

ORDINANCE NO. 744

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE TO CREATE THE TOWNHOME DISTRICT ZONING CATEGORY ALLOWABLE ONLY WITHIN THE HIGH DENSITY RESIDENTIAL FUTURE LAND USE CATEGORY; PROVIDING DEVELOPMENT STANDARDS, ALLOWABLE USES, PROHIBITED USES, AND OTHER DEVELOPMENT STANDARDS APPLICABLE TO THE TOWNHOME DISTRICT ZONING CATEGORY; 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, 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, 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; and

WHEREAS, concurrently with this Ordinance, the City Council is adopting Ordinance 743 to amend the text of the Comprehensive Plan to ensure that this Ordinance is consistent the impervious surface limits for the Residential High Density future land use provided by the Comprehensive Plan; 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 to efficiently accommodate and approve narrow attached townhomes with limited pervious surface where they have been located historically within the City as further provided herein;

WHEREAS, the Mexico Beach Planning and Zoning Board held a properly noticed public hearing to consider the proposed amendment to the Land Development Code on March 23, 2020 (known as, "the Amendment"), and recommended that the Amendment be approved by the Mexico Beach City Council for adoption, but with a side setback required for side boundaries that abut other zoning categories; and

WHEREAS, the Planning and Zoning Board recommendation has been incorporated into this ordinance; and

WHEREAS, the Mexico Beach City Council held properly noticed public hearings on March 24, 2020 and May 12, 2020 to consider the Amendment, and after consideration of the public comments received during the public hearing and making final adjustments to the Amendments accordingly, voted to approve this Ordinance; 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 Amendment 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 2.02.02 Zoning Categories to create a new Table D, Townhome District as follows, and to renumber the remainder of Section 2.02.02 accordingly with new text **bold and underlined** and deleted text ~~stricken~~:

SEE EXHIBIT A, ATTACHED AND INCORPORATED HEREIN

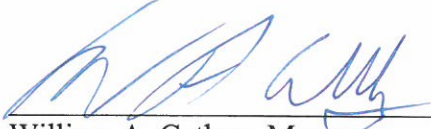
SECTION 2. Codification. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Mexico Beach Land Development Code. Section numbers may be assigned and changed whenever necessary or convenient.

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.

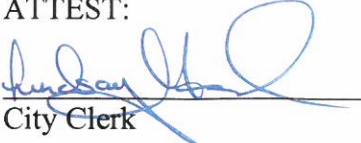
SECTION 5. Effective Date. This Ordinance shall take effect on the date that Ordinance 743 become effective.

The above and foregoing Ordinance was introduced and had first reading at the meeting of the City Council on the 24th day of March, 2020. PASSED, APPROVED AND ADOPTED at the meeting of the City Council of the City of Mexico Beach, Florida, this 12th day of May, 2020.



William A. Cathey, Mayor

ATTEST:



City Clerk

**EXHIBIT A – ORDINANCE 744
Amendments to 2.02.02 Zoning Districts**

D. Townhome District

<p>1. District Intent This zoning district is created to specifically allow common wall townhomes within the City. This district allows for single family attached and multi-family attached residential dwelling units at a maximum density of 8 dwelling units per acre.</p>		<p>2. Allowable Location The Townhome District is allowed within the High Density Residential Future Land Use Category.</p>	
<p>3. Principal Uses</p> <p>a. Residential Single Family, attached</p> <p>b. Multi-family</p> <p>c. Residential care facilities,</p> <p>d. Group homes</p>		<p>6. Accessory Uses</p> <p>a. Allowed only if the impervious surface is less than the maximum allowed: Sheds, detached garages, greenhouses, pools and hot tubs, gazebos, doghouses, bathhouses, personal service businesses where the service is performed on an individual-to-individual basis and other customary uses not restricted or prohibited either specifically or by nature of performance below.</p> <p>b. Prohibited: All other uses.</p>	
<p>4. Uses allowed with Council Approval</p> <p>a. Docks, piers, wharves, and similar structures in City Waters.</p> <p>b. Accessory Dwelling Units</p>		<p>5. Prohibited Uses</p> <p>a. Mobile homes</p> <p>b. RV Parks</p> <p>c. Landfills.</p> <p>d. Hazardous waste collection and handling centers.</p> <p>e. Borrow pits.</p> <p>f. Pastures, forestry, feed lots, and buildings which are an accessory to these agricultural uses.</p> <p>g. Junkyards and salvage yards.</p> <p>h. Firing ranges</p> <p>i. Marinas</p> <p>j. Miniature golf courses</p> <p>k. Race tracks</p> <p>l. Medical Marijuana Treatment Center</p>	
<p>7. Development Standards</p>			
<p align="center">Setbacks</p>			
Front	Side ¹	Rear	Corner
20 feet	0 feet	10 feet	10 feet
<p>¹ For any parcel that shares a side boundary with a parcel is not zoned Townhome District, that Townhome District parcel must comply with a 7.5 foot side setback on that shared side boundary.</p>			<p>Impervious Surface Ratio 0.85</p>
			<p>Max Height 32 feet</p>

1. Other development requirements:

EXHIBIT "A"

**PARCELS REZONED
FROM RESIDENTIAL HIGH DENSITY TO TOWNHOME DISTRICT**

	Parcel ID Number	Property Address	Approximate Acreage
1	04120-012-000	100 S 40TH ST D	0.068301268
2	04717-013-000	101 MIRAMAR DR	0.048658693
3	04717-012-000	101 MIRAMAR DR	0.026622687
4	04717-011-000	101 MIRAMAR DR	0.027129372
5	04120-013-000	100 S 40TH ST C	0.039184696
6	04717-010-000	101 MIRAMAR DR	0.052478317
7	04120-010-000	100 S 40TH ST B	0.038787012
8	04120-009-000	100 S 40TH ST A	0.039128445
9	04120-000-000	102 S 40TH ST D	0.039091998
10	04119-015-000	105 41ST ST A	0.046350701
11	04120-007-000	102 S 40TH ST C	0.039092357
12	04119-010-000	105 41ST ST B	0.04559083
13	04120-006-000	102 S 40TH ST B	0.039005742
14	04119-005-000	105 41ST ST C	0.06325061
15	04120-008-000	102 S 40TH ST A	0.038813965
16	04120-004-000	104 S 40TH ST D	0.039115653
17	04117-010-000	107 41ST ST A	0.047696845
18	04120-005-000	104 S 40TH ST C	0.038994508
19	04117-014-000	107 41ST ST B	0.03582176
20	04120-002-000	104 S 40TH ST B	0.039127061
21	04117-016-000	107 41ST ST C	0.035810547
22	04120-001-000	104 S 40TH ST A	0.037717886
23	04117-012-000	107 41ST ST D	0.052921295
24	04108-040-000	106 S 40TH ST C	0.063144172
25	04105-001-000	109 41ST ST 1	0.061471444
26	04108-050-000	106 S 40TH ST B	0.045327604
27	04105-002-000	109 41ST ST 2	0.036752136
28	04108-030-000	106 S 40TH ST A	0.063473222
29	04105-003-000	109 41ST ST 3	0.036766315
30	04105-004-000	109 41ST ST D	0.036905141
31	04108-020-000	108 S 40TH ST A	0.063662397
32	04108-060-000	108 S 40TH ST C	0.062346091
33	04105-006-000	111 41ST ST B	0.036653338
34	04108-000-000	108 B S 40TH ST B	0.046455449
35	04105-007-000	111 41ST ST C	0.036810432

