

ORDINANCE NO. 711

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA ADOPTING A COMPREHENSIVE UPDATE TO THE CITY'S LAND DEVELOPMENT REGULATIONS INCLUDING ENSURING CONSISTENCY WITH COMPREHENSIVE PLAN UPDATE; UPDATING REFERENCES TO STATUTES AND OTHER LAW; AMENDING DEFINITIONS; DELETING UNUSED ZONING CATEGORIES; RENAMING TOURIST RESIDENTIAL TO HIGH DENSITY RESIDENTIAL AND SETTING MAXIMUM DENSITY; REORGANIZING AND AMENDING RULES FOR ALLOWABLE USES AND DEVELOPMENT STANDARDS IN EACH ZONING CATEGORY; CLARIFYING RULES FOR MODULAR HOMES; AMENDING RULES FOR MIXED USE DEVELOPMENT; AMENDING RULES FOR HOW TO MEASURE HEIGHT; CREATING RULES FOR EVALUATING CHANGE IN USE WITHIN SAME ZONING CATEGORY; CREATING TOURIST CORRIDOR OVERLAY DISTRICT AND RULES APPLICABLE TO IT; REQUIRING USES IN PUD TO BE CONSISTENT WITH COMPREHENSIVE PLAN; AMENDING AND REORGANIZING RULES FOR ACCESSORY USES AND STRUCTURES INCLUDING SETBACKS; AMENDING RULES FOR ACCESSORY APARTMENTS; DELETING CERTAIN RULES REGULATING CONDUCT RATHER THAN USE OF LAND; CREATING LOT SPLIT DEFINITION AND REVISING RULES FOR LOT SPLITS AND PLATS; MAKING FLOODPLAIN RULES CONSISTENT WITH CITY'S FLOODPLAIN ORDINANCE; AMENDING RULES FOR POROUS PAVING; AMENDING PROCEDURES AND RULES FOR MAJOR RESIDENTIAL DEVELOPMENT ORDERS AND MAJOR COMMERCIAL DEVELOPMENT ORDERS; AMENDING RULES FOR REVIEW OF ALL DEVELOPMENT ORDERS; AMENDING SPECIAL MASTER CODE ENFORCEMENT PROCEDURES AND PROVIDING FOR HEARINGS ONLY IF REQUESTED BY VIOLATOR; AMENDING RULES FOR ALLOWABLE NONCONFORMING USES INCLUDING NONRESIDENTIAL STRUCTURES; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; REPEALING RULES THAT CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, as provided in section 2(b), Article VIII of the Constitution of the State of Florida, and section 166.021(1), Florida Statutes, the City of Mexico Beach, Florida, (the "City") enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law;

and

WHEREAS, Chapters 163 and 166 of the Florida Statutes provide for the City to regulate zoning and development and implement its Comprehensive Plan through land development regulations; and

WHEREAS, beginning in early 2017, the City undertook a detailed review of its Comprehensive Plan resulting in a major update and amendment to it; and

WHEREAS, beginning in December 2018, the City's Planning & Zoning Board shifted its emphasis from the Comprehensive Plan to the City's Land Development Regulations, in part to ensure consistency with the pending Comprehensive Plan amendments and to improve on prior processes and rules; and

WHEREAS, with the assistance of a professional planner, the Planning & Zoning Board met and deliberated regarding the Land Development Regulations and potential amendments at several public meetings thereafter; and

WHEREAS, the Mexico Beach Planning and Zoning Board held a public hearing to consider the proposed amendments to the Land Development Regulations on January 14, 2019 (known as, "the Amendments"), and recommended that the Amendments be approved by the Mexico Beach City Council for adoption; and

WHEREAS, on January 22, 2019, the City Council held a noticed hearing on the first reading of this Ordinance 711; and

WHEREAS, on February 5, 2019, the City Council held a noticed hearing on second reading of this Ordinance 711 and considered public comments received and voted 5 to 0 in favor of the Amendments that are an exhibit to this ordinance; and

WHEREAS, in the exercise of its authority, the City Council of Mexico Beach finds it necessary and desirable to adopt and does hereby adopt the Amendments to the Land Development Regulations contained herein in order to encourage the most appropriate use of land, water and resources, consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City of Mexico Beach.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEXICO BEACH:

SECTION 1: Approval and Adoption of Amendments. The City of Mexico Beach hereby adopts and approves the Amendments to the Mexico Beach Land Development

Regulations, now to be known as the Mexico Beach Land Development Code (with new text **bold and underlined** and deleted text ~~struckthrough~~), as attached hereto as Exhibit "A".


SECTION 2. Codification. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Mexico Beach Land Development Code. Section numbers may be assigned and changed whenever necessary or convenient.

SECTION 3. Repeal. All Codes, Ordinances and/or Resolutions or parts of Codes, Ordinances and/or Resolutions in conflict herewith are hereby repealed to the extent of the conflict.

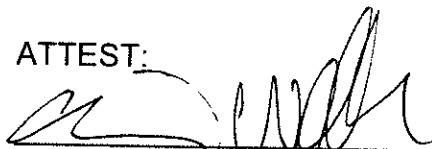
SECTION 4. Survival. If any section, subsection, sentence, clause, phrase of this Ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon passage. Any amendment herein to the Land Development Code intended to implement an amendment to the Comprehensive Plan and which would be inconsistent with the Comprehensive Plan prior to the time the Comprehensive Plan amendment has become effective shall not become effective until the corresponding Comprehensive Plan amendment is effective.

The above and foregoing Ordinance was introduced and had first reading at the meeting of the City Council on the 22nd day of January, 2019. PASSED, APPROVED AND ADOPTED at the meeting of the City Council of the City of Mexico Beach, Florida, this 5 day of February, 2019.



William A. Cathey, Mayor

ATTEST:


Adrian Welle, City Clerk