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RETURN TO
TOWN HALL

ORDINANCE NUMBER 63

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR MEXICO BEACH, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 176, FLORIDA STATE STATUTES, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS CHAPTER 176, Florida State Statutes, empowers the city of
enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS the City Council deems it necessary, for the purpose of promoting health, safety, morals, or general welfare of the city to enact such an ordinance and

WHEREAS the City Council, pursuant to the provisions of Chapter 176, Florida State Statutes, has appointed a Zoning Board to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein, and

WHEREAS the Zoning Board has divided the city into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive zoning plan designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage,

schools, parks, and other public requirements, and

WHEREAS the Zoning Board has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality, and

WHEREAS the Zoning Board has made a preliminary report and held public hearings thereon, and submitted its final report to the City Council, and

WHEREAS the City Council has given due public notice of hearings relating to zoning districts, maps, regulations, and restrictions, and has held such public hearings, and

WHEREAS all requirements of Chapter 176, Florida State Statutes, with regard to the preparation of the report of the Zoning Board and subsequent action of the City Council have been met;

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

SECTION 1. ESTABLISHMENT OF DISTRICTS: PROVISION FOR OFFICIAL ZONING MAP

1. Official Zoning Map -- The city is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the city under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 1 of Ordinance Number _____ of Mexico Beach, Florida," together with the date of the adoption of this ordinance.

If, in accordance with the provisions of this ordinance and Chapter 176, Florida State Statutes, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Zoning Map: (brief description of nature of change)," which entry shall be signed by the Mayor and attested by the City Clerk. No amendment to this ordinance which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and

punishable as provided under Section 16.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the City Clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

2. Replacement of Official Zoning Map -- In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the city under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance Number _____ of Mexico Beach, Florida."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 2. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following city limits shall be construed as following such city limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries following shore lines will be construed to lie midway between the property line and the mean high tide water line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries.
8. Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Planning and Zoning Board may recommend to the Council, the extension of the regulations for either portion of the lot.

SECTION 3. APPLICATION OF DISTRICT REGULATIONS

The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

2. No building or other structure shall hereafter be erected or altered to exceed the height or bulk; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required; or in any other manner contrary to the provisions of this ordinance.

3. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

4. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

5. All territory which may hereafter be annexed to the city shall be considered to be in the Agricultural Rural (AR) District until otherwise classified.

SECTION 4. NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND OR WATER, NON-CONFORMING STRUCTURES, NON-CONFORMING USES OF STRUCTURES AND PREMISES, AND NON-CONFORMING CHARACTERISTICS OF USES

1. Intent -- Within the districts established by this Zoning Code or amendments that may hereafter be adopted, there exist (a) lots, (b) structures, (c) uses of land or water and structures, and (d) characteristics of use which were lawful before the Zoning Code was adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this Zoning Code or future amendments. It is the intent of this Zoning Code to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is the further intent of this Zoning Code that non-conformities shall not be enlarged upon, expanded, intensified or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. It is further the intent of this Zoning Code that changes in non-conforming uses shall be discouraged and that any change from one non-conforming use to another shall be strictly controlled as set out in this Zoning Code.

Non-conforming uses are declared by this Zoning Code to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land or water, or a non-conforming use of structure and land or water in combination shall not be extended or enlarged after the effective date of this Zoning Code or its amendment by attachment on a structure or premises of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this Zoning Code shall be deemed to require a change in the plans, construction or designated use of any building on which a building permit has been issued prior to the effective date of adoption or amendment of this Zoning Code. If actual construction has not begun under a permit issued prior to the effective date of adoption or amendment of this code and within six (6) months of the date of issuance of the permit, such permit shall become invalid and shall not be renewed except in conformity with this Code.

2. Non-conforming Lots of Record -- In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected, expanded, or altered on any single lot of record at the effective date of adoption or amendment of this Zoning Code, notwithstanding limitations imposed by the provisions of this Zoning Code. This provision shall apply even though such lot failed to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. In any district a conforming use or structure on a non-conforming lot of record at the effective date of adoption or amendment of this Zoning Code may be expanded or altered, provided other requirements of this Zoning Code shall be met. After the effective date of this Zoning Code, no lot or parcel may be so divided as to create a lot with width or area below the requirements stated in this Zoning Code; and no lot or parcel or portion of a lot or parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Zoning Code.

3. Non-conforming Uses of Land (or Land with Minor Structures Only) --

Where, at the effective date of adoption or amendment of this Zoning Code, unlawful use of land exists which would not be permitted by the regulations imposed by this Zoning Code, and where such use involves no individual, permanently-fixed structure, defined for the purpose of this subsection as a structure with a just value exceeding one thousand dollars (\$1,000), and no combination of permanently fixed structures, defined for the purpose of this subsection as structures with a just value not exceeding five thousand dollars (\$5,000), the use may be continued as long as it remains otherwise lawful, provided:

No such non-conforming use shall be enlarged, increased, intensified or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code.

