

ORDINANCE NO. 513

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF MEXICO BEACH, FLORIDA; PROVIDING FOR THE AMENDMENT TO THE FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE CATEGORY FOR A PORTION OF THE PROPERTY ATTACHED HERETO IN EXHIBIT "A" FROM AGRICULTURAL, AGRICULTURAL/TIMBERLAND AND RESIDENTIAL TO TOURIST MIXED USE AND A PORTION OF THE PROPERTY ATTACHED HERETO IN EXHIBIT "A" FROM AGRICULTURAL AND AGRICULTURAL/TIMBERLAND TO PRESERVATION; PROVIDING FOR SEVERABILITY AND RECITING AN EFFECTIVE DATE

WHEREAS, the owner of the property contained in Exhibit "A", attached and incorporated herein (the "Property") has requested that the City of Mexico Beach, Florida amend its Future Land Use Map to change the land use category for a portion of the Property containing approximately 486 acres from Agricultural, Agricultural/Timberland and Residential to Tourist Mixed Use and for a portion of the Property containing approximately 64 acres from Agricultural and Agricultural/Timberland to Preservation; and

WHEREAS, The City Council of the City of Mexico Beach, Florida has reviewed the proposed changes and finds that the changes are consistent with and furthers the intent of the Comprehensive Plan; and

WHEREAS, a copy of the Public Notice to consider this Ordinance in accordance with Florida Statute §163.3184(3) was provided to the City of Mexico Beach, Florida; and

WHEREAS, the City of Mexico Beach has caused to be published a notice with respect to the proposed amendment to its Comprehensive Plan; and

WHEREAS, the Mexico Beach Planning and Zoning Board sitting as the Mexico Beach Land Planning Agency conducted a public hearing on February 7, 2006 to hear and consider comments from the public on the proposed amendments to the Comprehensive Plan and made recommendations to the Board; and

WHEREAS, pursuant to Florida Statutes, Section 163.3184, the Council conducted an initial public hearing on February 14, 2006 to consider and transmit the proposed amendments and considered comments from the public; and

WHEREAS, pursuant to Florida Statutes, Section 163.3184, the Council conducted a second public hearing on September 12, 2006, to consider the Objections, Recommendations and Comments report from the Department of Community Affairs, and the public comments; and

WHEREAS, the City Commissioners of the City of Mexico Beach, Florida have ascertained that it is in the best interests of the City of Mexico Beach, Florida to amend the Future Land Use Map

and the Future Land Use Element of its Comprehensive Plan and to adopt these amendments;

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF MEXICO BEACH, FLORIDA:

SECTION 1. The City of Mexico Beach, Florida does hereby adopt in accordance with Florida Statute §163.3184(3) a proposed amendment to its Future Land Use Map to change the land use category for the 486 acre portion of the Property as shown in Exhibit "A" from Agricultural, Agricultural/Timberland and Residential to Tourist Mixed Use.

SECTION 2. The City of Mexico Beach, Florida does hereby adopt in accordance with Florida Statute §163.3184(3) a proposed amendment to its Future Land Use Map to change the land use category for the 64 acre portion of the Property as shown in Exhibit "A" from Agricultural and Agricultural/Timberland to Preservation.

SECTION 3. In conjunction with the adoption of this map amendment, the City adopts the following sub-area policy with respect to the 486 acre portion of the Property as shown in Exhibit "A":

"Policy 1.1.5(A) : The following sub-area policy shall apply to the 486-acre portion of the property which received the Tourist Mixed Use land use category as referenced in the comprehensive plan amendment which was adopted by the City through Ordinance #513 on September 12, 2006:

The Property is limited to a maximum of 750 residential dwelling units, 55,000 square feet of commercial building floor area and 15,000 square feet of office building floor area and associated ancillary uses and structures. Any proposed net increase in these limitations will require a text amendment to the City of Mexico Beach Comprehensive Plan with supporting data and analysis."

SECTION 4. In conjunction with the adoption of this map amendment, the City adopts the following sub-area policy with respect to the Property as shown in Exhibit "A":

"Policy 1.1.5(B) : The following sub-area policies shall apply to the 550-acre property referenced in the comprehensive plan amendment which was adopted by the City through Ordinance #513 on September 12, 2006:

- (1) The developer shall coordinate with Tyndall Air Force Base the construction of any communications towers and any other communications facilities that may adversely impact the operations of the Base.
- (2) All construction within the Property shall incorporate the following construction practices which meet a higher standard for noise and vibration attenuation, unless it can be otherwise shown that equivalent performance standards can be met by other means and methods:

- (a) Exterior wall assembly construction shall have a laboratory sound transmission class rating of at least thirty-nine, STC 39 at each room.
- (b) Exterior glazing assemblies and installation shall have a laboratory sound transmission class rating of at least twenty-eight, STC 28 at each room.
- (c) Exterior door assemblies and installation shall have a laboratory sound transmission class rating of at least twenty-eight, STC 28 at each room.
- (d) Combined roof and ceiling assembly construction shall have a laboratory sound transmission class rating of at least thirty-nine, STC 39 at each room.
- (e) Skylights shall have a laboratory sound transmission class rating of at least twenty-eight, STC 28 at each room.
- (f) Attic ventilation shall be the minimum size required by building code.
- (g) Window and/or through-wall air conditioning units shall not be permitted.
- (h) Ducts on kitchen vents and bathroom vents shall have backdraft dampers.
- (i) Penetration of exterior walls at pipes, ducts and conduits shall be caulked or mortared tight.
- (j) Through-door and/or through-wall pet doors and/or mail slots shall not be approved, and
- (k) Fireplaces shall have flue dampers and doors.

