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## **ARTICLE I. GENERAL PROVISIONS**

### **Sec. 1.00. 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."

### **Sec. 1.01. Authority.**

This Code is enacted under the authority of F.S. § 163.3202, the Charter of the city effective 1951 and the general powers set forth in F.S. ch. 166.

### **Sec. 1.02. Applicability.**

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

(1) 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.

(2) 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.

### **Sec. 1.03. Definitions.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

*"A" frame or sandwich sign:* A sign so named because of the inverted v-shaped structure and utilization of copy on both sides, facing opposite directions. These signs are usually painted on wood or metal surfaces and resting on the ground, with no permanent attachment.

*Abandoned (discontinued) sign:* A sign that no longer identifies or advertises a bona fide business, lesser service, owner, product, or activity, time of event passed, and/or legal owner can be found. This definition shall also include any sign structure that no longer supports the sign for which it was designed.

*Accessory sign:* see incidental sign.

*Accessory structure* (Appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

*Accessory use:* A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel.

*Advertising:* Sign copy (words or symbols) intended to directly or indirectly promote the sale of use of a product, service, commodity, entertainment, or real or personal property.

*Advertising device:* Any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property. For purposes of the Article, an advertising device is a sign.

*Affordable housing programs policies and procedures:* Administrative policies and procedures approved by the city commission for the implementation of this ordinance.

*Affordable housing unit:* Housing built with funding from federal, state, local or private resources and designated for affordable housing for moderate, low and very low income households (as hereinafter defined).

*Affordable owner occupied housing unit:* A dwelling unit for which the mortgage payment (including principal, interest, taxes and insurance) does not exceed thirty (30) percent of the gross income of the households that meet the income criteria and also meet the other requirements of the city's affordable housing programs.

*Affordable renter occupied housing unit:* A dwelling unit for which the rental payment does not exceed thirty (30) percent of the gross income of the households that meet the income criteria and also meet the other requirements of the city's affordable housing programs.

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

*Animated sign:* A sign with sound, action, motion, changing colors, flashing lights, or moving characters. Such signs may require electrical energy, but shall also include wind-activated devices including, but not limited to, spinners, aerial devices, and other attention-getting devices. This definition does not include rotating sign the revolve no faster than five (5) revolutions per minute or electronic message boards. Also included in this definition are signs that emit or utilize in any manner any sound capable of being detected on any traveled road or high way by a person with normal hearing and signs that emit smoke, vapor, particles, or odors.

*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).

*Appeal* means a request for a review of a decision or interpretation of any provision of this ordinance or a request for a variance.

*Area of shallow flooding* means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard* is the land in the floodplain within a community subject to a one- percent or greater chance of flooding in any given year. This term is synonymous with the phrase "special flood hazard area."

*Attached sign:* Any sign attached to any part of a building, as contrasted to a freestanding sign.

*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.

*Awning:* A roof-like cover that projects from the wall of a building or the purpose of shielding a doorway, walkway, or window from the elements. Awnings are often made of fabric or flexible plastic supported by a rigid frame, and may be retracted into the face of the building.

*Awning or canopy sign (a type of projecting sign):* See Building Sign.

*Balloon (as signage):* Any device that is supported by air pressure or inflated with air or gas that is used to attract the attention of the public, whether or not it displays any specific advertising message.

*Banner:* A sign other than a flag, which is temporary in nature and made of paper, cloth, thin plastic, or similar lightweight material. A banner is not a streamer or pennant.

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood” and the “regulatory flood”). Base flood is the term used throughout this ordinance.

*Base Flood Elevation* means the water-surface elevation associated with the base flood.

*Basement* means that portion of a building having its floor sub-grade (below ground level) on all sides.

*Bench sign:* An advertising message on any portion of a public bench.

*Billboard:* A freestanding sign, distinguished from a real estate directional sign or semi-public directional sign, that carries a noncommercial message or commercial message not pertaining to use or activity on the site on which it is located.

*Blade sign (a type of projecting sign):* See Building Sign.

*Boardinghouse:* Any dwelling in which two or more persons either individually or as families are housed or lodged for hire, with or without meals.

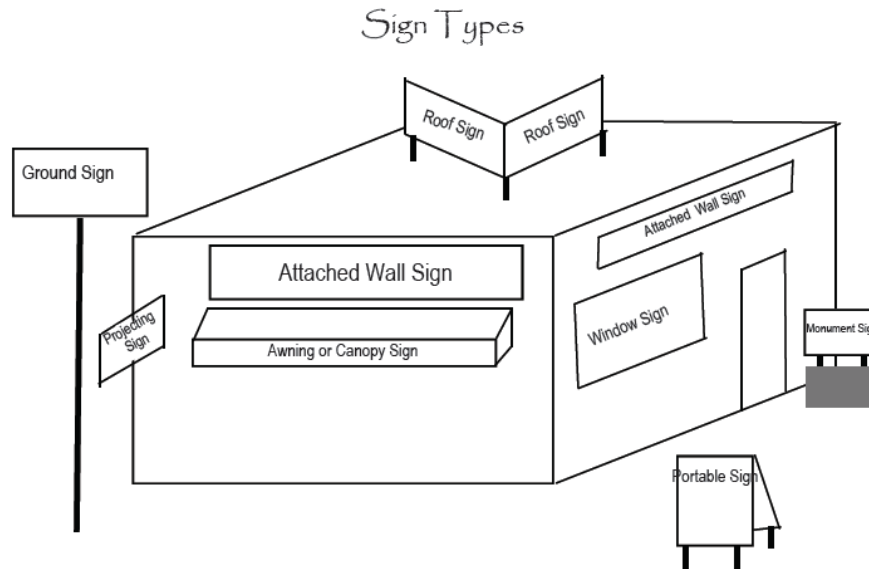
*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

*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 eaves.

*Building sign:* A sign that in any manner is fastened to, projects from, or is placed or painted upon the exterior wall, canopy, awning, window, door, or roof of a building. The term building sign includes but is not limited to the following:

Awning or canopy sign: A sign imposed or painted upon or suspended beneath an awning or canopy (see illustration)



**Blade sign:** A sign suspended from the lower edge of a canopy or awning.

**Facade or wall sign:** A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building and extends from the surface of the wall no more than 18 inches.

**Incidental (accessory) sign:** An announcement or other display providing information about the occupancy or conduct of business permitted on a premises, such as logos of credit cards accepted on the premises, hours of operation, a "closed" or "open" sign, emergency contact person name and telephone number, street address, "help wanted", "no loitering or solicitations", security system notices, notices require by law, and similar information.

**Projecting sign:** A sign attached to and projecting from the wall of a building and not in the same plane as the wall, including canopy/awning signs and blade signs.

**Roof sign:** A sign that is mounted on, applied to, or otherwise structurally supported by the roof of a building; or any building sign that extends above the top edge of the parapet or eaves of a flat or shed roof; ridge live of a gable, hip, or gambrel roof; or the deck line of a mansard roof.

**Window sign:** A sign that is placed on or behind a window pane and intended to be viewed from outside the building.

**Changeable message sign:** Any sign on which the message changes more rapidly than once every six (6) hours.

**City:** The City of Port St. Joe, Florida

**Coastal high hazard area (CHHA):** means areas below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model as defined in Section 163.3178(2)(h), Florida Statutes and depicted on the adopted Future Land Use Map Series, Map 9. For purposes of sections 4.17-4.22

regarding floodplain management issues, the CHHA means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-V30, VE, or V.

*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.

*Construction sign:* A sign identifying the contractors, engineers, architects or financial institutions involved in the building construction or development of a property.

*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.

*Datum* means a reference surface used to ensure that all elevation records are properly related. Many communities have their own datum that was developed before there was a national standard. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.

*Density or gross density:* The total number of dwelling units divided by the total site area.

*Density bonus unit:* A unit as a result of an increase in density permitted above the per acre density established by the City of Port St. Joe Comprehensive Plan, including the certified Future Land Use Map (FLUM) and the Land Development Regulations.

*Derelict sign:* A sign that is dilapidated or in such condition as to create a hazard or nuisance, or to be unsafe or fail to comply with the Building or Electrical Cods of the City of Port St Joe.

*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.

*Development or development activity:* Includes any of the following activities:

- (1) Construction, clearing, filling, excavating, grading, paving, dredging, mining and/or other similar activities.
- (2) 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.
- (3) Erection of a permanent sign unless expressly exempted hereinafter.
- (4) Changing the use of the site so that the need for parking is increased.
- (5) Construction, elimination or alteration of a driveway onto a public street.

*Development order:* An order granting, denying or granting with conditions an application for approval of a development activity. A distinction is made between a development order and a building permit. A development order is the city authorization of a proposed development project. Such authorization must be granted by the city prior to issuance of a building permit by the city as defined for purposes of these regulations. (The development order authorizes the project, whereas the building permit authorizes specific components of the project, such as building construction, sign installation and the like). For purposes of these regulations, the development plan approval or preliminary plat approval is the development order.

*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.

*Development plan:* A development plan is the application for a development order which includes all information required by the building inspector, TAC, PDRB or the board of city commissioners complying with section 2.06 and shall include data and analysis demonstrating that levels of service set forth in the comprehensive plan for all areas required by the plan shall be maintained.

*Directory Sign:* Any sign that displays exclusively the names, logos, and locations of occupants or uses of a building or commercial complex. No advertising other than name, logo and locations of occupants or use is included.

*Directory sign for multi-tenant development:* A sign distinguished from a project entrance sign, which is allowed on a premise with more than one tenant or occupants of a building, and which is necessary to find tenants within the development once a patron enters the property. It may be freestanding or a building (wall) sign. Such signs are not visible from the public street right-of-way of a development which provides initial access to the property, but rather are located within the development, along a driveway, access way, or parking aisle. These signs are distinguished from project entrance signs.

*Discontinued sign:* A freestanding or building sign that no longer is used by an active business or establishment at that location.

*Double-faced sign:* A sign that has two (2) display areas against each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where one face is designed to be seen from one direction, and the other face from the opposite direction.

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

*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.

*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 336 square feet, designed and intended to be used as the temporary abode of transients and seasonal occupants.

*Electric sign:* Any sign containing electric wiring.

*Electronic message board:* A type of sign that presents its message through internal illumination of flashing, intermittent, or moving lights forming the letters, number, or symbols of the message, whether or not the message appears to move across the sign face.

*Eligible household:* A household that qualifies for participation in an affordable housing program as designated in this article. Priority will be given to persons who work in the city limits prior to the date of application for an affordable unit and who qualify to participate in one (1) of the city's affordable housing programs.

*Elevated building* means a non-basement building built to have the lowest floor elevated above the ground level by foundation walls, posts, piers, columns, pilings, or shear walls.

*Encroachment* means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

*Environmentally sensitive lands* means areas of land or water which are determined necessary by the City, based on locally determined criteria, to conserve or protect natural habitats and ecological systems such as ground and surface waters, wetlands, wellhead protection areas, floodplain and listed animal and plant species and their habitats.

*Erect*: To build, paint, construct, reconstruct, attach, hang, suspend, place or affix.

*Existing Construction* means, for the purposes of floodplain management, structures for which “the start of construction” commenced before the date of the initial Flood Insurance Rate Map (FIRM). Existing construction, means for the purposes of determining rates structures for which the “start of construction” commenced before *the effective date of the first FIRM or before June 15, 1983, for FIRMs effective before that date*. This term may also be referred to as “existing structures”.

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Facade*: The face of a building that is visible to the public.

*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.

*Festoons*: A string of ribbons, tinsel, small flags, pennants, or pinwheels.

*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.

*First time home buyer*: A household in which no person has had ownership of a residence within the past three (3) years.

*Flag*: A piece of cloth or flexible material varying in size, color and/or design that carries symbols, emblems, words, or numbers of an institution, organization, or business, or person.

*Flashing sign*: See animated sign.

*Flood or flooding* means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a) (2) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

*Flood Boundary and Floodway Map (FBFM)* means the official map of the community on which the Federal Emergency Management Agency (FEMA) has delineated the areas of special flood hazard and regulatory floodways.

*Flood Hazard Boundary Map (FHBM)* means an official map of the community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as only Approximate Zone A.

*Flood Insurance Rate Map (FIRM)* means an official map of the community, issued by FEMA, which delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood Insurance Study (FIS)* is the official hydraulic & hydrologic report provided by FEMA. The study contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FHBM (where applicable), and other related data and information.

*Floodplain* means any land area susceptible to being inundated by water from any source (see definition of "flooding").

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

*Floodplain Administrator* is the individual appointed to administer and enforce the floodplain management regulations of the community.

*Floodplain management regulations* means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power which control development in flood-prone areas. This term describes Federal, State of Florida, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

*Floodproofing* means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*Floodway fringe* means that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

*Freeboard* means the additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, bridge openings and hydrological effect of urbanization of the watershed that could contribute to flood heights greater than the height calculated for a selected frequency flood and floodway conditions.

*Freestanding sign*: See principle freestanding sign.

*Free of Obstruction* means any type of lower area enclosure or other construction element that will obstruct the flow of velocity water and wave action beneath the lowest horizontal structural member of the lowest floor of an elevated building during a base flood event is not allowed. This requirement applies to the structures in velocity zones (V-Zones).

*Frontage*: The length of the property line of any one (1) parcel along a street on which it borders.

*Full-cutoff, light fixture*: A light fixture designed such that no light is projected at or above a 90-degree plane running through the lowest point on the fixture where the light is emitted and less than ten percent of the rated lumens are projected between 90 degrees and 80 degrees.

*Functionally dependent use* means a use that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

*Gross floor area*: The sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls (or from the centerline of a wall separating two buildings but not including interior parking spaces or any space where the floor-to-ceiling height is less than six feet).

*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.

*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.

*Hardship* as related to variances from this ordinance means the exceptional hardship associated with the land that would result from a failure to grant the requested variance. The community requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

*Highest adjacent grade* means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

*Historic Structure* means any structure that is:

a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:

b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district:

c) Individually listed on the Florida inventory of historic places, which has been approved by the Secretary of the Interior; or

d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By the approved Florida program as determined by the Secretary of the Interior, or

2. Directly by the Secretary of the Interior.

*Holiday Decorations:* Signs or displays, including lighting, that are a non-permanent installation celebrating national, state, and local holidays.

*Home occupation or business:* Any occupation with which there is kept no stock in trade nor commodities sold upon the premises, no person employed other than a member of the immediate family residing upon the premises, and no mechanical equipment except such as is necessary for the particular occupation authorized; limited however, to such equipment the operation of which does not create any noises or sound that will affect the occupants of the adjoining property and in connection of which there is no sign or display that will indicate from the exterior that the building is being utilized in whole and in part for any purpose other than that of a dwelling.

*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.

*Household:* One (1) person living alone or two (2) or more persons sharing residency whose income is considered for the affordable housing program.

*Illegal (unlawful) sign:* Any sign erected or maintained in violation of a preceding ordinance or erected, altered, moved, or replaced in violation of this article.

*Illuminated sign:* A sign illuminated in any manner by an artificial light source.

Externally illuminated sign: A sign illuminated by an external light source directed primarily toward such sign.

Internally illuminated sign: A sign containing a light source that is recessed or contained within the element of the sign.

*Inclusionary housing plan:* The plan submitted by the developer as part of site plan approval that, at a minimum, designates the number of inclusionary units within the residential development.

*Inclusionary unit:* A housing unit offered to eligible households and restricted by covenants.

*Inflatable sign:* A sign or advertising device that is intended to be expanded by air or other gas for its proper display or support.

*Intensity:* an objective measurement of the extent to which land may be developed or used, including the consumption or use of the space above, on or below ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities or services.

*Interlocal Agreement for Public School Facility Planning:* Agreement entered between the Gulf County Board of County Commissioners, the Cities of Port St Joe and Wewahitchka Commissioners and the School Board of Gulf County to establish specific ways in which the plans and processes of the district school board and the local governments are to be coordinated,

*Large-scale, commercial-retail building:* A commercial building whose total gross building area, including outdoor display and sales areas, is equal to or exceeds 25,000 square feet. For determining building area, buildings located closer than 20 feet apart shall be considered one building.

*Large-scale, commercial-retail, development project:* A commercial development project where the project is developed as a common plan of development and contains a large-scale, commercial-retail building.

*Loading space:* A space on the lot or parcel of land accessible to an alley or street not less than ten feet in width, 20 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 Code. For the purpose of this Code 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 coverage:* The percentage of coverage of a lot by building or impervious surface obtained by dividing the impervious surface area by the gross area of the lot.

*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, double frontage:* A lot having a frontage on two non-intersecting street, as distinguished from a corner lot.

*Lot, interior:* A lot other than a corner lot.

*Lot lines:* The lines bounding a lot.

*Lot of record:* A lot which is a part of a subdivision, the map of which has been recorded in the public records or a designated parcel of land established in the county official records books by unrecorded plat on file or as otherwise allowed by law.

*Low income:* Household income fifty-one (51) percent up to eighty (80) percent of the median income of Port St. Joe, Florida and adjusted for household size.

*Lowest adjacent grade* means the lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the non-elevation design standards of this ordinance.

*Major development:* A development shall be designated as a major development if it satisfies one or more of the following criteria:

- (1) The development is a residential project of five or more dwelling units.
- (2) The development involves 5,000 square feet or more of nonresidential gross floor area.
- (3) Any development that requires a variance from zoning restrictions as set forth hereinafter.
- (4) Any development that involves the subdivision of land.
- (5) Any development that the building inspector designates as a major development. Considerations for designation as a major development may include:

- a. The proposed development is a part of a larger parcel for which additional development is anticipated that when aggregated with the project in question exceeds the limits set forth above; or
- b. The proposed development should be more thoroughly and publicly reviewed because of its complexity, hazardousness, or location.

(6) All major development proposals require review by the technical advisory committee (TAC). The TAC may approve major development proposals classified as level 1. TAC action on a level 1 development proposal shall be forwarded to the building inspector for permit issuance or denial. Major developments having significant community impacts, or those which the TAC believes should be publicly reviewed, shall be classified as a level 2 major development and must be sent to the PDRB for review and recommendations to the board of city commissioners. Approval of level 2 major developments shall be the responsibility of the board of city commissioners. All other major development shall be classified as a level 1 major development.

*Mangrove Stand* means an assemblage of mangrove trees which are mostly low trees noted for a copious development of interlacing adventitious roots above ground and which contain one or more of the following species: Black mangrove (*Avicennia Nitida*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia Racemosa*); and buttonwood (*Conocarpus Erecta*).

*Manufactured home* means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*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.

*Market rate unit:* A unit in a residential development other than an affordable housing unit.

*Market value* means the building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on income approach), Actual Cash Value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.

*Marquee:* A structure projecting from and supported by a building that extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance, or other pedestrian way.

*Mean Sea Level* means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, or North American Vertical Datum (NAVD) of 1988.

*Median income:* Median income is determined by the Department of Housing & Urban Development for Gulf County, and is updated annually.

*Menu (portable) sign:* A portable sign, whether "A" or "T" framed, temporarily located on publicly owned lands or easements or inside street right-of-way.

*Minor development:* A development shall be designated as a minor development if it is a residential project of four or less dwelling units or involves less than 5,000 square feet of nonresidential gross floor area and does not meet the requirements of a major development.

*Moderate income:* Household income eighty one (81) percent to one hundred twenty (120) percent of the median income of Port St. Joe, Florida, and adjusted for household size. Moderate income may also be defined as workforce income.

*Multi-face sign:* A sign structure that contains two or more sign face surfaces that are located on different sides of the structure and are separated from each other at their nearest point by no more than three feet.

*Multi-tenant development:* A single office, commercial or industrial property that is designed or intended for occupancy by two or more businesses, or a multi-family residential development.

*Mural:* Any picture or graphic, noncommercial in nature, not advertising a product or service, painted on or attached to an exterior wall or surface. The subject matter of a mural is expressed by means of a public symbolism easily understood by a general audience.

*National Geodetic Vertical Datum (NGVD) of 1929* means a vertical control used as a reference for establishing varying elevations within the floodplain.

*Neon lighting or outlining:* A sign, display, or installation outline windows, doors, or other portions of the building which is composed of one or more discharge lamps in which the gas contains a large proportion of neon, giving it a fluorescent or extremely bright color.

*New Construction* means, for floodplain management purposes, any structure for which the “start of construction” commenced on or after the effective date of the initial floodplain management code, ordinance, or standard based upon specific technical base flood elevation data that establishes the area of special flood hazard – include only one date. The term also includes any subsequent improvements to such structures. For flood insurance rates, structures for which the start of construction commenced on or after the effective date of the date of an initial FIRM or after December 31, 1974, whichever is later – include only one date, and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management code, ordinance or standard.

*Nonconforming sign:* A nonconforming sign is a sign that was lawfully erected and maintained prior to the adoption, revision or amendment of the Land Development Regulations, and which by reason of such adoption, revision or amendment fails to conform to all applicable regulations and restrictions of this Land Development Regulation

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

*North American Vertical Datum (NAVD) of 1988* means a vertical control used as a reference for establishing varying elevations within the floodplain.

*Off-premises sign:* Any sign, including but not limited to those listed herein, normally used for promoting a business, individual, products, or service available on the premises other than the premises where the sign is located.

*Official sign:* Any sign placed by a governmental body, governmental agency, or public authority, such as a traffic sign, signal, or regulatory device or warnings: official emblem, public notice, or official instrument; a sign of historical interest; a sign designation special events or areas of architectural or historic significance or gateways; or other similar sign or device, and which are erected and controlled by such governmental body or on its behalf, whether or not located within a public right-of-way.

*Onsite directional sign:* Signs within the premises that direct traffic or pedestrians and contain no additional advertising and do not interfere with traffic or pedestrian patterns or threaten health or safety.

*Open space* means undeveloped lands suitable for passive recreation or conservation uses.

*Outdoor, light fixtures:* All outdoor, illuminating devices, reflective surfaces, lamps, and other devices, either permanently installed or portable, which are used for illumination or advertisement.

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

*Parcel:* A unit of land within legally established lines.

*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.

*Pennant:* A small, triangular or rectangular flag or multiples thereof, made of lightweight plastic, fabric, or other material, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to building, or between poles and/or structures, and which is designed to move in the wind. For purpose of the Article, pennants are signs. This term does not include a banner or flag as defined and regulated by the Article.

*Per diem:* Each day or for each day.

*Permanent sign:* Any sign designed, constructed, and intended for more than short-term use of more than thirty (30) days.

*Planning and development review board (PDRB):* The board is appointed by members of the city commission of the city. The PDRB is designated as the local planning agency and performs the functions and duties described in the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 (F.S. § 163.3161 et seq.).

*Political sign:* A sign identifying or urging voter support for a particular election issue, political party, or candidate for public office.

*Portable sign:* A sign designed to be transported or easily relocated and not attached to the ground, such as but not limited to the following:

A sign designed to be temporarily placed upon the ground and not otherwise affixed to it.

A sign mounted or painted upon a vehicle or trailer, with or without wheels, which vehicle or trailer is designed or used for the primary purpose of acting as a sign.

An A-frame or sandwich board sign.

An umbrella used for advertising.

A sign mounted or painted upon a parked vehicle that is positioned for the primary purpose of acting as a sign exposed to the public and is not in use in the ordinary course of carrying out its transportation function.

Any sign mounted or painted upon a vehicle that projects or extends beyond the original manufactured body proper of the vehicle, except that a vehicle may have one sign not exceeding two (2) feet in width and not exceeding one (1) foot in height mounted temporarily or permanently on the roof of a vehicle.

*Premises:* An area of land occupied by the buildings or other physical uses that are an integral part of the activity conducted upon the land and such open spaces as are arranged and designed to be used in conjunction with that activity.

*Primary residence:* The legal residence of the household and qualifies for homestead exemption, if an owner occupied unit.

*Principle freestanding sign:* The main freestanding sign on a property, other than a billboard, permanently attached to the ground which is wholly independent of any building or other structure and supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes a pole graphic and a monument graphic and has supports constructed with brick, stone, and/or other material architecturally compatible with the principal building on the lot in which the sign is located.

The term "principle freestanding sign" includes but is not limited to the following:

*Monument sign:* A ground graphic in which the entire bottom of the sign face is in contact with a solid and continuous structure which is attached to the ground and made of brick, stone, or other material architecturally compatible with the principal building on the lot to which it pertains.

*Pole sign:* A sign that is mounted on a freestanding pole or similar support such that the bottom of the sign face is at least six (6) feet about the ground.

*Program deficiency* means a defect in the community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards required by the National Flood Insurance Program.

*Project entrance sign:* A sign located at a discernible entrance into a particular subdivision, multi-family residential development, or office or industrial park.

*Projecting sign:* See building sign.

*Protected wellhead:* Those wellheads, located within the city, which supply potable water for public consumption

*Public right-of-way:* A right of passage by the public over the surface of the land without impediment, including but not limited to public sidewalks and roadways open to all traffic.

*Public safety and nuisance* means anything which is injurious to safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

*Real estate sign:* A sign pertaining to the temporary lease, sale or rental of a parcel of land, subdivision or unit of land, building or portion thereof, or housing unit.

*Recreational vehicle* means a vehicle that is:

- a) Built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;
- c) Designed to be self-propelled or permanently towable by a light duty truck; and
- d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Rectilinear:* An area formed or enclosed by straight lines to create a rectangle.

*Regulatory floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*Remedy a deficiency or violation* means to bring the regulation, procedure, structure or other development into compliance with State of Florida, Federal or local floodplain management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

*Residential development:* A development at one (1) location of any single family, duplex, townhouse, condominium dwelling, or other residential unit in residential or mix-use developments. Residential development shall include the conversion of rental housing to condominiums or similar residential uses.

*Riverine* means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

*Roof sign:* See building sign.

*Sales price:* The contracted price as designated at closing as the sale price of the residential unit.

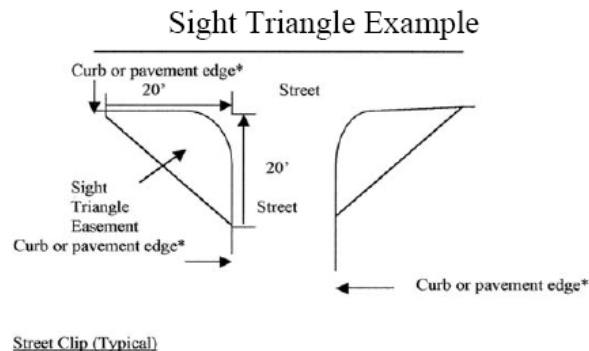
*Sand dune* means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

*Sandwich sign or "A" frame:* A sign so named because of the inverted v-shaped structure and utilization of copy on both sides, facing opposite directions. These signs are usually painted on wood or metal surfaces and resting on the ground, with no permanent attachment.

*Semicutoff, light fixture:* A fixture that projects no more than five percent of the rated lumens above a 90-degree plane running through the lowest point on the fixture where the light is emitted and less than 20 percent of the rated lumens are projected between 90 degrees and 80 degrees.

*Semi Public Use:* A specific use facility owned or operated by a non-profit or religious institution for the purpose of providing educational, cultural, recreational, religious, or social services to the general public.

*Sight triangle:* The area of visibility required on a corner to allow for the safe operation of vehicles, trains, pedestrians, and cyclists in the proximity of intersection streets, rail lines, sidewalks and bicycle paths (see illustration).



*Sign:* The term sign shall mean any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement, or illumination. The term sign shall specifically include but not limited to banners, balloons flags, pennants, streamers windblown devices and advertising devices. Furthermore, the term sign includes the sign structure, supports, lighting systems, and any attachments, ornaments, or other features used to draw the attention of the observers. The following elements are not considered to be signs, and are therefore not regulated by this Article:

Display of goods available on a site, through windows or doors of a building or through the open air, where permitted.

Brands names or logos on products, product containers, or dispensers that are an integral part of the product or the product's packaging.

Building designs, colors, or motifs that are associated with a particular establishment or organization but which convey no commercial message, but not including neon lighting and neon window outlining as regulated by this Article.

*Sign face:* That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or places. The sign face may be composed of two or more modules on the same surface that are separated or surrounds by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

*Sign face module:* Each portion or unit of a sign face that is clearly separable from other such units bevy virtue of the expression of a complete thought, message, logo, or idea.

*Sign height:* The vertical distance to the highest point of a sign structure, as measured from the average grade at the base of the structure or directly below a projecting structure.

*Sign structure:* All elements of a freestanding sign, including the sign face, background or decorative elements related to the presentation of the sign's message, and the structural supports.

*Snipe sign:* A temporary sign or poster affixed to a tree, fence, utility pole, etc.

*Shallow flooding* means the same as area of shallow flooding.

*Special flood hazard area* means the same as area of special flood hazard.

*Start of construction* For other than new construction or substantial improvements under the Coastal Barrier Resources Act P. L. 97-348, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Step sign:* Those signs made from corrugated plastic mounted on thin tubular metal stakes intended as yard signs.

*Storm cellar* means a place below grade used to accommodate occupants of the structure and emergency supplies as a means of temporary shelter against severe tornadoes or similar windstorm activity.

*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.

*Streamer:* A long narrow banner, pennant, or strip of fabric or other material.

*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.

*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.

*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. For floodplain management purposes, structure means a walled and roofed building, including gas or liquid storage tank that is principally above ground, as well as a manufactured home.

*Subdivision* shall mean the division of a lot, tract, or parcel of land into three or more lots, plats, sites, or other divisions of land, any one of which is less than one acre except when the division results from inheritance or deed of gift. The term includes resubdivision and when

appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

(a) Large Subdivision -- A large subdivision is defined as any subdivision having 25 or more lots or two miles of streets and roads within the subdivision.

(b) Small Subdivision -- A small subdivision is defined as any subdivision having any less than 25 lots and less than two miles of streets and roads.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. This term does not, however, include any repair or improvement of a structure to correct existing violations of State of Florida or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official prior to the application for permit for improvement, and which are the minimum necessary to assure safe living conditions.

*Substantially improved existing manufactured home parks or subdivisions* is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

*"T" frame:* A sign so named because of the inverted t-shaped structure and utilization of copy on both sides, facing opposite directions. These signs are usually painted on wood or metal surfaces and resting on the ground, with no permanent attachment

*Technical advisory committee (TAC):* This committee is composed of city staff and may include the building inspector and any other city employees deemed appropriate by the board of city commissioners.

