sufficient for a determination to be made that the development will not adversely affect the direction or rate of stormwater discharges onto the site or from the site.

B. For all developments not exempt from these stormwater requirements, the owners or developers shall submit to the director a proposed stormwater management and erosion control plan prepared by a licensed Florida engineer based on ~~**the City Stormwater Plan**~~ **Section 106-11.D.**

C. The purpose of a proposed stormwater management plan is to provide measures to meet stormwater quantity (flooding, discharge rates) and quality (siltation, erosion, pollution) controls and flood prevention requirements for all roadways, properties, resources, and structures which may be affected by runoff during and after construction.

D. Each proposed plan shall include:

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. Sufficient mapping of existing conditions to confirm existing impervious surfaces, topography, and stormwater conveyance/storage facilities. Stormwater storage facilities include manmade or natural areas that retain runoff on the site.

4. A description of predevelopment hydrologic and environmental conditions of the site **with a pre-development basin/sub-basin map and** including:

i. Receiving waters and all existing drainage structures to outfall systems, if any.

ii. Stormwater runoff direction, volume, and flow rate, including any flows onto or off of the project site.

iii. ~~Adjacent upland acreage, if any.~~

~~iv.~~ Nearby and onsite wetlands and other environmentally significant resources as described in section **106-3**.

iv. Groundwater levels, including seasonal high groundwater levels, and measured infiltration rates of onsite soil at or near the bottom elevation of any proposed stormwater retention facility(s).

v. On-site vegetation and soils.

vi. Any maps, sketches, graphs, tables, photographs, narratives, studies, and other information useful to evaluate the impact of development on

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stormwater runoff onto and from the project site.

vii. Other like information deemed necessary by the City to evaluate the characteristics of the affected area, the potential impact to City **or other** stormwater management facilities, and the acceptability of proposed compensating measures.

5. Components of the proposed stormwater and erosion control plan **with a post-development basin/sub-basin map and** including:

i. Projected post development stormwater runoff direction(s), volume(s), and flow rate(s), and a before-and-after comparison of volume(s) and flow rate(s).

ii. An erosion and sedimentation control plan.

iii. Calculations and/or computer modeling of the stormwater management facilities sufficient to determine that the facilities will meet the stormwater quality and quantity standards.

iv. Construction and design plans for stormwater improvements.

v. Other post development site conditions, such as any projected impact upon environmentally significant resources or existing drainage channels.

vi. Any related information deemed necessary by the director to evaluate the impact or effectiveness of the proposed plan.

6. A plan for continual maintenance of the stormwater management system, and permanent erosion and sedimentation control.

E. 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.

F. 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, and the Environmental Resource Permit Applicant's Handbook (Volumes I and II), 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.

G. Engineers and developers are encouraged, where practicable, to use regional stormwater retention/detention facilities in lieu of site-specific facilities.

Sec. 106-13. - Stormwater treatment and control standards.

A. Pollution control (quality). All development not exempt shall provide for stormwater treatment as follows:

1. Stormwater treatment shall be provided in accordance with current FDEP and NWFWMD standards.

2. The retention and/or 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 3, may be used only in special applications, when approved by the director.

3. Unless more stringent city standards apply, all stormwater treatment requirements of the **current** Environmental Resource Permit Applicant's Handbook (Volumes I and II) shall be complied with.

4. All stormwater discharge facilities shall have skimming devices and erosion control measures. Skimming devices shall provide effective retention of floating pollutants for up to the peak regulated storm event under 106-13.B.

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 in any direction shall be not greater than predevelopment rate in the same direction.

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

3. The capacity of all stormwater facilities shall comply with the City stormwater master plan and be certified by the developer's licensed Florida engineer upon the completion of the project.

4. Off-site discharge flows shall be limited to nonerosion velocities.

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 mea-

sures during construction and permanent control measures.

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

3. Sediment basins, sediment traps, perimeter berms, filter fabric fences, and/or hay bales shall be installed according to the approved erosion control plan before and during all land grading operations, and shall be maintained until the site is permanently stabilized.

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. Control measures shall comply with the management practices contained in the Florida Department of Environmental **Protection**'s Florida Development Manual: A Guide to Sound Land and Water Management; the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual, or similar publications.

D. Waiver. The submission of an erosion and siltation control plan may be waived by the director for minor developments.

Sec. 106-14. - 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 constructed control measures meet the stormwater treatment, flood attenuation, and erosion and siltation standards outlined in the approved plan.

C. Inspection. The owner, owner's engineer, or contractor shall arrange for periodic city inspections of the stormwater management system during development and prior to cover-up of underground components as necessary to ensure adherence to the approved plan.

D. Maintenance. Upon completion, the stormwater management system shall be maintained by the owner. By written agreement, the City or other agencies may accept the responsibility for maintenance.

E. Failure to maintain. If the owner fails to maintain the stormwater management system, any flooding, pollution, erosion, or siltation may be:

1. Declared a nuisance pursuant to Panama City Code of Ordinances, Chapter 12, Chapter II, and abated. The costs of nuisance abatement shall be assessed against the owner and the 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 owner and the property;

3. The owner shall be subject to penalties and fines pursuant to Panama City Code of Ordinances, section 1-8.

Sec. 106-15. - 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, the offsite facilities serve the same drainage basin as the subject property or the director deems offsite facilities in a different drainage basin provide more public benefit, and the facilities 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 for improvements.

C. Where off-site facilities are approved to process and detain stormwater flows from any development, the developer shall submit all information required under section 106-12.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.

Secs. 106-16—106-20. - Reserved.

DIVISION 3. - TREE PROTECTION

Sec. 106-21. - Generally. No owner, developer agent or representative thereof shall cut down, destroy, remove, move, or injure, or commit any act that would cause damage to any protected tree located on any

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property within the city without approval from the City.

Sec. 106-22. - Protected trees and measurement.
A. Protected trees. Protected trees shall include:
1. All dogwood and redbud trees with a diameter at breast height (Dbh) of 3 inches or more.

2. All other trees except pine trees which have a Dbh of 10 inches or more.

Sec. 106-23. - 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, or in proximity to potentially damage such improvements, including garage, carport, driveway and swimming pool. With regard to **protected** heritage, specimen, champion and historic trees 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 parcels shall be exempt from the tree regulations within the footprint of the structure, the required runoff retention area and the required parking area, or in proximity to potentially damage such improvements, except for historic, specimen, heritage or champion trees protected by section 106-27. A historic, specimen, heritage or champion tree may be removed only if it is in the footprint of the structure, or the required runoff retention area and where all setback requirements have been met and no other alternative exists. The director may give credit toward landscaping requirements for existing trees preserved within the footprint if protected pursuant to section 106-28. 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 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.
i. 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 after the event, unless extended by the City Commission.

ii. 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.

iii. Utility and public work operations.
a. 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.

b. 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 Code.

7. Nuisance and/or exotic trees. Trees that are de-

clared nuisance and/or exotic trees by the Florida Exotic Pest Plant Council (FLEPPC) in its latest list of invasive plant species.

Sec. 106-24. - Conditions for tree removal.

A. The developer or owner shall take reasonable precautions to protect existing trees and shall provide a site drawing which accurately depicts protected trees on the site proposed for removal, 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 proposed for removal 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.

Sec. 106-25. - 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 species identified on the tree replant list.

B. Each removed protected 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 6 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 2-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 2-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 % 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 3-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 10 feet on either side of overhead utility lines.

Sec. 106-26. - Tree replant list. The following is the tree replant list:

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A. Small trees	(Latin Name)
1. Crepe myrtle	(Lagerstroemia indica)
2. Devil's walking stick	(Aralia spinosa)
3. Fringe tree	(Chionanthus virginicus)
4. Goldenrain tree	(Koelreuteria elegans)
5. Holly, dahoon	(Ilex cassine)*
6. Hop-hornbeam	(Ostrya virginiana)
7. Hornbeam	(Carpinus caroliniana)
8. Plum, wild	(Prangustifolia)
9. Magnolia, oriental	(Magnolia spp.)
10. Sparkleberry tree	(Vaccinium arboreum)
11. Plum, American	(Prunus americana)
12.Fringe tree, Chinese	(Chionanthus retusa)
13. Smooth redbay	(Persea borbonia)*
14. Pear, Bradford	(Pyrus calleryana Bradford)
15. Glossy privet	(Ligustrum lucidum)
16. Loquat	(Eriobotrya japonica)
16. Red buckeye	(Aesculus pavia)
17. Hawthorns	(Crateagus spp.)
18. Silverbell	(Halesia coroliniana)
19. Yaupon holly	(Ilex vomitoria)
20. Ashe magnolia	(Magnolia ashei)
21. Crab apple	(Malus angustifolia)
22. Wax myrtle	(Myrica cerifera)
23. Flatwoods plum	(Prunus umbellata)
24. Hoptree	(Ptelea trifoliata)
25. Myrtle oak	(Quercus myrtifolia)
26. Virginia stewartia	(Stewartia malacodendron)
27. Rust blackhaw	(Viburnum rufidulum)
28. Dogwood	(Cornaceae)

(Trees numbered r.—cc. are native.)
(Trees numbered p.—cc. are suitable for planting underneath utility lines.)
*Denotes shade trees.

B. Medium and large trees	(Latin Name)
1. Ash, white (local)	(Fraxinum americana)*
2. Birch, river	(Betula nigra)*
3. Basswood	(Tilia caroliniana)
4. Catalpa, southern	(Catalpa bignonoides)
5. Cedar, Atlantic white	(Chamaecyparis thyoides)
6. Southern red cedar	(Juniperus silicicola)
7. Cherry laurel	(Prunus caroliniana)*
8. Cottonwood	(Populus deltoides)
9. Cypress, pond	(Taxodium ascendens)
10. Bald cypress	(Taxodium discithum)
11. Elm, Florida	(Ulmus americana floridana)*
12. Elm, winged	(Ulmus alata)*
13. Hickory	(Carya spp.)*
14. Loblolly bay	(Gordonia lasianthus)
15. Maple, Florida	(Acer barbatum floridanum)*
16. Mulberry, red	(Morus rubra)
17. Oak, post	(Quercus stellata)*
18. Oak, Shumard	(Quercus shumardii)*
19. Oak, southern red	(Quercus falcata)*
20. Oak, swamp chestnut	(Quercus michauxii)*
21. Oak, white	(Quercus alba)*
22. Live oak	(Quercus virginiana)
23. Palm, cabbage (Note: Palm trees are acceptable only if approved by the director.)	(Sabal palmetto)
24. Palm, pindo	(Butia capitata)
25. Persimmon	(Diospyros virginiana)
26. Pine, spruce	(Pinus glabra)
27. Sweetbay	(Magnolia virginiana)*
28. Gum, sweet or red	(Liquidambar styraciflua)
29. Tulip tree	(Liriodendron tulipifera)
30. Tupelo, water	(Nyssa aquatica)
31. Walnut, black	(Juglans nigra)*
32. Wax myrtle	(Myrica cerifers)*

*Denotes shade trees.

Source: Native Trees for North Florida, Florida Cooperative Extension Service, University of Florida.

Sec. 106-27. - 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, U. S. 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 7 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 Code providing an exemption therefor.

Sec. 106-28. - 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, or 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 6 feet from the trunk of the tree, the zone shall be that area within a radius of 6 feet around the tree.
2. If the drip line is more than 6 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

Sec. 106-29. Street tree planting.

A. There are many reasons to plant street trees. Depending on canopy density, trees reduce temperatures. They provide shade and visual interest by leaf and bloom color, bark texture, profile and scaffold architecture. They also provide protection and security to the ever increasing pedestrian traffic.

1. Sidewalk and swale tree planting. These are usually individual trees planted at or near the street curb line for aesthetic, environmental and security reasons. Many sidewalk trees are planted and/or maintained by adjacent property owners. It is their voluntary contribution to the city tree canopy.

2. Median tree planting. Street medians form a special area of public park land. Proximity and speed of vehicular traffic influence the tree size category and placement. Tree species classification and size selection is in inverse correlation with proximity and speed of roadway traffic. As speed of traffic increases and median width narrows, size of tree selected should decrease or be moved farther into the center of the median. Median tree plantings serve to provide:

a. Security to pedestrians crossings wide streets.

b. A screen for drivers from headlight glare of oncoming traffic.

c. Blockage of direct sun into the eyes of drivers, especially commuters traveling east and west. An indication of the course of the roadway in the distance.

d. A protective barricade to head-on collisions with out-of-control vehicles which cross into the median.

3. Arbor streets. The majority of the property owners abutting any street may request establishment of an arbor street. An arbor street is one (1) determined by the City to be suitable for extensive planting of trees. Requests shall be in writing and submitted to the department. The request shall:

a. Be on a standard form obtainable from the City;

b. Designate areas to be improved by tree planting;

c. Contain names of all owners wishing trees to be planted adjacent to or upon their properties;

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d. Evidence a commitment to contribute to the cost of and provide subsequent care, feeding and maintenance of such plantings; and

e. Contain a proposed planting plan.

B. The department shall coordinate with and obtain recommendations from the appropriate City Departments reviewing the arbor street application. Review shall take into consideration the general safety and welfare of the public, the interests of affected property owners, utilities, and municipal services, present and future and shall include but not be limited to onsite inspections of the proposed planting area.

C. When the arbor street request has been reviewed by all departments concerned, the representative of the City shall submit any objections and amendments to the applicants. Should the area be determined by the City to be unsuitable for arbor street purposes, the applicants will be notified of the unsuitability.

D. The application shall constitute an agreement between the City and the applicants. The City Commission must approve the application. The arbor street project shall be implemented in accordance with provisions of the approved plan, and as City resources may permit. The applicants shall supply the planting labor, the City shall supply the trees, or vice versa as the approved plan provides.

E. Trimming of arbor street plantings by adjacent property owners is permitted and all such work shall adhere to the American National Standards Institute, A-300 standards or similar accepted standards as published. Trees existing within an area designated in an arbor street agreement are not to be removed without permit.

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CHAPTER 107 – LANDSCAPING AND BUFFERING

Sec. 107-1. – Purpose. The purpose of this chapter is to provide and preserve aesthetic surroundings, to reduce storm water runoff and surface heat in paved areas, to provide for open spaces and to provide visual and noise buffers between inconsistent adjacent land uses. It is critical that a balance be maintained between developed areas and natural/landscaped areas with appropriate existing and/or newly planted trees and other vegetation. The intent is also to provide for the future of our citizens through maintaining vital vegetative species that will reproduce for future generations.

Sec. 107-2. – Applicability.
A. Zoning Districts. The provisions of this Chapter shall be applicable to all zoning districts except as identified in 105-26.B.

B. Special exemption. These requirements shall apply to all new development or the expansion of existing development except for the following:
1. Single-family and duplex dwellings on individual lots; and

2. Developments having been issued a final development order prior to the effective date of this Ordinance.

3. The Director is authorized to grant exceptions to landscape requirements:
i. Where compliance is not feasible due to circumstances unique to the property; or

ii. Where it will interfere with utility lines and other public service facilities; or

iii. Where the requirements of the section are satisfied to the greatest extent possible in keeping with the purposes of this section.

C. Waivers. Landscape requirements may be waived by the Director:
1. If a waiver is necessary to preserve existing native vegetation, and the purpose of the landscape requirement is substantially fulfilled.

2. In special treatment districts, upon the recommendation of the Technical Review Committee, to properties in their respective jurisdiction.

D. Generally.
1. 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.

2. Florida Friendly Landscaping.
i. Florida Friendly landscaping is based on Xeriscaping principles and has as its purpose reducing water consumption while enhancing both the beauty and hardiness of Florida landscaping. By proper design choices, a Florida Friendly landscape requires less irrigation and makes better use of the water it does receive. While there is no single fixed Florida Friendly landscape, all Florida Friendly landscapes share a set of design principles. Proposed landscape plans shall be considered based on the following "Florida Friendly" principles.

ii. Design Principles.
a. Design with awareness of site conditions. Plants should be chosen that are suited to existing site conditions ("the right plant in the right place"). Soil amendments or terrain features can be added to create favorable conditions for plants that would not ordinarily thrive on the site. Native plants have a proven track record of thriving under native conditions with little or no supplemental water. The selection of drought tolerant plants will ensure a drought tolerant landscape even if severe water restrictions are imposed.

b. Group plants according to their water requirements. Physically concentrating high water usage plants, medium water usage plants, and low water usage plants in separate areas will allow the design of high, medium, and low water usage zones that provide the plants with the necessary amount of water, without waste.

c. Take steps to retain moisture in the soil. Use of organic mulches, such as pine straw, instead of inorganic materials, such as crushed rock, will promote the absorption of water by the soil as well as enhance water retention. Shade provided by established canopy trees reduces evaporation and allows a moist local environment. Avoid watering in the heat of the day to minimize evaporation. Amend fast draining sand soils with organics such as peat to enhance water retention. Careful application of

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irrigation with properly sized, adjusted, and timed irrigation heads will minimize water loss through evaporation, run-off, and excessive saturation.

d. Minimize the high maintenance costs of the landscape. Devoting less area to turf grass, using it as an accent rather than the main emphasis of the landscape, will reduce water use, maintenance costs, pesticide costs and fertilizer costs. Low maintenance trees and shrubs cost less in long term maintenance and resources as well as offering possibilities of more attractive designs.

e. Florida friendly design principles shall be employed in all landscape plans.

Sec. 107-3. - Landscaped buffers.

A. Buffer requirements between allowable uses. The following table (Table 107-1) is intended to identify buffer requirements between allowable uses. All conditional uses shall have buffers imposed at the time of consideration by the Planning Board.

B. Landscape Buffer Requirements between dissimilar developments. Where dissimilar land uses exist on adjacent properties, and where such areas will not be entirely visually screened by an intervening building or structure from abutting property, that portion of such area not so screened shall be provided with a buffer consisting of a six (6) foot fence or wall or shrubs which normally grow to a minimum height of six (6) feet.

B. Landscape Buffer Requirements within Mixed-use Development. Where a building site is used for a single mixed-use development, landscaped buffers shall not be required between the various constituent uses. Landscaped buffers required at the perimeter of the development shall be based upon the individual uses on each portion of the property.

C. Buffer location.

1. 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.

2. Pedestrian access. Gate or door entrances of no

Table 107-1: Buffering Requirements

	Single Family Dwelling / Duplexes	Multi-Family	Mobile Homes	Public / Institutional	Professional Offices	Commercial	Industrial
Residential Uses							
Single Family Dwelling / Duplexes		5 ft. wide	5 ft. wide	5 ft. wide	10 ft. wide	10 ft. wide	15 ft. wide
Multi-Family	5 ft. wide	5 ft. wide		5 ft. wide	10 ft. wide	10 ft. wide	15 ft. wide
Mobile Homes	5 ft. wide	5 ft. wide		5 ft. wide	10 ft. wide	10 ft. wide	15 ft. wide
Non-Residential Uses							
Public / Institutional	5 ft. wide	5 ft. wide	5 ft. wide				10 ft. wide
Professional Offices	10 ft. wide	10 ft. wide	10 ft. wide				10 ft. wide
Commercial	10 ft. wide	10 ft. wide	10 ft. wide				10 ft. wide
Industrial	15 ft. wide	15 ft. wide	15 ft. wide	10 ft. wide	10 ft. wide	10 ft. wide	

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more than 5 feet in width for public pedestrian access are encouraged and may be installed between residential properties and adjacent commercial uses.

D. 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, berm or fence may be required in conjunction with the vegetated buffer. However, wholly vegetated buffers are preferred.

E. Use of Landscaped Buffers.

1. Landscaped buffers may be used for passive recreation. They may contain pedestrian or bike trails, provided that the total width of the buffer yard is maintained.

2. In no event shall the following uses be permitted in landscaped buffers: play fields, stables, swimming pools, tennis courts, parking lots and vehicular use areas, dumpsters, equipment storage and other open storage, buildings or overhangs.

F. Responsibility for buffers. Where a proposed development is to be located adjacent to an existing use and a buffer is required between the uses, the responsibility to provide the required buffer is upon the owner or developer of the incoming use.

Sec. 107-4. - Landscape requirements for off-street parking and vehicle use areas.

A. Applicability. In all districts, except Single-Family dwelling uses, 10% of the impervious areas used for vehicle use areas or off-street parking, except for ingress and egress drives, will be landscaped as follows:

B. Setback areas. Except for ingress and egress points, all vehicular drives shall not be setback as described below. The setback area will be landscaped and included in the 10% landscape requirements.

1. 10 feet to the front property line;

2. 4 feet to either side of property line; or

3. 4 feet to the rear property line.

C. Placement of trees. Trees and other materials shall be planted around the parking area as follows:

1. Front off-street parking setback area: 2.5 canopy trees, 2.0 under-story trees, and 20 shrubs per 100 linear foot.

2. 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.

3. Trees may be clustered or varied, according to landscape design.

D. Interior landscape areas.

1. 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 10% landscaping requirement.

2. 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.

E. Design standards.

1. 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 or berm at least 18 inches high at time of planting shall be required to block the parking area from the view of the adjoining property.

2. All landscape designs should take into account storm water runoff, erosion, and drainage.

3. No vehicle shall overhang, protrude or extend into any setback line or interior landscape area.

4. All landscape plans and buffer zone plans must show adequate irrigation facilities to maintain the plantings.

5. All off-street parking landscape area, vehicle use area, and buffer designs shall be prepared and signed by a Licensed Nurseryman or Landscape Architect and submitted to the Director for approval.

6. For purposes of this section, a Licensed Nurseryman shall be as defined in F.S. § 581.011; and a Landscape Architect shall be as defined in F.S. § 481.303.

7. Xeriscape design elements may be incorporated into the landscape design when possible.

Sec. 107-5. - Berms. Earthen berms up to 6 feet in

height may be used to comply with screening/buffering requirements. Slopes of berms may not exceed 3:1 **without a slope design that addresses erosion by a registered engineer or landscape architect**. Both faces of the slope shall be planted with ground cover, shrubs, and trees.

Sec. 107-6. - 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 and vehicle use areas. Approved landscape materials for off-street parking and vehicle use 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 6 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 (Sec. 106-26) 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. Ground covers. Ground cover plants used in lieu of grass, in whole or in part, shall be planted in such manner as to present a finished appearance and reasonably complete coverage within one (1) year after planting.

F. Lawn grasses. Grasses should be planted in a manner to achieve permanent coverage within 1 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 10 square feet of area.

2. Tree planters: Must be at least 30 inches deep and have at least 25 square feet of area.

I. Mulches. Mulches shall be applied and maintained in accordance with the most recent edition of the Florida Yards and Neighborhoods Handbook titled "A Guide to Florida Friendly Landscaping" by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS) and available on-line at http://fyn.ifas.ufl.edu/pdf/handbook.pdf.

Sec. 107-7. - 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.

Sec. 107-8. – Landscape Plan. A landscape plan shall be submitted, reviewed and approved by the Planning Director at the preliminary and final site plan stages, or prior to the issuance of a building or access and drainage permits. These plans should be integrated into the site plans/plats submitted, and shall be prepared by a Landscape Architect or other persons as authorized under Chapter 481, Part II, Florida Statutes.

A. The landscape plan shall consist of:

1. Date, scale, north arrow, and the names, addresses, and telephone numbers of both the property owner and the person preparing the plan;

2. Location of existing boundary lines and dimensions of the site, the zoning classification of the site, and the zoning classification of adjacent properties, A vicinity map should also be attached to or made a

part of the plan;

3. Approximate centerlines of existing water courses and the location of the twenty-five (25) year and one hundred (100) year floodplain, if applicable; the approximate location of significant drainage features; and the location and size of existing and proposed buildings, streets, utility easements, driveways, parking, sidewalks, and similar features;

4. Project name, street address, and legal description;

5. Location, height, and material of proposed screening and fencing (with berms to be delineated by one (1) foot contours);

6. Locations and dimensions of proposed landscape buffers, areas, and cross section;

7. Complete description of plant materials shown on the plan, including names (common and botanical name), locations, quantities, container or diameter breast height sizes at installation, heights, spread, method of irrigation and spacing. The location and type of all existing trees on the lot over four (4) inches in caliper or greater must be specifically indicated;

8. An indication of how existing healthy trees proposed to be retained will be protected from damage during construction;

9. Size, height, location and material of proposed seating, lighting, planters, sculptures, and water features;

10. Identify xeriscaping elements incorporated into the plan; and

11. Other information as may be required by the Planning Director and Public Works Director to determine whether the landscape plan meets the requirements of this Code.

