

ORDINANCE NO. 737

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE TO ESTABLISH A MINIMUM SIZE FOR SINGLE FAMILY DWELLING UNITS; 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 establish a minimum heated and cooled square footage for Single Family Dwellings; and

WHEREAS, the Land Development Code defines Single Family Dwelling as "A structure containing one dwelling unit and not attached to any other dwelling unit by any means. A single-family unit may contain an accessory apartment pursuant to this Code;" and

WHEREAS, therefore other types of Dwelling Units and accommodations are not subject to this ordinance, such as Multi-Family Dwellings, units in Condominiums, and hotel rooms; and

WHEREAS, the City has and likely could continue to have difficulties with small homes built on a lot as a primary structure followed by subsequent requests to construct a second larger home, which is problematic because it generally means either improperly treating the original home as an accessory structure, allowing two homes when this often is impermissible, or denying the request; and

WHEREAS, this rule will prevent the reoccurrence of this problem, promote the community character and aesthetics desired by the City, benefit property values, and be consistent with the

planning goals and assumptions that underlie the City's Comprehensive Plan and Land Development Code; and

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 2.02. to create a Section 2.02.055 as follows, with new text **bold and underlined** and deleted text ~~stricken~~:

**2.02.055 Minimum Size for Single Family Dwellings**

**A Single Family Dwelling must have 700 square feet or more of heated and cooled area. This square footage is measured and determined as provided by the Florida Building Code – Residential, as amended.**

**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.

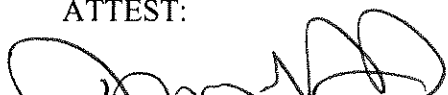
**SECTION 5. Effective Date.** This Ordinance shall take effect immediately upon passage.

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