No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Zoning Code.

If any such non-conforming use ceases for any reason (except when governmental action impedes or denies access to the premises) for a period of more than twelve (12) consecutive months any subsequent use of such land shall conform to the regulations specified by this Zoning Code for the district in which such land is located.

No land in non-conforming uses shall be divided, nor shall any structures be added on such land, except for the purposes and in a manner conforming to the regulations for the district in which such land is located; provided, however, the division may be made which does not increase the degree of non-conformity of the use.

4. Non-Conforming Structures -- Where a structure exists lawfully in a district at the effective date of adoption or amendment of this Zoning Code, that could not be built under the terms of this Zoning Code by reason of restrictions on area, lot coverage, height, yards, location on the lot or requirements other than use concerning the structure, such construction may be continued so long as it remains otherwise lawful, subject to the following provisions:

No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than sixty-five percent (65%) of its just value at time of destruction, it shall not be re-constructed except in conformity with the provisions of this Zoning Code.

Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

5. Non-Conforming Use of Major Structures or of Major Structures and Premises in Combination -- Where, at the effective date of adoption or amendment of this Zoning Code, lawful use of structures or of structures and premises in combination exist which would not be permitted by the regulations imposed by this Code involving major structures defined for this subsection as an individual, permanently fixed structure with a just value at or exceeding one thousand dollars (\$1,000) or a combination of permanently fixed structures with a just value at or exceeding five thousand dollars (\$5,000), such use may be continued as long as it remains otherwise lawful, provided:

An existing structure devoted to a use not permitted by this Zoning Code in the district in which such use is located shall not be enlarged, extended, constructed, re-constructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

Any non-conforming use may be extended throughout any parts of a building which were arranged or designed for such use at the effective date of adoption or amendment of this Zoning Code. Any non-conforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building. A non-conforming use shall not be extended to occupy any land outside the building, nor any additional building on the same lot or parcel, not used for any such non-conforming use

on the effective date of adoption or amendment of this Zoning Code.

Any structure or structure and premises in combination, in or on which a non-conforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use shall not thereafter be resumed nor shall any other non-conforming use be permitted.

If any non-conforming use of a structure, or structure and premises in combination, ceases for any reason (except where governmental action impedes or denies access to the premises) for a period of more than twelve (12) consecutive months any subsequent use shall conform to the regulations for the district in which the use is located.

Premises of major structures, where such major structures are used for non-conforming purposes as of the effective date of adoption or amendment of this Ordinance, shall not be divided nor shall any structures be added on such premises, except for purposes and in a manner conforming to the regulations for the district in which such premises are located.

Where non-conforming use status applies to a major structure or structures, or to a major structure or structure and premises in combination, removal or

destruction of a structure of structures shall eliminate the non-conforming status of the land. "Destruction" of the structure for the purposes of this subsection is hereby defined as damage to an extent of more than sixty-five percent (65%) of the just value at the time of destruction. Upon removal or destruction as set out in this subsection, use shall thereafter conform to the regulations for the district in which this land is located.

6. Non-Conforming Characteristics of Use -- If characteristics of use such as off-street parking or off-street loading, or other matters pertaining to the use of land, structures, or premises are made non-conforming by this Zoning Code as adopted or amended, no change shall thereafter be made in such characteristics of use which increases non-conformity with the regulations set out in the Zoning Code; provided, however, the changes may be made which do not increase, or which decrease, such non-conformities.

7. Repairs and Maintenance -- On any non-conforming structure or portion of a structure and on any structure containing a non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of twenty-five percent (25%) of the current just value of the structure, (or of the non-conforming portion of the structure if a non-conforming portion of the structure is involved), provided that the cubic content of the structure existing after date it becomes non-conforming shall not be increased.

8. Non-Conforming Structures Unsafe Because of Maintenance -- If a non-conforming structure or portion of a structure or any structure containing a non-conforming use becomes physically unsafe or unlawful due to

lack of repairs or maintenance, and is declared by any duly authorized official of Mexico Beach to be an unsafe building, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

SECTION 5. SCHEDULE OF DISTRICT REGULATIONS

The Schedule of District Regulations is set forth in this section.

Residential Low Density -- RLD

Intent -- The RLD Districts are intended for low density residential areas accommodating permanent single family dwelling on large lots.