B. Prior to issuance of a Certificate of Occupancy or approval of a final plat (as applicable), the landscape professional responsible for the project shall provide written, sealed or notarized, certification to the Engineer of Record that the installation of landscaping has been completed in accordance with the approved plan or plat. The Engineer of Record shall provide a copy of the landscape professional's certification with submittal of his/her certification.

Sec. 107-9. - Maintenance and irrigation.

A. Responsibility. All landscape materials and workmanship shall be guaranteed by the landscape installer and/or developer for a period not to exceed two years. Thereafter, 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 of the Panama City Municipal Code.

E. Irrigation. All newly-planted and relocated plant material shall be watered by temporary or permanent irrigation systems until such time as they are established and subsequently on **an** as-needed basis to prevent stress and die-off. ~~**If an irrigation system is not provided, a hose bib shall be provided within seventy-five (75) feet of any landscape area**~~.

Sec. 107-10. - Screening.

A. General Requirements. Screening shall be required to conceal specific areas of high visual or auditory impact or hazardous areas from both on-site and off-site views. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

B. Items to Be Screened. The following areas shall be screened from off-site views in accordance with this section:

1. Large waste receptacles (dumpsters) and refuse collection points (including cardboard recycling containers);

2. Service areas;

3. Outdoor storage areas (including storage tanks);

4. To the extent feasible given access requirements, ground-based utility equipment in excess of 12 cubic feet; and

5. Ground level mechanical units, from public streets only.

C. Screening Methods. The following items are permitted for use as screening materials. Alternative screening materials that are not listed may be used if it is determined they are comparable to these screening materials.

1. Vegetative materials that meet the minimum vegetative screening requirements for a buffer.

2. An earthen berm that is at least two feet in height, covered with grass, and planted with other landscaping materials consistent with the function of and requirements for a buffer—provided, however, that a berm shall not be used in the DTD or StAD districts or if it will replace existing trees of ten inches in caliper or more;

3. A solid fence constructed of treated or rot-resistant wood (such as cypress or redwood), or a plastic or vinyl fence, of a minimum height necessary to fully-screen the object being screened; or

4. A masonry wall that is the minimum height necessary to fully-screen the object being screened, and that is constructed of brick, textured concrete masonry units, ~~or~~ stuccoed block or similiar materials.

5. Use of chain link fencing with wooden or plastic slats does not qualify as a screen.

Secs. 107-11—107-30. - Reserved.

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CHAPTER 108 – PARKING AND LOADING

Sec. 108-1. - Off-street parking and loading.

A Generally. The purpose of required parking spaces is to provide enough on-site 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, guest rooms, 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:

   i. Where a business has a designated employment, seating or patronage capacity of 25 persons or more; or,

   ii. Where 25 percent of the minimum parking requirement 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 51,000 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:

Table 108-1: Off-Street Parking Requirements

Use	Minimum Spaces Required
Dwellings	
Single-family, duplex, or cluster ~~or townhouse~~	2 per unit
Apartment ~~or condominium~~	1.45 per unit plus 1 per 10 units
Condominium or townhouse	2 per unit
Community residential homes	1 per bedroom
Hotels, and motels, ~~and mobile home parks~~	1.3 per room plus 1 per 100 SF of restaurant or lounge
Boarding homes	1 per guest bedroom
Public assembly	
Church, temple or other place of worship	1 per 3 seats in main assembly hall
Fraternal organization or private club	1 per 300 sq. ft. gross floor area + 1.5 per bedroom
Auditorium, theater, gymnasiums or convention halls	1 per 3 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 + 1 per classroom
Amusement place, dance hall, swimming pool or exhibition hall	1 per 4 seating spaces or 1 per each 200-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	6 spaces per 1,000 sq. ft. of gross floor area
Mortuaries, and funeral parlors or homes	1 per each employee, plus 1 for each 50 square feet of assembly area or 1 for each 4 fixed seats, whichever amount is greater.
Business	
Bowling alley	5.6 per alley
Food stores and drugstores	1 per 250 sq. ft. of gross floor area (over 4,000 sq. ft.: use 1 per 200 sq. ft. of gross floor area)

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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 200 sq. ft. of gross floor area
Business and professional offices	1 per 250 sq. ft. of gross floor area **& 1 per employee**
Banks or other financial institutions	7 per 1,000 sq. ft. of gross floor area
Restaurant, lounge or establishment for the consumption of beverages on-premises	1 per 75 sq. ft. of floor area **plus 0.5 per seat**
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)	1 per 1,000 SF of gross floor area plus 1 per every 100 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 1,000 sq. ft. of gross floor area up to 20,000 sq. ft., and 1 space per employee.
Heavy Industrial uses	2 space per 1,000 sq. ft. of gross floor area plus 1 per employee

For uses not covered in the above table, the appropriate number of minimum parking spaces are based upon the most recent Parking Generation edition of the Institute of Transportation Engineers.

B. Change of Use Requirements.

1. The number of off-street parking or loading spaces shall be increased to meet the requirements of this Chapter, if the City finds that an increase in floor area, seating capacity, or other factor controlling the number of parking or loading spaces required by this ULDC causes the site not to conform to this ULDC.

2. Increase in requirements, based on a parking study.

i. The number of required parking spaces may be increased by the City, if a parking study demonstrates that the proposed use would have a parking demand in excess of the requirements in Table 108.1.

ii. The City may require the developer to provide a parking study when the Planning Director presents preliminary data indicating that an increase in the number of parking spaces may be warranted.

C. Special Parking Districts.

1. The City may designate special parking districts where parking or transit facilities may be provided by the City, thus lessening the demand for on-site parking.

i. The Community Redevelopment Areas are hereby designated as special parking districts.

ii. For development proposed in these districts, the City may allow the developer to pay a fee in lieu of providing some or all of the spaces required by this Chapter.

1). The fee shall be a one-time, nonrefundable fee per parking space avoided, paid to the City, prior to the issuance of a development order.

2). ~~The amount of the fee shall be determined by the City and shall be equal to the land acquisition, construction, and maintenance costs of parking spaces that are deferred by this section.~~ **The in-lieu payment will be calculated by the Planning Director and approved by the City Commission, in accordance with the following formula: In lieu parking payment = (total spaces required to meet the code - on-site spaces - approved off-site spaces - approved on-street parking spaces) x (in-lieu fee). The in-lieu fee shall be based upon the cost of construction for parking spaces considering such factors as land acquisition, design fees, engineering, financing, construction, inspection, and other relevant factors.**

3). This fee shall be used by the City solely for the purchase, construction, operation, and maintenance of parking ~~or transit~~ facilities serving the area of the development.

iii. The City may, at the time of accepting the fee, enter into an agreement with the developer to construct or provide parking or transit facilities.

iv. No parking space shall be allocated to more than one (1) business unless the time of use does not overlap.

v. Businesses using public parking as part of its required parking facilities shall pay a fee to the City for maintenance costs of the parking spaces that are deferred by this section.

D. Location of off-street parking. The parking spaces shall be provided on the same lot as that of the structure it serves or within ~~5~~1,000 feet of the principal entrance thereto, as measured along the most direct pedestrian walkway.

E. 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 create a demand for parking occur 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 are more than the total spaces required for the various individual land uses or buildings computed separately.

F. Off-street parking lot requirements. All parking and vehicular maneuvering 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 lot containing 5 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.

G. Parking spaces and drive aisles for parking lots shall have dimensions in accordance with Table 108-2. **Parking space standards in Table 108-1 shall be determined from the publication: Parking Generation, issued by the Institute of Transportation Engineers or other documented applicable standards, i.e. such as a local survey of similar land uses that identify the amount of parking needed to meet the demand for 90 percent of the operating hours.**

H. Parking lots shall be buffered and landscaped pursuant to Section 107-4.

I. Access between abutting areas. The Planning Director may require driveway access between abutting off-street parking areas when such access is considered beneficial to the public by reducing traffic on adjacent streets and is feasible from a construction standpoint (grading, cost, etc.).

J. 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 materials approved by the Director, 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 6 or more parking spaces are required, plus one additional space for each 10,000 square feet (or fraction thereof) of area.

K. 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.

L. Drainage. All parking or maneuvering areas shall be

designed and engineered so that the drainage will run to existing drainage structures or otherwise comply with criteria in Chapter 106.

M. 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 5 feet wide.

5. All spaces shall be accessible to a curb ramp when necessary.

6. The minimum number of handicapped parking spaces is defined in Table 108-2, below.

Table 108-2: Parking Spaces & Passenger Loading Zones for Handicapped

Total Spaces for Zones	Required Number to be Reserved for Handicapped
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total
Over 1,000	20: plus 1 for each 100 over 1,000

N. Motorcycle Space Substitution. Parking lots with a minimum of 40 parking spaces may substitute standard parking spaces with motorcycle spaces. One standard parking space may be replaced with a motorcycle space for each 40 required standard parking spaces.

Sec. 108-2. Design standards for off-street parking and loading areas.

A. Minimum Size.

1. **Standard** parking spaces in surface parking lots **should** be sized according to Table 108.3, Parking Standards. **Alternate sizing may be allowed provided space dimensions are consistent with the latest editions of the ITE Traffic Engineering Handbook and/or the ULI Dimensions of Parking.**

2. All parking spaces in multi-story parking garages **should** be at least eight and one-half feet in width, and 18 feet in length. **Alternate sizing may also be allowed for parking garage spaces provided the justification is derived from the ITE or ULI publication (referenced above).**

3. Parallel parking spaces **should** be a minimum of eight and one-half feet wide and 22 feet long. If a parallel space abuts no more than one other parallel space, and adequate access room is via angled curb, then the length may be reduced to 20 feet.

4. Tandem parking spaces must be a minimum of nine feet wide and 19 feet long.

5. A standard motorcycle parking space **should** be five feet wide and nine feet long.

6. Spaces for handicapped parking shall measure **11** feet wide by 20 feet long and shall be located adjacent to handicap access ramps.

7. The standard off-street loading space **should** be ten feet wide, 25 feet long, provide vertical clearance of 15 feet, and provide adequate area for maneuvering, ingress and egress. The length of one or more of the loading spaces may be increased up to 55 feet if full-length tractor-trailers must be accommodated. Developers may install **loading** spaces that are larger than the standard, but the number of spaces **should**

not be reduced on that account.

8. The **Planning Director** may modify these requirements where necessary to promote a substantial public interest relating to environmental protection, tree protection, or drainage. The City shall certify that the modification does not create a serious hazard or inconvenience.

Table 108-3: Off-Street Parking Standards

Parking angle (degrees)	Stall width (feet)	Stall depth (feet)	Aisle width (feet)	Lot or Module width (feet)
A	B	C	D	E
0	8.5'	22.0'		
45	9.0'	18.0'	12.0'	48.0'
60	9.0'	20.8'	18.0'	59.6'
90	9.0'	20.0'	24.0'	64.0'

Exhibit 108-1: Off-Street Parking Lot Standards

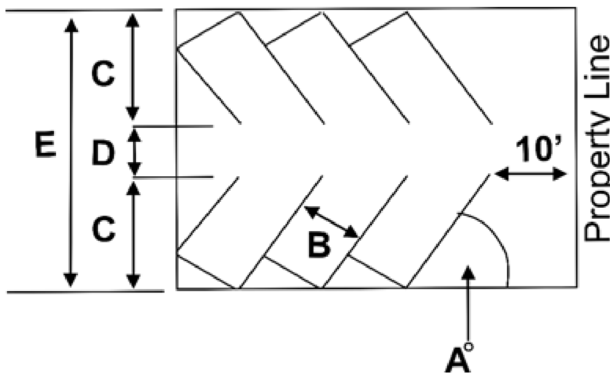
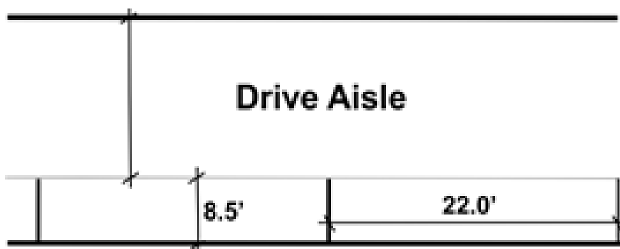


Exhibit 108-2: Parallel Parking Example



B. Layout.

1. All parking layouts, traffic lanes and turnarounds shall be designed in accordance with technical construction standards maintained by the City Engineer.

2. Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient, and shall be designed to provide for adequate police and fire protection and garbage and trash collection.

3. Parking and loading areas, aisles, pedestrian walks, landscaping, and open space shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.

4. Buildings, parking and loading areas, landscaping and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic. Sites shall be planned to accomplish a desirable transition between pedestrian and vehicular areas in order to provide for adequate landscaping and to provide for safe pedestrian and vehicular movement. Paving materials for pedestrian areas transecting vehicle use areas shall be contrasting or marked in a manner clearly identifying pedestrian cross access paths. Where possible, pedestrian walkways shall be buffered from vehicular areas by landscape material. Where greater than three rows of parking are created, and where the rows contain fifteen or greater parking spaces per row, the required landscaped island area for every continuous fifteen parking spaces, or in the case where more than one landscape island is required, the set of islands creating the most direct path between the parking lot and building entrance, shall be expanded to include a paved contrasting material or marked pedestrian cross parking pathway. The cross parking pathway shall be connected to the required pedestrian street access pathway either directly or by a contiguously and similarly marked cross property access pathway.

5. Landscaped, paved, and gradually inclined or flat pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings. Pedestrian walks should be designed to discourage incursions into landscape buffer and conservation areas except at designated crossings.

6. Each off-street parking space shall open directly onto an aisle or driveway that, except for single-family and two-family residences, is not a public street. Where possible, parking lots between commercial and professional uses shall be joined in either the front or rear of the primary structures(s) to facilitate cross access. The required vehicle separation area

between such conjoined parking lots may be waived by staff; however, the ability to install landscape islands between the lots to meet either the individual or combined interior vehicle use area landscaping requirements shall be retained.

7. Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the Planning Director based on the size and accessibility of the driveway.

8. Parking spaces for all uses, except single-family and two-family residences, shall be designed to permit entry and exit without moving any other motor vehicle.

9. No parking space shall be located so as to block access by emergency vehicles.

C. Paving.

1. Except as provided in [subsection] 3 below, all areas reserved for off-street parking spaces, loading zones and/or vehicle use areas, in accordance with the requirements of this section, shall have one of the following surface treatments:

i. concrete;

ii. asphalt concrete; or

iii. an industry recognized porous paving system such as Turf Stone*, porous concrete, Grass Pave*, or other types of paver blocks.

*Indicates specific proprietary paving system.

All surface treatments shall be installed to comply with all relevant industry standards and the standards of the City of Panama City. Manufacturer's data providing product details shall be submitted to the City Engineer. The City Engineer shall determine the percent impervious value of the proposed material accordingly.

2. Parking spaces shall be delineated in accordance with the regulations of this section and arranged to allow ingress and egress to each space.

3. In the following circumstances, paving of parking spaces is not required:

i. In all zoning districts, 50 percent of the parking spaces in excess of the minimum number of parking spaces required by this section may be unpaved.

ii. For all churches and places of public assembly, those spaces in excess of the sum of handicapped spaces and those spaces needed on a Monday-through-Friday basis, may be unpaved.

iii. For all bed and breakfast home-stays and bed and breakfast inns.

iv. For vehicle overhangs beyond the wheel stop a maximum of two feet, provided the area is grassed and properly maintained in a pristine manicured state.

v. Overflow parking as determined by the City during the site plan design and review process. Overflow parking stalls may be unpaved where the traffic movement lanes servicing the unpaved parking are paved. The unpaved parking needs to be stabilized in a manner allowing for both private vehicle use and access and use by emergency vehicles. Parking stalls shall be planted with grass or sod of a variety durable under such use and may be fitted with wheel stops designating individual spaces. Overflow parking shall be segregated from regular parking by landscaping or other divider (fencing, berms, gates etc.) and curbs and wheel cuts need to be installed and secured in a manner which discourages casual use of these areas. Storm water management for overflow and holiday parking must be included and addressed in the site's storm water permit. Examples of overflow parking include parking for sports events and parking for holiday peak utilization.

Sec. 108-3. - Parking deferral.

A. To avoid requiring more parking spaces than actually needed to serve a development, the City Commission may defer the provision of some portion of the off-street parking spaces required by this section if the conditions and requirements of paragraphs below are satisfied.

B. As a condition precedent to obtaining a partial deferral by the City Commission, the developer must show any one or more of the following:

1. A parking study as described in this section indicates that there is not a present need for the deferred parking.

2. Public transportation satisfies transportation demands for a portion of the users of the facility that

corresponds to the amount of parking sought to be deferred.

3. The developer has established or will establish an alternative means of access to the use that will justify deferring the number of parking spaces sought to be deferred. Alternative programs that may be considered by the City Commission include, but are not limited to:

i. Private and public car pools and van pools.

ii. Charging for parking.

iii. Subscription bus services.

iv. Flexible work-hour scheduling.

v. Capital improvement for transit services.

vi. Ride sharing.

vii. Establishment of a transportation coordination position to implement car pool, van pool, and transit programs.

a. Non-motorized transportation. The percentage of parking spaces sought to be deferred corresponds to the percentage residents, employees, and customers who regularly walk, use bicycles and other non-motorized forms of transportation, or use mass transportation to come to the facility.

b. On-street parking. The percentage of parking spaces sought to be deferred corresponds to the percentage of vehicles that may be accommodated by on-street parking within 200 feet of the development.

c. Transportation system management. An alternative method of transportation designed to address the short term transportation system needs through more efficient use of existing transportation facilities.

d. Transportation demand management. A transportation planning process that is aimed at relieving congestion on highways by following several types of actions:

(1) actions that promote alternate automobile use;

(2) actions that encourage more efficient use of alternate transportation systems; and

(3) action that discourages automobile use.

4. If the developer satisfies one or more of the criteria in [subsection] B, the City Commission may approve a deferred parking plan submitted by the developer. The number of parking spaces deferred shall correspond to the estimated number of parking spaces that will not be needed because of the condition or conditions established.

C. A deferred parking plan:

1. Shall be designed to contain sufficient space to meet the full parking requirements of this section, shall illustrate the layout for the full number of parking spaces, and shall designate which are to be deferred.

2. Shall not assign deferred spaces to areas required for landscaping, buffer zones, setbacks, or areas that would otherwise be unsuitable for parking spaces because of the physical characteristics of the land or other requirements of this Chapter.

3. Shall include a landscaping plan for the deferred parking area.

4. Shall include a written agreement with the City that, one year from the date of issuance of the certificate of acceptance, the deferred spaces will be converted to parking spaces that conform to this section at the developer's expense should the City Commission determine from experience that the additional parking spaces are needed.

5. Shall include a written agreement that the developer will cover the expense of a traffic study to be undertaken ~~by the City~~ to determine the advisability of providing the full parking requirement.

D. When authorized by the City Commission upon a preliminary finding that the parking is inadequate, but not sooner than one year after the date of issuance of the certificate of acceptance for the development, the City shall undertake a study to determine the need of providing the full parking requirement to satisfy the proven demand for parking.

E. Based upon the recommendations of the study, the Planning Director and the Planning Board shall determine if the deferred spaces shall be converted to operable parking spaces by the developer or retained as deferred parking area.

F. The developer may at any time request that the Planning Department approve a revised development plan

1 general
2 admin. processes
3 review authority
4 zoning districts
5 design standards
6 environment protection
7 landscaping & buffering
section 8 parking & loading
9 public improvements
10 supplemental standards
11 subdivision of land
12 sign standards
13 concurrency management
14 nonconformities
15 enforcement
16 definitions

to allow converting the deferred spaces to operable parking spaces.

G. Reduction for mixed or joint use of parking spaces. The Planning Board shall authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap. Reduction of parking requirements because of joint use shall be approved if the following conditions are met:

1. The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.

2. The developer submits a legal agreement approved by the City Attorney guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere in accordance with the provisions of this section.

H. Reduction for low percentage of leasable space. The requirements of this section assume an average percentage of gross leasable building to total gross building area (approximately 85 percent). If a use has a much lower percentage of leasable space because of cafeterias, athletic facilities or covered patios; atriums; conversion of historic residential structures to commercial use; or for other reasons; the City may reduce the parking requirements if the following conditions are met:

1. The developer submits a detailed floor plan describing how all of the floor area in the building will be used.

2. The developer agrees in writing that the usage of the square footage identified as not leasable shall remain as identified; unless and until additional parking is provided to conform fully with this section.

I. Reduction for participation in City Public Parking Lot Program. In the event the City Commission determines after one year after the issuance of a Certificate of Acceptance that, based on the City's experience, additional parking spaces are needed, the developer shall provide the requested additional parking spaces in accordance with the Code or participate in a City approved Public Parking Lot Program provided the development is within the allowable distance from the Public Parking Lot. The participation shall be the developer making a payment to the City for each parking space that is needed by the developer but is being provided by the City pursuant to the Public Parking Lot Program.

Sec. 108-4. - Bicycle Parking.

A. Purpose. To facilitate the lessening of car-related congestion in the City and to promote the use of alternative modes of transportation, to provide for general health and fitness and to promote air quality and reduce pollution the accommodation of bicycle commuting is required through the provision of adequate and safe facilities for the storage of bicycles. Further, as specified by this section a reduction in required automobile parking spaces is allowed when bicycle parking is provided, creating an incentive for providing bicycle parking in accordance with the provisions of this Chapter.

1. Locations and Facilities.

i. Bicycle parking **should** be provided in a well-lighted area.

ii. Bicycle parking **should** be at least as conveniently located as the most convenient automobile spaces, other than those spaces for persons with disabilities. Safe and convenient means of ingress and egress to bicycle parking facilities **should** be provided.

iii. Bicycle parking facilities shall not interfere with accessible paths of travel or accessible parking as required by the Americans with Disabilities Act of 1990.

iv. Protected and unprotected bicycle racks **should** be located in highly visible areas to minimize theft and vandalism.

v. In the event compliance with location requirements set forth above is not feasible because of demonstrable hardship, the Technical Review Committee may approve an alternative storage location as guided by the following criteria:

a. Such alternative facilities **should** be well-lighted and secure.

b. All Bicycle parking spaces outside of a building **should** be located within one hundred (100) feet of the primary building entrance.

2. Layout of Spaces. Bicycle Parking Spaces or alternative spaces approved by the Technical Review Committee **should** be laid out according to the following:

i. A bicycle parking space **should** be four (4) feet by six (6) feet and **should** provide for locking up to

two (2) bicycles to a bicycle rack **~~or a bicycle locker that can store up to two (2) bicycles per unit~~**.

ii. At a minimum, bicycle racks **should** consist of a stationary device with a base that can wedge anchors for surface mounting, provides steel tubing one (1) inch to four (4) inches outside diameter, containing locking points between one (1) feet and three (3) feet off the ground and a gap near the bottom for pedal clearance, enabling one to lock a bicycle frame and one of the wheels with a standard U-Lock. Such a rack must be able to accommodate at least two (2) bicycles upright by rack frame.

iii. **~~At a minimum, protected bicycle parking spaces should be secure facilities which protect the entire bicycle, its components and accessories against theft and against inclement weather, including wind-driven rain. This type of facility includes, but is not limited to bicycle lockers, check-in facilities, monitored bicycle parking, restricted access parking, and personal storage.~~**

iii. All bicycle parking areas **should** afford a four (4) foot wide access aisle to ensure safe access to spaces.

iv. Bicycle parking and automobile parking **should** be located so as to protect bicycles from damage.

~~v. Where bicycle parking spaces are not visible from the primary street, signage **should** be used to direct cyclists safely to bicycle parking areas~~.

v. All bicycle racks **~~and lockers~~** **should** be securely anchored to the ground or building structure.