*Temporary sign:* A sign that is displayed for a specific period of time not to exceed thirty (30) days and that announces special events or occurrences.

*Tenant:* One who possesses or occupies land or buildings by title, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.

*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 Code 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.

*Trailer sign:* Any sign affixed to a trailer not used in conjunction with the daily operation of the advertised business.

*Transportation concurrency:* A condition where transportation facilities needed to serve new development shall be in place or under actual construction within 1 year after the local government approves a building permit or its functional equivalent that results in traffic generation.

*Uniform sign plan:* Coordinated drawings and specifications that establish a unified design concept with regard to the location, materials, size, letter style, and color of all signs to be placed on a property or development.

*Unlawful sign:* See illegal sign.

*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.

*Variance* is a grant of relief from the requirements of this ordinance.

*Vehicle sign:* Any sign affixed to a vehicle or portable trailer not used in conjunction with the daily operation of the advertised business.

*Very low income:* Household income which is up to fifty (50) percent of the median income of the City of Port St. Joe, Florida, and as adjusted for household size.

*Violation* means the failure of a structure or other development to be fully compliant with the requirements of this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

*Wall sign:* See building sign.

*Watercourse* means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

*Water-dependent uses* means activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

*Wellhead protection area* means a 500-foot radius area designated by the City to provide land use protection for the groundwater source for a potable water wellfield, including the surface and subsurface area surrounding the wellfield.

*Windblown device:* Any device not otherwise specifically defined in the Article, that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by wind. For purposes of the Article, windblown devices are signs.

*Window sign:* See "building sign."

*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.

*Workforce income:* Household income eighty-one (81) percent to one hundred twenty (120) percent of the median income of the City of Port St. Joe, Florida, and adjusted for household size. Workforce income may also be defined as moderate income.

*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, 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.

*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 sign:* A temporary sign placed in the yard of a residence.

#### **Sec. 1.04. Description of development review process.**

(a) The development review process is that process by which the proposed development is reviewed by the respective local government, building inspector, technical advisory committee (TAC), and/or the planning and development review board (PDRB) to determine whether the development is consistent with the comprehensive plan and complies with the requirements of the Code. Any development requiring an amendment to the comprehensive plan shall not be approved until the comprehensive plan amendment has been adopted and the amendment has become effective.

(b) Minor development plans require review and permit approval by the building inspector. The building inspector may designate any development activity as a major development. Considerations for such designation may include whether the proposed development is a part of a larger parcel for which additional development is anticipated to aggregate to major development status; or whether the proposed development should be more thoroughly and publicly reviewed because of its complexity, hazardousness or location.

(c) Major development plans require review by the technical advisory committee (TAC). Level 1 major development activity requires review and approval by the technical advisory committee (TAC). The TAC action on level 1 major development plans shall be forwarded to the building inspector for permit issuance or denial. Modifications may be required prior to permit issuance. Level 2 major developments, having significant community impacts or those which the TAC believes should be publicly reviewed, must be sent to the PDRB for review and recommendation to the board of city commissioners. Approval of level 2 major developments shall be the responsibility of the board of city commissioners. The board of city commissioners action shall be forwarded to the building inspector for permit issuance or denial.

#### **Sec. 1.05. Intent--General.**

With regard to this Code in general, its provisions shall be construed and implemented to achieve the following aims of the board of city commissioners:

- (1) To foster and preserve public health safety, comfort and welfare, and to aid in the appropriate development of the city in accordance with the comprehensive plan.
- (2) To establish regulations, procedures and standards for review and a development review process that is efficient, effective and equitable with respect to the rights of property owners and the interest of the citizens of the city.
- (3) To implement the comprehensive plan as required by the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 (F.S. § 163.3161 et seq.).
- (4) To ensure that the availability of public facilities and services that meet the adopted level of service standards are in place prior to the issuance of development orders and permits.

#### **Sec. 1.06. Same--Specific intent relating to various subject areas of the Code.**

The provisions of this Code dealing with the following specific subject areas shall be construed and implemented to achieve the following:

- (1) *Administration*: To assure that development proposals be reviewed for compliance with the requirements of this Code, the comprehensive plan and other local government regulations.
- (2) *Sign regulation*: To permit signs that are:
  - a. Compatible with their surroundings.
  - b. Constructed and maintained in a manner which does not endanger public safety or unduly distract motorists.
  - c. Sized to convey sufficient information without being obtrusive.
  - d. Located so as not to interfere with regulatory, public informational, control or directional signage.
- (3) *Onsite traffic flow and parking*: To assure that all developments provide for adequate and safe parking and movement of vehicles by:
  - a. Delineating and buffering the bounds of vehicular use areas so that movement, noise and glare in one area do not adversely affect activities in another area.
  - b. Limiting physical site access to established points of ingress and egress.

- c. Limiting the internal movement of vehicles and pedestrians to designated traffic configurations.

(4) *Stormwater management:* To prevent activities which adversely affect ground and surface water and to protect and maintain the chemical, physical and biological integrity of ground and surface waters:

- a. By encouraging the construction of stormwater management systems that approximate both aesthetically and functionally natural systems.
- b. By protecting natural drainage systems and minimizing runoff pollution to ground and surface waters.
- c. Maintaining recharge areas and restore groundwater levels.
- d. Protecting and maintaining natural salinity levels in estuary areas.
- e. Minimizing erosion and sedimentation and preventing damage to wetlands.

(5) *Floodplain protection:* To protect human life and health and minimize the expenditure of public money for costly flood control projects, minimizing the need for rescue and relief efforts and to minimize prolonged business interruptions and damage to public utilities and facilities caused by flooding by:

- a. Assuring that uses and facilities vulnerable to floods are designed and constructed to resist flood damage.
- b. Preserving natural floodplains, stream channels and natural protective barriers to accommodate flood waters.
- c. Limiting the filling, grading, dredging and other development which may increase erosion, sedimentation or flood damage.
- d. Maintaining the normal movement of surface waters optimum storage capacity of watersheds, desirable groundwater levels, water quality and the natural hydrological and ecological functions of wetlands and other flood prone areas.

(6) *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:

- a. Preventing activities which adversely affect ground and surface water, natural habitats, state or federally listed plant or animal species and their habitat, and native flora and fauna.
- b. Prohibiting certain uses that are detrimental to environmentally sensitive areas.

- c. Protecting the recreational opportunities of environmentally sensitive lands.
- d. Protecting wetlands through the combined use of the City's comprehensive plan and state and federal wetlands permitting programs.
- e. Protecting potable water wellfields and natural groundwater aquifer recharge areas.
- f. Protecting the estuaries and waters of St. Joseph's Bay to prevent estuarine pollution, control surface water run-off, protect living marine resources and ensure adequate sites for water-dependent uses.

(7) *Land use regulation:* To regulate the use of land and water to ensure the compatibility of adjacent uses and provide for open space by:

- a. Providing appropriate buffer zones between adjacent land uses and impose stricter buffer requirements on proposed uses of higher intensity.
- b. Abating nuisances such as noise, light, glare, heat, air pollution and stormwater runoff.
- c. Mitigating conflicts between adjoining land uses.

(8) *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:

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

(9) *Protection of historic sites and structures:* To minimize the destruction by development activity of known sites of historical or archaeological significance.

(10) *Provision of Affordable Housing:* To increase the supply of affordable housing within the City by providing incentives for future housing developments to provide owner occupied or rental housing that is affordable to very low, low and moderate income households within the City.

(11) *Provision of Public Facilities and Services:* To ensure that public facilities and services meet or exceed the standards established in the City's comprehensive plan and are available when needed, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development.

#### **Sec. 1.07. 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.

#### **Sec. 1.08. Incorporation by reference.**

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

Florida Building Code

Standard Plumbing Code

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

The City of Port St. Joe Zoning Map.

American Association of State Highway and Transportation Officials Geometric Design Guidelines – Street/Intersection Design Manual.

#### **Sec. 1.09. Rules of interpretation.**

(a) *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 and shall not limit nor repeal any other powers granted to the city under any other statutes.

(b) *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.

(c) *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.

(d) *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.

(e) *Gender:* Words importing the masculine gender shall be construed to include the feminine and neuter.

(f) *Number:* Words in the singular shall include the plural and words in the plural shall include the singular.

(g) *Shall, may:* The word "shall" is mandatory, the word "may" is permissive.

(h) *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.

**Sec. 1.10.** Any existing city ordinances duplicating or in conflict with the requirements of this Code are hereby repealed.

**Sec. 1.11. 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 the county or the city.

**Sec. 1.12. Severability.**

(a) 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.

(b) 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.

## **ARTICLE II. ADMINISTRATION AND ENFORCEMENT**

### **Sec. 2.00. General provisions-- Purpose**

The purpose of this article is to describe the procedures administration and enforcement of land development regulations. This article contains procedures for review of development plans, requirements for development application submittals, responsibilities of individuals, boards and city commission, procedures for special exceptions, variances and appeals.

### **Sec. 2.01. Required authorization.**

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

### **Sec. 2.02. Procedure for review--Review of development plans for minor developments, illustrated on Appendix II-1.**

- (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 working days of receipt of a plan, the building inspector shall determine that the:
  - (1) The proposed development meets the definition of a minor development;
  - (2) Development plan is complete and proceed with the following procedures; or
  - (3) Information is incomplete and inform the developer of deficiency. The developer may submit an amended development plan with 30 working days without payment of the reapplication fee, but if more than 30 days have elapsed, the developer must reinitiate 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 order in accordance with section 2.05 below; or
  - (2) Deny the issuance of a development order 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.

### **Sec. 2.03. Same--Review of development plans for major developments, illustrated on Appendix II-2.**

- (a) *Determination of level of proposed major development.* The technical advisory committee (TAC) shall review all submittals related to a major development proposal and shall determine whether the proposal is a level 1 or level 2 major development, based on overall size, anticipated impacts, and the complexity, location, or potential for hazardousness. All proposed developments which involved the subdivision of land shall be considered level 2 major developments. If the proposal is determined to be a level 1 major development, the technical advisory committee shall be the approval authority, i.e., the

entity with responsibility for approving or denying the development plan, as outlined in subsection (b) below. If the development is a level 2 major development, the TAC shall review the preliminary development plan and make recommendations to the planning and development review board (PDRB). The PDRB shall review and make findings and recommendations to the board of city commissioners for review. Approval of level 2 major development plans shall be the responsibility of the board of city commissioners, as outlined in subsection (c) below.

*(b) Review of level 1 major development plans.*

- (1) The developer shall submit a development plan and appropriate application fees to the building inspector.
- (2) Within ten working days of receipt of a development plan, the building inspector shall:
  - a. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended plan within 30 days without payment of an additional fee, but, if more than 30 days have elapsed, must thereafter initiate a new application and pay a new fee; or
  - b. Determine that the plan is complete and proceed with the following procedures.
- (3) The building inspector shall send a copy of the development plan to each member of the technical advisory committee (TAC) and set a meeting date that allows for an adequate review and sufficient time for discussion.
- (4) The technical advisory committee may determine that the proposed development plan is a level 2 major development and subject to the review process outlined in subsection (c) below.
- (5) The technical advisory committee shall:
  - a. Issue a development order complying with section 2.05 below, or
  - b. Deny the issuance of a development order based on it being impossible for the proposed development, even with reasonable modifications, to meet the requirements of this Code.

*(c) Review of development plans for level 2 major development.*

- (1) The developer shall submit a development plan and appropriate application fees to the building inspector.
- (2) Within ten working days of receipt of a development plan, the building inspector shall determine that the:
  - a. Information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended plan within 180 days without payment of an additional fee, but, if more than 180 days have elapsed, must thereafter initiate a new application and pay a new fee; or
  - b. Plan is complete and proceed with the following procedures.
- (3) The building inspector shall send a copy of the development plan to each member of the technical advisory committee (TAC) and set a meeting date that allows for an adequate review and sufficient time for discussion.

- (4) The technical advisory committee shall review the development plan and make recommendations to the planning and development review board (PDRB).
- (5) The planning and development review board shall review and make findings and recommendations to the board of city commissioners that they:
  - a. Issue a development order complying with section 2.05 below; or
  - b. Deny the issuance of a development order based on it being impossible for the proposed development, even with reasonable modification, to meet the requirements of this Code.
- (6) Upon review by the TAC and PDRB , the building inspector shall place the proposed development plan on the agenda of the next board of city commissioners meeting that allows for adequate public notice.
- (7) If the proposed development includes the subdivision of land, issuance of a development order by the board of city commissioners shall constitute preliminary plat approval.
- (d) Time extension. Nothing herein shall prohibit the city and a developer from entering into a written agreement to extend any timeframe set forth herein for purposes of allowing the developer to amend or modify any required submittal.

#### **Sec. 2.04. Same--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 include 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.

#### **Sec. 2.05. Required and optional contents of development order.**

- (a) *Required contents:* A development order shall contain the following:
  - (1) A specific time period during which the development order is valid and during which time development shall commence. A development order shall remain valid only if development commences and continues in good faith according to the terms and conditions of approval.
  - (2) Notice that a final concurrency determination will be required prior to the issuance of a building permit.
  - (3) A commitment by the city to the following:
    - a. The necessary facilities shall not be deferred or deleted from the capital improvements element or the adopted one-year capital budget unless the subject development order expires or is rescinded prior to the issuance of a certificate of occupancy.

b. Contracts shall provide that construction of necessary facilities must proceed to completion with no unreasonable delay or interruption.

(b) *Optional contents:* A development order may contain:

- (1) A schedule of construction phasing consistent with availability of capacity of one or more services and/or facilities.
- (2) 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.
- (3) Any alternate service impact mitigation measure to which the applicant has committed in a recordable written instrument.
- (4) Sureties and guarantees as well as agreements related to maintenance of public facilities, as required by section 2.07, guarantees and sureties.
- (5) Such other conditions as may be required to ensure compliance with the concurrency requirement.

## **Sec. 2.06. Submittals.**

(a) *Application:* An application for development review shall be available from the building inspector. A completed application shall be signed by all owners or their agents, of the property subject to the proposal and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation.

(b) *General development plan requirements.* All development plans submitted pursuant to this Code shall conform to the following standards:

- (1) All site plans shall be drawn to a scale of one inch equals 30 feet, showing site boundary, building footprint and location, drives, parking, accessory structures, walls or fences, walkways, site signage and site lighting locations, unless the building inspector determines that a different scale is sufficient or necessary for proper review of the proposal.
- (2) The trim line sheet size shall be 24 inches by 36 inches. A three-quarter-inch margin shall be provided on all sides, except for the left binding side where a two-inch margin shall be provided.
- (3) If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each sheet.
- (4) The front cover sheet of each plan shall include:
  - a. A general vicinity and/or location map showing the position of the proposed development in the section(s), township and range, together with the principal roads, city limits and/or other pertinent orientation information.
  - b. A complete legal description of the property including tax reference number.

c. The name, address and telephone number of the owner(s) of the property. When a corporation or company is the owner of the property, the name and address of the president of the entity shall be shown.

d. The name, business address and telephone number of those individuals responsible for the preparation of the drawing(s). If applicable, each sheet shall be signed, have an original seal and professional license number of the person who prepared it.

e. Each sheet shall contain a title block with the name of the development, a stated and graphic scale, a north arrow and date.

f. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number(s).

g. The area of the property shown in square feet and/or acres.

(5) All applications must include authorization for reviewing entities to have reasonable access to the site.

(6) The following number of copies shall be submitted based on the required level of review:

Three sets for any proposed minor development activity (to be reviewed by the building inspector).

Five sets for any proposed level 1 major development activity (to be reviewed by the technical advisory committee (TAC)).

Seven sets for any proposed level 2 major development activity (to be reviewed by the planning and development review board (PDRB) and the board of city commissioners).

(7) Unless a format is specifically called for below, the information required may be presented textually, graphically, or on a map, plan, aerial photograph or by other means, whichever most clearly conveys the required information. It is the responsibility of the developer to submit the information in a form that allows ready determination of whether the requirements of this Code have been met.

(c) *Development plan.* In addition to the general development plan requirements, a development plan shall include or provide the following information where determined applicable by building inspector or the technical advisory committee.

(1) *Existing conditions.*

a. A recent aerial photograph encompassing the project area and identifying the project area and total land area. The scale shall be no smaller than one inch equals 800 feet and the source and date of the aerial shall be identified.

b. A soils map of the site (existing U.S. Soil Conservation Service Maps are acceptable).

c. A generalized map of vegetative cover including the location, height and identity by common name of all trees. Groups of trees may be designated as "clusters" with the estimated total number height and identity noted.

- d. A topographic map of the site clearly showing the location, identification and elevation of bench marks, including at least one bench mark for each major water control structure.
- e. Existing surface water bodies, wetlands, streams and canals within the proposed development site.
- f. A detailed overall project area map showing existing hydrology and runoff patterns, to include drainage basins and/or watershed boundaries.
- g. A depiction of the site, and all land within 200 feet of any property line of the site, showing the locations of protected environmentally sensitive zones and wellhead protection zones.
- h. The location of any underground or overhead utilities, culverts and drains on the property and within 100 feet of the proposed development boundary.
- i. Location, names and widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public spaces and similar facts regarding adjacent property.
- j. The 100-year flood elevation, minimum required floor elevation and boundaries of the 100-year floodplain for all parts of the proposed development.
- k. The location of any known state or federally listed plant or animal species and their habitat on the site. State or federally listed shall mean any plant or animal species listed as threatened, endangered or a species of special concern by the State of Florida or any agency of the United States of America.
- l. The location of any known historical or archaeological site.
- m. The location of the site within the Coastal High Hazard Area, if applicable.
- n. The location of the site within the St. Joseph Bay Shoreline Protection Zone, if applicable.

(2) *Proposed development activities and design.*

- a. Generally.
  - 1. Area and percentage of total site area to be covered by an impervious surface.
  - 2. Grading plans specifically including perimeter grading.
  - 3. Construction phase lines.
  - 4. A detailed description of the project including number and type of units or gross square feet of non-residential use and acreage.
- b. Building and other structures.
  - 1. Floor plans and roof plans at a scale no smaller than 1/8" = 1'-0".
  - 2. Elevations of all exterior facades, indicating existing and proposed guidelines at the same scale as the required floor plans. At least a portion of the elevations shall indicate the proposed colors of the building.

3. Full color or color indexed elevations of proposed site signage (tenant/building signs, if any, shall be indicated on the architectural elevations).
  4. Landscape plan indicating caliper at breast height of existing trees to remain and existing trees to be removed as well as all proposed plant material listed by botanical and common name, quantities and sized to be installed.
  5. Proposed irrigation system layout, if applicable.
  6. Grading and drainage plan with final elevations and storm water drainage calculations, at the same scale as the site development plan.
  7. Utility plan including site electrical, water and wastewater, at the same scale as the site development plan.
  8. Copies of any proposed agreements between adjacent property owners including agreements for joint use and access easements.
  9. A five year maintenance plan covering landscaping, irrigation, parking areas, building exterior and any other element of the development which the building inspector feels is appropriate.
- c. Potable water, wastewater and solid waste systems.
1. Proposed location and sizing of potable water and wastewater facilities to serve the proposed development, including required improvements or extensions of existing offsite facilities.
  2. The boundaries of proposed utility easements.
  3. Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used.
  4. Exact locations of onsite and nearby existing and proposed fire hydrants.
  5. Projected demand for potable water, wastewater treatment and solid waste to be generated by the proposed development, availability of capacity to serve the proposed development and the manner in which the adopted levels of service will be maintained.
- d. Streets, parking and loading.
1. All street-related submittal requirements listed in article VIII, subdivision regulations.
  2. A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress (including proposed public street modifications), and projected onsite traffic flow.
  3. For all major developments, a traffic impact study which includes, at a minimum, the area of impact, the projected demand (based on the most recent edition of Trip Generation, Institute of Transportation Engineers), a projection of background traffic at buildout, the

distribution of project trips onto the impacted roadways, and the resulting level of service on each impacted roadway and intersection. The traffic study must clearly identify all assumptions and sources utilized and the manner in which the adopted level of service will be maintained.

e. Vegetated buffer zones.

1. Location and dimensions of proposed buffer zones and vegetated areas.
2. Description of plant materials existing and to be planted in buffer zones.

f. Stormwater management.

1. An erosion and sedimentation control plan that describes the type and location of control measures including construction Best Management Practices, the stage of development at which they will be put into place or used, and maintenance provisions.
2. A description of the proposed stormwater management system, including:
  - i. Channel, direction, flow rate and volume of stormwater that will be conveyed from the site, with a comparison to natural or existing conditions.
  - ii. Detention and retention areas, including plans for the discharge of contained waters, maintenance plans and predictions of surface water quality changes.
  - iii. Areas of the site to be used or reserved for percolation including an assessment of the impact of groundwater quality.
  - iv. Location of all water bodies to be included in the surface water management system (natural and artificial) with details of hydrography, side slopes, depths and water-surface elevations or hydrographs.
  - v. Linkages with existing or planned stormwater management systems.
  - vi. On and offsite right-of-ways and easements for the system including locations and a statement of the nature of the reservation for all areas to be reserved as part of the stormwater management system.
  - vii. The entity or agency responsible for the operation and maintenance of the stormwater management system.
3. The location of offsite water resource facilities such as water works, surface water management systems, wells or well fields, that will be incorporated into or used by the proposed project, showing the names and addresses of the owners of the facilities.
4. Runoff calculations shall be in accord with standard engineering practices.

g. Environmentally sensitive lands.

1. The exact sites and specifications for all proposed drainage, filling, grading, dredging and vegetation removal activities, including estimated quantities of excavation or fill materials computed from cross sections, proposed within a protected environmentally sensitive zone.
2. Detailed statement or other materials showing the following:
  - i. The percentage of the land surface of the site that is covered with natural vegetation and the percentage of natural vegetation that will be removed by development.
  - ii. The distances between development activities and the boundaries of the protected environmentally sensitive zones.
3. The manner in which state or federally listed plant or animal species and their habitats shall be protected.
4. Identify the type, size and location of wetlands on the site based on the definitions of high and low quality wetlands in the comprehensive plan.

h. Signs.

1. For regulated ground signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly the location of the sign relative to property lines, rights-of-way, streets, alleys, sidewalks, vehicular access and parking areas and other existing ground signs on the parcel.
  2. For regulated building signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:
    - i. The location of the sign relative to property lines, right-of-way, streets, alleys, sidewalks, vehicular access and parking areas, buildings and structures on the parcel.
    - ii. The number, size, type and location of all existing signs on the same parcel, except a single business unit in a multiple occupancy complex shall not be required to delineate the signs of other business units.
- i. Subdivision. Proposed number, minimum area and location of lots, if development involves subdivision of land. Additional submittals related to subdivisions are contained in article VIII, subdivision regulations.
- j. Land use and dedications.
1. Location of all land to be dedicated or reserved for all public and private uses including rights-of-way, easements, special reservations, and the like.
  2. The total number, type and density of residential units.
  3. The total gross square feet, type and intensity of non-residential uses.

- k. Wellfield protection. Location of onsite wells, and wells within 500 feet of any property line, supplying water for public consumption.
- l. Historical and archaeological sites. The manner in which an historic and/or archaeological site, identified on the Florida Master Site File, located on the site will be protected.
- m. Hurricane evacuation. Impacts of the proposed development on Category 5 hurricane evacuation clearance time and the manner in which the adopted level of service will be maintained.
- n. Public school capacity. Projected student population generated by the proposed development and availability of public schools capacity to accommodate projected demand and the manner in which the adopted level of service will be maintained.
- o. Air Quality. Proposed developments which have the potential to lessen ambient air quality will be required to obtain state and federal permits before review of local development application can proceed.
- p. Hazardous wastes. Proposed developments which have the potential to generate hazardous waste shall obtain regional approval from the Apalachee Regional Planning Council before review of local application can proceed.

(d) *Master plan.* A master plan is required for a major development which is developed in phases. A master plan shall provide the following information for the entire development:

- (1) A concept plan for the entire master plan area.
- (2) Existing environmental conditions for overall site.
- (3) A development plan for the first phase or phases for which approval is sought.
- (4) A development phasing schedule including the sequence for each phase, approximate size of the area in each phase, and proposed phasing of construction of public recreation and common open space areas and facilities.
- (5) Total acreage in each phase and gross intensity (nonresidential) and gross density (residential) of each phase.
- (6) Number, height and type of residential units.
- (7) Floor area, height and types of office, commercial, industrial and other proposed uses.
- (8) Total land area, and approximate location and amount of open space included in each residential, office, commercial and industrial area.
- (9) Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.
- (10) Approximate location and acreage of any proposed public use such as parks, school sites and similar public or semi-public uses.
- (11) A vicinity map of the area within 1,000 feet surrounding the site showing:
  - a. Land use designations and boundaries.
  - b. Traffic circulation systems.
  - c. Major public facilities.

d. Municipal boundary lines.

(12) Other documentation necessary to permit satisfactory review under the requirements of this Code and other applicable law as required by special circumstances in the determination of the building inspector.

(NOTE: A master plan is required whenever a major development is to be implemented in phases. The required information allows the building department, the technical advisory committee, the planning and development review board, and interested citizens to review each phase independently and in the context of an overall development plan. The purpose is to assure that adequate considerations made of all effects of the component parts on each other, the completed project and the affected community).

(e) *As built drawings.* Upon completion of all improvements in a major development, the developer shall provide to the City, as built drawings showing the location of any and all underground utilities. In a phased development, developer shall provide the as built drawings upon completion of each phase.

#### **Sec. 2.07. 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) *Requirement:* Nothing in this section shall be construed as relieving a developer of any requirement relating to concurrency as required by this Code.

(c) *Approval:* 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. Agreement the developer will provide drawings depicting the actual placement of all underground utilities, water, sewer, stormwater drainage and all other underground improvement as actually constructed and placed.

(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 years from the recording of the plat or 30 percent occupancy of the development whichever 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 required by the improvement agreement shall be 110% of the anticipated costs of the infrastructure and common improvements which shall be approved as adequate by the building inspector, TAC or PDRB depending on the level of review required for the particular development.

- (1) Security requirements may be met by, but are not limited to the following:
  - a. Cashiers check.
  - b. Certified check.
  - c. Interest bearing certificate of deposit.
  - d. Irrevocable letters of credit.
  - e. 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 copy of all test results and submission by the developer of drawings depicting the actual placement of all underground utilities and other underground improvements. 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.

## **Sec. 2.08. Duties of individuals, boards and agencies--Building inspector.**

(a) The building inspector or his designee shall be responsible for administration and application of land development regulations as set forth herein. Responsibilities include the following:

- (1) Determine whether a proposed development activity is consistent with the future land use map and the goals, objectives and policies contained in the adopted comprehensive plan.
- (2) Receive applications for development approval and determine whether the development activity is a minor or major development.
- (3) Review applications for minor development and approve permit issuance.

- (4) Refer applications which require review and action by the TAC, PRDB and the board of city commissioners.
  - (5) The building inspector shall act as chairman of the technical advisory committee, setting meetings and distributing applications for major development plan proposals to committee members for review.
  - (6) Receive requests for special exceptions and variances and refer these to the planning and development review board.
  - (7) Receive requests for amendments to the land development regulations or the comprehensive plan and refer these to the TAC, PRDB and the board of city commissioners.
- (b) Upon determination of compliance with the future land use map and the goals, objectives and policies of the comprehensive plan and the land development regulations, and approval of development plans, the building inspector shall authorize the issuance of a building permit.
  - (c) 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.
  - (d) The building inspector may approve exemptions from the requirements of these regulations as deemed appropriate in emergency situations, as provided for in section 2.16.
  - (e) Decisions of the building inspector may be appealed to the planning and development review board as provided for in section 2.16 of this article.

#### **Sec. 2.09. Same--City manager.**

Any act or responsibility which these regulations require or permit on the part of the building inspector may be delegated to the city manager by a resolution adopted by the board of city commissioners

#### **Sec. 2.10. Same--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 review of all submittals related to major development plans and determination of whether the proposed development is a level 1 or level 2 major development.
- (c) The technical advisory committee (TAC) is responsible for development review and development order approval for all level 1 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 the comprehensive plan and these land development regulations.
- (d) The technical advisory committee (TAC) is responsible for reviewing level 2 major development plans and making recommendations to the planning and development review board (PDRB)

- (e) All minutes of the technical review committee meeting shall be filed with the building inspector.

**Sec. 2.11. Same--Planning and development review board.**

(a) *Establishment and procedures:* A planning and development review board (PDRB) is hereby established. The PDRB shall be appointed by the board of city commissioners of the city and shall consist of not less than five nor more than seven members. The term of the members shall be three years provided that two initial members shall be appointed for one year and two initial members shall be appointed for two years so that PDRB terms will be staggered.

(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 the building inspector, 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.

(d) *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, literal enforcement of the provisions of this Code would result in unnecessary hardship.

(e) *Powers of building inspector 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 inspector, 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.

(f) 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.

(g) Review and make findings and recommendations regarding level 2 major development plans to the board of city commissioners.

#### **Sec. 2.12. Same--Board of city commissioners.**

For the purposes of these land development regulations, the board of city commissioners of the city is responsible for review and approval of preliminary and final subdivision plats, and for review and approval of all level 2 major development plan proposals.

#### **Sec. 2.13. 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:

(1) 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.

(2) 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 and posted on the property in question 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.

(3) The public hearing shall be held in accordance with the notice. Any adjoining property owner or any party whose substantial interest may be affected may appear in person, or by agent or attorney.

(4) 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.

(5) 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:

a. 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;

- b. Offstreet parking and loading areas where required, with particular attention to the items in subsection a. above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district;
- c. Refuse and service areas, with particular reference to the items in subsection a. and b. above;
- d. Utilities with reference to location, availability and compatibility;
- e. Screening and buffering with reference to type, dimensions and character;
- f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
- g. Required yards and other open space;
- h. General compatibility with adjacent properties and other property in the district.

(6) 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.

