

ORDINANCE NO. 379

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

WHEREAS, The St. Joe Company ("Applicant") has filed an application for planned unit development approval of the Myers Park Planned Unit Development Zoning District, which will allow for a mixture of uses and is to be located on a parcel of land in The City of Port St. Joe, Florida, owned by St. Joe Timberland Company of Delaware, LLC., and which is generally described and depicted in Exhibit "A", attached and incorporated herein (the "Property"); and

WHEREAS, The Myers Park Planned Unit Development Zoning District will include residential units with a density not to exceed 5 units per gross acre of the Property, up to 150,000 square feet of commercial space (i.e. retail, office, hospitality, etc), civic uses and/or open space; and

WHEREAS, The Myers Park Planned Unit Development Zoning District is designed to provide connectivity with surrounding uses and the Port St. Joe downtown area; and

WHEREAS, The Myers Park Planned Unit Development Zoning District will be served by Lighthouse Utilities water and City of Port St. Joe sewer facilities; and

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

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

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

SECTION 1. NAME

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

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

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

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

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

Future Land Use Element Policy 1.3.3 (“The City’s development regulations will control land uses and densities of development of these land as well as provisions of mixed land use designation polices,” and “Mixed use developments will be allowed in the form of P.U.D’s...”);

## **SECTION 3. APPROVAL**

The application for establishment of the Myers Park Planned Unit Development Zoning District on the Property is hereby approved subject to the conditions in this Ordinance.

## **SECTION 4. PERMITTED USES**

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

A. Residential. Provides for single family and multi-family residential units. Density shall not exceed 5 units per gross acre of the Property.

B. Retail and Office Commercial. Provides for retail stores, personal service establishments or businesses, banking facilities, restaurants and lounges and other retail commercial uses allowed in the City, as well as professional and business offices. Retail and office Commercial uses shall be limited to a maximum of 150,000 square feet.

C. Passive Recreation. Passive recreation means recreational lands and improvements that are natural resource oriented. Passive recreational facilities include, but are not limited to

pedestrian and bike paths, storm water management facilities, fishing, docks, piers, viewing platforms, boardwalks, picnic areas, bird watching and associated ancillary structures.

D. Open Space. Open Space means lands which are designed and intended for the common use or enjoyment of the residents of the Myers Park Planned Unit Development Zoning District and their guests and may include such complementary and ancillary structures and improvements as are necessary and appropriate, including storm water management facilities active and passive parks and areas dedicated to the public.

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

F. Additional Uses. Any other similar uses which are deemed consistent and compatible with the permitted uses listed in subsections A – E above, or in accordance with permissible uses for C-1A, C-1, and C-2 Subdistricts, as shown in the Port St. Joe Code, as approved by the City Manager.

## **SECTION 5. DEVELOPMENT STANDARDS**

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

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

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

D. Within the residential use category, there shall be a minimum lot size of 2,000 square feet for single family units and no minimum lot size for multi-family units. There shall be no minimum block size, width, depth, frontage or other dimensional requirements. Flag lots are permitted

E. Within the Residential use category, maximum impervious coverage for single family units shall be 65% and multi-family units, including townhomes shall be 90%. Maximum impervious coverage for Retail and Office Commercial use categories shall be 90%. [Comp plan concerns]

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

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

H. Streets may be privately owned and maintained and shall be built in accordance with a 50 foot minimum right of way dimension, and may include one-way streets and alleyways having less than a 50 foot right of way dimension, which are illustrated on Exhibit "B". Roadway base and asphalt thickness shall be designed by a registered professional engineer taking into consideration recommendations by a geotechnical engineer for site-specific design parameters. All streets shall be inspected and certified by a registered professional engineer.

I. Signs visible from U.S. Highway 98, which are not otherwise subject to stricter standards imposed on the Property, shall be consistent with applicable City law. Offsite signage will be permissible in the Commercial Land Use district, and the maximum size of any individual sign cannot exceed 400 square feet of surface area.

J. The Myers Park Planned Unit Development Zoning District shall comply with applicable City regulations regarding on-site and off-site parking for single-family residential areas, except that on street parking will be allowed with a minimum width of on street parking of eight (8) feet, and 1.2 parking spaces per multi-family residential unit shall apply. Any other deviations to the City parking regulations may be granted by the City Manager if it is established by a parking study certified by a traffic consultant that use of different standards would be acceptable, especially in the case of the use of shared spaces for adjacent uses.

K. All construction shall meet the standards in the Florida Building Code, latest edition.

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

M. Sidewalks within the PUD zoning district may be required on only one side of residential streets

- N. No minimum height standards shall apply to street lighting.

## **SECTION 6. DEVELOPMENT PLAN/PRELIMINARY PLAT/PLAT PHASING**

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

## **SECTION 7. CREATION OF ZONING DISTRICT**

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

## **SECTION 8. AMENDMENTS TO THE MYERS PARK PLANNED UNIT DEVELOPMENT ZONING DISTRICT**

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

B. If the request is determined to be a Major Amendment, the City Manager shall refer the request to the Board of City Commissioners for review and consideration. The Board of City Commissioners shall approve, approve with conditions, or deny the request within 30 calendar days from submittal of a complete application. If the Board of City Commissioners requests additional information in writing, the time for final action on the application shall be tolled until

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

C. If the request is determined to be a Minor Amendment, the City Manager shall approve, approve with conditions, deny the request or request additional information within 15 calendar days from submittal of a complete application. The City Manager shall notify the Applicant in writing within the specified 15 days, or the request shall be deemed approved. If the City Manager requests additional information in writing, the time for final action on the application shall be tolled until the information is supplied or the Applicant in writing declines to provide the additional information. Once the Applicant supplies the additional information requested by the City Manager, or declines in writing to supply the additional information, the City Manager shall approve, approve with conditions or deny the request within the balance of the time remaining before time was tolled, or the request shall be deemed approved. The decision of the City Manager shall be based on consistency with the Code.

## **SECTION 9. ENFORCEMENT**

The City may enforce this Ordinance as authorized by law.

## **SECTION 10. OTHER ORDINANCES**

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

## **SECTION 11. ZONING MAP**

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

## **SECTION 12. SEVERABILITY**

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

SECTION 13. EFFECTIVE DATE

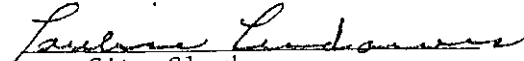
This Ordinance shall become effective as provided by law.

This Ordinance was adopted in open regular meeting after its second reading this 5th day of June, 2007, after due notice in accordance with Florida Statute Section 166.041.

THE CITY OF PORT ST. JOE BOARD  
OF CITY COMMISSIONERS



Mayor

Attest:   
City Clerk