

**ORDINANCE NO. 320-561**

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

**WHEREAS**, The City of Port St. Joe ("City") has deemed it appropriate to establish a planned unit development for a mixed-use community ("Port St. Joe Marina Planned Unit Development Zoning District") to be located on a parcel of land which is legally described in Exhibit "A", attached and incorporated herein ("Property"); and

**WHEREAS, The Port St. Joe Marina Planned Unit Development Zoning District was adopted by the City of Port St. Joe by Ordinance No. 320 on July 6<sup>th</sup>, 2005; and**

**WHEREAS**, The Port St. Joe Marina Planned Unit Development Zoning District is intended to consist of a mix of uses, including residential, marina, **hotel**, and commercial, all of which are located in the downtown area; and

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

**WHEREAS**, Port St. Joe Marina Planned Unit Development Zoning District will be served by City water and sewer facilities; and

**WHEREAS**, Port St. Joe Marina Planned Unit Development Zoning District will comply with the all applicable stormwater management requirements for the Property; and

**WHEREAS**, The City of Port St. Joe Comprehensive Plan (Future Land Use Policy 1.3.3), allows 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 Port St. Joe Marina 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 Port St. Joe Marina Planned Unit Development Zoning District is consistent with the goals, objectives and policies of the City of Port St. Joe Comprehensive Plan, including but not limited to Future Land Use Element Policy 1.3.3 (**The City's Comprehensive Plan will...provide for mixed land use designations and development policies**), (~~"Mixed use developments will be allowed in the form of P.U.D.'s"~~), Objective 1.4 (The City will discourage urban sprawl and encourage redevelopment and renewal of blighted areas....") and its supporting Policy 1.4.1 ("Emphasis will be placed by the City in activities which will assist in revitalizing the downtown area") and others, which encourage and promote mixed use projects, including planned unit developments, redevelopment of blighted areas and development in downtown Port St. Joe.

## SECTION 3. APPROVAL

The establishment of the Port St. Joe Marina Planned Development Zoning District on the lands legally described in Exhibit "A", which is attached hereto and incorporated herein by this reference, is hereby approved subject to the conditions in this Ordinance.

## SECTION 4. PERMITTED USES

The following uses shall be principal permitted uses within all areas of the Port St. Joe Marina Planned Unit Development Zoning District:

A. Residential. Provides for single family and multi-family residential units. Density shall not exceed ~~seven (7)~~ **fifteen (15)** units per gross acre of the Port St. Joe Marina Planned Unit Development Zoning District.

B. Marina. Provides for marina uses including wet slips, dry slips, boat storage, fuel storage, pumping facilities and accessory and ancillary marina facilities. Density is limited to a total of ~~199~~ **300** boat slips (wet and dry).

C. Commercial. Provides for commercial use, including but not limited to, restaurant ~~and ship store marina store, and marina club~~ use and accessory and ancillary commercial facilities.

**D. Hotel. Provide transient accommodations to the general public and may provide accessory services, such as restaurants, lounges, retail sail of sundries, meeting rooms and recreation activities. The number of room shall not exceed 150.**

E. ~~Active Recreation~~ Recreation. Active recreation means recreational lands and improvements that are facility oriented which may require equipment and take place at prescribed places, sites or fields. **Passive recreation means recreational lands and improvements that are natural resource oriented. Passive recreational facilities include, but are not limited to hiking, nature and bike trails, stormwater management facilities, docks, piers, viewing platforms, boardwalks, picnic areas and bird watching.**

F. Open Space. Open space means lands, not individually owned or dedicated for public use, which are designed and intended for the common use or enjoyment of the residents and their guests of the Port St. Joe Marina Planned Unit Development Zoning District and may include such complementary structures and improvements as are necessary and appropriate.

~~G. Passive Recreation. Passive recreation means recreational lands and improvements that are natural resource oriented. Passive recreational facilities include, but are not limited to hiking, nature and bike trails, stormwater management facilities, docks, piers, viewing platforms, boardwalks, picnic areas and bird watching.~~

~~H. Open Space. Open space means lands, not individually owned or dedicated for public use, which are designed and intended for the common use or enjoyment of the residents and their guests of the Port St. Joe Marina Planned Unit Development Zoning District and may include such complementary structures and improvements as are necessary and appropriate.~~

G. Permitted Accessory and Ancillary Uses. The following shall be accessory permitted uses within all areas of the Port St. Joe Marina Planned Unit Development Zoning District: Uses of land customarily incidental and subordinate to one of the permitted principal uses, including but not limited to a sales center, parking facilities and other uses or facilities associated with the support of the permitted principal uses.