~~vi. Bicycle parking spaces should not interfere with pedestrian circulation and shall adhere to ADA requirements.~~

vi. Bicycle parking **should** be an integral part of the overall site layout and designed to minimize visual clutter. ~~In any designated community redevelopment area, the design **should** compliment the surrounding structures.~~

3. Off-Street Parking Reduction for Bicycle Parking.

i. A reduction in the number of off-street parking spaces required (excluding parking spaces for persons with disabilities) **should** be permitted for the provision of bicycle parking provided that:

a. No fee is required for using the bicycle parking made available;

b. When calculation of the maximum number of reduced parking spaces results in a fraction, the resulting number shall be rounded to the next highest integer.

ii. The reduction in the number of automobile parking spaces **should** be reduced by no more than one (1) space for each bicycle parking space, but by no more than **five** (5) percent of the total required spaces.

iii. This provision cannot be applied to single-unit residential, animal care, car wash, salvage yard, service station, and vehicle/equipment repair uses.

Secs. 108-5 - Compact Car Space Requirements.

A. In Special Parking Districts, parking for compact cars may be provided for up to 25 percent of the required parking provided that the parking meets the following standards:

1. Compact car parking may be provided for only nonresidential land uses.

2. Each compact parking space may be eight feet wide and 16 feet in length

3. If the total parking requirements of any use or structure is less than 15 spaces, no compact car spaces are permitted.

4. Compact car parking must be designated for exclusive use of compact cars through the use of signs or pavement parking.

5. The overall design must be reviewed and approved by the Planning Director.

6. For each compact car space, an additional 5 square feet of landscaped open space shall be provided on the site.

Secs. 108-6 - Parking Structures. ~~**(see definition in Chapter 116)**~~

A. The following requirements shall apply to the development of parking structures in the City.

1. A parking structure may be allowed in UR-2, MU-3, GC-2, CHD, DTD, StAD, and HI.

2. The nearest wall of a parking structure shall be located within 550 feet of the district or property line of the premises the parking is intended to serve.

3. Parking structures shall be properly lighted, how-

ever, lighting shall be installed so as not to create an illumination or glare nuisance for adjacent properties.

4. Buffers shall be provided according to Chapter 107.

5. Design criteria shall be as specified in the latest editions of the ITE Traffic Engineering Handbook and/or the Urban Land Institute/National Parking Association's The Dimensions of Parking,

6. Parking garages shall not exceed a height limit of 35 feet when contiguous to residential zones.

Secs. 108-7 —108-999. – Reserved.

CHAPTER 109 – INFRASTRUCTURE AND PUBLIC IMPROVEMENTS

ARTICLE I. - IN GENERAL

Sec. 109-1. 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.

Sec. 109-2. 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.

Sec. 109-3. Responsibility for improvements; compliance. All costs of planning, design, construction, installation, or compliance with the requirements of this Unified Land Development Code or other regulations, or associated with any improvement or development shall be the responsibility of the developer.

Secs. 109-4—109-24. - Reserved.

ARTICLE II. – UTILITIES.

Sec. 109-25. Utilities. This Article is intended to provide basic standards for availability of utilities services.

Sec. 109-26. 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 3 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. All developments served by a central water system shall include a system of fire hydrants consistent with the technical construction standards maintained by the City Engineer. Prior to the delivery of combustible materials and construction of buildings, the water supply for fire protection, either temporary or permanent and acceptable to the fire department, shall be made available.

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).

E. Illumination. All streets, driveways, sidewalks, ~~bikeways,~~ parking lots and other common areas and facilities in developments shall provide illumination meeting the technical construction standards maintained by the City Engineer.

Sec. 109-27. 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.

Sec. 109-28. Utility development standards.

1. In areas of new development (either residential or nonresidential), the subdivision review process shall address the need for sites and easements for all utilities.

2. In all areas of existing development (either residential or nonresidential), site plans for utility cabinets, vaults, pumping stations, huts, etc., shall be treated as Minor Development.

3. Site plans for utility facilities shall have a minimum five-foot-wide landscape buffer, which shall be screened from all adjacent properties and street rights-of-way, and a minimum two and one-half-foot wide landscape buffer to protect the lesser. The landscape buffer shall contain trees and shrubs, which are listed in Chapter 107, Landscaping and Buffering.

Sec. 109-29. - Design standards for water supply and sanitary sewers.
A. Water supply system.

1. Water mains shall be constructed by a professional engineer in such a manner to adequately serve domestic demands and fire protection needs.

2. The sizes of water mains, their location and the

1 general | 2 admin. processes | 3 review authority | 4 zoning districts | 5 design standards | 6 environment protection | 7 landscaping & buffering | 8 parking & loading | section 9 public improvements | 10 supplemental standards | 11 subdivision of land | 12 sign standards | 13 concurrency management | 14 nonconformities | 15 enforcement | 16 definitions

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 by the City Engineer.

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:

Table 109-1.: Minimum Sanitary Sewer Grades and Velocities

Size	Grade (%)
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 2 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 by the City Engineer.

Secs. 109-30—109-40. - Reserved.

ARTICLE III. - TRAFFIC CIRCULATION

Sec. 109-41. - 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.

Sec. 109-42. - Functional classifications of roadways. Functional classifications of roadways within the city are as follows:

A. Principal arterial roadways.

1. U.S. 231 (SR 75): City limits to Business U.S. 98 (6th Street).
2. 23rd Street (SR 368).
3. U.S. 98 (15th Street): Everitt Ave. to middle of Hathaway Bridge.
4. Business U.S. 98: Everitt Avenue to Beck Avenue.
5. Business U.S. 98: (Beck Avenue to 15th Street).
6. Harrison Ave.: Business U.S. 98 (6th Street) to U.S. 98 (15th Street).
7. Cove Blvd. / Martin Luther King Jr. Blvd (SR 77): Business U.S. 98 (SR 30) north to city limits.

B. Minor arterial roadways.

1. East Ave. (SR 389): Business U.S. 98 (SR 30) north to city limits.
2. 11th St. (CR 28): Eastern City limits to Beck Avenue.
3. Airport Dr. (SR 391).
4. St. Andrews Blvd. (SR 390): That portion within city limits.
5. Lisenby Ave. (CR 327): 15th Street to 23rd Street.
6. Beck Ave.: 15th Street to 23rd Street.

C. Collector roadways.

1. Everitt Ave.: Business U.S. 98 (SR 30) to 11th Street (CR 28).
2. Third St.: Everitt Avenue to Sherman Avenue.
3. Sherman Ave.: Third Street to 11th Street (CR 28).
4. Fourth St.: Watson Bayou to Beach Drive.
5. Cove Blvd.: Business U.S. 98 (SR 30) south to Cherry Street.
6. Cherry St./Beach Dr.: Cove Boulevard to Business U.S. 98 (SR 30).
7. Jenks Ave.: Fourth Street to city limits.
8. Balboa Ave.: Beach Drive to 15th Street.
9. 19th St.: U.S. 231 (SR 75) to U.S. 98 (SR 30A).
10. Lisenby Ave.: 10th Street to 15th Street.
11. Frankford Ave.: 15th Street north to end of roadway.
12. Baldwin Rd.: SR 390 to Harrison Avenue.

Sec. 109-43. - 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 Dept. of Transportation (the "Green Book"), unless otherwise specified in this Unified Land Development 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.

3. Streets ending in cul-de-sacs reduce traffic flow and discourage connectivity and, as such are strongly discouraged. Where, in the opinion of the Planning Director, it is desirable to promote traffic flow or beneficial to establish connectivity within or between proposed or existing developments, the installation of cul-de-sacs shall be denied.

E. Intersections. Intersections shall be designed and constructed so that:

1. The flattest possible grade on the approach to and at the intersection is achieved.

2. When practical, streets shall intersect at an angle of approximately 90 degrees. In no case shall the angles of intersection be less than 75 degrees.

3. Street jogs or centerline offsets between streets on the opposite side of an intersection shall be no less than 150 feet.

4. Street curb lines at street intersections shall be rounded with no more than the minimum safe radius for the design speed of the road. When truck traffic is routinely anticipated, a larger turn radius may be required in accordance with the criteria set forth by the City Engineer. At an angle of intersection of less than 75 degrees, the City Engineer may require a greater radius. When an arterial street intersects with another arterial street the right-of-way intersects shall be increased 20 feet for a distance of 150 feet from the point of intersecting property lines.

F. Tangents. A tangent of not less than 100 feet in length shall be provided between reverse curves on all arterial and collector streets.

G. Divided streets. For the purposes of protecting environmental features or avoiding excessive grading, the City may require that a street be divided. In such a case, the design standards shall be applied to the aggregate dimension of the two street segments.

H. Blocks.

1. Block lengths shall not exceed 1,400 feet or be less than 500 feet.

2. The width of any block shall be of sufficient dimensions to accommodate two tiers of lots except where one tier of lots abuts an area of nonresidential development, an arterial street, a railroad or water body.

I. Bridges. Bridges shall be constructed to the width of the connection roadway pavement or such additional width as required by the **City Engineer** with an allowance on each side for a pedestrian walk. Bridges extending over waterways shall have a center span and a vertical clearance if determined necessary by the City Engineer. Bridges shall be designed by a Florida registered and professional engineer and conform to technical construction standards maintained by the City Engineer.

J. 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 twelve 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.

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Parking, standing or stopping of motor vehicles prohibited at all times."

K. Cross access and joint access.

1. If the connection spacing standards of this section cannot be achieved, then joint use connections and/or cross access easements shall be required.

2. Applicants for all non-residential developments may be required to use cross access easements and joint use connections to connect adjacent properties, in order to reduce curb cuts, to increase the area for parking and landscaping, and to preserve the capacity and safety of the roadway system.

3. Property owners utilizing joint and/or cross access shall record with the Bay County Clerk of Court:

i. An easement allowing cross access to and from the adjacent properties;

ii. A joint maintenance agreement defining maintenance responsibility of the property owners that share the joint use connection and cross access system.

4. Within six months after construction of a joint use or cross access connection, property owners utilizing such access shall close and remove any existing temporary connections provided for access in the interim.

5. Development may be required to construct a paved stub-out to the property line in anticipation of a future cross access connection.

6. The design of the cross access corridor or joint connection including driveway apron shall conform to the City's Engineering Standards. The design shall ensure efficient and safe vehicular operation and pedestrian movements for internal traffic circulation and for traffic mobility on the adjacent roadway.

8. Cross access easements are not intended to be publicly maintained.

9. Properties that provide for joint use driveways under this section shall be eligible for a reduction in the number of required off-street parking spaces of up to 15 percent, subject to review and approval of the Director.

Sec. 109-44. - Rights-of-way.

A. Rights-of-way width. Right-of-way requirements for road construction shall be as follows:

Table 109-2.: Rights-of-Way Width

Road Type	Right-of-way requirement
Principal arterial	150 ft.
Minor arterial	100 ft.
Collector	100 ft.
Local	60 ft.
Culs-de-sac	60 ft.
Alleys	25 ft.

B. Pavement width and materials testing. Pavement width of roadways shall be as follows:

Table 109-3.: Pavement Width

	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 by the City Engineering Department.

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 109-177, or the equivalent, and other applicable laws or regulations.

3. Sidewalks ~~and bicycle ways~~ shall be placed within the right-of-way, or on private property within ten feet of the edge of 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.

E. Grades and grading. Maximum centerline grades for designated state roads and other arterial streets shall not exceed five percent. Maximum grades for all other streets shall not exceed eight percent.

F. Base preparation.

1. All base preparation shall conform to City specification on file in the City Engineer's office.

2. The base for all street pavements shall be prepared by the developer or subdivider for the full required paving width except on arterial streets where the developer or subdivider shall only be required to bear the costs of base preparation to a width of 28 feet, unless otherwise required by the City Commission.

Sec. 109-45. - 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 Dept. 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 109-177.

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 2 roadway outlets to accommodate emergency ingress and egress needs.

2. Roadway outlets shall not be located closer than 100 feet from one another.

D. Cul-de-sacs, where approved.

1. All cul-de-sacs shall not be longer than 500 feet.

2. The maximum length of a cul-de-sac may be increased to 1,000 feet at the discretion of the Technical Review Committee where the Committee determines that such an increase can be safely accommodated through mid-point turnarounds, "dead end" signage, and/or enhanced fire protection measures.

3. Cul-de-sac turnarounds shall be provided with a minimum outside cartway radius of not less than 50 feet and tangent whenever possible to the right side of the street upon entering. The radius may be reduced to no less than 40 feet where the Technical Review Committee determines that such a reduction will not jeopardize safety concerns.

4. Cul-de-sac landscape islands may be permitted by the Technical Review Committee when it is determined by the Committee that such islands can safely accommodate emergency vehicles and an organization is established to properly maintain the islands. Heavy landscaping with low maintenance plants shall be provided.

E. Signage and signalization. All signage and traffic control devices shall be installed in accordance with the approved plans for the development or as directed by the City Engineer.

F. Changing street name signs without authority. It shall be unlawful for any person to place or cause to be placed any sign designating a street, avenue or other public place by a different name than that by which it is generally and legally known, or shall refuse to remove the same from their property when requested to do so by an officer of the City.

G. Damaging or removing street signs. It shall be unlawful for any person willfully and maliciously to damage, deface or remove any of the street signs posted at or near the corner of the streets in the City.

Sec. 109-46. – Visibility at Intersections.

A. Purpose. The purpose of this section is to ensure clear sight areas for driveways and intersections.

B. Clear Visibility for Commercial Driveways. On each

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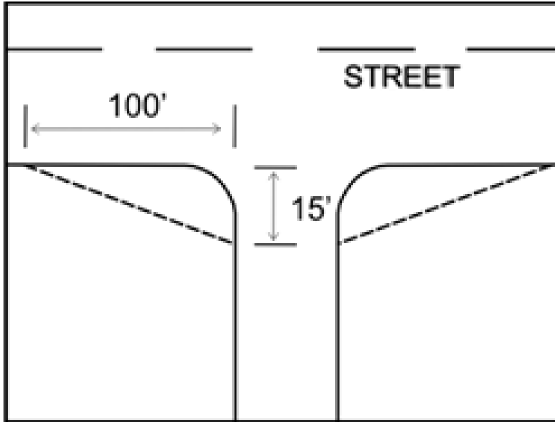
side of the driveway that intersects with a City street, a minimum of a fifteen (15) foot by 100-foot driveway sight triangle shall be provided. The minimum dimensioning of the driveway sight triangle is shown in Figure 109.1. The clear driveway sight area is to be maintained and kept clear by the property owner.

Figure 109-1



Visibility Triangle

C. Clear Visibility for Intersecting Streets. For intersecting streets, the clear sight triangle shall be determined as required by the AASHTO Green Book and other Federal, State, or local regulations.

Sec. 109-47. – Standards for stacking lanes and drive-through facility lanes.

A. Stacking Space Requirements. All facilities providing drive-up or drive-through service shall provide on-site stacking lanes in accordance with the following standards:

1. The amount of stacking space required is set forth in Table 109.4. Where a use that is not listed in this table is proposed to include drive-up or drive-through service, the Planning Director shall determine the stacking requirement. Determination shall be based on the requirements for a substantially comparable use, considering traffic generation, intensity of development, scale of development, and hours of operation.

Table 109-4. Stacking Space Requirements for Drive-up & Drive-Thru Services.

Use	Required spaces (minimum)
Automobile repair facility	2 vehicles per service bay
Car wash facility, automatic	2 vehicles per lane
Drug store or pharmacy	3 vehicles per lane
Financial institution	3 vehicles for the first lane and 2 vehicles per lane for each additional lane
Food or beverage center	2 to 3 vehicles per lane
Fast food restaurant	2 to 3 vehicles per lane

B. Design Requirements for Stacking Lanes.

1. Stacking lane distance shall be measured from the service window to the property line bordering the furthest street providing access to the facility. Stacking distance shall be computed at twenty (20) feet per vehicle.

2. The facilities and stacking lanes shall be located and designed to minimize turning movements in relation to the driveway access to streets and intersections.

3. On-site parking lots, pedestrian areas, and drive-through lanes shall be designed to avoid pedestrians crossing drive-through lanes.

4. Vehicular traffic from stacking lanes shall not encroach on the public right-of-way.

5. A separate bypass lane around the drive-through facility should be provided.

Sec. 109-48. – Private Streets. Private streets may be allowed within developments that will remain under common ownership, provided that they are constructed to the City's minimum standards and provided that the developer makes the following commitments at the time of receipt of a development order for any such project:

A. Form a property owner's association that will be perpetually responsible for the maintenance of all streets, drainage infrastructure, sidewalks and bike paths and other common areas which are created through platting of the development.

B. Record on the plat and each deed the following statement: "All roads and drainage within ______ subdivision as recorded in plat book ______ page ______ are not City maintained and are not eligible for maintenance by the City."

C. Street signs shall incorporate the words "Private Street". These signs and lettering shall be of the same size and style as other City approved street signs except that the lettering shall be black and the background color shall be yellow.

D. Individual lot surveys shall indicate that streets and drainage are private.

5. Private streets should have a minimum of 40' right-of-way, unless part of an approve PUD (and requested differently in the PUD agreement).

Sec. 109-49. – House numbering. The street numbers (addresses) of all houses and buildings in the City shall be ~~such as may be~~ assigned by the Planning Department. The owners or occupants of all houses, stores, and other premises are required to make application to the Planning Department for the assignment of a correct street number prior to the application for a building permit of any new building or prior to occupancy of any existing building which is not numbered, and display such number assigned on the particular building or occupied premises. The address number shall be visible from the street and shall be made up of numbers at least four inches in size.

Sec. 109-50. Sidewalks.

A. When required.

1. The developer shall construct sidewalks according to City standards along that part of the perimeter of the property that is adjacent to collector or arterial streets and along both sides of all streets within a subdivision. Sidewalks within a subdivision will be required along the property line prior to the certificate of acceptance for an individual structure.

2. Pedestrian-ways or crosswalks shall comply with the requirements of the Americans with Disabilities Act or subsequent legislation; however, such crosswalks shall be not less than five feet wide with a sidewalk meeting the requirements of this section, may be required by the City to be placed in the center of blocks more than 800 feet long where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

3. The approval of a plat or a site plan shall require the construction of a sidewalk along the portion of the property adjacent to all roadways. Sidewalks for residential subdivisions shall comply with the requirements of section 1. above.

4. Notwithstanding the foregoing, the City may allow the developer to pay a fee in lieu of constructing sidewalks otherwise required by this section. The amount of the fee shall be based on the cost per linear foot of required sidewalk as determined by the City, and may be paid when one or more of the following circumstances exist:

i. The area/block is already developed and there are no sidewalks on the same side of the thoroughfare as the proposed development, redevelopment does not seem likely, and the City does not have plans to construct sidewalks within one year of the site plan approval.

ii. There are physical constraints, which would make the construction of a sidewalk impossible or impractical. These include, but shall not be limited to, insufficient right-of-way, grade problems, and when construction would have a negative effect upon the natural environment.

iii. The roadway improvements scheduled in the first year of the City's capital improvement plan would result in construction activities that would destroy the sidewalk constructed by the developer.

iv. The requirement to build a sidewalk would create a safety hazard, which could result in liability to the City.

v. The site proposed for development is isolated from other development and there are no existing sidewalks within 1,000 feet of the site, on either side of the roadway.

vi. When the City Commission makes a determination that sidewalks are not appropriate within a specified area.

If the City allows a developer to make a contribution to the sidewalk reserve account in lieu of construction, and there is future development of the site or the sidewalk master plan is revised to include the subject property, the developer shall not be required to make an additional contribution or construct sidewalks for the same sidewalks on property for which a contribution was already made. If new sidewalks are required, the developer must comply with the relevant portions of this section. The City shall maintain records of those properties, which make contributions to the sidewalk reserve account, filed by the tax parcel identification number of the property.

B. Design and construction standards.

1. Sidewalks shall be at least four feet wide and located within and along the city rights-of-way.

2. Sidewalks along arterial streets or county rights-of-way shall be at least five feet wide. Sidewalks may be reduced to four feet under the following conditions:

i. Connection to an existing sidewalk that is four feet wide to allow for a transition distance.

ii. Site limitations are present that prevent the installation of a five-foot sidewalk.

3. If a sidewalk is to be used jointly as a bikeway, then the width shall be a minimum of eleven feet unless existing conditions as recognized by the City Engineer warrant a lesser width, but in no event less than 8 feet.

4. In addition, design and construction of sidewalks, or other footpaths shall conform to the requirements of City standards, including provisions for access by physically handicapped persons.

Secs. 109-51—109-55. - Reserved.

ARTICLE III. – STORMWATER MANAGEMENT

Sec. 109-56. - Design standards for stormwater management. The design of stormwater and drainage control shall conform to the provisions set forth in Chapter 106 of this Code, and the requirements set forth herein.

A. 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 6 inches below the base course, whichever is greater. All pipe material will be subject to the approval of the city.

B. Ditches, swales, detention or retention ponds. All drainageways must be grassed and have sufficient easement width to allow access for maintenance equipment and vehicles.

CHAPTER 110. SUPPLEMENTAL STANDARDS.

Sec. 110-1. - 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 X 2 acres = 30 units.)

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. X 50% = 21,780 sq. ft. allowable lot coverage, and 21,780 sq. ft. open space).

C. Splitting residential lots of record.

1. Where a person owns 2 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 2 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 land development code, with the following exceptions:

i. 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.

ii. If there are 2 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:

i. The current land use district designation allows single-family dwellings.

ii. Water supply and sanitary sewer levels of service are maintained, and either:

a. The lot abuts a public street and has not less than 20 feet frontage.

b. The lot has a minimum width of 40 feet.

c. 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.

Sec. 110-2. - Accessory Uses.

A. Purpose. This section 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.

Sec. 110-3. - 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 60 % of the primary structure's habitable square footage in size.

4. No variations, adjustments, or waivers to the re-

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quirements of this Unified Land Development Code shall be permitted in order to accommodate an accessory apartment.

5. Accessory apartments that are within the required setback areas shall be limited to 14 feet in height, unless it is within three feet of a property line, in which case it shall be limited to eleven feet in height.

Sec. 110-4. - Accessory Structures.

A. 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.

1. General standards and requirements. Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:

i. There shall be an authorized principal development, in conformance with the requirements as set forth in this code, on the parcel.

ii. All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Unified Land Development Code.

iii. Accessory structures shall not be located in a required buffer or landscape area.

iv. 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.

v. 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.

vi. Accessory structures shall be allowed only on side or rear yards, unless otherwise specified herein.

vii. No accessory structure shall be used for industrial storage of hazardous, incendiary, noxious, or pernicious materials.

viii. Accessory structures that are within the required setback areas shall be limited to 12 feet in height, unless it is within three feet of a property line, in which case it shall be limited to eight feet in height.

B. Storage Buildings, Shops, Utility Buildings, Greenhouses, Garages, Carports, And Accessory Buildings.

1. Storage buildings, shops, utility buildings, greenhouses, garages, carports, and other accessory structures shall not be located closer than 3 feet from any abutting interior property line or seven feet from the right-of-way line of any street, roadway or alley.

2. Motor vehicles, mobile homes, trailers or recreational vehicles shall not be used as storage buildings, utility buildings, or other like uses.

C. Private Swimming Pools.

1. 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 5 feet and minimum side setback of 5 feet. The measurement shall be from the outermost edge of the pool deck to the property line.

2. 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.

3. Enclosed swimming pools.

i. 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.

ii. 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.

4. 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.

D. Fences.

1. 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.

2. No fence shall block the sight distance of motor vehicles on the adjacent roadways or exit points.

3. 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.

4. 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.

5. 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.

6. Fences in front yard areas for commercial or industrial uses shall not exceed four feet in height within 10 feet of the front property line. The Planning Director 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 Unified Land Development Code for off-street parking areas in the 10-foot front setback area.

E. Decks, Patios.

1. 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.

2. 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.

F. Satellite Dishes/Antennae.

1. 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 Director.

2. 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.

3. Satellite dishes shall be maintained clear of all nearby electric lines.

4. 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.

5. No advertising or signage of any type shall appear on the antenna.

6. No satellite dish or antenna shall be used for any commercial purposes and shall service the principal structure only.

7. Satellite dish and antenna installation shall be limited to one installation per lot or dwelling.

8. The requirements of this section shall not be applicable in zoning districts that allow for commercial or industrial uses.

G. 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:

1. The structure(s) receives a development order from the City and meets the requirements of this section.

2. 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 2 boat slips per lot or one and one-half per dwelling for common docks.

