

ORDINANCE NO. 1370

AN ORDINANCE OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE RELATED TO THE PIER PARK OVERLAY DISTRICT; ESTABLISHING HEIGHT LIMITATIONS FOR DEVELOPMENT GENERALLY IN PIER PARK; PROVIDING EXCEPTIONS FOR AMUSEMENTS AND A PERMANENT BEACH BALL DROP STRUCTURE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the City has received an application to erect an approximate 100' high permanent structure in Pier Park whose purpose is to feature and mechanically enable the annual Beach Ball drop that happens each New Year's Eve in Pier Park (the "Beach Ball Drop Structure"); and

WHEREAS, the City has also received an application to erect an amusement up to 200' in Pier Park;

WHEREAS, the contemplated structures are not prohibited by the Development of Regional Impact Development Order specifically governing the property, but are also not expressly regulated by the City's Land Development Code; and

WHEREAS, the City finds that it is necessary and appropriate to amend the City's Pier Park Overlay District regulations to address the maximum height for development within the Overlay District; and

WHEREAS, the City finds and determines that a general maximum height of 65' is consistent with the existing development in the Pier Park Overlay District, though it is below the maximum height of 85' which would be permitted by the underlying land uses in the District; and

WHEREAS, the City finds and determines that a general maximum height of 106', which is 125% of the maximum height of the most permissive zoning category existing right now in the Pier Park Overlay District, is consistent with the City's formula for regulating the height of amusements elsewhere throughout the City; and

WHEREAS, the City finds and determines that the proposed height of the Beach Ball Drop Structure, and the intended location for such structure, is consistent with the general maximum height established herein for amusements; and

WHEREAS, the City finds and determines that one amusement structure of extraordinary height located in Pier Park on the site of the existing Amusement Park in the center of the Pier Park Overlay District is not inconsistent with the present use of that land.

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 7.02.01 of the Land Development Code of the City of Panama City Beach related to the Pier Park Overlay District, is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

## **Chapter 7: Special Overlay Districts**

### **7.01.00 GENERALLY**

It is the intent and purpose of this Chapter to establish and adopt zoning overlay districts to govern the *Use* of land and water within such districts.

### **7.02.00 ESTABLISHMENT OF SPECIAL OVERLAY DISTRICTS**

The following overlay districts are established. The *Uses* allowable by the underlying zoning district shall apply, except as limited by the *Use* requirements of the overlay district.

#### **7.02.01 Pier Park Overlay District**

- A. The Pier Park Overlay District is a sub-district of the CH district and is comprised of that portion of the Pier Park Community Redevelopment Area described upon attached Exhibit A of Ordinance Number 1023.
- B. **Setbacks.** In addition to all other applicable requirements of this Zoning Ordinance, **New Development** in the Pier Park Overlay District must meet the following **Lot** and **Building** requirements. In the event of an inconsistency between the provisions of this section and the other requirements of the **LDC** or the City of Panama City Beach **Code of Ordinances**, the provisions of this section shall control.
  1. Minimum **Setbacks**:
    - (a) Front Beach Road, Panama City Beach Parkway and Powell Adams Road: twenty-five (25) feet
    - (b) All internal Roads: five (5) feet

(c) Minimum **Side Setbacks**: zero (0) feet

(d) Minimum **Rear Setback**: ten (10) feet plus four (4) inches per each foot of **Building Height** over forty (40) feet.

C. **Maximum Impervious Surface**: Eighty (80) percent, excluded from all computations is the **City** property west of the west boundary of Pier Park Drive. **Impervious Surface** may be clustered such that the **Impervious Surface** ratio exceeds 80% for a given **Parcel**. In order to cluster, the impacted property owners must submit to the **City** for approval a plan which shows which **Parcels** (receiving **Parcels**) will exceed the Eighty (80) percent **Impervious Surface** ratio and which **Parcels** (sending **Parcels**) will remain less than the Eighty (80) percent **Impervious Surface** ratio. The aggregate of sending and receiving shall in no case exceed the Eighty (80) percent **Impervious Surface** ratio. The exclusive purpose of this limitation is to limit the intensity of **Development**; accordingly, for the sole purpose of this calculation and no other purpose, stormwater ponds may be considered pervious areas.

D. **Sidewalks**. Sidewalks may be constructed of any material providing a hard, level and non-skid walking surface capable of supporting an imposed load of one hundred (100) pounds per square foot.

E. **Signs**. In addition to all other applicable requirements of this **LDC**, the following sign regulations shall apply to **New Development** in the Pier Park Overlay District. In the event of an inconsistency between the provisions of this subsection and the other requirements of this **LDC** or the City of Panama City Beach **Code of Ordinances**, the provisions of this subsection shall control.

1. No **Off-Premises Signs** shall be permitted.

2. Only the following **Building Signs** shall be permitted and a single **Building** shall be limited to one of the following alternatives:

(a) **Alternative one**. The Pier Park Overlay District shall not be considered a **Shopping Center**. Nevertheless, each separately owned or operated business establishment located within a **Building** containing multiple business establishments shall be permitted one (1) **Building Sign** or **Canopy Sign** and one (1) hanging (but not swinging) **Projecting Sign**, each to advertise that business and each the same size as if in a **Shopping Center**, provided such **Building** has a **Frontage** and such **Signs** are located on the **Frontage** side of the **Building**.

