

ORDINANCE NO. 716

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE TO REVISE THE PROCESS AND REQUIREMENTS TO OBTAIN PLANNED UNIT DEVELOPMENT (PUD) APPROVAL; MAKING A PUD AN OVERLAY ZONE INSTEAD OF AN INDEPENDENT ZONING CATEGORY; ELIMINATING THE STATUS OF PUD CONCEPT AND THE ASSOCIATED RULES; REQUIRING APPLICANTS TO REIMBURSE THE CITY'S PROFESSIONAL FEES TO REVIEW AND CONSIDER PUD APPLICATIONS; DELETING THE MINI PUD CATEGORY AND ALL RULES RELATED TO IT; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND 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, the City's Planning & Zoning Board considered revisions to the Land Development Code's rules for Planned Unit Developments and Mini Planned Unit Developments; and

WHEREAS, the Mexico Beach Planning and Zoning Board deliberated on the proposed amendments to the Land Development Code on March 4, 2019 (known as, "the Amendments"), and recommended that the Amendments provided in this ordinance be approved by the Mexico Beach City Council; and

WHEREAS, the City wishes to streamline the rules related to Planned Unit Development, make the Planned Unit Development an overlay districts instead of an independent zoning category, and eliminate the PUD Concept stage of the approval process; and

WHEREAS, the City has determined that the rationale for PUD development does not apply well to smaller tracts of land and has determined that Mini Planned Unit Developments should no longer be a development procedure available in the City; and

WHEREAS, the Council previously determined and now reaffirms that reimbursement of the City's professional fees rather than a set application fee is a more appropriate fee structure for review of Planned Unit Development applications due to the varying nature of these developments and the occasional heavy reliance on engineers and other professionals to evaluate the applications and their potential effects on the City and its infrastructure; and

WHEREAS, on April 23, 2019, the City Council held a noticed hearing on second reading of this Ordinance and considered public comments received and voted 4 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. Amendments to PUD rules.** The City of Mexico Beach hereby deletes Sections 2.03.00 – 2.02.10 of the Mexico Beach Land Development Code regarding Planned Unit Developments and adopts and approves new rules for Planned Unit Developments attached hereto as **Exhibit "A"**.

**SECTION 2. Deletion of Mini-Planned Unit Development category and rules.** The City of Mexico Beach hereby deletes Section **2.03.11 Mini-Planned Unit Developments (M-PUD)** of the City's Land Development Code in its entirety.

**SECTION 3. Deletion of other Land Development Code references to Mini-Planned Unit Development.** The Mexico Beach Land Development Code, Section 2.02.03 entitled Mixed Use is hereby amended as follows, with new text **bold and underlined** and deleted text ~~stricken~~:

2.02.03 Mixed Use

A. (omitted)

B. Residential Development Standards for Structures Developed or Redeveloped in GC and TC Zoning Districts

1. Residential Structures developed or redeveloped in GC or TC Zoning 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 Zoning Districts 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. Planning and Zoning 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.~~

**SECTION 4. 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 5. 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 6. 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 7. Effective Date.** This Ordinance shall take effect immediately upon passage.

The above and foregoing Ordinance was introduced and had first reading at the meeting of the City Council on the 26th day of March, 2019.

PASSED, APPROVED AND ADOPTED at the meeting of the City Council of the City of Mexico Beach, Florida, this 23<sup>rd</sup> day of April, 2019.

  
William A. Cathey, Mayor

ATTEST:

  
Adrian Welle, City Clerk

**Exhibit “A”**  
**Revised Rules for Planned Unit Developments**

2.03.00 Planned Unit Development

2.03.01 Purpose and Intent.

It is the intent of this chapter to establish a planned unit development (PUD) overlay district in an effort to provide a flexible, alternative development procedure to encourage imaginative and innovative design for the unified development of tracts of land, within overall density and use guidelines set forth in the elements of the Comprehensive Plan. Furthermore, it is the general purpose of the PUD overlay district to:

- A. Encourage enhancement and preservation of lands which are unique or of outstanding scenic, environmental, or cultural significance;
- B. Provide an alternative for more efficient use of land, promoting greater opportunities for public and private open space;
- C. Encourage harmonious and coordinated development of the site, considering the natural features, community facilities, pedestrian and vehicular circulation, and land use relationship with surrounding properties and the general neighborhood;
- D. 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 elsewhere in this Code.