RLD: Permitted Principal Uses and Structures

1. Single family dwellings and accessory buildings
2. Public parks, playgrounds, and ball fields
3. Government structures, and uses

RLD: Permissible Uses and Structures by Exception

1. Two family dwellings
2. Churches (See supplemental regulations)
3. Day care centers, day nurseries, kindergartens, and private schools

RLD: Prohibited Uses and Structures

1. All commercial and industrial uses and structures
2. Mobile homes
3. Barns and stables
4. Grazing and keeping of domestic animals other than those used for household pets
5. Parking of heavy equipment and semi-tractor trailers

RLD: Minimum Lot Requirements (Area and Width)

Lot Width: 75 feet minimum

Lot Area: 7,500 square feet minimum

RLD: Minimum Yard Requirements

Front: 20 feet minimum

Side: 10 feet minimum

Rear: 20 feet minimum

RLD: Maximum Lot Coverage by all Buildings

40%

RLD: Maximum Height of Structures

25 feet

RLD: Minimum Off-Street Parking

Two (2) spaces for each dwelling unit

Residential General --RG

Intent -- The RG Districts are intended for low density residential areas accommodating both mobile and permanent single family dwellings on relatively small lots.

RG: Permitted Principal Uses and Structures

1. Single family dwellings and accessory uses
2. Mobile Homes and accessory buildings
3. Churches (see supplemental regulations)
4. Day care centers, kindergartens, day nurseries, and private schools

RG: Permissible Uses by Exception

1. Two family dwellings
2. Professional offices
3. Home occupations (see supplemental regulations)
4. The grazing and keeping of domestic animals other than household pets
5. Mobile home parks (see supplemental regulations)
6. Hospitals and old age homes

RG: Prohibited Uses and Structures

1. All commercial and industrial uses and structures
2. Parking of heavy equipment and semi-tractor trailers
3. Barns and stables

RG: Minimum Lot Requirements (Area and Width)

Lot Width: 50 feet minimum

Lot Area: 5,000 square feet minimum

RG: Minimum Yard Requirements

Front: 20 feet minimum

Side: 7.5 feet minimum

Rear: 20 feet minimum

RG: Maximum Lot Coverage

50%

RG: Maximum Height of Structures

25 Feet

RG: Minimum Off-Street Parking

One (1) space for each dwelling unit

Residential Medium Density -- RMD

Intent -- The RMD Districts are intended for multi-family residences.

RMD: Permitted Principal Uses and Structures

1. Two family dwellings
2. Multi-family dwellings
3. Single family dwellings
4. Accessory uses and buildings required by the above

RMD: Permissible Uses by Exception

1. Professional offices
2. Old age and nursing homes

RMD: Prohibited Uses and Structures

1. All commercial and industrial uses and structures
2. The grazing and keeping of domestic animals other than household pets
3. Parking of heavy equipment and semi-tractor trailers
4. Barns and stables
5. Mobile homes and/or recreational vehicles

RMD: Minimum Lot Requirements (Area and Width)

Lot Width: 50 feet minimum

Lot Area: 5,000 square feet minimum

RMD: Minimum Yard Requirements

Front: 20 feet minimum

Side: 7.5 feet minimum

Rear: 20 feet minimum

RMD: Maximum Lot Coverage

50%

RMD: Maximum Height of Structures

30 feet

RMD: Minimum Off-Street Parking

One and one-half ($1\frac{1}{2}$) spaces for each dwelling unit

One visitor space for each four dwelling units

Commercial Intensive and Tourist -- CIT

Intent -- The CIT Districts are intended for businesses and tourist oriented establishments and uses which attract a large volume of traffic and pedestrians.

CIT: Permitted Principal Uses and Structures

1. Motels, hotels, guest houses, motor lodges, guest cottages, and cabins without kitchen facilities, and multi-family dwellings
2. Restaurants, drive-in restaurants, lunch counters
3. Gift, novelty, curio shops, newspaper and magazine stands
4. Automobile service and filling stations, truck stops
5. Night clubs, package stores, bars, and taverns
6. Completely enclosed recreation facilities
7. Marinas and boat repair and sales facilities
8. Convenience stores, super market, department stores, fruit stands, and variety stores
9. Retail outlets for automobiles, heavy equipment, trucks, tractors, lumber, monuments, building supplies, and tire sales
10. Drive-in laundry, self-service laundry, dry cleaners, and car wash
11. Retail outlets for clothing, books and stationery, dry goods, appliances, baked goods, furniture, vehicle parts and accessories, feed supplies, paint, hardware, drugs, and sporting goods, and antiques
12. Professional and business offices
13. Banks and financial institutions
14. Beauty, barber, television and radio repair, camera, florist, and hobby shops
15. Government buildings and uses

CIT: Permissible Uses and Structures by Exception

1. Air conditioning and heating contractors
2. Sheet metal fabrication
3. Sale of second-hand merchandise

4. Open storage yards
5. Storage buildings and warehouses
6. Indoor and outdoor roller skating rinks
7. Miniature golf courses
8. Woodworking shops, cabinet makers
9. Transportation terminals
10. Welding shops
11. Paint and body shops
12. Outdoor golf driving ranges

CIT: Prohibited Uses and Structures

All uses and structures not specifically provided for.

CIT: Minimum Lot Requirement (Area and Width)

None

CIT: Minimum Yard Requirements

Front yard: 6 feet

Side yard: 7.5 feet

Rear yard: 20 feet

CIT: Maximum Lot Coverage

None

CIT: Maximum Height Restrictions

30 feet

CIT: Minimum Off-Street Parking

One (1) parking space for each 500 feet of gross floor space.

