

**ORDINANCE NO. 417**

**AN ORDINANCE OF THE CITY OF PORT ST. JOE, FLORIDA, RELATING TO AND AMENDING THE CITY OF PORT ST. JOE COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT POLICY 1.3.5 REGARDING THE WINDMARK BEACH DRI, PURSUANT TO AUTHORITY UNDER STATE STATUTES SECTION 163.3187; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Port St. Joe has adopted the WindMark Beach Development of Regional Impact (“WindMark DRI”) through Ordinance 380 with respect to an area of land legally described in Exhibit “A”, attached and incorporated herein (“City DRI Property”); and

WHEREAS, The WindMark DRI includes retail uses, office uses, residential uses and motel/hotel uses, and other uses (i.e. retail, office, hospitality, civic uses and/or open space); and

WHEREAS, the City of Port St. Joe has adopted future land use for the City DRI Property in Port St. Joe Comprehensive Plan Policy 1.3.5, and

WHEREAS, Policy 1.3.5 mirrors the entitlements provided by the Windmark DRI, and

WHEREAS, The St. Joe Company (“Applicant”) has filed an application with the Florida Department of Community Affairs requesting a notification of proposed change to the WindMark DRI, and

WHEREAS, the Applicant’s notification of proposed change proposes to increase the number of hotel uses to 278 rooms and decrease the number of residential land uses allowed to a maximum of 1,516 dwelling units; and

WHEREAS, The notification of proposed change filed with the Florida Department of Community Affairs is required by Section 380.06(19)(f)2., Florida Statutes; and

WHEREAS, The notification of proposed change filed with the Florida Department of Community Affairs will amend the existing land use categories in the DRI Development Order, which in turn requires an amendment to the City of Port St. Joe Comprehensive Plan Future Land Use Element Policy 1.3.5 to revise the land use allowances consistent with the Amendment to the Windmark DRI; and

WHEREAS, The proposed amendment to the City of Port St. Joe Comprehensive Plan Future Land Use Element Policy 1.3.5 was submitted to the Florida Department of Community Affairs and was received by the Department on July 25, 2008; and

WHEREAS, The Florida Department of Community Affairs issued an Objections, Recommendations, and Comments (ORC) report for the proposed comprehensive plan amendment, 08D1, on September 23, 2008; and

WHEREAS, the proposed comprehensive plan text amendment has been revised in response to the ORC report; and

WHEREAS, Notice regarding public hearing for adoption of the comprehensive plan text amendment was provided by publication in The Port St. Joe Star on February 12 and February 19, 2009; and

WHEREAS, on March 3, 2009, the City Commission held an adoption hearing to consider this text amendment to the City of Port St. Joe Comprehensive Plan.

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

**SECTION 1. NAME**

This Ordinance shall be known as the text amendment ordinance to the City of Port St. Joe Comprehensive Plan for the WindMark Beach DRI.

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

The Board of City Commissioners hereby finds and determines that the proposed amendment to the City of Port St. Joe Comprehensive Plan Future Land Use Element Policy 1.3.5 is consistent with the goals, objectives and policies of the City of Port St. Joe Comprehensive Plan.

**SECTION 3. APPROVAL**

The application for a text amendment of the City of Port St. Joe Comprehensive Plan, as depicted in Exhibit "B", attached and incorporated herein, is hereby approved subject to the conditions in this Ordinance.

**SECTION 4. ENFORCEMENT**

The City may enforce this Ordinance as authorized by law.

**SECTION 5. OTHER ORDINANCES**

Except as specifically modified or changed in this Ordinance, all provisions of the City of Port St. Joe Comprehensive Plan shall apply in the same manner as throughout the City.

**SECTION 6. SEVERABILITY**

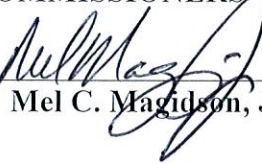
The provisions of this Ordinance are hereby declared to be severable. If any provision of this Ordinance, or the application thereof, to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without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

**SECTION 7. EFFECTIVE DATE**

This Ordinance shall become effective as provided by law.

This Ordinance was adopted in open regular meeting after its second reading this 3rd day of ~~February~~<sup>March</sup>, 2009 after due notice in accordance with Florida Statute Section 166.041.

THE CITY OF PORT ST. JOE  
BOARD OF CITY  
COMMISSIONERS



Mel C. Magidson, Jr., Mayor

Attest :



Pauline Pendarvis, City Clerk

## EXHIBIT "A"

WINDMARK PROPERTY LYING IN THE CITY LIMITS OF THE CITY OF PORT ST. JOE, FLORIDA.