2.03.02 Definitions.

For purposes of this chapter, the following words and terms shall have the meaning given in this subsection:

Planned unit development (PUD) means a tract of land which is developed as a unit under single ownership or control and which is planned and developed in a single operation or within a proposed period of time by a series of scheduled development phases according to an officially approved final PUD development plan, which does not necessarily correspond to the property development and use regulations of the conventional zoning districts; but which permits flexibility in building siting and mixtures of housing types and land uses, and encourages the utilization of usable open space and the maintenance of significant natural features.

2.03.03 Demonstration of Applicability. The provisions of this Chapter shall apply generally to the creation and regulation of all Planned Unit Developments. Where there are conflicts between the

provisions of this chapter, subdivision or other applicable ordinances or regulations, this chapter shall apply. A proposed Planned Unit Development must demonstrate the following:

- A. Granting of the PUD will result in a recognized and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.
- B. The PUD may depart from the strict conformance with the development standards, use and specific content regulations of this Code to the extent specified in the PUD development plan and documents authorizing the PUD. These deviations/departures shall result in the form of provision of exceptional amenities, design excellence, etc.
- C. The PUD must demonstrate compatibility with surrounding land uses. This may be achieved through use, form, or buffers as defined in Section 4.01.06(C) of the Code.
- D. Each deviation from the strict conformance with the development standards, use and specific content regulations of this Code shall be enumerated in the PUD development plan. If no deviation is requested, the underlying zoning district requirements shall apply.

#### 2.03.04 Area, density, and intensity requirements.

- A. A PUD must be at least five acres in area.
- B. No minimum lot area or width shall be required within a PUD, provided that the density and intensity of the development complies with the density and intensity set forth in the Comprehensive Plan for the land use classification in which the property is located and provided further that the proposed lot lines are shown on the PUD development plan.

#### 2.03.05 PUD Application.

Along with a completed application, the developer shall submit a development plan. The development plan shall include:

- A. Total land area;
- B. Future land use and zoning district boundaries;
- C. An accurate legal description of the entire area within the planned development;
- D. Accurate legal descriptions of each separate use area, including common open space;
- E. A Master Plan of the entire development area; including total number of residential units and unit types, total number of nonresidential units, and total square footage for each type of development;
- F. Tabulation of separate non-subdivided use area, including land area, number of buildings, number of dwelling units, number of bedrooms, and dwelling units per acre; and

- G. Approximate location and amount of open space included in each development area;
- H. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress; the internal street network should be extended and connected to where feasible;
- I. A concurrency analysis that meets the requirements set forth in this code;
- J. A development phasing schedule including sequence for each phase, approximate size of the area in each phase, and proposed phasing of construction of public recreation and common open spaces, and specified location of buildings;
- K. Certificates, seals, and signatures required for the dedication of lands, and recording the document;
- L. Other documentation reasonably necessary to permit satisfactory review under the requirements of this Code and other applicable City ordinances; and

#### 2.03.06 Procedure for Approval.

Before development of a PUD, the land must receive approval of a PUD development plan following the procedures and standards of this chapter. No plats or building permits may be issued until the PUD development plan and accompanying data have been submitted, approved, and recorded. Application for PUD consideration must be submitted and processed in the following manner:

A. **Pre-Application Conference.** The conference shall include an exchange of information regarding the development of the site under the PUD procedures. It shall be the applicant's responsibility to demonstrate consistency with the goals, objective and policies of the comprehensive plan, land development regulations, and all other applicable regulations and procedures.

The applicant shall request in writing a pre-application conference with the City Administrator. The written request should provide a brief description of the proposed PUD, i.e., size, location, description of uses, total square footage of nonresidential uses, nonresidential floor areas ratio, description of nonresidential uses, description of housing types, building heights, total amount of open space, listing of deviations from bulk standards requested, number of phases, location of all wetlands and habitat preservation area, etc. The City Administrator shall give a written notice to the applicant stating the date, time, and the attendees for the conference. The City's letter of response shall inform the applicant of the fee structure described by Section 2.03.010, who can apply, PUD application package containing information on the review process and required submittals, applicant's responsibility for ensuring conformance and compatibility to the City's Comprehensive Plan, regulations, and physical characteristics of the site.

B. **PUD Development Plan.** After the pre-application conference, the applicant may submit a completed application along with a copy of the plan and the fee set forth by Section 2.03.010.