3. The homeowner's construction plans will include a stamped and sealed survey indicating the required setback to adjoining riparian rights lines and meeting all of the following requirements:

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i. 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.

ii. The structure shall only be used for recreational, noncommercial activities, including a prohibition of the mooring of commercial vessels.

iii. There shall be no dredging except for that which is necessary to install pilings.

iv. The dock structure shall not impede the flow of water, nor navigation.

v. Placement of a dock on property with at least 65 feet of shoreline shall be as follows:

a. Docks with access walkways shall be set back no less than 25 feet from any property line perpendicular to the water body.

b. Docks without access walkways shall be set back no less than ten feet from any property line perpendicular to the water body.

vi. 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.

vii. Placement of the dock in the water area shall comply with the following:

a. The access portion of the dock shall not exceed a width of 5 feet;

b. Extension of the dock into the watercourse shall not be any longer than necessary to reach a maximum water depth of 4 feet below mean low water (low tide) or 25 feet, whichever is greater. However, the dock shall not extend further than 20% of the width of the waterbody regardless.

c. No portion of the dock shall be less than 5 feet from the riparian property line except for a shared dock. Common docks must meet all requirements of this section.

4. 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.

5. The use of the structure shall be limited to the mooring or docking of private recreational vessels only.

6. 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:

i. 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.

ii. 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.

iii. A shared dock must include a notarized application request from all property owners involved.

7. All other dock or boat structures shall require City Commission approval.

H. Porches.

1. Unenclosed porches are permitted encroachments into any yard. In a rear or side yard, an unenclosed porch must be at least three feet from any lot line. Unenclosed porches are permitted to encroach six feet into a required front yard.

2. Enclosed porches must meet all setback requirements.

3. Steps and stoops are not considered porches.

Sec. 110-5. - 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

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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% 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, or internet.

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.

Sec. 110-6. - 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 the Municipal Code.

Sec. 110-7. - 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 off-site signs or advertisement of the facility shall be permitted.

C. Parking for such facilities shall be provided according to Chapter 108 of this Code.

Secs. 110-8. Tents and temporary structures.
A. It shall be unlawful for any person to erect or construct, or to maintain after erection or construction, any tent or other temporary structure which has a covered area of more than 120 square feet, without a permit.

B. An applicant shall file an application for the permit with the Planning Department. Such request shall set forth in full, the name and address of the applicant together with a definite description of the proposed location of the tent or temporary structure, the use to be made of the proposed tent or structure, the size, material, dimensions and certificate of flameproofing thereof, together with other information that may be required. The application shall be subject to the approval of the Fire Marshal. The Fire Marshal shall approve or disapprove the application based on compliance with applicable fire codes. The Building Official shall approve or disapprove the application based on compliance with applicable Codes.

C. No permit shall be issued for a period of more than 30 days.

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D. Any person who shall erect, construct, maintain or assist in the erection, construction or maintenance of a tent or temporary structure, or who operates a use in a tent or temporary structure without having a written permit therefor, shall be in violation of this section.

Sec. 110-9. —110-19. - Reserved.

Sec. 110-20. - Newspaper Collection Boxes.

A. The following regulations apply to Newspaper Collection Boxes within the Downtown District and the St. Andrews Downtown District.

B. No newspaper box shall be installed in such a manner as to:

1. Unreasonably interfere with or impede the flow of pedestrians or vehicular traffic, including legally parked or stopped vehicles; or

2. Unreasonably interfere with the ingress or egress from any residence or place of business; or

3. Unreasonably interfere with the use of traffic signs or signals, hydrants, or mailboxes permitted near said location.

C. Newspaper collection boxes shall not exceed sixty inches (60”) maximum height, twenty-four inches (24”) in width, nor 20 inches (20”) in thickness.

D. No newspaper collection box shall be installed in any of the following locations:

1. Two (2) newspaper collection boxes within three (3) feet of another newspaper collection box.

2. In such location as to result in an obstructed sidewalk area of less than four feet in width.

3. Within five feet of a public or private driveway, or emergency facility.

E. Newspaper boxes shall be constructed of weatherproof, or exterior grade materials, Boxes shall be kept in good repair and repainted as needed for good appearance.

F. A permittee shall collect and remove all litter which may have accumulated under, in or about its newspaper box whenever it places additional newspaper in the newspaper box.

Secs. 110-21. —110-29. - Reserved.

Sec. 110-30. - Manufactured Housing Standards.

A. - Public purpose. The purpose of this Chapter is to provide standards for the location and placement of individual manufactured homes and manufactured home subdivisions.

B. - Applicability.

1. All manufactured homes placed within manufactured home subdivisions or located on individual lots within the City, must bear a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards Title 24 CFR, Part 3280, or inspected by an approved inspection agency conforming to the requirements of the Code of Federal Regulations, and bearing the insignia of approval.

2. The use of manufactured homes within the city limits (if not built in compliance with the Federal Manufactured Housing Construction and Safety Standards of the HUD Code, 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 6 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.

3. Manufactured homes shall comply with the requirements hereof.

4. Park model trailers shall not be allowed in manufactured home subdivisions for rental purposes.

C. - Placement of individual manufactured homes.

1. After the effective date of this Chapter, an individual manufactured home dwelling unit may not be located within the City unless: it has been approved as either an Residential Design Manufactured Home (RDMH) or Standard Design Manufactured Home (SDMH) structure and meets all other requirements of this Land Development Code.

2. After the effective date of this Chapter, only residential designed manufactured homes approved as RDMH structures, shall be permitted to be placed in ~~Residential-1 (R-1), and~~ Manufactured Home (MH-1) **districts** as an allowable use, subject to the requirements and limitations which shall be applicable to districts set out in Chapter 104, Article II and this Chapter applying to such residential use, including

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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.

3. After the effective date of this Chapter, standard designed manufactured homes approved by HUD may be placed only:

i. in districts zoned MH-1; or

ii. as a temporary government office on government property; or

iii. as a temporary classroom on school property; or

iv. as a temporary construction office (no sleeping quarters allowed) on a construction site approved by a valid development order; or

V. as a replacement for a previous manufactured home of the same approximate size in a mobile home park, where the park was in existence prior to 1999, and when said manufactured home replaced has not been removed for more than 6 months.

4. All manufactured homes must be installed in accordance with those regulations to F.S. § 553.381, and those local requirements of the City as authorized under F.S. § 553.38, relating to the following:

i. Land use and zoning requirements;

ii. Fire zones;

iii. Setback requirements;

iv. Side and rear yard requirements;

v. Site development requirements;

vi. Property line requirements;

vii. Subdivision control;

viii. Onsite installation requirements;

ix. Review and regulation of architectural and aesthetic requirements;

x. Landings of the requisite composition and size as per the Florida Building Code.

5. 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.

6. Manufactured homes are not permitted to be used as storage buildings.

D. - Manufactured home subdivisions.

1. Manufactured home subdivisions are allowed in MH-1 zoning districts for RDMH homes only.

2. The following bulk regulations shall apply:

i. The minimum parcel area for a subdivision shall be seven acres.

ii. The minimum parcel width for portions used for entrances and exits for residential purposes shall be 200 feet.

iii. The density of manufactured homes shall not exceed 6 manufactured home lots per acre.

iv. The minimum lot area shall be 4,000 square feet.

v. The minimum lot width shall be 50 feet.

vi. At least 50% 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.

3. The following minimum setbacks shall apply for manufactured homes located on lots within a manufactured home subdivision:

i. 25 feet from lot line.

ii. 20 feet between units or structures when oriented long side by long side.

iii. 6 feet between units or structures when oriented short end to short end.

iv. 8 feet between units or structures when oriented long side to short end.

v. For curved, cul-de-sac, or odd-shaped lots: as required by the Director.

4. No manufactured home shall be permitted within 25 feet of a street, right-of-way or perimeter lot line.

5. Each manufactured home lot shall have either a stabilized pad of not less than the outer perimeter

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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. Manufactured homes located in manufactured home subdivisions shall have the wheels, axles and tongue removed, the bottom of the home shall be enclosed with a customary manufactured 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:

i. Contain only RDMH structures meeting all residential design standards in accordance with these regulations; or

ii. Provide a 25-foot landscaped buffer from the property line; or

iii. Provide a screening material along the property line such as a solid fence or wall not less than 6 feet high.

6. All utilities shall be below ground except central pumps or tanks, which shall be fully screened from view.

7. 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 6 manufactured home sites.

8. 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.

9. 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.

10. Each manufactured home lot shall have two improved parking spaces.

11. 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.

12. All manufactured home subdivisions shall provide for and have central refuse containers, appropriately grouped and screened.

13. There shall be three parking spaces for each 300 square feet of service buildings.

14. All manufactured homes located within the subdivision shall be required to be installed according to the HUD Code, regulations pursuant to F.S. § 553.381, and those local requirements authorized by F.S. 553.38. No certificate of occupancy shall be issued by the Building Department until compliance with these regulations is met.

15. 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.

16. All manufactured housing developments approved prior to the adoption of this Chapter 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.

E. Parking. No unoccupied manufactured homes shall be stored or parked in any residential district or public place.

F. Temporary permit for use during construction. A temporary permit may be obtained from the Planning Department for the temporary use of a manufactured home used exclusively as an on-site office during construction of a project.

G. Temporary permit for use as office. The Planning Department may issue a temporary permit for the use of a manufactured home as an office in all districts of the City except R-1 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. Manufactured homes used as a sales office must comply with all tie-down, landscaping, utility connections, and parking and skirting requirements set forth herein.

H. - Temporary permit for Emergency Residential Units. Notwithstanding sections 110-30.C. through 110-30.G., a recreational vehicle, travel trailer, or

trailer may be used as temporary emergency residential dwellings on private property or designated areas within the City based on a declared emergency issued by the City of Panama City Commission in the event of a catastrophic event. This is for temporary emergency purposes only, during recovery and reconstruction phases for the declared emergency. Recreational vehicles, travel trailers, or trailers on private property can be used by the property owner as housing during repair or (re)construction of a storm damaged residential dwelling, but at no time shall the property owner be allowed to use a tent as a residential dwelling. Subsequently, the recreational vehicle, travel trailer, or trailer must be removed upon the issuance of a Certificate of Occupancy or completion of the dwelling or the expiration of the building permit to repair the storm damage to the private property, but in no event may the recreational vehicle, travel trailer, or trailer be used as a residential dwelling for more than one (1) year from the date of the declared emergency unless the time is extended by a 4/5 vote of the City Commission.

Secs. 110-31—110-39. - Reserved.

Sec. 110-40. - Parking and Storage of Portable Storage Containers And Construction Dumpsters – Permits.

A. 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 5 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 section 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 10 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.

B. 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.

C. 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.

D. 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 10 feet from the front property line.

E. Portable storage containers. In addition to the requirements of Section 105-280 through Section 105-283 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

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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 81/2 feet in height, 8 feet in width or 16 feet in length.

F. Construction dumpsters. In addition to the requirements of Section 105-280 through Section 105-283 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.

G. 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.

Sec. 110-41. - Bed and Breakfast Inn Development Standards.

A. Bed and Breakfast Inn establishments shall be located in residential buildings that have frontage on a roadway which is capable of safely accommodating the additional traffic and parking, as determined by the Planning Director. Bed and Breakfast Inn establishments with access from a private road shall have the approval of the association or representative of all lots that have rights of access or maintenance responsibility. **No Bed and Break Inn establishments are allowed in R-1 (Residential- 1) or R-2 (Residential- 2) Zoning Districts.**

B. Use.

1. Residential buildings proposed as bed and breakfast inn operations shall require a building inspection by the City's Fire Chief, and Building Inspector prior to any approval or uses as a bed and breakfast inn operation. Any code violation(s) shall be corrected prior to approval or uses as a bed and breakfast operation.

2. The dwelling unit which the bed and breakfast inn takes place shall be the principal residence of the owner and said owner shall be on the premises when the bed and breakfast inn operation is active.

3. Dining facilities for the purpose of serving meals shall not exceed a seating capacity of two and on-half (2.5) times the number of sleeping rooms in the bed and breakfast establishment.

4. The maximum stay for any guests/occupants of bed and breakfast inn establishments shall be twenty-one (21) days.

C. Site Development.

1. A structure utilized for a bed and breakfast inn must be located at least 150 feet from any adjacent residence, measured between principal structures.

2. A structure utilized for a bed and breakfast inn that is within 500 feet from the shoreline of any lake or river must be connected to a public sanitary sewer.

3. A structure or premise utilized for a bed and breakfast inn must have at least two (2) exits to the outdoors from such structure or premise, and rooms utilized for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet or each additional occupant, to a maximum of four (4) occupants per room. Each sleeping room used for the bed and breakfast inn operation shall have a separate smoke detector alarm. Lavatories and bathing facilities shall be available to all persons using any bed and breakfast inn operation. In no case shall there be less than one (1) lavatory and bathing facility for each four (4) sleeping rooms.

4. Bed and breakfast inn operations shall be limited to ten (10) guest sleeping rooms.

5. Applicants shall submit a site plan, landscape plan and a floor plan of the residential dwelling unit illustrating that the proposed operation meets the requirements of this ULDC.

6. Minimal outward modification of the structure

may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which the bed and breakfast inn is located.

7. Parking shall meet the requirements of Chapter 108 for boarding and lodging houses. The parking areas shall not be located with the required yard setbacks. A landscape buffer strip shall be provided between the parking lot and all adjacent residentially zoned land.

8. Signs for a bed and breakfast establishment shall meet the requirements for Chapter 112 and Chapter 105 for the district in which it is located.

9. Each bed and breakfast establishment shall have an annual business license and routinely contribute the appropriate fees to the County's tourist development tax program.

Sec. 110-42. – Telecommunication Facilities.

A. Purpose and Intent. The purpose of this section is to provide comprehensive standards for the development, installation, replacement and removal of telecommunication facilities within the City. Through these standards, it is the intent of the City to: protect and promote public health, safety and welfare by encouraging appropriate location and site design for telecommunication facilities; limit adverse aesthetic impacts of these facilities to other property owners and the community in general; and promote managed development of the telecommunication infrastructure within the City.

B. Applicability.

1. The provisions of this section shall apply to the development, installation, replacement, or modification of any telecommunication facility (as defined in Chapter 116).

2. The provisions of this section shall not apply to telecommunication equipment on the premises of a telecommunication customer for the use of the occupants of the premises.

C. General Standards for All Telecommunication Facilities.

1. Lighting.

i. Artificial lighting of telecommunication facilities must be limited to mandatory safety lighting required by the City, the FAA, or the FCC.

ii. Security lighting around the base of a telecommunication facility may be provided if such lighting does not cast light onto adjacent properties or rights-of-way.

2. Screening

i. Developers of ground-mounted telecommunication facilities must make an effort to limit the visibility of the antenna mount from neighboring properties and rights-of-way. When possible, antenna mounts must be concealed behind existing buildings or natural features.

ii. Equipment shelters and cabinets must be concealed behind existing buildings or natural features, whenever possible.

iii. If concealment of ground-mounted telecommunication facilities and associated equipment shelters is not possible, the perimeter of these facilities must be landscaped as follows:

a. Landscape buffer around facility to be a minimum of 10 feet deep.

b. Landscape buffer to include a mixture of trees, shrubs, bushes and groundcover arranged in such a way that the landscaping will effectively screen the site from public view within three years of planting.

c. Landscape buffer must include one tree for every 25 linear feet around the perimeter of the facility. At time of planting, trees will be a minimum of eight feet tall and have a diameter of at least four caliper inches.

d. Landscape buffer must include shrubs or bushes that will create a continuous opaque hedge or screen of not less than four feet tall upon maturity. At time of planting, these plants must be a minimum of 18 inches tall, and spaced so that a continuous hedge will form within three years of planting.

e. Upon approval of the Planning Director, a fence may be used to augment a landscape buffer. A fence will not be allowed in lieu of a landscape buffer.

iv. Structure-mounted telecommunication facilities must be placed on the structure out of public view whenever possible. If this is not feasible, developers are encouraged to use camouflaged mounts that compliment the style of the supporting structure.

3. Security.

i. Telecommunication facilities must be designed so as to be non-climbable by unauthorized persons. Facilities will utilize removable climbing pegs or security barriers or similar methods to achieve this standard.

ii. Telecommunication facilities, including antennas and equipment shelters, must be of vandal-resistant design, or must have a security barrier.

iii. All components of telecommunication facilities must have a minimum separation of 10 feet from any overhead utility lines.

iv. Signage.

a. A telecommunication facility must have an identification sign of no more than four square feet in area, identifying the property owner, telecommunication facility operator with contact phone number, and the FCC registration and tower ID number. The identification sign may be wall-mounted or freestanding. If freestanding, the maximum height of the sign will be 5 feet as measured from natural grade.

b. No signage other than the required identification sign will be allowed on a telecommunication facility.

D. Ground-Mounted Telecommunication Facilities.

1. In general.

i. Ground-mounted telecommunication facilities in the following districts are subject to review and approval by City staff, per Chapter 102: REC-1, REC-2, SIL, GC-2, LI, HI, and PI.

ii. Ground-mounted telecommunication facilities in the following districts are subject to administrative review followed by review and approval of the Planning Board and City Commission, per Chapter 102: MU-3, UR-2, DTD, and PUD.

iii. Ground-mounted telecommunication facilities are prohibited in the following districts: R-1, R-2, MU-1, MU-2, and StAD.

iv. All applicants for ground-mounted telecommunication facilities must provide a signed and sealed statement from a Florida registered engineer documenting the limits of the fall zone of the ground-mounted telecommunication facility.

2. Standards for ground-mounted telecommunication facilities

i. Height.

a. Maximum height of ground-mounted telecommunication facilities in the REC-1, REC-2, SIL, GC-1, GC-2, P/I, MU-3, UR-2, DTD, and PUD zoning districts will be as follows:

(1) For a single-user facility: 90 feet

(2) For a two-user facility: 120 feet

(3) For a three- or more-user facility: 150 feet

b. Maximum height of ground-mounted telecommunication facilities in the LI and HI zoning districts: 185 feet

c. Maximum height of ground-mounted telecommunication facilities in the R-1, R-2, and MU-1 zoning districts: 90 feet

d. Height will be measured as the vertical distance between the ground elevation at the center-point of the base of the ground-mounted telecommunication facility and the highest point of the ground-mounted facility, including antennas, platforms or other attachments.

e. In no case will the height of a ground-mounted telecommunication facility exceed any height limit established by the FAA.

ii. Setbacks.

a. A monopole ground-mounted telecommunication facility will have a minimum setback from all property lines equal to 50% of the height of the proposed telecommunication facility, or equal to the radius of the fall zone established in the fall zone statement provided by the applicant, whichever distance is greater.

b. A non-monopole ground-mounted telecommunication facility will have a minimum setback from all property lines equal to 100% of the height of the telecommunication facility, or equal to the radius of the fall zone established in the fall zone statement provided by the applicant, whichever distance is greater.

c. Equipment shelters associated with a telecommunication facility will be subject to the setback requirements for principal structures in the underlying zoning district.

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E. Structure-Mounted Telecommunication Facilities.

1. In general.

i. Structure-mounted telecommunication facilities are allowed on existing commercial, industrial, office or institutional structures in any zoning district.

ii. Structure-mounted telecommunication facilities are allowed on multi-family buildings taller than three stories in height in any zoning district.

iii. Structure-mounted telecommunication facilities are prohibited on single-family structures, duplexes, triplexes, townhouses, and other multi-family structures less than three stories in height in any zoning district.

iv. Placement of a structure-mounted telecommunication facility on a nonconforming structure will not be considered an expansion of the nonconforming structure.

v. Structure-mounted telecommunication facilities are subject to review and approval by City staff, per Chapter 102.

2. Standards for structure-mounted telecommunication facilities.

i. Structure-mounted telecommunication facilities will extend a maximum of 20 feet above the roofline or highest point of the structure on which they are mounted.

ii. The height of a structure-mounted telecommunication facility will be measured as the vertical distance between the roofline or highest point of the structure and the highest point of the structure-mounted facility, including antennas, platforms or other attachments.

iii. The height limit will not apply if the structure-mounted telecommunication facility is incorporated into a steeple, bell tower, or similar architectural feature of a church, school, or institutional building.

iv. In no case will a structure-mounted telecommunication facility exceed any height limit established by the FAA.

v. Structure-mounted telecommunication facilities and associated equipment shelters are subject to the setback requirements for principal structures in the underlying zoning district.

F. Co-Location and Modification to Existing Telecommunication Facilities.

1. In general.

i. Existing ground-mounted telecommunication facilities in any zoning district may be modified to accommodate the co-location of an additional antenna or antennas.

ii. Modification to existing telecommunication facilities to accommodate co-location is subject to review and approval by city staff, per Section ___.

2. Standards for modification of existing telecommunication facilities.

i. An existing ground-mounted telecommunication facility may be modified or re-built to a taller height, not to exceed 20 feet over the facility's existing height, in order to accommodate co-location of an additional antenna or antennas.

ii. In no case will a telecommunication facility modified to incorporate an additional antenna exceed any height limit established by the FAA.

G. Bond for Performance, Maintenance and Removal Upon Default.

1. Together with its application for a development order for a new ground-mounted or structure-mounted telecommunication facility, telecommunication facility applicants must provide proof, acceptable to the City, that they will provide a performance bond, upon final approval of the development order, 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.

2. Said bond shall be for an amount determined by the City, taking into consideration the following: financial stability of the applicant; whether the facility is collapsible within its own footprint; method of demolition; what special safety precautions will be necessary; and landfill disposal fees. After consideration of the above factors, it is hereby provided that such bond shall not in the aggregate exceed $75,000.00, and shall be valued so as to cover:

i. The amount that would be required to perform emergency maintenance on the telecommunication facility upon failure of the facility owner/operator to provide ordinary and necessary maintenance requested by the City, plus

ii. The amount that would be required to safely take down, remove, and legally dispose of the telecommunication facility, including all antennas,

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antenna mounts, equipment shelters, electrical paraphernalia, and other improvements related to the telecommunication facility, upon failure of the owner/operator to duly remove the telecommunication facility as otherwise provided in this section.

3. 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.

4. 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 will be required to cease use of the facility immediately. Further, should the applicant fail to cure said defects within 10 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 expense, costs and attorney's fees incurred in addition to the amount of said bond.

H. Abandonment.

1. Any telecommunication facility that is removed from use for a period of 90 consecutive days is deemed to be abandoned.

2. Determination of the date of abandonment will be made by the Planning Department, which has the right to request documentation, including affidavits, from the telecommunication facility owner/operator regarding the active use of the facility. Failure or refusal for any reason by the owner/operator to respond within 30 days to the Planning Department's request for such documentation shall constitute prima facie evidence that the telecommunication facility has been abandoned.

3. Upon a determination of abandonment, the Planning Department will provide written notice of the determination to the owner of the property and the owner/operator of the telecommunication facility. Such notice will be sent via certified mail.

4. The owner of the property and the owner/operator of the telecommunication facility will have 90 days from the date of abandonment to either:

i. reactivate the use of the facility; or

ii. dismantle and remove the facility from the property.

5. Upon failure by the telecommunication owner/operator to either reactivate the abandoned facility or remove it from the property, as described in part 4 above, the City may dismantle and remove the facility. The costs for dismantlement and removal will be recovered from the telecommunication facility owner/operator and the property owners pursuant to Chapter 12 of the Panama City Municipal Code, or by accessing the performance bond referenced earlier in this section.

Sec. 110-43. - Construction Offices.

A. All outdoor storage of non-passenger vehicles and building materials shall be kept at least 100 linear feet from any adjacent lot containing a legal, conforming residential use and shall be located in a side or rear yard only.

B. Outdoor storage shall be screened from major thoroughfares and adjacent properties in accordance with the screening requirements set forth in Section 7.9.

C. A maximum open storage space of 50% of the side and rear lot area is allowed for business and industrial equipment and materials.

D. Open storage of items shall not be piled or stacked over **10** feet in height above grade.

Sec. 110-44. - Real Estate Sales Offices and Model Homes.

A. General. Temporary facilities used as real estate sales offices or model homes may be located within new subdivisions.

B. Location. Such facilities shall be required to meet all setback requirements of the underlying zoning district and shall not be used as residences.

C. Permitted Timeframes. A facility permitted as a temporary real estate sales office shall be removed upon completion of sales in the subdivision.

Sec. 110-45. - Transient Commercial Uses Prohibited in Residential Districts.

