

Ordinance No. 433

AN ORDINANCE AMENDING AND ADDING TO ORDINANCE NO. 242, AS MAY HAVE BEEN PREVIOUSLY AMENDED, AND ORDINANCE NO. 408, ALL RELATING TO THE LAND DEVELOPMENT REGULATIONS, SECTIONS 2.01.00, 2.01.01, 2.01.03, 2.02.03, AND 2.02.04 (Table of Density And Dwelling Unit Types For Residential Use); REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of Mexico Beach, Florida desires to enact this ordinance to protect and support the citizens of Mexico Beach and it is in the citizens' best interest and for the immediate protection of their peace, health, safety, preservation of property, welfare and happiness to adopt this ordinance;

WHEREAS, the City of Mexico Beach recently funded and installed a new sanitary sewer system (hereinafter "sewer system") throughout the city limits and such sewer system has had a tremendous impact on the nature and density of both residential and commercial development within the city limits;

WHEREAS, the City of Mexico Beach wishes to better control the nature and density of development within its city limits with the creation of the sewer system;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MEXICO BEACH, FLORIDA:

Section 1.

Article II Land Use: Type, Density, Intensity, Section 2.02.04, table on pg. 20 of the Land Development Regulations is amended in the lines for General Commercial (GC) and Tourist Commercial (TC) and under the column for Gross Density to state that such land use districts shall have a maximum gross density of 18DU/1AC if *only* residential units are constructed within such districts. (See table below.) Mixed residential and commercial developments and PUDs (containing both commercial and residential development) built in GC or TC land use districts shall have a density as set forth below in Section 2. All "DU" notations and references regarding density shall only apply to the residential "dwelling units" and not to commercial units.

<u>Land Use Districts</u>	<u>Gross Density</u>	<u>Housing Type</u>
Residential Low-Density	6DU/1AC	(No Change)
Residential General	6DU/1AC	"
Tourist Residential	8DU/1AC	"

<u>Land Use Districts</u>	<u>Gross Density</u>	<u>Housing Type</u>
General Commercial	18DU/1AC (Residential)	"
Tourist Commercial	18DU/1AC (Residential)	"
Mixed Use	24DU/1AC (Comm./Resi.)	
Conservation	(Pre-existing developmental approval)	

Section 2.

A. Mixed Use.

Residential development is allowed within the categories of General Commercial and Tourist Commercial land use districts; however, unless otherwise permitted by the Mexico Beach Comprehensive Plan or a Plan Amendment and the LDR, or a properly approved PUD, commercial development is not allowed in residential land uses. All structures shall be built to the requirements of the Comprehensive Plan, a Plan Amendment and the LDR, except as may be allowed by a properly approved PUD or permissible variance.

(1) Residential Density in Commercial Land Uses.

Residential development and redevelopment projects within the General Commercial and Tourist Commercial land use districts that utilize 15% or more of the total habitable gross floor area, including the heated or cooled gross floor area, for commercial development shall be entitled to a residential density of up to 24DU/1AC, so long as all other height, buffer, setback, impervious service ratios, landscaping, roads, sidewalks, and other requirements for development are met.

(2) For purposes of this ordinance and section, "commercial development or redevelopment" shall not include any space used for residential living, rental living units of any nature, residential support quarters, or accessory structures of any nature whatsoever. "Commercial" for the calculation set forth in section 2.A. (1), above, for mixed uses shall include only the uses set forth in the LDR, sub-sections 2.02.02 F. and G. dealing with retail and office uses; specifically, such terms *shall not* include single and multiple family dwellings as set forth in sub-sections 2.02 F. 18. and G. 6. and sub-sections 2.02.03 D. 6. and E. 6., mobile home parks/units, recreational vehicles, park trailers, or the like, or hotels or motels.

(3) Any mixed residential/commercial development or redevelopment areas used in the calculation set forth above to create a density greater than 18DU/1AC shall be built to commercial standards under the Florida Building Code, as may be amended, and will be considered a land use designation for a commercial use and shall not revert or otherwise be changed to a residential land use of any nature for at least seven (7) years, and then only by approval of the City Council after review by the Planning and Zoning Board. Upon application by the landowner or his/her agent to develop or redevelop under this ordinance, or

if this ordinance is applied to a development, the owner and his/her heirs, transferees, successors in interest, and assigns agree to all provisions of this ordinance, specifically including the requirement that said property shall remain commercial in nature unless changed as set forth in this ordinance.

Section 3.

A. Residential Development Standards for Structures Developed or Redeveloped in GC and TC Land Uses.

(1) Residential structures developed or redeveloped in GC or TC land use districts shall adhere to the residential density requirements as set forth above. In addition, residential or mixed-use developments or redevelopments built in GC or TC land uses may be eligible to have variances from the requirements of the LDR for development standards relating to setbacks, landscape buffers, and parking, if justified by the application for M-PUD and approved as a Final M-PUD Plan by the City Council, after review by the Planning Board. *No variances or waivers for M-PUD projects shall be permitted to requirements set forth in the Mexico Beach Comprehensive Plan such as, but not limited to, height, density, land use type, and canal buffer zone, unless the Comprehensive Plan is amended as required by law.*

(2) Length-Residential Only Structures. Developments and redevelopments built in GC and/or TC land use districts that contain residential only improvements shall be limited in length to 100 feet, measured from exterior wall to exterior wall, including any decks and patios which may be located on the ends of such structure.

(3) Setbacks. Setbacks for the *perimeter* of the entire tract for residential-only structures built in GC and/or TC land use districts shall remain as Front-20', Side-7.5', Rear-10' and Corner-20' as set forth in section 3.01.03 of the LDR; however, the *interior* side setbacks between residential-only structures where there is more than one multi-family structure contained on a tract shall be 5' for each structure.

(4) Landscaping. A landscaping plan shall be submitted, and must be approved by the City Council for all commercial or mixed-use developments and by the City Administrator for residential-only developments, with any application for development in GC and/or TC land use districts in accordance with LDR section 4.01, et seq.

Section 4.

A. Mini-Planned Unit Developments (M-PUD).

The intention of this section is to create an avenue for creative and innovatively designed neighborhoods and mixed-use developments or redevelopments in areas

covering .5 acre to 4.99 acres of land and located in a GC and/or TC land use district. All M-PUDs approved under this section shall meet the requirements of the Comprehensive Plan or Plan Amendment, including overall density, goals, and policies of the Comprehensive Plan and as may be amended from time to time, including the policies set forth in LDR section 2.04.01. It is the further intent of this section to require the application of professional planning and design techniques to achieve overall coordinated development, eliminating the negative impacts of unplanned and piecemeal development likely to result from rigid adherence to the zoning classifications and standards found in this Code.

B. Minimum Development Standards for M-PUDs.

All tracts of land for which a M-PUD application is made must meet, in the sole discretion of the city council, the following standards:

(1) the tract must be a contiguous parcel of land at least .5 acre in size and no larger than 4.99 acres with sufficient width and depth to accommodate the proposed use; "contiguous" in this section shall include tracts of land separated by a single roadway so long as at least 40% of both parcels' road frontage overlap each other or one parcel's road frontage fully encompasses the other;

(2) the tract is located in a GC and/or TC land use district and, therefore, density will be controlled by sections 1 and 2, above, and range from a maximum of *18DU/IAC* for residential only developments up to a maximum of *24DU/IAC* for the appropriate mixed-use developments as set forth in section 2;

(3) all land included in the application for a M-PUD must be owned by or be under the control for zoning designation purposes of the applicant, whether the applicant is an individual, partnership or corporation; certification of ownership or control will be required; applicant shall be required to bind any development/owner successors in title to any commitments made or required by the city council; and,

(4) the development of land under a M-PUD shall be consistent with the intent of the City's Comprehensive Plan or Plan Amendment.

C. Application Requirements.

(1) The applicant shall submit a concept plan to the city for consideration by the city staff, then, if appropriate, to the Planning Board for a recommendation to Council, and, finally, to the City Council for preliminary review and, if appropriate, approval;

(2) the concept plan shall be prepared by one or more of the following: a professionally licensed, and registered in the state of Florida, architect, civil engineer, or land use planner;

(3) the concept plan shall include as a minimum the following:

- a. legal description of the site prepared by a Florida certified land surveyor;
- b. site description map, including title of the M-PUD and name of the developer; scale, date, north arrow, and general location of the site to adjacent properties, highways, shopping areas, and civic centers;
- c. boundaries of the subject property, all existing streets, buildings, water courses, easements, utilities and their sizes, drainage systems or natural flows, section lines, and other important physical features within the site;
- d. existing topography;
- e. existing soil types and vegetative conditions;
- f. notation (by separate map if necessary) of location of all existing public facilities which would serve this site, such as schools, parks, and fire stations.

(4) a separate concept plan to the same scale as the basic information, above, shall be submitted and include a general site plan for the use of all lands in the proposed M-PUD project. Such plans shall indicate the general location, function and extent of all components or units of the plan; open space provisions for passive or active recreational use, community and/or institutional uses and areas, such as daycare or libraries; parking, roadway, sidewalk and pedestrian movements, general landscaping and any other helpful elements.

(5) the applicant also shall submit with the initial application a supportive report as set forth in section 2.04.03 E. covering standard PUDs as set forth in the LDR.

(6) the applicant shall submit a report that enumerates the elements of the project which do not meet the requirements of the current LDR, the numerical extent to which it does not meet each element of the LDR requirements, and the reason(s) why the project will be enhanced or the tract of land better utilized by exemption from the LDR requirements.

D. Procedure for M-PUD Conceptual Approval.

Applications for conceptual approval of a M-PUD shall be processed as follows:

- (1) Prior to submitting the concept plan, the applicant is encouraged to meet with the city staff designated to review land use matters to discuss the proposed project before application is made;
- (2) Once application is made, the city staff will have 15 business days to review the application and seek professional assistance in reviewing the application; if the application is not complete, city staff may contact or notify in writing the applicant the exact nature of the deficiencies; if deficiencies are noted, the applicant will correct these deficiencies within 45 days, which time may be reasonably extended by the city, or the application will be deemed withdrawn; upon correction of the noted deficiencies by applicant and re-filing with the city, staff will have an additional 10 business days to review the application; no

conceptual plan shall be deemed approved or accepted in any manner by the City until an affirmative vote of approval by the City Council has occurred;

(3) At the end of the staff review period, the staff will submit the application packet to the Planning Board for review and recommendation, if appropriate, for preliminary approval at the next available regular planning board meeting following the staff review period; no conceptual plan shall be deemed approved or accepted in any manner by the City until an affirmative vote of approval by the City Council has occurred:

(4) The Planning Board shall review the application and within 31 days of the first meeting it considers the application make a recommendation for acceptance or rejection to the city council with or without comments on the application; failure to make a timely recommendation to council, without consent of the applicant, shall have the effect of transferring the application to council for review without comment or recommendation by the Planning Board;

(5) The City Council shall review the application and, if made, consider the comments by the Planning Board. The City Council may reject, table for one regular meeting, or approve the application, with or without recommended changes, to the conceptual M-PUD and changes that it will require for approval of the final M-PUD Plan. Failure by the City Council to timely act on an application shall be considered a rejection of the M-PUD application.

E. M-PUD Final Plan.

(1) Application Requirements.

Except as permitted under concept plan approval, the applicant shall submit a final development plan prior to commencing development on property designated or zoned M-PUD concept. Approval of components of the M-PUD district plans shall be according to the development schedule, if any, approved under the concept plan. The following data and information is required in addition to the material submitted under the concept plan. The applicant for final M-PUD Plan shall submit a final plan that follows the requirements set forth in approval of a final standard PUD Plan as stated in the LDR under section 2.04.07, except as may be amended below:

a. Professional services required for plan preparation by a state licensed architect, engineer, urban land planner with a bachelor's degree and at least 5 years of work experience, and a state licensed surveyor of land.

b. Detailed statement of objectives.

c. Site conditions map.

- d. Final development plan.
- e. Utility service plan.
- f. Landscape plan.
- g. Statistical information.
- h. Development schedule.
- i. Definitive covenants, grants, easements, dedications, restrictions, etc. to be imposed on the land, buildings, and structures.
- j. Association of non-profit, if elected to do so.

Applicant shall refer to section 2.04.07 of the LDR for guidance and details in preparing these items. The final plan shall comply with these sections unless application of one or more of the above requirements is specifically waived by the Planning/Zoning Director or the City Administrator because of its inapplicability to the proposed project.

(2) Site Development Standards/M-PUD.

- a. Exemptions from the normal requirements of the LDR and subdivision regulations may be permitted when the developer demonstrates to the City Council that adequate provisions have been made in the M-PUD for sufficient light and air, that the density is compatible with surrounding land uses, that the pedestrian and vehicular traffic systems are safe and efficient, that development will progress in an orderly manner, that the development is adequately landscaped, buffered, and provides or has immediate access to recreational areas, and that the public health, safety and welfare will be protected as set forth in LDR section 2.04.08. Any proposed amendments to the Comprehensive Plan shall be approved as required by law.
- b. All requirements for M-PUD site development shall meet the standards for site development of a standard PUD contained in section 2.04.08 A.-J. of the LDR, and applicant shall refer to those sub-sections for guidance and the details in preparation of its final plan. The final plan shall comply with the provisions of section 2.04.08 A.-J. unless application of one or more of the standards is specifically waived by the Planning/Zoning Director or the City Administrator because of its inapplicability to the proposed project.

(3) Procedure for approval of M-PUD final plan.

Applications for approval of a M-PUD final plan shall be processed as follows:

a. Prior to submitting the final plan, the applicant is encouraged to meet with the city staff designated to review land use matters to discuss the proposed project before the final plan submission is made.

b. A complete final plan application shall meet all the requirements set forth above for an M-PUD and the applicable sections of 2.04.07 and 2.04.08 of the LDR and be filed with the city. The city staff shall have 15 business days to review the final plan application and seek professional assistance in reviewing the application; if the application is not complete, city staff may contact or notify in writing the applicant the exact nature of the deficiencies. If deficiencies are noted, the applicant will correct these deficiencies or the applicant for final plan will be deemed withdrawn. Upon correction of the noted deficiencies by applicant and re-submission to the city, the city staff will have an additional 10 business days to review the application. Unless deficiencies are corrected and re-submitted to the city within 90 days, the final plan shall be deemed withdrawn.

c. Once an application is complete, at the end of the staff review period, the planning/zoning director or city administrator will submit such application to the Planning and Zoning Board at the next available regular planning board meeting for review and recommendation for approval or rejection to the city council.

d. The Planning Board shall review the application and, within 31 days of the first meeting it considers the application, make a recommendation for acceptance or rejection to the city council with or without comments on the final plan application; failure to make a timely recommendation to council, without the consent of the applicant, shall have the effect of transferring the application to the council for review without comment or recommendation by the Planning Board.

e. The City Council shall review the final plan application and, if made, consider the comments of the Planning Board. The City Council may reject, table for one regular meeting, or longer with the consent of the applicant, or approve the final application, with or without conditions that it deems necessary and proper. Failure by the City Council to timely act on an application shall be considered a rejection of the final M-PUD application. Once the final plan for a M-PUD is approved by City Council it may be adopted by ordinance pursuant to Florida law as deemed appropriate by City Council.

f. When unforeseen circumstances occur during the site development which may result in minor shifts, extensions, alterations, or modifications of buildings or structures, such may be authorized by the City Administrator if they are consistent with the purposes and intent of the final development plan.

g. If approved, the final development plan and all other material and information submitted formally with the application, and any provisions placed on the property by the City Council shall be adopted as amendments to the LDR and shall become standards of development for the M-PUD land area in question. All future development shall conform to the adopted standards regardless of any changes in ownership and provided further, that no building permit or certificate of occupancy shall be issued unless standards herein

are complied with. The final development plan for an M-PUD may be adopted by ordinance in conformity with Florida law as deemed appropriate by City Council.

Section 5.

Before the effective date of this ordinance, should a property owner or developer with legal authorization to seek developmental permits for a property wish to obtain a development order to preserve his/her rights to develop the property in question under the density limitations existing before this ordinance is effective, the following documents or items shall be filed with the city no later than three (3) business days for residential developments and no later than five (5) business days before the next Planning and Zoning Board regular meeting for commercial or mixed-use commercial and residential developments, so long as the effective date of this ordinance does not fall before the next regular meeting of the city council, in which case no new commercial or mixed-use commercial development orders utilizing the former requirements will be considered:

- A. A site plan of the proposed development showing all density calculations, setbacks, parking, buffer areas, landscaping, parking, heights, roads and driveways;
- B. A legal description of the property in question;
- C. A certified survey of the property in question performed by state licensed surveyor;
- D. A topographical survey of the property in question;
- E. A report or survey showing the nature of the land use for the proposed development and an indication on the survey of the existing land use or uses;
- F. A conceptual storm-water management plan; and,
- G. Other reasonable documents or reports that may be deemed necessary based on the condition of the land to be developed or the nature of the development.

Upon review of these documents, if appropriate, the City will issue a conditional development order preserving the present development standards as they existed before the effective date of this ordinance. Commercial developments will require the approval of City Council as set forth in the LDR.

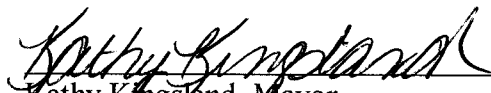
Section 6. All ordinances, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed. The portion or portions of ordinances that are not in conflict herewith are not repealed by this ordinance. Should any portion or portions of this ordinance be held by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions shall remain valid and enforceable.

Section 7. This ordinance shall take effect according to law, which is ten (10) days following final adoption.

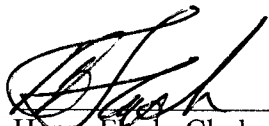
INTRODUCED at a Regular Meeting of the City Council on February 11, 2003,
and adopted at a Regular Meeting of the City Council on March 11, 2003.

SIGNED this 11th day of MARCH, 2003.

CITY OF MEXICO BEACH, FLORIDA


Kathy Kingsland, Mayor

ATTEST:


Henry Flack, Clerk