Begin at a St. Joe Paper Company concrete monument marking the Northeast corner of Section 8, Township 7 South, Range 11 West, Gulf County, Florida (concrete monument also marking the Northwest corner of Sunset Village Subdivision as per plat thereof recorded in Plat Book 4, Page 19 of the Public Records of Gulf County, Florida) and run thence South 00 degrees 48 minutes 05 seconds West, along the West boundary line of said subdivision, for a distance of 1,320.84 feet to the Southwest corner of said subdivision; thence leaving said West line run South 89 degrees 26 minutes 24 seconds East, along the South boundary line of said subdivision, for a distance of 1,330.00 feet to the Southeast corner of said subdivision; thence leaving said South line run North 01 degrees 29 minutes 31 seconds East, along the East boundary of said subdivision and a projection thereof, for a distance of 1,813.28 feet; thence North 72 degrees 23 minutes 33 seconds East, for a distance of 1,128.37 feet; thence South 43 degrees 03 minutes 59 seconds East, for a distance of 11,839.85 feet; thence South 48 degrees 33 minutes 42 seconds West, for a distance of 790.01 feet; thence South 33 degrees 39 minutes 40 seconds East, for a distance of 2,830.62 feet; thence North 89 degrees 10 minutes 46 seconds West, for a distance of 3,316.30 feet; thence North 31 degrees 36 minutes 26 seconds West, for a distance of 2,591.36 feet; thence South 58 degrees 23 minutes 34 seconds West, for a distance of 1,614.10 feet; thence South 33 degrees 51 minutes 44 seconds East, for a distance of 1,026.06 feet; thence South 56 degrees 09 minutes 08 seconds West, for a distance of 148.96 feet; thence South 34 degrees 08 minutes 50 seconds East, for a distance of 8,509.12 feet to a point on the North boundary line of Bay Breeze Subdivision as per plat thereof recorded in Plat Book 3, Page 45 of the Public Records of Gulf County, Florida; thence North 89 degrees 30 minutes 46 seconds West, along the North boundary line of said subdivision, for a distance of 217.90 feet to the Northeast corner of Government Lot 4, Section 27, Township 7 South, Range 11 West, Gulf County, Florida; thence North 89 degrees 32 minutes 36 seconds West, along the North boundary of said Lot 4, for a distance of 1,250.35 feet to the Northeasterly right of way line of U.S. Highway 98 - State Road No. 30 (right of way varies); thence leaving said North boundary run North 46 degrees 15 minutes 58 seconds West, along said Northeasterly right of way line, for a distance of 105.85 feet to the intersection of said Northeasterly right of way line with the West boundary line of Government Lot 1, Section 27; thence leaving said Northeasterly right of way line run North 00 degrees 51 minutes 16 seconds East, along said West boundary line of Lot 1, for a distance of 1,250.88 feet to the Northeast corner of Government Lot 2, Section 27; thence North 89 degrees 34 minutes 15 seconds West, along the North boundary line of said Lot 2, for a distance of 1,336.43 feet; thence leaving said North boundary run North 46 degrees 15 minutes 54 seconds West, for a distance of 29.48 feet to a point on a non tangent curve, concave to the southwest, thence northwesterly along said curve, with a radius of

3,879.59 feet, through a central angle of 14 degrees 45 minutes 32 seconds, for an arc distance of 999.35 feet (chord of said arc being North 53 degrees 38 minutes 44 seconds West, 996.59 feet); thence South 46 degrees 15 minutes 58 seconds East, for a distance of 743.18 feet to a point on a non tangent curve, concave to the southwest, thence northwesterly along said curve, with a radius of 3,759.59 feet, through a central angle of 16 degrees 15 minutes 47 seconds, for an arc distance of 1,067.13 feet (chord of said arc being North 58 degrees 08 minutes 10 seconds West, 1,063.55 feet); thence North 66 degrees 16 minutes 04 seconds West, for a distance of 925.22 feet to a point of curve to the right having a radius of 2,352.01 feet, through a central angle of 41 degrees 52 minutes 31 seconds, for an arc distance of 1,718.99 feet (chord of said arc being North 45 degrees 19 minutes 48 seconds West, 1,680.99 feet); thence North 24 degrees 23 minutes 33 seconds West, for a distance of 171.17 feet; thence North 65 degrees 36 minutes 27 seconds East, for a distance of 10.00 feet; thence North 24 degrees 23 minutes 33 seconds West, for a distance of 813.30 feet to a point of curve to the right having a radius of 6,416.26 feet, through a central angle of 07 degrees 28 minutes 33 seconds, for an arc distance of 837.18 feet (chord of said arc being North 20 degrees 39 minutes 16 seconds West, 836.59 feet); thence North 16 degrees 55 minutes 00 seconds West, for a distance of 1,504.14 feet to the North boundary line of Government Lot 1, Section 21; thence South 89 degrees 31 minutes 19 seconds East, along said North boundary line, for a distance of 440.61 feet to the Southeast corner of Government Lot 8, Section 16; thence leaving said North line run North 00 degrees 28 minutes 44 seconds East, along the East boundary of said lot 8, for a distance of 1,320.03 feet to the Northeast corner of said Lot 8; thence leaving said East line run North 89 degrees 14 minutes 02 seconds West, along said North boundary line, for a distance of 864.10 feet to a point on a non tangent curve, concave to the west, thence leaving said North boundary run northerly along said curve, with a radius of 27,916.09 feet, through a central angle of 04 degrees 48 minutes 51 seconds, for an arc distance of 2,345.66 feet (chord of said arc being North 20 degrees 42 minutes 34 seconds West, 2,344.97 feet) to a point of compound curve to the left having a radius of 94,487.93 feet and a central angle of 01 degrees 48 minutes 00 seconds; for an arc distance of 2,968.40 feet (chord of said arc being North 24 degrees 01 minutes 00 seconds West, 2,968.27 feet); thence North 24 degrees 55 minutes 00 seconds West, for a distance of 1,305.63 feet to a point of curve to the left having a radius of 11,409.21 feet, through a central angle of 04 degrees 15 minutes 49 seconds, for an arc distance of 849.01 feet (chord of said arc being North 27 degrees 02 minutes 54 seconds West, 848.81 feet); thence North 29 degrees 10 minutes 49 seconds West, for a distance of 1,792.10 feet to a point of curve to the left having a radius of 11,409.19 feet, through a central angle of 01 degrees 57 minutes 00 seconds, for an arc distance of 388.30 feet (chord of said arc being North 30 degrees 09 minutes 19 seconds West, 388.28 feet); thence North 31 degrees 07 minutes 49 seconds West, for a distance of 626.15 feet to a point on the North boundary line of Section 8, Township 7 South, Range 11 West, Gulf County, Florida; thence South 89 degrees 25 minutes 25 seconds East, along said North boundary line, for a distance of 749.83 feet to the Northwest corner of property described in Official Records Book 192, Page 566 of the Public Records of Gulf County, Florida; thence leaving said North line run South 31 degrees 08 minutes 42 seconds East, along the Southwest boundary line of said property, for a distance of 303.41 feet to the