Commercial Neighborhood -- CN

Intent -- CN Districts are directed at small commercial establishments which serve an immediate area or neighborhood

with necessity items. The District is directed towards the non-automobile oriented user.

CN: Permitted Principal Uses and Structures

1. Self-service laundry
2. Convenience store
3. Dry cleaners
4. Drug store

CN: Permitted Uses and Structures by Exception

None

CN: Prohibited Uses and Structures

All uses and structures not specifically provided for

CN: Minimum Lot Requirements (Area and Width)

None

CN: Minimum Yard Requirements

Front yard: 6 feet

Side yard: 7.5 feet

Rear yard: 20 feet

CN: Maximum Lot Coverage

50%

CN: Maximum Height of Structures

25 feet

CN: Off-Street Parking Facilities

One (1) parking space for each 500 feet of gross floor area

Industrial -- IL

Intent -- IL Districts are intended for light industry such as minor processing, warehouses, storage type activities and their supporting facilities.

IL: Permitted Uses and Structures

1. Warehouses and open storage yards
2. Cabinet making shops
3. Lumber yards and building supply storage yards
4. Airconditioning repair facilities
5. Metal fabrication operations and supporting facilities
6. Seafood processing and wholesaling operations
7. Transmission repair operations and supporting facilities

IL: Permissible Uses by Exception

1. Sanitary land fill operations
2. Junk and salvage yards

IL: Prohibited Uses and Structures

All uses and structures not specifically provided for

IL: Minimum Lot Requirements (Area and Width)

None

IL: Minimum Yard Requirements

Front yard: 25 feet

Side yard: 20 feet

Rear yard: 50 feet

IL: Maximum Lot Coverage

None

IL: Maximum Height of Structures

35 feet

IL: Off-Street Parking Facilities

One (1) parking space for each 500 feet of space used for the activity.

Agriculture Rural -- AR

Intent -- The AR Districts are intended for undeveloped lands, agriculturally oriented uses, and land extensive activities which tend to locate in outlying areas.

AR: Permitted Principal Uses and Structures

1. Golf courses and supporting activities
2. Drive-in theaters (see supplemental regulations)
3. Golf driving ranges, miniature golf courses, par 3 courses
4. Private airfields and runways
5. Agriculture, horticulture, forestry, and buildings, vehicles, equipment, incidental to the operation
6. Barns, sheds, and outbuildings
7. Parks and recreation areas not including indoor or outdoor amusement parks
8. Single family dwellings, and mobile homes on individual lots
9. Churches, schools (see supplemental regulations)
10. Governmental uses and structures

AR: Permissible Uses by Exception

1. Sanitary land fill areas
2. Mobile home parks (see supplemental regulations)

AR: Prohibited Uses and Structures

The grazing and keeping of domestic animals

AR: Minimum Lot Requirements (Area and Width)

Lot width: 75 feet

Lot area: 1½ acres (65,000 square feet)

AR: Minimum Yard Requirements (Structures Only)

Front yard: 20 feet

Side yard: 15 feet

Rear yard: 20 feet

AR: Off-Street Parking

All vehicles must be parked off public right-of-way

SECTION 6. SUPPLEMENTARY DISTRICT REGULATIONS

1. Visibility at Intersections in Residential Districts -- On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half and ten feet above the center-line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.

2. Fences, Walls, and Hedges -- Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over four feet in height.

3. Accessory Buildings -- No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within five feet of any other building.

4. Erection of More than One Principal Structure on a Lot -- In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot.

5. Exceptions to Height Regulations -- The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

6. Structures to Have Access -- Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

7. Parking, Storage, or Use of Major Recreational Equipment -- For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be parked or stored on any lot in a residential district except in a carport or enclosed building or behind the nearest portion of a building to a street, provided however, that such equipment may be parked anywhere on residential premises for not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

8. Parking and Storage of Certain Vehicles -- Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

9. Churches, Off-Street Parking -- For each (8) eight feet of pew space, there should be (1) one parking space.

10. Mobile Home Parks -- Each mobile home park shall not be less than (5) five acres in size.

Each mobile home within the park must be on a minimum lot of 3,000

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square feet.

No mobile home or accessory building shall be less than (15) fifteen feet from the property line.

Each mobile home and accessory buildings must be at least (15) fifteen feet apart. Turn arounds and cul-de-sacs within the mobile home parks must be at least (50) fifty feet in diameter.

The entrance right-of-way to the mobile home park shall be at least (40) forty feet wide.

There shall be at least two entrance and exit roads into and from the mobile home park.

Each private road or street within the mobile home park shall be at least (22) twenty-two feet wide.

The mobile homes within the mobile home park must be at least (10) ten feet from the nearest private street or road.

Each mobile home park must have self-service laundry facilities for the exclusive use of its occupants.