A. Transient lodging uses for remuneration are prohibited in the residential districts of the City except as otherwise permitted by this Code. Any person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or arranges or negotiates

for the use of residential property for transient lodging uses, or any person who uses or allows the use of residential property in this manner shall be considered in violation of this section. Each day in which such residential property is used or allowed to be used in violation of this section shall be considered a separate offense.

Sec. 110-46. - Hydraulic Fracturing.

A. It is the intent of the City Commission to protect surface and ground water resources, air quality, soils, flora and fauna, and public health, safety, and welfare from contaminates associated with hydraulic fracturing. Hydraulic fracturing is also known by the common term "fracking." To that end, hydraulic fracturing is a prohibited use in all zoning districts in the City of Panama City.

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CHAPTER 111 – SUBDIVISION OF LAND

ARTICLE 1. GENERAL

Sec. 111-1. - Applicability.

A. These regulations shall govern all subdivisions of land within the corporate limits of the City of Panama City, Florida, as now or hereafter established.

B. The purpose of this Chapter is to establish procedures and standards for the development and subdivision of real estate within the corporate limits of the City of Panama City, Florida, in an effort to, among other things, ensure proper legal description, identification, location and recording of real estate boundaries; further orderly layout and appropriate use of land; provide safe, convenient, and economic circulation of vehicular traffic; provide street lighting adequate to facilitate the observation of pedestrians adjacent to all vehicle use areas; provide suitable building sites which drain properly and are readily accessible to emergency vehicles; assure the installation of improvements; help conserve and protect the physical, economic and scenic resources of the City of Panama City; and promote the public health, safety and general welfare.

Sec. 111-2. - Jurisdiction.

A. Subdivision plat required. No real property shall be divided into **three** or more lots for the purpose, whether immediate or future, of sale or other transfer of ownership, nor shall development plans be approved or permits issued, without compliance with the requirements of this Chapter.

B. Exemptions. The following activities shall be exempt from the requirements of a subdivision plat:

1. The combination or recombination of previously platted lots or portions of lots, where the overall number of lots is not increased, current lot pattern is maintained, and all resultant lots meet or exceed the dimensional standards of this Chapter.

2. The public acquisition of strips of land for the widening or opening of streets.

3. A minor subdivision shall be exempt from the review and approval of a plat, however development plans meeting the requirements of this Chapter shall be reviewed by the Technical Review Committee and approved by the Planning Director.

i. A minor subdivision is defined as meeting all of the following criteria:

a. No adjoining lots, tracts, or parcels are in the same ownership.

b. No new streets are proposed or required.

c. No dedication of right-of-way, drainage areas, conservation areas, or other publicly maintained property is proposed or required.

d. All proposed lots meet or exceed the dimensional requirements of this ULDC and required private easements for utility, drainage, conservation, or other purposes are delineated.

e. Water and sewer services are available to serve the property.

Sec. 111-3. - Protection for prior platted subdivision lots. Where a lot was a subdivided lot of record and the lot was usable as a conforming single-family residential building site at the time of recording, the lot may be used and occupied by a single-family dwelling and its accessory buildings provided the development complies with the minimum yard setbacks of the current zoning district.

Sec. 111-4. - Procedures for securing subdivision plat approval.

A. The following procedures for securing subdivision plat approval shall be followed in submitting, reviewing, and acting upon all subdivision plats within the City limits of Panama City, Florida.

1. Submittal and approval of subdivision sketch plan.

2. Submittal and approval of preliminary plat.

3. Submittal and approval of final plat.

Sec. 111-5. – Subdivision Sketch Plan.

A. Subdivision sketch plan. As the first step in the plat review procedure, the subdivider shall submit a sketch plan.

1. The sketch plan shall be drawn at an approximate scale of 200 feet to one inch or at such other scale as the City Engineer may direct and shall show:

i. Total acreage in the tract to be subdivided.

ii. Tentative street and lot arrangement.

iii. Approximate rights-of-way, measurements, and lot lines.

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iv. Wooded areas, including the location of any heritage or protected trees as defined in section 106-22, and existing and proposed uses of land throughout the subdivision.

v. Proposed waterways.

vi. Zoning classification of the tract.

B. Within five business days of receipt of a subdivision sketch plan, the Department shall:

1. Determine that the submittals are incomplete and inform the developer in writing as to the deficiencies. The developer may cure the deficiencies within five days and have the subdivision sketch plan remain in the current review cycle; or

2. Determine that the submittals are complete and proceed with the following procedures.

C. The subdivision sketch plan shall be reviewed by the Technical Review Committee within 30 days of submittal of an application. The applicant will be notified of the comments from the Technical Review Committee review. The subdivision sketch plan shall then be placed on an Agenda for the Planning Board Meeting which is within 45 days following issuance of the recommendation for approval by the TRC.

D. Within ten working days after the committee meets to consider the plan and comments, the Planning Director shall issue a written report setting forth the recommendations of the Technical Review Committee. The subdivision sketch plan shall then be placed on an Agenda for the Planning Board Meeting which is within 45 days following issuance of the recommendation by the TRC.

E. At the time the sketch plan is reviewed by the Planning Board, the subdivider or his representative shall discuss plans, which he may have for development of the proposed subdivision. After the sketch plan has been reviewed by the Planning Board and the subdivider has agreed to meet the requirements of this Chapter, the subdivider shall prepare the preliminary plat.

G. The sketch plan, after being reviewed by the Planning Board, shall be valid for one year. If the subdivider does not submit the preliminary plat to the City for review within one year of the Planning Board's approval of the sketch plan, the subdivider shall be required to submit a new sketch plan, along with the applicable fees, to the Planning Board for review.

Sec. 111-6. - Preliminary plat. As the second step in the plat review procedure, the subdivider shall submit a preliminary plat.

A. The subdivider shall submit the preliminary plat and any required exhibits to the Planning Department. The number of copies to be submitted will be determined by the Planning Department to ensure the City receives a sufficient amount for all reviewers.

B. The preliminary plat shall be prepared by a professional surveyor, or professional certified engineer in the State of Florida at a scale of 100 feet to one inch or such other scale as approved by the City **Surveyor**. The City Surveyor shall also approve sheet size and title block. The following information shall be shown on the preliminary plat or on sheets attached thereto:

1. General information.

i. Name of subdivision, owner, and surveyor or engineer.

ii. Date of survey and plat preparation, north point, and graphic scale.

iii. Surveyor's certificate of accuracy.

iv. Legal description of tract of land to be subdivided.

v. Total acreage in tract, acreage in public or other land usage, total number of lots, linear feet in streets.

vi. Names and locations of adjoining subdivisions and streets. Existing zoning classification of the tract.

vii. A vicinity map drawn to a scale of 400 feet to one inch. A smaller scale is permissible if approved by the City Surveyor.

viii. Index of sheets in submission material.

ix. Other supplemented materials, including any deed restrictions and protective covenants proposed for the subdivision and any other information considered by the subdivider, the Planning Board or City Surveyor to be pertinent to the review of the preliminary plat.

2. Existing site data.

i. City limit lines, property lines, rights-of-way,

easements, streets, railroads, utility transmission lines, streetlights, storm sewers, ditches and culverts, fire hydrants, sanitary sewers, water mains, bridges, buildings and bulkheads.

ii. Boundaries of the tract to be subdivided with all bearings and distances indicated along with a certificate of title for the tract.

iii. Wooded areas, marshes, watercourses, ponds, and other similar conditions affecting the site.

iv. Topography of the site at a contour interval of two feet.

v. Soil tests as may be required by the City Engineer.

vi. Tree survey showing protected and heritage trees on the property.

3. Proposed site data.
i. Street rights-of-way, pavement widths, grades and street names. (Street profiles and cross sections shall be provided when required by the City Engineer.)

ii. Other rights-of-way or easements, including location, dimensions, and purposes.

iii. Plans for sanitary sewers, storm sewers, water lines, or proposals for developing new water supply, storm drainage, and sewage disposal systems. (Storm and sanitary sewer profiles and cross sections shall be provided when required by the City Engineer.)

iv. Contour changes or any created water bodies or changed watercourses.

v. Bulkheads and bridges, if any.

vi. Lot lines, lot dimensions, lot and block numbers, and building setback lines along street rights-of-way.

vii. Parks, school sites, and other public areas, if any.

viii. Areas to be used for purposes other than residential and public, if any, and with the purpose, location, and dimensions, ownership and maintenance responsibilities of each indicated

ix. Areas to be used for purposes other than residential and public, if any, and with the purpose, location and dimensions of each indicated.

C. Within five business days of receipt of a preliminary plat, the Department shall:

1. Determine that the submittals are incomplete and inform the developer in writing as to the deficiencies. The developer may cure the deficiencies within five days and have the preliminary plat remain in the current review cycle. Thereafter, the developer may cure the deficiencies within six months without payment of a reapplication fee, but, if more than six months has elapsed, must thereafter re-initiate the application and pay an additional fee; or,

2. Determine that the submittals are complete and proceed with the following procedures.

D. The preliminary plat shall be reviewed by the Technical Review Committee within 30 days of submittal of an application. The applicant will be notified of the date and location of the Technical Review Committee review.

E. Within ten working days after the committee meets to consider the plan and comments, the Planning Director shall issue a written report setting forth the recommendations of the Technical Review Committee. The preliminary plat shall then be placed on a Planning Board agenda for a Planning Board meeting which is within 45 days following issuance of a recommendation by the TRC.

F. Planning Board review.

1. Upon completion of the preliminary plat review, the Planning Board shall recommend that the City Commission approve, approve conditionally, or disapprove the preliminary plat. The Planning Board may continue the review of the preliminary plat for good cause.

i. In case of a recommendation for conditional approval, the conditions to be met shall be specified in writing and reference shall be made to the specific sections of this Chapter, with which the preliminary plat does not comply.

ii. When a recommendation is made that a preliminary plat be disapproved, the Planning Board shall specify the reasons for such recommendation in writing.

iii. After action by the Planning Board, the Planning Director shall schedule the application for a City Commission meeting which is within 30 days

of the said action by the Planning Board and shall notify the applicant of the Commission meeting. A copy of any written report on the application submitted to the City Commission by the Planning Director shall be made available to the applicant. If applicant requests a delay in the transmittal of the preliminary plat to the City Commission in writing, the delay may only be for six months

G. City Commission action.

1. The preliminary plat shall be approved, disapproved or tabled for cause by the City Commission.

2. The signature of the Mayor shall indicate approval of the preliminary plat.

3. If the preliminary plat is disapproved by the City Commission, the reasons for disapproval shall be specified in writing and reference shall be made to the specified sections of this chapter with which the preliminary plat does not apply. The subdivider may make recommended changes and resubmit the preliminary plat for approval by the City Commission.

H. Approval of preliminary plat.

1. Upon approval of the preliminary plat by the City Commission, the subdivider may proceed with the preparation of the final plat, and the installation of or arrangement for required improvements in accordance with the preliminary plat as approved and the requirements of this Chapter.

2. Approval of the preliminary plat shall not be construed as authority for filing of the plat with the Clerk of Circuit Court of Bay County, nor as authority for the sale of lots in reference thereto. Approval of the preliminary plat shall, however, authorize the subdivider at his own risk prior to approval of the final plat to:

i. Perform required improvements; subject to the requirements of section 111-8(B); or

ii. Post a surety bond for required infrastructure improvements, as approved by the City Attorney; or

iii. Place a certified check or cash in escrow account to cover the cost of the required infrastructure improvements.

3. Complete the appropriate form indicating which mechanism will be utilized to construct the required infrastructure. No clearing of trees on any lots or proposed building lots shall commence until a final plat has been approved and recorded and until a valid development order has been issued for that specific lot.

Sec. 111-7. - Final plat. As the third step in the plat action procedure, the subdivider shall submit a final plat. Submission of a final plat shall be required of every subdivider ~~and lots shall not be sold~~ nor any street accepted and maintained by the City, nor shall any permit be issued by the Chief Building Official for the construction of any building within such subdivision unless and until the final plat has been approved by the Planning Board and the City Commission, and duly recorded by the Clerk of the Circuit Court, Bay County, Florida. Before submitting the final plat for review by the City Commission, the subdivider shall have met all the requirements of sections 111-9 and 111-10 of this Chapter.

A. Application procedure.

1. The subdivider shall submit as the final plat only that portion of the approved preliminary plat which the subdivider proposes to record and develop at this time; such portion shall conform to all requirements of this Chapter.

2. The subdivider shall submit the final plat to the City at least 30 days prior to the Planning Board meeting at which time the final plat is intended to be scheduled on the Planning Board's agenda. The number of copies to be submitted will be determined by the Planning Department to ensure the City receives a sufficient amount for all reviewers.

3. After the review of the final plat by the Planning Board, the final plat will then be forwarded to the City Commission for their approval. An additional copy of the final plat shall be drawn or printed on mylar or other similar durable material for recording by the Bay County Clerk of the Circuit Court and the City of Panama City.

4. At the time of submission of the final plat, the subdivider shall pay to the City of Panama City a fee as set by resolution of the City Commission. The fee is for the purpose of administration and inspection of site improvements.

5. Failure to apply for final plat approval within two years of preliminary plat approval shall result in the revocation of the preliminary plat approval. A time

extension may be granted if the Planning Board recommends it and it is approved by the City Commission.

B. Required exhibits. The final plat shall be prepared by a currently registered surveyor or engineer at a scale of either 100 feet to one inch or such other scale as approved by the City Surveyor. The following information shall be shown on the final plat or on sheets attached thereto:

1. General information.

i. Name of subdivision, owner and surveyor or engineer.

ii. Date of survey and plat preparation, north point and graphic scale.

iii. Names and locations of adjoining subdivisions and streets.

iv. Deed restrictions or protective covenants for the subdivision, if any.

2. Survey data.

i. Exact boundaries of the tract to be subdivided.

ii. Legal description of tract of land to be submitted.

iii. Accurate location and description of all monuments, markers, and control points.

iv. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including linear dimensions, bearings or deflection angles, radii, arcs, chords, and central angles. (All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.)

3. Site data.

i. All rights-of-way, easements, and areas to be dedicated to public use with the purpose of each stated.

ii. Areas to be used for purposes other than residential and public, if any, with the purpose, location, dimensions, ownership and maintenance responsibilities of each indicated.

iii. Lot and block numbers and street names.

iv. Such cross sections and profiles of streets as may be required by the City Engineer.

v. Such as-built surveys for water, sanitary sewers, and storm sewer systems, showing sizes, cross section and profiles as required by the City Engineer and Utilities Director.

vi. Such as-built surveys of bulkheads, bridges, and sidewalks, if any, showing cross sections and profiles as required by the City Commission.

4. Signed certificates. The following certificates shall also appear on each copy of the final plat, which is submitted to the City Commission. Certificates (1), (2), (3), (4), and (5) shall be properly signed before the final plat is submitted to the City Commission. Certificates (6), and (7) shall be properly signed after the City Commission approves the final plat.

i. Number (1): Certificate of Ownership and Dedication.

I hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision with my free consent, establish minimum setback lines and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I dedicate any and all storm sewer, sanitary sewer and water lines to the City of Panama City, Florida, as noted.

Signed on this the ________ day of __________, (year).

By:______________________________________
(Name)

Bar No.:_________________________________

ii. Number (2): Title opinion.

This is to certify that I have personally examined the title to the lands platted hereon and find title is vested in _______(Subdivider)______ and that there are no unsatisfied mortgages on said lands. This certification is based upon the best of my knowledge and belief, this _____ day of ________, (year).

By:______________________________________
(Name)

Bar No.:_________________________________

iii. Number (3): Certificate of Surveyor.

Know all men by these presents, that the undersigned being a licensed and registered land surveyor, does hereby certify that on ____________ /_____________/_____________ he/she completed the surveying of the lands as shown in the accom-

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panying plat, that said plat is a correct representation of the lands therein described and platted; that permanent reference monuments have been placed as shown thereon and complies with the requirements of Chapter 177, Florida Statutes; and that said land is located in Bay County, Florida. Signed on this the ________ day of _________, (year).

By:______________________________________
(Name)
Florida License No.:_______________________

iv. Number (4): <u>Certificate of approval of the Design and Installation of Streets, Utilities and Other Required Improvements</u>.
I hereby certify that all streets, utilities and other required improvements have been installed in an acceptable manner and according to City specifications and standards and all applicable regulations in the ____________ Subdivision or that a guarantee of the installation of the required improvements in a manner according to 111-8 has been received. Signed on this the ________ day of _________, (year).
By:______________________________________
(Name) City Engineer
Florida Registration No.:__________________
City Engineer

v. Number (5): <u>Certificate of City Surveyor</u>.
I hereby certify that I have reviewed the plat of the ___________________ subdivision, and hereby certify that it complies with all the requirements of Chapter 177, Florida Statutes. Signed on this the ______ day of __________, (year).

By:______________________________________
(Name) City Surveyor
Florida License No.:_______________________

vi. Number (6): <u>Certificate of Approval by the City Commission</u>.
The Panama City - City Commission hereby approved the Final Plat for the ____________ Subdivision. Signed on this the ______ day of __________, (year).

By: ________________________________
(Name) Mayor

By: ________________________________
(Name) Commissioner Ward I

By: ________________________________
(Name) Commissioner Ward II

By: ________________________________
(Name) Commissioner Ward III

By: ________________________________
(Name) Commissioner Ward IV

vii. Number (7): <u>Certificate of Approval by the City Manager</u>.
I hereby certify that I have examined the Final Plat for the ____________ Subdivision, and find that it conforms to applicable regulations for subdivisions in Bay County, Florida. Signed on this the ______ day of __________, (year).

By: _____________________________________
(Name) City Manager

C. <u>City Commission action</u>.
1. The City Commission shall approve, disapprove or table for cause within 45 days of the date such plat was submitted to the City. Failure of the City Commission to act within 45 days shall constitute final plat approval.

2. Before acting on the final plat, the City Commission shall receive a written summary report from the City **<u>Surveyor</u>** certifying compliance with or noting deviations from the approved preliminary plat and the requirements of these regulations.

3. During its review, the City Commission may appoint an engineer or surveyor to check the accuracy of the final plat. If substantial errors are found, the costs to resurvey will be charged to the subdivider.

4. If the final plat meets all the requirements of this Chapter and complies with the approved preliminary plat, the City Commission shall approve the final plat and indicate its approval on each copy by signature of the Mayor.

5. When approved by the City Commission, a copy of the final plat shall be returned to the City after recording. The subdivider shall file the approved final plat with the Bay County Clerk of the Circuit Court after it's approval by the City Commission or such approv-

al shall be null and void. Before the recording of the plat, the plat must reflect all conditions and changes requested by the City Commission. Recording fee to be paid by subdivider.

6. If the final plat is disapproved by the City Commission, the reasons for disapproval shall be stated in writing and reference shall be made to the sections of this Chapter with which the final plat does not comply. A copy of such explanation shall be sent to subdivider.

Sec. 111-8. - Preliminary plat/final plat process. Should the subdivider choose to process both the preliminary plat and the final plat at the same time, the following review process shall be followed.

A. Application procedure.

1. The application shall state that the combined preliminary plat and final plat process has been chosen by the subdivider.

2. The subdivider shall submit the preliminary plat/ final plat and any required exhibits to the Planning Department. The number of copies to be submitted will be determined by the Planning Department to ensure the City receives a sufficient amount for all reviewers. At the time of submission of the preliminary plat/final plat, the subdivider shall pay to the City a fee for purposes of administration that reflects the fee of the preliminary plat and shall also include the recording fee.

3. At the time of recording of the final plat, the subdivider shall pay to the City a fee as set by resolution of the City Commission. The fee is for the purpose of administration and inspection of site improvements.

B. Required exhibits. The preliminary plat/final plat shall be prepared by a currently registered surveyor or engineer at a scale of either 100 feet to one inch or such other scale as approved by the City **Surveyor**. The City **Surveyor** shall also approve sheet size and title block. The following information shall be shown on the preliminary plat or on sheets attached thereto. The information required for both the preliminary plat and the final plat per sections 111-5(B) and 111-6(B) shall be shown on the preliminary plat/final plat submission or on sheets attached thereto.

C. Within five days of receipt of a preliminary plat/final plat, the Department shall:

1. Determine that the submittals are incomplete and inform the developer in writing as to the deficiencies. The developer may cure the deficiencies within five days and have the preliminary plat/final plat remain in the current review cycle. Thereafter, the developer may cure the deficiencies within six months without payment of a reapplication fee, but, if more than six months has elapsed, must thereafter re-initiate the application and pay an additional fee; or

2. Determine that the submittals are complete and proceed with the following procedures.

D. The preliminary plat/final plat shall be reviewed by the Technical Review Committee within 30 days of submittal of an application. The applicant will be notified of the date and location of the Technical Review Committee review.

E. Within ten working days after the committee meets to consider the plan and comments, the Planning Director shall issue a written report setting forth the recommendations of the Technical Review Committee. The preliminary plat/final plat shall then be placed on a Planning Board agenda for a Planning Board meeting which is within 30 days following issuance of a recommendation by the TRC.

F. Planning Board review.

1. Upon completion of the preliminary plat/final plat review, the Planning Board shall recommend that the City Commission approve, approve conditionally, or disapprove the preliminary plat/final plat. The Planning Board may continue the review of the preliminary plat/final plat for good cause.

i. In case of a recommendation for conditional approval, the conditions to be met shall be specified in writing and reference shall be made to the specific sections of this Chapter, with which the preliminary plat/final plat does not comply.

ii. When a recommendation is made that a preliminary plat/final plat be disapproved, the Planning Board shall specify the reasons for such recommendation in writing.

iii. After action by the Planning Board, the Planning Director shall schedule the application for a City Commission meeting which is within 25 days of the said action by the Planning Board and shall notify the applicant of the commission meeting. A copy of any written report on the application submitted to the City Commission by the Planning Di-

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rector shall be made available to the applicant.

G. City Commission action.

1. The City Commission shall approve, disapprove or table for cause the preliminary plat/final plat.

2. If the preliminary plat/final plat meets all the requirements of this chapter, the City Commission shall approve the preliminary plat/final plat and indicate its approval on each copy by signature of the Mayor. If the preliminary plat/final plat does not meet the requirements of this chapter, the City Commission may place conditions upon the plat that must be addressed prior to recording of the plat.

3. If the preliminary plat/final plat is disapproved by the City Commission, the reasons for disapproval shall be stated in writing and reference shall be made to the sections of this chapter with which the preliminary plat/final plat does not comply. A copy of such explanation shall be sent to the Planning Board and to the subdivider.

H. Before submitting the preliminary plat/final plat for recording, the subdivider shall have met all the requirements of parts sections 111-8(B) and 111-9.

1. The subdivider shall submit the preliminary plat/final plat to the city. The number of copies to be submitted will be determined by the Planning Department to ensure the City receives a sufficient amount for all reviewers. One copy of the preliminary plat/final plat shall be drawn or printed on cronaflex, mylar, or other similar durable material for recording by the Bay County Clerk of the Court and the City.

2. The City shall file the approved preliminary plat/final plat with the Bay County Clerk of the Court after the subdivider has resubmitted the plat addressing the conditions required by the City Commission. If a revised plat has not been resubmitted within one year after the City Commission approved with conditions such approval shall be null and void. When approved by the City Commission, a copy of the preliminary plat/final plat shall be returned to the subdivider after recording.

Sec. 111-9. - Installation and guarantee of improvements.

A. Final plats for subdivisions within the city limits of Panama City shall not be approved until the subdivider has installed the required improvements listed in section 111-8 (B) or has guaranteed to the satisfaction of the City, according to section 111-8(C), that such improvements will be installed.

B. Required improvements.

1. All required improvements shall be installed before the final plat is approved and constructed in conformity with the requirements and standards set forth in this chapter and all other specifications of the City of Panama City. All improvement plans and improvements shall be inspected and approved by the City Engineer as conforming to this chapter and all other city specifications.

2. Improvements required. The following improvements are required:

i. Survey reference markers.

ii. Street grading, base preparation, and paving.

iii. Storm drainage system and including retention areas, if required.

iv. Curbs and gutters.

v. Sidewalks~~, as required by the Planning Board and City Commission~~.

vi. Sanitary sewage disposal system.

vii. Water supply system.

viii. Street name markers.

ix. Bulkheads, if any.

x. Bridges, if any.

xi. Replacement trees, as required by the ULDC.