In addition, the rear (but not the side) of such a **Building** with a **Frontage**, that is the side opposite the **Building Frontage**, may be considered a separate "rear **Building Frontage**" for the purpose of permitting one (1) square foot of **On-Premises Building Sign Area** to be placed on the rear of that **Building** for each linear foot of "rear **Building Frontage**,"

provided that the aggregate **Area** of all such rear **Building Signs** shall not exceed thirty percent (30%) of the area of the rear side of that **Building**. The maximum number of such rear **Building Signs** at any given time shall be the greater of three (3) or the number of tenants or separate businesses operating within the **Building** at that time. The manner of determining the number and aggregate size of such rear **Building Signs** shall be as for ordinary **Building Signs**. A rear **Building Sign** advertising the branded name of a business currently operating anywhere within the Pier Park Overlay District shall be considered an **On-Premises Sign** for the purpose of this section.

(b) **Alternative two. On-Premises Building Signs** as specified in this subsection.

(c) **Alternative three.** A single **Building** occupied by one or more business establishments shall be permitted one (1) square foot of aggregate **On-Premises Building Sign Area** for each linear foot of the perimeter of the heated and cooled space of that **Building** by which to advertise the business or businesses operating within that **Building**. The maximum number of such **Building Signs** shall be seven (7). The aggregate area of all such **Building Signs** on a single side of that **Building** shall not exceed thirty percent (30%) of the area of that side. The manner of determining the number and aggregate size of such **Building Signs** shall be as for ordinary **Building Signs**.

3. No **Free-Standing Signs** shall be permitted, except:

(a) The existing Pier Park entrance signs.

(b) Four (4) **On-Premises Sign Structures** and **Signs**, one (1) which shall not exceed fifty (50) feet in **Sign Height** and five hundred (500) square feet in **Sign Area** visible from any one point and three (3) of which shall not exceed twenty-five (25) feet in **Sign Height** and two hundred (200) square feet in **Sign Area** visible from any one point. A **Sign** advertising the branded name of a business currently operating anywhere within the Pier Park Overlay District shall be considered an **On-Premises Sign** for the purpose of this subsection.

(c) An archway constructed over Pier Park Drive proximate to Front Beach Road and an archway constructed over Bluefish Drive proximate to and south of the internal **Access** road parallel to Panama City Beach Parkway, each containing only the words "Pier Park," "Panama City Beach" and the registered service mark of the master developer of the Pier Park Overlay District, with no other advertising.

(d) For each **Intersection**, excluding **Intersections** with Powell Adams Road, Front Beach Road and Panama City Beach Parkway, one (1) or two (2) directional **Signs** not exceeding six (6) feet in **Sign Height** and sixteen (16) square feet in **Sign Area** visible from any one point and placed proximate to the **Intersection**, provided that only **Street** names

and the name of and direction to one or more businesses operating within the Pier Park Overlay District or to egresses from the Overlay District are placed on such **Signs**.

(e) One free-standing **Monument Sign** not exceeding seven (7) feet in **Sign Height** and seventy (70) square feet in **Sign Area** for each **Premises** placed adjacent to a **Street** or a publicly accessible vehicular thoroughfare.

4. Except as provided in this subsection, no **Banners** shall be permitted (including by way of example and not limitation) "Grand Opening" or "Coming Soon" or "Sale" **Banner** or the announcement of a **Community Event**).

(a) A temporary **Banner** covering a **Sign** which has been damaged by windstorm or other casualty shall be permitted, provided such **Banner** is displayed for no more than (i) the forty-five (45) day period following such windstorm or casualty or (ii) the one hundred eighty (180) day period following such windstorm or casualty provided that at all times after the forty-fifth (45th) day the owner or person entitled to possession of such damaged sign has entered a binding, arms length contract for the total repair or replacement of such damaged **Sign** and the reason such contract has not been completed is in no way attributable to any act or omission of such owner or person entitled to possession of such damaged **Sign**.

(b) Permanent, decorative standards placed and maintained by the master developer of the Pier Park Overlay District or by an association representing the majority of the business occupants of the Pier Park Overlay District, shall be permitted upon public or common light poles, provided that such standards bear a common or related design intended to aesthetically unify the Pier Park Overlay District, do not advertise any business, event or thing and each standard is maintained in a clean, neat, whole and new appearing condition. Notwithstanding the forgoing, the standards may contain the words "Pier Park," "Panama City Beach" and the registered service mark of the master developer of the Pier Park Overlay District, with no other advertising.

F. **Parking.** In addition to all other applicable requirements of this **LDC**, the following parking regulations shall apply to **New Development** in the Pier Park Overlay District. In the event of an inconsistency between the provisions of this subsection and the other requirements of the **LDC** or the City of Panama City Beach **Code of Ordinances**, the provisions of this subsection shall control.

1. Four and one-half (4.5) **Parking Spaces** shall be required for each one thousand (1000) feet of gross leaseable space, retail space, office space, movie theater space, restaurant space, entertainment space, service space or other commercial space.

2. The **Parking Spaces** required by law for any business operating within the Pier Park Overlay District may be located anywhere within the Pier Park Overlay District, provided that

all **Parking Spaces** required by law for any business located within the Pier Park Overlay District are always available to the business invitee of any business operating within the Pier Park Overlay District.

(Ord. No.1023)

**G. Height Limitations.**

**Except as permitted in this section, no structure located anywhere in the Pier Park Overlay District shall exceed a height of 65' except:**

1. **Amusements or amusement facilities may be permitted to a height of 106'. As a matter of right, however, one amusement or amusement facility may be erected up to 206' in the area designated as Central Commercial in the Pier Park Development of Regional Impact Development Order.**
2. **One permanent, free standing Beach Ball Drop structure designed and constructed for the purpose of to showcase the City's annual Beach Ball Drop may be permitted to a height of 125'.**

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 10<sup>th</sup> day of December, 2015.

Jay Zohert  
MAYOR

ATTEST:

Ann B. Tal  
CITY CLERK

EXAMINED AND APPROVED by me this 10<sup>th</sup> day of December, 2015.

Jay Zohert  
MAYOR

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