Every mobile home within the mobile home park shall be provided with (1½) one and one-half off-street parking spaces.

There shall be one visitor parking space within the mobile home park for each four mobile homes.

11. Drive-In Theater -- Each drive-in theater must be at least (3) three acres, and it must be enclosed by a six foot visual barrier.

12. Home Occupations -- An occupation conducted entirely on the premises by members of the family residing on the premises, the use must be subordinate to the residential character.

There shall be no change in the outward appearance of the building or premises.

There shall be no illuminated sign or device indicating the presence of a non-residential use.

Only one sign will be permitted, and it must be no larger than (12) twelve inches by (18) eighteen inches.

SECTION 7. ADMINISTRATION AND ENFORCEMENT--BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

1. Administration and Enforcement -- An administrative official designated by the city council shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the city council may direct.

If the administrative official shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

2. Building Permits Required -- No building or other structure shall be erected moved, added to, or structurally altered without a permit therefore, issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this ordinance, unless he receives a written order from the Board of Adjustment in the form of an administrative review, special exception, or variance as provided by this ordinance.

3. Application for Building Permit -- All applications for building permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully

may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance.

One copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the administrative official.

4. Certificates of Zoning Compliance for New, Altered, or Non-Conforming Uses -- It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued therefor by the administrative official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

No non-conforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the administrative official. The certificate of zoning compliance shall state specifically wherein the non-conforming use differs from the provisions of this ordinance, provided that upon enactment or amendment of this ordinance, owners or occupants of non-conforming uses or structures shall have three months to apply for certificates of zoning compliance. Failure to make such application within three months shall

presumptive evidence that the property was in conforming use at the time of enactment or amendment of this ordinance.

No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a certificate of zoning compliance, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

A temporary certificate of zoning compliance may be issued by the administrative official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The administrative official shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance and punishable under Section 16 of this ordinance.

5. Expiration of Building Permit -- If the work described in any building permit has not begun within (6) six months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the administrative official; and written notice thereof shall be given to the persons affected.

If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new building permit has been obtained.

6. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance -- Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by Section 16 hereof.

SECTION 8. BOARD OF ADJUSTMENT: ESTABLISHMENT AND PROCEDURE

A Board of Adjustment is hereby established, which shall consist of five members to be appointed by the City Council, each for a term of three years. Members of the Board of Adjustment may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the City Council for the unexpired term of the member affected.

1. Proceedings of the Board of Adjustment -- The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment 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 Board.

2. Hearings; Appeals; Notice -- Appeals to the Board of Adjustment concerning interpretation or administration of this ordinance 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 administrative official. Such appeals shall be taken within a reasonable time, not to exceed 30 days, by filing with the administrative official and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The administrative official

shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

3. Stay of Proceedings -- An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment after the 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. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

SECTION 9. BOARD OF ADJUSTMENT: POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties:

1. Administrative Review -- In exercising its powers, the Board of Adjustment may, upon appeal and in conformity with provisions of this act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination made by the administrative official in the enforcement of any zoning ordinance or regulation adopted pursuant to this act, and may make any necessary order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of all the members of the board shall be necessary to reverse any order, requirement, decision or determination of the administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass under any such ordinance.

2. Variances; Conditions Governing Applications; Procedures -- To authorize upon appeal such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary and undue hardship. In order to authorize any variance from the terms of the ordinance, the Board of Adjustment must and shall find:

- (a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
- (b) That the special conditions and circumstances do not result from the actions of the applicant;

- (c) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district;
- (d) That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant;
- (e) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
- (f) That the grant of the variance will be in harmony with the general intent and purpose of the ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this act and any ordinance enacted under the authority of this act. 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 the ordinance. The Board of Adjustment may prescribe a reasonable time limit within which the action for which the variance is required shall begin or completed or both. Under no circumstances except as permitted above shall the Board of Adjustment grant a variance to permit a use not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the ordinance in the zoning district. No nonconforming use of neighboring lands, structures

or buildings in the same zoning district and not permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

3. Board Has Powers of Administrative Official on Appeals; Reversing Decision of Administrative Official -- In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this ordinance, 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, and to that end shall have the powers of the administrative official from whom the appeal is taken.

The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

SECTION 10. APPEALS FROM THE BOARD OF ADJUSTMENT

Any person or persons, or any board, taxpayer, department, board, or bureau of the city aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Chapter 163, State Statutes.

SECTION 11. DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF ADJUSTMENT,
CITY COMMISSION, AND COURTS ON MATTERS OF APPEAL

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Administrative Official, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by Chapter 163, Florida State Statutes.

It is further the intent of this ordinance that the duties of the City Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance the City Council shall have only the duties (1) of considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law, and (2) of establishing a schedule of fees and charges as stated in Section 12.