#### **Sec. 2.14. 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:

- (1) A written application for a variance (hardship relief) is submitted to the building inspector demonstrating that a hardship exists based on one of the following conditions:
  - a. 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;
  - b. 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;
  - c. That the special conditions and circumstances do not result from the actions of the applicant; or
  - d. 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.
- (2) No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- (3) 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 whose substantial interest may be affected, may appear in person, or by agent, or attorney.

(4) 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.

(5) 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.

(6) 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 as provided by section 1-15 of the Port St. Joe Code of Ordinances.

(7) 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.

(8) 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 such district; however, as provided for in these regulations, the planning and development review board may make a "substantially similar use" determination upon request by the development approval authority.

#### **Sec. 2.15. Appeals--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 inspector, 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 inspector a notice of appeal specifying the grounds thereof. The building inspector 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 the county, pursuant to state 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 county, pursuant to state law.

**Sec. 2.16. 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.

(b) 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 PDRB in the event of a dispute.

**Sec. 2.17. Projects requiring an amendment to city's comprehensive plan.**

(a) Applications for development plan approval may only be considered if the proposed development plan is consistent with the future land use map and the goals, objectives and policies contained in the adopted comprehensive plan. There is a presumption of general consistency with the comprehensive plan if the requirements of these regulations are met.

(b) Upon receipt of an application for development plan approval, the building inspector shall make a written determination of consistency of the proposed development plan with the adopted future land use map and the goals, objectives and policies of the comprehensive plan.

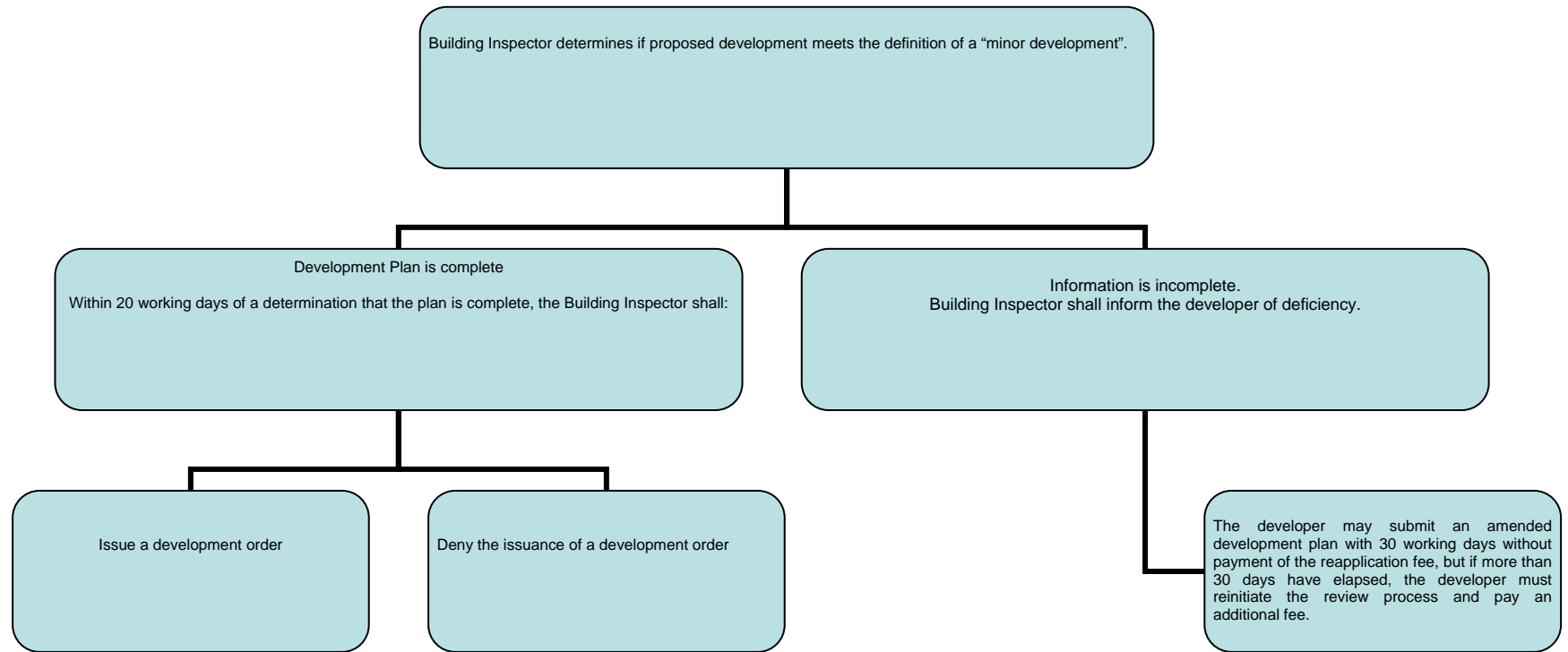
(c) Development plans requiring an amendment to the comprehensive plan shall be accompanied with an application for comprehensive plan amendment to be transmitted to the Department of Community Affairs pursuant to the requirements on F.S. §163.3187.

(d) Any development requiring an amendment to the comprehensive plan shall not be approved until the comprehensive plan amendment has been adopted and the amendment has become effective pursuant to F.S. § 163.3189(2)(a).

**Sec. 2.18. Schedule of fee, charges and expenses.**

The city commission shall establish by resolution a schedule of fees, charges and expenses for comprehensive plan amendments, 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.

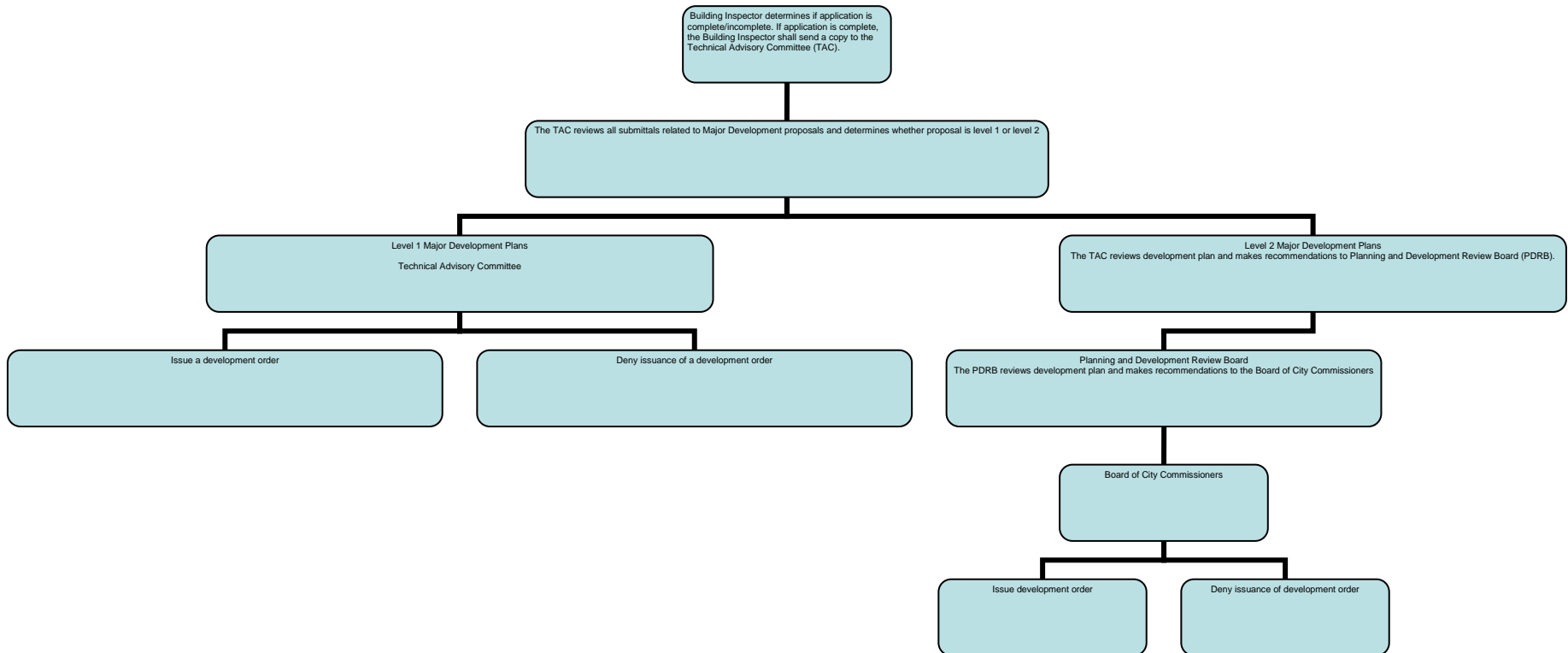
## APPENDIX II -1. REVIEW PROCESS FOR MINOR DEVELOPMENT PLANS \*



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 Minor Developments.

\* **Minor Development Plans:** residential project of four or less dwelling units or involves less than 5,000 square feet of nonresidential gross floor area and does not meet the requirements of a Major Development.

## APPENDIX II-2. REVIEW PROCESS FOR MAJOR DEVELOPMENT PLANS\*



\*

**Major Development Plans are those projects that meet one of the following criteria:**

- (1) The development is a residential project of five or more dwelling units.
- (2) The development involves 5,000 square feet or more of nonresidential gross floor area.
- (3) Any development that requires a variance from zoning restrictions as set forth hereinafter.
- (4) Any development that involves the subdivision of land.
- (5) Any development that the building inspector designates as a major development.

### **ARTICLE III. LAND USE: TYPE, DENSITY, INTENSITY**

#### **Sec. 3.00. Specific districts.**

The following list of land uses are allowable under this Code pursuant to the city zoning map:

Residential (VLR)  
Residential (R1)  
Residential (R2)  
Residential (R3)  
Residential (R4)  
Commercial  
Industrial  
Public use  
Recreation  
Open Space  
Conservation  
Mixed Use (MU)  
Planned Unit Development (PUD)

Each district described in this Code shall be as shown on the city zoning map which is incorporated herein by this reference.

#### **Sec. 3.01. Uses allowed in land use districts.**

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

(1) Except as hereinafter provided:

- a. 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 Code for the district in which the building or land is located.
- b. 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.
- c. In single-family zones every building hereafter erected or structurally altered shall be located on one or more lots 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.
- d. 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 30 feet; provided, further, no accessory building on a corner lot shall project beyond the front yard line on either street.

e. No trailer park or trailer shall be permitted except as specifically set forth herein.

(2) 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 such map.

(3) Where uncertainty exists as to boundaries of any district shown on such map, the following rules shall apply:

a. 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.

b. 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 throughout the lot.

c. In case any further uncertainty exists, the commission shall interpret the intent of the map as to location of such boundaries.

d. 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.

e. All territory which may hereafter be annexed to the city shall remain subject to the county comprehensive plan and land development regulations until the city adopts a comprehensive plan amendment that includes the annexed area. The city shall designate the annexed area with a zoning district consistent with the city's land use category designated in the future land use map.

(4) Accessory buildings and uses incidental to each single family dwelling, where not used or operated commercially, including private garages for the accommodation of automobiles, sheds for the housing of pets, children's playhouses, greenhouses, tool sheds, workshops, and servant's quarters shall be permitted in residential districts. Side lot set back lines which apply to the primary residential structure on any lot shall apply to such accessory buildings. Rear set back lines shall be five feet where an alley is adjacent to the property and ten feet where there is no alley.

(5) Nothing contained herein shall prohibit the operation of a business or occupation in any city zoning district which:

a. Does not have any advertisement of any kind located anywhere on the property.

b. Does not have customers or suppliers calling, at the location of the business.

- c. Does not have more than one employee not residing on the premises or employs only members of the immediately family residing on the premises.
  - d. Conducts its operation primarily by computer, telephone, or similar facilities.
- (6) Lot set back lines and plat set back lines either shown on recorded plats or imposed in these land development regulations shall be subject to the following:
- a. In the event that a property owner owns more than one lot immediately adjacent to each other and proposes construction of a building across lot lines, then the set backs shall be deemed to be located along the outside boundary of the overall parcel for which construction is proposed.
  - b. No other action of the city shall be required to implement this regulation.
  - c. In the event that ownership of the property is separated and the existing construction removed, then lot set back lines shall revert to their original location.

### **Sec. 3.02. Residential Districts—District VLR**

The following uses and regulations shall apply in Very Low Residential (VLR) residential districts:

- (1) Single-family dwellings.
- (2) Municipally owned or operated parks and playgrounds.
- (3) Building height limit: No building shall exceed 35 feet in height.
- (4) Building site area required: Every lot shall have an area of not less than 10,000 square feet and a minimum frontage at the building line of at least 75 feet.
- (5) Front yard required: There shall be a front yard having a depth of not less than 25 feet measured to the front line of the main building. Where lots comprising 25 percent 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 35 feet shall be required. Where the distance between dwellings on adjacent lots is 200 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.
- (6) Side yard required: On lots or parcels of land having a width of 100 feet or more, there shall be a side yard on each side of a building of not less than 15 feet.
- (7) Rear yard required: There shall be a rear yard for the main building having a depth of not less than 25 feet.
- (8) Minimum floor area required: The minimum required ground or first floor area, exclusive of porches, terraces, attached garages, carport or unroofed areas, shall be 1,200 square feet for a single-story dwelling and 850 square feet for two-story dwelling.
- (9) The density allowed in district VLR shall be no more than four (4) dwelling units per acre.

- (10) The maximum intensity shall be no more than 40 percent of lot coverage.

**Sec. 3.03. Same--District R-1.**

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

- (1) Single-family dwellings.
- (2) Municipally owned or operated parks and playgrounds.
- (3) Municipally owned or operated hospitals, other than an animal hospital.
- (4) Publicly owned and operated libraries, art galleries and museums.
- (5) Medical office buildings if such building was in operation as of October 3, 1995 and within 1,000 feet of the hospital.
- (6) Building height limit: No building shall exceed 35 feet in height, except as provided in subsection 3.10(3) hereof.
- (7) Building site area required: A minimum frontage at the building line of at least 75 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, such lot may be occupied by a single-family dwelling, provided, however, that the minimum side, front and rear yard requirements are conformed with as set out in this section.
- (8) Front yard required: There shall be a front yard having a depth of not less than 25 feet measured to the front line of the main building. Where lots comprising 25 percent 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 35 feet shall be required. Where the distance between dwellings on adjacent lots is 200 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.
- (9) Side yard required: On lots or parcels of land having a width of 100 feet or more, there shall be a side yard on each side of a building of not less than 15 feet. On lots of record as of October 3, 1995 having widths of more than 50 and less than 100 feet, the side yard on each side of the building shall be no less than ten feet. On lots of record as of October 3, 1995 having widths of 50 feet or less, the side yard on each side of the building shall be no less than seven feet.
- (10) Rear yard required: There shall be a rear yard for the main building having a depth of not less than 25 feet.
- (11) Minimum floor area required: The minimum required ground or first floor area, exclusive of porches, terraces, attached garages, carport or unroofed areas, shall be 1,200 square feet for a single-story dwelling and 850 square feet for two-story dwelling.
- (12) The density allowed in district R-1 shall be no more than five (5) dwelling units per acre.
- (13) Home occupations shall not be allowed in district R-1.
- (14) The maximum intensity shall be no more than 40 percent of lot coverage.

(15) The east half of block 1020 and the west half of block 1021, all having frontage on Harbor Street.

- a. Single-family sectional or modular homes shall be allowed so long as they meet any and all state and federal regulations applicable thereto and those state and federal regulations are incorporated herein by reference.

#### **Sec. 3.04. Same--District R-2.**

There shall be two subdistricts in district R-2 as identified on the city zoning map: Subdistrict R-2A and subdistrict R-2B.

(1) *R-2A Single-family district.*

- a. Uses permitted in R-2A: Any uses permitted in the VLR and R-1 district.
- b. Building height limit: No building shall exceed 35 feet in height, except as provided in subsection 3.10(3).
- c. Floor area required: No building shall be constructed in subdistrict R-2A of less than 800 square feet of living area. 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. No home occupations shall be allowed in subdistrict R-2A.
- e. Front yard required: There shall be a front yard not less than 20 feet deep measured to the front line of the building. Where lots comprising 25 percent 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, provided the front yard shall not exceed 30 feet. Where the distance between dwellings on adjacent lots is 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 30 percent of the total need be used for front yards.
- f. Side yard required: There shall be a side yard on each side of a lot, having a width of more than 50 feet, of at least ten feet. On lots of record as of October 3, 1995 having widths of 50 feet or less, the side yard on each side of the lot shall be no less than seven feet.
- g. Rear yard required: There shall be a rear yard of not less than 20 feet. On corner lots there shall be a setback of not less than 15 feet.
- h. No more than seven (7) units per acre shall be allowed in district R-2A and intensity shall be no more than 60 percent lot coverage.

(2) *R-2B district.* Uses permitted:

- a. Any use permitted in the R-1 or R-2A district.
- b. Multiple-family dwellings.
- c. Boarding and lodging houses.
- d. Hospitals and clinics, except animal hospitals.

- e. Clinics, nursing homes or congregate living facilities.
- f. Guest houses.
- g. 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.
- h. Community centers and buildings owned by a governmental agency and used for a public purpose.
- i. Home occupations shall be allowed in District R-2B.
- j. Funeral parlors and mortuary establishments may be permitted in this district provided application is made to the 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.
- k. Building height limit: No building hereafter erected or structurally altered shall exceed 60 feet in height, except as provided in subsection 3.10(3).
- l. 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:

TABLE INSET:

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

Where a lot has an area less than the above required minimum and was of record on October 3, 1995, such lot may be used, provided all setbacks and area requirements of this zone are observed.

m. Front yard required: There shall be a front yard having a depth of not less than 15 feet measured to the front of the building. Where lots comprising 25 percent 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. Where the distance between dwellings on adjacent lots is 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.

n. Side yard required: There shall be a side yard on each side of a lot, having a width of more than 50 feet, of at least ten feet. On lots of record as of October 3, 1995 having widths of 50 feet or less, the side yard on each side of the lot shall be no less than seven feet.

o. Rear yard required: There shall be a rear yard not less than 15 feet in depth. On corner lots there shall be a setback of not less than 15 feet.

p. Density and intensity shall be the same in district R-2B as in R-2A.

q. Law offices, accounting and bookkeeping services, counseling services, decorating or millinery businesses, or other service related businesses or occupations which in the opinion of the building inspector, will not cause a significant increase in vehicular traffic in the area. In the event that a property owner disagrees with the opinion of the building inspector, then the property owner can appeal to the planning and development review in accordance with the appeal process provided by this land development regulation code.

### **Sec. 3.05. Same--District R-3.**

(a) Uses permitted. Any use permitted in any other residential district.

(b) No more than fifteen (15) units per acre shall be allowed in this district and intensity of no more than 80 percent lot coverage shall be allowed.

(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.

TABLE INSET:

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

Where a lot has an area less than the above required minimum and was of record as of October 3, 1995, such lot may be used, provided all setbacks and area requirements of this zone are observed.

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

### **Sec. 3.06 Same--District R-4**

- (a) This District shall only be available for parcels of land north of Tapper Bridge and south of the intersection of Government lot 2, Section 27, Township 7 South, Range 11 West of the eastern right-of-way line of US 98 highway.
- (b) Uses permitted. Any use permitted in any other residential district.
- (c) No more than thirty (30) units per acre shall be allowed in this district and intensity of no more than 80 percent lot coverage shall be allowed.
- (d) Building height limit: No building hereafter erected or structurally altered shall exceed 60 feet in height.

### **Sec. 3.07. Commercial districts--Generally.**

There shall be three subdistricts within the commercial districts identified on the future land use map and city zoning map.

- (1) Subdistrict C-1A, shall be comprised of: The portion of the city shown as C-1A on the city zoning map.
- (2) Subdistrict C-1 shall be described as: The portion of the city shown as C-1 on the city zoning map.
- (3) Subdistrict C-2 shall be described as: The portion of the city shown as C-2 on the city zoning map.

Lot coverage in all of the commercial districts in the future land use map shall be not more than 90 percent, except in the Central Business District (Blocks 2, 3, 7, 8, 14, 15, 22 and 23) where it may be 100 percent. Lot coverage in Low Intensity Commercial districts in the future land use map shall be not more than 60 percent.

Building height limit: No building hereafter erected or structurally altered shall exceed 60 feet in height,

Parking lots, whether or not owned by the city shall be allowed within any commercial district within the city.

### **Sec. 3.08. Same--C-1A district.**

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

- (1) Uses permitted:
  - a. 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.
  - b. Automobile courts (motels).
  - c. Restaurants.
  - d. Hotels.

- e. Gasoline storage tanks for retail distribution.
- f. Veterinary clinics.

(2) Prohibited: 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, mechanical garages, or any business where the materials sold are not housed within a building, are specifically prohibited from this district.

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

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

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

(6) Front yard required: None.

(7) Side yard required: No side yard required for commercial buildings.

(8) Rear yard required: There shall be a rear yard not less than ten feet in depth, measured from the edge of the service alley.

(9) Tank regulation: No gasoline tank may be placed above the ground in this zone. Tanks above ground for any other use may not exceed 300 gallons and shall be set back from front property line at least 25 feet.

### **Sec. 3.09. Same--C-1 district.**

The following regulations apply in C-1 commercial district:

(1) Uses permitted:

- a. Any use permitted in C-1A district.
- b. 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, multi-graphing, printing and laboratories.
- c. Vocational schools, including trade, secretarial, art, professional, music, dancing and dramatic schools.
- d. Commercial amusements, games and sports.
- e. Funeral homes.
- f. Restaurants, automobile sales rooms and used car sales lots.
- g. Churches. Section 6-3 of Chapter 6 of the Code of Ordinances of the City of Port St. Joe shall have no application to a church located in a commercial or mixed use area.

(2) Prohibited: 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. Additional uses listed in section 3.21 are prohibited within the C-1 district.

(3) Requirements: The requirements as to subsection (3) through (8) of section 3.08 shall be applicable in this zone as if they were copied 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.

### **Sec. 3.10. Same--C-2 district.**

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

- (1) Uses permitted:
  - a. Any use permitted in the C-1A and C-1 districts.
  - b. Any business or establishment of a general retail, wholesale or service type.
  - c. Light manufacturing or light industrial plant.
  - d. Lumber, storage yards and mechanical garages.
  - e. Industries not obnoxious to the community by the emission of odors, dust, smoke or fumes.
  - f. Cleaning and dyeing establishments.
  - g. Gasoline storage tanks for wholesale or retail distribution.
- (2) 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.
- (3) Building height limit: No building hereafter erected or structurally altered shall exceed 60 feet in height.
- (4) Floor area required: Hotels, auto courts, motels and restaurants shall be subject to all the rules of the state hotel commission.
- (5) Building site area required: No minimum requirements, except that in no case shall the site have less than 18 feet frontage on the street.
- (6) Front yard required: None.
- (7) Side yard required: No side yard required for commercial buildings.
- (8) Rear yard required: There shall be a rear yard not less than ten 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 Monument Avenue extending from First Street to Fifth Street.
- (9) Prohibited: Industrial establishments, junk dealers, automobile wrecking or any business where materials sold are not housed within a building, are specifically prohibited from this district. Additional uses listed in section 3.21 are prohibited within the C-2 district.

### **Sec. 3.11. Industrial district.**

The following regulations apply in the industrial district.

- (1) Uses permitted:
  - a. Manufacturing plants.
  - b. Factories.
  - c. In the industrial district any building or land, except as otherwise provided in this Code, may be used for any use permitted in the C-2 commercial district, 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.
  - d. Any use permitted in the C-1A and C-1 districts.
  - e. Any business or establishment of a general retail, wholesale or service type.
  - f. Light manufacturing or light industrial plant.
  - g. Lumber, storage yards and mechanical garages.
  - h. Industries not obnoxious to the community by the emission of odors, dust, smoke or fumes.
  - i. Cleaning and dyeing establishments.
  - j. Small animal hospitals and clinic.
  - k. Gasoline storage tanks for wholesale or retail distribution.
  - l. Marina and related facilities.
- (2) Front, side and rear yard requirements: No front, side, and rear yard requirements are necessary nor any minimum area requirements.
- (3) Lot coverage shall be no more than 90 percent in the industrial districts and 65 percent in low intensity industrial areas as designated in the future land use map.
- (4) Building height limit: No building hereafter erected or structurally altered shall exceed 60 feet in height.

### **Sec. 3.12. Public use district.**

The following regulations apply in the public use district:

- (1) Uses permitted:
  - a. Mineral uses.
  - b. Hospitals.
  - c. Churches, including church related activities.
  - d. Public schools.
  - e. Municipal or county facilities including but not limited to parks, recreational facilities or educational facilities.

(2) No more than 60 percent lot coverage shall be allowed, except that 100 percent lot coverage shall be allowed in the Central Business District (Blocks 2, 3, 7, 8, 14, 15, 22 and 23).

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

(4) In the event that any owner of property in this district desires to sell or transfer the property for any use not allowed herein, then upon application to the board of city commissioners of the city, the board shall change the zoning designation from public use to the same designation as the surrounding property.

**Sec. 3.13. Recreational district.**

The following regulations apply in the recreational district:

(1) Uses permitted:

- a. Recreational complex facilities.
- b. Stadiums.
- c. Amphitheaters.

(2) Intensity – no more than 40 percent lot coverage.

(3) Building height limit: No building hereafter erected or structurally altered shall exceed 35 feet in height

**Sec. 3.14. Open space district.**

The following regulations apply in the open space district:

(1) Uses permitted:

- a. Passive recreation activities such as hiking, canoeing, fishing, bird watching, picnicking.

(2) Intensity – no more than 10 percent lot coverage.

(3) Building height limit: No building hereafter erected or structurally altered shall exceed 35 feet in height

**Sec. 3.15. Conservation district.**

No development shall be allowed in the conservation district.

**Sec. 3.16. Mixed Use district.**

The purpose of the mixed use district is to allow a mix of residential, commercial and other uses to promote development of a high quality environment for living, working or visiting. Other uses allowed in the mixed use district are industrial, public uses, recreational, open space and conservation. The mixed use district may be assigned

to lands designated as mixed use in the future land use map and will be limited to areas with an adequate level of public facilities and services. The mixed use district will encourage vertical integration of various residential and non-residential uses within these areas, achieving internal trip capture.

The following regulations apply in the mixed use district:

Development shall contain the minimum percentage of at least two of the following districts:

Land use districts	Allowable mix of uses
Residential	25 - 75 %
Commercial	25 - 75 %
Other uses such as industrial, public, recreational, open space and conservation.	25 - 75 %

Residential density in the mixed use district may not exceed 15 units per acre; commercial and industrial uses may not exceed maximum lot coverage of 90% and 60 ft building height limitation. Intensity standards for other uses allowed in the mixed use district are as defined in the individual public, recreational, open space and conservation districts contained in this article.

**Sec. 3.17. Planned Unit Development (PUD).**

(1) Purpose and intent of district

The purpose of the Planned Unit Development (PUD) district is to encourage and allow more creative and imaginative design of land developments than is possible under conventional zoning districts. The PUD district allows substantial flexibility in planning and designing a project. This flexibility often provides relief from compliance with some conventional zoning district standards site and design requirements. An intrinsic premise upon which the approval of a Planned Unit Development (PUD) must be conditioned, is that while greater flexibility or more lenient siting requirements may be granted, the Planned Unit Development must contain features not normally required of traditional developments.

It is the intent of this section to encourage flexible and creative concepts of site planning; protect environmentally sensitive lands, natural and historical resources; accomplish a more desirable environment that would not be possible through the strict application of the minimum requirements of this Code; allow diversification of uses, structures and open spaces in a manner compatible with existing and permitted land uses on abutting properties; provide for an efficient use of land resulting in smaller networks of streets and utilities and thereby lowering development and housing costs; ensure that development will occur according to the limitations of use, design, density, coverage and phasing stipulated on an approved final development plan; and encourage an increase in the amount of usable open space areas by permitting a more economical and concentrated use of building areas than would be possible through conventional subdivision practices.

(2) Permitted uses

The Planned Unit Development district is allowed within all future land use categories. Permitted uses, densities and intensities shall be consistent with the designations on the future land use map.

The PUD district provides the maximum opportunity for the application of innovative concepts of site planning in the creation of aesthetically pleasing living, shopping and working environments on properties of adequate size, shape and location. The PUD district allows development of land as residential, commercial or industrial developments. Permitted uses are as follows:

- a. Planned residential communities: Complementary and compatible commercial/office uses may be included if they are compatibly and harmoniously designed into the total residential community within a planned unit development district. Nonresidential uses may comprise no more than 25 percent of the total land area.
- b. Planned commercial/office center: Complementary and compatible residential and industrial uses may be included if properly designed into the total commercial center within a planned unit development district. Residential and industrial uses may comprise no more than 25 percent of the land respectively.
- c. Planned industrial parks: Complementary and compatible residential and commercial/office uses may be included if properly related to the total industrial park within a planned unit development district. Residential and commercial/office uses may comprise no more than 25 percent of the land respectively.
- d. Any mixed use development that is 50 percent commercial and 50 percent residential.
- e. Any mixed use development that is 33+ percent commercial, 33+ residential and 33+ industrial.
- f. Any other private, public or semipublic use complementary to, and compatible with, planned residential, commercial or industrial developments.

(3) Submittal requirements

All applications for PUD approval shall be consistent with the requirements in section 2.06 of this code. To enable a thorough analysis of a PUD, additional information may be required about the proposal than would be required if development were being pursued under conventional zoning district requirements.

(4) Development standards

Unless modified as provided for herein, the standards of conventional zoning districts and the design standards of this code shall apply. Revised standards may be approved for a PUD project to encourage creative development when the development proposal demonstrates increased protection of environmentally sensitive lands, natural and historical resources or increased efficiency of service delivery. An approved PUD shall establish the restrictions and regulations according to which the development shall occur.

