

ORDINANCE NO. 2766

AN ORDINANCE AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF PANAMA CITY, FLORIDA; AMENDING SEC. 104-33. – DOWNTOWN DISTRICT (DTD) ZONING DISTRICT; PROVIDING FOR A REPEALER, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Panama City commissioned Dover Kohl & Partners to conduct downtown planning and visioning workshops and charrettes in July 2019; and

WHEREAS, the City Commission at its October 8, 2019 approved Resolution No. 20191008.3 and the document titled “A Strategic Vision for Panama City’s Downtown and its Waterfront” which referenced several changes that should be made to the City’s Land Development Code related to downtown and the Downtown (DTD) zoning district; and

WHEREAS, the Panama City Planning Board held a workshop in August, 2020 to discuss the proposed changes to reconcile the City’s Unified Land Development Code and the document entitled, “A Strategic Vision for Downtown and its Waterfront”; and

WHEREAS, the Planning Board recommended approval of the proposed changes to the Downtown (DTD) Zoning at its October 12, 2020 Meeting; and


NOW THEREFORE, be it resolved by the City Commission of the City of Panama City, the Downtown (DTD) Zoning District be changed and modified within the City’s Unified Land Development Code as highlighted in Exhibit “A”.

PASSED, APPROVED AND ADOPTED at the regular meeting of the Mayor and City Commission of the City of Panama City, Florida, the 24th day of November, 2020.

CITY OF PANAMA CITY, FLORIDA

A Municipal Corporation,

By


Greg Brudnicki, Mayor

ATTEST:


Brandy Waldron, Interim City Clerk-Treasurer

APPROVED AS TO FORM AND CORRECTNESS:


Nevin J. Zimmerman, City Attorney
Burke Blue P.A.

Adopted 11/24/20 - Ordinance No. 2766

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. These zoning standards implement key provisions of the Strategic Vision for Downtown, established as part of the City's Long Term Recovery Plan. 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. The zoning standards herein shall not apply to any owner of a property located in the DTD that has applied for or received a Development Order or Development Agreement prior to the adoption of this ordinance. These owners will remain subject to the requirements of such applied for or received Development Order or Development Agreement.

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 104-33.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 104-33.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. 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.
 - b. 5 feet of height for appropriate use of low water demand plants in all required buffer or landscaped areas.
 - c. 5 feet of height for the use of drip irrigation or other low water use methods, i.e., wastewater or gray water irrigation.
 - d. 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.

e. 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.

f. 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;

(3). Dedication of public space; and

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

5. Setbacks:

	Downtown Center (Harrison Avenue south of 6 th Street, see Figure X.2)	Downtown General (see Figure X.1)
Building Location		
Front Setback	0' min. and 5' max.	0' min. and 15' max.
Side and Rear Setbacks (minimum)	0' min.	0' min.
Frontage Occupancy	80% min.	50% min.
Parking Location		
Parking Setback (front and side/street)	25' min.	20' min.
Parking Setback (side or rear/mid-block)	0' min.	0' min.
Parking Setback (rear/alley)	5' min.	5' min.

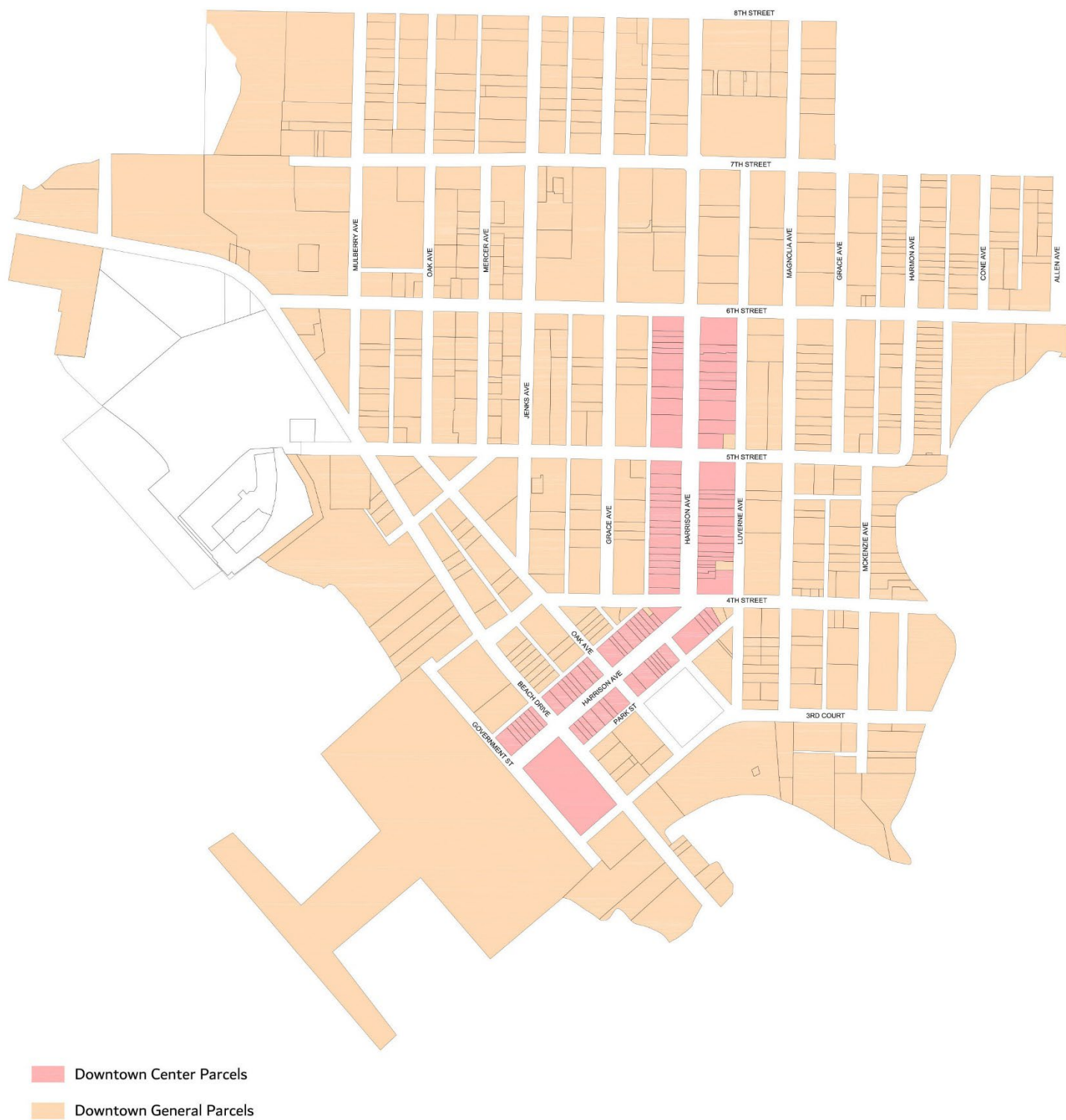


Figure X.1: Downtown Sub-Districts

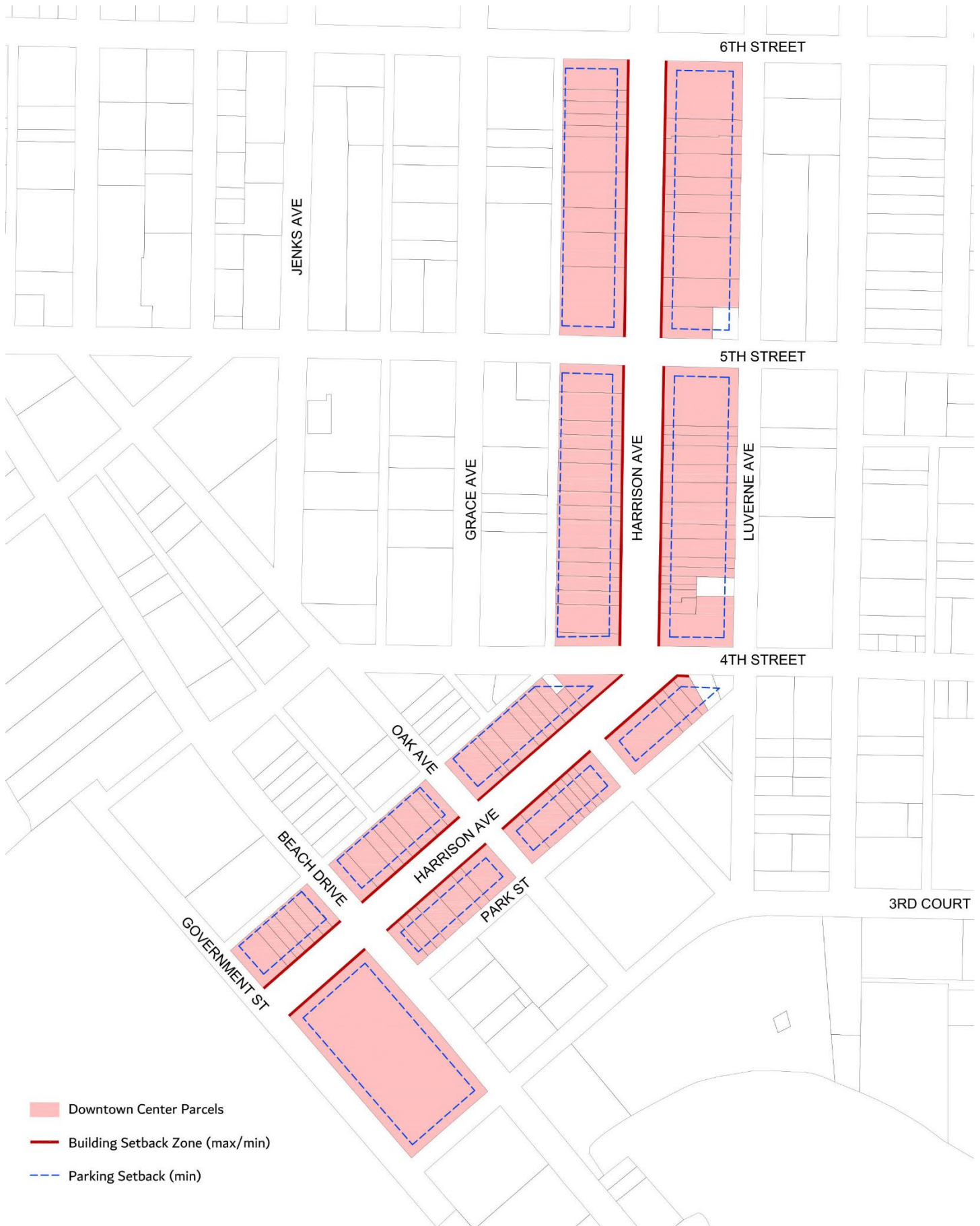


Figure X.2: Downtown Center

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

B. Uses Allowed (continued)

14. Residential uses including single and multi-family.
15. Service businesses such as watch repair, printing companies, financial institutions, and similar 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.

4. Parking: Development on lots less than or equal to 10,000 square feet, buildings constructed prior to 1945, or buildings less than 5 stories in height shall be exempt from the minimum parking requirements found in Chapter 108 (Parking and Loading). Parking shall be provided as necessary to meet the requirements of the Americans with Disabilities Act, which may be provided on site or within public parking lots or on-street spaces.

5. Façade Transparency: All building façades which face onto a street or public space shall meet the minimum transparency requirements outlined below. The percentage of transparency per story shall be calculated within the area between finished floor and finished ceiling and shall be a total percentage of doors and windows along that portion of the façade.

- i. Minimum building façade transparency for ground story (retail): sixty (60) percent
- ii. Minimum building façade transparency for ground story (uses other than retail): thirty (30) percent
- iii. Minimum building façade transparency for upper stories: twenty (20) percent

6. Liner Buildings: The character of some uses of land, such as parking structures, may preclude their buildings from complying with the Façade Transparency requirements above. Such buildings may be constructed in a manner that they will be separated from adjacent streets (but not alleys) by liner buildings:

- i. Liner buildings must be at least two stories in height with no less than fifteen (15) feet in depth;
- ii. Liner buildings may be detached from or attached to the primary building;
- iii. Liner buildings may be used for any purpose allowed on the lot on which they are located except for parking; and
- iv. Liner buildings must meet the Façade Transparency requirements in the preceding subsection.

