

ORDINANCE NO. 1479

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE; AMENDING THE REQUIREMENTS FOR TRADITIONAL OVERLAY DISTRICTS TO PERMIT THEM ON PARCELS OF 3 ACRES OR MORE IN RESIDENTIAL DISTRICTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

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

SECTION 1. From and after the effective date of this ordinance, Section 7.02.02 of the Land Development Code of the City of Panama City Beach related to Traditional Neighborhood Overlay Districts, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

7.02.02 Traditional Neighborhood Overlay District

- A. District Intent:** The general intent of the Traditional Neighborhood Overlay District (*TNOD*) is to provide a flexible, alternative district, within the **Residential and CH** zoning districts, to encourage imaginative and innovative housing types and design for the unified *Development* of tracts of land, within overall density and *Use* guidelines established herein and in the Comprehensive Plan. This overlay district is characterized by a mixture of functionally integrated housing types ~~and non-Residential Uses~~ as specified in this section.
- B. Mixture of Housing Types and Uses Permitted:** A Traditional Neighborhood Overlay District shall be comprised of at least **three (3) acres if located in a Residential zoning category, and five (5) acres if located in a CH zone.** Properties in this district are required to be developed with at least three (3) distinct types of housing units, each of which shall comprise of at least ten (10) percent of the total land area dedicated to *Platted Lots*. Examples of distinct types or styles of housing units include *Single Family* cottages and bungalows, rowhouses, apartment *Buildings*, *multi-Story Single Family Townhomes*, *Multi-family Dwellings*

and **Single Family Dwellings**. Acreage dedicated to **Streets**, stormwater, parks, etc... shall not be utilized in the calculation of the ten (10) percent **Lot** minimum. Permitted **Uses** shall be limited to that of the underlying **CH** zoning district.

All of the housing types do not have to be developed at the same time, nor is one housing type a prerequisite to another housing type. For the purpose of this section, "properties" refers to the overall parent **Parcel** of land that is assigned the Traditional Neighborhood Overlay district and not individual **Lots** within the parent **Parcel** of land. Whenever property designated for a Traditional Neighborhood shall not be subject to an approved Master Plan as hereinafter provided or upon invalidation of such a Master Plan, the property shall be subject to all land **Development** regulations applicable to the underlying **CH** zoning district generally, as amended from time to time.

For the purpose of this section, the Planning Board may recommend to the City Council for approval and inclusion in section 7.02.02D, regulations uniformly applicable to **Manufactured Homes** requiring such foundations, building materials, **Roof** slopes and skirting as will ensure structural and aesthetic compatibility with site built homes.

In **CH** zoning districts, **Non-residential Uses** shall be permitted, but not encouraged, in a Traditional Neighborhood Overlay District provided that the applicant can demonstrate that such **Uses** are not only compatible with **Residential Use** but also affirmatively encourage **Residential Use**, such as live-in shops or offices.

C. Density/Intensity

1. **Residential Land Use** shall not exceed a gross density of the underlying **CH** zoning district.
2. The following intensity standards shall also apply:
 - (a) **Impervious coverage ratio:** Maximum of seventy (70) percent of **Lot** area. Up to 100% impervious coverage of Lot area may be permitted if the impervious coverage for the overall development tract does not exceed seventy (70) percent.
 - (b) **Floor Area Ratio** (non-residential **Use** only): Maximum permitted by the underlying **CH** zoning district regulation.
 - (c) **Building Height:** Maximum permitted by the underlying **CH** zoning district regulation.
 - (d) **Open Space:** Minimum of thirty (30) percent of **Lot** area.
 - (e) Nothing in this section shall be utilized as a basis to exceed the maximum densities or intensities mandated by the **City's** Comprehensive Plan.

D. Development Standards and Procedures for Approval: Upon approval by the Planning Board as provided in this subsection and approval of a *Plat* by the City Council in accordance with *LDC*, the Traditional Neighborhood Overlay District is intended to permit variation in *Lot* size, shape, width, depth, roadway standards and *Building Setbacks* as will not be inconsistent with the Comprehensive Plan and the density/intensity standards specified in this subsection and as will ensure compatibility with adjoining *Development* and adjoining *Land Uses*. Innovative *Development* standards and principles are encouraged. The following *Lot* and *Building* standards shall apply:

(a) Minimum *Lot Area*: 1,250 square feet

(b) Minimum *Lot Width at Front Setback*: 25 feet

(c) Minimum *Front Yard*: 5 feet for roads internal to the *Development*. A minimum *Setback* of 25 feet is required adjacent to public roads that abut properties external to the *Development*.

