

ORDINANCE NO. 218

AN ORDINANCE CONTAINING THE CITY OF PORT ST. JOE LAND DEVELOPMENT REGULATIONS CODE; PROVIDING DEFINITIONS; PROVIDING FOR SIGN REGULATION; PROVIDING FOR TRAFFIC FLOW AND PARKING; PROVIDING FOR ADMINISTRATION; PROVIDING FOR STORMWATER MANAGEMENT; PROVIDING FOR FLOODPLAIN PROTECTION AND PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS; PROVIDING FOR THE REGULATION OF THE SUBDIVISION OF LAND; PROVIDING FOR ENFORCEMENT AND DELEGATION ENFORCEMENT RESPONSIBILITIES; PROVIDING FOR DEVELOPMENT REVIEW AND PERMITS; PROVIDING FOR GUARANTEES AND SURETIES; PROVIDING FOR APPEALS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR FEES; REGULATING LAND USE, DENSITY AND INTENSITY; PROVIDING ZONING DISTRICTS AND RULES AND REGULATIONS APPLICABLE THEREIN; PROVIDING FOR A BOARD OF ADJUSTMENT AND PROCEDURES FOR SAID BOARD; PROVIDING DEVELOPMENT STANDARDS; PROVIDING FOR CONSISTENCY AND CONCURRENCY DETERMINATIONS; ADOPTING LEVELS OF SERVICE; INCORPORATING BY REFERENCE SUBDIVISION REGULATIONS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR REPEAL OF ANY ORDINANCE IN CONFLICT; PROVIDING FOR SEVERABILITY.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORT ST. JOE, FLORIDA,

ARTICLE I
GENERAL PROVISIONS

1.00.00 TITLE

This code shall be entitled the City of Port St. Joe Land Development Regulation Code and may sometimes be referred to herein as the "Code".

1.01.00 AUTHORITY

This Code is enacted under the authority of 163.3202 Florida Statutes, the Charter of the City of Port St. Joe effective 1951 and the general powers set forth in Chapter 166, Florida Statutes.

1.02.00 APPLICABILITY

Except as specifically provided below, the provisions of this Code shall apply to all development in the City of Port St. Joe and no development shall be undertaken without prior authorization pursuant to this Code.

A. Exceptions: the provisions of this Code and amendments thereto shall not affect the validity of any lawfully issued and effective building or development permit if the development activity authorized by the permit has commenced and or continues in good faith in accordance with the terms of the permit.

B. If the development permit expires, any further development activity on the site, shall occur only in conformance with the requirements of this Code or amendments thereto.

1.03.00 DEFINITION

DEVELOPMENT OR DEVELOPMENT ACTIVITY: Includes any of the following activities:

A. Construction, clearing, filling, excavating, grading, paving, dredging, mining and/or other similar activities.

B. Building, installing, enlarging, replacing and/or substantially restoring a structure, impervious surface and/or water management system, and/or including the long-term storage of materials.

C. Erection of a permanent sign unless expressly exempted hereinafter.

D. Changing the use of the site so that the need for parking is increased.

F: PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS: To protect environmentally sensitive lands and the integrity of ground and surface water and natural habitat while also protecting the rights of property owners by:

1. Preventing activities which adversely effect ground and surface water, natural habitats, and native flora and fauna.

2. Prohibiting certain uses that are detrimental to environmentally sensitive areas.

3. Protecting the recreational opportunities of environmentally sensitive lands.

G: LAND USE REGULATION: To regulate the use of land and water to ensure the compatibility of adjacent uses and provide for open space by:

1. Providing appropriate buffer zones between adjacent land uses and impose stricter buffer requirements on proposed uses of higher intensity.

2. Abating nuisances such as noise, light, glare, heat, air pollution and stormwater runoff.

3. Mitigating conflicts between adjoining land uses.

H: REGULATION OF THE SUBDIVISION OF LAND: To maintain and protect the local economy and natural resources and discourage haphazard, uneconomic or scattered land development and ensure safe and convenient traffic control by:

1. Assuring land subdivision with the installation of adequate and necessary physical improvements including stormwater management facilities.

2. Requiring installation by the developer of certain minimum improvements to assure that the citizens and taxpayers of the City will not have to bear the costs resulting from haphazard subdivision of land.

I: PROTECTION OF HISTORIC SITES AND STRUCTURES: To minimize the destruction by development activity of known sites of historical or archaeological significance.

1.05.00 RELATIONSHIP TO COMPREHENSIVE PLAN

The adoption of this Code is intended to implement the goals, objectives and policies of the Comprehensive Plan of the City of Port St. Joe, Florida.

1.06.00 INCORPORATION BY REFERENCE

The latest edition of the following works are hereby incorporated into this Code by reference:

Southern Standard Building Code
Southern Standard Plumbing Code
Southern Standard Mechanical Code
National Electrical Code
National Board of Fire Prevention Code
Sanitary Code of the State of Florida
Council of American Building Officials,
One and Two Family Dwelling Code
The Future Land Use Map for the City of
Port St. Joe
The U.S. Geological Survey 7.5 Minute
Quadrangle Map
The Federal Emergency Management Agency
Flood Insurance Rate Maps

1.07.00 RULES OF INTERPRETATION

1.07.01 GENERALLY: In the interpretation and application of the Code, all provisions shall be liberally construed in favor of the objectives and purposes of the City of Port St. Joe and shall not limit nor repeal any other powers granted to the City under any other statutes.

1.07.02 RESPONSIBILITY FOR INTERPRETATION: In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria or any other provision of this Code, the Building Inspector shall be responsible for interpretation. His responsibility for interpretation shall be limited to standard regulations and requirements of this Code, but shall not be construed to include interpretation of any technical code adopted by reference.

1.07.03 COMPUTATION OF TIME: The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

1.07.04 DELEGATION OF AUTHORITY: Whenever a provision appears requiring the head of a department or some other City officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

1.07.05 GENDER: Words importing the masculine gender shall be construed to include the feminine and neuter.

1.07.06 NUMBER: Words in the singular shall include the plural

and words in the plural shall include the singular.

1.07.07 SHALL, MAY: The word "shall" is mandatory, the word "may" is permissive.

1.07.08 WRITTEN OR IN WRITING: The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

1.07.09 RELATIONSHIP OF SPECIFIC TO GENERAL: More specific provisions of this Code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provisions.

1.07.10 REPEAL OF PRIOR PROVISIONS: Any existing City of Port St. Joe Ordinances duplicating or in conflict with the requirements of this Code are hereby repealed.

1.07.11 ABROGATION: This Code is not intended to repeal, abrogate or interfere with any existing easement, covenant, or deed restrictions duly recorded in the public records of Gulf County or the City of Port St. Joe.

1.17.12 SEVERABILITY: If any section, subsection, paragraph, sentence, clause or phrase of this Code is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining provisions of the Code shall continue in full force and effect.

ARTICLE II

2.00.00 DEFINITIONS

A. DEVELOPER: The person or entity that engages in or proposes to engage in a development activity as either the owner or as the agent of an owner of property.

B. DEVELOPMENT PERMIT: For purposes of the Code, a development permit is the official city document which authorizes the commencement or construction or land alteration without need for further application and approval. Development permits include all types of building and construction permits.

C. LOT OF RECORD: A designated parcel of land established in the county official records books by unrecorded plat on file or as otherwise allowed by law.

D. OWNER: The person or entity (including personal representatives or trustees) which has legal or equitable title to the property in question.

E. PARCEL: A unit of land within legally established lines.

F. WITHDRAWAL OF APPLICATION: The withdrawal of an application for development for development review. An application may be withdrawn at any time so long as no notice has been given that the application will be reviewed at a public hearing.

G. DEVELOPMENT PLAN: A development plan is the application for a development permit which includes all information required by the Building Inspector, TAC or PDRB and shall include a determination that levels of service set forth in the Comprehensive Plan for all areas required by the plan shall not be compromised.

2.01.00 REQUIRED AUTHORIZATION

A. No development activity may be undertaken unless the activity is authorized by a development permit or is specifically exempted by other provision of this Code.

2.02.00 PROCEDURE FOR REVIEW

2.02.01 REVIEW OF DEVELOPMENT PLANS FOR MINOR DEVELOPMENTS:

A. GENERAL PROCEDURES: The developer of a proposed minor development shall submit a development plan and an appropriate application fee to the Building Inspector.

B. Within five (5) working days of receipt of a plan, the Building Inspector shall:

1. Determine that the plan is complete and proceed with the following procedures; or

2. Determine that the information is incomplete and inform the developer of deficiency. The developer may submit an amended plan with 30 working days without payment of the reapplication fee, but if more than 30 days have elapsed, the developer must re-initiate the review process and pay an additional fee.

C. Within 20 working days of a determination that the plan is complete, the building inspector shall:

1. Issue a development permit in accordance with 2.02.04 below; or

2. Refuse to issue a permit based on the failure of the development to meet the requirements of this Code.

D. The developer or any adversely affected person, may appeal any decision of the building inspector by filing an appeal with the Planning and Development Review Board. The PDRB shall make the final decision regarding any appeals related to the minor

development.

2.02.02 REVIEW OF DEVELOPMENT PLANS FOR MAJOR DEVELOPMENTS

A. The Building Inspector shall review all submittals related to a major development proposal. Within ten (10) working days of the receipt of the development plan, the Building Inspector shall:

1. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended plan within thirty (30) days without payment of an additional fee, but if more than thirty (30) days have elapsed, the developer must thereafter initiate a new application and pay a new fee; or

2. Determine that the plan is complete and proceed with the following procedures:

a. The Building Inspector shall send a copy of the development plan to each member of the Technical Advisory Committee and set a meeting date that allows for an adequate review and sufficient time for discussion.

b. The Technical Advisory Committee shall issue a development permit in accordance with this Code or refuse to issue a development permit based on the failure of the development to comply with the requirements of the Code.

c. The developer or any adversely affected person, may appeal any decision of the building inspector by filing an appeal with the Planning and Development Review Board. The PDRB shall make the final decision regarding any appeals related to the major development.

B. In the event of a development such as a Development of Regional Impact or a development requiring permitting from other organizations including but not limited to the Department of Environmental Regulations, Environmental Protection Agency or the Corps of Engineers then in the discretion of the PDRB, the City may rely on permits issued by such agencies and may review the proposed major development only for its compliance with zoning, concurrency, buffering, traffic or other related elements of this Code.

2.02.03 PROJECT PHASING

A master plan for an entire development site must be approved for a major development that is to be developed in phases. The master plan shall be submitted simultaneously with an application for the review of the development plan for the first phase of the development and must be approved as a condition of approval of the development plan for the first phase. A

development plan must be approved for each phase of the development under the procedures for development and review described above. Each phase shall included a proportionate share of the proposed recreational and open space and other site and building amenities of the entire development except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.

2.02.04 REQUIRED AND OPTIONAL CONTENTS OF DEVELOPMENT PERMITS

A. Required contents: A development permit shall contain the following:

1. A specific time period during which the permit is valid and during which time development shall commence. A development shall remain valid only if developments commences and continues in good faith according to the terms and conditions of the permit.

2. A development permit may contain:

a. A schedule of a construction phasing consistent with availability or capacity of one or more services and or facilities.

b. A schedule of services or facilities to be provided or contracted for construction by the applicant prior to the issuance of any certificate of occupancy or within specified time periods.

c. Any alternate service impact mitigation measure to which the applicant has committed in a recordable written instrument.

d. Any other conditions as may be required to ensure compliance with the concurrency requirement.

2.02.05 SUBMITTALS

A. APPLICATION: Application for development review shall be available from the Building Inspector. A completed application (development plan) shall be signed by all owners or agents.

B. GENERAL DEVELOPMENT PLAN REQUIREMENTS: All development plans submitted pursuant to this Code shall conform to standards set forth by the Building Inspector which standards shall not substantially differ from the Building Permit Application requirements enforced prior to the adoption of this Code.

2.02.06 GUARANTEES AND SURETIES

A. APPLICABILITY: The provisions of this section shall

apply to all proposed developments in the City involving public improvements and/or common ownership and maintenance of facilities.

B. Nothing in this section shall be construed as relieving a developer of any requirement relating to concurrency as required by this Code.

C. The approval of any development plan shall be subject to the developer providing assurance that all required improvements including but not limited to storm drainage facilities, streets and highways, water and sewer lines shall be satisfactorily constructed according to the approved development plan. The following information shall be provided:

1. Agreement that all improvements whether required by this Code or constructed at the developer's option shall be constructed in accordance with the standards and provisions of this Code.

2. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed five (5) years from the recording of the plat or 30% occupancy of the development which ever comes first.

3. The projected total cost for each improvement.

4. Specification of the public improvements to be made and dedicated together with a timetable for making improvements.

5. Agreement that upon failure of the applicant to make required improvements according to the schedule for making those improvements, the City shall utilize a security provided in connection with the agreement.

6. Provision of the amount and type of security provided to insure performance.

D. AMOUNT AND TYPE OF SECURITY: The amount of security listed in the improvement agreement shall be approved as adequate by the Building Inspector.

a. Security requirements may be met by, but are not limited to the following:

- a. Cashiers check.
- b. Certified check.
- c. Developer/Lender/City/Agreement

- d. Interest bearing certificate of deposit.
- e. Irrevocable letters of credit.
- f. Surety bond.

E. COMPLETION OF IMPROVEMENTS: When improvements are completed, final inspections shall be conducted and corrections, if any, shall be completed before final acceptance is recommended by City Staff. A recommendation for final acceptance shall be made upon the receipt of a certification of project completion and one (1) copy of all test results. As required improvements are completed and accepted, the developer may apply for release of all or a portion of the guarantee or surety required above.

F. MAINTENANCE OF IMPROVEMENTS: A maintenance agreement and security shall be provided to assure the City that all required improvements shall be maintained by the developer in accordance with the development permit.

1. Whenever a proposed development provides for creation of facilities or improvements which are not proposed for dedication to the City, a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and or improvements. No development permit shall be issued for a development for which an owners' association is required until the documents establishing such association have been reviewed and approved by the City Attorney.

2. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the City shall be created by covenants running with the land. Such covenants shall be included with the final plat (if a plat is required). Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale of otherwise without first offering to dedicate the same to the City.

2.03.00 DUTIES OF INDIVIDUALS, BOARDS AND AGENCIES IN THE ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS

2.03.01 Building Inspector

a. The Building Inspector or his designee shall be responsible for receiving requests for concurrency determinations, informing applicants of required information, and issuing a concurrency certificate.

b. The Building Inspector shall act as Chairman of the Technical Advisory Committee, setting meetings and distributing applications for development proposals to committee members for review.

c. The Building Inspector may approve exemptions from the requirements of these regulations as deemed appropriate in emergency situations, as provided for in Section 2.04.02.

2.03.02 Building Department

A. The Building Department shall be responsible for administration and application of land development regulations as set forth herein. Responsibilities include the following:

B. Determine whether a proposed development activity is consistent with the Future Land Use Map contained in the adopted comprehensive plan.

C. Receive applications for development approval and determine whether the development activity is a minor or major development.

D. Review applications for minor development and approve permit issuance.

E. Refer applications which require review by the TAC for review and action.

F. Receive requests for special exceptions and variances and refer these to the Planning and Development Review Board.

G. Receive requests for amendments to the land development regulations or the comprehensive plan and refer these to the Planning and Development Review Board.

H. Upon determination of compliance with the Land Development Regulations, the Building Inspector shall authorize the issuance of a building permit.

Decisions of the Building Department may be appealed to the Planning and Development Review Board as provided for in Section 2.04.01 of this Article.

2.03.03 Technical Advisory Committee:

A. The Technical Advisory Committee is composed of City staff knowledgeable in areas of land development, building, zoning, public works and/or planning, and is appointed by the City Commission. The Building Inspector shall act as Chairman of the Technical Review Committee.

B. The Technical Advisory Committee (TAC) is responsible for development review and development permit approval for all major development activity. Development order approval is issued based upon a determination by the TAC that the proposed development activity conforms to the requirements of these land development

regulations.

C. All minutes of the Technical Review Committee meeting shall be filed with the Building Department.

2.03.04 Planning and Development Review Board

A. Establishment and Procedures:

A Planning and Development Review Board (PDRB) is hereby established. The PDRB shall consist of the members of the Board of City Commissioners of the City of Port St. Joe, Florida.

B. Proceedings of the Planning and Development Review Board:

1. The Planning and Development Review Board shall adopt rules necessary to conduct its affairs and in keeping with the provisions of these regulations. Meeting shall be held at the call of the chairman and at such other times as the Board may determine. A majority of the membership of the PDRB shall constitute a quorum.

2. The Planning and Development Review Board shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the City Clerk.

C. Powers and Duties of the Planning and Development Review Board.

The Planning and Development Review Board shall have the following powers and duties:

1. Administrative Review: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determinations made by any board, department or committee in the administration and application of these regulations.

2. Special Exceptions: To hear and decide only such special exceptions as the Planning and Development Review Board is specifically authorized to consider by the terms of these regulations; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under these regulations or to deny special exceptions when not in harmony with the purpose and intent of these regulations.

C. Variances: To authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

D. Powers of Building Department on Appeals: In exercising the above mentioned powers, the Planning and Development Review Board may, so long as such action is in conformity with the terms of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made. The concurring vote of majority of the Planning and Development Review Board shall be necessary to reverse any order, requirement, decisions, or determination of the Building Department, Technical Advisory Committee, or other administrative official; or to decide in favor of the applicant on any matters upon which it is required to decide in the application of these regulations.

E. Review and recommend updating and amendment of the comprehensive plan and land development regulations. All plan amendments and revised regulations shall require Planning and Development Review Board review and recommendation prior to approval by the Board of City Commissioners.

2.03.05 Special Exceptions - Requirements and Procedures:

A special exception shall not be granted by the Planning and Development Review Board unless and until the following requirements and procedures are met:

A. A written application for a special exception is submitted indicating the section of these regulations under which the special exception is sought and stating the grounds on which it is required.

B. Notice shall be given at least 15 days in advance of the public hearing. The owner of the property for which special exception is sought or his agent and the owners of abutting property shall be notified by mail. Notice of such hearing shall be published in a newspaper as required by law at least 15 days prior to the public hearing. Required fees as set forth in this Code shall be deposited with the City Clerk to cover the cost of posting notices and notification by mail.

C. The public hearing shall be held. Any adjoining property owner or any party whose substantial interest may be affected may appear in person, or by agent or attorney.

D. The Planning and Development Review Board shall make a

finding that it is empowered under the section of these regulations described in the application to grant the special exception, and provided that the granting of the special exception will not adversely affect the public interest. The Planning and Development Review Board shall confer with appropriate representatives of boards and/or committees having development review responsibility or specific knowledge regarding the special exception.

E. Before any special exception shall be issued, the Planning and Development Review Board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following where applicable:

1. Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and to convenience, traffic flow and control, and access in case of fire or catastrophe;
2. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;
3. Refuse and service areas, with particular reference to the items in (1) and (2) above;
4. Utilities, with reference to location, availability and compatibility;
5. Screening and buffering with reference to type, dimensions, and character;
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
7. Required yards and other open space;
8. General compatibility with adjacent properties and other property in the district.

F. Any restrictions imposed as a condition of granting the special exception, such as limitations on size or square footage, including future expansions, shall be specified at the time the special exception is granted.

2.03.06 VARIANCES - Requirements and Procedures:

A variance from the terms of these regulations shall not be granted by the Planning and Development Review Board unless and until the following requirements or procedures are met:

A. A written application for a variance (hardship relief) is submitted to the Building Department demonstrating that a hardship exists based on one of the following conditions:

1. That special conditions and circumstances exist which are peculiar to the land, structure or buildings involved and which are not involved and which are not applicable to other lands, structures or buildings in the same district;

2. That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations;

3. That the special conditions and circumstances do not result from the actions of the applicant; or

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures or buildings in the same district.

B. No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

C. Notice of public hearing shall be given in accordance with the provisions specified under "Special Exceptions" and a public hearing shall be held. Any adjoining property owner or any party who party whose substantial interest may be affected may appear in person, or by agent or attorney.

D. The Planning and Development Review Board shall make a finding that the requirements regarding hardship relief have been met by the applicant for a variance, that the reasons set forth in the application justify the granting of the variance, and that variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

E. The Planning and Development Review Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

F. In granting any variance, the Planning and Development Review Board may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations and

punishable under Section 2.05.09.

G. The Planning and Development Review Board shall prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the prescribed time limit shall render the variance null and void.

H. Under no circumstances shall the Planning and Development Review Board grant a variance to allow a use not permissible under the terms of these regulations in the district involved, or any use expressly or by implication prohibited by the terms of these regulations in said district; however, as provided for in these regulations, the Planning and Development Review Board may make a "substantially similar use" determinations upon request by the development approval authority.

2.04.01 APPEALS - Appeals to Planning and Development Review Board

A. Appeals to the Planning and Development Review Board concerning the interpretation or administration of these regulations may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the Building Department, Technical Advisory Committee, or any administrative official or board. Appeals shall be taken with a reasonable time period, not to exceed 30 days, by filing with the Building Department a notice of appeal specifying the grounds thereof. The Building Department shall forthwith transmit to the Planning and Development Review Board all papers constituting the record upon which the action appealed from was taken.

B. The Planning and Development Review Board shall fix a time, not to exceed 30 days from the date the appeal was filed, for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and render their decision at the hearing. At the hearing, any party may appear in person or by agent or attorney.

C. An appeal stays all proceedings in furtherance of the action appealed from, unless the official from whom the appeal is taken, certifies to the Planning and Development Review Board, after notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. Such case proceedings shall not be stayed other than by a restraining order which may be granted by the Planning and Development Review Board or by injunction granted by the circuit court on notice to the official from whom the appeal is taken and on due cause shown.

D. Judicial Review of Decisions

1. Any taxpayer, or any officer, department, board or bureau of the governing body, or any person or persons, jointly or severally, having standing to do so, may seek review of a final quasi-judicial decision of the Planning and Development Review Board by Petition for Writ of Common-law Certiorari to the Circuit Court in and for Gulf County, pursuant to Florida Law.

2. Any taxpayer, or any officer, department, board or bureau of the governing body, or any person or persons, jointly or severally, having standing to do so, may seek review of a final quasi-judicial decision of the City Commission by Petition for Writ of Common-law Certiorari to the Circuit Court in and for the Gulf County, pursuant to Florida law.

2.04.02 EMERGENCY EXEMPTIONS

A. These regulations shall not be construed to prevent any act necessary to prevent material harm to or destructions of real or personal property as a result of a present emergency, including but not limited to fire, or hazards resulting from violent storms or hurricanes or when the property is in imminent peril and the necessity of obtaining a permit is impractical and would cause undue hardship in the protection of life or property.

A report of any such emergency action shall be made to the Building Inspector or Administrative Assistant by the owner or person in control of the property upon which the emergency action was taken as soon as practicable, but no later than ten days following such action. Remedial action may be required by the Building Inspector subject to appeal to the P.D.R.B in the even of dispute.

2.04.03 PROJECTS REQUIRING AN AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN

Applications for Development Approval (ADA) may only be considered if the proposed development is consistent with the adopted comprehensive plan. There is a presumption of general consistency with the comprehensive plan if the requirements of these regulations are met.

Upon receipt of an ADA, the Building Department shall make a determination of consistency of the proposed development activity with the adopted Future Lands Use Map of the Comprehensive Plan. Applicants for the proposed development which are not consistent with the adopted Plan may apply to the City Clerk to consider a proposed plan amendment, which if approved must be reviewed by the Florida Department of Community Affairs in accordance with 163.3187 F.S.

2.04.04 SCHEDULE OF FEE, CHARGES AND EXPENSES

The City Commission shall establish by resolution a schedule of fees, charges and expenses for development review, review of technical construction plans, issuance of building permits, appeals, variances, special exceptions, and other matters pertaining to these regulations. The schedule of fees shall be posted in the office of the Building Department, and may be altered or amended only by resolution adopted by the City Commission. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on application or appeal. A collection procedure shall be established by the Building Department.

ARTICLE III
LAND USE: TYPE, DENSITY, INTENSITY

3.01.00 LAND USE DISTRICTS

3.01.01 General land use districts for the City are established in the Future Land Use Map which replaces the existing zoning map of the City in use prior to the adoption of this Code. The zoning map in force in the City prior to the adoption of this Code remains effective only to the extent that it is specifically referred to herein.

3.01.02 DEFINITIONS

ACCESSORY STRUCTURE: A building the use of which is incidental to that of the main building and located on the same lot or parcel of land.

ACCESSORY USE: A use incidental and subordinate to the principal use or building and located on the same lot or parcel of land with such principal use or building.

ALLEY: A roadway which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

APARTMENT HOUSE: a building or structure arranged, intended or designed to be occupied as the dwelling place of three or more families living independently of each other (See Dwelling, multiple).

AUTOMOBILE COURT (motel): A group of attached or detached buildings containing individual sleeping units, designed for or used temporarily by automobile tourists or transients with parking space conveniently located to each unit, including auto courts, motel or motor lodges.

BOARDINGHOUSE: Any dwelling in which two or more persons either

individually or as families are housed or lodged for hire, with or without meals.

BASEMENT: A story partly underground but having more than one-half its clear height below the mean grade.

BUILDING: Any structure having a roof supported by columns or walls.

BUILDING, height of: The vertical distance measured from the average finish grade elevation to the highest point of the roof.

COURT: An open unoccupied space, other than a yard, on the same lot with a building and bounded on two or more sides by such building.

DENSITY OR GROSS DENSITY: The total number of dwelling units divided by the total site area.

DWELLING, single family: A detached building designed for, or occupied exclusively by one family as a housekeeping unit.

DWELLING, two family: A detached building designed for or occupied exclusively by two families only living independently of each other.

DWELLING, multiple: A building or portion thereof designed for occupancy by three or more families living independently of each other. (See Apartment house).

EFFICIENCY APARTMENT: A dwelling unit consisting principally of one room and alcoves, equipped with kitchenette and bath, and having an aggregate floor area of not less than three hundred thirty-six square feet, designed and intended to be used as the temporary abode of transients and seasonal occupants.

FAMILY: Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boardinghouse, lodging house or hotel, or herein defined.

FILLING STATION: Any building or premises used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a mechanical garage, the premises are classified as a mechanical garage and if incidental to the conduct of a public garage, the premises are classified as a public garage.

FRONTAGE: All the property abutting on one side of a street between two intersecting streets, measured along the street line.

GARAGE, private: A detached accessory building or portion of a

principal building for the parking or temporary storage of automobiles of the occupants of the premises.

GARAGE, public: A building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, housing, selling or storing motor driven vehicles.

GARAGE, storage: Any building or premises, other than a private or public garage, used exclusively for the parking or storage of motor vehicles.

GARAGE, storage: Any building or premises, other than a private or public garage, used exclusively for the parking or storage of motor vehicles.

GRADE: 1. For buildings adjoining one street only the elevation of the sidewalk at the center of the wall adjoining the street.

2. For buildings adjoining more than one street, the average of the elevations of the sidewalk at the centers of all walls adjoining streets.

3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

HOTEL: A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in which ten or more rooms are furnished for the accommodation of such guests; and having or not having one or more dining rooms, restaurants or cafes where meals or lunches are served to transient or permanent guests, such sleeping accommodations and dining rooms, restaurants or cafes, if existing, being conducted in the same building or buildings in connection therewith.

LOADING SPACE: A space on the lot or parcel of land accessible to an alley or street not less than ten feet in width, twenty feet in depth and ten feet in height.

LODGING (ROOMING) HOUSE: Any house, or other structure, or any place or location kept, used, maintained, advertised or held out to the public to be a place where living quarters, sleeping or housekeeping accommodations are supplied for pay to transient or permanent guests or tenants.

LOT: A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings; including the open spaces and parking spaces required by this ordinance. For the

purpose of this ordinance the word "lot" shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are to be erected.

LOT CORNER: A lot abutting upon two or more streets at their intersection.

LOT OF RECORD: A lot which is a part of a subdivision, the map of which has been recorded in the public records.

LOT DEPTH: The depth of a lot is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite main rear line of the lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot.

LOT, DOUBLE FRONTAGE: A lot having a frontage on two nonintersecting street, as distinguished from a corner lot.

MANUFACTURED HOUSING: Manufactured housing has the following features or characteristics:

- (1) Mass produced in a factory;
- (2) Designed and constructed for transportation to a site for installation and use when connected to required utilities;
- (3) Either an independent, individual building or a module for combination with other elements to form a building on the site.

NONCONFORMING use: Any building or land lawfully occupied by a use that at the time of the passage of this ordinance or amendments thereto, does not conform after the passage of this ordinance or amendments thereto with the use regulations of the district in which it is situated.

PASSIVE RECREATION: Recreational opportunities most likely to occur in largely undeveloped or unaltered environments and primarily includes unstructured recreational activities such as hiking, canoeing, fishing, bird watching, picnicking, etc.

PARKING SPACE: A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

RECREATION VEHICLE: A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for

recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. In computing the height of a building, the height of basement or cellar shall not be included if below grade.

STORY, half: A story under a gabled, hipped or gambrel roof the wall plates of which on at least two opposite exterior walls are not more than three feet above the finished floor of such story.

STREET: A public thoroughfare which affords principal means of access to abutting property.

STREET line: A dividing line between a lot, tract parcel of land and a contiguous street.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the land, or attached to something having a permanent location on the land.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, bearing partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

TRAILER: Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, jacks, skids, horses or skirting, and which has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or otherwise. The term "trailer" shall include camp car and house car. For purposes of this ordinance a trailer is a single family dwelling and shall conform to all regulations thereof, except when located in a trailer or tourist camp as provided herein.

TRAILER CAMP: An area containing one or more structures designed or intended to be used as temporary living quarters of two or more families and intended primarily for automobile transients.

USED CAR LOT: A lot or group of contiguous lots used for the storage, display and sales of used automobiles and where no repair work is done except the necessary reconditioning of the cars to be displayed and sold on the premises.

USED CAR JUNKYARD: A lot or group of contiguous lots used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked cars or their parts.

YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

YARD, FRONT: A yard across the full width of the lot, extending from the front line of the building to the front line of the lot, excluding steps.

YARD, SIDE: A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line.

YARD, REAR: A yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard. (Ord. No. 5 1,5-7-63).

3.01.03 SPECIFIC DISTRICTS

The following list of land uses are allowable under this Code pursuant to the Future Land Use Map:

Residential (R1), Residential (R2), Residential (R3), Commercial, Industrial, Recreation or Public Use, Future Residential, Future Commercial, Future Industrial. All lot and block references shall refer to the future land use map.

3.02.00 USES ALLOWED IN LAND USE DISTRICTS

3.02.01 This part of the Code defines and prescribes the specific uses allowed within each land use district described in the Future Land Use Map and in this Code.

A. Except as hereinafter provided:

1. No building shall be erected, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all the district regulations established by this ordinance for the district in which the building or land is located.

2. The minimum yards and other open spaces including the "intensity of use" provisions contained in this Code for each and every building hereinafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements or "intensity of use" requirements for any other building.

3. In single family zones every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than the principal building and the customary accessory buildings on one lot or parcel of land.

4. Where front yards have been established or may be established on each of the two intersecting streets, there shall be a front yard on each street side of a corner lot; provided, however, the buildable width of such lot shall not be reduced to less than thirty feet; provided, further, no accessory building on a corner lot shall project beyond the front yard line on either street.

5. Whenever a dwelling is to be erected in a district other than a residential district, the minimum requirements pertaining to the district in which the proposed type of dwelling is the lowest use permitted shall apply.

6. No trailer park or trailer or manufactured housing shall be permitted.

B. The boundaries of such districts as are shown upon the map adopted by this Code or amendment thereto, are adopted and approved and the regulations of this Code governing the use of land and buildings, the height of buildings, building site areas, the size of yards about buildings and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said map.

C. Where uncertainty exists as to boundaries of any district shown on said map, the following rules shall apply:

- (1) Where such district boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be construed to be such boundaries;
- (2) In subdivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the original map. Where a district boundary divided a lot, the zone classification of the greater portion shall prevail through-out the lot;

- (3) In case any further uncertainty exists, the commission shall interpret the intent of the map as to location of such boundaries;
- (4) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment;
- (5) All territory which may hereafter be annexed to the city shall immediately be designated an R-1 district, unless the city commission shall designate otherwise by ordinance.

3.02.02 RESIDENTIAL DISTRICTS

DISTRICT R-1.

The following uses and regulations shall apply in R-1 residential districts:

- (1) Single family dwellings.
- (2) Public schools, nursery schools and kindergartens, elementary, high and educational institutions, having a curriculum the same as ordinarily given in public schools and colleges.
- (3) Churches, provided such structures observe the yard provisions of the district in which they are located, and further provided, any church constructed on a new site shall provide off-street parking space upon the lot or on contiguous lots adequate in area to accommodate one car for every ten persons for which seating is provided in the main auditorium of the church exclusive of the seating capacity of Sunday School or other special rooms.
- (4) Municipally owned or operated parks and playgrounds.
- (5) Municipally owned or operated hospitals, other than an animal hospital.

- (6) Publicly owned and operated libraries, art galleries and museums.
- (7) Accessory buildings and uses incidental to each single family dwelling and where not used or operated commercially, including private garages for the accommodation of automobiles, stable or shed for the housing of domestic animals, children's playhouse, greenhouse, tool shed, workshop, servants' quarters. Accessory buildings, detached carports and garages shall be not less than five feet from the property line. Accessory living quarters shall be located not less than sixty feet from the front lot line and not less than twenty-five feet from any other street line and fifteen feet from the rear lot line, and not less than fifteen feet from the side lines.
- (8) BUILDING HEIGHT LIMIT - No building shall exceed thirty-five feet in height except as provided in 3.02.07 hereof.
- (9) Building Site area required. Every lot shall have an area of not less than ten thousand square feet and a minimum frontage at the building line of at least seventy-five feet. If a lot has less area or width than herein required and was of record at the time of the effective date of any ordinance with this requirement, said lot may be occupied by a single family dwelling, provided, however, that the minimum side, front and rear yard requirements as set out in this section are conformed with.
- (10) Front yard required. There shall be a front yard having a depth of not less than twenty-five feet measured to the front line of the main building. Where lots comprising twenty-five per cent or more of the frontage on the same street within the block are developed with buildings having an average yard with a variation in depth of not more than six feet, no building hereafter erected or structurally altered shall project beyond the average front yard so established, but no more than thirty-five feet shall be required. Where the distance between dwellings on adjacent lots is two hundred feet or more, the above front yard requirement will not apply. Where interior lots have a double frontage, the required front yard shall be provided on both streets.
- (11) Side Yard required: On lots or parcels of land having a width of seventy-five feet, there shall be a side yard on each side of a building of not less than fifteen feet. On lots of record at the time of the effective date of any ordinance with this requirement having widths of less than seventy-five feet, the side yard on each side of the building shall be no less than ten feet.

(12) Rear yard required: there shall be a rear yard for the main building having a depth of not less than twenty-five feet. On corner lots there shall be a setback of not less than fifteen feet.

(13) Minimum floor area required: The minimum required ground or first floor area, exclusive of porches, terraces, attached garages, carport or unroofed areas, shall be one thousand two hundred square feet for a single story dwelling and eight hundred fifty square feet for two story dwelling.

(14) The density allowed in district R-1 shall be less than 5 dwelling units per acre.

(15) Home occupations shall not be allowed in District R-1.

B. R-2 There shall be two subdistricts in District R-2 as identified on the Future Land Use Map. Subdistrict R-2A shall consist of all of the District south of 10th Street with the exception of Block 57 and Subdistrict R-2B shall consist of all of the District north of 10th Street including Block 57.

R-2A Multiple family district

1. Uses permitted in R-2A.

(a) Any uses permitted in the R-1 district.

2. Building height limit. No building shall exceed thirty-five feet in height, except as provided in 3.02.07.

3. Floor area required. No building shall be constructed in subdistrict R-2A of less than 800 square feet of living area.

4. No home occupations shall be allowed in Subdistrict R-2A.

Where a lot has an area less than the above required minimum and was of record at the time of the effective date of any ordinance with this requirement, said lot may be used provided all setbacks and land area requirements of this zone are observed.

In computing the floor space as provided above the areas occupied by porches, patios, terraces, attached garages, carports or nonroofed areas shall be excluded.

(D) Front yard required. There shall be a front yard not less than twenty (20) feet deep measured to the front line of the building. Where lots comprising twenty-five (25) per cent or more of the frontage on the same street within the block are developed with buildings having an average yard with a variation in depth of

not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard so established, provided the front yard shall not exceed thirty (30) feet. Where the distance between dwellings on adjacent lots is one hundred fifty (150) feet or more, the next above yard requirements will not apply. Where interior lots have a double frontage, the required front yard shall be provided on both streets, but no more than thirty (30) per cent of the total need be used for front yards.

(E) Side yard required. There shall be a side yard on each side of a building having a width of at least ten (10) feet. On lots of record at the time of the effective date of this ordinance having widths of less than fifty (50) feet, the side yard on each side of the building shall be no less than twenty (20) per cent of the average width of the property.

(F) Rear yard required. There shall be a rear yard of not less than twenty (20) feet. On corner lots there shall be a setback of not less than fifteen (15) feet.

R-2B Multiple family district

A. Uses permitted.

- (1) Any use permitted in the R-1 or R-2A district.
- (2) Multiple family dwellings.
- (3) Boarding and lodging houses
- (4) Hospitals and clinics, except animal hospitals.
- (5) Clinics, nursing homes or congregate living facilities.
- (6) Guest houses.
- (7) Accessory buildings and uses customarily incident to any of the above uses, including private and storage garages when located on the same lot and not involving the conduct of a business.
- (8) Community centers and buildings owned by a governmental agency and used for a public purpose.
- (9) Home occupations shall not be allowed in R-2A district except as specifically set forth herein.
- (10) Funeral parlors and mortuary establishments may be permitted in this district provided application is made to the or city commission for the establishment

of same, and it shall be determined by the city
 commission that such use will not adversely affect
 the property values of the land adjacent thereto and
 the city commission shall find that such use is an
 appropriate use for the particular plot or
 parcel of land for which application is made for the
 establishment thereof.

B. Building height limit. No building hereafter erected or structurally altered shall exceed sixty (60) feet in height except as provided in 3.02.07.

C. Building site and minimum floor area required. For the following specified uses every lot or parcel of land shall provide a land area for each family unit of at least the amount indicated.

Number of dwellings	Square foot area of living quarters family unit	Square foot land area required per family unit on Ground floor
ONE FAMILY	650	5,000
TWO FAMILY	550	2,500
THREE FAMILY	480	2,000
FOUR FAMILY	480	2,000
FIVE TO EIGHT FAMILY	480	1,400
NINE TO TWELVE FAMILY	400	1,300

Hotel rooms to comply with state hotel commission rules and regulations.

Where a lot has an area less than the above required minimum and was of record at the passage of this Code, said lot may be used, provided all setbacks and area requirements of this zone are observed.

D. Front yard required. There shall be a front yard having a depth of not less than fifteen (15) feet measured to the front of the building. Where lots comprising twenty-five (25) per cent or more of the frontage on the same street within the block are developed with buildings having an average yard with a variation in depth of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard so established. Where the distance between dwellings on adjacent lots is one hundred (100) feet or more, the next above front yard requirement will not apply. Where interior lots have a double frontage, the required front yard shall be provided on both streets.

E. Side yard required. There shall be a side yard on each side of a building having a width of at least ten (10) feet. On lots of records at the time of the effective date of this

ordinance having widths of less than fifty (50) feet, the side yard on each side of the building shall be no less than twenty (20) per cent of the average width of the property.

F. Rear yard required. There shall be a rear yard not less than fifteen (15) feet in depth. On corner lots there shall be a setback of not less than fifteen (15) feet.

3.02.03 COMMERCIAL DISTRICTS

There shall be three subdistricts within the Commercial Districts identified on the Future Land Use Map.

A. District C-1A, shall be comprised of:

Lots 1 through 8, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, Block 31.

Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30 of Block 32.

Lots 1 through 13, Block 33.

Lots 1 through 18, Block 34.

Lots 17 through 24, Block 22.

Lots 17 through 22, Block 23.

Lots 17 through 22, Block 24.

Lots 17 through 22, Block 25.

Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, Block 26.

Lots 9 through 14, Block 27.

Lots 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, Block 28.

All streets, alleys and park land adjacent to the property described above.

B. Subdistrict C-1 shall be described as:

Lots 1 through 8, Block 36.

Lots 1 through 8, Block 41.

Lots 1 through 8, Block 46.

Lots 1 through 8, Block 51.

Lots 10 through 16, Block 1001.

Lots 6 through 14, Block 1003.

Lots 2 through 14, Block 1005.

Lots 17 through 20, of Block 1007.

Lots 17 through 20, Block 1009.

Lots 17 through 20 of Block 1011.

Lots 1 through 4, of Block 1012.

Lots 1 through 4 of Block 1010.

Lots 1 through 4, of Block 1008.

Lots 1 through 4, Block 1006.

Lots 1 through 4, Block 1004.

Lots 1 through 4, 5, 7, 9, 11, 13 and 15 of Block 1002.

The South 500 feet of the City of Port St. Joe Being bounded on the South by U.S. Hwy. 98 and on the East by Garrison Avenue.

All of Blocks 2, 3, 4, 5, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, and all of Blocks 22, 23, 24, 25 and 26 which were not previously included in subdistrict C-1A.

All Streets, alleys and park land adjacent to the property described above.

C. Subdistrict C-2 shall be described as: All of Blocks 12, 19, 20, 21 and 29, all of Blocks 27 and 28 not previously included in the description of subdistrict C-1A and Lots 1, 2, 30, 29, 28, 27, 26, 25, 24 and 23 of Block 35.

D. It is the intent of this section describing commercial subdistricts. Conform to the commercial districts shown on the zoning map in use in the City of Port St. Joe on August 23, 1993.

3.02.04 C-1A COMMERCIAL DISTRICT

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

(A) Uses permitted.

- (1) 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.
- (2) Automobile courts (motels).
- (3) Restaurants that provide inside table and counter service only.
- (4) Hotels

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, automobile filling stations, mechanical garages, or any business where the materials sold are not housed within a building, are specifically prohibited from this district.

- (B) Building height limit. No building hereafter erected or structurally altered shall exceed sixty (60) feet in height.
- (C) Floor area required. Hotels, auto courts, motels and restaurants shall be subject to all the rules of the state hotel commission.
- (D) Building site area required. No minimum requirements except that in no case shall the site have less than eighteen (18) feet frontage on the street.
- (E) Front yard required. None.
- (F) Side yard required. No side yard required for commercial buildings.
- (G) Rear yard required. There shall be a rear yard not less than ten (10) feet in depth, measured from the edge of the service alley.
- (H) Tank regulation. No gasoline tank may be placed

above the ground in this zone. Tanks aboveground for any other use not to exceed three hundred (300) gallons and shall be set back from front property line at least twenty-five (25) feet.

3.02.04 C-1 Commercial District

The following regulations apply in C-1 commercial district:

A Uses permitted.

- (1) Any use permitted in C-1A district.
- (2) 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, multigraphing, printing and laboratories.
- (3) Vocational schools, including trade, secretarial, art, professional, music, dancing and dramatic schools.
- (4) Commercial amusements, games and sports.
- (5) Funeral homes.
- (6) Restaurants, automobile filling and parking stations, automobile sales rooms and used car sales lots.
- (7) Churches.

Industrial establishments, lumber yards, junk dealers, automobile wrecking or any business where materials sold are not housed within a building and not mechanical garages except when operated in conjunction with automobile sales rooms and in the same building, are specifically prohibited from this district.

The requirements as to B, C, D, E, F and G of 3.02.04 shall be applicable in this zone as if they were copies herein verbatim; provided however, there shall be no rear yard requirement for buildings located on lots abutting on alleys lying between Reid and Williams Avenues and Reid and Monument Avenues, extending from First Street to Fifth Street.

3.02.05 C-2 Commercial district

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

A. Uses permitted.

- (1) Any use permitted in the C-1A and C-1 districts.
- (2) Any business or establishment of a general retail, wholesale or service type.
- (3) Light manufacturing or light industrial plant.
- (4) Lumber, storage yards and mechanical garages.
- (5) Industries not obnoxious to the community by the emission of odors, dust, smoke or fumes.
- (6) Cleaning and dyeing establishments.
- (7) Small animal hospitals and clinic.
- (8) Gasoline storage tanks for wholesale or retail distribution.

B. 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.

C. Restaurants, gasoline stations, automobile sales, establishments and used car lots.

D. Building height limit. No building hereafter erected or structurally altered shall exceed sixty (60) feet in height.

E. Floor area required. Hotels, auto courts, motels and restaurants shall be subject to all the rules of the state hotel commission.

F. Building site area required. No minimum requirements except that in no case shall the site have less than eighteen (18) feet frontage on the street.

G. Front yard required. None.

H. Side yard required. No side yard required for commercial buildings.

I. Rear yard required. There shall be a rear yard not less than ten (10) 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 Monuments extending from First

Street to Fifth Street.

Industrial establishments, junk dealers, automobile wrecking or any business where materials sold are not housed within a building, are specifically prohibited from this district.

3.02.06 INDUSTRIAL

The following regulations apply in the industrial district.

(A) Uses permitted.

- (1) Manufacturing plants.
- (2) Factories.
- (3) In the Industrial district any building or land, except as otherwise provided in this ordinance, may be used for any use permitted in the C-2 commercial district or for any other use except a use which possesses an abnormal explosion hazard. Any use which possesses a potential explosion hazard will not be permitted without the written approval of the city commission and such approval shall set forth the conditions under which such use must be observed.
- (4) Any use permitted in the C-1A and C-1 districts.
- (5) Any business or establishment of a general retail, wholesale or service type.
- (6) Light manufacturing or light industrial plant.
- (7) Lumber, storage yards and mechanical garages.
- (8) Industries not obnoxious to the community by the emission of odors, dust, smoke or fumes.
- (9) Cleaning and dyeing establishments.
- (10) Small animal hospitals and clinic.

- (11) Gasoline storage tanks for wholesale or retail distribution.

(B) Front, side and rear yard requirements. No front, side and rear yard requirements are necessary nor any minimum area requirements. (Ord. No. 5, 11, 5-7-63).

3.02.07 Height and area exception and supplements.

The following requirements or regulations qualify or supplement as the case may be, the district regulations or requirements appearing elsewhere in this ordinance:

- (A) Public or semi-public buildings, hospitals, sanitariums, schools and churches or temples, where permitted in a district with height restrictions may be erected to a height not exceeding sixty (60) feet.
- (B) Radio, television and receiving antennas may exceed the building height limits of the respective zones provided they otherwise comply with the ordinances of the city. Wireless, radio or television broadcasting towers exceeding the building height limit requires approval by the city commission.
- (C) The side yard requirements for dwellings shall be waived where dwellings are erected above stores or shops.
- (D) Every part of a required yard or court shall be open from its lowest point to the sky unobstructed; except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, none of the above projections shall project into a minimum side yard more than twenty-four (24) inches. Residential roof overhangs may extend forty-eight (48) inches into side, rear and front yards.
- (E) Open or enclosed fire escapes, outside stairways and balconies projecting into a minimum side yard or court not more than three and one-half (3 1/2) feet and the ordinary projections of chimneys and flues may be permitted by the building inspector where same are so placed as not to obstruct the light and ventilation.

- (F) The board of adjustment or city commission may, upon the application of any owner of any plot or parcel of land, allow an exception to the height limitations when it is shown that such exception is necessary and will not interfere with adequate light and air to the adjoining land owners. (Ord. No. 5, 12, 5-7-63)

3.02.08 Obstructions to vision.

In residential districts as herein defined, there shall be no obstructions to vision planted or erected within twenty (20) feet of corner without the approval of the PDRB.

3.02.09 Nonconforming uses.

A. The lawful use of a "building" existing at the time of the passage of this Code shall not be affected by this Code, although such use does not conform to the provision of this Code; and such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinance, ordered by an authorized officer to secure the safety of the building, are made therein but no such use shall be extended to occupy any land outside such building. If such nonconforming building is removed or the nonconforming use of such building is discontinued for a continuous period of not less than ninety (90) days, every future use of such premises shall be in conformity with the provisions of this ordinance.

B. The lawful use of "land" existing at the time of the passage of this Code, although such use does not conform to the provisions of this Code, shall not be affected by this Code; provided, however, no such nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this ordinance. If such nonconforming use is discontinued for a continuous period of not less than sixty (60) days, any future use of said land shall be in conformity with the provisions of this Code. Provided, however, where "land" which is now used for a use excluded from the district in which such "land" is located and such use is not an accessory to the use of a main building located on the same lot or grounds such nonconforming use of "land" shall be discontinued and all material completely removed by its owner not later than one (1) year from the date of the passage of this ordinance.

C. Nothing in this ordinance shall be taken to prevent the restoration of a building destroyed to the extent of not more than fifty (50) per cent of its assessed value by fire, explosion or other casualty, or act of God, or the public enemy, nor the continued occupancy or use of such building or part thereof which

existed at the time of such partial destruction.

3.02.10 ST. JOSEPH BAY SHORELINE PROTECTION ZONE

A. There is hereby created the "St. Joseph's Bay Shoreline Protection Zone" in which special restrictions on development apply.

B. This protection zone extends from the St. Joseph's Bay mean high water (MHW) line to a point fifty (50) feet landward.

C. As expressly provided herein, no development activity shall be undertaken in the Shoreline Protection Zone with the exception of water dependant activities provided that the public benefit of the activity substantially out weighs the adverse environmental affect and there is not practical alternative to placement in the Shoreline Protection Zone or the development is pursuant to a development permit allowing development activity seaward of the Shoreline Protection Zone.

D. The acreage within the Shoreline Protection Zone may be used to determine total allowable units or square footage of development that will be allowed on site containing part of such a zone. In such situations the clustering of development may occur in non-sensitive areas such as the upland portion of the site.

3.03.11 FLOODPLAINS

Chapter 9 1/2 of the Code of Ordinances of the City of Port St. Joe, Florida is hereby incorporated by reference as if fully set forth herein.

4.05.00 GROUNDWATER AND WELLHEADS

4.05.01 PURPOSE AND INTENT

The purpose of groundwater protection standards is to safeguard the health, safety and welfare of the citizens of Port St. Joe. This is accomplished through ensuring the protection of the principle source of water for domestic, agricultural, and industrial use. The availability of adequate and dependable supplies of good quality water is of primary importance to the future of the City. Therefore, standards are described in this section with the intent of protecting both the quantity and quality of the groundwater supply. It is further the intent of this section to control development adjacent to designated wellheads to protect water supplies from potential contamination.

4.05.02 Definitions

Protected Wellhead: Those wellheads, located within the City of Port St. Joe, which supply potable water for public consumption.

Wellhead Protection Area: All land area within a two hundred (200) foot radius of an existing or proposed protected wellhead.

4.05.03 Restrictions on Development

A. Prohibited Uses and Development Activities Within The Wellhead Protection Zone. Development activities shall comply with all applicable federal, state and regional regulations; specifically, the Florida Department of Environmental Regulation and the Florida Department of Health and Rehabilitative Services regulations governing allowable activities in proximity to wellheads. The following adverse land uses are prohibited within a Wellhead Protection Zone; sanitary landfills, wastewater treatment facilities, and/or other land uses which store or handle toxic or hazardous waste or materials.

B. Special Restrictions on Development Allowed Within The Wellhead Protection Zone.

1. Stormwater management practices shall not include drainage wells and sinkholes for stormwater disposal where recharge is into potable water aquifers.

2. Where prohibited uses and development are proposed in areas with existing protected wells, these wells shall be abandoned, including adequate sealing and plugging according to Chapter Rule 17-28, Florida Administrative Code.

4.06.00 HISTORIC RESOURCE PROTECTION

4.06.01 Generally

It is the intent of this section to ensure the protection of historically and/or archaeologically significant sites and structures located within the City of Port St. Joe. To encourage the sensitive re-use of historic sites or structures, the development approval authority may exercise flexibility in the application of Code requirements.

4.05.02 Determination of Significance

A. The Building Inspector shall maintain a listing and a map of all structures and sites currently identified on the Florida Master Site File within the City of Port St. Joe. The Building Inspector shall notify the applicant of development approval if their structure is included on the Master Site File. Alteration, renovations, and/or maintenance work on structures listed on the Master Site File shall be completed such that the features of historic significance are not compromised.

B. The Building Inspector shall furthermore alert the

applicant for development approval in the event that their proposed development is located in the vicinity of an archaeological site listed on the Master Site File. The developer shall alert construction personnel to the potential presence of archaeological artifacts. In the event that a potentially significant archaeological site is uncovered during the development process, the appropriate officials shall be consulted to determine the historical significance of the resource and to identify potential mitigative measures.

ARTICLE V DEVELOPMENT STANDARDS

5.00.00 GENERAL PROVISIONS

5.00.01 Purpose

The purpose of this Article is to provide development standards applicable to all development activity within the City. All improvements required by this Article shall be designed, installed and paid for by the Developer. Chapter 5 of the Code of Ordinances in the City of Port St. Joe, Florida is incorporated herein by reference and in the event of a discrepancy between standard contained in this Article and Chapter 5 of the Code of Ordinances, the stricter standard shall apply. Also incorporated herein by reference are all State and Federal development regulations relative to Floodplain Construction, Coastal Zone construction and stormwater permitting regulations. In addition, Chapter 9 1/5 of the Code of Ordinances of the City of Port St. Joe, Florida as it relates to building and development standards is incorporated herein by reference.

5.01.01 Minimum Lot Area Requirements

A. Within the City, there is no minimum lot area for an individual lot within a residential district that will be served by both central water and central sewer provided that gross density shall not exceed the density requirements of this code and that setback requirements of Chapter 3 be met and that land exclusive of individual lots shall be controlled and maintained through a Condominium Association, Property Owners Association or some other similar entity (including City Government). Recordable instruments providing for these common ownership lands shall be submitted as part of the development review procedure.

B. Any proposed development in areas not served by central water and sewer shall comply with minimum lot size, setback and other requirements of state permitting agencies such as the Department of Environmental Regulation, Department of Health and Rehabilitative Services, and the Northwest Florida Water Management District.

5.01.02 Impervious Surface Coverage and Stormwater Management

A. General: Impervious surface refers to a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures. The total impervious surface area of a development shall not exceed the ratios established in the table in paragraph E of this Section.

B. Ratio Calculation: The impervious surface ratio is calculated by dividing the total impervious surface (including building footprints, roads, parking lots, swimming pools, and similar structures/surfaces) by the gross site area less the area of existing or proposed water bodies. Water bodies are excluded from the impervious surface ratio calculation, but will be considered as impervious surface in the stormwater runoff calculations that must be prepared to obtain required stormwater discharge permits from the Florida Department of Environmental Regulation in accordance with Chapter 17-25, F.A.C.

C. Treatment of Cluster Development: Cluster development or other site design alternatives may result in individual lots within a development project exceeding the impervious surface ratio, while other lots may be devoted entirely to open space in order to meet overall site impervious surface requirements. The development approval authority must require as a conditions of approval, deed restrictions and covenants that guarantee the maintenance of such open space in perpetuity.

D. Alternative Paving Materials: If porous paving materials are used in accord with acceptable engineering practices, then the area covered with porous paving materials shall not be counted as impervious surface.

E. Table of Impervious Surface Ratios

<u>LAND USE</u>	<u>Maximum Impervious Surface Ratio (ISR)</u>
Residential	
Low Density	0.30
Medium Density	0.40
High Density	0.50
Institutional	0.70
Outdoor Recreation	0.50
Professional Service & Office	0.60
General Commercial	0.70
High-Intensity Commercial	0.70
Public Service/Utility	0.60
Agricultural	N/A

Industrial	0.70
Mining	0.30
Preservation	N/A

The maximum impervious surface ratio is given for each type of use proposed and allowable pursuant to Article III.

F. Stormwater Permitting Requirements: Prior to the approval of a development order, all proposed developments shall receive appropriate stormwater discharge permits from the Florida Department of Environmental Regulation in accordance with Chapter 17-25, FAC, except for those developments specifically exempted by the rule.

5.01.03 Minimum Setback Requirements

A. Setback requirements will be accordance with the Code of Ordinances of the City of Port St. Joe and as previously set forth in this code.

5.02.00 BUFFERING STANDARDS/OPEN SPACE

5.02.01 General

Requirements for the provision of buffers between adjacent land uses are contained in this Section. Buffering is intended to eliminate or minimize potential nuisances such as dirt, litter, noise, light, glare, unsightly buildings, signs and/or parking areas. Buffers also reduce danger from fires or explosions, provide visual relief, and enhance community appearances.

5.02.02 Buffer Zones

- A. A buffer zone is a vegetated strip along parcel boundaries that serves as a buffer between incompatible land uses and land use districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirements.
- B. The width and degree of vegetation required depends on the nature of the adjoining uses. The standards of Subsections 3 and 4 below prescribe the required width and planting material of all buffer zones. Any level of development approval authority may modify these requirements because of unusual levels of noise or other impacts, or because of special circumstances. Any decision related to special buffering requirements may be appealed to the

next highest authority. Fencing of some uses may be required to provide additional screening and/or for safety purposes. Fencing of existing and proposed catfish ponds, swimming pools, and similar facilities to prevent inadvertent access by unattended children shall be mandatory.

- C. The standards for buffer zones are set out in the illustrations contained in Appendix V-1 which specify the number of plants required per one hundred (100) linear feet. To determine the total number of plants required, the length of each side of the property requiring a buffer shall be divided by one hundred (100) and multiplied by the number of plants shown in the illustration. The plants shall be spread reasonably evenly along the length of the buffer.
- D. The standard outlined in Appendix V-1 shall be applied between abutting parcels as set forth in the Appendix V-1.
- E. Buffering for mixed-use developments shall be based on the more intense use in the building or cluster of buildings.
- F. The minimum size of vegetation required to be planted in the buffer zones shall be as follows:

Canopy Trees:	8-feet in height 2.5 inch caliper (as measured 4-ft. from ground level)
Understory:	4-feet in height 1.5 inch caliper (as measured 2-ft. from ground level)
Shrubs:	2-feet in height (or 3-gallon container)

A partial list of acceptable species for each type of vegetation is included in Appendix V-2. The Building Inspector shall have the authority to approve or reject species not appearing in Appendix V-2.

- G. The use of existing native vegetation in buffer zones is preferred. If a developer proposes to landscape a buffer zone with existing native vegetation, a waiver from the strict planting requirements of this section may be granted, subject to review and

approval by the Building Inspector. Consideration by the Building Inspector will include whether:

1. the waiver is necessary to prevent harm to the existing native vegetation; and
2. the buffering and/or aesthetic purposes of the buffer zone are substantially fulfilled despite the variance.

H. A vegetated buffer zone must separate development activity from surface water bodies. Additionally, agriculture and silviculture activities shall be required to use Best Management Practices (BMP's) to protect surface water resources from sedimentation.

I. Responsibility for Buffer Zones:

1. The desired width of a buffer zone between two parcels is the sum of the required buffer zones of the parcels. Where a new use is proposed next to an existing use that has less than the required buffer zones for that use, an inadequate buffer zone will be tolerated, except as provided below, until the nonconforming parcel is redeveloped and brought into conformity with the buffer zone requirements of this Code. The developer of the new adjoining use is encouraged, however, to take into account the inadequacy of the adjoining buffer zone in designing the sit layout of the new development.

2. Where a multi-family residential use is proposed next to an existing non-residential use, or a non-residential use is proposed next to an existing residential use, and the existing use does not have a conforming buffer zone abutting the property proposed for development, the proposed use shall provide eighty percent (80%) of the combined required buffer zones if the provision of such lesser amount will create a buffer zone meeting one hundred percent (100%) of the combined required buffer zone of the two uses. The Building Inspector, Technical Advisory Committee, or the Planning and Development Review Board shall determine which areas may be counted as buffer zone of the existing use based on the buffering qualities of the areas.

J. Responsibility for Maintenance of Buffer Zones

It shall be the responsibility of the landowner and/or developer to maintain vegetation in the buffer zones, including the replacement of any dead vegetation as necessary.

5.02.03 Use of Required Areas

No accessory structures, garbage or trash collection points or receptacles, parking, or any other functional use contrary to the intent and purpose of this Code shall be permitted in a required buffer area. This does not prohibit the combining of compatible functions such as buffering and drainage facilities.

5.03.00 OFF-STREET PARKING, LOADING, AND TRAFFIC CIRCULATION

5.03.01 GENERALLY

Off-street parking facilities shall be required for all developments within the City of Port St. Joe pursuant to the requirements of this Code. The facilities shall be maintained as long as the use exists that the facilities were designed to serve. Nothing in this section shall be construed to require paving of parking areas except as provided for handicapped parking areas in Section 5.03.02(E).

5.03.02 REQUIRED PARKING SPACES

A. Number

The following list specifies the required number of off-street automobile parking spaces for various types of developments. When determination of the number of the off-street spaces required by this Code results in a fractional space, the fraction of less than one-half ($1/2$) may be disregarded, and a fraction of one-half ($1/2$) or greater shall be counted as one parking space.

Residential (Single Family or Duplex): Two spaces per dwelling unit.

Residential (Multi-Family): Two and one-half spaces per dwelling unit.

Schools (Elementary and Middle Schools): Two spaces for each classroom, plus one space for each employee.

Schools (High Schools): Five spaces for each classroom, plus one space for each employee.

Libraries and Community Centers: One space for each 500 square feet of gross floor area, plus one space for each two employees.

Hospitals: One space for each three beds, plus one space for each staff doctor, plus two spaces for each three employees.

Medical or Dental Clinics and Offices: Four spaces for each doctor, plus two spaces for each three employees.

Convalescent and Nursing Homes: One space for each ten beds, plus one space for each employee.

Child Care Facilities: One space for each staff member, plus one space for each ten children, located to allow for the safe and convenient loading and unloading of children.

Office Buildings: One space for each 300 square feet of gross floor area.

Theaters, and Restaurants without Drive-Up Facilities: One space for each four seats, plus two spaces for each three employees.

Churches and Funeral Parlors: One space for each five seats in the auditorium.

Restaurants with Drive-Up Facilities: One space for every 25 square feet of gross floor area, plus two spaces for each three employees.

Marina: One and one-half spaces for each boat slip.

Motels and Hotels: One space per unit, plus two spaces for each three employees.

Mini-Warehouse Facilities: One space for each ten warehouse units, plus two spaces for each three employees.

Auto Repair Garages and Filling Stations: Two spaces for each three employees, plus one space for each service bay.

Laundries: One space for each three washing machines.

Barber Shops and Beauty Parlors: One space for each chair, plus one space for each employee.

Veterinary Clinics and Hospitals: One space for each 300 square feet of gross floor area, plus two spaces for each three employees.

Health Clubs: One space for each 150 square feet of gross floor area.

Banks: One space for each 300 square feet of gross floor area.

Vehicle Sales: One space for each 400 square feet of

gross floor area devoted to sales.

Retail and Commercial Uses (other than those specifically cited):

Buildings up to 2,000 square feet: One space for each 200 square feet of gross floor area.

Buildings of 2,001-4,000 square feet: One space for each 300 square feet of gross floor area.

Buildings of 4,001-10,000 square feet: One space for each 400 square feet of gross floor area.

Buildings greater than 10,000.00 square feet: One space for each 500 square feet of gross floor area, with a minimum of 25 spaces required.

Manufacturing Facilities and Warehouses: One space for each employee on the largest shift, plus one space for each company vehicle operating from the premises.

Junkyards and Salvage Yards: One space for each employee, plus one space for each five acres.

Golf Course: Three spaces for each hole, in addition to the required spaces for restaurant and other related on-site uses.

Tennis Courts: Two spaces for each court.

Swimming Pools: One space per 200 square feet of pool surface, plus one for each 200 square feet of building area in excess of 1,000 square feet.

B. Uses not Specifically Listed in Matrix

The number of parking spaces required for uses not specifically listed in the matrix shall be determined by the development approval authority, which shall consider the requirements for similar uses and appropriate traffic engineering and planning data, and shall establish a minimum number of parking spaces based upon the principles of this Code.

C. Treatment of Mixed Uses

Where a combination of uses is developed, parking shall be provided for each use as prescribed by Section 5.03.02A.

D. Size of Parking Spaces

All parking spaces shall be a minimum of nine (9) feet in

width and eighteen (18) feet in length, with the exception of handicapped parking spaces, which are discussed in the following subsection.

E. Handicapped Parking Spaces

Any parking area to be used by the general public shall provide suitable, marked parking spaces for handicapped persons. The number, design, size and location of these spaces shall be consistent the requirements of Sections 316.1955, 316.1956, Florida Statutes, or succeeding provisions. Parking spaces required for the handicapped shall not be counted as a parking space in determining compliance with Section 5.03.02 A of this Section. All parking spaces for the handicapped shall be paved.

F. Parking for Non-Motorized Vehicles (Bicycles)

G. Redevelopment of a parcel which previously used on-street parking may continue to use on-street parking provided that the new use does not significantly increase the number of parking spaces required.

All new development, excepting single family residences, shall provide an appropriate amount of parking area for non-motorized vehicles. The development approval authority shall have discretion in determining the required amount of parking area.

5.03.03 OFF-STREET LOADING

A. Generally

Spaces to accommodate off-street loading or business vehicles shall be provided as required below.

B. Spaces Required

1. Schools, nursing homes and other similar institutional uses shall provide one (1) loading space for the first one hundred thousand (100,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional one hundred thousand (100,000) square feet or fraction thereof.

2. Auditoriums, gymnasiums, stadiums, theaters, convention centers and other buildings for public assembly shall provide one (1) space for the first twenty thousand (20,000) square feet of gross floor area or fraction thereof, and one (1) space for each addition one hundred thousand (100,000) square feet.

ARTICLE VI
SIGNS

The purpose of this Article is to regulate all aspect of signage within the City and to insure that no sign shall constitute a safety hazard. It is the intent of this Code to create a system of sign control that accommodates the needs of the community with the need for affective business advertising, identification and communication. The interest of the community is the maintenance of safe, attractive signing. It is the intent of this Article to permit signs that are compatible with their surroundings, designed, built, installed and maintained in a manner which does not endanger public safety or unduly distract motorist; located so as not to interfere or conflict with regulatory or public informational signage.

6.00.01 Definitions

ANIMATED SIGN: A sign with action or motion, with moving characters, changing colors or blinking lights, which require electrical energy, but not including wind actuated elements, such as flags or banners. This definition does not include public service signs, such as time and temperature signs.

AREA OF SIGN: The area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. For projecting or double-face signs, only one display face shall be measured in computing sign area where the sign faces are back-to-back or where the interior angle formed by the faces is sixty (60) degrees or less. If the two faces of a double-face sign of unequal area, the area of the sign shall be the area of the larger face. For painted or affixed signs on walls, the area shall be limited to twenty-five (25) percent of each wall in one (1) continuous area on each wall of the business.

BUSINESS SIGN: A sign which directs attention to a business, profession, product, service, activity or entertainment conducted, sold, or offered on the premises upon which the sign is located.

FLASHING SIGN: A sign, the illuminate of which is not kept constant in intensity at all times when in use, and which exhibits sudden marked changes in lighting effects. Illuminated signs which indicate the time, temperature, date or other public service information shall not be considered flashing signs.

FREE-STANDING SIGN: A sign which is supported by one or more columns, uprights, or braces in or upon the ground and is not attached to a building.

GENERAL ADVERTISING SIGN: A sign which directs attention to a business, product, service, activity or entertainment not

conducted, sold or offered on the premises upon which the sign is located.

IDENTIFICATION SIGN: Any sign which indicates the name of a use, owner, activity, business or enterprise, but which does not advertise products, commodities or services offered, and which is located on the same property which is identified.

PROJECTING SIGN: A sign which is attached to the building wall and which extends more than eighteen (18) inches from the face of such wall.

SIGN: Any name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, activity, person, institution or business.

WALL SIGN: A sign which is in any manner affixed to or painted on any exterior wall of a building or structure and which projects not more than eighteen (18) inches from the building or structure wall.

6.01.00 General Regulations

All signs erected, replaced, reconstructed, expanded or relocated on any property within the City shall conform to the provisions of this Article and the Southern Standard Building Code. It shall be the responsibility of the developer/owner to repair and maintain the signs.

6.01.01 Permit required

No sign shall be erected, replaced, reconstructed, expanded or relocated, except as provided for in 6.01.02, without securing a permit from the Building Inspector.

6.01.02 Exemptions

No building permit will be required for the following signs:

A. Traffic or other governmental signs, legal notices and official instruments, railroad crossing signs, danger or such temporary, emergency or non-advertising signs, as may be approved by the Building Inspector.

B. Display signs not exceeding thirty-five (35) square feet in sign area and used in connection with political campaigns or with civic non-commercial health, safety and welfare campaigns, provided that all such signs shall exhibit the date of the conclusion of the campaign, and shall be removed within fifteen (15) days following the conclusion of the campaign.

C. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.

D. Temporary construction signs placed upon work under construction, alternation or removal and not exceeding twenty-five (25) square feet in sign area.

E. One (1) unlighted business sign advertising the sale, rental or lease of the premises or property upon which said sign is located. Such sign shall not exceed six (6) square feet in sign area, and shall be removed within seven (7) days after the property has been sold, rented, or leased.

F. One (1) unlighted business sign advertising the sale, rental or lease of a subdivision. No such sign shall exceed one hundred (100) square feet in sign area. Such sign shall be removed within seven (7) days after the final parcel has been sold, rented or leased.

G. One (1) unlighted business sign advertising the sale, rental or lease of an individual lot or house within any residential district. No such sign shall exceed 2.5 square feet and shall be removed with seven (7) days after the sale, rental or lease of the property.

H. Seasonal or holiday lights and decorations.

I. Church directional signs, not exceeding five (5) square feet and not exceeding three (3) signs per church.

J. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps.

K. Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers.

6.01.03 Signs Not to Constitute a Traffic Hazard

No sign or revolving beam or beacon of light shall be erected at any location where by reason of the position, shape or color it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No permits will be issued for signs deemed to be a safety hazard by the building Inspector.

6.01.04 Prohibited Signs

Twirling, sidewalk or curb signs and balloons or other air or gas-filled figures shall only be permitted for a new business in a commercial, mixed residential/commercial, or industrial district for a period of not more than thirty (30) days after the opening of such new business. At no other time shall such devices be permitted.

6.02.00 REGULATION BY LAND USE DISTRICTS

6.02.01 Residential Districts

The following signs are permitted in residential districts:

A. Non-animated identification signs not larger than two (2) square feet in sign area.

B. Business signs for the sale or rent of property on which a sign is located as set forth above.

C. Churches may erect an identification sign which does not exceed 64 square feet in total area nor 20 feet in height. Any such sign shall be constructed so as not to constitute a safety hazard.

D. Apartment house and multiple family dwelling projects in appropriate districts may erect one non-animated identification sign no to exceed 32 square feet in area nor 15 feet in height.

E. Residential subdivision identification signs not to exceed 160 square feet in area.

F. No sign erected under this section or under this Code. All signs erected under this section or this Code shall be constructed so as not to constitute a safety hazard and shall conform with all other requirements with the sign ordinance.

6.02.02 Commercial/Industrial Districts

The following signs are permitted in Commercial and Industrial Districts:

A. Identification signs that are non-animated and are not larger than two (2) square feet in sign area.

B. Business signs not exceeding 160 square feet in sign area, and thirty-five (35) in height above grade may be located at the property line but no portion of any sign, except wall signs, may extend over the property line and further provided that a clear height of nine (9) feet from grade to bottom of the sign be maintained in areas of pedestrian traffic and sixteen (16) feet clearance be maintained where vehicular traffic is permitted. The number of separate signs permitted per business shall be limited

to the number of streets or roadways the building affronts.

C. Churches, as allowed by use in residential districts (refer to Article III), may erect one (1) identification sign not to exceed a total of sixty-four (64) square feet. The height shall not exceed twenty (20) feet. Said signs shall be constructed so as not to constitute a safety hazard and shall conform with other requirements of the sign ordinance not in conflict herewith. Special exceptions to the number and size of signs allowed may be granted on a case-by-case basis.

ARTICLE VII

CONSISTENCY AND CONCURRENCY DETERMINATIONS

7.00.00 GENERAL

7.00.01 Purpose

The purpose of this Article is to describe the requirements and procedures for determination of consistency of proposed development projects with the adopted Comprehensive Plan of the respective local governments, including meeting the concurrency requirements of the Plan.

7.00.02 Presumption of General Consistency

A development proposal shall be presumed to be consistent with the Comprehensive Plan if the proposal is found to meet all the requirements of this Code, excepting those aspects of the development addressed by the Comprehensive Plan, but not covered by this Code.

7.00.03 No Presumption In Favor of Concurrency

Notwithstanding the presumption created in Section 7.00.02, all applications for preliminary and final development orders shall demonstrate that specified public facilities will be available at adopted level of service standards concurrent with the impact of the development on those facilities. Determination of compliance with the concurrency requirement shall be through procedures described in Section 7.02.00.

7.00.04 Challenging The Consistency of a Development Proposal

The Building Inspector, other local public official or any resident of the City may question the consistency of a proposed development with the Comprehensive Plan. If a question of consistency is raised, which ever review organization is responsible for approving the issuance of a development permit shall make a determination of consistency prior to approving the request for a development permit. The determination shall be

supported with written findings.

7.00.05 Definition

CONCURRENCY: A condition where specified facilities and services have or will have the necessary capacity to maintain adopted level of service standards at the time of impact of the development project.

7.01.00 SYSTEM FOR THE MANAGEMENT OF CONCURRENCY

7.01.01 General

The following method of ensuring concurrency shall be known as the System for the Management of Concurrency (SYMCON). The SYMCON is based upon the City Comprehensive Plan, especially the respective Capital Improvements Element and adopted level of service standards. The system is designed to ensure that the issuance of a Final Development Order will not result in a degradation of the operating conditions to below adopted level of service standards for specified public facilities and services. The SYMCON also includes a monitoring system for determination of the availability of adequate capacity of public facilities and services to meet the adopted level of service standards.

7.01.02 Adopted Levels of Service Shall Not be Degraded

A. General Rule

1. All applications for development orders shall demonstrate that the proposed development does not result in degradation of operating conditions below adopted level of service standards in the City.

2. The latest point at which concurrency is determined is prior to the approval of an application for a development order or permit which contains a specific site plan for development, including densities or intensities of development.

B. Exception

Notwithstanding the foregoing, operating conditions may be degraded to below adopted level of service standards during the actual construction of new facilities, if upon completion of the new facilities the adopted level of service standards will be met and maintained.

7.01.03 Determination of Available Capacity

For purposes of these regulations, the available capacity of a facility shall be determined by:

A. Adding Together

1. The total capacity of existing facilities operating at the adopted level of service standards; and

2. The total capacity of new facilities, if any, that will become available on or before the date of occupancy of the development. The capacity of new facilities may be counted only if one or more of the following is shown:

a. Construction of the new facilities is under way at the time of issuance of the final development permit.

b. A development permit is issued subject to the conditions that the necessary facilities will be in place when the impacts of development occur.

c. The new facilities are guaranteed, by an enforceable development agreement, to be in place when the impacts of development occur. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order pursuant to Chapter 380, Florida Statutes. Such facilities shall be consistent with the Capital Improvements Element of the local government Comprehensive Plan.

d. For recreation and roads, new facilities may also be counted if the enforceable development agreement requires commencement of construction of the facilities within one year of the issuance of the applicable development permit, or if the facilities are the subject of a binding executed contract which provides for the commencement of construction of the facilities within one year of the issuance of the applicable development permit.

B. Subtracting From that Number of the Sum of

1. The total existing demand for the service or facility as documented in the local government Comprehensive Plan; and

2. The demand for the service or facility created by the anticipated completion of other approved developments, redevelopment, or other development activity.

C. Action upon Failure to Show Available Capacity

Where available capacity cannot be shown, the following methods may be used to maintain adopted level of service;

1. The project owner or developer may provide the necessary improvements to maintain adopted level of service standards. These improvements shall be concurrent with the impacts of development.

In such cases, the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve and maintain the adopted level of service standards, and recordable instruments guaranteeing the construction, consistent with calculations of capacity above.

2. The proposed project may be altered such that the projected level of service is no less than the adopted level of service.

7.01.04 Burden of Showing Compliance on Developer

The burden of showing compliance with these level of service requirements shall be upon the developer. In order to be approvable, applications for development approval shall provide sufficient information showing compliance with these standards.

7.01.05 Initial Determinations of Concurrency

The initial determination of concurrency occurs during the review of the Preliminary Development Plan, and shall include compliance with the level of service standards adopted by the City.

7.01.06 Annual Report

A. Contents

The City shall prepare an Annual Report on the SYMCON that includes;

1. A summary of actual development activity, including a summary of certificates of occupancy, indicating quantity of development represented by type and square footage.

2. A summary of building permit activity, indicating;

- a. those that expired without commencing construction;
- b. those that are active at the time of the report; and,
- c. the quantity of development represented by the outstanding building permits.

3. A summary of final development orders approved, indicating;

- a. those that expired without subsequent building permits;
- b. those that were completed during the reporting period;
- c. those that are valid at the time of the report and have associated building permits or construction activity; and
- d. the phases and quantity of development represented by the outstanding final development orders.

4. An evaluation of each facility and service indicating:
 - a. the capacity available for each at the beginning of the reporting period and the end of the reporting period;
 - b. the portion of the available capacity held for valid preliminary and final development orders;
 - c. a comparison of the actual capacity to calculated capacity resulting from approved preliminary development orders and final development orders;
 - d. a comparison of actual capacity and levels of service to adopted levels of service from the City Comprehensive Plan.
 - e. a forecast of the capacity for each based upon the most recently updated schedule of capital improvements in the Capital Improvements Element of the respective local government Comprehensive Plan.

B. Use of The Annual Report

For the purpose of issuing development orders, the SYMCON Annual Report shall constitute prima facie evidence of the public facility capacity available at the beginning of the 12-month period following completion of the annual report. Demand for facilities shall be subtracted from available capacity incrementally as individual developments are permitted throughout the year.

7.02.00 ADOPTED LEVELS OF SERVICE

Infrastructure (Sanitary Sewer, Solid Waste, Drainage, and Potable Water)

Development activity shall not be approved unless there is sufficient available capacity to sustain the following levels of service for sanitary sewer, solid waste, drainage, and potable water facilities. Levels of service for these portions of local infrastructure are established in the comprehensive plan of the City of Port St. Joe and are incorporated herein by reference.

7.02.02 Transportation System

A. Level of Service

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for roadways as established in the Traffic Circulation Element of the local government Comprehensive Plan. Levels of service for these portions of local infrastructure are established in the comprehensive plan of the City of Port St. Joe and are incorporated herein by reference.

The design and construction of roads and/or roadway improvements shall comply with accepted engineering standards and practices.

B. Determination of Project Impact

The impact of proposed development activity on available capacity shall be determined as follows:

1. For proposed developments generating less than 500 new trips per day (according to Appendix B in the Concurrency Management Procedures Manual), the Building Inspector shall determine the project impact area, the number of trips assigned to each impacted roadway, and the post-development level of service.

2. For proposed developments generating 500 or more new trips (according to Appendix B), the developer shall be responsible for conducting a Traffic Impact Analysis. The project impact area shall include all roadways located within a radius equal to the average trip length (given in Appendix B) from the project site. The analysis shall include the number of trips assigned to each impacted roadway and the post-development level of service. All assumptions used in the assignment of traffic shall be stated.

7.02.03 Recreation Facilities

Development activities shall not be approved unless there is sufficient available capacity to sustain a level of service of five (5) acres per 1,000 people for recreations facilities as established in the Recreation and Open Space Elements of the City Comprehensive Plan.

8.01.00 SUBDIVISION REGULATIONS

A. Incorporated herein by reference are the subdivision ordinances and regulations of Gulf County, Florida. Nothing required in this Article or in this Code or in the Gulf County Subdivision Regulations, shall require a developer to plat a subdivision in accordance with those regulations. However, in the event that a developer chooses to develop a platted subdivision, those regulations and ordinances shall apply. In the event there is a conflict between any provision of the Gulf County Subdivision Regulations and any other portion of this Code or the Code of Ordinances of the City of Port St. Joe then the City requirements shall apply.

9.01.00 REPEAL

Any ordinance of the City of Port St. Joe or portion thereof in conflice with the provisions of this Code are hereby repealed.

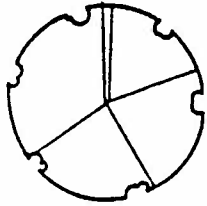
10.01.00 SEVERABILITY

If any portion of this Code is found to be unconstitutional or otherwise unenforceable all other portions of this Code shall remain in full force and effect.

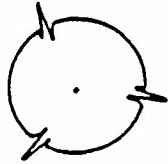
EFFECTIVE DATE: This Code shall be effective in the City of Port St. Joe upon adoption on the 21st day of September, 1993.

APPENDIX V-1

PLANT KEY



CANOPY



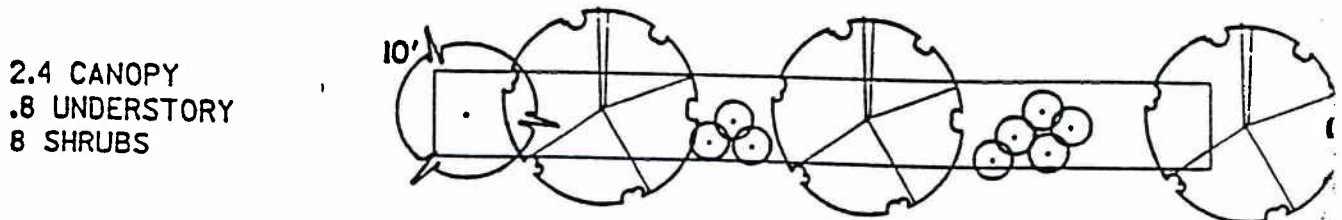
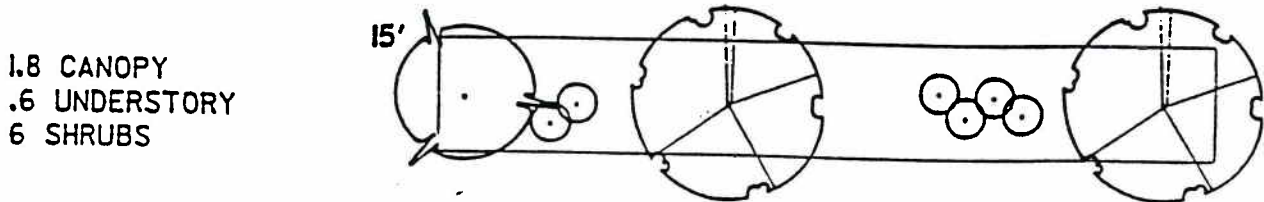
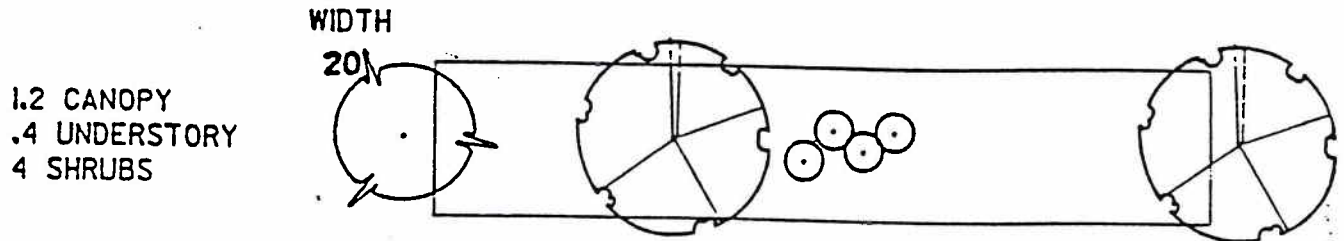
UNDERSTORY



SHRUBS

BUFFER STANDARD 'A'

PLANT MATERIAL/100'



NOTE:

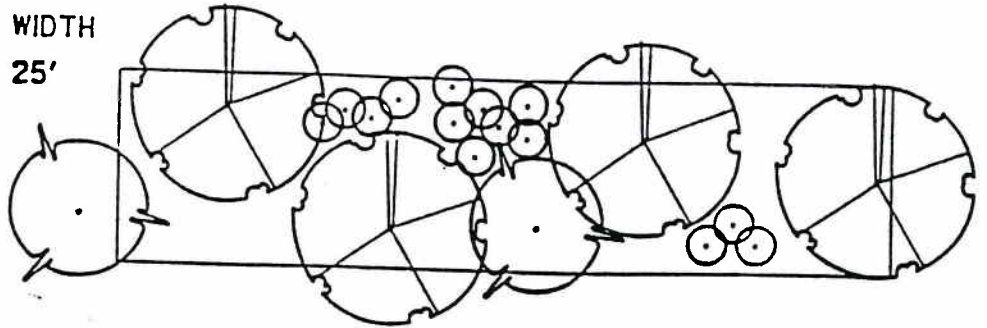
EXISTING NATIVE VEGETATION MAY BE UTILIZED IN LIEU OF STRICT ADHERANCE TO THE BUFFER PLANTING REQUIREMENTS PROVIDED ABOVE; HOWEVER, BUFFER WIDTHS MUST BE MAINTAINED AND SHOULD CONSIDER THE TYPE AND DENSITY OF EXISTING VEGETATION.

BUFFER STANDARD 'B'

PLANT MATERIAL/100'

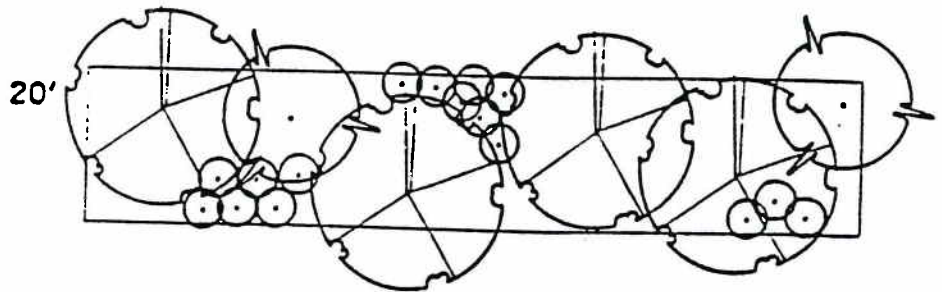
3.5 CANOPY
1.4 UNDERSTORY
14 SHRUBS

WIDTH
25'



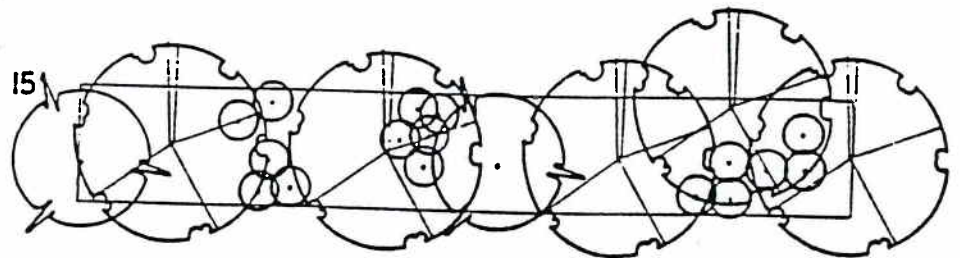
4 CANOPY
1.6 UNDERSTORY
16 SHRUBS

20'

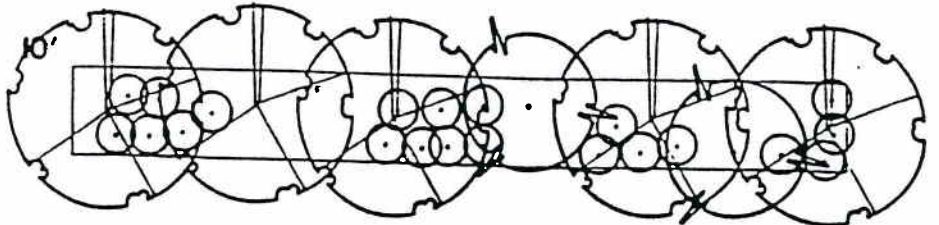


4.5 CANOPY
1.8 UNDERSTORY
18 SHRUBS

15'



5 CANOPY
2 UNDERSTORY
20 SHRUBS



NOTE:

EXISTING NATIVE VEGETATION MAY BE UTILIZED IN LIEU OF STRICT ADHERANCE TO THE BUFFER PLANTING REQUIREMENTS PROVIDED ABOVE; HOWEVER, BUFFER WIDTHS MUST BE MAINTAINED AND SHOULD CONSIDER THE TYPE AND DENSITY OF EXISTING VEGETATION.

SHRUBS

- Coralberry (Ardisia crenata)
- Common Box (Buxus sempervirens)
- Plum Yew (Cephalotaxus harringtonia)
- Southern Yew (Podocarpus macrophyllus)
- Alexandrian Laurel (Danae racemosa)
- American Cherry-Laurel (Prunus caroliniana)
- Winter Daphne (Daphne odora)
- Indian Hawthorn (Raphiolepis indica)
- Azalea (Rhododendron - any variety)
- Glossy Abelia (Abelia grandiflora)
- Saw Palmetto (Serenoa repens)
- Wintergreen Barberry (Berberis julianae)
- Flowering Quince (Chaenomeles japonica)
- Sweet Pepperbush (Clethra alnifolia)
- Datura (Datura arborea)
- Cape Jasmine (Gardenis jasminoides)
- Perennial Hibiscus (Hibiscus militaris)
- Winter Honeysuckle (Lonicera fragrantissima)
- Common Privet (Ligustrum vulgare)
- Oleander (Nerium oleander)

UNDERSTORY

Eastern Redbud	(<i>Cercis canadensis</i>)
Flowering Dogwood	(<i>Cornus florida</i>)
American Hornbeam	(<i>Carpinus caroliniana</i>)
Pecan	(<i>Carya illinoensis</i>)
Crape Myrtle	(<i>Lagerstroemia indica</i>)
Southern Wax Myrtle	(<i>Myrica cerifera</i>)
Common Pear	(<i>Pyrus communis</i>)
Cabbage Palmetto	(<i>Sabal palmetto</i>)
Weeping Willow	(<i>Salix babylonica</i>)
Florida Anise	(<i>Illicium floridanum</i>)
Star Magnolia	(<i>Magnolia stellata</i>)
Southern Red Cedar	(<i>Juniperus silicicola</i>)
Sand Pine	(<i>Pinus clausa</i>)

APPENDIX V-2

Any ordinance of the City of Port St. Joe or portion thereof in conflict with the provisions of this Code are hereby repealed.

10.01.00 SEVERABILITY

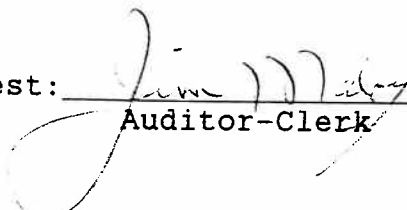
If any portion of this Code is found to be unconstitutional or otherwise unenforceable, all other portions of this Code shall remain in full force and effect.

EFFECTIVE DATE: This Code shall be effective in the City of Port St. Joe upon adoption.

THIS ORDINANCE ADOPTED this 21st day of September, 1993.

CITY COMMISSION OF PORT ST. JOE,
FLORIDA

By: 
Mayor-Commissioner

Attest: 
Auditor-Clerk

The following commissioners voted yea: Mayor-Commissioner Pate, Commissioners Williams, Tharpe, Linton and Wood.

The following commissioners voted nay: none