C. Streetlights. Subdivider's guarantee in lieu of all improvements installation.

1. The subdivider's guarantee, in lieu of all improvements installation, shall be a performance of surety bond satisfactory to the City Attorney as to form and content, or a certified check; or cash deposited in an escrow account with interest accruing to subdivider.

2. The subdivider's guarantee, regardless of form, shall provide that the improvements required shall be completed within one year from the date the certified check or surety bond is posted with the.

3. Assurance of maintenance of street lights. The subdivider shall provide for the perpetual maintenance,

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repair, replacement, and operation of street lights through a homeowners' association (HOA) agreement.

4. Failure to complete improvements. Failure to complete the improvements within one year shall be cause for default and the City shall take such remedial steps as necessary to complete construction as otherwise required herein utilizing the certified check or calling upon the surety for faithful performance. The amount of such guarantees shall be in an amount that is 110 percent of the construction costs of all improvements, including landfill, as estimated by the City Engineer. The bonding company shall meet City specifications.

D. Maintenance guarantee of improvements. The City Commission shall require cash in escrow or maintenance warranty bond guaranteeing all improvements against defects for one year after the acceptance of such improvements by the City of Panama City. (Such improvements must be accepted, accepted with conditions, or rejected by the City within 60 days following the installation of improvements.) This bond, satisfactory to the City attorney as to form and content, shall be in the amount of ten percent of the construction costs and shall be submitted in acceptable form when the City accepts the improvements.

Sec. 111-10. - Subdivision improvement and design standards.

A. Generally.

1. Approval of the final plat shall be subject to the subdivider having installed the required improvements or having guaranteed with proper bond, according to section 111-9; the installation of said improvements. The City Engineer shall be responsible for inspecting and approving all improvement plans and improvements for consistency with improvement specifications on file in the City Engineer's office.

2. The following requirements shall be minimum requirements. Where other official engineering and public works standards and specifications are more stringent, such higher standards shall be used.

B. Permanent survey reference point.

1. Permanent survey reference monuments shall be installed in all subdivisions in accordance with Chapter 177, Florida Statutes, and the following requirements.

2. Course and distance (tie) from a readily discernible reference marker, such as a U.S. government marker, section corner, or quarter-section corner shall designate at least one corner of the subdivision. When such a monument or station is not available, the tie shall be made to some pertinent and readily recognizable landmark or identifiable point, physical object or structure.

3. At least two monuments shall be installed as control corners within each block within the subdivision. The surveyor shall install additional monuments if required by the City Engineer. All monuments shall be constructed of concrete and shall be at least three inches in diameter or square and not less than two feet in length. Each monument shall have embedded in its top or attached by a suitable means a metal plate of noncorrosive materials marked plainly with the point, the surveyor's registration number, and the month and year it was installed, and the words "Permanent Reference Monument" or the initials "P.R.M." Monuments shall be set in the ground so that the top is flush the with finish grade.

4. Survey accuracy. The allowable angular error of closure and linear error of closure for surveys shall be as follows:

i. Angular error of closure shall not exceed 25 seconds times the square root of the number of angles turned. Total error shall be no greater than 40 seconds.

ii. Linear error of closure shall not exceed one foot per 7,500 feet measured on the perimeter.

C. All other improvement and design standards shall be as prescribed in this ULDC.

Sec. 111-11. - Exceptions and variances.

A. The standards and requirements of this Chapter may be modified by the City Commission upon recommendation of the Planning Board in the case of a plan or program for a complete group development, which, in the judgment of the board, provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan. This provision is intended to encourage innovations in housing types and subdivision design.

B. Where, because of topographical or other conditions peculiar to the site, strict adherence to the pro-

visions of the regulations of this chapter would cause unnecessary hardship the Planning Board may recommend and the City Commission authorize a variance, if such variance can be made without destroying the intent of this chapter. Any variance thus authorized is required to be entered in writing in the minutes of the Planning Board and of the City Commission and the reasoning on which the departure was justified set forth.

Sec. 111-12. – 111-20. Reserved.

ARTICLE II. CLUSTER SUBDIVISIONS.

Sec. 111-21. Purpose. The purpose of this section is to permit development of cluster subdivisions as an alternative to conventional subdivisions. In permitting cluster subdivisions, the City seeks to encourage patterns of development that: protect environmentally sensitive lands; preserve open space for purposes of conservation and/or recreation; limit environmental impacts of development by reducing impervious surface areas and non-point sources of pollution; and promote economically-efficient layout of lots, roadways and utility lines.

A. Applicability and General Provisions.

1. Cluster subdivisions shall be permitted for developments that contain residential uses only. Nonresidential uses are not permitted in cluster subdivisions.

2. Cluster subdivisions shall be permitted as of right in the R-1, R-2, and MU-1 zoning districts. Cluster subdivisions shall be permitted in the MU-2 and MU-3 zoning districts for those developments containing only residential uses.

3. Cluster developments shall be a minimum area of three acres.

4. The following uses shall be permitted in cluster subdivisions: for cluster subdivisions in the R-1, R-2 and MU-1 zoning district, all principal and accessory uses allowed in the underlying zoning district; for cluster subdivisions in the MU-2 and MU-3 zoning district, all residential uses allowed in the underlying zoning district.

5. Maximum impervious surface ratios established for the underlying zoning district shall apply to the cluster development. Maximum impervious surface ratios shall apply to the gross area of the cluster development rather than each individual lot within the development. Calculation of maximum allowed impervious surface area shall include all impervious surfaces commonly or publicly owned, such as streets, sidewalks and public buildings, in addition to those impervious surfaces on individual lots.

6. The maximum building height established in the underlying zoning district shall apply to development in cluster subdivisions.

7. Reduced setbacks may be allowed in cluster subdivisions if approved by the City Commission. Setback reductions approved by the City shall be noted on the final plat.

8. Development on lots or acreage along the perimeter of the cluster subdivision will be required to observe the setbacks of the underlying zoning district relative to the perimeter of the cluster subdivision. Such lots may still qualify for reduction in setbacks along property lines that are interior to the cluster subdivision.

B. Maximum Density.

1. The maximum density permitted in the underlying zoning district shall apply to the cluster development.

2. Maximum density for cluster developments shall be based on the gross area of the cluster development.

3. The number of dwelling units allowed in a cluster subdivision shall be calculated as follows: gross acreage of cluster development/maximum dwelling units per acre permitted in the underlying zoning district.

C. Design Criteria.

1. No minimum lot frontage or lot area shall apply to individual lots within cluster subdivisions.

2. Each lot shall have direct access to a public or private street.

3. Flag lots shall be discouraged.

4. Right-of-way widths and pavement widths shall comply with those established in Section 109-44.

5. A minimum of 40% of the gross acreage of the cluster development shall be dedicated as open space. Open space shall be used and conveyed in accordance with the provisions of Section 111-21 (D) below.

D. Open Space.

1. The following uses shall be allowed in the dedicated open space within a cluster subdivision, provided they comply with all applicable state and federal regulations: public or privately-owned parks; passive or low-impact recreational uses such as hiking or biking trails, provided they do not impact environmentally-sensitive areas; and conservation land.

2. The following natural features shall be prioritized for inclusion in the open space dedication: shoreline; jurisdictional wetlands; steep slopes; areas providing habitat for endangered or threatened species as specified by the Florida Fish and Wildlife Conservation Commission or the U.S. Fish and Wildlife Service.

3. Open space within cluster subdivisions shall be conveyed in one of the following manners:

i. To the City and accepted by the City for use as a park, open space or other specified use, provided the conveyance is in a form approved by the City Commission.

ii. To a nonprofit organization whose principal mission is conservation of open space, provided the conveyance is in a form approved by the City Commission.

iii. To a corporation or trust that is owned by the owners of the lots within the subdivision. In such an arrangement, shares of ownership in the corporation or trust shall pass with the conveyances of the lots. The conveyance must be in a form approved by the City Commission.

4. Where open space is conveyed to a nonprofit organization or corporation or trust, a deed restriction enforceable by the City shall be recorded that provides the open space will be kept in authorized conditions.

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CHAPTER 112 - SIGN REGULATIONS

Sec. 112-1. - 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.

Sec. 112-2. - 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.

Sec. 112-3. - Applicability. No person shall erect, place or maintain a sign within the City except in accordance with the provisions of this Chapter.

Sec. 112-4. - 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 addressed in this code.

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% of an building glass area.

22. The following off-premises signs:

i. Bench signs,

ii. Electronic signs,

iii. Blank off-premises sign faces.

iv. "L" (2-faced at 90-degree angles),

v. Triangular (3-faced) signs,

vi. Boxed (four-faced) signs,

vii. All off-premises signs, other than billboard signs as authorized in section 112-15, directional signs as authorized in section 112-6.8, and governmental signs.

23. Any sign not expressly exempted or allowed by this Unified Land Development Code.

24. Illegal signs.

25. Roof signs.

26. Banners, except for temporary banners as authorized in section 112-14.B.

27. Feather flag sign, flutter flag sign, feather banner sign, or any functionally similar device.

28. V-signs within the Gateway Overlay (GO) District.

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.

Sec. 112-5. - 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 112-6. No approval is required for a change of copy on one of the following:
A. Changeable copy signs, provided the sign is not a prohibited sign; or

B. 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.

Sec. 112-6. - 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:
A. Temporary signs.

B. Nameplates of 2 square feet or less.

C. Political signs shall conform to the following standards:

1. 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.

2. Dimensions. Political signs shall not exceed eight square feet per sign face and shall not exceed five feet in sign height measured from aggregate grade.

3. 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.

D. Public signs or notices, or any sign relating to an emergency.

E. Real estate sign: one per premise, back-to-back, or single face as follows:

1. Not exceeding, in the aggregate including attach-

ments, 8 square feet for residential or vacant lots in residential or mixed use districts.

2. Not exceeding, in the aggregate including attachments, 16 square feet for commercial property.

3. Not exceeding, in the aggregate including attachments, 75 square feet for developmental or subdivision property.

Such signs must be removed within 5 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.

F. Window signs, except in R-1, R-2, UR-1, UR-2, MU-1 and MH-1 districts.

G. Pennants, festoons, streamers or balloons not expressly exempted from nor authorized by this law.

H. 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.

Sec. 112-7. - 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 112-17.E to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

Sec. 112-8. - Lighting/Illumination. All signs may be lighted or illuminated consistent with the following provisions:

A. Sign lighting shall not be installed or located so as to cause confusion with traffic control lights.

B. 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.

C. Exposed incandescent lights shall not be used for lighting outdoor signs (e.g., exposed light bulbs without cover).

Sec. 112-9. - 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.

Sec. 112-10. - 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.

Sec. 112-11. - 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 2 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 Residential districts. The following signs shall be allowed in R-1, R-2, UR-1, UR-2, and MH-1 zoning districts; all other signs are prohibited.

1. All signs allowed in section 112-6.

2. Two subdivision identification signs per subdivision, or development, not to exceed 30 square feet per face or 60 total square feet, if back-to-back faces, per sign.

3. For churches, synagogues or similar institutional uses one freestanding sign not exceed 30 square feet per face or 60 total square feet, if back-to-back faces, per sign.

4. All allowed freestanding signs in R-1, R-2, UR-1, UR-2, and MH-1 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 Mixed Use districts. The following signs shall be allowed in MU-2, MU-3, DTD, **MDTD, CHD** and StAD districts; all other signs are prohibited.

1. All signs not prohibited by section 112-4.

2. Two identification signs per apartment, townhouse, condominium or other multifamily residential development, not to exceed 30 square feet per face or 60 total square feet, if back to back, per sign.

3. For commercial development, 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 which abuts a principal arterial or collector roadway, Jenks Avenue or Grace Avenue (see section 105-176), one freestanding sign and one wall sign per premises each of which shall not exceed 30 square feet per face or 60 total square feet, if back-to-back faces, per sign.

4. All allowed freestanding signs 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 or property line.

D. Permitted signs in General Commercial and Industrial districts. The following signs shall be allowed in GC-1, GC-2, LI, and HI districts, all others are prohibited.

1. All signs not prohibited in section 112-4 **nor addressed in sec. 105-4**.

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 125 total square feet per face per sign or 250 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:

i. Do not contain any flashing or strobe lights;

ii. Do not emit any sounds;

iii. Do not present lighting effects that are unusually distracting to vehicles; and

iv. 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.

4. Wall signs shall be limited to a maximum size of two feet per linear foot of principal storefront façade, not to exceed 200 square feet per tenant.

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 **45** feet above the grade of the adjacent street, **except as regulated in the Overlay District.**

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-1, GC-2, LI, and HI districts, after obtaining approval in the form of a development order from the City and a valid building permit from the City's Building Department. The structure, including supports, pole covers and sign panel cabinets, may not be taller than 30 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 75 square feet per face or 150 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 100 square feet per side face or 200 square feet if using back-to-back faces, listing the names and ad-

vertisement 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. Temporary banners except as authorized in section 112-14.B.

12. Monument signs shall be the preferred sign used within each of the commercial districts. Monument signs shall not exceed 150 square feet per side face or 300 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.

E. Permitted signs in Public Institutional and Recreation districts. The following signs shall be allowed in P/I, REC-1, and REC-2 districts, all others are prohibited.

1. All government signs.

2. For any non-governmental institutional use, one freestanding sign not to exceed 25 square feet per side of sign area or 50 total square feet if back-to-back faces are used, and one wall sign not to exceed 25 square feet of wall area.

3. All allowed freestanding signs in P/I, REC-1, and REC-2 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 5 feet of any street, highway, or alley right-of-way.

6. Temporary banners as authorized in section 112-14.B.

F. Permitted signs in Community Redevelopment Areas. The following signs shall be allowed in any of the community redevelopment areas, all others are prohibited. Where these regulations may conflict with the standard zoning districts, the stricter regulations shall apply.

1. Signs approved prior to the effective date of this regulation.

2. General Requirements.

i. Each business shall be allowed two attached signs, unless they are located on the corner of an intersection where three are allowed. One sign can be a wall or flat sign mounted on the façade, while the other can be projecting, awning, and marquee or window sign.

ii. Buildings with a rear public entrance are allowed one flat wall sign up to the size of front sign – to be placed at the rear entrance.

iii. Signs cannot obscure architectural details of the building.

iv. Vinyl lettering shall be applied to windows and may not cover more than 25% of the pane and is excluded in the total signage allowed.

v. Illumination.

a. Internally Illuminated signs are permitted in high traffic areas along Jenks Avenue, 11th Street, 15th Street, US 231, and MLK Boulevard.

b. External illumination shall be provided by a continuous light source that is installed to prevent direct light from shining onto the street or adjacent properties. All signs in the historic district, whether ground signs or wall signs, shall only be illuminated by an external light source, and through craftsmanship and materials, shall reflect downtown district design aesthetics.

c. Reverse lit channel letters are allowed.

3. Wall Signs.

i. Cannot project more than 12” from building surface.

ii. Cannot extend above lowest point of roof, nor beyond ends of wall that it is attached to.

4. Monument Signs.

i. The centered horizontal line of a monument sign face shall be 5.5 feet above surrounding grade, and the sign may be up to 36 square feet in size, and is included in total allowable signage.

ii. The sign may be up to 36 square feet in size and its area is included in figuring total allowable signage for a building.

5. **Sandwich Board Signs.**

i. Sandwich Board signs shall be no larger than eight sq. ft. per face and shall be of quality design, materials and workmanship both to ensure the safety and convenience of users, and to enhance the visual and aesthetic quality of the urban environment.

ii. Sandwich Board signs may be displayed by retailers, restaurants and cafes.

iii. Sandwich Board signs are permitted on the sidewalk adjacent to a business.

iv. The number of signs shall be limited to one per sidewalk per business frontage.

v. Sandwich Board signs shall not be placed within three feet of an adjacent property line.

6. Projecting Signs.

i. Projecting signs up to six square feet per face must be stabilized so as not to swing and must have a minimum pedestrian clearance of 8 feet.

ii. The sign must be at a 90-degree angle from the face of the building.

iv. For multi-story buildings, projecting signs must be suspended between the bottom of the second story window sill and top of doors or windows of first story.

v. Single story buildings shall not have projecting signs above the roof line.

7. Undercanopy Signs.

i. One undercanopy sign per business is allowed.

ii. Undercanopy signs must be attached to soffit or awning and shall not exceed two square feet with seven foot minimum clearance from sidewalk.

iii. Undercanopy signs must be mounted so that they don’t swing.

8. Directory Signs.

i. Directory signs may list the names and locations of building’s occupants and shall not cover architectural features of building.

ii. Directory signs shall be mounted flush with wall and cannot exceed 4 square feet.

iii. One directory sign per building is permitted. Fifty percent of total sign area may be used to list tenant names.

Sec. 112-12. – Master Sign Plan.

A. Intent of Master Sign Plan. A master sign plan is intended to promote consistency among signs within a major development and enhance the compatibility of signs within the architectural and site design features of the development.

B. Master Sign Plan Required. A Master Sign Plan shall be required for all major projects which are required to file a development plan as described herein including but are not limited to: any integrated retail center, business park and industrial park in any Commercial / Mixed Use or Industrial district; and any planned unit development. A Master Sign Plan shall be filed and approved prior to the erection, location or placement of any sign for such project or development.

C. Master Sign Plan Optional. A Master Sign Plan

is encouraged to be submitted by an owner for any other project or development not previously listed above, but which will include signs and will benefit from a cohesive signage plan.

D. Record of Master Sign Plan. An approved Master Sign Plan shall be retained in the office of the Department of Planning and Economic Development as part of the file for the project, subdivision or development.

E. Contents of Master Sign Plan. A Master Sign Plan, which may be a written document or drawings adequate to depict the proposed signs, excluding temporary signs which shall follow the regulations of this ULDC, shall include:

1. General Location of Signs. Provide the proposed general locations for freestanding signs on a lot (e.g., signs in a front sign zone, signs at a critical turning point in an incidental sign zone, etc.) as well as the proposed location(s) for building signs on a building façade (e.g., over doors, over windows, on awnings, etc.);

2. Types of Signs. Include an indication of the types of signs proposed (e.g., ground sign, post and arm sign, individual channel letters, raceway mount, box mount, painted, changeable copy signs, electronic variable message signs, etc.);

3. Materials. Include a listing of the materials proposed for all sign structures and sign surfaces (e.g., limestone base with bronze letters, routed aluminum cabinet with plexiglass face, etc.);

4. Size and Number of Signs. Indicate the maximum number and maximum size of proposed signs (e.g., maximum height, maximum width, maximum sign surface area, etc.);

5. Style and Color. Indicate the proposed style and color pallet for all signs (e.g., letter colors, background colors, and text font);

6. Illumination. Indicate the type of illumination, if any, proposed for all signs (e.g., internally illuminated, or external illumination with description of type of outdoor light fixture);

7. Ornamental Structures. Include a description of any ornamental structure (i.e., any wall or fence) upon which a sign face is proposed to be placed; and,

8. Landscaping. Include, at a minimum, a typical landscape plan for freestanding signs. All freestanding signs shall be provided with a landscaped area at least equal to the sign surface area of the sign. Landscaping may include any size or variety of annuals, perennials, ornamental grasses, hedge plants, or trees.

9. Waiver of Sign Regulations. Indicate the request of all waivers to the sign regulations that have been requested, if any, in association with the Master Sign Plan and clearly denote any and all modifications to the allowed sign surface areas in each sign zone, the increase or decrease in the height or width of signs, and any other modifications that affect sign regulations regulated by the Master Sign Plan.

F. Individual Sign Approval. Prior to the issuance of a building permit for the placement of a sign, all proposed sign plans shall be reviewed for conformity with the Master Sign Plan and all applicable provisions of this ULDC. If a proposed sign conforms to the regulations of this ULDC and the guidelines of the approved Master Sign Plan, such sign shall be authorized. No sign which does not conform to the guidelines of a Master Sign Plan and this ULDC shall be erected, located or placed on a property.

G. Amendment. A Master Sign Plan may be amended by submitting a Revised Master Sign Plan for consideration and determination. Upon approval of a Revised Master Sign Plan, the Revised Master Sign Plan shall have the same force and effect as an approved Master Sign Plan.

H. Pre-Existing Projects. For projects which were approved or developed prior to the effective date of the requirements of this ULDC for a Master Sign Plan, the Director shall review applications for individual freestanding signs or building signs for consistency with other signs within the project or in the immediate area. A development order permit for the proposed sign shall only be issued if the Director finds that the proposed sign is consistent and compatible with other signs within the project or the immediate area.

Sec. 112-13. - 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 desig-

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nee, for a period not to exceed one week, one time per year.

Sec. 112-14. - Temporary signs.

A. Signs that meet the standards of this subsection are exempt from the standards for permanent signs and are not counted in the total square footage of signage allowed on any particular property or site.

B. Temporary banners: Temporary banners are subject to the following regulations:

1. In all residential zones, temporary banners are not permitted on sites with houses, duplexes, and attached houses.

2. In non-residential zones, one banner no larger than thirty-two square feet in size is permitted per property or, on a multi-use property, per storefront. Only one of these banners may be hung on each building wall or on each separate structure.
   i. In no case may a site or storefront have more than two temporary banners.

3. A temporary banner may be displayed no longer than 90 days per calendar year.

C. Grand Opening Sign. A grand opening sign not exceeding 32-square feet of sign face area or eight feet in height, provided that such sign shall not be displayed for more than 30 days during any 12 consecutive calendar months.

D. A sign for a premises that has no permanent sign provided that such temporary sign shall not exceed 32 square feet in sign face area nor eight feet in height. Such sign shall be displayed for a period of 45 days or until installation of a permanent sign, whichever shall occur first.

E. Temporary non-commercial signs displayed before, during or after an event or occurrence sceduled to take place at a specific time and place. Such signs are permitted in all zoning districts and shall not exceed 32 square feet in sign face or eight feet in height. All such signs shall be removed within 10 days after the end of the scheduled event or occurrence to which they relate.

Sec. 112-15. - 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 Unified Land Development 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 112-17.E until the earlier of the following events occurs or unless it is a prohibited sign:

   i. 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 112-17.E.

   ii. 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 112-17.E.

   iii. Change of text. Where there is a change of text on the copy.

   iv. Damaged, destroyed. The sign is damaged or destroyed more than 50 % of its value.

   v. 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.1a. 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 de-

termined reasonable by the City's code enforcement board magistrate, 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 112-17.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 115-5. 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 Unified Land Development 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.

Sec. 112-16. Sign Design Guidelines / Sign Illustrations.

A. **The City shall maintain sign design guidelines / sign illustrations that illustrate the purpose, design principles, and contents to emulate in the different signs allowed in this chapter. Generally the examples will indicate design principles to be followed through some aspects, as noted in text descriptions, may not be exemplary in all cases. Applicants shall, subject to the provisions of this chapter, design and install signs that are equal to or better than the examples and illustrations that will be maintained in the sign design guidelines/sign illustrations.**

Sec. 112-17. Murals.

A. **Intent for Murals. The intent of this section is to regulate the location, construction and manner of display of murals in order to preserve the aesthetic appeal of the City and to promote appropriate visual expression by defining what constitutes a mural and to provide penalties for violation of the provisions thereof. To achieve its intended purpose, this section has the following objectives:**

1. Differentiate between signs, graffiti and murals;

2. Prevent visual expression that may be offensive, is of a political or religious nature or is derogatory; and

3. Encourage the design and placement of private murals for public display that promote or enhance the character and history of the City.

B. Murals (see definitions section of this ULDC) are allowed only in the following zoning districts, subject to the restrictions set forth in this section:

1. General Commercial-2 (GC-2);

2. All CRA Districts including Downtown, St. Andrews, Millville, and Downtown North; and

3. Downtown Districts (DTD, MDTD, StAD and CHD).

C. Murals may not be placed on the primary façade of the structure. Exceptions can be applied for, reviewed by the committee, and approved when the nature of the business is creative, artistic or some other special circumstance is presented.

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D. Murals may only be placed directly on unimproved concrete, concrete block, brick, or metal façades. However, should the applicant desire to have a mural constructed off-site in movable panels to be installed on said façade, the attachment of said panels must comply with applicable building codes, subject to required permits and inspection; must not cover window or door openings unless properly sealed in compliance with applicable building codes, the attachment devices must not compromise the structural integrity of the surface to which the panels are attached, and said panels must be securely attached to prevent failure due to weather conditions, vandalism or age.

E. Murals shall be maintained in good repair, free from peeling paint or damage due to age, weather, vandalism or the like. Failure to maintain a mural in good repair may result in notification by a Code Enforcement Officer and, if necessary, appropriate enforcement action by the City, including recovery of related expenses for enforcement.

F. Prior to installation of a Mural, the property owner or tenant (with written permission of the property owner) shall apply at the City's Planning Department. The application shall be reviewed for compliance with this section.

G. Murals shall not contain words (in any language), symbols or representations that are obscene, offensive, of a political nature or are derogatory.

H. The City Commission, at its discretion, may designate a five person review committee to review mural design for compliance with this section. The committee, at its discretion, may refer the mural design to the City Commission or CRA Board for further review/approval/disapproval.

I. If the proposed design or representation is determined to be a sign, the applicant shall comply with all further review and requirements of Chapter 112 before creating or installing the sign.

J. The applicant shall comply with all requirements of this section and be issued a development order before creating or installing the mural.

K. A Mural shall not count as a Sign nor figure into the allowable Sign area.

L. Any licensed, copyrighted, or trademarked characters or likenesses used on any murals must have permission from the holder or owner of the license, copyright or trademark.

Sec. 112-18. - Off-premises signs (outdoor advertising billboards).

A. Scope. This section shall apply to off-premises signs 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; 2 faced, back to back; V-faced; tri-visioned, and digital.

B. Location restrictions.

1. Off-premise signs shall be allowed only on properties within the City which are both:
   i. Adjacent to U.S. Highway 231, 15th Street, U.S. Highway 98 (not Bus. 98), 23rd Street, Highway 390, and Highway 77, and

   ii. In GC, LI or HI districts, and as otherwise restricted by this Chapter.

2. Off-premises signs are prohibited in the following areas:
   i. St. Andrew Historic Neighborhood Overlay,
   ii. Downtown CRA ~~STZ~~,
   iii. Downtown North CRA ~~STZ~~,
   iv. Millville CRA ~~STZ~~, and
   v. St. Andrews CRA ~~STZ~~

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 10 feet, 6 inches (10.6') 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 2 faces. A V-shaped sign shall be authorized to have 2 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 3 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 2 displays on each facing.

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D. Spacing requirements.

1. An off-premises outdoor advertising billboard sign, whether single faced, 2 faced, back to back, V-faced, tri-visioned, or digital, 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 2 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 5 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 112-16.

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 January 1, 20**20**, all owners or contractors having control over existing off-premises signs (hereinafter referred to as "billboards") shall provide to the City's Planning Department an inventory of all of its existing billboards located within the city limits of Panama City. Said inventory shall include an address, site location map, description of the sign's dimensions and height, photograph of each billboard, and the approved permit fee. Any signs not included in said inventory become illegal signs after January 1st and subject to the provisions for removal of the same.

i. Upon verification of the information reported in the inventory and receipt of the permit fee, said billboard shall be registered as part of the City's approved billboards.

ii. Each billboard permit shall be renewed annually. If not renewed within 90 days of the renewal date, an additional late fee shall be assessed up to a period of six months.

iii. If after six months, the account is not up to date, 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.

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 billboard signs within the City shall not exceed the total num-

ber 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. Adding one or more alternating faces to an existing face through mechanically or electrically operated louvers or devices (so called multi-vision or tri-vision signs or the like) is declared to be an enlargement which is not permitted, unless otherwise expressly provided herein.

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:

i. Is dismantled, taken down, removed, or covered or obscured in majority part for a period of 60 days in any 90-day period, it shall become an illegal sign and together with any associated sign structure, be removed.

ii. 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% 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.

iii. In the event that 2 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:

i. Such lost sign and associated sign structure has been removed at no public expense, and

ii. 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

iii. 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.

iv. Such replacement sign may not be closer than 125 feet from an area zoned for residential use, and

v. Such residential sign is not erected or displayed less than 125 feet from any area zoned for residential use, and

vi. The fee is paid and permit is issued for the erection or display of such replacement sign, and such replacement sign complies with this Unified Land Development Code, and all other applicable state and local law, and

vii. 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 (within 12 months), 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:

i. Such lost sign and any associated sign structure has been removed at no public expense;

ii. 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

iii. 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 Unified Land Development 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 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.

Sec. 112-19. - Construction standards.

A. Anchoring.

1. No sign shall be suspended by non-rigid 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.

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Sec. 112-20. - 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 City's 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 prac-

tical 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.

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CHAPTER 113 – CONCURRENCY MANAGEMENT SYSTEM

Sec. 113-1. Concurrency Management. The City hereby adopts a concurrency management system to ensure that public facilities and services needed to support development are available concurrent with the impacts of such developments. In determining the availability of services or facilities, a developer may propose, and the City may approve, developments in stages or phases so that facilities and services needed for each phase will be available in accordance with the standards required by (A), (B), (C), and (D) of this section.

A. Potable water, sanitary sewer, solid waste, and drainage. The following standards shall be met to satisfy the concurrency requirement:

1. The necessary facilities and services are in place at the time a development permit is issued; or,

2. A development order permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or,

3. The necessary facilities are under construction at the time a permit is issued; or,

4. The necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of (A)(1), (A)(2) or (A)(3) of this section. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220, or an agreement or development order issued pursuant to F.S. Ch. 380. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.

B. Recreation and open space. The City shall satisfy the concurrency requirement by complying with the standards in subparagraphs (A)(1), (A)(2), (A)(3) or (A)(4), or by ensuring that the following standards will be met:

1. At the time the development order permit is issued, the necessary facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities, or the provision of services within one year of the issuance of the development order permit; or,

2. The necessary facilities and services are guaranteed in an enforceable agreement which requires the commencement of the actual construction of facilities or the provision of services within one year of the issuance of the applicable development order. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220, or an agreement or development order issued pursuant to F.S. Ch. 380.

C. Transportation. Levels of service standards and generation rates for transportation systems or facilities shall be as follows:

1. 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 Dept. of Transportation shall be used to determine projected impacts. Level of service standards are shown in Table 113.1.

Table 113-1—Roadway Levels of Service Standards

Functional Classification	
Urban	**Peak Hour Level of Service**
US 98 (SR 30) Hathaway Bridge to Beck Avenue	Maintain and Improve
Business 98 (SR 30) Bch. Dr. to Hamilton Ave.	E
All other principal arterials	D
Minor arterials	E
Collectors	E
Local streets	E

2. Generation rates for roadways shall use the ITE 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.

D. 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:

1. The level of service standard for determination of capacity for public schools shall be as depicted in table 113.2. The Bay District School Board is re-

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sponsible for the annual reporting of available FISH capacity.

Table 113-2—Public School Facilities Level of Service Standards

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

FISH—Florida Inventory of School Houses

2. Student generation rates for determination of capacity for public schools shall be as depicted in Table 113.3.

The analysis shall calculate elementary students at 46 % of the total number of students generated (grades K thru 5); middle school students at 23 % of the total number of students generated (grades 6 through 8); and high school students at 31 % 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 113-3—Public School Facilities Student Generation Rates

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

Sec. 113-2. - Adequate services and facilities capacities. The availability of public facilities to include all facilities and services listed in section 103-5 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 3 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. Development located within the Infill/Redevelopment Overlay District shall be exempt from transportation concurrency. Development and redevelopment projects located within the Infill / Redevelopment Overlay District shall address their transportation impacts and mitigation through alternative means. Alternative methods will be examined and considered instead of the typical roadway widening and automatic capacity enhancing improvement projects consistent with the following conditions:

a. Development/redevelopment within the Infill/ Redevelopment Overlay District shall mitigate transportation impacts through mechanisms supporting multi-modal objectives and policies.

b. Mitigation measure(s) may include, but not be limited to the following:

i. Participation in a transit pass program for employees, van pooling and/or ride sharing programs

ii. Pedestrian Improvements

iii. Bus Shelter/Transit Stop Improvements

iv. Bicycle Improvements

v. Lighting Improvements

vi. Connectivity Improvements

vii. Streetscape Improvements

viii. Any other measures which increase mobility options and inter-modal connections as may be approved by the City

Cost estimates will be required from the applicant for the mitigation improvements. Once verified by City Staff, these values will be used to determine the mitigating measure(s).

5. 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 3 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.

Sec. 113-2. Concurrency Review. The concurrency review shall compare the available and reserved capacity of the facility or service to the demand projected for the proposed development. The available capacity shall be determined by adding the total of the existing excess capacity and the total future capacity of any proposed construction and/or expansion of facilities. The levels of service of all facilities and services must be sufficient before a certificate of concurrency can be issued.

A. Certificate of concurrency. A certificate of concurrency shall be required prior to the issuance of any development permit or development order for new construction; or additions over twenty-five thousand (25,000) square feet for multifamily residential, mixed office/residential or commercial/industrial development; or for certificates of occupancy changing the use of a structure from residential to a mixed office/residential or commercial/residential, office, commercial or industrial use. Applicants for individual single-family and duplex residential development permits will be issued a certificate of concurrency without paying an additional fee.

B. Terms of the certificate of concurrency. The certificate of concurrency shall indicate the date of issuance and expiration, during which time application must be made for a building permit or development order. The certificate of concurrency shall, in any case, terminate with the expiration of the building permit or development order to which it applies. In the event that a time extension is requested prior to the expiration of the building permit or development order, then the accompanying certificate of concurrency may be renewed upon determination by the City's Planning Department that the conditions of concurrency will still be met. A development for which a building permit or development order has been issued within the effective period of a certificate of concurrency shall be vested for the purposes of concurrency.

C. Burden of showing compliance. The burden of showing compliance with the adopted levels of service and meeting the concurrency evaluation shall be upon the applicant. The Planning Department may require whatever documentation is necessary to make a determination.

Sec. 113-3. Action upon failure to show available capacity. Where available capacity cannot be shown, the following methods may be used to maintain adopted level of service.

A. Level of service improvements. The project owner or developer may provide the necessary improvements to maintain level of service. In such case the application shall include: appropriate plans for improvements; documentation that such improvements are designed to provide the capacity necessary to achieve or maintain the level of service; and, recordable instruments guaranteeing the construction, consistent with calculations of capacity above.

B. Project alteration. The proposed project may be altered such that projected level of service is no less than the adopted level of service.

Sec. 113-4. Concurrency Monitoring.

A. Concurrency monitoring system.

1. The Planning Department shall establish and maintain a concurrency monitoring system for the purpose of monitoring the status of public facilities and services, and which will be used in the establishment of each report that includes:

i. Development orders that were issued;

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ii. Projects that were issued a certificate of acceptance;

iii. Development orders that were approved but not issued due to nonpayment of funds;

iv. Development orders that expired due to lack of issuance of a building permit or inactivity; and

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

2. The concurrency report will also evaluate each public facility and service indicating:

i. The available capacity for each system at the beginning of the reporting period, and the end of the reporting period;

ii. Available capacity;

iii. Encumbered capacity;

iv. Permitted capacity;

v. Vested capacity;

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

vii. Programmed capacity.

3. 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.

B. Concurrency monitoring report. The Planning Department will prepare the concurrency monitoring report. The Planning Director will deliver such report to the City Manager for presentation to the Mayor and City Commission. The concurrency monitoring report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development orders during the twelve-month period following completion of the report.

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CHAPTER 113A – PROPORTIONATE SHARE MITIGATION

Sec. 113A-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 share program, consistent with F.S. § 163.3180.

Sec. 113A-2. - Applicability. The proportionate 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.

Sec. 113A-3. - Exclusions. The proportionate share program does not apply to developments exempted from concurrency as provided in the Comprehensive Plan, in Chapter 113 of this Code, and/or pursuant to the provisions of F.S. § 163.3180, governing de minimus impacts. Also excluded are transportation improvements required for public safety, on site roadway improvements, or off-site improvements otherwise required by the Code for non-deficient roadway segments.

Sec. 113A-4. - Minimum requirements for proportionate share mitigation. Notwithstanding Chapter 113 of the Code, an applicant for development may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate share mitigation only under the following conditions:

A. The proposed development is consistent with the Comprehensive Plan and applicable land development regulations.

B. The City's 5-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.

C. 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.

D. The City may choose to allow an applicant to satisfy transportation concurrency through the proportionate 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:

1. The applicant enters into a binding agreement to pay for or construct its proportionate share of the required improvement necessary to serve the proposed development.

2. The improvement or improvements funded by the proportionate share component must be adopted into the Five-Year Schedule of Capital Improvements in the Capital Improvements Element of the Comprehensive Plan or the long-term schedule of capital improvements for an adopted long-term schedule of capital improvements for an adopted long-term Concurrency Management System at the next regularly scheduled annual Capital Improvements Element of the Comprehensive Plan update.

E. 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.

Sec. 113A-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 share mitigation. An interlocal agreement may be established with any other affected jurisdiction for this purpose.

Sec. 113A-6. - Application process. The proportionate share program shall be governed by the following procedures.

A. Within 10 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 share program.

B. Prior to submitting an application for proportion-

ate share mitigation, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues.

C. Eligible applicants shall submit an application to the City that includes an application fee of $250.00 and the following:

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

2. Property location, including parcel identification numbers;

3. Legal description and survey of property;

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

5. Any proposed phasing schedule;

6. Description of proposed proportionate share mitigation methods;

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

8. All necessary applications.

D. Within 10 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.

E. Pursuant to F.S. § 163.3180, proposed proportionate share mitigation for development impacts to facilities on the Strategic Intermodal System requires the consultation and coordination with the Florida Department of Transportation (FDOT). In such event, the applicant shall submit evidence that FDOT concurs with the proposed proportionate share mitigation.

F. 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 share mitigation proposed on a Strategic Intermodal System (SIS) facility or any other FDOT facility.

G. Appeals of decisions of the director pursuant to this Chapter shall be made directly to the City Commission.

Sec. 113A-7. - Methodology for determining proportionate share mitigation. The following shall describe the methodology to determine proportionate share mitigation.

A. Proportionate 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.

B. A development shall not be required to pay more than its proportionate share. The applicant will be assessed a proportionate share of the cost of providing the transportation facilities necessary to serve the proposed development. An applicant shall not be responsible for the additional cost of reducing or eliminating deficiencies.

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

1. The proportionate share contribution shall be calculated based upon the number of trips from the proposed development expected to reach roadways during the peak hour from the stage or phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain or achieve the adopted level of service, multiplied by the construction cost, at the time of development payment, of the improvement necessary to maintain or achieve the adopted level of service.

2. The traffic analysis shall identify those roads or facilities that have a transportation deficiency. Transportation deficiency is defined as a facility or facilities on which the adopted level-of-service standard is exceeded by the existing, committed, and vested trips,

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plus additional projected background trips from any source other than the development project under review, and trips that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida's Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

3. The proportionate share formula shall be applied only to those facilities that are determined to be significantly impacted by the project traffic under review. If any road is determined to be transportation deficient without the project traffic under review, the costs of correcting that deficiency shall be removed from the project's proportionate-share calculation and the necessary transportation improvements to correct that deficiency shall be considered to be in place for purposes of the proportionate-share calculation. The improvement necessary to correct the transportation deficiency is the funding responsibility of the entity that has maintenance responsibility for the facility. The development's proportionate share shall be calculated only for the needed transportation improvements that are greater than the identified deficiency.

4. When proportionate share has been satisfied for a particular stage or phase of development, all transportation impacts from that stage or phase for which mitigation was required and provided shall be deemed fully mitigated in any transportation analysis for a subsequent stage or phase of development. Trips from a previous stage or phase that did not result in impacts for which mitigation was required or provided may be cumulatively analyzed with trips from a subsequent stage or phase to determine whether an impact requires mitigation for the subsequent stage or phase.

5. In projecting the number of trips to be generated by the development under review, any trips assigned to a toll-financed facility shall be eliminated from the analysis.

6. The applicant shall receive a credit on a dollar-for-dollar basis for impact fees, mobility fees, and other transportation concurrency mitigation requirements paid or payable in the future for the project. The credit shall be reduced up to 20 percent by the percentage share that the project's traffic represents of the added capacity of the selected improvement, or by the amount specified by local ordinance, whichever yields the greater credit.

D. For the purpose of determining proportionate share mitigation, the City shall determine improvement costs based upon the actual cost of the improvement as obtained from the Capital Improvements Element, the CIP, the TPO Transportation Improvement Program, or the FDOT Work Program. Where such information is not available, improvement cost shall be determined using one of the following methods:

1. An analysis by the City of costs by cross section type that incorporates data from recent projects and is updated annually. In order to accommodate increases in construction material costs, project costs shall be adjusted by the inflation factor established by the U. S. Department of Commerce; or

2. The most recent issue of FDOT Transportation Costs report, 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.

E. If a proposed form of proportionate share mitigation is other than financial, then the value of the proportionate share mitigation improvement shall be determined using one of the methods provided in this section.

F. If the conveyance of land or a right-of-way dedication is proposed as a form of proportionate 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.

Sec. 113A-8. - Certificate of concurrency for proportionate share mitigation. Upon approval of an application for proportionate share mitigation, the following requirements shall apply:

A. The City shall issue to the applicant a certificate of

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concurrency governing concurrency for transportation facilities, which shall explicitly set forth the proportionate share mitigation required by this chapter.

B. 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 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.

C. Dedication of land or right-of-way for facility improvements to the City as proportionate share mitigation must be completed prior to issuance of the certificate of acceptance or recordation of the final plat.

D. Any requested change to a development project subsequent to a development order may be subject to additional proportionate 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.

E. Applicants may submit a letter to withdraw from the proportionate 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.

F. The City may consider joint applications for proportionate share mitigation to facilitate collaboration among multiple applicants on improvements to a shared transportation facility, and may coordinate with other jurisdictions on proportionate share mitigation through inter-local agreements.

Sec. 113A-9. - Appropriation of fair-share revenues. At the time the proportionate share mitigation funds are received pursuant to this Chapter, they shall be deposited as follows:

A. Proportionate 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 share revenues may be used for operational improvements prior to construction of a project from which the proportionate share funds were derived. Proportionate share mitigation funds may also be used as the 50% local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).

B. In the event a scheduled facility improvement is removed from the CIP, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that the City determines will mitigate the impacts of development.

C. Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan pursuant to F.S. § 339.155, then the City may coordinate with other impacted jurisdictions and agencies to apply proportionate 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.

Sec. 113A-10. - Impact fee credit for proportionate share mitigation. The following requirements shall apply regarding impact fee credits and proportionate share mitigation.

A. Proportionate 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 share mitigation is calculated. If the proportionate 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 share mitigation is based.

B. Impact fee credits for the proportionate share mitigation will be determined when the transportation impact fee is calculated for the proposed development. If the applicant's proportionate 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.

C. The proportionate 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 share mitigation for a proposed development cannot be transferred to any other location.

CHAPTER 114. - NONCONFORMITIES.

Sec. 114-1. - 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.

Sec. 114-2. - 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 Unified Land Development Code, and all other applicable laws, statutes, ordinances, codes or regulations.

Sec. 114-3. - Nonconforming development.

A. Nonconforming uses. Nonconforming uses are those land uses which are in existence on the effective date of this Unified Land Development Code that do not comply with the provisions of this Unified Land Development 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 Unified Land Development Code.

5. Change of ownership. Change of ownership or other transfer of an interest in real property on which a nonconforming use is located ~~shall not in and of itself~~ shall also 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 Unified Land Development Code and which, by design, location or construction, do not comply with the provisions of this Unified Land Development 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 Unified Land Development 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 Unified Land Development 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 pro-

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visions 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 Unified Land Development Code provided that:

i. 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;

ii. 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

iii. 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 Unified Land Development 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.

i. 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 Unified Land Development 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.

ii. 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 Unified Land Development 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.

iii. Any properties in category (C)(3)i or (C)(3)ii of this section which are thereafter destroyed, or partially destroyed, may be restored.

iv. As to the exemptions in subsections (C)(3)i and (C)(3)ii 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.

v. 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.

vi. 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.

Sec. 114-4. - Vested rights.

A. A property owner's right of development prior to adoption of this Unified Land Development Code shall be vested, even if such development does not comply with this Unified Land Development 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 City's Building Department Contractor (also referred to as the City's Building Department), provided the development is commenced within the permit period.

2. Within 6 months after adoption of this Land Development 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 City Building Department. Any modifications, additions or alterations to the approved plans and specifications shall not be considered vested development.

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CHAPTER 115. - ENFORCEMENT.

Sec. 115-1. - Purpose. The purpose of this Chapter is to designate responsibility and to provide procedures for the enforcement of this Unified Land Development Code, and to establish penalties for violations.

Sec. 115-2. - Enforcement responsibilities. The provisions of this Chapter shall be administered by the Director, or his designated representative. In addition to other remedies provided by this Unified Land Development Code and other applicable laws, regulations or ordinances, the Director shall take the following actions when a violation has been determined to exist:

A. No subsequent development approval or order or certificate of occupancy shall be issued until the violation has been corrected;

B. 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 or a code enforcement officer and shall become effective at the time of delivery to the violator or upon posting at the job site;

C. 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, Chapter II, Panama City Code of Ordinances.

D. An order may be issued to repair, restore, or demolish the work, to vacate the premises, or otherwise to abate the violation.

Sec. 115-3. - Enforcement procedures.
A. The Director shall initiate proceedings against violators of this Unified Land Development Code.

B. Except as provided in subsection (c) of this section, when a violation of this Unified Land Development 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 Unified Land Development 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 115-5.

C. If the Director has reason to believe that any violation of this Unified Land Development 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.

Sec. 115-4. - Appeals.
A. An appeal of any notice of violation may be initiated by any person charged with a violation of this Unified Land Development Code.

B. Initiation of an appeal shall stay the imposition of penalties provided in section 115-5 until such time as a final order is issued by ~~the appeals board~~ Planning Board.

C. Appeals board. The Planning 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 Planning Board. Formal rules of evidence will not apply to the proceeding.

Sec. 115-5. - Penalties or remedies.
A. Criminal penalties. Any person failing to comply with the provisions of the Unified Land Development Code shall be guilty of an offense and shall, upon conviction, be ~~subject to fine and imprisonment pursuant to section 1-8~~ sentenced to pay a fine, not to exceed

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$250 per day for a first violation and shall not exceed $500 per day for a repeat violation and in addition, may include all costs of repairs and court costs. If the Code Enforcement Majistrate finds the violation to be irraparable or irreversible in nature, he/she may impose a fine not to exceed $5,000 per violation.

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 Unified Land Development 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 Unified Land Development 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 Unified Land Development 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 Chapter are alternative remedies and do not prevent the City from enforcing this Unified Land Development Code by other means, including, but not limited to Code Enforcement Magistrate action.

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CHAPTER 116. - DEFINITIONS.

Sec. 116-1. Word Usage. The following words, terms and phrases, when used in this ULDC, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. 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," "co-partnership," "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."

Sec. 116-2. Abbreviations.

Abbreviations	Full name
BMP:	Best Management Practices
CRA:	Community Redevelopment Agency
CSP	**Conceptual Site Plan**
Dbh:	Diameter at breast height
DEO:	(Florida) Department of Economic Opportunity
DEP:	(Florida) Department of Environmental Protection
DO:	Development Order
DTD:	Downtown Zoning District or Downtown Future Land Use District
FAA:	Federal Aviation Administration
FAR:	Floor area ratio
FCC:	Federal Communications Commission
FDEP	**FL Dept. of Environmental Management**
FDOT:	Florida Department of Transportation
FEMA:	Federal Emergency Management Agency
FIRM:	Flood insurance rate map
GC:	General Commercial Future Land Use District
GC-1:	General Commercial-1 Zoning District
GC-2:	General Commercial-2 Zoning District
GIS:	Geographic Information System
GO:	Gateway Overlay District
HI:	Heavy Industrial Zoning District
HUD:	U.S. Department of Housing and Urban Development
I:	Industrial Future Land Use District
ISR:	Impervious surface ratio
LI:	Light Industry Zoning District
LOS:	Level of service
MIOD:	Military Influence Overlay District
MU:	Mixed Use Future Land Use District
MU-1:	Mixed-Use-1 Zoning District
MU-2:	Mixed-Use-2 Zoning District
MU-3:	Mixed-Use-3 Zoning District
NSA:	Naval Support Activity
OSR:	Open space ratio
P:	Preservation Zoning District
P/I:	Public/Institutional Zoning District
PB:	Planning Board
PITI:	Principal, Interest, Taxes and Insurance
PUD:	Planned Unit Development
R:	Residential Future Land Use District
R-1:	Residential-1 Zoning District
R-2:	Residential-2 Zoning District
REC:	Recreational Future Land Use District
REC-1:	Recreation-1 Zoning District
REC-2:	Recreation-2 Zoning District

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ROW:	Right-of-way
StDTD:	St. Andrews Downtown (Zoning) District
SIL:	Silviculture Zoning District and Future Land Use District
TRC:	Technical Review Committee
UC:	Urban Community Future Land Use District
ULDC:	Unified Land Development Regulations
UR:	Urban Residential Future Land Use District
UR-1:	Urban Residential-1 Zoning District
UR-2:	Urban Residential-2 Zoning District
UR-3:	Urban Residential-3 Zoning District

Sec. 116-3. Defined Terms.

