

ORDINANCE NO. 727

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE TO REDUCE THE REAR SETBACK REQUIREMENT FOR GENERAL COMMERCIAL AND TOURIST COMMERCIAL FROM 20 FEET TO 10 FEET; PROVIDING FOR CODIFICATION REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; 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 the revisions to the Land Development Code proposed by this Ordinance and has made recommendations to the City Council; and

WHEREAS, the City wishes to reduce the rear setback requirement in the General Commercial zoning category and the Tourist Commercial zoning category from twenty feet to ten feet, making it consistent with the residential rear setbacks;

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 Land Development Code. The City of Mexico Beach hereby amends Section 2.02.02 Zoning Categories, Table D General Commercial, Section 7 as follows, with new text **bold and underlined** and deleted text ~~stricken~~:

7. Development Standards					
Setbacks				Impervious Surface Ratio	Max Height
Front	Side	Rear	Corner		
12	0 feet if attachment easement is in place; 5 feet if abutting residential property	20 <u>10</u>	12	.90	48

The City of Mexico Beach hereby amends Section 2.02.02 Zoning Categories, Table E Tourist Commercial, Section 7 as follows, with new text **bold and underlined** and deleted text ~~stricken~~:

7. Development Standards					
Setbacks				Impervious Surface Ratio	Max Height
Front	Side	Rear	Corner		
12	0 feet if attachment easement is in place; 5 feet if abutting residential property	20 <u>10</u>	12	.80	32


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.

The above and foregoing Ordinance was introduced and had first reading at the meeting of the City Council on the ____ day of April, 2019. PASSED, APPROVED AND ADOPTED at the meeting of the City Council of the City of Mexico Beach, Florida, this 23 day of July, 2019.



William A. Cathey, Mayor

ATTEST:



Jenny Myrick, City Clerk