Within twenty working days of receipt of a PUD application, the City Administrator or designee shall determine whether the application is sufficient, and:

1. If the City Administrator determines the application is not complete, a written notice shall be forwarded to the applicant specifying the deficiencies. No further actions shall be taken until the deficiencies are corrected and the application resubmitted.
2. When the application is determined complete, the City Administrator shall notify the applicant in writing of the application's sufficiency and that the application is ready for review. The applicant shall submit eight copies of the PUD development plan.

C. Planning and Zoning Board Review. In accordance with the review procedures in Article VII herein, the Planning and Zoning Board shall review the application and determine whether the proposed plan meets the intent of the planned unit development rules and whether it complies with the comprehensive plan and the goals and policies for development of Mexico Beach, Florida. The Planning and Zoning Board shall then send its recommendations to the Mexico Beach City Council.

D. City Council Review and Approval. The City Council shall approve, approve with modifications, or deny the plan, unless the applicant requests an extension, at a public hearing noticed in accordance with Article VII of this Code and Florida Statute 166.041. The City Council's approval may only be by ordinance.

E. Dedications. The City Council shall be permitted to require an applicant to make reasonable contributions including, but not limited to any combination of the following:

1. Dedication of land for public park purposes;
2. Dedication of land for public school purposes;
3. Dedication of land for public road right-of-way purposes;
4. Construction of or addition to roads and utilities serving the proposed project, along with a completion inspection report prepared by a licensed engineer paid for by the applicant, when such construction or addition is reasonably related to the traffic or utility demand to be generated;
5. Installation of required traffic safety devices; and
6. Preservation of areas containing significant natural, environmental, historic, archeological or similar resources.
7. There shall be a rational nexus between the impacts of the development and such contribution and the cost of the contribution shall not exceed the development's proportionate share of the total costs of the improvement.

F. Phasing. Subsequent phases must be submitted in general conformance with the phasing schedule submitted by the applicant with PUD development plan.

G. Time Limit. The PUD must have an active building permit within three years of the date of approval, or PUD development plan approval is withdrawn and the underlying zoning district standards apply.

H. Modification. Any modification by the developer of a PUD development plan under review, but not yet approved by the City Council, must not:

1. Increase the proposed number of dwelling units by more than five percent (5%);
2. Involve a reduction of the area set aside for open space and usable open space, or a substantial relocation of such area;
3. Increase by more than five percent (5%) the total lot coverage of all buildings and structures within the PUD; or
4. Increase by more than five percent (5%) in the height of any buildings.

#### 2.03.07 Changes to Approved PUD Development Plan.

The City Administrator may approve minor changes following the approval of PUD development plan. In general, a minor change shall include any change to the interior of the development which does not increase density or intensity, or which does not decrease buffers or open space. Any other changes shall only be approved pursuant to the process set forth in Section 2.03.04 A.-E.

#### 2.03.08 Effect of PUD Overlay District.

Any development of a PUD must be undertaken and carried out in accordance with:

- A. The approved PUD development plan;
- B. The comprehensive plan and applicable land development regulations; and
- C. Such other conditions or modifications as may be attached to the PUD. Development within the PUD is subject to all applicable development permits (i.e. environmental review, building permits, subdivision plats, etc.)

#### 2.03.09 Amendments to Built Planned Unit Developments.

Any part or all of a PUD which is built may be the subject of an application for a variance or other approval covered by the Land Development Code. The applicant must be the owner of the property and the owners of the remainder of the original PUD must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. For purposes of this sections, the term "built" means that the roads, utilities, buffering, open space, surface water management features and structures, common



space, common amenities, common landscaping, gatehouse, entrance signs, entrance ways and other similar items identified as part of the approved PUD development plan have been constructed and acknowledged by the City as complete. In the case of PUDs that include residential structures, the term “built” does not mean that all residential structures have been constructed on individual platted lots.

#### 2.03.010 Fees.

Each applicant for a PUD or an amendment to a PUD is required to reimburse the City for all of the City’s costs for engineering, planning, and legal services relating to the consideration of the application and all City costs for notices. Following the pre-application conference, the City shall provide the applicant an estimated cost based on the nature of the application, which the applicant must pay at the time of application submittal. If the City’s actual costs exceed the estimate, the applicant will be required to pay the actual amount and if the actual costs are less than the estimate, the City will provide a partial refund to the applicant. No other fee is required for the processing and examination of the PUD application.