SECTION 12. SCHEDULE OF FEES, CHARGES, AND EXPENSES

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION 13. AMENDMENT

The Zoning Code may from time to time be amended, supplemented, changed, or repealed as provided in this section.

1. Initiation of Proposals for Zoning Amendments -- An amendment for the rezoning or a zoning exception of property may be proposed only by the Council or any member thereof, the mayor, the Zoning Board, or the owner of subject property, his attorney or authorized agent.

2. Public Hearing -- A public hearing shall be held by the Zoning Board to consider a proposal for an amendment to the Zoning Code for the zoning exception, for the rezoning of land. Notice of such public hearing shall be made as provided in subsections 8 and 9 of this section and any party shall be heard in person or by agent or attorney.

3. Posting of Signs Required -- In the case of an application for the rezoning or the zoning exception of land, there shall be one or more signs posted on the land which is the subject of the hearing at least (7) seven days prior to the date of the hearing. Such signs shall measure at least (1½) one and one-half by (2) two feet and shall contain the following language:

REZONING OR ZONING EXCEPTION

A PUBLIC HEARING CONCERNING THE REZONING OR
ZONING EXCEPTION OF THIS PROPERTY FROM _____

TO _____
OR PERMITTING _____

USE WILL BE HELD BY THE ZONING BOARD OF
MEXICO BEACH, FLORIDA. CALL (phone Number)
FOR INFORMATION.

Such signs shall be erected in full view of the public on each street side of the land by the administrative official. Where the property for which rezoning is sought is land-locked, the sign or signs shall be erected on the nearest street right-of-way, with an attached notation indicating generally the distance and direction to the property for which rezoning is sought.

4. Nature and Requirements of Zoning Board Report -- The report and recommendations to the Council, required by subsection 5 hereof, shall show that the Zoning Board has studied and considered the need and justification for the change or zoning exception and that the proposed change will not be detrimental to the health, safety, morals, or general welfare of the City.

5. Zoning Board Report to Council -- Unless a longer time be mutually agreed upon by the Council and the Zoning Board, in the particular case, the Zoning Board shall submit its report and recommendation to the Council in not more than (30) thirty days from:

- (a) The date the Zoning Board receives a proposed amendment to the text or the schedule of district regulations, or
- (b) The date a completed application for the rezoning of property is filed. If the Zoning Board fails to submit its report to the Council within the prescribed time, such failure shall be deemed to be a recommendation for denial to the amendment and the Council may proceed to act on such amendment. The report and recommendation of the Zoning Board shall be advisory only and shall not be construed to be binding upon the Council.

6. Limitations on Amendments --

- (a) No amendment for rezoning or zoning exceptions of property shall contain conditions, limitations, or requirements not applicable to all other property in the district.
- (b) Whenever the Council has, by amendment, changed the zoning classification of property, the Zoning Board shall not then consider any petition for rezoning of any part or all of the same property for a period of (1) one year from the effective date of the amendatory ordinance.
- (c) Whenever the Council has denied an application for the rezoning of property, no further application shall be filed for the same rezoning of any part or all of the same property for a period of (1) one month from the date of such action.

7. Waiver of time Limits -- The time limits of subsection 6 may be waived by the affirmative votes of a majority of the entire Council when such action is deemed necessary to prevent injustice or to facilitate the proper development of the City of Mexico Beach.

8. Notice of Public Hearings - Rezoning and Zoning Exception--

Notice of the time and place of any required public hearings with respect to rezonings and zoning exceptions shall be published twice in a newspaper of general circulation in the area at least (15) fifteen days prior to the date of the hearing and the second such publication to be at least (5) five days prior to the date of the hearing. Advance

notice of the hearing shall be given by United States Mail to property owners adjoining and 75 feet from the land for which rezoning or exception is requested; provided, however, that where the applicant is the owner of land not included in such application and such land that is not included in the application is a part or adjoins the parcel for which request for change in zoning classification or exception is made, the Zoning Board may determine. For the purposes of notice requirements to property owners, the names and addresses of such owners shall be deemed to be those on the current tax records in the office of the tax assessor of Jackson County.

9. Published Notice -- Notice of the public hearing shall be published once in a newspaper of general circulation not less than (7) seven days in advance of the date of such hearing. Such published notice shall be in a form prescribed by the Zoning Board and placed by the applicant at his expense. The applicant shall file proof of publication with the Zoning Board prior to the public hearing.

10. Withdrawal of Applications -- An application for the rezoning of land or a zoning exception shall be permitted to be withdrawn at any time prior to the date of the public hearing scheduled by the Zoning Board on such application, but not thereafter.

11. Time periods Procedural -- All time periods provided for in this ordinance are procedural and not substantive, and non-compliance with any time period shall neither confer nor deny any substantive right to any applicant for a zoning exception or a rezoning of property.

SECTION 14. PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern.

SECTION 15. COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrative Official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

SECTION 16. PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 17. SEPARABILITY CLAUSE

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 18. DEFINITIONS

1. Accessory Building -- A subordinate building or portion of main building, the use of which is clearly incidental to that of the main building.

