

ORDINANCE 743

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING THE CITY OF MEXICO BEACH COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT TO CREATE AN EXCEPTION TO THE IMPERVIOUS SURFACE LIMIT WITHIN THE HIGH DENSITY RESIDENTIAL FUTURE LAND USE CATEGORY FOR PROPERTIES THAT ARE ZONED TOWNHOME DISTRICT; PROVIDING FOR REPEAL, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida legislature has adopted Chapter 163, F.S., which requires the City of Mexico Beach (the “City”) to prepare, adopt and enforce a comprehensive plan; and

WHEREAS, on October 10, 2018, Hurricane Michael struck the City as a Category 5 hurricane resulting in massive damage within the City;

WHEREAS, most buildings within the City were substantially damaged and those buildings generally required demolition if they were not destroyed by Hurricane Michael; and;

WHEREAS, several areas south of US Highway 98 on the western side of the City have been developed with attached townhomes over the past several decades; and

WHEREAS, these townhomes are located on individually owned parcels, many of which are narrow and some of which are only around fifteen feet wide; and

WHEREAS, in most cases these narrow parcels were not the result of careful plat approval processes, but rather occurred through informal or formal lot splits, with many occurring before the City adopted its original Comprehensive Plan and original Land Development Code; and

WHEREAS, the City’s non-conforming use rules in its Comprehensive Plan and Land Development Code generally allow rebuilding a home on these parcels; and

WHEREAS, however the Comprehensive Plan and Land Development Code generally do not waive or modify typical Development Standards, particularly regarding setbacks and impervious surface limits, that may either prevent rebuilding or require cumbersome, costly, and uncertain applications for variances or similar approvals; and

WHEREAS, these narrow parcels rarely comply with side yard setbacks, which has lead to owners requesting setback variances on a case by case basis to rebuild attached townhomes; and

WHEREAS, a variance may not be used to waive or modify requirements of the Comprehensive Plan and the Comprehensive Plan provides impervious surface limits that some lots will be unable to achieve; and

WHEREAS, the City prefers to modify its rules to create consistent, predictable standards to allow rebuilding townhomes, rather than rely on time consuming and costly case by case approvals that would create non-conforming uses; and

WHEREAS, the City would like to create a Townhome District zoning category in its Land Development Code;

WHEREAS, most aspects of this Townhome District zoning category are consistent with the current Residential High Density future land use in the Comprehensive Plan, except for the limit on impervious surface area; and

WHEREAS, amending the impervious surface requirement for Residential High Density in the Comprehensive Plan would allow for parcels within the Townhome District zoning category to remain in the Residential High Density future land use;

WHEREAS, the Mexico Beach Planning and Zoning Board held a properly noticed public hearing to consider the proposed amendment to the Comprehensive Plan on March 23, 2020 (known as, "the Amendment"), and recommended that the Amendment be approved by the Mexico Beach City Council for adoption; and

WHEREAS, the Mexico Beach City Council held a properly noticed public hearing on March 24, 2020 to consider the transmission of the Amendment to the Department of Economic Opportunity ("DEO") for review, and after consideration of the data and analyses and public comments received during the public hearing and making final adjustments to the Amendment accordingly, voted to transmit the Amendment to the DEO; and

WHEREAS, the DEO has completed its review of the Amendment and issued a "no comment" letter; 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 this Ordinance and the Amendment to Comprehensive Plan 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 MEXICO BEACH, FLORIDA;

SECTION I: Approval and Adoption of Amendment.

The following amendments to Policy 1.1.4 C. of the Future Land Use Element of the Mexico Beach Comprehensive Plan, with new text **bold and underlined** and deleted text ~~struckthrough~~, are hereby adopted and approved.

C. High-Density-Residential (HDR)

1. Intent - This category is intended to provide areas for higher-density residential development including apartments and condominiums
2. Density - No more than eight (8) dwelling units per gross acre.
3. Height - No more than thirty-two (32) feet in height.
4. Impervious Surface - Not to exceed 50% lot coverage as determined by dividing total impervious area by the gross area of the site, **with exception to those parcels located within the Townhome zoning district as mapped on the Mexico Beach Zoning Map. Those parcels located within the Townhome zoning district shall not exceed 85% lot coverage as determined by dividing the total impervious area by the gross area of the site.**
5. Allowable Uses – Those uses allowable in Policy 1.1.4.B.5. in addition to multi-family structures.

SECTION II: 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 III: Severability

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held void, unenforceable or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining provisions, sentences, clauses, or phrases and their application shall not be affected and shall remain in full force and effect.

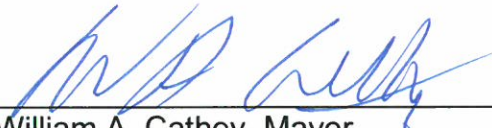
Section V: Effective Date

The effective date of this plan amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after the state land planning agency notifies the City that the

plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administrative Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

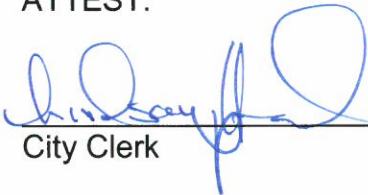
The above and foregoing Ordinance was introduced at the meeting of the City Council on the 24th day of March, 2020. Adopted at the meeting of the City Council on the 5th day of May, 2020.

CITY OF MEXICO BEACH, FLORIDA



William A. Cathey, Mayor

ATTEST:



City Clerk