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.

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

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

Accessory Dwelling Unit or Apartment. An additional, ancillary dwelling unit or apartment located on the same lot or parcel as a principal dwelling unit. The accessory dwelling unit or apartment may be attached or detached such as a garage apartment or cottage; its use is secondary to the principal use of the 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.

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.

Active loading or unloading. When a commercial vehicle is attended and it is apparent that materials or items are being actively loaded or unloaded into and/or out of this commercial vehicle.

Acre. A unit of land equal to 43,560 square feet.

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).

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.

Amusements, Indoor. Establishments that provide commercial recreation activities completely within an enclosed structure such as video arcades, skating rinks, roller rinks, shooting ranges, bowling alleys, and billiards/pool halls.

Amusements, Outdoor. Establishments that provide commercial recreation activities primarily outdoors such as miniature golf establishments; go-cart facility; theme parks, carnivals, fairgrounds, and midways; paintball parks; and water rides.

Antenna. A device for sending or receiving signals that is installed on a mount and used by telecommunication service providers.

Antenna mount (mount). The structure or surface upon which an antenna is mounted.

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's Unified Land Development Regulation Code.

(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.

Artisan production establishment. The use of land, confined within an enclosed building, engaged in the design and production by carving, painting, casting or assembling of component parts of finished products which are:

Customarily used in residences, offices, restaurants, or retail establishments; intended to have an aesthetic and artistic appeal in addition to a functional use; and produced either one-at-a-time or in small lots. The use may include a show room and retail sales of the products.

As-built survey. A survey needed to record variations from the original Engineering plans to what is actually built. It may be needed to prove the location of structure(s) and underground improvements at the time a Certificate of Occupancy is requested.

Assisted Living Facility. Any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

Attached Structure. A section of a building that is directly attached to a structure. A carport that is a part of a house is an example of an attached structure.

ATM. Computerized, self-service machines used by banking customers for financial institutions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

Awning. A shelter projecting from and supported by the exterior wall of a building constructed of **rigid and** nonrigid materials on a supporting framework **that may be either permanent or retractable**.

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Awning sign. A sign painted on, printed on, or attached **flat** 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.

Bar/Tavern. A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery and other beverage tasting facilities.

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.

Bed and breakfast inn. An owner-occupied dwelling having ten or fewer guest rooms where overnight accommodations and a morning meal are provided to transients for compensation.

Berm. An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Billboard. (See Off-premises sign.)

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).

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.

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.

Brewery. A brewery that produces 15,000 or more US beer barrels (460,000 US gallons) per year.

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.

Buffer yard. The designated area used to soften the impact of dissimilar land uses and provide screening to satisfy the requirements of the ULDC.

Buildable area. The area of a lot remaining after the minimum yard and open space requirements of this Unified Land Development Code 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 Height. The vertical distance or measurement from the average elevation of the finished lot grade at the front of the building or structure to the highest point at the ceiling of the top story in the case of a flat roof to the deck line of a mansard roof, and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

Building mass. The three-dimensional bulk of a building: height, width, and depth.

Building official. The chief building official, or building inspector for Bay County or the City's Building Services Contractor.

Building permit. An official document or certificate issued by the city-approved agency/entity 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.

Business Park. An area specifically designed and landscaped to accommodate business, offices, warehouses, and light industry.

Caliper. **The diameter of a tree at** the base of the trunk. Caliper is used to size nursery-grown trees.

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Camouflage. See "Stealth."

Camouflaged mount. An antenna mount designed to unobtrusively blend in with existing surroundings. Camouflaged mounts are disguised so as to have the appearance of something other than a telecommunication facility, such as a building, water tower, tree, or architectural building feature.

Cannabis Dispensing Facility means any State of Florida licensed facility where Derivative Product is dispensed at the retail level.

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.

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 Unified Land Development Code.

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.

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 Engineer. The duly appointed city engineer of the City.

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

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

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.

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 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.

Cluster subdivision. A subdivision in which lot sizes are smaller than would otherwise be permitted in the underlying zoning district, in exchange for dedication of permanent open space.

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.

Collector road. A roadway providing service for mod-

erate traffic volume, moderate trip length, and moderate operating speed, as classified by the Florida Department of Transportation.

College/University. Junior colleges, colleges, universities, and professional schools with physical structures (excluding online and remote programs). These establishments furnish academic or technical courses and grant degrees, certificates, or diplomas at the associate, baccalaureate, or graduate levels in a campus setting in more than one building.

Collocation. The use of a single antenna mount to support the antennas of more than one telecommunication service provider.

Commercial Dormitory. A structure specifically designed for a long term stay by students of a college, university, or non-profit organization for the purpose of providing rooms for sleeping purposes.

Commercial motor vehicle. Any self-propelled or towed motor vehicle used on a roadway or highway in interstate commerce to transport passengers or property when the vehicle—

(1) Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 2,268.42 kg (5,001 pounds) or more, whichever is greater; or

(2) Is designed or used to transport more than 8 passengers (including the driver) for compensation; or

(3) Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

(4) Is primarily used for a commercial purpose, including vehicles marked with a sign, letters, identification numbers advertising or associating it in any way with a commercial enterprise, other than those that identify the vehicle maker or dealer.

Commercial Equipment. Equipment utilized for commercial purposes, designed by the manufacturer to be used primarily for commercial purposes, or altered or converted for the purpose of being so used. Commercial equipment includes, but is not limited to, ladders, pressure washers, cement mixers, generators, mowers, and other lawn equipment used for commercial purposes, utility trailers, chemicals and spray equipment, PVC piping, window/door racks, and scaffolding.

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 as defined in Section 419.001, F. S.

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 as described in Section 163.3180 F. S.

Concurrency evaluation. An evaluation by the Planning Department 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.

Conference/Convention facility. A commercial facility for public assembly including, but not limited to auditoriums, conference facilities, convention centers, exhibition halls, and the like.

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

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

Construction Dumpsters. A large container designed to receive, transport and dump construction debris.

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.

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

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

Copy. The wording on a sign surface in either permanent or removable letter form.

Cornice. A prominent, continuous, horizontally projecting feature found at the top of a wall, under the eave of a roof, above an entrance, or projecting outwards from a wall's surface.

Cottage subdivision. A group of single-family homes built in close proximity to one another fronting a central green or lawn with additional land around the homes owned in common by the residents of the development.

County. Bay County, Florida.

Cul-de-sac. A short street having one end open to traffic and being permanently terminated by a vehicular turnaround.

Dedication. The transfer without payment of ownership or other interest in real property from a private entity to a public agency.

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.

Derivative Product. Any form of cannabis suitable for administration to or consumption or use by a Qualified Patient, Eligible Patient, or any other similarly situated individual.

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 Unified Land Development Code.

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.

Diameter at breast height (DBH). 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.

Digital Sign. An on-premises sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means~~; provided, a digital sign shall not be construed to be an animated sign or an illuminated sign~~.

Directional/information sign. An on-premises sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment.

Director. The City officer or employee designated by

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the City Manager to administer or enforce any part of this Unified Land Development Code, as well as manage the Planning and Economic Development Department staff.

District. An area designated within the City.

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

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

Dock, 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.

Dormer. A roof-mounted structural element with a gable roof and a window at its outer end that projects from a sloping roof of a building.

Dormitory. A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, or other similar use.

Double wide. An obsolete term used to describe a mobile home having a width of generally between 20 and 28 feet.

Downtown program area. The boundaries of the Downtown CRA adopted in April 2013.

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 2 faces.

Drainage basin. The area defined by topographic boundaries which carries stormwater to a drainage system, estuarine waters, or gulf 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.

Driveway. A private roadway located on a parcel or lot used for vehicle access.

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, attached single-family. A residential structure designed to house a single-family unit from lowest level to roof, with a private outside entrance, and sharing a common wall adjoining dwelling units.

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.

Electrical sign. A sign or sign structure in which electrical wiring, connections, or fixtures are used.

Electronic message center. (See Changeable copy sign, automatic.)

Equipment shelter. Any supporting building or cabinet which contains electronics, and other equipment associated with the operation of a telecommunication facility antenna.

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.

Façade. The entire building front including the parapet.

Face of sign. The area of the sign in which the copy is placed.

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.

Farmers' Market. A market open to the public where all products sold are farm products, value-added farm products, or a food or beverage product, and where the booths are operated by producers.

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.

Festoons. A string of ribbons, tinsel, small flags, or pinwheels.

Filling (service) station. (See service station).

Flag, Feather. A lightweight, flexible pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which is used for the primary purpose of advertising or attention-getting by the public display of visually communicative images. Such banners are also known and sold under names which include, but are not limited to, "quill sign," "banana banner," "blade banner," "flutter banner," "flutter flag," "bowflag," "feather banner sign," "teardrop banners," and others. This definition includes functionally similar display devices.

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.

Flexible street sidewalk café. (See sidewalk café).

Flexible street sidewalk cafe area. The area calculated by multiplying the frontage of that portion of the property or building containing the business establishment by the width of the sidewalk, less the area reserved for the unobstructed pedestrian walkway or the area approved by the City for the use as a sidewalk cafe.

Floating sign. A sign affixed to a vessel, boat, barge, buoy or other floating structure which is placed or located upon any surface water.

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.

Floor area ratio (FAR). The ratio of the floor area of a building to the area of the lot on which the building is situated.

Footprint. The outside perimeter of any structure.

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.

Fracking. The process of injecting liquid at high pressure into subterranean rocks, boreholes, etc., so as to force open existing fissures and extract oil or gas.

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.

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 princi-

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pal structure.

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.

Graffiti. Any writing or drawings that have been scribbled, scratched, or painted illicitly on a wall or other surface.

Ground-mounted facility. A free-standing structure designed as an antenna mount constructed upon the ground. These include monopoles, latticed or guyed towers, and camouflaged or stealth towers. The ground-mounted facility includes any associated equipment shelters and cabinets.

Group home. (See Community residential home.)

Halfway Houses. A place where persons are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment related to a criminal offense.

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 (of a building). see Building Height definition.

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.

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 or secondary to the main use of the structure for residential purposes.

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.

Hospital. An institution providing human health services primarily for in-patient medical and surgical care for the physically or mentally sick and injured and including related support facilities.

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.

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.

Hydraulic fracturing. The process in which fractures in rocks below the earth's surface are forced open and widened by injecting chemicals and liquids at high pressure and typically used to extract natural gas or oil.

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.

Impervious surface. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, tennis courts, sidewalks, and paved recreation areas. Wooden slatted decks and the water area of swimming pools shall be considered to be pervious.

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

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.

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

Inflatable advertising device. A device which is inflated with air or another gas, or which is activated by wind, air, or propelled gas and used for outdoor advertising purposes.

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.

Labor Pool. An employment agency specializing in very short-term contracts for manual labor where the worker is hired and paid one day at a time.

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 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, unified land development code, 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.

Live-Work Units. An attached residential building type with a small commercial enterprise on the ground floor and a residential unit above or behind with a common tenant in both spaces.

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

Local road. A roadway providing service which is of

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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 legally defined on a subdivision map recorded with the Bay County Property Appraiser's Office, or a parcel of land defined by a legal record or survey map.

Lot, corner. A lot abutting two or more intersecting streets (see Exhibit 116-1).

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 Exhibit 116-1)

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 Exhibit 116-1).

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 Unified Land Development Code.

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).

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.

Low-THC Cannabis. A plant of the genus cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight: the seeds thereof: the resin extracted from any part of such plant: or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seed or resin.

Macrocell. Cell sites usually used in remote areas where they may have their own power source from diesel or propane power supplies.

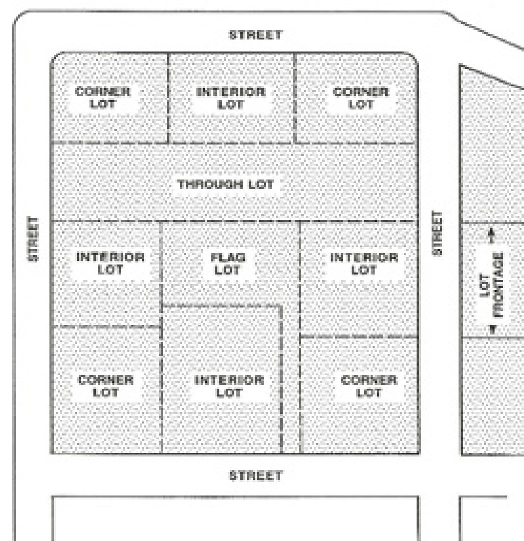
Major thoroughfare. Any principal arterial, minor arterial or collector roadway as classified by the Florida Department of Transportation.

Manager. The City Manager of the City or his designee.

Mansard. A sloped roof or roof-like facade architecturally comparable to an exterior building wall.

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.

Exhibit 116-1: Definitions of Types of Lots



Manufactured home. A factory-built, single-family structure that is manufactured under the authority of .

. . the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. **The term "manufactured home" does not include a "recreational vehicle" or "travel trailer".**

Manufactured home lot. An area of land within a planned manufactured home subdivision designed to accommodate one manufactured home.

Manufactured home subdivision. A parcel of land which has been planned and improved for the placement of manufactured homes for residential use on single lots with private ownership of the lots.

Manufactured housing. A general term used to describe a type of housing that is produced, either completely or partially in a factory.

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.

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.

Medical Cannabis. All parts of any plant of the genus cannabis, whether growing or not: the seeds thereof: the resin extracted from any part of the plant: and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin.

Medical Cannabis Activities. Without limitation, the growing, cultivation, processing, manufacturing, dispensing, distribution, and wholesale and retail sale of Medical Cannabis. Low-THC Cannabis, and Derivative Products, or any subset of such activities, or any related activities.

Microbrewery. A brewery that produces less than 15,000 US barrels (460,000 US gallons) per year.

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

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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.

Monopole. A style of free-standing antenna mount that is composed of a single shaft or pole, and is designed to support itself without the use of guy wires or other stabilization devices.

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.

~~**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, rooming-houses, boardinghouses, fraternities, sororities, dormitories, and like accommodations.

Mural. A original, one-of-a-kind unique design which does not contain promotional or commercial advertising painted or drawn on a wall.

Nameplate. A nonelectric, on-premises identification sign giving only the name, address, and occupation of an occupant or group of occupants.

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. Dept. of Housing and Urban Development; also known as the “HUD Code.”

Neighborhood Commercial. Provides areas for commercial development such as compact shopping areas located in the neighborhood which they serve. The location of such areas is intended to conveniently supply the immediate needs of the neighborhood where the types of services rendered and the commodities sold are those which are needed daily and purchased at frequent intervals. Commercial operations not exceeding 20,000 square feet.

Neighborhood Park. An area reserved for recreational space which serves the population of a neighborhood. It consists of a minimum acreage of one-half acre. and is generally accessible by bicycle or pedestrian ways.

Newspaper Collection Box. Any box, container, or device which is used for the collection of newspaper deposited by the general public and intended for recycling.

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 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.

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

Nonconforming use. A lawful land use existing at the time of passage of this Unified Land Development Code 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.

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.

Open Air Retail. A retail sales establishment operated primarily in the open air including, but not limited to: farmers market, flea markets, sidewalk kiosks and the like. Uses not included are: car sales, equipment sales, boats sales, and home and garden supplies and equipment.

Open space. Areas that have no or very limited vertical structures and that provide opportunities for public activities, recreation, stormwater management, or conservation. Open Space areas may be landscaped or left in their natural state. Examples include public squares, parks, and natural areas.

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.

Outside or Display Sales. The sale of goods and products outside of a permanent structure that are clearly related to the function contained in that structure. This includes, but is not limited to, landscape materials, lawn and garden supplies, and produce.

Outside Storage. The storage of any material for a period greater than 48 hours, including items for sale, lease, processing and repair (excluding vehicles for sale) outside the principal or accessory buildings on a property.

Owner. The record owner of the property.

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 **or structural roof**.

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

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 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 chasis, 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.

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

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

Parking structure. Any garage, building, deck, platform, or similar structure other than a parking lot to be used for the temproary or long-term parking of motor vehicles.

Parking, tandem. The placement of parking spaces one behind the other, so that the space nearest the drive aisle or street access serves as the only means of access to the other space.

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.

Personal Services, Restricted. A personal service es-

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tablishment that may tend to have a blighting and/or deteriorating effect upon surrounding areas and that may need to be dispersed from other similar uses to minimize its adverse impacts, including check-cashing services and tattooing, piercing, and similar services. These uses may also include accessory retail sales of products related to the services provided.

Planned Unit Development (PUD). A development guided by a total design plan in which one or more land development regulations or code provisions may be waived or varied to allow flexibility and credibility in site, deign, and location, in accordance with general provisions.

Planning Director. See Director definition.

Plat. A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable sections of F.S. 177.

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

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~~ A temporary sign used in connection with a local, state, or national election or referendum.

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

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.

Portable Storage Containers. A transportable enclosure rented for use as temporary, onsite storage. Portable storage containers are also commonly referred to using the trade name "PODS".

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

Prefabricated home. A general term used to describe any home constructed in a factory setting including manufactured homes, modular homes and industrialized homes.

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~~ Code.

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.

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.

Real estate sign. A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

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

Recreational vehicle (RV). Recreational vehicle means a vehicle that is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. RVs shall not be allowed in mobile home parks for rental purposes in the City.

Remuneration. The compensation, money, rents or other bargained given in return for occupancy, position or use of real property.

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.

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.

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.

Screening. Any constructed wall, fence, building or

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living plant material used for the purpose of visually or functionally separating adjacent land uses.

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.

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

Shipping container home. A dwelling constructed of one or more shipping containers that have been modified for residential use.

Shipping container structure. A structure constructed of one or more shipping containers.

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

Short term rentals. See Transient Commercial Lodging.

Shrub. A self-supporting woody plant, either deciduous or evergreen, with several stems and a normal mature height of three to 20 feet.

Sidewalk. That portion of a public street right-of-way between the curb line or the edge of the pavement of a street and the adjacent property line/building structure built to the property line which is improved for use by pedestrians.

Sidewalk café. A use located adjacent to a sidewalk and related parking spaces associated with a business establishment which serves or sells food including beverage products and is located in the abutting building.

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, 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 6 feet by one foot, identifying the owner of the sign, e.g. “Lamar,” “Board Works,” etc.

3. Multi-faced signs. For multi-faced 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 multi-faced, back-to-back, or V-shaped. For billboards, the measurable area shall also not include standard name plates, not exceeding 6 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 perim-

eter enclosure line, then the combined areas of the individual figures, plus the normal space between such figures shall be considered the total sign area.

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

Single-wide. An obsolete term used to describe a mobile home or manufactured home having a width of between 8 and 16 feet.

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 Unified Land Development Regulation Code.

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.

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.

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.

~~**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.**~~

Stealth. Placement of a wireless facility in such a way that it may not be discerned as being separate from the principal use of a site. This may be accomplished through visual screening, use of color or encasement of the facility within an existing structure such as a steeple. A stealth installation may also include the placement of a new structure to contain the facility so long as the new structure complies with the height, setback and other requirements of the zoning code or is otherwise exempt from those requirements.

Stop Work Order. A written order to stop work, issued by the Planning Director, Code Enforcement Official **or Building Official**, upon determining that work is being conducted in violation of this ordinance.

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.

Streetscape. The pedestrian and landscape improvements generally within public right of way, or provided on private property if the right of way is not wide enough to provide the area needed to provide trees and sidewalks.

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 movable 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.

Structure-mounted telecommunication facility. A telecommunication facility attached to or upon any commercial, industrial, public-institutional, or multi-family structure. Such structure shall include buildings, water tanks, and other structures not originally designed as telecommunication antenna mounts. The structure-mounted telecommunication facility includes any associated equipment shelters and cabinets.

Stub Out. The extension of a street to an external property line to facilitate future roadway connection and reduce traffic impacts on the road network.

Subdivision. The division of land into **three** or more

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lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided. 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 identification sign. A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

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.

Taproom. A use associated with and on the same premises as a brewery, at which guests may sample the manufacturer's products and consume other nonalcoholic beverages.

Tasting room. A use associated with and on the same premises as a winery or distillery, at which guests may sample the manufacturer's products and consume other nonalcoholic beverages.

Tattoo establishment. Any location where tattooing is engaged in or where the business of tattooing is conducted or any part thereof. The term "tattoo parlor" falls within this definition.

Tavern. An establishment serving malt, vinous, and spirituous liquors in which the principal business is the sale of such beverages at retail for consumption on the premises and where snacks are available for consumption on the premises.

Temporary outdoor entertainment. An outdoor use open to the public such as a carnival, amusement rides, fair, outdoor theater, promotional event, musical performance, or dance for a limited duration of time.

Telecommunication service. Commercial mobile services, wireless services, common carrier wireless exchange access services, and commercial broadcast services including radio and television.

Telecommunication facility. A facility for the provision of telecommunication services, including antennas, mounts and associated equipment and equipment shelters.

Telecommunication service provider. A company authorized by the FCC to operate a telecommunication service system, or broadcast in the commercial radio or television bands.

Temporary sign. A sign not constructed or intended for long term use.

Toll. A legal term to delay, suspend or hold off the effect of a statute.

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.

~~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."~~

Transient commercial lodging uses. The use by any person of residential property for bed and breakfasts, hostel, hotel, inn, lodging, motel, resort or other similar uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is for less than 30 consecutive days. Also referred to as short term rentals.

Travel trailer. A vehicle designed as a temporary dwelling for travel or recreation when connected to utilities necessary for operation of installed fixtures and appliances, built on a single chasis, not more than 14 feet in width ~~and not more than 30 feet in length~~.

Travel trailer park. A lot on which are parked 2 or more travel trailers for a period of less than 30 days.

Tree. Any self-supporting deciduous or evergreen 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.

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.

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

Twenty-five year storm. The storm water runoff resulting from precipitation of an intensity expected to be equaled or exceeded on the average, once in 25 years, and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

Under-canopy sign. A sign suspended beneath a canopy, ceiling, roof, or marquee

Unified Land Development Code. 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.

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.**~~

Use. The purpose for which a building, lot, sign, or structure is intended, designed, occupied, or maintained.

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

V sign. A sign shaped and constructed like the letter "V" which consists of 2 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.

Variance. The means by which an adjustment is made in the application of the specific regulations of the unified land development code to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.

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

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.

Vehicle use area. Any portion of a development site used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards.

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

Violation. The establishment, creation, expansion, alteration, occupation or maintenance of any use, land development activity, or structure, including but not limited to signs and buildings, that is inconsistent with any provision of this Ordinance or any order, approval, or authorization issued pursuant to this Ordinance.

Wall curtain. A non-load bearing perimeter curtain wall of concrete block or stucco on wire mesh, with a minimum thickness of 4 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.

Wall or fascia 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.

Watershed. All of the land area draining to a particular point on a water course or to a water body.

Way-Finding Sign. A sign designed to convey location and direction.

Window sign. A sign installed inside a window and

intended to be viewed from the outside.

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 or Part 33 Code of Federal Regulations (328.3), as either may be amended or superseded.

Wireless Communications. Any personal wireless service, which includes but is not limited to, cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), unlicensed spectrum services utilizing Part 15 devices (i.e. wireless internet services) and paging.

Xeriscape. Landscape (an area) in a style which requires little or no irrigation.

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 Exhibit 116-2)**.

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 Exhibit 116-2).**

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 Exhibit 116-2).**

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.

Exhibit 116-2: Definition of Yard Setbacks