2. Accessory Use or Structure -- A use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise provided, on the same premises. On the same premises with respect to accessory uses and structures shall be construed as meaning on the same lot or on a contiguous lot in the same ownership. Where a building is attached to the principal building, it shall be considered a part thereof, and not an accessory building. A facility for the service of malt, vinous, or other alcoholic beverages shall be deemed an accessory use for a brewery, motel, hotel, boatel, private club, country club, or golf club, provided all other applicable requirements of State law and City regulations are met.

3. Alley -- A public or private way which affords only a secondary means of access to property abutting thereon.

4. Alteration -- Alter or alteration shall mean any change in size, shape, occupancy, character, or use of a building or structure.

5. Apartment Building -- A building used or designed as a residence for three or more families as separate housekeeping units.

6. Attic -- The space between the top story and a pitched roof.

7. Basement -- A story partly below ground but having at least ($\frac{1}{2}$) one-half of its height above curb level and also ($\frac{1}{2}$) one-half of its height above the level of the adjoining ground. A basement shall be counted as a story.

8. Boardinghouse -- A building other than a hotel, where lodging and meals for (3) three or more persons are served for compensation.

9. Buildable Area -- The portion of a lot remaining after required yards have been provided. Buildings may be placed in any part of the buildable area, but limitations on per cent of the lot which may be covered by buildings may require open space within the buildable area.

10. Building -- Any structure, either temporary or permanent, having a roof impervious to weather, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This definition shall include tents, awnings, cabanas, or vehicles situated on private property and serving in any way the function of a building but does not include screened enclosures not having a roof impervious to weather.

11. Carport -- An accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides, and designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is accessory.

12. Change of Occupancy -- The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution therefor of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

13. Child Care Center -- Child care center means any service which during all or part of the day regularly gives care to (3) three or more children, not of common parentage, who are under six years of age, whether

or not it has a stated educational purpose, and whether the service is known as a day care service, day nursery, day care agency, nursery school, kindergarten, play school, progressive school or by any other name. The total number of children receiving care shall be counted, including children or foster children of the owner or person in charge, in determining the applicability of this definition.

14. Clinic, Medical or Dental -- An establishment where patients, who are not lodged over night, are admitted for examination and treatment by one person or a group of persons practicing any form of the healing arts, whether such persons be medical doctors, chiropractors, osteopaths, chiropractists, naturopaths, optometrists, dentists, or any such profession, the practice of which is regulated by the State of Florida.

15. Club, Night -- A restaurant or dining room serving alcoholic beverages wherein paid floor shows or other forms of paid entertainment are provided for customers as a part of the commercial enterprise.

16. Club, Private -- An association or organization of a fraternal or social character, not operated or maintained for profit. The term private club shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

17. Court -- An open, uncovered and unoccupied space, including a yard, on the same lot with a building and which is bounded on two sides or more by the building. A court which extends for its full width to a street, rear, side or front yard is an outer court. A court not thus extending is an inner court.

18. Drive-In Restaurant or Refreshment Stand -- Any place or premises where provision is made on the premises for the selling, dispensing, or

serving of food, refreshments, or beverages in automobiles or in other than a completely enclosed building on the premises, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises or in other than a completely enclosed building on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant. A barbecue stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant.

19. Dwelling -- Any building, or part thereof, occupied in whole or in part, as the residence or living quarters of one or more persons, permanently or temporarily, continuously or transiently, with cooking facilities.

20. Dwelling, One Family -- A detached building designed for or occupied exclusively by one family and having only one kitchen.

21. Dwelling, Two Family -- A building designed for or occupied exclusively by two families, living independently of each other and each unit having kitchen facilities.

22. Dwelling, Mobile Home -- A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

23. Dwelling, Multiple -- A building or portion thereof used or designed for occupancy by three or more families, living independently of each other and each having kitchen facilities.

24. Dwelling Unit -- A room or rooms connected together, constituting a separate, independent housekeeping establishment for a family, for owner occupancy or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping facilities and one kitchen.

25. Depth of a Lot -- The "depth" of a lot is the mean distance from a street line to the lot to its opposite rear line, measured in the mean general direction of the side lines of the lot.

26. Erected -- The word erected includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for building. Excavations, fill, drainage, demolition of an existing structure, and the like shall be considered part of erection.

27. Exception -- An exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as exceptions, if specific provision for such exception is made in this Zoning Code.

28. Filling Stations -- Any area of land, including structures thereon, that is used or designed to be used primarily for the supply of gasoline or oil to motor-driven vehicles, or other petroleum products for sale, at retail thereon, and which may include facilities used or designed to be

used for washing, polishing, greasing, waxing, tire repairing or auto repairing; except vulcanizing, tire recapping, body building or repairing, fender straightening, painting and wrecker service shall not be permitted, and no unsightly junked equipment or wrecked or damaged vehicles shall be stored, kept, displayed or dismantled.