The criteria for establishing revised standards shall include:

- a. Consistency with the city's comprehensive plan.
- b. Compatibility with the zoning districts in the vicinity of subject property.
- c. A minimum site size of five acres is required unless the site is located within a Port St Joe Redevelopment Area whereupon only one acre is required.
- d. Protection of environmentally sensitive lands, natural and historical resources.
- e. The proposed location and arrangement of structures should not be detrimental to existing or prospective adjacent land uses or to the existing or prospective development of the neighborhood.
- f. The adequacy of public roads, stormwater drainage facilities, utilities, school, public services and facilities required to serve the development.
- g. The provision of landscaped common open spaces for the leisure and recreational uses of the residents.
- h. The phasing plan of development indicating the approximate date when development of each phase will begin and the completion date of each phase; the location of each development phase; the number of acres within each phase; the number and type of dwelling units within each phase, if applicable; the number of nonresidential square feet of development within each phase, if applicable.

(5) Procedures for approval of a PUD

The process outlined in section 2.03 of this code shall be followed for review and approval of PUD which shall be adopted by ordinance. Upon approval of a PUD, the official zoning map shall be changed to indicate the area as PUD.

(6) Amendments to a PUD

*Major PUD amendments.* Any major amendment to an approved PUD shall be subject to the process described in section 2.03(c) for review of Level 2 Major Development Plans. Major changes include:

- a. A five percent or greater increase in the overall number of residential dwelling units or nonresidential building square feet.
- b. A five percent or greater decrease in the amount of acres devoted to common open space and/or conservation area.
- c. Addition of land uses not previously approved in the PUD.
- d. A substantial change in the general location of the proposed land uses, including the common open space and/or conservation areas.
- e. Perimeter changes.
- f. Major street relocation.
- g. Change in building height, density, intensity or land use pattern.
- h. Changes in signage plan.
- i. Changes in mitigation conditions.

*Minor PUD amendment.* Minor changes, and/or deviations from the Planned Unit Development, which do not affect the intent or character of the development, shall be subject to the process described in section 2.03(b) for review of Level 1 Major Development Plan. Minor changes include:

- a. Change in alignment, location direction, or length of internal streets or sidewalks.
- b. Adjustments or minor shifts in dwelling unit or commercial mixes, not resulting in increased overall density or increased intensity.
- c. Reorientation or slight shifts in building locations.
- d. Other changes as determined by the Technical Advisory Committee.

(7) Approval expiration

If substantial construction, as determined by the Technical Advisory Committee, has not begun within two (2) years after approval of the PUD by the City Commission, the approval of the PUD will lapse. The Technical Advisory Committee may extend the period for beginning construction by not more than six (6) months, if it is demonstrated that such an extension will result in the development of the approved PUD and that delays were beyond the control of the applicant. The burden of proof for obtaining the extension is on the applicant.

If the PUD lapses under this provision, the Technical Advisory Committee shall review and make recommendation to the Planning and Development Review Board. The Planning and Development Review Board shall review and make recommendation to the Board of City Commissioners to remove the PUD district from the official zoning map. Upon approval of this action by the Board of City Commissioners, the City Manager shall mail a notice by certified mail, return receipt requested, of revocation to the applicant and owner or owners and reinstate the zoning district which was in effect prior to the approval of the PUD. If the applicant is other than the owner, the notice shall be sent to the person or entity listed in the Gulf County Property Appraiser's records as owning the subject property

(8) Approved PUDs continued

Planned Unit Developments approved by the City prior to the effective date of this code shall continue to be governed by the approved PUD plan and any agreements, terms and conditions to which the approval may be subject, as long as the project continues to be actively under development. However, whenever any application is made to make major amendments to the approved PUD Plan as defined in section 3.17(6) above, the application shall be made under the terms and procedures of this section.

### **Sec. 3.18. 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 Code:

- (1) 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 60 feet.
- (2) 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.

(3) The side yard requirements for dwellings shall be waived where dwellings are erected above stores or shops. Side lot requirements for dwellings and utility easements shall be waived for the interior lot line if an owner owns more than one lot and is building across the interior lot line, provided that the building inspector shall find that no sewer line presently exists and none is proposed in the future along set back lines of said interior lots. Dwellings previously built and meeting the criteria herein shall be deemed to be grandfathered in to this exception.

(4) 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 24 inches. Residential roof overhangs may extend 48 inches into side, rear and front yards.

(5) Open or enclosed fire escapes, outside stairways and balconies projecting into a minimum side yard or court not more than three and one-half 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.

(6) The planning and development review board 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.

### **Sec. 3.19. Obstructions to vision.**

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

### **Sec. 3.20. Nonconforming uses.**

(a) The lawful use of a "building" existing as of October 3, 1995, 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 90 days, every future use of such premises shall be in conformity with the provisions of this Code.

(b) The lawful use of "land" existing as of October 3, 1995, 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 as of October 3, 1995. If such nonconforming use is discontinued for a continuous period of not less than 60 days, any future use of such 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 year from the date of the passage of this Code.

(c) Nothing in this Code shall be taken to prevent the restoration of a building destroyed by fire, explosion or other casualty, or act of God, or the public enemy, nor the continued occupancy or use of such portion of any building remaining habitable after such destruction. In order to rebuild pursuant to this provision, construction of any replacement building must begin within 180 days of destruction and be completed within the life of the building permit, including any approved extensions. Any construction pursuant to this section shall comply with any building codes in effect at the time of application for a building permit.

### **Sec. 3.21. Prohibited uses.**

The following uses are prohibited within the C-1 and C-2 commercial districts, and also prohibited within 2500 feet of U.S. Highway 98 located within the city.

(1) Water parks, go-carts (or other vehicle racing tracks or courses), arcades, amusement parks, miniature golf courses, batting cages, or any other project which is primarily used for the purpose of outdoor entertainment (not including public and private golf courses).

(2) Any imitation or natural or man-made features including, but not limited to, mountains, volcanoes, gorges, animals, dinosaurs, windmills, oil derrick, airplanes, or any other artificial depiction.

(3) To the greatest extent allowed under state law, any temporary building or modular or mobile home type building. Notwithstanding the foregoing a construction trailer or similar temporary building may be allowed during actual construction of any development authorized by the land development regulations of the city.

### **Sec. 3.22. Density bonuses for affordable housing.**

The purpose of this section is to establish the guidelines and criteria for a voluntary housing assistance program(s) as required by Objective 1.9 of the Housing Element of the Port St. Joe Comprehensive Plan, and to provide incentives for future housing developments to contribute to providing owner occupied housing or rental housing that is affordable to very low, low and moderate income households within the City of Port St. Joe.

### **Sec. 3.23. Same—Density Bonuses.**

(1) Residential developments that contain inclusionary units may utilize the following density bonus units for each inclusionary unit provided as different household income levels:

(a) A very low income household unit qualifies the developer for five (5) bonus market rate units until a maximum of one hundred (100) percent increase over current land use plan designation is achieved through the additional market rate units and inclusionary units

(b) A low income household unit qualifies the developer for three (3) bonus market rate units until a maximum of fifty (50) percent increase over current land use plan designation is achieved through the additional market rate units and inclusionary units.

(c) A moderate income household unit qualifies the developer for one (1) bonus market rate unit until a maximum of fifty (50) percent increase over current land use plan designation is achieved through the additional market rate units and

inclusionary units.

(2) To the extent that any inclusionary unit incorporates Uniform Federal Accessibility Standards (i.e. ADA compliant), then an additional bonus of one (1) market rate unit will be provided for each such unit constructed, provided that additional density bonus for ADA compliance will not exceed the 50-100% maximum density bonus increase.

(3) The inclusionary units and the bonus density units are additional units and represent an increase over current land use plan designation.

(4) In order to receive density bonus consideration a developer must file an inclusionary housing plan as part of the required submittals for a development order as defined in the City of Port St. Joe Land Development Regulations.

(5) Affordable housing density bonuses allocated consistent with the provisions of this section are conditioned upon the recordation of a restrictive covenant that maintains the units as affordable housing units for the income groups described above for a period of at least thirty (30) years for rental housing and at least thirty (30) years for owner-occupied housing, whichever is applicable.

(6) The density bonus may be applied to any land within the City of Port St Joe provided that residential use is an allowable use on the receiving land. If the FLUM allows residential use on the receiving land, no comprehensive plan amendment will be required to build the additional residential units, except if the receiving land is located within the Coastal High Hazard Area.

(7) The provisions contained within this article shall be evaluated by the city annually after December 18th for their effect in the facilitation of development, including that of affordable housing.

(8) No density bonus shall be allowed for any property within the City limits zoned R-1 as of December 18, 2007, and no density bonus shall be allowed in future R-1 subdivisions unless application therefore is made and approved at the time of the zoning designation.

### **Sec. 3.24 Same—Construction standards for inclusionary units.**

Inclusionary units built pursuant to this article shall conform to the following standards:

(1) Design. Except as otherwise provided in this article, inclusionary units must be dispersed throughout a residential development and must be comparable in construction quality and exterior design to the market rate units constructed as part of the development. Inclusionary units may be smaller in aggregate size and may have different interior finishes and features than market rate units so long as the interior features are of good quality and consistent with contemporary standards for new housing.

(2) Size of units. The unit mix (bedroom count per unit) of the inclusionary units must be proportional to the unit mix (bedroom count per unit) of the overall project. When measurements determining the unit mix of inclusionary units result in any decimal fraction less than 0.5 shall be rounded down to the nearest whole number, and any decimal fraction of 0.5 or more shall be rounded up to the nearest whole number.

(3) Timing of construction. A certificate of occupancy for inclusionary units must be issued concurrently with or prior to the certificate of occupancy of market rate units of the development on a proportionate basis (i.e., if the total unit count is two hundred and the inclusionary unit count is twenty, then for every one inclusionary unit that receives a certificate of occupancy, ten market rate units can receive a certificate of occupancy. In phased developments, inclusionary units may be constructed and occupied in proportion to the number of units in each phase of the residential development.

**Sec. 3.25. Same--Expedited review of plans.**

Residential developments that provide inclusionary units shall be afforded, to the extent possible, expedited reviews by the technical advisory committee and/or planning and development review board, building permit applications and required inspections.

**Sec. 3.26. Same--Eligibility for inclusionary units.**

No household may purchase or lease an inclusionary unit unless the household is an eligible household pursuant to the requirements of this article and the eligible household must occupy the housing unit as its primary residence.

**Sec. 3.27 Same—Sales and rental prices for inclusionary units.**

(1) Initial sales price. The initial sales price of an inclusionary unit to an eligible household shall be set such that the monthly mortgage payment, including interest and property taxes, permits the unit to be an affordable housing unit for the family size in accordance with the city's affordable housing policies and procedures.

(2) Transfers of property under the following circumstances shall be allowed and are not subject to restrictions included in this program provided that the property is still the primary residence of the subsequent owner of record.

- (a) Transfers by inheritance to the purchaser-owner's spouse or offspring; or
- (b) Transfers to a spouse as part of a divorce proceeding, or
- (c) Acquisition of ownership or interest therein in conjunction with marriage.

Any other transfers shall be treated as if there is a sale of the property and the applicable provisions of this article shall control.

(3) Resale price of inclusionary unit. The maximum sales price for an inclusionary unit shall be in accordance with the city's affordable housing policies and procedures. Any resale of an inclusionary unit during the thirty-year period in accordance with the recorded covenant shall be sold to an eligible household. The price must be set such that the monthly mortgage payment, including insurance and taxes, permits the unit to be an affordable housing unit for the family size in accordance with the city's affordable housing policies and procedures.

(4) Rental prices.

- (a) Rental prices are established per income level type and size as detailed in the

inclusionary housing plan and leased to eligible households. The monthly price will be an affordable housing unit at the time of lease signing in accordance with the city's affordable housing policies and procedures.

(b) After the signing of the first lease with an eligible household, renewal leases may be granted in the following circumstances per household income type:

1. Very low income household's annual anticipated gross income may increase to an amount not to exceed one hundred forty (140) percent of fifty (50) percent of the applicable median income adjusted for family size.

2. Low income household's annual anticipated gross income may increase to an amount not to exceed one hundred forty (140) percent of eighty (80) percent of the applicable median income adjusted for family size.

3. Moderate income household's annual anticipated gross income may increase to an amount not to exceed one hundred forty (140) percent of one hundred twenty (120) percent of the applicable median income adjusted for family size.

(c) Upon the request of the city, the eligible household shall submit documentation in a form acceptable to city, and as outlined in the city's affordable housing policies and procedures, that the household is eligible to continue as an eligible household occupying an inclusionary unit.

(5) Should the owner occupied inclusionary unit become non-homestead property, the inclusionary unit shall be considered the same as a unit that has been sold and the city shall be paid the shared equity in accordance with the City Affordable Housing Program, Policies and Procedures as if the unit were sold. If any payment to the City required by said Procedures is not paid to the city within a reasonable time after notice to the owner of record, the city may place a lien against the property and foreclose the lien in the manner applicable to the foreclosure of mortgages.

**Sec. 3.28. Same—Qualifications for eligible household under the designated affordable housing programs.**

(1) The eligible household must be a first time homebuyer if purchasing a unit.

(2) For the purchase of a residential unit, at least one (1) adult member of the eligible household must work or reside in the City of Port St. Joe and have worked or resided in the City of Port St. Joe for at least one (1) full year prior to any application under the designated affordable housing program. For participation in a rental program, at least one (1) adult member of the eligible household reside in the City of Port St. Joe.

(3) The household income must meet the income criteria for either very low income, low income or moderate income as defined in Section 1.03 of this code.

(4) The assets of the eligible household must not exceed fifty thousand dollars (\$50,000.00) per household member.

(5) The eligible household must occupy the affordable housing unit within the city limits of

the City of Port St. Joe.

**Sec. 3.29. Same—Priority for participation in affordable housing programs.**

(1) The initial priority for the inception of the program shall be given to the following: (a) Gulf County school teachers working at a school in Port St. Joe, and (b) Gulf County licensed health professionals working at Sacred Heart Hospital or other health care facilities within the City and (c) certified public safety personnel. For households qualified under this paragraph, the length of residency or employment described in Section 3.28(2) shall be waived.

(2) Any and all changes to the priorities for participation in the program shall be subject to approval by resolution of the City Commission of Port St. Joe; however, nothing shall preclude other eligible households from applying for the affordable housing programs and being considered for the city's affordable housing programs.

**Sec. 3.30. Same—Density bonus agreement.**

A developer may enter into a density bonus agreement pursuant to F.S. 420.615 by providing to the City off site land to be used for the production and preservation of permanently affordable housing.

**Sec. 3.31. Same—Administration.**

The City may delegate the administration of any city affordable housing program to a Gulf County based not for profit entity with expertise in affordable housing issues.

**Sec. 3.32. Same—Monitoring and review.**

The technical advisory committee and/or planning and development review board, shall monitor the implementation of this provision. On or before October 1 of each calendar, the city manager shall present a status report to the city commission on the implementation of the density bonuses for affordable housing sections.

## **ARTICLE IV. RESOURCE PROTECTION STANDARDS**

### **Sec. 4.00. General provisions--Purpose**

The purpose of this article is to identify those resources or areas of a development site that must be protected from the harmful effects of development. A land owner/developer shall apply the provisions of this article to a proposed development site before any other development design work is done. Application of the provisions of this article will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should then be designed to fit within the areas that may be developed.

### **Sec. 4.01. General provisions for environmentally sensitive lands.**

- (a) The conservation element of the City comprehensive plan shall be used as framework to guide decisions regarding future development.
- (b) Environmentally sensitive lands shall be identified during the development review process to conserve or protect natural habitats and ecological systems such as ground and surface waters, wetlands, wellhead protection areas, floodplain and listed animal and plant species and their habitats.
- (c) Development plans shall comply with applicable federal, state and water management district regulations relating to environmentally sensitive lands. In all cases the strictest of the applicable standards shall apply.
- (d) Each lot of a proposed subdivision/development must include a site suitable for constructing a structure in conformity with the standards for protection of these resources.
- (e) Development proposals shall support the conservation and protection of environmentally sensitive lands and minimize the impacts on terrestrial, wetland and marine ecological communities and associated wildlife habitat.
- (f) Applications for development approval shall consider the use of innovative approaches to protect sensitive resources, such as the transfer of development rights, clustering, performance zoning, open space zoning, on-site density transfer and other techniques to maximize the establishment of open space areas or areas of protection for identified environmental sensitive lands.
- (g) The city may consider the use of a density bonus incentive for careful on-site preservation and linkage of protected environmentally sensitive lands to other onsite and off-site protected environmentally sensitive lands by allowing density increases above permitted levels for each acre of environmentally sensitive area protected (1.5 unit density increase for each 1 acre of environmentally sensitive area protected). This incentive applies to onsite protection of low quality wetlands in addition to identified environmentally sensitive terrestrial areas. High quality wetlands are excluded as they already must be preserved and buffered. Further, areas identified by the Florida Fish and Wildlife Conservation Commission (FFWCC) or FDEP as necessary to be preserved for the protection of threatened and endangered species or protected plant species are also excluded from use of this incentive.

#### **Sec. 4.02. Groundwater and surface water--Purpose and intent.**

The purpose of groundwater and surface water protection standards is to safeguard the health, safety and welfare of the citizens of the city of Port St. Joe. This is accomplished through ensuring the protection of the principle sources 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 and surface water supply. It is further the intent of this section to control development adjacent to designated wellheads and freshwater canals to protect water supplies from potential contamination.

#### **Sec. 4.03. Same--Restrictions on development.**

- (a) Prohibited uses and development activities within the wellhead protection zone including all land within a 500-foot radius of an existing or protected wellhead. Development activities shall comply with all applicable federal, state and regional regulations; specifically, the state department of environmental protection and the state department of health 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 the provisions for abandonment of water wells as described in Chapter Rule 62-532.440, Florida Administrative Code
  - (3) There shall be a prohibition against development which result in withdraws of groundwater to the point of salt water intrusion or that negatively affect identified cones of influence, water recharge areas, or surface or ground water inflow to public water supply or wells.
- (c) In order to protect surface water quality of the Port St. Joe freshwater canal, development within the area owned by the city along the freshwater canal from the Chipola River shall be restricted to allow only the necessary surface water treatment facility infrastructures. These structures will be allowed within the area own by the city along the fresh water canal from the Chipola River as shown in Map 16 of the city's comprehensive plan.
- (d) The city shall coordinate with the county to ensure that the entire potable freshwater canal is protected including areas outside the city property as shown in Map 17 of the city's comprehensive plan.

#### **Sec. 4.04. Historic resource protection--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. To encourage the sensitive reuse of historic

sites or structures, the development approval authority may exercise flexibility in the application of Code requirements.

**Sec. 4.05. Same--Determination of Significance.**

- (a) The building inspector shall maintain a listing and a map of all historic structures and/or archaeological sites currently identified on the state master site file within the city.
- (b) The building inspector shall notify the applicant if their structure is included on the master site file or is over fifty years in age thus qualifying as a possible historic structure. 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. Sensitive adaptive reuse of historic structures that strives to maintain the historic character, architectural design and material composition of the original structure will be encouraged. For sites on the state's master site file, the appropriate state officials at the Department of State, Division of Historical Resources shall be consulted to determine the historical significance of the resource and to identify potential adaptive reuse possibilities, mitigative measures and the potential for state financial grant assistance.
- (c) The building inspector shall furthermore alert the applicant 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 state officials at the Department of State Division of Historical Resources shall be consulted to determine the historical significance of the resource and to identify potential mitigative measures.
- (d) If a historical/archeological site is identified or uncovered, development work must stop until significance is determined and mitigation measures are identified and implemented.

**Sec. 4.06. Coastal high hazard area--Purpose.**

The purpose of this section is to ensure that development in the city is compatible with the areas' natural resources, in addition to ensuring that development activity within the CHHA is consistent with the adopted policies of the St. Joseph Bay Aquatic Preserve Management Plan as amended, and Chapter Rule 18-20, Florida Administrative Code.

**Sec. 4.07. Same--General provisions.**

- (a) High intensity development within the CHHA, defined as areas below the elevation of the category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model as defined in Section 163.3178(2)(h), Florida Statutes and depicted on the adopted Future Land Use Map Series, Map 9, shall be limited to water-dependent and water-related industrial and commercial uses.
- (b) The siting of new hospitals, group homes, nursing homes or other uses having special evacuation requirements shall be prohibited within the CHHA and discouraged in category 2 and 3 evacuation zones as identified in Map 9 of the adopted Future Land Use Map series.
- (c) All development within the CHHA must be consistent with the currently adopted policies of the city's comprehensive plan.

#### **Sec. 4.08. 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 50 feet landward.
- (c) As expressly provided herein, no development activity shall be undertaken in the shoreline protection zone with the exception of water dependent activities; provided that the public benefit of the activity substantially outweighs the adverse environmental affect, and there is not a 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 onsite containing part of such a zone. In such situations the clustering of development may occur in nonsensitive areas such as the upland portion of the site.

#### **Sec. 4.09 Vegetation and Wildlife and their Habitat -- Purpose**

The purpose of this section is to provide standards necessary to protect the habitats of species, both flora and fauna, of endangered, threatened, or special concern status in the city. It is the intent of this section to identify the presence of listed species and their habitat in order to avoid, minimize and/or mitigate impacts on such resources.

#### **Sec. 4.10. Same – General provisions**

- (a) Proposed development sites within the city will be required to be examined for the presence of state and federally protected plant and animal species prior to site clearing, disturbance or construction. When a listed species or their habitat is found, the proposal for development shall be submitted to the Florida Fish and Wildlife Conservation Commission (FFWCC) and DEP for recommendations to avoid, minimize and/or mitigate the impact of development on those species. These recommendations will be considered part of the development approval process where threatened and endangered species are present.
- (b) The generalized information reflected in the adopted map series of the comprehensive plan (such as Maps 5, 6, 7, 8 showing natural resource) and other available surveys shall be utilized to make an assessment of the presence of ecologically sensitive terrestrial, wetland and marine ecological communities, as well as wildlife habitat.
- (c) A professionally conducted survey to determine the extent of native vegetative communities shall be required for all proposed development sites of five (5) acres or more where native habitat exists on the site. This survey shall be conducted by an ecologist, biologist, or similar professional and shall include an inventory of wildlife, as well as state and federally listed endangered and threatened animal and plant species, and species of special concern. Site surveys shall address the following:

- (1) The size and distribution of native habitat;

- (2) Wildlife and listed species populations within the proposed development site;
- (3) The feasibility and viability of on-site protection and management;
- (4) Whether the proposed development site includes a wildlife corridor and the feasibility of maintaining the wildlife corridor;
- (5) The appropriateness of avoiding and minimizing the impacts of development on-site and the appropriateness of mitigating the impacts by the relocation of the listed species to an acceptable off-site location, in the event that on-site protection is shown to be ineffective.

#### **Sec. 4.11. Wetlands protection -- Purpose**

The purpose of this section is to conserve wetlands within the city of Port St Joe through the combined use of the city's comprehensive plan standards, and state and federal wetlands permitting programs involving the Florida Department of Environmental Protection (FDEP), Northwest Florida Water Management District, and the United States Army Corps of Engineers (ACOE). Major wetlands and wetland systems are identified on map 7 of the adopted comprehensive plan.

#### **Sec. 4.12. Same -- Classification**

(a) High quality wetlands shall mean all wetlands that do not qualify as a low quality wetland. High quality wetlands shall be protected with a 25-foot wide naturally vegetated buffer landward from the identified edge of the wetland except for those wetlands as provided in section 4.16. High quality wetlands reviewed as part of amendments to the Future Land Use Map shall be designated as Conservation on the Future Land Use Map series.

(b) Low quality wetlands shall mean those wetlands that do not have habitat for federally threatened or endangered species or state classified rare, critically imperiled or species of special concern, and that meet at least one of the following criteria:

- (1) Any wetland planted in pine or otherwise disturbed by silviculture activities.
- (2) Any wetland consisting of a ditch, man made canal or and borrow pit.
- (3) Any wetland containing timber roads or utility rights-of-way.
- (4) Any wetlands that are degraded due to the prevalence of exotic vegetation evidenced by the majority of the wetland containing exotic or non-native invasive species.

(Note: As of the adoption of Ordinance No. 344, in May 2007, the planting of pines, creation of new timber roads or utility right of ways within wetlands shall not result in a previously classified high quality wetland from being re-classified as low-quality).

#### **Sec. 4.13. Same -- Review and Restrictions**

(a) The location and extent of wetlands (as defined by the Northwest Florida Water Management District (NFWMD), Florida Department of Environmental protection (FDEP),

and Army Corps of Engineers (ACOE) within the development site shall be identified as part of the development review process. Analysis of the location and the estimated amount of wetlands provided during the comprehensive plan amendment process, shall be followed by a formal wetland delineation determination prior to development order approval. The applicant may use the National Wetlands Inventory (NWI) to identify the location and extent of the wetlands as best data and analysis for comprehensive plan amendments (no detailed jurisdictional delineation at this point) and may use the consultant's analysis and best available GIS data to identify the quality of the wetlands. High quality wetlands would then be designated Conservation on the FLUM as part of the plan amendment.

(b) The protection of wetlands shall be accomplished through careful planning and the use of the city's comprehensive plan, including the future land use map, and shall take into account the type, intensity or density, extent, distribution and location of allowable land uses and the types, values, functions, sizes, conditions and locations of affected wetlands. Land uses that are incompatible with the protection of wetlands and wetland functions shall be directed away from wetlands.

(c) New development shall be directed away from wetland impacts and clustered on upland portions of a development site, which are not otherwise environmentally sensitive. To facilitate the clustering of development out of and away from wetlands, deviations from minimum lot sizes and density transfers on a one-to-one basis (based on density and intensity of the current land use designation) to the buildable portion of the site, may be authorized. In no case shall the density exceed the designated gross density on the future land use map.

#### **Sec. 4.14. Same -- Management of Unavoidable Impacts**

(a) Impacts to low quality wetlands may be authorized on a case-by-case basis in conjunction with and as approved by applicable regulatory agencies unless such impacts are contrary to the interest of the public. When encroachments, alterations or removal of low-quality wetlands are permitted, they shall be mitigated based on the appropriate regulatory agency including FDEP, NFWFMD, and ACOE.

(b) Development within high quality wetlands and their associated buffers shall be prohibited except for uses approved by the appropriate permitting agency involving passive recreational trails, water access, wetland maintenance and restoration. All encroachments into the 25-foot buffer shall be those that do not adversely affect the predevelopment hydrology of the wetland including water quality or quantity. Further, impacts to high quality wetlands shall be limited to cases where no other feasible and practicable alternative exists that will permit a reasonable use of the land as described in section 4.14(c).

(c) Where impacts to identified high quality wetlands are proposed, the Technical Advisory Committee (TAC) or the Planning and Development Review Board (PDRB) in reviewing a proposed comprehensive plan amendment or a development proposal may require that a site plan and that a biological assessment be performed by a qualified professional. The site plan and biological assessment are to assist the TAC and PDRB to assess if reasonable alternatives to impacts exist (such as clustering development on upland portions of the site, shifting development within the site, using variance of lot and setback requirements etc).

(d) Where impacts to high quality wetlands are unavoidable, and the nature and degree of disturbance is the minimum possible to achieve development that is otherwise compliant with the goals, objectives, and policies of the Plan the TAC or the PDRB may allow such impacts. A finding that no reasonable alternative is available shall only be provided when the impacts are identified as beneficial to an overriding public interest. Local government approval shall not substitute for state and federal regulatory review or recommendations for preservation and mitigation.

#### **Sec. 4.15. Same -- Exemptions**

Wetlands within the current city limits of the city of Port St. Joe, which are located on property which is subject to already approved existing plats, development orders or Planned Unit Developments (PUDs) approved as of January 1, 2007 shall not be subject to sections 4.11 through 4.14 above.

#### **Sec. 4.16. Same -- Special protection**

With the exception of water dependent uses consistent with the master plan of the port of Port St. Joe and water dependent uses that serve as public access, the required setback or minimum buffer for all areas along St. Joseph Bay and coastal and riverine wetlands shall be a minimum of 50 feet as measured from the mean high water line (MHWL). Predevelopment water flow and quality shall be maintained (see section 4.08 St Joseph Bay shoreline protection zone).

#### **Sec. 4.17. Floodplain -- Purpose**

It is the purpose of this section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights and velocities;
- (b) Require that uses vulnerable to floods including facilities which serve such uses be protected against flood damage throughout their intended life span;
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (d) Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

#### **Sec. 4.18. Same -- Objectives**

The objectives of the floodplain provisions are to:

- (a) Protect human life, health and to eliminate or minimize property damage;

- (b) Minimize expenditure of public money for costly flood control projects;
- (c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) Minimize prolonged business interruptions;
- (e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, roadways, and bridges and culverts located in floodplains;
- (f) Maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- (g) Ensure that potential homebuyers are notified that property is in a flood hazard area.

#### **Sec. 4.19. Same -- General Provisions**

- (a) Applicability. The floodplain provisions shall apply to all areas of special flood hazard within the jurisdiction of the City of Port St. Joe.
- (b) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Study (FIS) for the City of Port St. Joe, dated November 7, 2002, with the accompanying maps and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this article. The Flood Insurance Study and Flood Insurance Rate Map are on file at City Hall of the City of Port St. Joe.
- (c) Designation of Floodplain Administrator. The City Commissioners of City of Port St. Joe hereby appoints the City Manager or his designee, to administer and implement the floodplain provisions of this article and is herein referred to as the Floodplain Administrator.
- (d) Establishment of development permit. A development permit shall be required in conformance with the floodplain provisions of this article prior to the commencement of any development activities.
- (e) Compliance. No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable regulations.
- (f) Abrogation and greater restrictions. This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (g) Interpretation. In the interpretation and application of this article all provisions shall be:
  - (1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under State of Florida statutes.

(h) Warning and disclaimer of liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of City Commissioners of City of Port St. Joe or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

(i) Penalties for violation. Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall be punishable for a non-criminal violation. Any person who violates the floodplain provisions of this article or fails to comply with any of its requirements shall, upon adjudication therefore, be fined not more than \$500, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful actions as is necessary to prevent or remedy any violation.

#### **Sec. 4.20. Same -- Administration**

(a) Permit procedures. Application for a Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Application Stage:

a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;

b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;

c. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Sec. 4.20(a)(2) and Sec. 4.21(b)(2);

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

e. Elevation in relation to mean sea level of the bottom of the lowest horizontal structural member of the lowest floor and provide a certification from a registered

engineer or architect indicating that they have developed and or reviewed the structural designs, specifications and plans of the construction and certified that are in accordance with accepted standards of practice in Coastal High Hazard Areas.

