

ORDINANCE NO. 294

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA AMENDING ORDINANCE NO. 228, PROVIDING DEFINITIONS, PROVIDING FOR USES WITHIN THE COMMERCIAL ZONE, PROVIDING FOR RE-DESIGNATION OF CERTAIN PROPERTY FROM INDUSTRIAL TO COMMERCIAL, PROVIDING FOR COMBINING EXISTING COMMERCIAL ZONES, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORT ST. JOE, FLORIDA AS FOLLOWS:

Ordinance No. 228, the City of Port St. Joe Land Development Regulation Code, regulating land development within the City of Port St. Joe is hereby amended as follows:

**1. Section 3.0. Definitions, is hereby amended to add the following definition:**

*Church:* For all purposes contemplated by the Code of Ordinances of the City of Port St. Joe, a tax exempt or non-profit organization of any form organized for religious purpose and owning, in fee simple, in the name of the organization, the real property on which the church building is located.

**2. Section 3.06. Commercial Districts-Generally, which reads as follows:**

There shall be three subdistricts within the commercial districts identified on the future land use map and city zoning map.

- (1) Subdistrict C-1A, shall be comprised of: The portion of the city shown as C-1A on the city zoning map.
- (2) Subdistrict C-1 shall be described as: The portion of the city shown as C-1 on the city zoning map.
- (3) Subdistrict C-2 shall be described as: The portion of the city shown as C-2 on the city zoning map

Lot coverage in all of the commercial districts shall be not more than 90 percent, except in Blocks 2, 3, 7, 8, 14, 15, 22 and 23 where it may be 100 percent. Lot coverage in future commercial districts shall be not more than 60 percent.

(Ord. No. 228, §3.02.03, 10-3-95)  
is hereby amended as follows:

- (1) There shall be two subdistricts within the commercial districts identified on the city zoning map. Subdistrict C-1 shall be comprised of the portion of the City known as C-1 on the city zoning map.
- (2) Subdistrict C-2 shall be described as the portion of the city shown as C-2 on the city zoning map.

Lot coverage in all of the commercial districts shall be not more than 90 percent, except in Blocks 2, 3, 7, 8, 14, 15, 22 and 23 where it may be 100 percent. Lot coverage in future commercial districts shall be not more than 60 percent.

**3. Section 3.07. which reads:**

The following regulation shall apply in the C-1A commercial district.

- (1) Uses permitted:
  - a. Uses permitted in the district shall be limited exclusively to retail stores, personal service establishments or businesses, professional offices, banks, savings and loan associations, barbershops or beauty parlors, catering establishments, laundry and cleaning pickup stations, electric appliance shops, florist shops, photographers' studios, real estate offices, parking garages and/or lots, department stores and drugstores.
  - b. Automobile courts (motels).
  - c. Restaurants that provide inside table and counter service.
  - d. Hotels.
  - e. Gasoline storage tanks for retail distribution.
  - f. Veterinary clinics.
- (2) Prohibited: Industrial establishments and establishments using mechanical equipment to produce a product, funeral homes, commercial amusements other than movie theaters, mechanical garages, junk dealers, automobile wrecking, mechanical garages, or any business where the materials sold are not housed within a building, are specifically prohibited from this district.
- (3) Building height limit: No building hereafter erected or structurally altered shall exceed 60 feet in height.

- (4) Floor area required: Hotels, auto courts, motels and restaurants shall be subject to all the rules of the state hotel commission.
- (5) Building site area required: No minimum requirements, except that in no case shall the site have less than 18 feet frontage on the street.
- (6) Front yard required: None.
- (7) Side yard required: No side yard required for commercial buildings.
- (8) Rear yard required: There shall be a rear yard not less than ten feet in depth, measured from the edge of the service alley.
- (9) Tank regulation: No gasoline tank may be placed above the ground in this zone. Tanks above ground for any other use may not exceed 300 gallons and shall be set back from front property line at least 25 feet.

(Ord. No. 228, §3.02.05, 10-3-95)

is hereby amended to read as follows:

The following regulations shall apply in the C-1 commercial district.

(1) Uses permitted:

- a. Uses permitted in the district shall be limited exclusively to retail stores, personal service establishments or businesses, professional offices, banks, savings and loan associations, barbershops or beauty parlors, catering establishments, laundry and cleaning pickup stations, electric appliance shops, florist shops, photographers' studios, real estate offices, parking garages and/or lots, department stores and drugstores, trade service establishments, self-service laundries, shops for the sale and repair of batteries, radios, bicycles, guns, shoes, tires, typewriters, watches and jewelry and other mechanisms, bakeries, painters, paper hangers, plumbers, addressing and mailing, advertising and distributing, multi-graphing, printing and laboratories, vocational schools, including trade, secretarial, art, professional, music, dancing and dramatic schools, commercial amusements, games and sports, funeral homes, restaurants, automobile sales rooms and used car sales lots, churches and antique dealers.
- b. Automobile courts (motels).
- c. Restaurants that provide inside table and counter service.
- d. Hotels.