29. Family -- One or more persons occupying a single dwelling unit, provided that unless all members are related by law, blood, adoption, or marriage, no such family shall contain over (8) eight persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families. The term family shall not be construed to mean a fraternity, sorority, club, monastery, convent, or institutional group.

30. Floor Area -- Except as may be otherwise specifically indicated in relation to particular districts and uses, floor area shall be construed as the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, excluding attic areas with a headroom of less than (7) seven feet, unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment, parking structures, and basement space where the ceiling is not more than an average of (48) forty-eight inches above the general finished and graded level of the adjacent portion of the lot.

31. Garage Apartment -- An accessory or subordinate building, not a part of or attached to the main building, where a portion thereof contains a dwelling unit for one family only, and the enclosed space for at least one automobile is attached to such dwelling unit.

32. Garage, Parking -- A building or portion thereof designed or used for temporary parking of motor vehicles, and within which gasoline and oils may be sold only to parking patrons of the garage.

33. Garage, Private -- An accessory structure designed or used for inside parking of private passenger vehicles by the occupants of the main building. A private garage attached to or a part of the main structure is to be considered part of the main building. An unattached private garage is to be considered as an accessory building.

34. Garage, Repair -- A building or portion thereof, other than a private, storage, or parking garage or service station, designed or used for repairing, equipping, or servicing of motor vehicles. Such garages may also be used for hiring, renting, storing, or selling of motor vehicles.

35. Garage, Storage -- A building or portion thereof designed and used exclusively for the storage of motor vehicles, and within which temporary parking may also be permitted.

36. Guest House -- Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary non-paying guests of the occupants of the premises; such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

37. Guest Home -- A private dwelling in which accommodations are provided for compensation for transients, especially motor tourists or travelers.

38. Height of a Building -- The vertical distance from the established grade at the center of the front of a building to the highest point of the roof or parapet.

39. Hotel -- A building occupied as the temporary abode of individuals who are lodged with or without means, and in which there are more than twenty sleeping rooms and no provisions are made for cooking in any of the rooms.

40. Frontage -- Property on one side of the street measured along the line of the street.

41. Frontage, Reversed -- Corner and other lots at either end of a block originally facing or later subdivided to face an intersecting street at approximately right angles to the remaining interior lots of such block.

42. Lot -- A parcel of land occupied or to be occupied by one main building and its accessory buildings with such open spaces and parking spaces as are required under this chapter and having its principal frontage upon a street.

43. Lot, Depth -- The depth of a lot is the mean distance from a street line of the lot to its opposite rear line, measured in the mean general direction of the side lines of the lot.

44. Lot, Through -- An interior lot having frontage on two parallel or approximately parallel streets.

45. Nonconforming Use -- Any building or land lawfully occupied by a use at the time of the passage of this chapter or amendments thereto which does not conform after the passage of this chapter or amendments thereto with the use regulations of the district in which it is situated.

46. Parking Area -- An open area other than a street or alley, used for the temporary parking of automobiles and available for public use whether free, for compensation, or as an accommodation to clients or customers.

47. Parking Space -- An area, enclosed or unenclosed, sufficient in size to store one automobile, together with a driveway connecting the parking space with a street or alley.

48. Tourist Court (Motel) -- A group of attached or detached buildings, without a kitchen, containing individual sleeping or living units for overnight tourists, with garage attached or parking facilities conveniently available to each such unit.

49. Yard -- An open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the mean horizontal distance between the lot line and the main building shall be used.

50. Yard, Front -- A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main wall of the building or any projection thereof, other than steps, stoops, unroofed and unenclosed balconies and porches, and terraces, projecting not more than six feet.

51. Yard, Rear -- A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

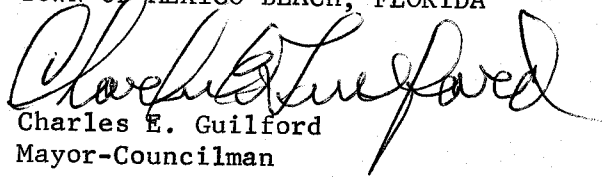
52. Yard, Side -- A yard between the building and the side line of the lot and extending from the front yard to the rear yard.

53. Zoning Exception -- Zoning exception as used in connection with the provisions of this act dealing with zoning, means a use that would not be appropriate generally or without restriction throughout the particular zoning district or classification but which, if controlled as to number, area, location or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals and the general welfare. Such uses may be permitted in such zoning

district or classification as special zoning exceptions only if specific provision and standards for such special exceptions are made in the zoning ordinance.

INTRODUCED at the Regular Meeting, June 28, 1976, and ADOPTED by the TOWN COUNCIL at the Regular Meeting August 10, 1976.

TOWN OF MEXICO BEACH, FLORIDA


Charles E. Guilford
Mayor-Councilman

ATTEST:
