

ORDINANCE NO. 383

AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA, RELATING TO AND AMENDING THE ZONING CODE; AMENDING THE CITY OF PORT ST. JOE LAND DEVELOPMENT REGULATION CODE AND ZONING MAP; DESIGNATING AND ESTABLISHING THE VIENTO BEACH PLANNED UNIT DEVELOPMENT ZONING DISTRICT; ADOPTING CERTAIN REGULATORY REQUIREMENTS FOR THE VIENTO BEACH PLANNED UNIT DEVELOPMENT ZONING DISTRICT TO SUPERSEDE REQUIREMENTS IN THE CITY OF PORT ST. JOE LAND DEVELOPMENT REGULATION CODE; PROVIDING FOR REPEAL OF ANY CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, **Viento Beach, LLC** a Georgia limited liability company (“Applicant”) has filed an application for planned unit development approval of the **Viento Beach Planned Unit Development Zoning District**, which will allow for a mixture of uses and is to be located on a parcel of land in The City of Port St. Joe, Florida (the “City”), which is generally described and depicted in Exhibit “A” attached and incorporated herein (the “Property”); and

WHEREAS, The Viento Beach Planned Unit Development Zoning District will include residential units with a density not to exceed 5 units per gross acre, up to 10,000 square feet of retail commercial space, up to 10,000 square feet of office commercial space, and a hotel with up to 100 rooms and open space; and

WHEREAS, The Viento Beach Planned Unit Development Zoning District is designed to provide connectivity with surrounding uses; and

WHEREAS, The Viento Beach Planned Unit Development Zoning District will be served by City water and sewer facilities; and

WHEREAS, The Viento Beach Planned Unit Development Zoning District will comply with all applicable storm water management requirements for the Property; and

WHEREAS, The City of Port St. Joe Comprehensive Plan (Future Land Use Policy 1.3.3 and 1.3.4) authorizes the use of a PUD to authorize the development of mixed-use projects.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF PORT ST. JOE, FLORIDA:

SECTION 1. NAME

This Ordinance shall be known as the implementing ordinance for the Viento Beach Planned Unit Development Zoning District.

SECTION 2. CONSISTENCY WITH CITY OF PORT ST. JOE COMPREHENSIVE PLAN

The Board of City Commissioners hereby finds and determines that the Viento Beach Planned Unit Development Zoning District is consistent with the goals, objectives and policies of the City of Port St. Joe Comprehensive Plan. In addition, the Viento Beach Planned Unit Development Zoning District is consistent with and supported by the following goals, objectives and policies of the City of Port. St. Joe Comprehensive Plan:

Future Land Use Element Policy 1.2.1 (“...new development within the City will be in areas within or immediately adjacent to existing areas of public services...”);

Future Land Use Element Policy 1.2.4 (“...projected growth will occur along the existing traffic circulation network...”);

Future Land Use Element Policy 1.1.3 (“The City’s development regulations will control land uses and densities of development of these land as well as provisions of mixed land use designation polices,” and “Mixed use developments will be allowed in the form of P.U.D’s...”);

Future Land Use Element Objective 1.4 (The City will discourage urban sprawl and encourage redevelopment and renewal of blighted areas...”).

SECTION 3. APPROVAL

The application for establishment of the Viento Beach Planned Unit Development Zoning District on the Property is hereby approved subject to the conditions in this Ordinance. In addition to the conditions of this ordinance, development contemplated herein shall comply in all material respects with applicant submittals on which the development order covering the property described in exhibit A issue by the City August 8, 2006 was based.

SECTION 4. PERMITTED USES

The following uses shall be principal and accessory permitted uses within the Viento Beach Planned Unit Development Zoning District:

- A. Residential. Provides for single family and multi-family residential units. Density shall not exceed 5 units per gross acre of the Viento Beach Planned Unit Development Zoning District.
- B. Retail Commercial. Provides for retail stores, personal service establishments or businesses, banking facilities, restaurants and lounges and other retail commercial uses allowed in the City. Retail commercial uses shall be limited to a maximum of 10,000 square feet.
- C. Office Commercial. Provides for professional and business offices. Office

commercial uses shall be limited to a maximum of 10,000 square feet.

D. Hotel. Provides for transient accommodations to the general public and may provide accessory services, such as restaurants, lounges, retail sale of sundries, meeting rooms and recreational activities. The number of rooms shall not exceed 100.

E. Passive Recreation. Passive recreation means recreational lands and improvements that are natural resource oriented. Passive recreational facilities include, but are not limited to, pedestrian and bike paths, storm water management facilities, fishing, docks, piers, viewing platforms, boardwalks, picnic areas, bird watching and associated ancillary structures.

F. Open Space. Open space means lands which are designed and intended for the common use or enjoyment of the residents of the Vicnto Beach Planned Unit Development Zoning District and their guests. Open space may include such complimentary and ancillary structures and improvements as are necessary and appropriate, including, without limitation, storm water management facilities, active and passive parks and areas dedicated to the public,

G. Permitted Accessory and Ancillary Uses, Uses of land customarily incidental and subordinate to one of the permitted principal uses, including, but not limited to, a sales center, private pool club, resort facilities and private tennis facilities and other uses or facilities associated with the support of the permitted principal uses.

H. Additional Uses. Any other similar uses which are deemed consistent and compatible with the permitted uses listed in subsections A-G above, as approved by the City Manager.

SECTION 5. DEVELOPMENT STANDARDS

A. All permanent residential, commercial and non-residential uses shall be served by central potable water facilities and central wastewater facilities, as provided by the City.

B. All development shall be in compliance with all applicable land development regulations of the City existing on the date hereof and Articles 1, 2 and 3 of the Gulf County Subdivision Ordinance existing on the date hereof, except as otherwise contained in this Ordinance. The City will conduct review of all preliminary and final plats.

C. The minimum setbacks for residential uses shall be 10 feet from road rights of way and 5 feet from other property lines. Minimum set backs for residential garage structures shall be 0 feet from road rights of way, alley or property lines. Rear setbacks for any structure may be reduced to 0 feet to protect natural features on the Property if the lot adjoins a natural area included as common open space or natural area owned by a homeowners association. These set back requirements shall not apply to residential uses, which are contained within commercial uses in mixed use structures. There shall be no minimum set backs for commercial uses. Balconies, overhangs, steps, stairs, eaves and bays will be allowed in the setbacks.

D. Within the residential use category, there shall be a minimum lot size of 1800 square feet for single family units and no minimum lot size for multi-family units. There shall be no minimum block size, width, depth, frontage or other dimensional requirements. Flag lots are permitted

E. Within the residential use category, maximum impervious coverage for single family units shall be 90% and multi-family units shall be 90%. Single family cottage located on to or adjacent to any man-made lakes may have a maximum impervious coverage of 90%. Maximum impervious coverage for retail commercial, office commercial and hotel use categories shall be 90%.

F. Internal traffic circulation shall be designed to promote pedestrian and bicycle opportunities for residents and guests by providing a functional and integrated system of pedestrian and bicycle paths. The paths can be of an impervious or pervious surface material.

G. The storm water management system will be designed to comply with the standards of Chapter 62-25, F.A.C. and all other applicable regulations.

H. Butler Bay Road is currently owned and operated by Gulf County. All streets in the Viento Beach Planned Unit Development Zoning District may be privately owned and maintained and shall be built in accordance with the minimum right of way dimensions set forth in the Land Development Regulations. Roadway base and asphalt thickness shall be designed by a registered professional engineer taking into consideration recommendations by a geotechnical engineer for site-specific design parameters. All streets shall be inspected and certified by a registered professional engineer. Before the City will accept and maintain any streets within the Viento Beach Planned Unit Development Zoning District, they must be constructed in accordance with City standard specifications applicable throughout the City at the time of acceptance.

I. Signs visible from a public road, which are not otherwise subject to stricter standards imposed on the Property, shall be consistent with applicable City law.

J. The Viento Beach Planned Unit Development Zoning District shall comply with applicable City regulations regarding onsite and off site parking with the exception of any Hotel at 1 space per unit, and residential at 2 spaces per dwelling unit. Any deviations to the City parking regulations may be granted by the City Manager if it is established by a parking study certified by a traffic consultant that use of different standards would be acceptable, especially in the case of the use of shared spaces for adjacent uses.

K. All construction shall meet the standards in the Florida Building Code, latest edition, unless grandfathered in by applicable laws and regulations.

L. Section 5.04 of the City of Port St. Joe Land Development Regulation Code (the "Code"), as well as any other provisions with respect to buffer zones shall not apply to any portion of the Viento Beach Planned Unit Development Zoning District.

M. If applicable, development within the St. Joseph Bay Shoreline Protection Zone shall be consistent with the Code, except that development within such zone may include seawalls, boardwalks, trails, rights of way, landscaping, piers and docks.

N. Sidewalks within the Viento Beach Planned Unit Development Zoning District may be required on only one side of the residential streets; and

O. No minimum height standards shall apply to street lighting

SECTION 6. DEVELOPMENT PLAN/PRELIMINARY PLAT/PLAT PHASING

The Viento Beach Planned Unit Development Zoning District may be developed through a series of individual projects, with the submission of development plans and preliminary plats per project. All development plans will be reviewed as a "Level 2 Major Development," as such term is defined in the Code. The City will review preliminary plats as part of the development review process. The development plan, preliminary plat and appropriate application fees for each phase of development shall be initially submitted to the City Manager for review, applicants, as hereinafter defined, may simultaneously obtain approval of the preliminary plat, development order and development permit with respect to each phase of development.

SECTION 7. CREATION OF ZONING DISTRICT

The purpose of this Ordinance is to create the text of the Viento Beach Planned Unit Development Zoning District. The precise location of the permitted uses will be set forth in the application for development plan and preliminary plan approval. This Ordinance is not intended as a unified plan of development. The Viento Beach Planned Unit Development Zoning District may be developed by separate parties, each as "applicant" and collectively "applicants." The specific nature of the Viento Beach Planned Unit Development Zoning District's development will be a function of the development plans and preliminary plats submitted for approval.

SECTION 8. AMENDMENTS TO THE VIENTO BEACH PLANNED UNIT DEVELOPMENT ZONING DISTRICT

A. Requests for an amendment to this Ordinance shall be made to the City Manager, and must be accompanied by, or supplemented by, such documents as may be reasonably required by the City Manager to clearly depict the impacts of the proposed amendment, if any. Upon review of the amendment request, the City Manager shall determine if the request is a major amendment or a minor amendment. An amendment shall be deemed a major amendment if the amendment purports to (i) change the number of housing units by more than 5%, (ii) change the amount of retail or office square footage by more than 10%, (iii) add land uses not contemplated by the Viento Beach Unit Development Zoning District, or (iv) results in a substantial decrease in open space.

B. If the request is determined to be a major amendment, the City Manager shall refer the request to the Board of City Commissioners for review and consideration. The Board of City Commissioners shall approve, approve with conditions, or deny the request within 30 calendar days from submittal of a complete application. If the Board of City Commissioners requests additional information in writing, the time for final action on the application shall be tolled until the information is supplied or the Applicant in writing declines to provide the additional information. Once the Applicant supplies the additional information requested by the Board of City Commissioners, or declines in writing to supply the additional information, the Board of City Commissioners shall approve, approve with conditions or deny the request within the balance of the time remaining before time was tolled. The decision of the Board of City Commissioners shall be based on consistency with the Code.

C. If the request is determined to be a minor amendment, the City Manager shall approve, approve with conditions, or deny the request or request additional information within 15 calendar days from submittal of a complete application. The City Manager shall notify the Applicant in writing within the specified 15 calendar days, or the request shall be deemed approved. If the City Manager requests additional information in writing, the time for final action

on the application shall be tolled until the information is supplied or the Applicant in writing declines to provide the additional information. Once the Applicant supplies the additional information requested by the City Manager, or declines in writing to supply the additional information, the City Manager shall approve, approve with conditions or deny the request within the balance of the time remaining before time was tolled, or the request shall be deemed approved. The decision of the City Manager shall be based on consistency with the Code.

SECTION 9. ENFORCEMENT

The City may enforce this Ordinance as authorized by law.

SECTION 10. OTHER ORDINANCES

Except as specifically modified or changed in this Ordinance, all provisions of the Code shall apply in the same manner as throughout the City,

SECTION 11. ZONING MAP

Upon this Ordinance becoming effective, the City of Port St. Joe Zoning Map shall be amended to show the Property described on attached Exhibit "A" as the Viento Beach Planned Unit Development Zoning District. The City Manager is hereby directed to revise the City of Port St. Joe Zoning Map to reflect this designation.

SECTION 12. SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable. If any provision of this Ordinance, or the application thereof, to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application.

SECTION 13. EFFECTIVE DATE

This Ordinance shall become effective as provided by law,

This Ordinance was adopted in open regular meeting after its second reading this 17th day of July, 2007, after due notice in accordance with Florida Statute Section 166.041.

THE CITY OF PORT ST. JOE BOARD OF
CITY COMMISSIONERS



Mayor-Commissioner

Attest:



City Clerk

COMPOSITE EXHIBIT "A"

A portion of Government Lot 2, of Section 27, Township 7 South, Range 11 West, Gulf County, Florida, being more particularly described as follows:

Commence at the 6 inch triangular concrete monument marking the point of intersection of the Southwesterly R/W line of State Road 30 (U.S. Highway 98) with the West line of said Government Lot 2; thence along the Southwesterly R/W line of said State Road 30, S46°59'33"E, 622.44 feet to the iron rod marking the Point of Beginning; thence continue along said R/W line S46°19'17"E, 621.66 feet to a concrete monument; thence leaving said R/W line S43°23'47"W, 182.84 feet to an iron rod; thence N65°36'09"W, 184.77 feet to an iron rod; thence N46°39'36"W, 150.06 feet to an iron rod; thence N43°11'46"E, 42.89 feet to an iron rod; thence N46°34'48"W, 149.98 feet to an iron rod; thence S43°30'09"W, 10.00 feet to an iron rod; thence N46°40'42"W, 149.91 feet to an iron rod; thence N44°14'39"E, 213.47 feet to the Point of Beginning.

ALSO:

Beginning at a point South 05 degrees 25 minutes East 102.458 feet from the Northwest corner of Government Lot 4, Section 27, Township 7, Range 11, South and West, intersecting a point 121.833 feet Southwest of a triangular concrete monument, a permanent reference mark of St. Joe Paper Company. The point of beginning is also the point of intersection of the South right of way line of US Highway 98, 60 feet South of the center line of said highway, and the North right of way line of Old US Highway 98, 33 feet from the center line of said Old Highway. Thence North 48 degrees 50 minutes West following the South right of way line of US Highway 98 a distance of 365.083 feet to the center line of a concrete culvert under the Highway. Thence South 25 degrees 04 minutes West 220.250 feet to a stake on the North right of way line of Old US Highway 98; thence in an Easterly direction following the curved right of way line on North side of Old US Highway 98 to the point of beginning.

Containing 0.68 acres, more or less.

ALSO:

Commence on the West line of Lot Two (2), Section 27, T7S, R11W, where the West line enters into St. Joseph's Bay, being the Southwest corner of said Lot, thence run North parallel with said West line 270 feet; thence run East with right angle to said West line 150 feet; thence run South 270 feet, more or less, to St. Joseph's Bay, thence run Westerly along St. Joseph's Bay 150 feet, more or less, to the point of beginning. Subject to mineral rights heretofore conveyed.

Containing 1.04 acres more or less.

ALSO:

PARCEL A:

Commence at the Northwest corner of Original Government Lot 2, Section 27, Township 7 South, Range 11 West, Gulf County, Florida, and thence run South along the West line of said Original Government Lot 2, a distance of 170.28 feet to the Southwesterly right-of-way boundary of U. S. Highway No. 98, thence run South 46 degrees 47 minutes 20 seconds East along said right-of-way boundary 32.50 feet to a concrete monument for the POINT OF BEGINNING. From said Point of Beginning thence run South 00 degrees 49 minutes 18 seconds West 1078.04 feet to a rod and cap, thence run South 89 degrees 10 minutes 03 seconds East 150.01 feet to a rod and cap, thence run South 00 degrees 50 minutes 44 seconds West 193.48 feet to the Northerly right-of-way boundary of Butler Bay Road, thence run along said right-of-way boundary as follows: South 87 degrees 53 minutes 27 seconds East 192.16 feet to a point of curve to the left, thence Northeasterly along said curve with a radius of 3307.00 feet thru a central angle of 03 degrees 45 minutes 47 seconds for an arc distance of 217.19 feet, the chord of said arc being North 87 degrees 25 minutes 05 seconds East 217.15 feet, thence North 82 degrees 19 minutes 33 seconds East 332.21 feet to a point of curve to the right, thence Northeasterly along said curve with a radius of 1020.00 feet thru a central angle of 06 degrees 18 minutes 49 seconds for an arc distance of 112.40 feet, the chord of said arc being North 86 degrees 41 minutes 05 seconds East 112.34 feet, thence leaving said right-of-way boundary run North 25 degrees 57 minutes 22 seconds East 202.88 feet to a rod and cap on the Southwesterly right-of-way boundary of U. S. Highway No. 98, thence run North 46 degrees 01 minutes 15 seconds West along said right-of-way boundary 245.62 feet to a concrete monument, thence run South 44 degrees 03 minutes 59 seconds West 182.90 feet to a rod and cap, thence run North 64 degrees 56 minutes 55 seconds West 184.74 feet to a rod and cap, thence run North 43 degrees 35 minutes 15 seconds East 43.19 feet, thence run North 46 degrees 01 minutes 19 seconds West 299.81 feet to a rod and cap, thence run South 44 degrees 10 minutes 01 seconds West 9.98 feet to a rod and cap, thence run North 45 degrees 59 minutes 38 seconds West 450.90 feet to a rod and cap, thence run North 43 degrees 58 minutes 02 seconds East 77.59 feet to a rod and cap, thence run North 45 degrees 41 minutes 44 seconds West 60.24 feet to a rod and cap, thence run North 45 degrees 00 minutes 45 seconds East 12.08 feet to a rod and cap, thence run North 45 degrees 57 minutes 11 seconds West 112.60 feet to a concrete monument, thence run North 00 degrees 44 minutes 56 seconds East 164.79 feet to a concrete monument on the Southwesterly right-of-way boundary of said U. S. Highway No. 98, thence run North 43 degrees 07 minutes 43 seconds West along said right-of-way boundary 34.46 feet to the POINT OF BEGINNING. Containing 12.50 acres, more or less.