(2) Construction Stage:

Upon placement of the lowest floor, or flood-proofing by whatever construction means, or bottom of the lowest horizontal structural member it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NGVD or NAVD elevation of the lowest floor or flood-proofed elevation, or bottom of the lowest horizontal structural member as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood-proofing elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct violations detected by such review. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

(b) Duties and responsibilities of the floodplain administrator. Duties of the Administrator shall include, but are not be limited to:

(1) Review permits to assure sites are reasonably safe from flooding;

(2) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;

(3) Advise permittee that additional Federal, State of Florida, or local permits may be required, and if such additional permits are necessary, especially as it relates to Chapters 161.053; 320.8249; 320.8359; 373.036; 380.05; 381.0065, and 553, Part IV, Florida Statutes, require that copies of such permits be provided and maintained on file with the development permit;

(4) Notify adjacent communities, the Department of Community Affairs, Division of Emergency Management, the Northwest Florida Water Management District, the Federal Emergency Management Agency and other Federal and/or State of Florida agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse;

(5) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained;

(6) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (A-Zones) or bottom of the lowest horizontal structural member of the lowest floor (V-Zones) of all new or substantially improved buildings, in accordance with Sec. 4.21(b)(1) and (2) and Section (e)(2), respectively;

(7) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with Sec. 4.21(b)(2);

(8) Review certified plans and specifications for compliance. When flood-proofing is utilized for a particular building, certification shall be obtained from a registered engineer or architect certifying that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy in compliance with Sec. 4.21(b)(2) of this article. In Coastal High Hazard Areas, certification shall be obtained from a registered professional engineer or architect that the building is designed and securely anchored to pilings or columns in order to withstand velocity waters and hurricane wave wash. Additionally in Coastal High Hazard Areas, if the area below the lowest horizontal structural member of the lowest floor is enclosed, it may be done so with open wood lattice and insect screening or with non-supporting breakaway walls that meet the standards of Sec. 4.21(e)(6) of this article;

(9) Interpret the exact location of boundaries of the areas of special flood hazard. When there appears to be a conflict between a mapped boundary and actual field conditions, the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article;

(10) When base flood elevation data or floodway data have not been provided in accordance with Sec. 4.19(b), the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of Sec. 4.21;

(11) Coordinate all change requests to the FIS, FIRM and FBFM with the requester, State of Florida, and FEMA, and

(12) Where Base Flood Elevation is utilized, obtain and maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements in accordance with Sec. 4.21(b)(1) and (2), respectively.

#### **Sec. 4.21. Same -- Provisions for flood hazard reduction**

(a) General standards. In all areas of special flood hazard, all development sites including new construction and substantial improvements shall be reasonably safe from flooding, and meet the following provisions:

(1) New construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State of Florida requirements for resisting wind forces;

(3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. See the applicable Technical Bulletin or Bulletins for guidance;

(4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage. See the applicable Technical Bulletin or Bulletins for guidance;

(5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this code;

(10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this code, shall be undertaken only if said non-conformity is not furthered, extended, or replaced;

(11) All applicable additional Federal, State of Florida, and local permits shall be obtained and submitted to the Floodplain Administrator. Copies of such permits shall be maintained on file with the development permit. State of Florida permits may include, but not be limited to the following:

a. Northwest Florida Water Management District(s): in accordance with Chapter 373.036 Florida Statutes, Section (2)(a) – Flood Protection and Floodplain Management.

b. Department of Community Affairs: in accordance with Chapter 380.05 F.S. Areas of Critical State Concern, and Chapter 553, Part IV F.S., Florida Building Code.

c. Department of Health: in accordance with Chapter 381.0065 F.S. Onsite Sewage Treatment and Disposal Systems.

d. Department of Environmental Protection, Coastal Construction Control Line: in accordance with Chapter 161.053 F.S. Coastal Construction and Excavation.

(12) Standards for Subdivision Proposals and other Proposed Development (including manufactured homes):

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(b) Specific standards. In all A-Zones where base flood elevation data have been provided (Zones AE, A1–30, and AH), as set forth in Sec. 4.19(b), the following provisions shall apply:

(1) Residential Construction. All new construction or substantial improvement of any residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate automatic equalization of flood hydrostatic forces on both sides of the exterior walls shall be provided in accordance with standards of Sec.4.21.(b)(3).

(2) Non-Residential Construction. All new construction or substantial improvement of any commercial, industrial, or non-residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation. All buildings located in A-Zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building components below the base flood elevation plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied using the FEMA Floodproofing Certificate. Such certification along with the corresponding engineering data, and the operational and maintenance plans shall be provided to the Floodplain Administrator.

(3) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- (ii) The bottom of all openings shall be no higher than one foot above foundation adjacent interior grade (which must be equal to or higher in elevation than the adjacent exterior grade); and

(iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they provide the required net area of the openings and permit the automatic flow of floodwaters in both directions.

b. Fully enclosed areas below the lowest floor shall solely be used for parking of vehicles, storage, and building access. Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator); and

c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.

(4) Standards for Manufactured Homes and Recreational Vehicles

a. All manufactured homes that are placed, or substantially improved within Zones A1-30, AH, and AE, on sites (i) outside of an existing manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, the lowest floor be elevated on a permanent foundation to no lower than one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

b. All manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision within Zones A-1, AH, and AE, that are not subject to the provisions of Sec. 4.21(b)(4)a., must be elevated so that either:

(i) The lowest floor of the manufactured home is elevated to no lower than one foot above the base flood elevation, or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength that are no less than 36 inches in height above the grade and securely anchored to an adequate foundation system to resist flotation, collapse, and lateral movement.

c. All recreational vehicles placed on sites within Zones A1-30, AH, and AE must either:

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions), or

(iii) Meet all the requirements for new construction, including anchoring and elevation requirements in accordance with Sec. 4.21(b)(4)a. and b.

(5) Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.

(6) Standards for streams with established Base Flood Elevations, without Regulatory Floodways.

Located within the areas of special flood hazard established in Sec. 4.19 (b), where streams exist for which base flood elevation data has been provided by the Federal Emergency Management Agency without the delineation of the regulatory floodway (Zones AE and A1-30), the following additional provisions shall also apply.

a. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development including fill shall be permitted within the areas of special flood hazard, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.

b. Development activities which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies – with the community's endorsement – for a conditional FIRM revision, and receives the approval of the Federal Emergency Management Agency.

(7) Floodways. Located within areas of special flood hazard established in Sec. 4.19(b), are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and have significant erosion potential, the following additional provisions shall also apply:

a. Prohibit encroachments, including fill, new construction, substantial improvements and other developments within the regulatory floodway unless certification (with supporting technical data) by a registered professional engineer is provided through hydraulic and hydrologic analyses performed in accordance with standard engineering practice demonstrating that encroachments would not result in any increase in flood levels during occurrence of the base flood discharge.

b. Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Sec. 4.21(a)(2), and the elevation standards of Sec. 4.21(b)(1) and (2), and the encroachment standards of Sec. 4.21(b)(7)a., are met.

c. Development activities including new construction and substantial improvements that increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies – with the community's endorsement – for a conditional FIRM revision, and receives the approval of FEMA.

d. When fill is proposed, in accordance with the permit issued by the Florida Department of Health, within the regulatory floodway, the development permit shall be issued only upon demonstration by appropriate engineering analyses that the

proposed fill will not increase the water surface elevation of the base flood in accordance with Sec. 4.21 (7) (a).

(8) For all structures located seaward of the Coastal Construction Control Line (CCCL), the lowest floor of all new construction and substantial improvements shall be elevated to the regulatory flood elevation established by the Florida Department of Environmental Protection or by FEMA in accordance with Sec. 4.19(b), whichever is higher. All non-elevation design requirements of Sec. 4.21(e) shall apply.

(c) Specific standards for A-zones without based flood elevations and regulatory floodways. Located within the areas of special flood hazard established in Sec. 4.19(b), where there exist A Zones for which no base flood elevation data and regulatory floodway have been provided or designated by the Federal Emergency Management Agency, the following provisions shall apply:

(1) Require standards of Sec. 4.21(a).

(2) The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of this ordinance. When such data is utilized, provisions of Sec. 4.21(b) shall apply. The Floodplain Administrator shall:

a. Obtain the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures,

b. Obtain, if the structure has been floodproofed in accordance with the requirements of Sec. 4.21(b)(2), the elevation in relation to the mean sea level to which the structure has been floodproofed, and

c. Maintain a record of all such information.

(3) Notify, in riverine situations, adjacent communities, the State of Florida, Department of Community Affairs, NFIP Coordinating Office, and the applicable Water Management District prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

(4) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(5) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Florida and local anchoring requirements for resisting wind forces.

(6) When the data is not available from any source as in Sec. 4.21 (c) (2), the lowest floor of the structure shall be elevated to no lower than three feet above the highest adjacent grade.

(7) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data.

(8) In Zone AE require drainage paths around structures on slopes to guide water away from structures.

(d) Standards for AO-Zones. Located within the areas of special flood hazard established in Sec. 4.19(b), are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures in all AO Zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to no less than one foot above the highest adjacent grade.

(2) All new construction and substantial improvements of non-residential structures shall:

a. Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to at least one foot above the highest adjacent grade, or

b. Together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in Sec. 4.21(b)(2).

(3) Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.

(e) Coastal High Hazard Areas (V-Zones) Located within areas of special flood hazard established in Sec. 4.19(b) are Coastal High Hazard Areas, designated as Zones V1–30, VE, or V (with BFE). The following provisions shall apply for all development activities:

(1) Meet the Requirements of Sec. 4.20(a) and Sec. 4.21(a), (b) [except (b)(7)],(c), and (d).

(2) All new construction and substantial improvements in Zones V1–V30, VE, and V (with BFE) shall be elevated on pilings or columns so that:

a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to no lower than one foot above the base flood elevation whether or not the structure contains a basement; and

b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water

loads acting simultaneously on all building components. Water loading will be those values associated with the base flood. Wind loading values will be those required by applicable State of Florida or local, if more stringent than those of the State of Florida, building standards.

(3) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this Section.

(4) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures. The Floodplain Administrator shall maintain a record of all such information.

(5) All new construction and substantial improvements shall be located landward of the reach of mean high tide.

(6) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

a. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and

b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). The water loading shall be those values associated with the base flood. The wind loading values shall be those required by applicable Florida or local, if more stringent than those of the State of Florida, building standards.

c. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be finished, partitioned into multiple rooms, or temperature-controlled.

(7) Prohibit the use of fill for structural support. No development permit shall be issued for development involving fill in coastal high hazard areas unless it has been demonstrated through appropriate engineering analyses that the subject fill does not cause any adverse impacts to the structure on site or adjacent structures. Placement of fill that would result in an increase in the base flood elevation or cause adverse impacts by wave ramping and deflection may be permitted, provided that the permit applicant first applies for

and receives a conditional FIRM revision, fulfilling the requirements for such revisions as established by FEMA.

(8) Prohibit man-made alteration of sand dunes and mangrove stands that would increase potential flood damage.

(9) Standards for Manufactured Homes

a. All manufactured homes to be placed or substantially improved on sites: (i) Outside a manufactured home park or subdivision, (ii) In a new manufactured home park or subdivision, (iii) In an expansion to an existing manufactured home park or subdivision, or, (iv) In an existing manufactured home park or subdivision in which a manufactured home has incurred "substantial damage" as the result of a flood, must meet the standards of Sec. 4.21(e)(2) through (8),

b. All manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision shall meet the requirements of Sec. 4.21(b)(4) (b).

(10) Recreational vehicles placed on sites within Zones VE, V1–V30, V (with base flood elevation) on the FIRM either

a. Be on the site for fewer than 180 consecutive days,

b. Be fully licensed and ready for highway use (on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

c. Meet the requirements of Sec. 4.21(e)(2) through (8).

d. Prohibit the placement of recreational vehicles, except in an existing recreational vehicle park. They must be on site for fewer than 180 consecutive days, fully licensed and ready for highway use (on its wheels or jacking system, is attached to the site by quick disconnect type utilities and security devices, and has no permanently attached additions). They shall also have a plan for removal in case of a threat.

(11) For all structures located seaward of the Coastal Construction Control Line (CCCL), the bottom of the lowest horizontal structural member of the lowest floor of all new construction and substantial improvements shall be elevated to the flood elevation established by the Florida Department of Environmental Protection or the base flood elevation, whichever is the higher. All non-elevation design requirements Sec. 4.21(e)(2) through (11) shall apply.

(12) When fill is proposed, in accordance with the permit issued by the Florida Department of Health, in coastal high hazard area, the development permit shall be issued only upon demonstration by appropriate engineering analyses that the proposed fill will not increase the water surface elevation of the base flood nor cause any adverse impacts to adjacent properties by wave ramping and deflection.

#### **Sec. 4. 22. Same – Variance procedures**

(a) Designation of variance and appeals board. The Planning and Development Review Board, as established by the Board of City Commissioners of City of Port St. Joe shall hear and decide appeals and requests for variances from the requirements of this ordinance.

(b) Duties of variance and appeals board. The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Management Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Circuit Court.

(c) Variance procedures. In acting upon such applications, the Planning and Development Review Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger of life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(d) Conditions for variances.

- (1) Variances shall only be issued when there is:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the variance would result in exceptional hardship; and
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this ordinance.
- (3) Variances shall not be granted after-the-fact.
- (4) The Floodplain Administrator shall maintain the records of all variance actions, including justification for their issuance or denial, and report such variances in the community's NFIP Biennial Report or upon request to FEMA and the State of Florida, Department of Community Affairs, NFIP Coordinating Office.

(e) Variance notification. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
- (2) Such construction below the base flood level increases risks to life and property.

A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Clerk of Court and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(f) Historic Structures. Variances may be issued for the repair or rehabilitation of "historic" structures – meeting the definition in this ordinance – upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a "historic" structure.

(g) Structures in regulatory floodway. Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result.

## ARTICLE V. DEVELOPMENT STANDARDS

### Sec. 5.00. General provisions-- 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. Also incorporated herein by reference are all state and federal development regulations relative to floodplain construction, coastal zone construction and stormwater permitting regulations.

### Sec. 5.01. 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 article III 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 protection, department of health and the Northwest Florida Water Management District.

### Sec. 5.02. 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 following table:

<i>Zoning Districts</i>	<i>Impervious Surface Ratio (ISR)</i>
Conservation	N/A
Residential (VLR)	.30
Residential (R1)	.30
Residential (R2)	.40
Residential (R3)	.40
Residential (R4)	.50
Commercial	.70 *
Public use	.60
Mixed Use (MU)	.70 *
Planned Unit Development (PUD)	.70 *
Industrial	.70
Recreation	.50
Open Space	.10

\* Except that ISR of 1.0 shall be allowed within the Port St Joe Redevelopment Area

(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 state department of environmental regulation in accordance with F.A.C. ch. 62-346.

(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 order must require as a condition 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) *Stormwater permitting requirements:* Prior to the approval of a development order, all proposed developments shall receive appropriate stormwater discharge permits from the state department of environmental protection in accordance with F.A.C. ch. 62-346, except for those developments specifically exempted by the rule.

#### **Sec. 5.03. Minimum setback requirements.**

Setback requirements will be in accordance with the requirements of article III of this Code.

#### **Sec. 5.04. Buffering standards/open space--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.

#### **Sec. 5.05. Same--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 (c) and (d) 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. The fencing requirement shall not apply to water bodies,

whether natural or man made, which are located on City property and covered by Ordinance 405.

(c) The standards for buffer zones are set out in Appendix V-1 which specify the number of plants required per 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 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-2.

(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:

TABLE INSET:

Canopy trees:	Eight feet in height 2.5-inch caliper (as measured four feet from ground level)
Understory:	Four feet in height 1.5-inch caliper (as measured two feet from ground level)
Shrubs:	Two feet in height (or three-gallon container)

A partial list of acceptable species for each type of vegetation is included in Appendix V-3. The building inspector shall have the authority to approve or reject species not appearing in Appendix V-3.

(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 (BMPs) 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 site layout of the new development.

(2) Where a multifamily residential use is proposed next to an existing nonresidential use, or a nonresidential 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 80 percent of the combined required buffer zones if the provision of such lesser amount will create a buffer zone meeting 100 percent 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.

#### **Sec. 5.06. Same--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.

#### **Sec. 5.07. Offstreet parking, loading and traffic circulation--Generally.**

Offstreet parking facilities shall be required for all developments within the city 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 subsection 5.08(e). This section shall not apply to development or redevelopment located in the rectangle bounded by Baltzell Avenue, First Street, Long Avenue and Cecil G. Costin Boulevard and shall not apply to property located within a commercial or mixed use zoning category adjacent to Martin Luther King Boulevard.

#### **Sec. 5.08. Same--Required parking spaces.**

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

Residential (single-family or duplex): Two spaces per dwelling unit.

Residential (multifamily): 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-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 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 onsite 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 subsection (a) above; however, the city recognizes that shared parking is often inherent in mixed use developments which include one or more uses that are complementary, ancillary and support other activities and will consider specific data and analysis provided by the applicant in determining the required number of parking spaces. The applicant must show that if the number of parking spaces approved prove to be insufficient, they can and will correct the situation by adding the number of spaces needed to meet the city's minimum standards. The planning and development review board shall approve or deny a request for a waiver of the minimum number of parking spaces.

(d) *Size of parking spaces:* All parking spaces shall be a minimum of nine feet in width and 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 F.S. § 316.1955 or succeeding provisions. Parking spaces required for the handicapped shall not be counted as a parking space in determining compliance with subsection (a) of this section. All parking spaces for the handicapped shall be paved.

(f) *Parking for nonmotorized vehicles (bicycles).*

(g) *Onstreet parking:* 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.

(h) In the event that the City begins acquisition and improvement of property for public parking and development of a parcel of land is proposed which cannot meet the requirements of this section because of lot size or other constraints, the developer may satisfy the obligations hereunder by contribution to the City for public parking purposes in accordance with the procedures to be established by the City to determine proportionate share contributions toward mitigation of parking requirements.

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

**Sec. 5.09. Same--Offstreet loading.**

(a) *Generally.* Spaces to accommodate offstreet 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 loading space for the first 100,000 square feet of gross floor area or fraction thereof, and one space for each additional 100,000 square feet or fraction thereof.

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

**Sec. 5.10. Street lights and sidewalks.**

Pedestrian sidewalks (designed and constructed in accordance with the Florida Department of Transportation Design Standards) and street lights (not fewer than one every 300 feet) shall be required for all developments within the limits of the city.

**Sec. 5.11. Site development standards for non residential uses along US 98 and SR 71.**

In addition to existing development standards, the following site standards shall apply to non-residential uses along US 98 and SR 71:

(a) *Utilities.* All electric, cable t.v., and telephone feeds from public rights-of-way to buildings must be underground. All air conditioning units, transformers, backflow presenters or other utility devices must be screened from public view. All power feeds from primary utility lines to individual sites must be underground. No overhead feeds across U.S. 98 are permitted. Jack and bore method is required for these connections.

(b) *Curb cuts.* No closer than 400 feet on center (o.c.) for owner contiguous parcels.

(c) *Joint use driveways.* In order to meet the curb cut requirements stated above, it is recommended that joint use driveways be utilized between two adjoining undeveloped sites. The driveway centerline shall be the common property line. In such cases, cross access corridors should be provided as described below.

(d) *Cross access corridors.* Cross access corridors, where utilized shall be designed to provide unified circulation and access between sites and the previously described curb cuts. Such cross access shall occur in front of the building, connecting front yard parking areas.

(e) *Coordinated circulation design.* Where a cross access corridor is developed, the owners/developers of the affected properties shall provide for mutually coordinated parking, access and circulation systems, and shall provide design features as necessary to make it visually obvious that abutting properties will be tied together to create a unified system. If a site is developed prior to an abutting property, it should be designed so that its parking, access and circulation are easily tied together to create a unified system at a later date. If the building site abuts an existing developed property, it is recommended it should tie into the abutting parking, access and circulation to create a unified system.

(f) *Roofing.*

(1) *Styles* Gable; hip; built-up (with detailed parapet).

(2) *Materials.* Barrel tile (clay or concrete); standing seam or V-grove metal; concrete tile; slate; copper.

(3) *Pitch* (other than built-up with parapet). No less than 4:12.

(g) *Siding.* Stucco; keystone (coquina); split face block; lap siding; brick (color limited to approved color palette).

Approved siding material is required on all sides of the structure, with the exception of the rear facade, provided that the rear facade is not visible from any public right-of-way. Less coverage will be considered based on alternative plans.

(h) *Colors.* Fluorescent and bright primary colors are not permitted.

*Accent.* Fluorescent not acceptable.

(i) *Canopies and awnings.* No interior illumination of awnings permitted. Canopies to be hung or column mounted. Color to complement building. No polyesters or acrylics.

(j) *Accessory buildings.* Match main building with materials; roof style; color.

(k) *Fences and walls.* Walls and fences optional. Solid walls and fences may be used to partially offset buffering requirements (See Appendix V-1). Walls and fences used for visual screening and relief from buffer requirements shall be six feet. No fences/walls less than three feet. Masonry walls to match building. Fences at sites with masonry buildings must have masonry pilasters. Fences, pilaster/fence combinations and walls to be painted to complement building color. Acceptable fencing includes painted or stained wood, aluminum, steel. Chain link or wire fences are not permitted. Decorative walls, fences, pilaster/fence combinations permitted in the parkway or front yard; must be not less than three feet nor greater than four feet. Solid fences not permitted in parkway or front yard.

(l) *Paving of parking areas.* Asphalt; concrete (colored or plain); brick concrete pavers; turf block (parking areas only; no drives). Gravel or aggregate parking lots may be permitted if appropriately designed and so long as a maintenance plan is provided as set forth herein. Clay, dirt, shell, and similar parking areas are not permitted.

(m) *Paving of walks.* Concrete (colored or plain); brick; concrete pavers.

(n) *Change of use.* Color, signage, paving/parking, paving/walks and landscaping requirements of these guidelines shall be met when a site changes use; provided, however, the compliance with these guidelines shall be met in a time period not exceeding three years from the use change as provided by county code or interpretation by the county.

(o) *Expansion of building.* An expansion or multiple expansions to an existing building, consisting of less than 2,000 square feet, whose expansion will equal or exceed 51 percent of the total building square footage (as exists or as of new permit date) will require that the newly expanded building and site (existing and new construction) must meet the color, signage, paving/parking, paving/walks and landscaping requirements of these guidelines. An expansion or multiple expansions to an existing building, exceeding 2,000 square feet whose expansion will equal or exceed 35 percent of the total building square footage (as exists or as of new permit date) will require that the newly expanded building and site (existing and new construction) must meet the color, signage, paving/parking, paving/walks and landscaping requirements of these guidelines.

(p) *Miscellaneous.* Balconies permitted. Railings are to be decorative metal or concrete balustrades; provided, however, other products/materials will be considerably based on merit. No satellite dishes/air conditioning units or other extraneous equipment shall be visible from a public right-of-way.

(q) *Lighting.* If and when walks are established, provide pedestrian lighting or pole mounted streetlights at those sites where no street lighting exists prior to development. Lighting design shall be arch appropriate for the area. Submissions for alternate selections will be reviewed for approval.

(r) *Sidewalks.* Sidewalks along US 98 and SR 71 shall be no less than five feet in width and parallel to the right-of-way. Concrete shall be uncolored; broom finished, with two-inch wide troweled outside edges as well as one-inch wide troweled bands at each expansion and control joint at six feet o.c.

If practical, sidewalks may meander adjacent to the right-of-way.

It is anticipated that the Department of Transportation will provide sidewalks with the expansion of U.S. Highway 98 and 71. If said walks are to be installed, per verification from the D.O.T. provided by applicant, within 12 months from the applicant's permit date then sidewalks can be postponed.

(s) *Landscaping.* A landscaping plan, including irrigation system, is a required element of any development plan in addition to any vegetative buffer required elsewhere in these land development regulations.

## **Sec. 5.12. Large-scale, commercial-retail design standards.**

(a) *Purpose and intent.* This section is intended to provide developers the design standards necessary to address the unique characteristics of large-scale, commercial-retail buildings and large-scale, commercial-retail, development projects, because such uses attract a large number of people consistently and continually, requiring safe and effective pedestrian and motor-vehicle circulations; demand large impervious areas, requiring enhanced landscaping to reduce glare, provide shade, and decrease stormwater runoff; and typically require large, one story building structures with minimal windows that do not blend well with their surroundings. As a basis for developing such standards, the city citizens and visitors alike will benefit from enhanced, large-scale, commercial-retail building and large-scale, commercial-retail, development project design that accomplishes the following objectives:

(1) To promote large-scale, commercial-retail buildings and large-scale, commercial-retail, development projects that possess superior planning and architectural design and pedestrian-friendly scale, proportion and massing specifically in lieu of enormous, warehouse appearances with unbroken, blank walls. Superior design specifically includes, but is not limited to, clearly defined entryways, articulated rooflines specifically designed with variations to avoid monotony, pedestrian-amenity areas, and concealment of unsightly mechanical structures from public view.

(2) To promote pedestrian-oriented design that effectively resolves the incompatibility between pedestrians and motorists while providing interconnectivity between buildings, parking areas, and other internal/external components.

(3) To promote parking lot and site design that meets vehicular needs and standards while providing a safe, efficient, comfortable pedestrian flow.

(4) To promote sufficient landscaping that is effective for large buildings and their components to blend with their surroundings and also providing visual and acoustic screening and abundant shade for the public benefit.

(5) To promote enhanced lighting and compatible signage design and to avoid forms of nuisance and intrusiveness into adjacent areas while enhancing public safety.

(b) *Applicability.* Large-scale, commercial-retail buildings and all buildings within large-scale, commercial-retail, development projects as defined by this section shall be subject to the requirements contained herein. Architectural rendered elevations and a signage plan shall be dimensioned and include the types of materials used. Architectural rendered elevations and a signage plan shall be submitted with the preliminary site plan application for approval through the applicable development-review process. Architectural rendered elevations and a signage plan shall be submitted for review and approval prior to submittal of construction documents for the applicable building permit. Building and Site Design Guidelines are contained in Appendix V-4.

(c) *Additional development standards.* The following additional development standards shall be required for all large-scale, commercial-retail buildings and all buildings within large-scale, commercial-retail, development projects:

(1) *Facades.* No uninterrupted and no unadorned length of any portion of the facade shall exceed 50 linear feet. Only facades which include the building loading/service area may be uninterrupted. Interruptions of such continuous lengths of the facades shall include wall plane projections, recesses, and/or offsets of not less than three feet in offset and 20 feet in length before returning to a plane that may match another building face. Architectural features used to scale facades to a pedestrian scale shall include one or more of the following: projecting ribs, pilasters, columns, canopies/porticos, arcades, and colonnades.

a. *Multiple stores within a single building.* The intent and purpose of this section is to provide good architectural design, details, and clearly defined entryways rather than unbroken, blank walls. Where the large-scale, commercial-retail building contains multiple stores with separate, exterior, customer entrances, the street-level facade containing the customer entrances shall provide fenestration, such as windows within the range of three feet above the walkway grade and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building facade of each store. Alternative design solutions for buildings containing multiple stores with separate, exterior, customer entrances that meet and exceed the intent and purpose of this section and this code may be approved by the Planning and Development Review Board. However, alternative designs may not be approved to vary the sign regulation requirements or any other land development code or building code requirement. In order to vary the sign regulations or any other land development code, the variance procedure set forth in the land development code must be followed.

b. *Detail features.* All facades shall include patterns at intervals of no more than 30 feet either horizontally or vertically. Such patterns shall include windows, awnings associated with windows or doors, ornamental and structural details that are integrated into the building structure, arches or arched or curvilinear forms, color changes, banding, texture changes or material module changes, and/or surface modeling changes, such as reveals or ribs of no less than 12 inches in width.

(2) *Materials.* Predominant, exterior, building material shall include architectural or split-face block, brick, glass, wood, stucco, artificial stucco, stone, or concrete with an architectural finish.

(3) *Entryways.* Facades with customer entrances shall be clearly defined and include at least two of the following features: canopies/porticos, overhangs; recesses/projections; arcades; raised, above-the-doorway parapets with cornices; peaked-roof forms; arches; outdoor patios; display windows; and integrated architectural details, such as tile work, moldings, and wing walls.

(4) *Service area.* The service area is the area designated for the loading and unloading of goods and refuse collection and shall be buffered from rights-of-way and lesser intensity-zoned areas by a masonry screen wall a minimum of eight feet in height and extending the entire length of the service area. This screen wall shall be subject to the requirements for building facade interruptions in Sec. 5.12(c). A landscaped area six feet in width containing evergreen plants a minimum of six feet in height and spaced no more than six feet apart shall be provided along the public face of the screen wall. This provision shall not apply to service areas that face adjoining property zoned for an equal or greater intensity and provided that the adjoining property's existing building facade(s) facing the proposed large-scale, commercial-retail buildings or large-scale, commercial-retail, development project's building(s) also incorporate service area(s).

(5) *Roofs.* The intent and purpose of this section is to conceal flat roof lines and unsightly mechanical structures from public view. Flat roof lengths longer than 100 feet in length shall be concealed or addressed utilizing at least one of the following options:

a. Effective concealment of flat roof lines; rooftop equipment; and heating, ventilating, and air-conditioning units from view by adjacent land uses of lesser intensity and rights-of-way shall be accomplished by constructing a parapet. The parapet design shall be a minimum of three feet in height above the highest elevation of the flat roof and shall incorporate a three dimensional, cornice treatment. Alternative designs, such as varying the parapet height for a minimum linear distance of 100 feet and a minimum vertical height of two feet, shall be subject to approval by the city manager or his designee.

b. Two or more sloping roof planes that extend a minimum of three feet above the eave.

(6) *Pedestrian circulation.* The intent and purpose of this section is for large-scale, commercial-retail buildings and large-scale, commercial-retail, development projects to provide for pedestrian-oriented ingress and egress through design features that enhance pedestrian safety, efficiency, and clear connectivity, including connectivity among buildings and to pedestrian walkways/bike paths on adjacent roadways, with a clear definition between vehicular areas and pedestrian walkways. Required ADA accessible parking spaces shall be located such that these persons are not required to cross a vehicular path of travel.

a. *Sidewalks.* Pedestrian connectivity between the building facade and each grouping of parking spaces, sidewalks, out-parcel buildings, and transit stops shall be clearly indicated through the use of landscaped areas and sidewalks. A sidewalk remote from the building from the parking area to each customer entrance is required for all large-scale, commercial-retail buildings 75,000 square feet and larger. For multiple store buildings with separate exterior customer entrances for each store, a sidewalk remote from the building from the parking area to each customer entrance is required for stores 75,000 square feet and larger. Along each facade with a customer entrance, there shall be a sidewalk a minimum of five feet wide along the full length of the facade. For multiple store buildings, all facades with multiple, exterior, customer entrances shall include a sidewalk a minimum of eight feet wide connecting all entryways and at least 60 percent of the said facade with multiple, exterior, customer entrances shall include a canopy, arcade, or other architectural and functional overhang that extends from the facade to a minimum of five feet over the sidewalk. For stand-alone, single-store buildings, a covered canopy shall be provided from the entryways to the edge of the sidewalks connecting to the remote parking area. Sidewalks remote from the building shall be a minimum of five feet in width and provide a minimum of three feet of a green/landscaped area containing shade trees a maximum of 30 feet on center and/or alternative cover and landscaped sitting areas between each edge of the sidewalk and the vehicle-use area. The said green/landscaped areas required on either side of the remote sidewalk may be combined on one side of the said sidewalk for a minimum of a six foot wide green/landscaped area. Alternative design solutions for these pedestrian-circulation requirements that meet and exceed the intent and purpose of this section and this Code may be approved by the Technical Advisory Committee. However, alternative designs may not be approved to vary the requirements of the sign ordinances, or any other land development code or building code requirement. In order to vary the sign ordinances, or any other land development code, the variance procedure set forth in the land development code must be followed.

b. *Pedestrian amenity area.* Large-scale, commercial-retail buildings and large-scale, commercial-retail, development projects shall include a pedestrian amenity area adjacent to the building that includes landscaped sitting areas with design components, such as covered seating elements and/or other elements in substantially shaded areas. At least one pedestrian amenity area shall be required for large-scale, commercial-retail buildings. For large-scale, commercial-retail buildings with a total gross building area equal to or in excess of 100,000 square feet, a pedestrian amenity area shall

be provided for each customer entrance. The pedestrian amenity areas shall be placed in areas which have the highest pedestrian traffic.

(7) *Parking areas.* Parking lots and access aisle ways shall be designed utilizing the following standards:

a. *Parking lot design.* The intent and purpose of this section is to provide parking lot design which breaks up vast expanses of pavement by creating clearly defined groupings of parking spaces while providing for vehicular needs and safe, efficient, comfortable pedestrian flow. In addition, every consideration must be given to plantings and their orientation to the summer sun to minimize the heat gain and absorbance in all pavement. Vast unbroken parking lots are prohibited. Parking areas shall be designed so that no more than 30 spaces on a double loaded vehicle path of travel (15 on a single loaded vehicle path of travel) of the total required spaces are part of a clearly defined grouping of spaces. Such groups shall be broken into individual areas and/or clearly separated by landscaped or geographic features and/or by design components of the proposed building(s). The design of these separators shall consider pedestrian movements, conflict points with vehicles, site distance and angles, security site lighting, and safety within the parking lot area. Separations shall be no less than eight feet in width at any point. A pedestrian access way shall be provided for every customer entrance. The parking lot shall be designed with traffic-calming features along the fire lanes fronting the building facades. Parking lots shall be designed to reduce vehicle movement along the fire lane. Design features may include cross driveways, 90-degree parking space design, and consideration of site-access points. For large-scale, commercial-retail buildings 75,000 square feet and larger, at least ten percent of the required parking spaces shall be placed in the side areas of the proposed development project. The use of alternative materials to asphalt paving which are lighter in color and more pervious (beyond the requirements set forth in b. below) are encouraged. Alternative design solutions for these parking lot design requirements that meet and exceed the intent and purpose of this section and this Code may be approved by the development review committee. However, alternative designs may not be approved to vary the requirements of the sign ordinances or any other land development code or building code requirement. In order to vary the sign ordinances, or any other land development code, the variance procedure set forth in the land development code must be followed. For out-parcels, no more than 20 percent of the parking shall be located between the building and the adjacent right-of-way.

b. *Parking spaces.* The number of parking spaces shall be determined in accordance with this code. A minimum of ten percent of the parking area shall be pervious parking. Pervious parking areas shall be constructed of permeable pavement and turf pavement like "turf block," "turf stone," and SF-Rima or grass, or some other material as approved by the development review committee. If grass parking is proposed, then the parking shall be designed and constructed with a structural support; i.e., go-grid, go-block, etc. The areas designated for pervious parking shall be maintained. The areas designated for pervious parking shall be located throughout the parking

lot area in conjunction with best management practices for an integrated stormwater-management system.

(8) *Additional landscaping.* The following landscaping standards shall be incorporated into the design of all large-scale, commercial-retail buildings and large-scale, commercial-retail, development projects.

a. *Building perimeter.* The building perimeter landscaping required below may be credited towards meeting the requirements of the building perimeter landscaping section of the any landscape, xeriscape and irrigation ordinance adopted by the city. However, in order to meet the requirements below, the building perimeter requirements of the any such ordinance may have to be exceeded.

1. *Facade with customer entrance.* The intent and purpose of this section is to require facades with customer entrances to have significant landscaping/streetscaping so as to provide visual interest, prevent monotony, break up wall and pavement expanses, and clearly define entryways. Building-perimeter landscaping required under any landscape, xeriscape and irrigation ordinance shall be placed such that a minimum of 50 percent of the facade length has perimeter landscaping. The building-perimeter landscaping shall be in landscaped areas, raised planters, or planter boxes that are each a minimum of five feet wide and are at a maximum ten feet from the building and shall be landscaped with plant clusters of varied species and heights with each cluster containing at least one tree or three palm trees, each a minimum of ten feet in height at the time of planting. Alternative design solutions for these building-perimeter landscaping requirements on facades with customer entrances that meet and exceed the intent and purpose of this section and this Code may be approved by the Technical Advisory Committee. However, alternative designs may not be approved to vary the requirements of the sign ordinances, or any other land development code or building code requirement. In order to vary the sign ordinances or any other land development code, the variance procedure set forth in the land development code must be followed.

2. *Other facades except facade with the service area.* All other facades, except the facade incorporating the service area, shall be screened from public view with no less than a ten foot wide buffer with foundation landscaping. The buffer area shall, at a minimum, have landscaping in planters or planter beds which extend a minimum of 18 inches from the building along the entire length of the facade, contain plant clusters of varied species and heights, and a minimum of one evergreen shade or three palm trees (each a minimum of ten feet in height at the time of planting) every 30 feet.

(9) *Compatible signage.* Sign construction material and finishes shall be compatible with the associated large-scale, commercial-retail buildings and/or large-scale, commercial-retail, development projects. The location(s) design shall be reviewed and approved as part of the overall construction plan. The predominate sign material shall include architectural or split-faced block, brick, glass, wood, stucco, artificial stucco, or stone and be compatible with the principal building design.

Where construction plan approval for large-scale, commercial-retail buildings or large-scale, commercial-retail, development projects has been granted, signage location shall be reviewed and approved during the sign permit process.

(10) *Outdoor display and sales.* Any permanent display areas not within the building, which face a right-of-way, parking area, or residential zoning district, shall be shielded from view by a wall made from architectural or split-face block, brick, glass block, wood, stucco, artificial stucco, stone, or concrete with an architectural finish or a combination of the foregoing materials and incorporated into the overall design of the building. The wall shall extend a minimum of four feet in height. As an alternative, an evergreen landscape buffer a minimum of four feet in height and opaque at the time of planting may be utilized.

(11) *Lighting.* The intent and purpose of this section is to avoid forms of light nuisance and intrusion, such as light pollution, light trespass, and glare from adjacent areas, which affects both people and wildlife. All outdoor light fixtures, other than fixtures on the building facade, emitting 2,050 or more lumens shall be shielded as follows:

- a. Within 50 feet of the property boundary, must be full-cutoff, light fixtures.
- b. All other outdoor lighting fixtures shall be semi-cutoff or full-cutoff, light fixtures.

Alternative design solutions for those lighting requirements that meet and exceed the intent and purpose of this section and this Code may be approved by the Technical Advisory Committee. However, alternative designs may not be approved to vary the requirements of the Sign Ordinance or any other land development code or building code requirement. In order to vary the Sign Ordinance, or any other land development code, the variance procedure set forth in the land development code must be followed.

(12) *Compliance.* In addition to the application requirements of the code, a colored facade rendering shall be submitted at time of application submission to ensure that the standards required herein are adhered to. The colored facade rendering shall be submitted as a part of the site development permit or submitted and approved prior to submitting the building permit application.

(13) Any landscaping required by these additional development standards or required by other portions of these land development regulations shall include appropriate irrigation plans and systems to insure the survival of the plants.

## **APPENDIX V-1. BUFFER REQUIREMENTS**

(Minimum Widths and Required Plantings)

ACRES		less than 0.5	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0	5.5	6.0	6.5	7.0	7.5	8.0	8.5	9.0	9.5	10 or more	
A CLASS	WIDTH (ft.)*	40	43	46	49	52	55	58	61	64	67	70	73	76	79	82	85	88	91	94	97	100	
	TREES (per 100 ft.)	9	----	----	---	---	---	-->	10	----	----	----	----	----	----	-->	11	----	----	---	----	-->	12
	SHRUBS (per 100 ft.)**	60	<---	----	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	---	----	-->	60
B CLASS	WIDTH (ft.)*	20	25	27	30	33	36	38	41	43	46	49	51	54	57	59	62	65	67	70	72	75	
	TREES (per 100 ft.)	6	---	---	-->	7	---	---	-->	8	---	---	-->	9	---	---	-->	10	---	---	-->	12	
	SHRUBS (per 100 ft.)**	40	<--	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	-->	40	
C CLASS	WIDTH (ft.)*	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	42	44	46	48	50	
	TREES (per 100 ft.)	3	---	-->	4	---	-->	5	---	-->	6	---	-->	7	---	---	-->	8	---	---	-->	9	
	SHRUBS (per 100 ft.)	20	<--	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	-->	20	
more	ACRES	less than 0.5	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0	5.5	6.0	6.5	7.0	7.5	8.0	8.5	9.0	9.5	10 or	

\* – The minimum width of a buffer may be reduced an additional 25% if a fence or wall is constructed with these regulations.

\*\* - Shrubs are not required if a fence or wall is constructed with these regulations.

ft. - Feet

## APPENDIX V-2. MINIMUM BUFFER REQUIREMENTS BY USE AND DISTRICT CATEGORIES

	EXISTING ABUTTING USES AND DISTRICTS								
	SINGLE FAMILY USE OR ZONING	MULTI FAMILY USE OR ZONING	INSTITUTIONAL USE INTENSITY OR ZONING			OFFICE USE OR ZONING	BUSINESS USE OR ZONING	PARKS & GREEN WAYS	INDUSTRIAL USE
			LOW	MEDIUM	HIGH				
DEVELOPING USES									
1. SINGLE FAMILY									
Attached, detached, duplex, triplex, quadraplex									A
2. MULTI-FAMILY									
Attached, multi-family with 5-11 units									A
Attached, multi-family in one building with more than twelve units; planned multi-family developments and manufactured home parks	C								A
3. INSTITUTIONAL									
Low Intensity:									
Civic, service and fraternal organizations, cultural facilities; day care center, dormitories; elementary schools*; group homes with more than 6 residents; and nursing homes, rest homes and homes for the aged	C	C						C	
Medium Intensity:									
Governmental buildings, less than 12,500 sq.ft; health institutions, less than 50,000 sq. ft.; junior high and middle schools*; religious institutions, up to 750 seats, stadiums and arenas, less than 5,000 seats and other institutional uses less than 50,000 sq. ft.	C	C	C					C	
High Intensity:									
Governmental buildings, 12,500 sq.ft. or more; health institutions, 50,000 sq.ft. or more; high schools*; religious institutions, 750 seats or more; stadiums and arenas, 5,000 seats or more; universities, colleges and junior colleges; and other institutional uses more than 50,000 sq. ft.	B	B	C					C	

## APPENDIX V-2. MINIMUM BUFFER REQUIREMENTS BY USE AND DISTRICT CATEGORIES (continuation)

	EXISTING ABUTTING USES AND DISTRICTS								
	SINGLE FAMILY USE OR ZONING	MULTI FAMILY USE OR ZONING	INSTITUTIONAL USE INTENSITY OR ZONING			OFFICE USE OR ZONING	BUSINESS USE OR ZONING	PARKS & GREEN WAYS	INDUSTRIAL USE
			LOW	MEDIUM	HIGH				
DEVELOPING USES									
4. RESEARCH (See Section 9.605(5))									
5. OFFICE									
Clinics up to 50,000 sq. ft.	C	C	C					C	
Clinics more than 50,000 sq. ft.	B	B	B					C	
Offices up to 50,000 sq. ft.	C	C	C					C	
Offices more than 50,000 sq. ft	B	B	B					C	
Other office uses up to 50,000 sq. ft.	C	C	C					C	
Other office uses, more than 50,000 sq. ft.	B	B	C					C	
6. BUSINESS									
Amusement, commercial, outdoor	C	C	C					C	
Retail, Shopping Centers and Restaurants, up to 50,000 sq. ft.	B	B	C					C	
Retail, Shopping Centers and Restaurants, more than 50,000 sq. ft.	B	B	C	C	C			C	
Wholesale trade	B	B	B	C	C			C	
Other business uses	B	B	B	C	C			C	
7. INDUSTRIAL									
Airport	A	A	A	A	A	A	A	B	
Heavy manufacturing	A	A	A	A	A	B	B	B	
Light manufacturing	A	A	A	B	B	C	C	B	
Warehousing	A	A	A	B	B	C	C	B	
Other Industrial uses	A	A	A	A	A	B	B	B	

Sq. ft. – Square Feet

### DISTRICT CATEGORIES

1. Single Family Zoning – R-1, VLR
2. Multi-family Zoning – R-2a, R-2b, R-3, VHD
3. Institutional Zoning – C-1A, C-1, C-2, public use
4. Office Zoning – C-1A, C-1, C-2
5. Business Zoning – C-1A, C-1, C-2
6. Industrial Zoning
7. Parks & Greenways, open space, conservation

### APPENDIX V-3. Plant Palette

#### CANOPY TREES

<u>Botanical Name</u>	<u>Common Name</u>
Acer rubrum	Red Maple
Betula nigra	River Birch
Magnolia grandiflora	Southern Magnolia
Pinus elliotii	Slash Pine
Pinus palustris	Longleaf Pine
Plantanus occidentalis	Sycamore
Quercus	Live Oak
Sabal palmetto	Sabal Palm
Taxodium disticum	Bald Cypress
Ulmus parvifolia	Allee Elm

#### UNDERSTORY TREES

<u>Botanical Name</u>	<u>Common Name</u>
Butia capitata	Pindo Palm
Chionanthus virginicus	Fringe Tree
Cornus florida	Flowering Dogwood
Ilex opaca	American Holly
Ilex vomitoria	Yaupon Holly
Ilex x attenuate 'Savannah'	Savannah Holly
Ilex x attenuate 'East Palatka'	East Palatka Holly
Lagerstroemia indica	Crepe Myrtle
Ligustrum japonicum	Ligustrum
Magnolia x soulangiana	Saucer Magnolia
Magnolia virginiana	Sweetbay Magnolia
Vitex agnus-castus	Chaste Tree

#### SHRUBS

<u>Botanical Name</u>	<u>Common Name</u>
Callicarpa Americana	Beautyberry
Callistemon citrinus	Bottlebrush
Camellia japonica	Camellia
Gardenia jasminoides	Gardenia
Hydrangea quercifolia	Oak Leaf Hydrangea
Ilex vomitoria 'Schillings'	Schillings Dwarf Yaupon
Ilex cornuta 'Carissa'	Carissa Holly
Itea virginica	Sweepspire
Loropetalum chinense	Chinese Fringe Bush
Nandina domestica	Nandina
Myrica cerifera	Wax Myrtle
Osmanthus fragrans	Tea Olive
Pittosporum tobira	Pittosporum
Plumbago auriculata	Cape Plumbago
Raphiolepis 'Majestic Beauty'	Majestic Beauty
Rhododendron Indica	Southern Azalea
Rosa species	Rose
Rosemary officinalis	Rosemary
Serenoa repens	Saw Palmetto
Viburnum obovatum	Walter's Viburnum

#### GRASSES

<u>Botanical Name</u>	<u>Common Name</u>
Eragrostis elliotii	Lovegrass
Eragrostis spectabilis	Purple Lovegrass
Muhlenbergia capillaries	Muhly Grass
Spartina bakeri	Sand Cordgrass
Tripsacum floridanum	Dwarf Fakahatchee Grass

### APPENDIX V-3. Plant Palette (continuation)

#### TURF GRASS

Bermuda

Centipede

St. Augustine

#### GROUND COVERS & PERENNIALS

<u>Botanical Name</u>	<u>Common Name</u>
Agapanthus africanus	Lily of the Nile
Aspidistra elatior	Cast Iron Plant
Bulbine fruticosa	Bulbine
Conradina canesens	Scrub Mint
Dietes vegeta	African Iris
Echinacea purpurea	Coneflower
Galliardia pulchella	Indian Blanket Flower
Gardenia jasminoides 'Radicans'	Dwarf Gardenia
Helianthus debilis	Dune Sunflower
Hemerocallis species	Daylily
Lantana camara	Common Lantana
Liatris species	Blazing Star
Liriope muscari	Liriope
Mimosa strigulosa	Sunshine Mimosa
Rudbeckia hirta	Black-eyed Susan
Sisyrinchium altanticum	Blue-eyed Grass
Stokesia laevis	Stoke's Aster
Thelypteris kunthii	Southern Shield Fern
Zamia pumila	Coontie

#### VINES

<u>Botanical Name</u>	<u>Common Name</u>
Bignonia capreolata	Crossvine
Bougainvillea	Bougainvillea
Gelsemium sempervirens	Carolina Jessamine
Rosa species	Climbing Rose
Trachelospermum asiaticum	Asiatic Jasmine
Trachelospermum jasminoides	Confederate Jasmine

## APPENDIX V-4. BUILDING AND SITE DESIGN GUIDELINES

### Massing, Proportion and Scale:

Delineate and appropriately breakdown the massing, proportions and scale of the building facade and site design to an automobile-street / pedestrian / façade-entry relationship.

*In all areas of, or adjacent to, public pedestrian travel:*

Hierarchical compositions (vertically, horizontally and in spatial depth) are to be utilized in the building facade and site designs to effectively relate to the pedestrian scale required at all locations on the site that pedestrians would normally occupy.

- a. Vertical (height) Hierarchy : sitting (18"-30" above grade), standing (4'-6" to 6'), header/shade ceiling (8' to 10'), cornice (14' to 20'), building eave/parapet height.
- b. Horizontal (length) Hierarchy : single step (3' +/-), three steps (8'-10'), twenty steps (50'), overall length of building face or pedestrian path of travel.
- c. Depth (spatial) Hierarchy : curb, seatwall, sidewalk, bladesign, awning, door header; or curb, planter, sidewalk, arcade, ceiling, hanging blade sign, door header; or curb, planter, porch, blade sign, door header; etc.

*In all areas of, or adjacent to, public pedestrian travel :*

Walls : Provide a major horizontal break within 20' of grade.

e.g. a cornice, porch, arcade, canopy, overhang, awning, Etc.

Provide major vertical breaks w/in each 8'-10' along the length of façade.

e.g. pilasters, doors, windows, brackets, etc.

Provide interim vertical breaks.

e.g. masonry watertable, reveals, trim, shiplaps, light fixtures, signage bands, etc.

Provide emphasis at building and/or block corners.

e.g. bell tower, arcade, porch, sculpture element, fountain, plaza, etc.

Windows : No continuous band windows.

Vary single punch window openings with group window openings.

Ground Floor – min. 50% of length in glass w/in 3'-8' vertically from grade.

2nd/3rd Levels – min. 30% of length of façade in glass.

Provide exterior shading elements – Bermuda shutters, trellises, deep eaves, etc.

No reflective glass or glass block.

Tinted windows in grey only to 30% transmission only.

Public Access Doors: Not just a punched opening – should be an 'invitation', welcoming, attractive.

## **ARTICLE VI. SIGN REGULATIONS**

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### **6.0 General Provisions**

#### **6.0.1 Purpose**

1. To promote and protect the public health, safety, and general welfare.
2. To enable the identification of places or residences and businesses.
3. To balance the rights of individuals to convey their messages through their signs and the right of the public to be protected from the unrestricted proliferation of signs.
4. To enhance the economy and the business and industry of the city by promoting the reasonable, orderly and effective display of signs, including the public being able to locate goods, services, and facilities in the city.
5. To maintain and enhance the aesthetics of the city by restricting signs and lights that increase clutter.
6. To maintain and improve traffic safety by preventing and restricting signs that, due to their placement or appearance, increase the probability of traffic accidents by obstructing vision or confusing motorists.
7. To promote signs that are compatible with their surroundings and minimize potential adverse effect of signs on nearby property.
8. To ensure proper maintenance of signs for safety and structural soundness as well as the appearance of signs.
9. To ensure the fair and consistent enforcement of sign regulations.
10. To insure that these sign regulations continue to take into account developments in the law.

### **6.0.2 General Requirements**

1. Any sign erected, placed, reconstructed, expanded or relocated on any property within the City shall conform to the provisions of this Article. The number, location, and size of signs allowed per each property or business is limited by this Article.
2. No signs shall be located, erected, placed, constructed, reconstructed, expanded, altered, or relocated except as provided in this ordinance without securing a permit from the City of Port St. Joe.
3. It is the responsibility of the owner/developer to ensure proper compliance and to repair and maintain the signs.
4. It is the responsibility of the land owner to remove signs from unoccupied spaces and/or buildings, or when the permit has expired.
5. Signs not repaired or maintained, as determined by the City or its designated agent, and duly cited for posing a public safety hazard will be declared derelict and will be removed at owner's expense.
6. Private signs on public property or public right-of-way may be removed by the City or its agents without notice to the sign owner.

### **6.0.3 Prohibited Signs**

1. Bench Signs.
2. Non-Conforming Signs.
3. Off-Premises Signs: Off-premises signs pertain to any sign on any property other than that on which the business is located, including but not limited to billboards, sandwich boards, "A" frame, "T" frame, step signs, "yard" signs, menu signs, "on duty" signs, snipe signs, portable signs, trailer signs, vehicle signs.
4. Advertising Signs on Towers: Advertising signs on any type of water tower, aerial tower or other tower.
5. Signs on Public Right of Way: Signs on public rights-of-way, public property including but not limited to streets, sidewalks, parks, street lights and poles, bridges, in or upon any river, bay, lake, or other body of water, except signs erected, approved or required by law or by public governmental entities or signs erected pursuant to section 6.4.9.
6. Temporary or mobile Changeable Message Signs (except portable menu signs, & signs owned by public entities)
7. Pavement Markings, except official traffic control markings and street addresses.
8. Roof Signs.
9. Piers or Seawalls: Signs attached to or painted on piers or sea walls, other than official regulatory or warning signs.
10. Emissions: Signs that emit sound, vapor, smoke, odor, particles, or gaseous matter.

11. **Unshielded Illumination:** Signs that have unshielded illuminating devices or which reflect lighting onto public rights-of-way, thereby creating a potential traffic or pedestrian hazard.
12. **Moving Signs:** Signs that move, revolve, twirl, rotate, flash, including animated signs, multi-prism signs, floodlights and beacon lights, except when required by the Federal Aviation Agency or other governmental agency.
13. **Obstructions:** Signs that obstruct, conceal, hide, or otherwise obscure from view any official traffic, government sign, signal, or device, or presents a potential traffic or pedestrian hazard, including signs which obstruct visibility.
14. **Three-Dimensional Objects:** Three-dimensional objects that are used as signs, carried, waved, or otherwise displayed by persons either on public rights-of-way or in a manner visible from public rights-of-way, intended to draw vehicular and pedestrian attention for a commercial purpose (not intended to limit the display of placards, banners, flags, or other signage by persons participating in demonstrations, political rallies and similar events that have been properly permitted).
15. **Signs Omitted from the Code:** Any sign that is not specifically described or enumerated as permitted within the zoning district classifications in the land development code.
16. **Flags and Banners as permanent signage.**

#### **6.0.4 Enforcement of Prohibited Signs**

1. Any sign that is installed, erected, altered, moved or replaced in violation of this Article is prohibited. The enforcement of sign regulations will be performed by the Code Enforcement Inspector (CEI), the City Manager, or his designee. The owner or person or firm maintaining the sign shall, upon notice either written or verbal from the City Manager, CEI, or his designee, shall remove prohibited signs. Any such sign not removed or properly altered within the time period allotted from the notice, may be removed by the City and all costs charged to the property owner, agent, or person having beneficial interest in the sign itself.

#### **2. Derelict Signs**

Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the City Manager or his designee, the owner or person or firm maintaining the sign shall, upon written or verbal notice from said enforcement officer, forthwith in the case of immediate danger and in any case within (48 hours), remove such sign or secure it in a manner approved by the enforcement officer. Any such sign not removed or properly secured within the time period allotted from the notice, may be removed by the City and all costs charged to the property owner, agent, or person having beneficial interest in the sign itself.

#### **3. Temporary Signs**

Pennants, streamers, banners, wind-blown devices, real estate signs, real estate directional signs, semi-public-use directional signs, signs in the right-of-way, and construction signs that do not conform to the provisions of this Article upon its adoption or amendment shall be removed within ten (10) days.

#### **4. Nonconforming Signs and a new business**

A nonconforming freestanding or building sign shall not be reused for a new business or establishment and shall be removed within thirty (30) days after the business or establishment to which the sign initially pertained ceases to operate at the subject location. This includes the replacement of a sign face module for a new business on a sign or sign structure that exceeds the maximum area or height requirements established by this Article.

#### **5. Change or Removal of Discontinued Signs**

When a property owner has a lawful and conforming freestanding or building sign that no longer is used by a business or establishment, and the owner desires to retain said sign, this section shall apply in order to retain said freestanding sign as a lawful sign. If the discontinued freestanding sign or building sign contains a sign face that is in the form of a removable sign face module, the removable sign face module containing advertising shall be removed and replaced with a panel of like or similar appearance without advertising until another use is lawfully established. If a discontinued freestanding sign or building sign contains a sign copy area that is not removable, the said sign shall be removed or the copy area shall be painted over to conceal the advertising.

### **6.0.5 Prohibited Sign Locations**

1. No sign shall be placed or located in a manner inconsistent with this Section.
2. Location in right-of-way prohibited. No part of any sign shall be located in, over, or project into a public right-of-way except for awning signs, canopy signs, or projecting signs in the commercial district.
3. Obstructions of buildings and roadways prohibited. No sign shall be erected, located, or maintained in such a manner as to interfere with safe and free ingress and egress of any door, emergency exit, driveway, street, or roadway.
4. Obstruction of utilities prohibited. No sign shall interfere with such utilities as water mains and hydrants, sanitary sewerage, gas, electricity, and communications equipment or lines, and shall not interfere with natural or man-made storm-water drainage facilities.
5. Obstructions of views and confusion with traffic controls. No sign shall be erected or maintained where, by reason of its position, wording, illumination, size, shape or color, it may obstruct the view of oncoming vehicles or impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device. No sign shall contain or be in imitation of an official governmental traffic control sign, signal, or emergency vehicle device.

6. Damage to trees or landscaping. No sign shall be located in a manner that poses a threat to the critical root zone of an existing tree or landscaping.

#### 6.0.6 Penalties for Non-Compliance

1. If a sign is erected either without the required permit (unless no permit is required as per this Article) or erected in violation of this Article, the owner, owner's agent, or person in control of any property where the sign is located shall have the sign immediately removed.
2. Upon receipt of written notification by the City that a sign is illuminated, blinking, moving three-dimensional or sounding in violation of this Article, the owner, owner's agent, or person in control of the premises, shall immediately terminate the prohibited illumination of such sign.
3. In the case of emergency situations, the City is hereby authorized to take such steps that may be necessary to secure or remove signage that poses a threat to the public health, safety, and welfare.
4. Penalties shall be imposed as part of the code enforcement process, which fines shall be paid within thirty (30) days, or liens will be placed on the property in violation. Penalties Shall Be as Follows:

First Offence: Warning-Correction Notice

Second Offence: \$25 Dollars per day

Third Offence: \$50 Dollars per day

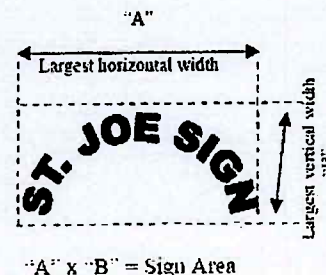
Forth offence: \$ 250 Dollars per day

Fifth or more \$ 500 Dollars per day

#### 6.0.7 Size & Height Computation

##### 1. Computation of Sign Area:

- a. The area of a sign shall be computed by means of the smallest rectilinear figure (but which shall have a continuous perimeter of not more than eight (8) straight lines) which encompasses all lettering, wording, frame, design or symbols, together with any background and any illuminated part of the sign on which the sign is located, if such background or such illuminated part of the sign is designed as an integral part of and related to the sign.
- b. Support and bracing which are not intended as part of the sign and which contain no message, shall be excluded.
- c. In the case of a multi-faced sign, the area of the sign shall be considered to include all faces visible from one direction. The area shall be



considered to include all lettering, wording and accompanying designs or symbols together with any background of different color than the natural color of the building.

## **2. Computation of Height**

- a. The height of a sign shall be computed as the distance from the ground directly below the center of the sign or from the grade of the closest point in the traveled way of the road or street the sign is located along, whichever is higher, to the sign or sign structures highest point.