(3) The developer shall provide a disclosure to its customers, both in the contract of sale and in the recorded covenants that describes the locality of Tyndall Air Force Base to the property and notifies the customers that resulting affects from potential noise and vibration from the operations of Tyndall Air Force Base may affect their enjoyment of the property.”

(4) The City shall coordinate with Tyndall Air Force Base (AFB) to consider adoption of guidelines and standards for an avigation easement in the Comprehensive Plan, the purposes of which are to preserve the military operations at the AFB, the mission of the AFB, and to protect public safety. If such guidelines and standards are adopted, the City shall adopt into its Land Development Regulations an avigation easement requirement which shall be implemented in the amendment area and other areas of the City, as appropriate.

(5) Beachside development shall be compliant with all regulations that protect adjacent marine environment.

(6) Development adjacent to and in line-of-sight of sea turtle nesting beaches shall utilize best available technology for all lighting, including long wavelength light sources, low mounting heights, shielding as appropriate. Such development shall be compliant with Florida’s Marine Turtle Protection Act (F.S. 370.12 (2)), Florida Administrative Code Rule 62B-34.070 (4) and Florida Administrative Code Rule 62B-55 (the Model Lighting Ordinance).

(7) Existing native vegetation in areas south of U.S. Highway 98 shall be retained and incorporated into the community landscape pallet to the extent possible to provide habitat for coastal upland animal species and to reduce the need for irrigation. Removal of existing native vegetation shall be limited to the minimum area required for any building or construction activities which are permitted by the applicable governmental agencies.

(8) Beach access walkovers and similar structures shall be compliant with State and Federal agency standards to protect the structural integrity of the coastal dune system and conserve dune habitat.

(9) To the extent that state-listed shorebird species (including snowy plovers, piping plovers, American oystercatchers, black skimmers, and least terns) are wintering consistently on the Property an established area over a substantial period of time, then the developer shall act to minimize activities which could interfere with the species, including placing restrictions on homeowners to allow their cats to range in such areas.

(10) Impacts to habitat of the St. Andrews beach mouse shall be minimized through clustering of dwelling units and the establishment of buffers of existing native vegetation between such clusters along each row of development, minimization of building footprints, utilization of elevated boardwalk access to the beach, reduced roadway width where feasible, retention of existing native vegetation, and minimization of turf grasses, hardscape features, and other similar community design practices. In addition, restoration of beach mouse habitat with native vegetation shall be conducted where practical and restrictions placed on the ability of homeowners to allow their cats to range in such areas.

To minimize the potential for bear-human interactions, bear-resistant trash receptacles shall be used, to the extent available, homeowner education and community signage in cooperation with the FWC shall be implemented, and the City of Mexico Beach will work with the Florida Department of Transportation to reduce roadway speed limits and lower the potential for bear kills or injury from motorized vehicles.

(11) Wildlife habitat in existing natural areas such as nature preserves, lakes, ponds, rivers, streams, recreational areas, wetlands, uplands and flood plains, shall be managed to maintain the biological diversity of the native flora and fauna. This shall be implemented in the Planned Unit Development or similar process through techniques such as setbacks, retention of native vegetation, conservation easements and provisions for common areas.

(12) The Planned Unit Development or similar process shall provide standards for development in or near habitat areas. These regulations shall address provisions for buffers around habitat areas and creation of areas of connectiveness between them.

(13) The development shall retain sufficient habitat to support the maintenance, management, mitigation, or recovery of threatened or endangered flora and fauna species.

(14) Threatened and endangered species listed in official Federal or State lists – that is “Listed” species – shall be identified and afforded the legal protective status provided by law. The City shall cooperate with agencies responsible for enforcing those regulations.

(15) Monitoring data from the State and Federal agencies shall be periodically reviewed to determine the status of threatened and endangered species habitat within the Property.

(16) The mitigative management of threatened and endangered species, including relocations, shall be permitted only if consistent with applicable regulations and recommendations of the

Florida Fish and Wildlife Conservation Commission, United States fish and Wildlife Service, or other appropriate State and Federal agencies.

(17) The development shall preserve selected viable examples of significant natural upland communities and shall develop appropriate conservation strategies to permit appropriate development where preservation strategies cannot be accomplished.

(18) The developer will provide an educational pamphlet to homeowners on the importance of the natural resources within the Property. This pamphlet shall emphasize appropriate measures to be taken to prevent human disturbance of environmentally sensitive areas and to minimize passive harassment of wildlife.

SECTION 5. Should any part of this Ordinance be deemed invalid by a Court of competent jurisdiction, the invalid parts shall be severed from the Ordinance and the remaining parts shall not be affected thereby.

SECTION 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. This Ordinance shall become effective upon passage.

INTRODUCED at a Regular Meeting of the City Council on February 14, 2006, and ADOPTED by the City Council at a Regular Meeting on September 12, 2006.

CITY OF MEXICO BEACH, FLORIDA




Mayor, William A. Cathey

Attest :



Clerk, Deborah McLeod

Approved as to form:



City Attorney, Paul Komarek

Exhibit "A"
(Map)