- e. Gasoline storage tanks for retail distribution.
  - f. Veterinary clinics.
  - g. Residential Uses. Provided, however, that any property owner using property in a commercial zone for residential purposes assumes the risk that commercial activity permitted by this Code shall be carried out on adjoining property. No cause of action shall accrue to any property owner using commercial property for residential purposes against adjoining property owners for any use permitted by this Code.
  - h. Marinas.
- (2) Prohibited: Temporary buildings or mobile or modular home type buildings, except as otherwise allowed in this Code. Industrial establishments and establishments using mechanical equipment to produce a product, funeral homes, commercial amusements other than movie theaters, mechanical garages, junk dealers, automobile wrecking, or any business where the materials sold are not housed within a building, are specifically prohibited from this district.

**4. Section 3.08 is hereby repealed.**

**5. Section 3.09. Same - C-2 District, which reads as follows:**

The following regulations shall apply in C-2 commercial district:

- (1) Uses permitted:
- a. Any use permitted in the C-1A and C-1 districts.
  - b. Any business or establishment of a general retail, wholesale or service type
  - c. Light manufacturing or light industrial plant.
  - d. Lumber, storage yards and mechanical garages.
  - e. Industries not obnoxious to the community by the emission of odors, dust, smoke or fumes.
  - f. Cleaning and dyeing establishments.
  - g. Gasoline storage tanks for wholesale or retail distribution.

- (2) Front, side and rear yard requirements: There shall be no minimum area, front, side and rear yard requirements. Ample and adequate space shall be left around and about each industrial plant or other development to permit ready and easy access of fire fighting apparatus.
- (3) Building height limit: No building hereafter erected or structurally altered shall exceed 60 feet in height.
- (4) Floor area required: Hotels, auto courts, motels and restaurants shall be subject to all the rules of the state hotel commission.
- (5) Building site area required: No minimum requirements, except that in no case shall the site have less than 18 feet frontage on the street.
- (6) Front yard required: None.
- (7) Side yard required: No side yard required for commercial buildings.
- (8) Rear yard required: There shall be a rear yard not less than ten feet in depth, measured from the edge of the service alley. Except that there shall be no rear yard requirement for buildings located on lots abutting the alleys lying between Reid and Williams Avenues and Reid and Monument Avenue extending from First Street to Fifth Street.
- (9) Prohibited: Industrial establishments, junk dealers, automobile wrecking or any business where materials sold are not housed within a building, are specifically prohibited from this district

is hereby amended to read as follows:

The following regulations shall apply in C-2 commercial district:

- (1) Uses permitted:
  - a. Any use permitted in the C-1 districts.
  - b. Any business or establishment of a general retail, wholesale or service type.
  - c. Light manufacturing or light industrial plant.
  - d. Lumber, storage yards and mechanical garages.
  - e. Industries not obnoxious to the community by the emission of odors, dust, smoke or fumes.

- f. Cleaning and dyeing establishments.
  - g. Gasoline storage tanks for wholesale or retail distribution.
- (2) Front, side and rear yard requirements: There shall be no minimum area, front, side and rear yard requirements. Ample and adequate space shall be left around and about each industrial plant or other development to permit ready and easy access of fire fighting apparatus.
  - (3) Building height limit: No building hereafter erected or structurally altered shall exceed 60 feet in height.
  - (4) Floor area required: Hotels, auto courts, motels and restaurants shall be subject to all the rules of the state hotel commission.
  - (5) Building site area required: No minimum requirements, except that in no case shall the site have less than 18 feet frontage on the street.
  - (6) Front yard required: None.
  - (7) Side yard required: No side yard required for commercial buildings.
  - (8) Rear yard required: There shall be a rear yard not less than ten feet in depth, measured from the edge of the service alley. Except that there shall be no rear yard requirement for buildings located on lots abutting the alleys lying between Reid and Williams Avenues extending from First Street to Fifth Street.
  - (9) Prohibited: Industrial establishments, junk dealers, automobile wrecking or any business where materials sold are not housed within a building, are specifically prohibited from this district. Temporary buildings or mobile or modular home type buildings, except as otherwise allowed in this Code, are also prohibited.

**6. Section 3.10(1)(d) which reads:**

- d. Any use permitted in the C-1A and C-1 districts.

is hereby amended to read as follows:

- d. Any use permitted in the C-1 and C-2 districts, subject to the restriction on causes of action by a residential use set forth above.

**7. REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.**

**8. EFFECTIVE DATE:** This ordinance shall become effective as provided by law.

**9. SEVERABILITY:** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder shall not be affected by such invalidity.

DULY PASSED AND ADOPTED by the Board of City Commissioners of Port St. Joe, Florida this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

THE CITY OF PORT ST. JOE

\_\_\_\_\_  
*FRANK PATE, JR., MAYOR-COMMISSIONER*

ATTEST:

\_\_\_\_\_  
City Clerk

The following commissioners voted yea:  
The following commissioners voted nay: