

ORDINANCE NO. 736

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE TO ELIMINATE CITY COUNCIL REVIEW OF CANAL DEVELOPMENT ORDERS; 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 eliminate City Council review of Canal Development Orders due to the minor nature of the activities that qualify for Canal Development Orders and the increased processing time that City Council review causes;

WHEREAS, in the exercise of its authority, the City Council of Mexico Beach finds it prudent to adopt and does hereby adopt the amendments to the Land Development Code 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 7.02.02 Review of Development Activity as follows, with new text **bold and underlined** and deleted text ~~stricken~~:

7.02.02 Review of Development Activity

A. 1. Development Order Types

A Development Order is the document and process used by the City of Mexico Beach for the property owner to define and illustrate the development planned, for the City to assure proper administration review and conformance to the City of Mexico Beach Land Development Code, and to support the authorization to proceed and the issuance of any building permits that may be required by the Mexico Beach Building Department. The five types of Development Orders (DO's) and the manner in which they are processed are:

- a. **BASIC DEVELOPMENT ORDER:** Basic Development Orders cover improvements and activities on private property which are processed and approved by the City Administrator or their designee. Basic Development Orders are issued as a permit with the fee set for the particular activity requested. Developments identified may also require a building permit from the Mexico Beach Building Department at additional cost. Activities covered by Basic Development Orders include:
 - (1) Requests for removal of trees
 - (2) Installation or construction of fences
 - (3) Driveway installation or modification which does not require access to U.S. Highway 98
 - (4) Installation or construction of decks and storage sheds.

- b. **MINOR RESIDENTIAL DEVELOPMENT ORDER:** Minor Residential Development Orders are processed and approved by the City Administrator or their designee. Minor Residential Development Orders cover the types of development described in the following examples and must conform to the specific requirements of the LDC for the type of development approved:
 - (1) Maintenance and repair of an existing building or structure without change to the gross floor area of the building, its use, or the amount of impervious surface area at the site and the cost for such activity is less than 50% of the current tax roll value for the existing structure.
 - (2) Installation or construction of accessory buildings or swimming pools.
 - (3) Any action or construction on a non-conforming structure which requires a building permit be issued.

- c. **MAJOR RESIDENTIAL DEVELOPMENT ORDER:** Major Residential Development Orders are processed and approved by the Mexico Beach Building Department. The types of developments covered by a Major Residential Development Order are listed below, and must conform to the specific requirements of the LDC for the type of development approved:
 - (1) New residential home construction
 - (2) Additions to a building or structure which do not increase the heated, ventilated, or air conditioned area but may or may not increase the foot print of the building or structure such as a garage under a stilt house or a garage attached to a home
 - (3) Developments which increase the heated, ventilated, and air conditioned floor area within a building or structure

- (4) The upgrade, renovation, major repair, or modernization of a structure if the cost of such upgrade or improvements exceed 50% of the current tax roll value for the existing structure.
- d. CANAL DEVELOPMENT ORDER: Any construction activity along the canal, of the types described below, **but not meeting the criteria for a Major Commercial Development Order**, ~~requires a submittal of project scope to~~ **processed and approved by** the Mexico Beach Building Department, ~~approval by the City Council, and the issuance a City of Mexico Beach building permit:~~
- (1) Installation or construction of Seawalls
 - (2) Installation or construction of Docks
 - (3) Installation or construction of Boat Houses and/or Boat Lifts
 - (4) Any other construction in, on, or around the canal which places any object in the water.
- e. MINOR COMMERCIAL DEVELOPMENT ORDER: Minor Commercial Development Orders which deal with those activities listed below are processed and approved by the City Administrator or their designee. Minor Commercial Development Orders require full conformity with the requirements of the Land Development Code for the particular activity involved. Typical activities covered by a Minor Commercial Development Order includes:
- (1) Installation, construction, or modification of signs.
 - (2) Installation, construction, or modification of fences.
 - (3) Upgrade, renovation, repair, or modification of existing facilities within the existing footprint
- f. MAJOR COMMERCIAL DEVELOPMENT ORDER: Major Commercial Development Orders are initially processed by the Mexico Beach Building Department, referred to the Planning and Zoning Board for a compliance evaluation and recommendation, and then passed to the City Council for final action. City Council approval is necessary to obtain a City of Mexico Beach building permit. Issuance of a Major Commercial Development Order requires that all aspects of the property involved are brought into full compliance with the requirements of the Land Development Code for the category of land use involved. Typical activities covered by a Major Commercial Development Order include.
- (1) Installation, construction, or modification of decks, patios, or accessory buildings
 - (2) Upgrade, renovation, repair, or modification of existing facilities outside the existing footprint
 - (3) Construction of any new facilities of any kind
 - (4) Installation, construction, or modification of parking facilities
 - (5) Change of land use of commercially zoned property that is currently used for residential purposes to commercial use

