

ORDINANCE NO.: 404 . . .

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 MARINA COVE PLANNED UNIT DEVELOPMENT ZONING DISTRICT; ADOPTING CERTAIN REGULATORY REQUIREMENTS FOR THE MARINA COVE 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 Village at Marina Cove Owners' Association, Inc., ("Applicant") has filed an application for planned unit development approval of the Marina Cove 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, which is described in the Plat of the Village at Marina Cove, recorded in the Public Records of Gulf County, Florida, at Plat Book 4, Page 48, and depicted in Exhibit "A", attached and incorporated herein (the "Property"); and

WHEREAS, the Marina Cove Planned Unit Development Zoning District will include residential units with a density of not more than 1 unit per lot as shown on the plat described above, commercial uses (i.e. retail, office, hospitality, etc.) as allowed pursuant to the Declaration of Covenants, Conditions and Restrictions, recorded in the Public Records of Gulf County, Florida, at Official Record Book 323, Page 22, as amended at Official Record Book 345, Page 638, and Official Record Book 422, Page 918.

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

WHEREAS, the Marina Cove Planned Unit Development Zoning District is served by the City of Port St. Joe water and sewer facilities; and

WHEREAS, the Marina Cove Planned Unit Development Zoning District complies 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.

WHEREAS, all uses described herein complied with the City of Port St. Joe Land Development Regulation Code as of the date of recording of the Plat, which was November 5, 2003.

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

SECTION 1. NAME.

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

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

The Board of City Commissioners hereby finds and determines that the Marina Cove 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 Marina Cove 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 Comprehensive Plan will control land uses and densities of development within the City as well as provide for mixed land use designation development policies.” “Mixed use developments will be allowed in the form of P.U.D.’s ...”).

SECTION 3. APPROVAL.

The application for establishment of the Marina Cove 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 Marina Cove Planned Unit Development Zoning District

A. Residential. Residential units shall be allowed at densities not to exceed 1 unit per lot within the subdivision.

B. Retail and Office Commercial. Retail stores, personal service establishments or business, banking facilities, restaurants and lounges and other retail commercial uses allowed in the City, as well as professional and business offices are allowed. Retail and office Commercial uses shall be limited as described in the Declaration of Restrictions, Covenants described above and the City of Port St. Joe Land Development Regulation Code.

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 and enjoyment of the residents of the Marina Cove 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 and other uses or facilities associated with the support of the permitted principal uses.

F. Additional Uses. Any 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 Land and Development Regulation 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 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.

C. The minimum setbacks shall be as shown on the Plat and in the Declaration of Restrictions and Covenants described above.

D. Residential uses shall be allowed only on the second floor of any building and no residential use shall be allowed on the 1st floor.

E. Maximum impervious surface shall be as described in the Land Development Regulation Code.

F. 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.

G. Streets may be privately owned and maintained and have been built in accordance with the Land Development Regulation Code, and may include one-way streets and alleyways. Roadway base and asphalt thickness has been designed by a registered professional engineer taking into

consideration recommendations by a geotechnical engineer for site-specific design parameters. All streets have been inspected and certified by a registered professional engineer.

H. 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 to the extent allowed by City law and the Declaration described above.

I. The Marina Cove Planned Unit Development Zoning District shall comply with applicable City regulations regarding on-site and off-site parking. Any deviations to the City parking regulations may be granted by the City Manager if it is established by a parking study certified by a traffic consultant that use of different standards would be acceptable, especially in the case of the use of shared spaces for adjacent uses.

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

K. 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 Marina Cove Planned Unit Development Zoning District.

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

M. No minimum height standards shall apply to street lighting.

N. No building within the subdivision shall contain more than two habitable floors.

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

As the City of Port St. Joe approved the Plat described above in 2003, future development within the limits of the Plat, which complies with the Declaration of Covenants, Conditions and Restrictions of the Villages at Marina Cove and this Ordinance, shall require only City Building Department Review. Any other development will be reviewed at a Level 2 Major Development as such term is defined in the Land Development Regulations.

SECTION 7. CREATION OF ZONING DISTRICT.

The purpose of this Ordinance is to create the text of the Marina Cove Planned Unit Development Zoning District. The precise location of the permitted uses will be set forth in the application for building permits.

SECTION 8. AMENDMENTS TO THE MARINA COVE 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 Marina Cove Planned Unit Development Zoning District, or (iv) substantially decrease open space.

B. If the request is determined to be a Major Amendment, the request shall proceed as a Level 2 Major Development.

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 Manger 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 Manger 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 Manger 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 Marina Cove Planned Unit Development Zoning District. The City Manager is hereby directed to revise the City of Port St. Joe Zoning Map to reflect this designation.

SECTION 12, SEVERABILITY.

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

SECTION 13. EFFECTIVE DATE.

This Ordinance shall become effective as provided by law.

This Ordinance was adopted in open regular meeting after its second reading the 6th day of May, 2008, after due notice in accordance with Florida Statute Section 166.041.

THE CITY OF PORT ST. JOE BOARD
OF CITY COMMISSIONERS

BY: 
Mayor/Commissioner

Attest: 
City Clerk

First Reading: April 15, 2008

Second Reading: May 6, 2008

Adopted: May 6, 2008