## **6.1 Temporary Signs Allowed Without a Permit – Restrictions Apply**

### **6.1.1 Construction Signs**

1. Safety or warning signs for road work with flashing lights and/or messages are allowed during progress of the work.
2. One construction site identification sign may be placed on a property upon the commencement of construction and shall be removed within Ten (10) days of receiving a final certificate of occupancy for the construction or development project to which it refers, if such sign complies with all of the following:
  - a. Maximum nine (9) square feet in sign face area and a maximum height of four (4) feet in single-family residential zoning districts.
  - b. Maximum thirty-two (32) square feet in sign face area and a maximum height of eight (8) feet nonresidential zoning districts.
  - c. No illuminations shall be permitted.

### **6.1.2 Temporary Window Signs**

### **6.1.3 Portable Menu Signs**

1. Shall be located adjacent to the building wall for the business for which it promotes a product or service
2. Shall allow no less than four (4) feet of open pedestrian space between the outer edge of the sign and the edge of the sidewalk.
3. Shall be removed daily at close of business day.

### **6.1.4 New Business Signs**

1. Banners may be permitted to indicate the grand opening of a new business, the existence of a new business, or a business in a new location.
2. Such banners shall be placed flush upon the wall or window to which they are attached. Banners shall not be hung as canopy sign or flown as flags.

3. Such message may be displayed for a period of not more than thirty (30) calendar days or until installation of permanent signs, whichever shall occur first. An extension of thirty (30) days may be granted by the City for reasonable cause

#### **6.1.5 Real Estate Signs**

1. One (1) freestanding real estate sign per parcel of land indicating that a parcel of land or a building located on the parcel of land or part thereof is for sale, for lease or otherwise available for conveyance, provided that such sign does not exceed:
  - a. Maximum nine (9) square feet of total sign face area and (4) feet in height, non-illuminated, on parcels of land designated or used for residential purposes to include riders
  - b. Maximum thirty-two (32) square feet of total sign face area and eight (8) feet in height, non-illuminated on parcels of land designated or used for non-residential purposes (multi-family, commercial and industrial zoning districts).
  - c. In the event that more than one dwelling unit or non-residential space on a single parcel of land is for sale, one (1) attached sign per dwelling or space of no more than two (2) square feet in total sign face area in addition to the permitted freestanding signage.
2. Ten (10) days after sale transaction is recorded with the Gulf County Clerk of the Court, any and all signage accompanying the sale shall be removed.
3. For Rent Signs: One (1) attached sign either affixed to the structure or displayed from a window that a property is for lease or for recurring short-term rental with a maximum square footage of nine (9) square feet.

#### **6.1.6 Political Signs**

1. One (1) Temporary yard sign per political candidate or political initiative may be placed per property with permission of the property owner and must be removed within two (2) days following the election.
2. Penalties for non compliance may be assessed to the property owner and/or the political candidate.

#### **6.1.7 Garage Sale Signs**

1. One (1) garage/yard sale/open house sign of no more than two (2) square feet of total sign face area located on the parcel of land where the sale is to be conducted, and displayed only on the dates on which the sale is conducted.

### **6.2 Permanent Signs Allowed Without a Permit – Restrictions Apply**

- 6.2.1 **Street Address Signs:** One address sign of no more than (2) two square feet of total sign face area for each parcel of land used for residential purposes, and no more than (3) three

square feet of total sign face for each parcel of land used for commercial purpose and semi-public use purposes.

**6.2.2 Equipment/Machinery Signs:** Signs which are integral and incidental to equipment or machinery and cover no more than twenty (20) percent of the exterior surface of such equipment or machinery.

**6.2.3. Menu Signs:** One (1) Attached or freestanding menu sign of no more than six (6) square feet of sign face area located at the entrance of a restaurant. Two (2) freestanding sign no more than sixteen (16) square feet in area and six (6) feet in height located in the rear of the principle building of the restaurant.

**6.2.4. Onsite Directional Signs:** Onsite directional and traffic control signs of no more than four (4) square feet of sign face area, provided that business logos or other non-traffic control symbols do not exceed twenty-five (25) percent of the sign face area.

**6.2.5 Parking Space Numbers:** Parking space numbers and marina slip numbers painted on the paved surface or dock not to exceed one-half (½) square foot of sign face area per sign.

**6.2.6 Indoor Signs or Signs within a Stadium:** Signs indoors or located within a stadium that are primarily directed at patrons of the facility.

**6.2.7 Safety Signs:** Safety or warning signs that do not exceed four (4) square feet of sign face area per sign.

**6.2.8 Vessel Slip Signs:** One (1) sign identifying each individual vessel slip at a marina, provided such sign does not exceed four (4) square feet in area and is placed in the vicinity of the slip. For commercial marinas having separately licensed slips for commercial vessels, each licensed slip shall be permitted one (1) sign containing no more than eight (8) square feet in area placed in the vicinity of the slip to identify the vessel, rate/embarking schedules or other information.

**6.2.9 Permanent Window Signs:** Signs within windows and doors incidental to the operation of the business (i.e. hours of operation and accepted credit cards) and required signs (i.e. statutory and business regulation signage) shall be permitted in non-residential zoning districts.

**6.2.10 Memorial Signs:** Memorial signs or tablets, names of buildings and the dates of erections, when cut into any masonry surface or when constructed of bronze or other non-combustible materials so long as the memorial sign or tablet does not exceed four (4) square feet of area.

### **6.3 Event Signs**

#### **6.3.1 Event Signs:**

1. The following sign allowance shall be allowed in conjunction with a special temporary event duly permitted pursuant to the Code of Ordinances.
2. Such signage may not interfere with traffic, safety or sight lines and must be erected on the property on which the event is to be held, and shall be allowed for a period of seven (7) days prior to the event, and four (4) days for the duration of the event, and to be removed at the conclusion of the event.

3. One non-illuminated temporary sign, banner, balloon, cold air inflatable, streamer, or pennant announcing the event, not exceeding thirty-two (32) square feet in area nonresidential zoning districts only.

#### **6.3.2 Off-Site Event Signage**

1. Any business, church, school, or non-profit located within the limits of the City is eligible to be included in the Off-site event signage locations.
2. Off-site event signage shall be allowed only in common locations as designated by the City Manager or designee.
3. Off-site sign permit application, including a fee based on a fee schedule to be determined by City Commission resolution is required.
4. Shall be allowed for a period of seven (7) days prior to the event, and four (4) days for the duration of the event, and to be removed at the conclusion of the event.
5. Size restrictions for signs in common locations will be determined by the City Manager based on the space available in the common location.
6. Quantity of Off-Site event signage allowed for any one business, church, school or non-profit will be limited to (4) events per year.

### **6.4 Commercial Signs**

#### **6.4.1 Freestanding Signs**

1. Principal freestanding signs shall be monument signs or pole signs.
2. Only One (1) principle freestanding sign is allowed per parcel.
3. Maximum size of thirty-two (32) SF of signable area visible from any one direction.
4. There shall be a minimum setback of five (5) feet between any right-of-way and the nearest edge of a freestanding sign along State right-of way, and a minimum setback of three (3) feet along City right-of-way. Signs shall not interfere with any intersection sight triangle.
5. Maximum of fourteen (14) feet high, but in no case above the height of the principle building.
6. Commercial parcels with more than 20,000 square feet of retail and/or office space restricted to thirty (30) feet in height and twelve (12) feet in width.
7. All freestanding signs shall be installed in a landscaped area of not less than twenty five (25) square feet.
8. All freestanding signs shall include the address number of the property on which the sign is to be located
9. Materials used in the structure of the monument sign and any other principle freestanding sign should be architecturally compatible with the principle building or structure on the lot.

#### **6.4.2 Attached Building Signs**

1. The graphic and the wall on which the attached building sign is displayed shall be correctly proportioned per this Article.
2. The signable area is a continuous portion of a building unbroken by doors or windows. The area is calculated by selecting a continuous façade free of architectural details, then drawing an imaginary rectangle and computing the square footage of this area.
3. The total sign area shall be no more than fifty percent (50%) of the signable area.
4. The allowable size graphics may be located anywhere on the wall.
5. Where individual businesses are located in a single building or in multiple buildings that are connected, attached signs shall be designated according to a common theme but may be sufficiently unique to each individual business.

#### **6.4.3 Projecting and Blade Signs**

1. Projecting signs include awning/canopy signs suspended from an overhang or blade signs attached to the wall and perpendicular to the wall and shall be limited to no more than one (1) per tenant on a property.
2. Shall be placed with at least six feet, eight inches (6'8") of clearance above the walking surface when erected over pedestrian walkways.
3. If illuminated, must follow requirements of "Illuminated Signs."

#### **6.4.4 Multiple Business Signs**

1. Two (2) one-sided monument signs or one (1) two-sided monument sign may be located at each entrance into a commercial development or into an office or industrial park consisting of two (2) or more buildings.
2. Each development entrance sign shall not exceed thirty-two (32) total square feet in total sign face area.
3. If illuminated, must follow requirements of "Illuminated Signs."

#### **6.4.5 Sign Illumination**

1. The light from any illuminated sign shall be shaded, shielded, or directed away from adjoining street rights-of-way and properties.
2. No sign shall have blinking, flashing, or fluttering lights, or other illumination devices which have a changing light intensity, brightness, color, or direction.
3. No colored lights shall be used at any location or in any manner so as to that could be confused with or construed as traffic-control devices.
4. Neither the direct nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

#### **6.4.6 Changeable Message Signs**

1. Gasoline Price Signs: The area of gasoline price signs, whether attached or not, shall be included in determining the cumulative area of signs on a property. Gasoline price signs shall be integrated into the principle sign of the property.
2. Permanently Installed Changeable Message Signs
  - a. Must not be portable or include wheels, axels, or trailers
  - b. Must be integrated into the permanent principle freestanding sign or building sign.
  - c. Must be maintained properly to avoid missing letters, non-matching letters and numbers, and maintain current information.

#### **6.4.7 Electronic Message Boards**

1. Notwithstanding any other provision of this code, electronic message boards and/or changeable message signs shall be permitted if it complies with all of the following (signs owned by public entities are exempt):
  - a. It must be located on a multi-tenant commercial center providing not less than 50,000 square feet of retail space.
  - b. It shall not be located within the boundaries of the Port St. Joe Redevelopment Agency or in any area designated residential, recreational or public use on the Port St. Joe Future Land Use Map.
  - c. The PDRB shall make a finding that the sign, as permitted, does not use any flashing or strobe lights, does not emit any sounds, does not present lighting effects that are unusually distracting to vehicles and otherwise complies with the size, location and other requirements of these regulations.
  - d. It may not be located less than nine feet above grade.
2. Time and Temperature Signs
  - a. Time and temperature signs shall be allowed in non-residential districts.
  - b. Time and temperature changes shall not occur more frequently than once every fifteen (15) seconds.
  - c. The maximum area for the time and temperature portion shall be twenty (20) square feet.
  - d. The area of a time and temperature signs, whether attached or not, shall be included in determining the cumulative area of signs on a property.

#### **6.4.8 Murals**

1. Murals will be allowed; however, the sponsorship or advertisement area shall not exceed ten (10) percent of the total computed area of the mural.

#### **6.4.9 Tourist Oriented Directional Signs (TODS)**

1. The TODS signage program shall be in accordance with FDOT rules and regulations regarding size, materials, and locations allowed.
2. TODS signage can only be installed by the City or its Agents.
3. TODS signage program is intended to benefit local businesses that rely on visitors for at least 51% of their annual income.
4. TODS directional signs can direct visitors from State highways to business districts that may be located off of the state highway
5. TODS signs in Port St Joe can identify business districts and tourist activities but will not identify an individual business by name.

#### **6.4.10 Pedestrian Oriented Signs (POS)**

1. Any business, church, school, or non-profit located within the limits of the City is eligible to be included in the common location for POS Signs.
2. POS Signs will be allowed only in common areas identified by the City Manager or his designee.
3. POS Signs may identify individual businesses by name, logo, location, and services offered.
4. Size, format, and materials of signs will be strictly controlled with standards as designated by the City Manager based on the space available.
5. Qualified POS signs will be allowed by an annual permit fee. Fees for the installation of POS Signs will be determined by resolution of the City Commission.

#### **6.4.11 Commercial District Signs**

1. District Signs can only be installed by the City or its Agents.
2. Locations of District Signs is limited to City property, City right-of-way, or private property leased to the City.
3. District signs can direct patrons from State highways to business districts that may be located off of the state highway
4. District Signs in Port St Joe can identify business districts and business activities but may not identify an individual business by name.
5. Size, locations and materials will be at the discretion of the City, but may not violate any State or Federal regulations.

### **6.5 Non-Commercial Signs**

#### **6.5.1 Subdivision Signs**

1. One monument entry sign for each entrance into a platted subdivision of no more than thirty-six square feet of total sign face per sign.

2. The height of a monument sign shall not exceed eight feet.
3. All monument signs shall be installed in a landscape area of not less than twenty-five (25) square feet. If the sign is for a multi family facility, it shall include the address on which the sign is located.

#### **6.5.2 Home Based Business Signs**

1. One attached wall sign no more than six (6) square feet except that no signage is allowed for a home based business located in zoning districts VLR, R-1 and R-2A according to Article III of the Land Development Regulations.
2. Non-illuminated.

#### **6.5.3 School & Park Signs**

1. One monument entry sign for each major entry into a school or park of no more than thirty-two (32) square feet of sign face.
2. The height of a monument sign shall not exceed eight (8) feet.
3. All monument signs shall be installed in a landscape area of not less than twenty-five (25) square feet and shall include the address number of the property on which the sign is to be located.

#### **6.5.4 Religious and Non-Profit Signs**

1. All signs for Religious Facilities, Churches, and Non-Profit Facilities shall follow the same guidelines and have the same restrictions listed under section 6.4 Commercial Signs.

### **6.6 Sign Permitting**

#### **6.6.1 Permit Application**

1. A sign permit application for permanent and certain temporary signs as may be required by this Article, or separate City Commission resolution, shall be prepared and submitted on forms available at the Code Enforcement inspector (CEI) office at City Hall, or other office designated by the City Commission. The sign permit application is in addition to any building permit application required by the Florida Building Code. The applicant shall complete and submit the sign permit application. The required application form is attached hereto as exhibit A..
2. In the event that the building inspector or the CEI determines that the sign is of sufficient complexity as a result of size, location or other components the applicant shall provide three (3) copies of the plans, specifications, calculations and details, signed and sealed by an engineer licensed in Florida, specifications documenting the applicable wind load, and electrical specifications, if applicable, meeting the minimum requirements of the applicable Electric Code.
3. A sign permit fee shall be \$25, which cost may be modified at any time by resolution of the City Commission. All sign permit applications shall be accompanied by the applicable sign permit fee.

4. While this permitting process shall not include major developments, which are addressed in the Land Development Regulations, all the regulations, restrictions, locations and penalties shall be the same. Any signs in major developments that are not approved during the major development process shall adhere to this Article.
5. An applicant shall deliver a sign permit application to the Code Enforcement office at City Hall, or such other office as may be designated by the City.
  - a. The sign permit application shall be reviewed by the CEI for a determination of whether the proposed sign meets the applicable requirements of this Article and any applicable zoning law. The review of the sign permit application shall be completed within seven (7) Business days following receipt of a completed application, and any applicable fees. A sign permit shall either be approved, approved with conditions (meaning legal conditions existing in the Code such as dimensional requirements), or disapproved, and the decision shall be reduced to writing. A disapproval shall include or be accompanied by a statement of the reason(s) for the disapproval. The CEI shall seek review of the City Attorney prior to notice of disapproval. If disapproval is the consequence of a failure to decide upon the application within the deadline set forth herein, the CEI shall upon request refund any applicable fee to the person who paid the fee. In the event that no decision is rendered within seven calendar days following submission due to unforeseen circumstances, the application shall be deemed denied and the applicant may agree to additional time for the CEI to review the application or may appeal to the PDRB. Any appeal shall be heard and a decision rendered within the time frames specified in this Article for appeals.
  - b. For the purpose of appeal to any court of law, an applicant must exhaust the administrative remedies provided by these regulations.
  - c. In the case of an approval with conditions or disapproval, including disapproval by lapse of time as described herein, an applicant may ask for reconsideration of the decision on the grounds that the CEI has overlooked or failed to consider any fact(s) that would support a different decision. A written request for reconsideration accompanied by such additional fact(s) as the applicant may wish the CEI to consider, shall be filed with the CEI within ten (10) calendar days after receipt of the decision. No fee shall be required for a request for reconsideration. Upon the timely filing of a request for reconsideration, the decision of the CEI shall be deemed stayed and not a final decision, until the request for reconsideration is decided. The request for reconsideration shall be decided within seven (7) Business days of receipt by the City. Such decision shall be in writing and shall include a statement of the reason(s) for the decision. If the disapproval of the request for reconsideration was a consequence of a failure to decide upon the application within the deadline set forth herein, the CEI shall verify upon request that any applicable fee was refunded even if the City Commission or PDRB approves the application upon reconsideration.
  - d. All decisions shall be mailed, transmitted electronically, or hand delivered to

the applicant. A record shall be kept of the date of mailing, electronic transmittal, or hand delivery. For the purposes of calculating compliance with the seven day deadline for a decision upon an application or the seven (7) day deadline for a decision upon request for reconsideration, the decision shall be deemed made when deposited in the mail, transmitted electronically, or hand delivered to the applicant.

- e. As exceptions to the foregoing, the seven day deadline for approval and the seven (7) day deadline for a decision upon receipt of a request for a reconsideration shall not apply (that is, the time shall be suspended):

1. In any case in which the application requires a variance, rezoning, comprehensive plan amendment or approval from another governmental agency. In such cases, the time shall be suspended until seven (7) days after a final decision is made.
2. If the applicant is required to make any change to the application to obtain an unconditional approval the time shall be suspended until seven (7) days after the changes are made.
3. Time may also be suspended based on written agreement of the applicant and the CEI.

6. An application which is materially incomplete or which is not accompanied by the required fee shall not be deemed accepted and the time for review of the application shall not commence until a complete application accompanied by the required fee is filed with the City commission's Designee. However, the CEI shall keep the record of incomplete application or any application not accompanied by the correct fee, as required by applicable public record laws. In addition, the CEI shall within thirty (30) days of receipt of such an application send the applicant a written explanation of the deficiencies in the application and ask that the deficiencies be remedied, explaining that the application cannot proceed forward otherwise and the review will be suspended pending receipt of the required information or documentation. The applicant must then submit a new application with the deficiencies corrected in order for it to be considered by the CEI.
7. Any person aggrieved by the decision of the City upon his or her sign permit application shall have the right to seek judicial review by the Circuit Court of the Fourteenth Judicial Circuit in and for Gulf County, Florida, or any other court of competent jurisdiction, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available provided that the applicant has exhausted the administrative remedies provided for herein. The City shall not oppose any request of the Court by the applicant for an expedited review of the City's decision.

#### **6.6.2 Variance Request**

1. Any property owner may request a waiver from the provisions of this article by submitting an application, which specifies in detail each provision of this article to which the applicant seeks a variance. The nonrefundable fee to request a variance shall be \$150, which may be revised by the City Commission at any time, and shall be required with the variance request. The variance application shall be approved or denied in accordance with the criteria and procedures set forth in 2.14 of the City Code. In general, a variance may be granted when:
  - a. A written application for a variance (hardship relief) is submitted to the Planning and Development Review Board demonstrating that a hardship exists based on one of the following conditions:
  - b. 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;
  - c. 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;
  - d. The special conditions and circumstances do not result from the actions of the applicant; or
  - e. 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.

### **6.6.3 Appeal Process**

1. Whenever it is alleged that there has been an error in any order, action, decision, determination, or requirement by an administrative official in the enforcement and application of any provision contained within this Article or any other provision of this Code pertaining to sign permits (including any allegation that an administrative official has failed to act within applicable time frames), the aggrieved party may file a written appeal with the PDRB.
2. The written appeal shall be filed with the PDRB within ten days of the date of the alleged error. The written appeal shall describe the alleged error and the applicable provisions of the Code pertaining to the administrative official's order, action, decision, determination, requirement, or failure to act.
3. The PDRB shall hold a hearing within thirty business days.
4. The PDRB shall render a written decision within ten (10) days following the hearing.
5. If an administrative appeal is filed by the applicant, and the PDRB fails to meet within

the proscribed time, the appeal will be deemed denied and the decision of the CEI regarding the sign application will be deemed a final decision subject to immediate appeal to a court of competent jurisdiction.

6. The PDRB shall comply with all applicable rules of conduct and procedures that pertain to land use and zoning and that are not inconsistent with the provisions in this Article.
7. No variance shall be given by the PDRB to any height, size or other dimensional criteria set forth in this Article. No variance shall be given by the PDRB with regard to the number of signs allowed on any parcel of land as set forth in this Article.
8. The appellate decisions of the PDRB pursuant to this section shall be deemed final, subject to judicial review by a Circuit Court of the Fourteenth Judicial Circuit in and for Gulf County, Florida, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available.

#### **6.7 Phase-out of Existing Non-Conforming Signs**

1. Existing signs deemed non-conforming to this ordinance on the date of its effective date shall be required to conform with this ordinance and any amendments thereof, within a period of five (5) years from October 31, 2008, or at the time of re-installation, reconstruction, change of business ownership, change in principle of business, or change of business name, whichever is first.
2. Existing signs deemed non-conforming to this ordinance on the date of its effective date shall not be expanded or relocated within the City limits; but normal maintenance is required.
3. Subject to the following conditions, all existing signs made non-conforming by the passage of this ordinance or by any subsequent amendment, may be continued in operation and maintained during the period of five years of its effective date. Such signs shall not be:
  - a. Replaced with another nonconforming sign.
  - b. Enlarged, extended, constructed, reconstructed, moved or structurally altered except to bring the sign into conformance with all provisions of this ordinance.
  - c. Re-established after damage or destruction if such damage to the sign exceeds fifty percent of its total surface area. The extent of the damage shall be determined by the City of Port St. Joe or its designated agent.
  - d. It shall not be re-established after it has been removed or has been discontinued or abandoned.

#### **6.8 Sign Maintenance Requirements**

1. Sign Maintenance

All signs, together with all their supports, base, and anchors and required landscaping shall be kept in good repair and, unless constructed of galvanized or non-corroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.

## **2. Situations Where Maintenance is required**

Upon discovery of a sign in need of maintenance, the code enforcement officer shall give written notice to the owner of the sign or the owner of the property on which the sign is located if the owner of the sign itself cannot be determined. Said notice shall state the items or items requiring repair or maintenance. The owner shall have thirty (30) days in which to repair or maintain the sign before a citation is issued. If the owner has failed to make repairs or the necessary maintenance with that time, the enforcement officer shall initiate enforcement proceedings as required to cure violation of the Article. Situations constituting the need for maintenance include but are not limited to the following (other similar conditions of disrepair or lack of maintenance may be determined):

- a. Lettering or other elements of the sign have become detached or have fallen off the sign or become misaligned.
- b. Painted surfaces on the sign or sign structure have begun to peel, flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign no longer displays the message as originally intended.
- c. A significant number of the bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off, or have become misaligned.
- d. A sign becomes derelict, or insecure or in danger of falling or otherwise unsafe.

## **6.9 Legal Provisions**

- 1 Due to the need for public safety signage, directional signage, and other civic responsibilities of the Government, The City of Port St. Joe is exempt from the requirements and restrictions of this Article. However, the City will make responsible efforts to comply with the general intent and purposes of this Article.

### **2 Words and Phrases**

Words and phrases used in this Article shall have the meanings defined in this section. Words and phrases not defined in this section but defined in the Land Development Code shall have the meaning defined in that ordinance. Words used in the singular shall include the plural; the plural the singular, and the words used in the present tense shall include the future tense. The word "shall" is mandatory, not discretionary. The word "may" is permissive. The word "erected" includes the words "constructed", "moved", "located" or "relocated," The word "lot" includes the word "plot" or "parcel." The word "person" includes the words "individuals", "firms", "partnerships", "corporations", associations", governmental bodies," and all other legal entities. The words "used" or "occupied" include the words "intended", "arranged", or "designed to be used or occupied."

3. Implied Consent: Any person applying for, and the property owner upon which the sign will be erected, and receiving a permit for any sign hereby consents to the following:

- (1) Consents to complying with all provisions of this Article; and
- (2) Consents for City officials to enter private property to inspect all signage and to remove illegally erected and/or non-conforming signs upon reasonable advance notice by the City.

4. Viewpoint Neutral

Notwithstanding anything in this Article or Code to the contrary, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

5. Severability

a. General

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other supplemental sign regulation set forth is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other supplemental sign regulation.

b. Severability where less speech results

Without diminishing or limiting in any way the declaration of severability set forth above in subsection (1), or elsewhere in this code or any adopting ordinance thereof, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other supplemental sign regulation is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

c. Severability of Provisions Pertaining to Prohibited Signs

Without diminishing or limiting in any way the declaration of severability set forth above in subsection (a), or elsewhere in this article or any other supplemental sign regulation set forth, this article or any supplemental sign regulation, or any adopting ordinance thereof, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other supplemental sign regulation is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other supplemental sign regulation that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed.

d. Severability of Prohibition on Off-Premises Signs

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other supplemental sign regulation is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on off-premises signs as contained in this article and Code.

6. Substitution

Notwithstanding anything contained in this Article or Code to the contrary, any sign erected pursuant to provisions of this Article or Code may, at the option of the owner, contain a non-commercial message in lieu of a commercial message and the non-commercial copy may be substituted at any time in place of the commercial copy. The non-commercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to non-commercial messages, or from one non-commercial message to another non-commercial message, as frequently as desired by the owner of the sign, provided that the size, height, setback and other dimensional criteria contained in this Article and Code have been satisfied.

7. Obligation of Owners

The owner and/or lessee shall agree as part of the City's approval to hold harmless and indemnify the City, its officers, agents and employees, against any and all claims of negligence resulting from such work.

8. Comprehensive Sign Program

a. The intent of the comprehensive sign program is to provide private property owners and businesses with flexibility to develop innovative, creative, and effective signage and to improve the aesthetics of the City of Port St. Joe.

b. The city recognizes that in some circumstances, there are innovative and creative alternatives to minimum standard signage that are desirable and attractive and will enhance community character and individual property values.

c. The purpose of the Comprehensive Sign Program is to provide an alternative to minimum standard signage subject to flexible criteria to ensure that alternative signage will not have an adverse impact on the aesthetics, community character, or quality of life in Port St. Joe.

d. The signs proposed as part of a Comprehensive Sign Program shall be designed as a part of the architectural theme of the principle buildings proposed or developed on the parcel(s) proposed for development and shall be constructed of materials and colors that reflect an integrated vocabulary for the parcel(s) proposed for development.

## **ARTICLE VII. CONSISTENCY AND CONCURRENCY DETERMINATIONS**

### **Sec. 7.00. Generally--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.

### **Sec. 7.01. Same--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.

### **Sec. 7.02. Same--No presumption in favor of concurrency.**

Notwithstanding the presumption created in section 7.01, 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 7.07.

### **Sec. 7.03. Same--Challenging the consistency of a development proposal.**

The building inspector, City Manager, 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.

### **Sec. 7.04. Reserved.**

### **Sec. 7.05. System for the management of concurrency--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.

### **Sec. 7.06. Same--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.*

(1) 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.

(2) With respect to transportation facilities, de minimis impacts shall be exempt from the level of service standards for roadways set forth in the Port St. Joe Comprehensive Plan. A de minimis impact is an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the building inspector. No impact will be de minimis if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility; provided however the impact of a single family home on an existing lot will constitute a de minimus impact on all roadways regardless of the level of the deficiency of the roadway. Further, no impact will be de minimis if it would exceed the adopted level-of-service standard of any affected designated hurricane evacuation route. The building inspector shall maintain sufficient records to ensure that the 110 percent criteria is not exceeded and a summary of these de minimis records shall be submitted annually with the updated capital improvements element.

**Sec. 7.07. Same--Determination of available capacity.**

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

(1) *Adding together:*

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

b. 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:

1. Construction of the new facilities is under way at the time of issuance of the final development order or development permit.

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

3. At the time that the development order or permit is issued, 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 F.S. § 163.3220, or an agreement or development order pursuant to F.S. ch. 380. Such facilities shall be consistent with the capital improvements element of the local government comprehensive plan.

4. 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.

5. For roads, facility expansion needed to serve the new development can be counted if it is included in the first year of the City's adopted five-year schedule of capital improvements and is scheduled to be in place or under construction not more than one(1) year after issuance of the project's first building permit or its functional equivalent. For purposes of this section, the City may recognize and include transportation projects included in the first year of the adopted Florida Department of Transportation five-year work program.

(2) *Subtracting from that number of the sum of:*

- a. The total existing demand for the service or facility as documented in the local government comprehensive plan; and
- b. The demand for the service or facility created by the anticipated completion of other approved developments, redevelopment or other development activity.

(3) *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;

- a. 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.
- b. The proposed project may be altered such that the projected level of service is no less than the adopted level of service.
- c. The transportation impacts generated by the proposed development may be mitigated by the cooperative efforts of the public and private sectors through the Proportionate Fair-Share Mitigation program described in section 7.13.

**Sec. 7.08. 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.

**Sec. 7.09. 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 and reflected in sec. 7.11., Table 1 below.

#### **Sec. 7.10. Annual report.**

(a) *Contents.* By December 2009, 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; and
  - 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.

#### **Sec. 7.11. Adopted levels of service.**

(a) Infrastructure (sanitary sewer, solid waste, stormwater management, potable water, transportation, recreation, hurricane evacuation and public school facilities).

(b) Development activity shall not be approved unless there is sufficient available capacity to sustain the following levels of service for sanitary sewer, solid waste, stormwater management, potable water, transportation, recreation, hurricane evacuation and public school facilities. Levels of service for these portions of local infrastructure are shown in table No. 1 as established in the comprehensive plan of the city.