(d) Minimum *Side Yard*:

Interior (to the *Development*) 0 feet

Exterior (adjacent to *Parcels* exterior to the *Development*):

One *Story*: 5 feet

Two *Stories*: 7 ½ feet

Three *Stories*: 10 feet

Four *Stories* and Over: 10 feet Plus 4 inches per each foot of *Building Height* over 40 feet

(e) Minimum *Side Yard, Street*:

5 feet for roads internal to the *Development*

15 feet adjacent to public roads that abut properties external to the *Development*.

(f) Minimum *Rear Yard*:

Interior (to the *Development*): 0 feet

Exterior (adjacent to *Parcels* exterior to the *Development*): 10 feet plus 4 inches per each foot of *Building Height* over 40 feet

E. Master Plan: A Master Plan shall be submitted by all owners of the property to be subjected to the Master Plan (collectively the "applicant") to the *Building* and Planning Department for review by the Planning Board. The Master Plan shall include, but not be limited to, all of the following:

1. A statement of objectives describing the general purpose and character of the proposed *Development* including type of structures, *Uses*, *Lot* sizes and *Setback*.

2. A vicinity map showing the location of the proposed **Development**.
3. A boundary survey and legal description of the property.
4. Detailed perimeter buffering and landscaping plan.
5. Locations and sizes of **Land Uses** including a plan graphically depicting location, height, density, intensity and massing of all **Buildings**. The plan shall additionally depict the location of all parking areas, **Access** points, points of connectivity to surrounding neighborhoods and similar areas that will be utilized for any purpose other than landscaping.
6. Location, type and density of housing types.
7. Detail of proposed roadway standards.
8. Type of zoning districts and existing **Uses** abutting the proposed Traditional Neighborhood Overlay district boundaries.
9. A detailed, written list and complete explanation of how the proposed Traditional Neighborhood is consistent with the requirements of this section.
10. The timeline for **Development** of the Traditional Neighborhood, including **Development** phases if applicable and setting forth benchmarks for monitoring the progress of construction of each phase, which benchmarks shall include, wherever applicable, land clearing, soil stabilization, construction of each landscaping element of horizontal infrastructure (roads, utilities, drainage, et cetera) and vertical infrastructure and improvements. The Final Development Plan shall be submitted within one (1) year of Master Plan approval. The timeline must show that construction of the horizontal improvements will be commenced and substantially completed within one (1) year and two (2) years, respectively, after approval of the Final Development Plan; provided that in the event the Traditional Neighborhood is divided into phases, the timeline must show that construction of Phase I horizontal improvements will be commenced and substantially completed within one (1) year and two (2) years, respectively, after approval of the Final Development Plan and that the horizontal infrastructure for all remaining phases will be substantially completed within four (4) years after approval of the first Final Development Plan. In addition, the timeline must provide that ninety (90) percent of the land area of the Traditional Neighborhood, excluding horizontal infrastructure, will be built-out to its intended, final **Use** within ten (10) years.
11. Other applicable information as required on the Application for Master Plan Approval.