AND ALSO:

PARCEL B:

Commence at the Northwest corner of Original Government Lot 2, Section 27, Township 7 South, Range 11 West, Gulf County, Florida, and thence run South along the West line of said Original Government Lot 2, a distance of 170.28 feet to the Southerly right-of-way boundary of U. S. Highway No. 98, thence run South 46 degrees 47 minutes 20 seconds East along said right-of-way boundary 32.50 feet, thence run South 00 degrees 49 minutes 18 seconds West 1078.04 feet to a rod and cap, thence run South 89 degrees 10

minutes 03 seconds East 150.01 feet to a rod and cap, thence run South 00 degrees 50 minutes 44 seconds West 259.48 feet to the Southerly right-of-way boundary of Butler Bay Road for the POINT OF BEGINNING. From said POINT OF BEGINNING thence run along said right-of-way boundary as follows: South 87 degrees 53 minutes 27 seconds East 193.08 feet to a point of curve to the left, thence Northeasterly along said curve with a radius of 3373.00 feet thru a central angle of 03 degrees 49 minutes 20 seconds for an arc distance of 225.01 feet, the chord of said arc being North 87 degrees 24 minutes 58 seconds East 224.97 feet, thence North 82 degrees 19 minutes 33 seconds East 334.05 feet to a point of curve to the right, thence Southeasterly along said curve with a radius of 954.00 feet thru a central angle of 26 degrees 05 minutes 55 seconds for an arc distance of 434.55 feet, the chord of said arc being South 83 degrees 22 minutes 55 seconds East 430.81 feet to a rod and cap, thence leaving said right-of-way boundary run South 00 degrees 44 minutes 36 seconds West 337.92 feet to the approximate mean high waterline of St. Joseph Bay, thence run along said approximate mean high waterline as follows: North 63 degrees 40 minutes 02 seconds West 272.75 feet, thence North 67 degrees 15 minutes 51 seconds West 182.34 feet, thence North 72 degrees 27 minutes 45 seconds West 188.39 feet, thence North 69 degrees 10 minutes 56 seconds West 33.72 feet, thence North 60 degrees 00 minutes 08 seconds West 28.34 feet, thence North 40 degrees 55 minutes 41 seconds West 30.46 feet, thence North 29 degrees 15 minutes 17 seconds West 38.17 feet, thence North 50 degrees 06 minutes 03 seconds West 28.67 feet to the Southerly right-of-way boundary of said Butler Bay Road, thence leaving said approximate mean high waterline run South 82 degrees 19 minutes 33 seconds West along said right-of-way boundary 42.08 feet to the approximate mean high waterline of said St. Joseph Bay, thence run along said approximate mean high waterline as follows: South 27 degrees 17 minutes 38 seconds West 17.03 feet, thence South 66 degrees 21 minutes 16 seconds West 27.92 feet, thence South 87 degrees 23 minutes 16 seconds West 51.95 feet, thence North 88 degrees 18 minutes 10 seconds West 41.43 feet, thence South 79 degrees 59 minutes 47 seconds West 54.04 feet, thence South 75 degrees 08 minutes 56 seconds West 49.87 feet, thence North 88 degrees 31 minutes 58 seconds West 148.08 feet, thence South 86 degrees 13 minutes 04 seconds West 45.81 feet, thence leaving said approximate mean high waterline run North 00 degrees 50 minutes 44 seconds East 46.35 feet to the POINT OF BEGINNING. Containing 3.81 acres, more or less.

ALSO:

All of Las Palmas Subdivision, according to the Plat thereof recorded in the public records of Gulf County, Florida in Plat Book 4, page 16.