## SECTION 5. DEVELOPMENT STANDARDS

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

B. All development within the Port St. Joe Marina Planned Unit Development Zoning District 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 reviews of all preliminary and final plats.

C. The minimum setbacks for single family residential units shall be 10 feet from road rights of way and 5 feet from other property lines. There shall be no minimum setbacks for multi-family residential units. Minimum setbacks for single family and multi-family residential unit 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. Balconies, overhangs, steps, stairs, eaves and bays will be allowed in the setbacks. All setbacks, common open space, balconies, overhangs, steps, stairs, eaves, bays, garage collection areas, loading zones, and all other designed areas will be shown on the plat and site plan.

D. There shall be a minimum lot size of 2,500 square feet for single family residential units and no minimum lot size for multi-family residential units. There shall be no minimum block size, width, depth, frontage or other dimensional requirements. Flag lots are permitted.

E. Maximum impervious coverage for single family residential units shall be 65% and for multi-family residential units shall be 90%. Within the Commercial and Marina use category, there shall be no maximum impervious coverage.

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 stormwater management system will be designed to comply with the standards of Chapter 62-25**330**, F.A.C. and all other applicable regulations.

~~H.~~ Streets may be privately owned and maintained and shall be built in accordance with standards and specifications as reasonably approved by the City. Roadway base and asphalt thickness shall be designed by a registered professional engineer taking into consideration recommendations by a geotechnical engineer for site-specific design parameters. All streets shall be inspected and certified by a registered professional engineer. Before the City will accept and maintain any streets within the Port St. Joe **Marina** Planned Unit Development Zoning District, they must be constructed in accordance with the City standards applicable throughout the City at the time of acceptance. The City will maintain all currently platted and built city streets in the PUD area. Additionally, the City will maintain the **existing road and parking within Clifford Sims Park.** ~~road to be constructed in the park area adjacent to the lowdocks.~~

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

**J.** The Port St. Joe Marina Planned Unit Development Zoning District shall comply with applicable City regulations regarding on-site and off-site parking, ~~except that d~~ Deviations to the City parking regulations may be granted by the City 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. **The number of required parking spaces per boat slip shall be 1 space for each 5 wet/dry boat slips.**

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 ("Code"), as well as any other provisions with respect to buffer zones shall not apply to any portion of the Port St. Joe Marina Planned Unit Development Zoning District.

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

The Port St. Joe Marina 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 for review. Applicants may obtain simultaneous approval of the preliminary plat, development order and development permit approval 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 Port St. Joe Marina 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 Port St. Joe Marina Planned Unit Development Zoning District may be developed by separate parties. The specific nature of the Port St. Joe Marina 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 TEXT OF THE PORT ST. JOE MARINA PLANNED UNIT DEVELOPMENT ZONING DISTRICT PUD**

A. Requests for an amendment to the 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 10%, (ii) change the amount of retail or office square footage by more than 20%, (iii) add land uses not contemplated by the Port St. Joe Marina 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 60 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 City of Pott St. Joe Comprehensive Plan and the Code.

C. If the request is determined to be Minor Amendment, the City Manager shall approve, approve with conditions, deny the request or request additional information within 45 days from submittal of a complete application. The City Manager shall notify the Applicant in writing within the specified 45 days. 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. The decision of the City Manager shall be based on consistency with the City of Port St. Joe Comprehensive Plan and 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 Port St. Joe Marina Planned Unit Development Zoning District. The City is hereby directed to revise the City of Port St. Joe Zoning Map to reflect this designation.

#### **SECTION 12. SEVERABILITY**

The provisions of the Ordinance are hereby declared to be severable. If any revision 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 ~~6th day of July, 2005~~, 1<sup>st</sup> day of October, 2019, after due notice in accordance with Florida Law.

ATTEST:

BOARD OF CITY COMMISSIONERS OF  
PORT ST. JOE, FLORIDA



Charlotte M. Pierce, City Clerk



Rex Buzzett, Mayor

APPROVED AS TO FORM:



Adam Albritton, City Attorney