

ORDINANCE NO. 739

AN EMERGENCY ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE TO ELIMINATE PLANNING BOARD AND CITY COUNCIL REVIEW OF COMMERCIAL DEVELOPMENT ORDER APPLICATIONS THAT PROPOSE TO REBUILD IMPROVEMENTS SUBSTANTIALLY SIMILAR TO HOW THEY EXISTED PRIOR TO HURRICANE MICHAEL; PROVIDING THAT SUCH RULE EXPIRES AFTER TWENTY-FOUR MONTHS; DECLARING THAT AN EMERGENCY EXISTS; PROVIDING FOR CODIFICATION; REPEALING ORDINANCES AND RESOLUTIONS TO THE EXTENT OF ANY CONFLICT AND PROVIDING FOR AUTOMATIC REPEAL AFTER 90 DAYS UNLESS RE-ADOPTED WITH REGULAR PROCEDURES; PROVIDING FOR SEVERABILITY AND AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, on October 10, 2018, Hurricane Michael struck the City of Mexico Beach (the "City") as a Category 5 hurricane resulting in massive damage within the City;

WHEREAS, the buildings where most businesses in the City were located were heavily damaged and most require substantial renovation or complete reconstruction; and

WHEREAS, the City still lacks many basic business services that are essential for its citizens; and

WHEREAS, it is critical for the City and its citizens to have business services reestablished in the City as soon as possible; and

WHEREAS, requests for Commercial Development Orders have become more frequent recently, particularly those involving rebuilding structures that were completely destroyed or demolished; and

WHEREAS, in many cases the applicants wish to rebuild within the same footprint that existed previously with a design that is substantially similar to the prior building and improvements; and

WHEREAS, in these cases, the City Council does not believe that public hearings before the Planning and Zoning Board and the City Council provide significant value to the City, but do result in several additional weeks to secure the approval of a development order; and

WHEREAS, for applications that change the use of the property or change the design of the improvements, review by the Planning and Zoning Board and City Council remains valuable and needed; and

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 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, 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; and

WHEREAS, the normal process to amend the Land Development Code requires approximately six weeks or longer; and

WHEREAS, the City Council has determined that that the present lack of business services in the City and the need to reintroduce business within the City presents an emergency that must be addressed as quickly as possible and that following the standard timeline for amending the Land Development Code would worsen the emergency and would not be in the best interest of the City; and

WHEREAS, pursuant to the City Charter, an emergency ordinance may be adopted with or without amendment at the meeting at which it is introduced, but the affirmative vote of at least two-thirds (2/3) of all Council members shall be required for adoption; and

WHEREAS, the vote for this ordinance was 5 in favor and 0 opposed, which is an affirmative vote of at least two-thirds (2/3) of all Council members.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEXICO BEACH:

**SECTION 1. Finding of Emergency.** The City Council finds an emergency exists, as more fully described by the foregoing recitals, due to the lack of business services in the City and the need to rapidly reintroduce business services to the City to improve the health, safety, and welfare of the City. Due to this emergency, this ordinance does not follow the normal requirements of two readings or advanced notice in a newspaper of general circulation.

**SECTION 2. Findings of Fact.** The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

**SECTION 3. Amendments to Land Development Code.** The City of Mexico Beach hereby adds Subsection 4 to 7.02.02 A. Review of Development Activity as follows, relating to streamlined review of some Major Commercial Development Orders, with new text **bold and underlined** and deleted text ~~stricken~~:

7.02.02 Review of Development Activity

**A. 4. Temporary Streamlined Procedures for Review of Certain Major Commercial Development Order**

**Notwithstanding the requirements of Section 7.02.02 of this Code, applications for Major Commercial Development Orders submitted before October 15, 2021 that meet the requirements of this paragraph may be reviewed and approved at the staff level and will not require review by the Planning and Zoning Board and the City Council. The following requirement must be met:**

- a. **The project must involve reconstructing or repairing a commercial structure destroyed or damaged by Hurricane Michael;**
- b. **The use of the property will not change, as determined with the standards provided by Section 2.02.05;**
- c. **The proposed structure must fit within the footprint of the structure that existed prior to Hurricane Michael;**
- d. **The design proposed must be substantially similar to the improvements and structures that existed prior to Hurricane Michael, except that staff may approve exterior aesthetic enhancements, interior modifications, reductions in square footage, and modifications needed to comply with Florida Building Code, setbacks, floodplain requirements, and similar rules; and**
- e. **The application and proposal meet all other requirements of this Code, will not require a variance, and will not result in a non-conforming use.**

**Any proposal that does not meet these requirements shall be referred to the Planning and Zoning Board and City Council and follow the standard review procedures for Major Commercial Development Orders.**

**SECTION 4. 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 5. 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. Pursuant to the City Charter of Mexico Beach, this emergency ordinance shall automatically stand repealed as of the ninety-first (91st) day following the date on which it was adopted, but this shall not prevent reenactment of this ordinance under regular procedures, or if the emergency still exists, in the manner specified in the City Charter. This emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

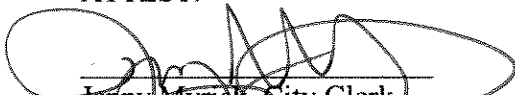
**SECTION 6. Survival.** If any section, subsection, sentence, clause, phrase of this Ordinance, or any particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases under application shall not be affected thereby.

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

PASSED, APPROVED AND ADOPTED at the special meeting of the City Council of the City of Mexico Beach, Florida, this 14 day of October 2019.

  
\_\_\_\_\_  
William A. Cathey, Mayor

ATTEST:

  
\_\_\_\_\_  
Jenny Myrick, City Clerk

VOTE OF COUNCIL

Cathey	<u>✓</u>
Smith	<u>✓</u>
Pollock	<u>✓</u>
Wallace	<u>✓</u>
Putnal	<u>✓</u>