

ORDINANCE NO. 1514

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE; AMENDING TABLE 4.02.02A RELATING TO THE REAR SETBACKS APPLICABLE IN R-3 ZONING DISTRICTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City's current regulations for rear setbacks in R-3 districts require a larger setback when such development is adjacent to other non-residential uses; and

WHEREAS, staff finds these rear setback standards for R-3 to be in error, and recommends that the LDC be amended to require a larger setback when such development is adjacent to residential uses.

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

SECTION 1. From and after the effective date of this ordinance, Table 4.02.02A of the Land Development Code of the City of Panama City Beach related to Unified Development in Multiple Districts, is amended to read as follows (new text **bold and underlined**, deleted text ~~struck through~~):

**4.02.02 Dimensional Standards for Zoning Districts**

...

**H. Building Height, Setback and Coverage Requirements**

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

2. Every part of the required **Setback area** shall be open from its lowest point to the sky, unobstructed except for the customary projection of sills, belts, courses, **Cornices**, ornamental features, and **Eaves** that do not extend more than three (3) feet into the setback area; approved **Accessory Buildings**; and fencing. Open or enclosed fire escapes, outside stairways, balconies, chimneys, flues, generators or other projections shall not extend into any required **Setback area**, except that uncovered steps may project not more than three (3) feet into any required **Setback area**. Air conditioner/heat pumps shall be located the lesser of the **Setback** for the principal **Building** or five (5) feet from the property line. Underground improvements are not subject to **Setback** requirements.
3. **Building Height** shall be measured from the highest crown (highest point in the vehicular area of the right of way) of an abutting street to the highest point of the ceiling in the highest habitable **Story**.
4. **Roof** pitches greater than 12:12 (twelve feet of rise for twelve horizontal feet), height are prohibited.
5. Nothing shall extend above the ridgeline except chimneys, cupolas, steeples, parapets, antennas, mechanical equipment and elevator equipment. Within the AR zoning district, height limitations shall not apply to silos.
6. Within commercial districts, there shall be no projection of sills, belts, courses ornamental features or **Eaves** over any public right-of-way.

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

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

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

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

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

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

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

from the side or rear property line as applicable.

6 Maximum height may be affected by **Setback** or overlay district requirements.

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

- |  |  |
|--|--|
| Miramar Beach Area - All R-1C zoned areas in the following subdivisions:   | Colony Club Area - All property zoned as R-1A in the following subdivisions:   |
| <ul style="list-style-type: none"><li>• Miramar Heights Subdivision</li><li>• Wells Gulf Beach Estates</li><li>• Miramar Beach 1st Addition</li></ul>                          | <ul style="list-style-type: none"><li>• Greens West</li><li>• Bay West Estates Unit 1</li><li>• Colony Club Subdivision Phase 1</li><li>• Trieste Phase 2</li><li>• North Colony Club Estates Phase 1</li><li>• Trieste</li><li>• Colony Club Harbour Phases 1, 2, and 3</li><li>• All unrecorded lots in the Colony Club area.</li></ul>  |
| Palmetto Trace - All phases.   |  |
| Summerwood - All phases.   |  |
| Summerbreeze Subdivision - All phases  | The Glades Area - All property zoned as R-1B or R-O in the following subdivisions:   |
| Gulf Highlands, Unit 2 - All R-1B zoned areas.   | <ul style="list-style-type: none"><li>• The Glades and The Glades Phase II</li><li>• Tierra Verde and Tierra Verde Phase II</li><li>• Glades unrecorded addition</li></ul>   |
| Open Sands - All R-1C zoned areas including the Pura Vida unrecorded subdivision.  | Bid-A-Wee Beach Area - All property zoned as R-1C or R-O in the following subdivisions:  |
| Gulf Highlands Subdivision - All R-1B or R-1C zoned areas.   | <ul style="list-style-type: none"><li>• Seclusion Beach</li><li>• North Bid-A-Wee 1st Addition</li><li>• North Bid-A-Wee Beach</li><li>• Reflections</li><li>• Bid-A-Wee Beach 1st Addition</li><li>• Bahama Beach and Bahama Beach 1st Addition</li><li>• Daugeette Addition to Bahama Beach</li><li>• Fernwood Park</li><li>• Gardenia Beach</li><li>• Hearn's Addition to Bahama Beach</li><li>• Hutchison's 1st Addition and 2nd Addition</li><li>• Leary's 2nd Addition</li></ul> |
| El Centro Beach Area - All R-1C zoned areas in the following subdivisions:   |  |
| <ul style="list-style-type: none"><li>• El Centro Beach</li><li>• Diamond Head Section of Lakeside By The Gulf</li><li>• Crown Point Section of Lakeside By The Gulf</li></ul> |  |

(Ord. #1340, 4/9/15; Ord #1475, 12/13/18)

SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Panama City Beach Land Development Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 4. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Council of the City of Panama City Beach, Florida, this 13<sup>th</sup> day of February, 2020

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

EXAMINED AND APPROVED by me this 13<sup>th</sup> day of February, 2020

  
MAYOR

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Posted on pcbgov.com on the 21<sup>st</sup> day of February, 2020.