

ORDINANCE NO. 729

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE RULES RELATING TO RESIDENTIAL DEVELOPMENT IN GENERAL COMMERCIAL AND TOURIST COMMERCIAL ZONING DISTRICTS; AMENDING THE RULES FOR NON-CONFORMING USES AND STRUCTURES AND PROVIDING GREATER CONSISTENCY WITH THE COMPREHENSIVE PLAN; 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 ambiguity and clarify that the setbacks and allowable density provided by the tables in Section 2.02.02 of the Land Development Code apply when residential development occurs within the General Commercial and Tourist Commercial Zoning Districts;

WHEREAS, the City wishes to clarify the Land Development Code rules for non-conforming uses and structures and provide greater consistency between those rules and the associated rules provided in the City of Mexico Beach Comprehensive Plan; 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 Land Development Code Mixed Use rules.** The City of Mexico Beach hereby amends Section 2.02.0 of the Land Development Code, entitled Mixed Use, as provided in the attached and incorporated Exhibit "A" with new text **bold and underlined** and deleted text ~~stricken~~.

**SECTION 2. Amendments to Land Development Code rules for non-conforming structures and uses.** The City of Mexico Beach hereby amends Section 7.12.00 of the Land Development Code entitled "Provisions for Certain Types of Construction Concerning Non-Conforming Residential and Nonresidential Structures," as provided in the attached and incorporated Exhibit "A" with new text **bold and underlined** and deleted text ~~stricken~~.


**SECTION 3. 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 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.

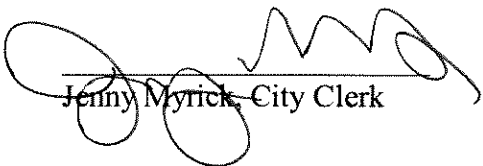
**SECTION 5. Survival.** If any section, subsection, sentence, clause, phrase of this Ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases under application shall not be affected thereby.

**SECTION 6. 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 23 day of July, 2019. PASSED, APPROVED AND ADOPTED at the meeting of the City Council of the City of Mexico Beach, Florida, this 27 day of August, 2019.

  
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William A. Cathey, Mayor

ATTEST:

  
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Jenny Myrick, City Clerk