- (6) A change in use to another use allowed in the same Zoning District where additional parking or other changes to the exterior of the building are required. 2. Approving Authority
- a. The City Administrator is hereby granted the authority to approve all development orders, except Major Commercial Development Orders.
 - b. The Planning and Zoning Board shall make recommendations to the City Council for either approval or denial of ~~the following~~ **Major Commercial Development Orders** ~~development orders~~ with final approval being the sole responsibility of the Mexico Beach City Council.
 - ~~(1) Major Commercial Development Orders~~
 - ~~2) Canal Development~~
 - c. The City Administrator will assist all applicants with the preparation of Development Order applications, customer understanding of the Land Development Code requirements for the particular development involved, and the procedures to follow to expedite the handling of the customer's Development Order. The City Administrator shall process and approve promptly all applications which comply with the requirements identified for the categories they are authorized to approve. Major Residential and Minor Commercial Development Orders which are complete and conform to the requirements of the Land Development Codes should be processed and approved as soon as possible.
 - d. Development Orders which require Planning and Zoning Board action and City Council approval will be handled as quickly as possible, pursuant to the process defined in Section C-I, below.

~~32.~~ Violation. Any person or persons developing land in violation of this ordinance is guilty of a misdemeanor of the second degree, punishable as provided by State Statutes.

- B. The developer shall file a completed application and development plan(s) as a prerequisite to obtaining development review.
- C. Within five (5) working days of receipt of an application and development plan(s), the City Administrator shall:
 1. Determine whether the submittals are incomplete and inform the developer in writing as to any deficiencies; or
 2. Determine whether the submittals are complete and proceed with the following procedures.
- D. Once the application has been deemed complete by the City Administrator or designee, the City Administrator shall:
 1. For Basic, Minor Residential, Major Residential, and Minor Commercial Development orders, determine if the application meets the requirements of the land development code. including:
 - a. Characteristics of the site and surrounding area, including important natural and man-made features, the size and accessibility of the site, and surrounding land uses.

- b. Whether the concurrency requirements of Section 7.06.00 could be met if the development were built.
 - c. The nature of the proposed development, including land use types and densities; the placement of proposed buildings, and other improvements on the site; the location of all proposed signs; the location, type and method of maintenance of open space and public use areas; the preservation of trees and other natural features; proposed parking areas; internal traffic circulation system; the approximate total ground coverage of paved areas and structures; and, types of water and sewage treatment systems.
 - d. Conformity of the proposed development with the Comprehensive Plan, this Code, and other applicable regulations.
 - e. Other applicable factors and criteria prescribed by the Comprehensive Plan, this Code, or other law.
2. For ~~Canal~~ and Major Commercial Development Orders, the proposal shall be placed on the agenda of the next meeting of the Planning and Zoning Board Planning and Zoning Board which allows sufficient public notice for providing an opportunity for affected persons or interested persons to provide comments on the proposed development.

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.

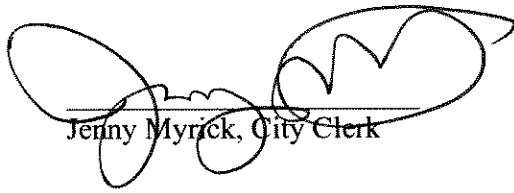
SECTION 4. Survival. If any section, subsection, sentence, clause, phrase of this Ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases 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 8 day of October, 2019. PASSED, APPROVED AND ADOPTED at the meeting of the City Council of the City of Mexico Beach, Florida, this 12 day of November, 2019.


 William A. Cathey, Mayor

ATTEST:



Jenny Myrick, City Clerk