- F. Master Plan is Conceptual:** This section shall not be construed so as to require detailed engineering or *Site Plan* drawings as a prerequisite to approval by the Planning Board. An applicant may provide a concept plan showing the general types and locations of proposed *Development, Open Space*, conservation areas, etc. (bubble plan); however, detailed drawings and information consistent with the approved Master Plan will be required prior to issuance of a *Local Development Order* for any phase(s) of *Development*. In the event that the Master Plan contains no provision for a particular matter that is regulated in the underlying CH district, then the *Local Development Order* shall be consistent with both the approved Master Plan and all regulations applicable within the underlying CH district generally.
- G. Master Plan Approval Not by Right:** A property owner has no legal right for approval of a Master Plan. Rather, the *City* shall approve a Master Plan only when it has determined that the applicant has demonstrated, to the satisfaction of the *City*, that the Master Plan provides a sufficient *Development* plan that provides a mixture of housing types, is compatible with adjacent properties, is consistent with this section, applicable local, state and federal regulations and is consistent with the comprehensive plan.
- H. Conditions of Approval:** In order to approve a Master Plan or any revision thereto, the Planning Board shall first determine, in a public hearing after notice, that the following conditions (among others it deems appropriate) are met by the applicant:
1. That the *Development* is planned as one complex *Land Use* rather than as an aggregation of individual and unrelated *Buildings and Uses*.
 2. That the applicant has met the intent of this section by allocating sufficient acreage for *Development* of at least three housing types as listed in section 7.02.02B.
- I. Progress Report to Planning Board:** Upon Master Plan approval, the applicant shall submit a Progress Report to the Planning Board no later than the dates as stated in the Master Plan. The Progress Report shall give a summary of the *Development* of the Traditional Neighborhood to date including number of *Dwelling Units*, protection of natural resources, unanticipated events that have taken place and other benchmarks that measure progress in completing the approved Master Plan.
- J. Revisions to an Approved TNOD Master Plan:** Revisions to an approved *TNOD* Master Plan shall be made in accordance with section 10.15.00 of this *LDC*.
- K. Final Development Plan:** Either concurrently or within one (1) year following zoning and Master Plan approval, all the owners of all or a portion of the property to the Master Plan shall submit one or more Final Development Plans covering all or part of the approved Master Plan. In the event that all the owners of the property subject to the Master Plan are

not required to submit a Final Development Plan for a portion of the approved Master Plan, the remaining owners must at least consent in writing to that Final Development Plan. The Final Development Plan shall be reviewed by the **Building** and Planning Department for consistency with the approved Master Plan. A **Local Development Order** may be issued if the Department finds the Final Development Plan consistent with the Master Plan.

1. The Final Development Plan shall include all of the following:
 - (a) Boundary survey and legal description of the property.
 - (b) A vicinity map showing the location of the proposed **Development**.
 - (c) The location of all proposed **Building** sites including height of structures and **Setbacks** indicating the distance from property lines, proposed and existing **Streets**, other **Buildings** and other man-made or natural features which would be affected by **Building Encroachment**.
 - (d) A table showing the acreage for each **Land Use** category, housing types and the average **Residential** density.
 - (e) **Lot** sizes.
 - (f) Common **Open Spaces** that are **Useable** and operated by the developer or dedicated to a homeowner association or similar group. Common **Open Space** may contain such **Recreational** structures and improvements as are desirable and appropriate for the common benefit and enjoyment of residents of the Traditional Neighborhood.
 - (g) All **Streets**, thoroughfares, **Access** ways and pedestrian interconnections shall be designed to effectively relate to the major thoroughfares and maintain the capacity of existing and future roadways. Consistency with this requirement shall be determined by the Engineering Department.
 - (h) **Development** adjacent to existing **Residential** areas or areas zoned for **Residential Use** shall be designed to reduce intrusive impact upon the existing **Residential Uses**.
 - (i) **Development** shall be clustered away from environmentally sensitive features onto less environmentally sensitive features. Gross densities shall be calculated on the overall site.
 - (j) A utility service plan including sanitary sewer, storm drainage and potable water.
 - (k) A statement indicating the type of legal instruments that will be created to provide for management of common areas.

(l) If the project is to be phased, boundaries of each phase shall be indicated.

2. Construction and **Development** of the Traditional Neighborhood shall be completed in strict compliance with the timeline set forth in the Master Plan. The Planning Board may, upon good cause shown at a regular or special meeting, extend the period for beginning and completing construction of any benchmark, provided that the aggregate of all such extensions shall not exceed a period of one (1) year. Further extensions of time to complete a benchmark shall require an amendment to the Master Plan to amend the time line.
3. Unified Ownership: A **property** must be under single ownership or under unified control at the time the Traditional Neighborhood Overlay district is assigned, the Master Plan is approved and the **Local Development Order** is approved.
4. Interpretations: Any interpretation by the **City** staff in the review of the Final **Development** Plan may be appealed to the Planning Board.

(Ord. No. 925, §1, 2-24-05) (Ord. #1254, 11/14/13)

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 13th day of
December, 2018.


MAYOR

ATTEST:


CITY CLERK

EXAMINED AND APPROVED by me this 13th day of
December, 2018.


MAYOR

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