**Table No. 1 - Adopted Level of Service Standards**

<b>Facility/Service Area</b>	<b>Level of Service Standard</b>
<b>Sanitary Sewer Facilities</b>	<b>Average Sewage Generation Rate</b>
Residential	150 gallons per capita per day
Commercial/Light Industrial	1,450 gallons per are per day
Heavy Industrial	The developer shall provide sewage Service data and contribute toward the cost of developing increased collection, transmission and treatment systems.
<b>Solid Waste Facilities</b>	<b>Average Solid Waste Generation</b>
City-wide	Eight pounds per capita per day
<b>Stormwater Management Facilities</b>	<p>25-year frequency, 24-hour duration storm event for those areas designed as residential, commercial, mixed commercial/residential, public, and industrial land use on the Future Land Use Map; and,</p> <p>3-year frequency, 24-hour duration storm event for those areas designated as agricultural, conservation, and recreation land uses on the Future Land Use Map.</p> <p>All new and re-development projects shall comply with the stormwater design and performance standards and stormwater retention and detention standards contained within section 62-346, F.A.C.</p>

**Potable Water Facilities**

Residential (City)  
Oak Grove, White City and St Joe Beach  
Commercial/ Light Industrial  
Arizona Chemical  
  
Arizona Chemical

**Average Water Consumption Rate**

130 gallons per capita per day  
100 gallons per capita per day  
2,000 gallons per acre per day  
50 gallons per employee per day for  
sanitary usage only  
  
11,000 gallons per acre, per day for  
process usage only.

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**Transportation Facilities**

Principal Arterials  
Minor Arterials  
Collector Roadways  
Local City Roads  
SR 30/US 98 roadway segment\*

**Peak Hour Level of Service**

D  
D  
D  
C  
E

\* SR 30/US 98 from Angle Fish Street immediately north of the bridge over the Gulf Canal to south of the A & N Railroad overpass.

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**Recreation Facilities**

Recreation/open space

**Acres per person**

0.005 acres per person

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**Hurricane Evacuation**

Category 5 storm event

**Clearance time**

16 hours

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**Public School Facilities**

Elementary	100% of DOE permanent FISH capacity
Middle	100% of DOE permanent FISH capacity
High	100% of DOE permanent FISH capacity
Special Purpose	100% of DOE permanent FISH capacity

DOE: Department of Education  
FISH: Florida Inventory of School House

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### **Sec. 7.12. Transportation system.**

- (a) *Level of service.* Development activities shall not be approved unless there is sufficient available capacity to sustain the adopted levels of service for roadways listed in Table 1 as established in the traffic circulation element of the local government comprehensive plan.

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 minor developments, the building inspector shall determine the project impact area, the number of trips assigned to each impacted roadway based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation manual, and the post-development level of service.

- (2) For proposed major developments, the developer shall be responsible for conducting a traffic impact analysis. The project impact area shall include all roadways where project trips are 5% or more of the maximum service volume for the adopted LOS or 10 trips, whichever is less. The analysis shall include the number of trips assigned to each impacted roadway based on the latest version of the Institute of Transportation Engineers (ITE) Trip Generation manual and the post-development level of service. All assumptions used in the assignment of traffic shall be stated.

### **Sec. 7.13. Proportionate Fair-Share Mitigation**

- (a) Applicability

The Proportionate Fair-Share Program shall apply to all developments in the City of Port St. Joe that have been notified of a lack of capacity to satisfy transportation concurrency requirements. The Proportionate Fair-Share Program does not apply to developments of regional impact (DRIs) using proportionate fair-share under §163.3180(12), F.S., or to developments exempted from concurrency as provided in Section 7.06.

- (b) General Requirements

- (1) An applicant may choose to satisfy the transportation concurrency requirements of the City by making a proportionate fair-share contribution, pursuant to the following requirements:

- a. The proposed development is consistent with the comprehensive plan and applicable land development regulations.

- b. The five-year schedule of capital improvements in the City CIE includes a transportation improvement(s) that, upon completion, will satisfy the requirements of the City transportation CMS. The provisions of Section 7.13 (b)(2) may apply if a project or projects needed to satisfy concurrency are not presently contained within the City.

- (2) The City may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by contributing to an improvement that, upon completion, will satisfy the requirements of the City transportation CMS, but is not contained in the five-year schedule of capital improvements in the CIE, where the following apply:

a. The City adopts, by ordinance, a commitment to add the improvement to the five-year schedule of capital improvements in the CIE no later than the next regularly scheduled update. To qualify for consideration under this section, the proposed improvement must be reviewed by the Board of City Commissioners, and determined to be financially feasible pursuant to §163.3180(16) (b) 1, F.S., consistent with the comprehensive plan, and in compliance with the provisions of this ordinance. Financial feasibility for this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.

b. If the funds allocated for the five-year schedule of capital improvements in the City CIE are insufficient to fully fund construction of a transportation improvement required by the CMS, the City may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system.

The improvement or improvements funded by the proportionate fair-share component must be adopted into the five-year capital improvements schedule of the comprehensive plan at the next annual capital improvements element update

(3) Any improvement project proposed to meet the developer's fair-share obligation must meet design standards of the City for locally maintained roadways and those of the Florida Department of Transportation (FDOT) for the state highway system.

(c) Intergovernmental Coordination

Pursuant to policies in the Intergovernmental Coordination Element of the City comprehensive plan, the City shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate fair-share mitigation. An interlocal agreement may be established with other affected jurisdictions for this purpose.

(d) Application Process

(1) Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program pursuant to the requirements of Section 7.07.

(2) Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the Strategic Intermodal System (SIS), then the FDOT will be notified and invited to participate in the pre-application meeting.

(3) Eligible applicants shall submit an application to the City that includes an application fee of \$500.00 and the following:

- a. Name, address and phone number of owner(s), developer and agent;
- b. Property location, including parcel identification numbers;
- c. Legal description and survey of property;
- d. Project description, including type, intensity and amount of development;
- e. Phasing schedule, if applicable;
- f. Description of requested proportionate fair-share mitigation method(s); and
- g. Copy of concurrency application.
- h. Copy of traffic impact analysis; and
- i. Location map depicting the site and impacted roadway network,

(4) The City Manager shall review the application and certify that the application is sufficient and complete within 10 business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Program as indicated in Section 7.13 (b), then the applicant will be notified in writing of the reasons for such deficiencies within 10 business days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed abandoned. The Board of City Commissioners may, in its discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.

(5) Pursuant to §163.3180(16) (e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrency of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.

(6) When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the City or the applicant with direction from the City and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, no later than 60 days from the date at which the applicant received the notification of a sufficient application and no fewer than 14 days prior to the Board of City Commissioners meeting when the agreement will be considered.

(7) The City shall notify the applicant regarding the date of the Board of City Commissioners meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the Board of City Commissioners, or pursuant to Planning and Development Review Board approval for agreements below \$150,000.

#### (e) Determining Proportionate Fair-Share Obligation

- (1) Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.

- (2) A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
- (3) The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in Section 163.3180 (12), F. S., as follows:

"The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS."

OR

Proportionate Fair-Share = [(Development Trips "i") / (SV Increase "i")] x Cost "i"

Where:

Development Trips "i" = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the CMS;

SV Increase "i" = Service volume increase provided by the eligible improvement to roadway segment "i" per section E;

Cost "i" = Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

- (4) For the purposes of determining proportionate fair-share obligations, the City shall determine improvement costs based upon the actual cost of the improvement as obtained from the CIE or the FDOT Work Program. Where such information is not available, improvement cost shall be determined using one of the following methods:
  - a. An analysis by the City of costs by cross section type that incorporates data from recent projects and is updated annually and approved by the Board of City Commissioners or
  - b. The most recent issue of FDOT Transportation Costs, as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT Work Program shall be determined using this method in coordination with the FDOT District.
- (5) In order to accommodate increases in construction material costs, project costs, as determined by the Florida DOT or local agency construction cost estimates, shall be adjusted based on the following formula:

$$\text{Cost "n"} = \text{Cost "0"} \times (\text{Cost\_growth3yr})^3$$

Where:

Cost "n" = the cost of improvement in year n

Cost "0" = the cost of the improvement in the current year

Cost\_growth3yr = the growth rate of costs over the last 3 years

N = the number of years until the improvement is constructed

The three year growth rate is determined by the following formula:

$$\text{Cost\_growth3yr} = [\text{Cost\_growth-1} + \text{Cost\_growth-2} + \text{Cost\_growth-3}] / 3$$

Where:

Cost\_growth3yr = the growth rate of costs over the last 3 years

Cost\_growth-1 = the growth rate of costs in the previous year

Cost\_growth-2 = the growth rate of costs two years prior

Cost\_growth-3 = the growth rate of costs three years prior

- (6) If the City has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one of the methods provided in this section.
- (7) If the City has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at 115 percent of the most recent assessed value by the City property appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by the City and at no expense to the City. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the City at no expense to the City. If the estimated value of the right-of-way dedication proposed by the applicant is less than the City estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the FDOT for essential information about compliance with federal law and regulations.

#### (f) Proportionate Fair-Share Agreements

- (1) Upon execution of a proportionate fair-share agreement (Agreement) the applicant shall receive a City certificate of concurrency approval. Should the applicant fail to apply for a development permit within [12 months or timeframe provided in the local CMS of the execution of the Agreement], then the Agreement shall be considered null and void, and the applicant shall be required to reapply.
- (2) Payment of the proportionate fair-share contribution is due in full prior to issuance of the final development order or recording of the final plat and shall be non-refundable. If the payment is submitted more than 12 months from the date of execution of the Agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to Section 7.13 (f) and adjusted accordingly.

- (3) All developer improvements authorized under this ordinance must be completed prior to issuance of a development permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this section that any required improvements be completed before issuance of building permits or certificates of occupancy.
- (4) Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the final development order or recording of the final plat.
- (5) Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.
- (6) Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the City will be non refundable.

(g) Appropriation of Fair-Share Revenues

- (1) Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the City CIE, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the local government, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the 50% local match for funding under the FDOT Transportation Regional Incentive program (TRIP).
- (2) In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development pursuant to the requirements of Section 7.13.(b)(2)b.

Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in Section 339.155, F.S., and then the City may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT TRIP. Such coordination shall be ratified by the City through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

(h) Cross Jurisdictional Impacts

- (1) In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, the City may enter into an agreement with one or more adjacent local governments to address cross jurisdictional impacts of development on regional transportation facilities. The agreement shall provide for application of the methodology in this section to address the cross jurisdictional transportation impacts of development.
- (2) A development application submitted to the City subject to a transportation concurrency determination meeting all of the following criteria shall be subject to this section:

- a. All or part of the proposed development is located within one mile of the area which is under the jurisdiction, for transportation concurrency, of an adjacent local government; and
- b. Using its own concurrency analysis procedures, the City concludes that the additional traffic from the proposed development would use [five percent or more of the adopted peak hour LOS maximum service volume] of a regional transportation facility within the concurrency jurisdiction of the adjacent local government ("impacted regional facility"); and
- c. The impacted regional facility is projected to be operating below the level of service standard, adopted by the adjacent local government, when the traffic from the proposed development is included.

(3) Upon identification of an impacted regional facility pursuant to subsection (2)a.-c., the City shall notify the applicant and the affected adjacent local government in writing of the opportunity to derive an additional proportionate fair-share contribution, based on the projected impacts of the proposed development on the impacted adjacent facility.

- a. The adjacent local government shall have up to ninety (90) days in which to notify the City of a proposed specific proportionate fair-share obligation, and the intended use of the funds when received. The adjacent local government must provide reasonable justification that both the amount of the payment and its intended use comply with the requirements of Section 163.3180(16), F.S. Should the adjacent local government decline proportionate fair-share mitigation under this section, then the provisions of this section would not apply and the applicant would be subject only to the proportionate fair share requirements of the City.
- b. If the subject application is subsequently approved by the City, the approval shall include a condition that the applicant provides, prior to the issuance of any building permit covered by that application, evidence that the proportionate fair-share obligation to the adjacent local government has been satisfied. The City may require the adjacent local government to declare, in a resolution, ordinance, or equivalent document, its intent for the use of the concurrency funds to be paid by the applicant.

#### **Sec. 7.14. Recreation facilities.**

Development activities shall not be approved unless there is sufficient available capacity to sustain a level of service of five acres per 1,000 people for recreations facilities listed in sec. 7.11, Table 1 as established in the recreation and open space elements of the city comprehensive plan.

#### **Sec. 7.15. Hurricane evacuation**

(a) Future Land Use Map amendments and development shall meet and maintain the adopted level of service as identified in sec. 7.11, Table 1 above and shall be supported by adequate and relevant data and analysis demonstrating that the adopted hurricane evacuation level of service for the Category 5 evacuation area is maintained.

(b) If the analysis indicates that the evacuation time level of service will not be achieved, then mitigation can be approved to the extent that it will maintain the adopted level of service.

(c) Appropriate mitigation includes, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. The data and analysis demonstrating adequate mitigation shall include identification of the type of improvement, the cost of the improvement and the timing of the improvement, and a binding agreement between the local government and the developer identifying the mitigation plan in terms of type of project(s), cost of project(s), and timing of project(s). Mitigation measures requiring publicly funded capital improvements to construct facilities shall be incorporated into the City or Port St. Joe 5-year Capital Improvements Schedule. Mitigation measures requiring privately funded capital improvements may be included in the Capital Improvements Schedule, but need not be publicly funded.

#### **Sec.7.16. Public school facilities**

(a) Development activities shall not be approved unless there is sufficient available capacity to maintain the adopted level of service listed in sec. 7.11, Table 1 for public schools facilities.

(b) The City will review development proposals in coordination with the School Board to determine if the student capacity is available to support the development's impacts on the applicable LOS standard for each concurrency service area.

(c) Developments will be required to have a concurrency clearance letter based on the short term and long term current five year planning period from the School Board before approval by the local governments.

(d) Developments that can not get a public schools concurrency clearance letter will have the opportunity to pursue the proportionate share mitigation options referenced in the comprehensive plan, which include contribution of land, actual construction or expansion of school facilities, or contribution into a mitigation bank consistent with the Interlocal Agreement for Public School Facility Planning.

## **ARTICLE VIII. SUBDIVISION REGULATIONS**

### **Sec. 8.00. General Provisions -- Purpose.**

The purpose of this article is to promote and protect the public health, safety, economy, order, appearance, convenience, morals and general welfare of the citizens of City of Port St Joe through the harmonious, orderly and progressive development of land within the unincorporated boundaries of City of Port St Joe, Florida.

### **Sec. 8.01. Intent.**

The regulation of the subdivision of land is intended:

- (a) To aid in the coordination of land development in the unincorporated areas of the City in accordance with orderly physical patterns to maintain and protect the local economy and natural resources and to discourage haphazard, uneconomic, or scattered land development.
- (b) To insure safe and convenient traffic control and to encourage development and maintenance of economically stable and healthful communities.
- (c) To prevent periodic and seasonal flooding by providing protective flood control and drainage facilities; and to provide public open spaces for recreation, assure land subdivision with installation of adequate and necessary physical improvements.
- (d) To assure that the citizens and taxpayers of the City will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require installation by the developer of certain minimum improvements.
- (e) To serve as a tool for the implementation of the City Comprehensive Planning Program.

### **Sec. 8.02. Procedures for Plat Approval -- Preliminary Plat Approval.**

All proposed developments which involved the subdivision of land shall be considered level 2 major developments and shall be subject to the review procedures described in section 2.03 of this ordinance.

- (a) A complete application for development shall be submitted consistent with section 2.06 including the proposed number, minimum area and location of lots.
- (b) Issuance of a development order by the board of city commissioners shall constitute preliminary plat approval.
- (c) To prevent undue hardship on the subdivider through possible required plat revisions, a preliminary plat of the proposed subdivision at a scale not smaller than one hundred (100) feet to the inch may first be submitted.

### **Sec. 8.03. Same. Final Plat Approval.**

Final plats shall meet all the requirements of Chapter 177, F.S., and shall be subject to the review procedures described in section 2.03 of this ordinance.

(a) Final plat shall contain the following information:

- (1) The subdivision name, the names and addresses of the owners, the designer of the plat, and total acreage to be subdivided,
- (2) Date, north point, and a graphic scale.
- (3) The location of existing and platted property lines, roads and streets, water courses, railroads, sewers, bridges, culverts, drainpipes, water mains, and any other public utility easements.
- (4) The names, locations, widths, and other dimensions of proposed streets, alleys, easements, lot lines, building and set back lines, and bridges.
- (5) Topography of the entire plat showing contour lines denoting any elevation changes of 2 feet in elevation.
- (6) Proposed drainage plan, including ultimate destinations of flow and storm drainage systems and retention area, and a typical cross section of the streets.

(b) The final plat shall be submitted to the Commission in triplicate, of which one set shall be the original reproducible drawings. The final plat shall be submitted to the building inspector at least ten (10) days prior to the regular meeting of the Commission. The Commission shall approve within thirty (30) days of the Commission meeting at which it is presented. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Commission, and a letter transmitted to the subdivider stating the reason for such disapproval.

(c) The final plat shall be drawn on mylar, or vellum or other equal material and shall be at a scale of one hundred (100) feet to one (1) inch or larger, where necessary the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. The final plat shall show the following:

- (1) Primary control points, or descriptions and "ties" to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- (2) Tract boundary line, right-of-way lines of streets easements and other rights-of-way and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves.
- (3) Names and right-of-way width of each street or other right-of-way.
- (4) Location, dimensions, and purpose of any easements.

- (5) Number to identify lot or site.
- (6) Purpose for which sites, other than residential lots, are dedicated or reserved.
- (7) Minimum building setback line on all lots and other sites.
- (8) Location and description of monuments.
- (9) Reference to recorded subdivision plats of adjoining platted land.
- (10) Certification by surveyor or engineer certifying to accuracy of survey and plat.
- (11) Certification of title showing that applicant is the land owner.
- (12) Statement by owner dedicating streets, right-of-way and any sites for public uses.
- (13) Title, scale, north point, and date.
- (14) Certificate for recording by the Clerk of Circuit Court.
- (15) In addition to the above requirements, any further requirements found in Chapter 177.091, Florida Statutes, shall be included in the application for final approval.

(d) The City Commission shall not approve the final plat unless they receive the following:

- (1) A certificate from the City Engineer or a licensed civil engineer that all improvements have been installed in accord with these regulations or provisions made therefore.
- (2) A certificate from the city clerk that a bond has been posted or requirements established by the Commission have been met., assuring full performance.
- (3) Fees: When application is made for final plat approval, the subdivider shall pay fees consistent with resolution adopted pursuant to article II, sec. 2.18.

(e) In the event the subdivision is a development of regional impact, as defined in Chapter 28-24, Florida Administrative Code, formal plat approval shall be given only after compliance with Chapter 380, Florida Statutes.

(f) Upon approval of the plat, one copy of the original reproducible drawings shall be retained in the file of the Clerk of the Circuit Court. Upon approval of the plat, one copy of the original reproducible drawings shall be retained in the file of the Clerk of Circuit Court.

#### **Sec. 8.04. Requirements.**

- (a) Conformity to City Plat--All proposed subdivisions shall conform to adopted City Plans.

## **Sec. 8.05. Streets.**

(a) Relations to adjoining street system. Local streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Proposed new streets shall extend existing streets to their projections at the same or greater width, but in no case less than minimum required width, unless variations are deemed necessary by the Commission for reasons of topography, or design where in the opinion of the Commission, it is desirable to provide street access to adjoining property, proposed streets shall extend to the boundary of such property. Half streets or half alleys along the boundary of land proposed for subdivision will not be permitted unless the title to the adjacent lands are furnished the City at the time the plat is filed. When existing roads are less than the required width, and not acceptable to the City for paving because of the width, the subdivision shall state on the face of the plat that the access road is not acceptable for paving without additional right-of-way and City accepts no responsibility for obtaining right-of-way.

(b) Street widths. The minimum width of proposed streets measured from lot line to lot line, shall be shown on the Major Street Plan. At the discretion of the Commission, a Major Street Plan should be provided by the developer. If not shown on such plan, the widths shall be not less than sixty (60) feet; provided that a minimum of 50 feet connecting streets will be acceptable if there are existing street ends of the same width. Where the cause of drainage problems and other unique topographical configurations or problems, sixty feet is not sufficient, the City may require additional widths as needed. Alleys serving lots shall not be less than twenty (20) feet.

(c) Conformance to Topographic Conditions and Street Grades. In general, streets shall be planned to conform to existing topographic conditions. The maximum grade on Major Streets shall be (5) percent. The maximum grade on all other streets may not exceed eight (8) percent.

(d) Street Intersections. Insofar as practical, acute angles at intersections shall be avoided. Where an acute angle of less than seventy-five degrees occurs between streets at their intersection, the Commission may require the property lines to be rounded or otherwise set back to permit curb construction of desirable radius without curtailing the sidewalk at the street corner to less than normal width. Submission of a grading plan showing existing and proposed contours at one (1) foot intervals and a detailed design for the intersection may be required by the Commission. Unaligned intersections shall be separated by a minimum of one hundred and twenty-five (125) feet between center lines.

(e) Curves in Streets. Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve of reasonable long radius shall be introduced. On all streets except local service streets, the center line radius of curvature shall not be less than one hundred (100) feet.

(f) Dead End Streets. Streets designed to have one end permanently closed (cul de sac) shall be provided at the closed end with a turnaround with a minimum right-of-way diameter of one hundred (100) feet, and minimum driving surface radius of forty (40) feet.

(g) Street Names. Proposed streets obviously in alignment with existing and named streets shall bear the names of existing streets. In no case shall the names for the proposed streets duplicated existing street names irrespective of the suffix used.

(h) Alleys. Alleys shall be provided along the rear of all lots to be used for business.

(i) Connections to undeveloped or partially developed land. Proposed development shall include streets that extend to undeveloped or partially developed land that is adjacent to the development site or that is separated from the development site by a drainage channel, transmission easement, survey gap, or similar property condition. Street stubs shall be provided to the property line to provide for future development. The streets stubs shall be in locations that will not prevent the adjoining property from developing consistent with applicable standards.

The requirements of this paragraph may be waived if it is demonstrated, in the opinion of the technical advisory committee that a connection cannot be made because of the existence of one or more of the following conditions:

(1) Physical conditions preclude development of the connecting street. Such conditions may include, but are not limited to, topography or likely impact to natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes, wildlife habitat area, or other conservation or preservation features;

(2) Buildings or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude a connection now or in the future, considering the potential for redevelopment.

#### **Sec. 8.06. Street Improvements required prior to acceptance - Large Subdivisions.**

(a) Streets. Streets and alleys shall be brought to grade and improved to the dimensions required by the cross-section and the work shall be performed in the following manner:

(1) All streets and alleys shall be cleared, grubbed, and graded to the full width of the right-of-way and provided with a properly prepared subgrade, base and pavement in compliance with Exhibit A (Typical Rural Street Section) and Exhibit B (Typical Alley Section). Typical urban street sections shall be similar to rural street sections except for the roadside grass and swales. A typical urban street section is the same for the roadway cross section.

(2) All materials used in the construction and paving of the streets are to be as specified in the most recent edition of the Florida Department of Transportation Standard Specifications for Road and Bridge Construction.

(3)

	Right-of-way	Pavement
Street	60'	20'(minimum)
Alley	20'	12

(4) The subdivider, in preparing the streets within the subdivision, shall also acquire the necessary right-of-way and improve said right-of-way in accordance with these regulations for sufficient access roads for adequate ingress and egress to and from the subdivision,

(5) Street name signs shall be installed at all street intersections. Street names as well as the design and placement of such signs shall be subject to the approval of the Board of City Commissioners.

#### **Sec. 8.07. Same - Small Subdivisions.**

(a) The developer or subdivider shall maintain the streets for (a) a period of twelve (12) months from plat approval or (b) until 15% of the lots have been built on.

(b) Prior to acceptance, the streets shall be constructed in compliance with Exhibit A.

(c) The Subdivider, in preparing the streets within the subdivision, shall also acquire the necessary right-of-way and improve said right-of-way in accordance with these regulations for sufficient access roads for adequate ingress and egress to and from the subdivision.

(d) Prior to final acceptance, the streets, ditches and drainage structures must be brought up to standard according to these Subdivision Regulations or these streets shall revert to the developer or subdivider.

#### **Sec. 8.08. Blocks and Lots.**

Blocks shall not be more than twelve hundred (1200) feet in length. In blocks over eight hundred (800) feet in length the Commission may require one or more public cross walks with not less than a ten (10) foot right-of-way, when the public has an interest in the adjoining property behind the land being subdivided.

(a) Minimum Lot Size and Set Back Lines. Within the Subdivision jurisdiction limits of the City, the minimum size and shape of residential lots shall be 75-150. Corner lots shall have the extra width sufficient to permit establishment of a building Line at least twenty (20) feet from the side street property line. The distance from the side street property line shall measure from the street right-of-way paralleling the long dimensions of the lot. Irregular lots with less measurements (minimum) may be permitted where total square foot is at least 11,250 square feet.

(b) All residential lots within a subdivision shall have a minimum set back line on the front and side lines of not less than seven and one-half (7-1/2) feet.

#### **Sec. 8.09 Sidewalks and bikeways.**

Sidewalks and bikeways shall be provided in subdivisions created and approved pursuant to these regulations where new streets are created and paved and shall be installed in accordance with the requirements and specifications of the city and in coordination with the public works department. Such facilities shall be dedicated to and be maintained by the city.

#### **Sec. 8.10. Public Uses and Services Areas**

(a) Public Uses. In a subdivision of more than forty (40) acres, the City Commission shall require adequate provisions to be made for parks or commons areas as ascertained by the City Commissioners. The amount required shall not exceed 5%. Neighborhood parks or common areas shall be physically accessible to pedestrians to encourage neighborhood interaction.

(b) Easements for Utilities. The Commission may require easements for poles, wire, conduits, storms and sanitary sewers, gas, water and heat mains, or other utility lines on each side of the common real lot lines and along side lots lines if necessary or advisable in the opinion of the Commission. The dedication of streets, alleys and ditches shall automatically grant to the City an exclusive ownership and control of utilities within the streets, alleys and ditches.

#### **Sec. 8.11. Environmental information.**

The developer of any subdivision shall provide educational brochures informing property purchasers within the property of the of the necessity of, and the methods for, protecting the aquifer and any lakes, streams, wetlands or other sensitive environmental features on or adjacent to the subdivision. A reference to this requirement shall be placed in the restrictive covenants for the project.

#### **Sec. 8.12. Enforcement of Penalties.**

(a) No Plat of a subdivision shall be filed or recorded by the Clerk of Circuit Court until the plat is submitted to and approved by the Board of City Commissioners and such approval has been entered in writing on the plat by the City Clerk and Mayor..

(b) Misrepresentation of a Misdemeanor. Any owner or agent of the owner who falsely represents to a prospective purchaser of real estate that roads and streets, sewers, water systems, or drainage facilities will be built, constructed or maintained by City of Port St Joe shall be deemed guilty of a second degree misdemeanor and shall be punishable as provided by law.

(c) General Enforcement, Violation of the provisions of these regulations or of any rules and regulations of this ordinance, shall be deemed a second degree misdemeanor, punishable as provided by law and with each day such violation continues constituting a separate offense.

#### **Sec. 8.13 – Variance.**

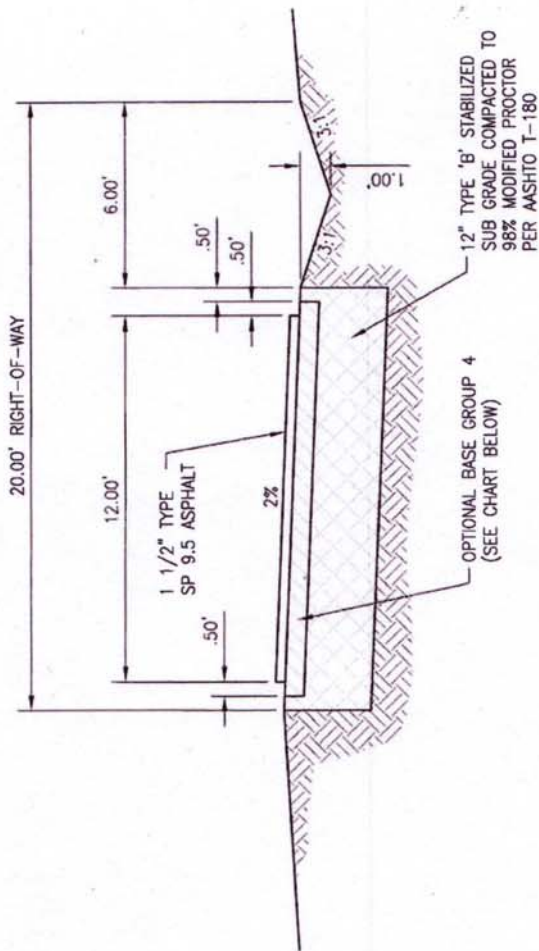
If strict compliance to these regulations may cause hardship, the Planning and Development Review Board may approve the modification requested by the applicant. Such a variance shall apply only to specific hardships, and shall not be detrimental to the intent of these regulations and shall be subject to the requirements and procedures described in section 2.14 of this ordinance.

#### **Sec. 8.14 – Restrictions.**

No lot shown on any plat recorded in the public records of Gulf County, Florida covering property within the city limits of the City of Port St. Joe shall be further subdivided. This section shall not

apply to any such lot subdivided prior to the date of this ordinance although no further subdivision of such a lot will be allowed, nor shall it apply to the subdivision of a platted lot, the sole purpose of which is to increase the size of adjoining lots.





NOTE:  
ALL DISTURBED AREAS SHALL BE GRASSED

### TYPICAL ALLEY SECTION

SCALE: N.T.S.

## EXHIBIT 'B'

BASE THICKNESS AND OPTION CODES												
BASE GROUP	STRUCTURAL RANGE	BASE GROUP PAY ITEM NUMBER	BASE OPTIONS									
			STRUCTURAL NUMBER (PER in.)									
			LIMEROCK LBR 100	CEMENTED COQUINA LBR 100	SHELL ROCK LBR 100	BANK RUN SHELL LBR 100	GRADED AGGREGATE BASE LBR 100	TYPE B-12.5				
4	1.05 - 1.15	704	(.18)	6"	(.18)	6"	(.18)	6"	(.15)	7 1/2"	(.30)	Δ 4"