Southwesterly corner of said property; thence leaving said Southwest line run North 58 degrees 51 minutes 18 seconds East, along the Southerly boundary line of said property, for a distance of 175.00 feet to the Southeasterly corner of said property; thence leaving said Southerly line run North 31 degrees 08 minutes 42 seconds West, along the Easterly boundary line of said property, for a distance of 195.23 feet to a point on the aforesaid North boundary line of Section 8; thence leaving said Easterly line run South 89 degrees 25 minutes 25 seconds East, along said North boundary line, for a distance of 376.86 feet to the POINT OF BEGINNING.

Containing 1,900.64 acres, more or less.

Subject to the right of way of U.S. Highway 98 - State Road 30; right of way of Westview Blvd. and a 66 foot roadway easement to the Water Plant recorded in Official Records Book 192, Page 569 of the Public Records of Gulf County, Florida. Also the right of ways within the subdivision plat of Village Center South (Plat Book 6, Pages 14-15), Fisherman Village North (Plat Book 6, Pages 16-19), both recorded in the Public Records of Gulf County, Florida.

## EXHIBIT "B"

**Policy 1.3.5:** The geographic area described by the WindMark Beach DRI Development Order and identified in City Ordinance 380, shall be subject to not only the provisions relating to density (i.e. no more than 4 dwelling units per acre) described in Future Land Use Policy 1.3.4 for Very Low Density Residential, but also the following:

1. Residential land uses shall be limited to a maximum of 1,591 dwelling units, retail uses shall be limited to a maximum of 89,000 square feet, office uses shall be limited to a maximum of 22,000 square feet and motel/hotel uses shall be limited to a maximum of 433 rooms. The development amount will be in accordance with the equivalency matrix as described in the WindMark Beach Development Order.
2. Development located within the evacuation zone for a category 1 hurricane as identified in the *Apalachee Regional Hurricane Evacuation Study Technical Report (2004)* and reflected on Map 9A, shall be limited to 190 residential dwelling units. Development within the Coastal High Hazard Area (CHHA), as defined in Policy 1.1.2 of the Coastal Management Element, identified as the area below the elevation of the Category 1 storm surge line as established by the Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model, and not addressed by Future Land Use Element Policy 1.3.5, shall be limited to the number of units reflected in the master plan and Planned Unit Development (PUD) as of January 1, 2009, unless additional units are approved through a future large-scale plan amendment.
3. Development located within the "Recreation" land use category shall be limited to recreation uses for the general public and WindMark Beach, including a maximum of 6 boat docks for temporary mooring, dune walkover structures and boardwalks.
4. In order to better integrate commercial and residential uses, high intensity commercial uses may be located within a distance greater than 75 feet of residential development as identified on a site specific basis.
5. Through the distribution of development, the City will conserve and protect wetlands within the WindMark Beach DRI. Wetland impacts will be avoided whenever practicable, and where unavoidable, impacts will be minimized. Wetlands along the shore and wetlands associated with on-site streams will receive the highest protection. Buffers will be utilized to protect wetlands and on-site streams. Wetland buffers will be naturally vegetated uplands which will be located an average of 50 feet from the jurisdictional line with no development occurring within 25 feet of wetlands, except for minimal encroachment associated with the spine road west of realigned US 98. A buffer of a minimum width of 50 feet from the jurisdictional line shall be maintained along the three on-site streams. Minor encroachments in buffers will be allowed for roads, utilities, golf course flyways, boardwalks and other recreational crossings, but the number of such encroachments will be minimized by collocation of such facilities where feasible.