7. Shopfronts:

- i. The top of all shopfront windowsills shall be between one (1) and three (3) feet above the adjacent sidewalk.
- ii. Shopfront windows shall extend up from the sill at least eight (8) feet above the adjacent sidewalk.
- iii. Shopfronts shall have a cornice or expression line above, between the first and second story. Expression Lines shall either be moldings extending a minimum of two inches, or jogs in the surface plane of the building wall greater than two (2) inches.
- iv. Shopfront windows may not be made opaque by window treatments (excepting operable sunscreen devices within the conditioned space). Reflective and frosted glass is prohibited on shopfronts.
- v. Doors or entrances for public access shall be provided at intervals no greater than fifty (50) feet, unless otherwise approved by the City Commission. The intent is to maximize street activity, to provide pedestrians with frequent opportunities to enter buildings, and to minimize any expanses of inactive wall.
- vi. Shopfront doors shall contain at least sixty (60) percent transparent glass. Solid doors are prohibited.

- vii. A minimum of fifteen (15) feet of depth of habitable space shall be provided behind each shopfront on the primary façade. This ensures that the area behind shopfronts is sufficient enough to be an actively used retail space.

8. Permitted Encroachments: The following frontage elements may encroach forward of the building setback, and may encroach into the public right-of-way with City approval. Encroachments shall not project within 2' of the curb. Harrison Avenue frontages in the Downtown Center (see Figure X.2) are required to have an Awning/Canopy, Gallery, or Second-story Balcony extending over at least seventy (70) percent of the building façade, to provide shelter for pedestrians on the sidewalk.

Frontage Element	Conditions or Limits
Canopy / Awning	A Canopy is a structural cantilevered shed roof; an Awning is canvas or similar material and may be fixed or retractable. Awnings or Canopies over ground-story doors or windows must have a depth of at least five (5) feet and a clear height of at least eight (8) feet above the sidewalk. Back-lit, high-gloss, or plasticized fabrics are prohibited.
Gallery	A Gallery must have a clear width from its support columns to the building's primary façade of at least eight (8) feet and a clear height above the sidewalk of at least ten (10) feet. Support columns can be spaced no farther apart than they are tall and must be placed to allow at least two (2) feet and up to three (3) feet from their outer face to the curb. When a gallery extends over a public sidewalk, the property owner may be required to enter into a right-of-way agreement in a form acceptable to the City.
Balconies	Second-story Balconies must have a depth of at least 6 feet and a clear height below of at least ten (10) feet above the sidewalk. Balconies may have roofs but must be open toward the primary street.
Stoops	Stoop stairs may be perpendicular or parallel to the building facade. Stoops extending into the right-of-way must maintain a 6' min. clear zone for pedestrians on the sidewalk.
Sidewalk Café	Outdoor dining areas are permitted and may be located on the sidewalk or on-street parking spaces adjacent to the property, subject to Sec. 105-14. Sidewalk Café / Flexible Street Café Program.

9. **Administrative Exceptions:** The Development Services Director shall have authority to grant exceptions to certain specific standards of the DTD zoning district as follows:
- The Maximum Setback and Frontage Occupancy requirements of Sec. 104-33.A.5 may be waived where development envisioned by the code is not feasible due to irregularly-shaped parcels or environmental constraints (such as flood plain or wetland areas).
 - In the Downtown General area (Figure X.1), the Maximum Front Setback of Sec. 104-33.A.5 may be increased to allow for a new public green or plaza in front of the building facade.
 - Exceptions to the standards of Sec. 104-33.C.5-8 (Façade Transparency, Liner Buildings, Shopfronts, and Permitted Encroachments) may be granted on the basis of architectural merit or where the requirements create undue hardship, such as for building reuse or additions in which required elements are incompatible with the existing structure.

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 publicly available parking spaces, public plazas, pedestrian and bike linkages, and public roof top activities.

Add to definitions (Sec. 116-3):

Frontage Occupancy: The percentage of the total lot frontage width that is occupied by the primary building façade, measured at the maximum front setback line.