36	04105-008-000	111 41ST ST 8	0.062406165
37	04638-010-001	101 38TH ST 2	0.039113029
38	04638-010-002	101 38TH ST 3	0.039334852
39	04638-010-003	101 38TH ST 4	0.039274868
40	04711-003-000	126 42ND ST D	0.093342974
41	04638-010-004	103 38TH ST 5	0.038240423
42	04711-002-000	126 42ND ST C	0.047043473
43	04638-010-005	103 38TH ST 6	0.039155653
44	04711-001-000	126 42ND ST B	0.045514747
45	04711-000-000	126 42ND ST	0.090289338
46	04638-010-006	103 S 38TH ST 7	0.039182214
47	04638-010-007	103 38TH ST 8	0.024423303
48	04638-010-008	105 38TH ST 9	0.037329967
49	04642-010-000	109 39TH ST A	0.050089809
50	04638-010-009	105 S 38TH ST 10	0.038118021
51	04638-010-010	105 S 38TH ST 11	0.038264157
52	04642-011-000	109 39TH ST 2	0.033056362
53	04638-010-011	105 38TH ST 12	0.058358802
54	04642-012-000	109 39TH ST C	0.033079484
55	04639-419-000	104 37TH ST	0.049063634
56	04642-013-000	109 39TH ST D	0.033056177
57	04110-010-000	118 S 40TH ST A	0.063540842
58	04639-206-011	107-A S 38TH ST 18	0.038029421
59	04639-317-000	104 S 37TH ST C	0.037554871
60	04642-014-000	111 39TH ST A	0.033055607
61	04639-283-010	107 S 38TH ST B	0.036767747
62	04639-318-000	104 37TH ST B	0.03796291
63	04642-015-000	111 S 39TH ST B	0.050112428
64	04110-000-000	118 S 40TH ST B	0.039240026
65	04639-206-012	107 S 38TH ST C	0.036106628
66	04639-316-000	104 37TH ST A	0.048472311
67	04110-020-000	118 S 40TH ST C	0.069325498
68	04639-206-010	107 38TH ST D	0.037430523
69	04642-025-000	111 39TH ST C	0.050112694
70	04639-315-000	106 37TH ST C	0.049272376
71	04639-206-013	107 38TH ST 14	0.033680937
72	04642-024-000	111 39TH ST D	0.033055624
73	04639-206-009	107 S 38TH ST 13	0.045666822
74	04639-314-000	106 37TH ST C	0.038025978
75	04642-023-000	113 39TH ST A	0.033055624
76	04639-313-000	106 37TH ST B	0.037638721
77	04639-204-000	109 38TH ST 12	0.037710645
78	04642-022-000	113 39TH ST 3	0.033079784
79	04639-312-000	106 S 37TH ST A	0.037822683

80	04639-203-000	109 S 38TH ST B	0.03757494
81	04642-021-000	113 39TH ST 2	0.033079784
82	04639-200-000	109 38TH ST C	0.03571666
83	04639-311-000	108 37TH ST D	0.037035036
84	04642-020-000	113 39TH ST 1	0.050090226
85	04639-310-000	108 37TH ST C	0.038497331
86	04639-202-000	109 38TH ST 9	0.035675421
87	04639-201-000	111 S 38TH ST 8	0.035704261
88	04639-309-000	108 37TH ST B	0.037929533
89	04639-206-000	111 38TH ST 7	0.03570014
90	04639-308-000	108 S 37TH ST A	0.064839935
91	04634-032-000	107 37TH ST D	0.054834287
92	04639-210-000	111 38TH ST C	0.03733736
93	04639-307-000	110 37TH ST D	0.059496696
94	04639-211-000	111 S 38TH ST D	0.034353274
95	04639-212-000	113 38TH ST A	0.034826184
96	04639-306-000	110 37TH ST C	0.037849068
97	04639-213-000	113 S 38TH ST B	0.036041461
98	04639-305-000	110 37TH ST B	0.037893777
99	04639-214-000	113 38TH ST C	0.035577563
100	04639-304-000	110 S 37TH ST A	0.038031025
101	04639-215-000	113 38TH ST D	0.047645291
102	04639-303-000	112 37TH ST D	0.037265041
103	04634-025-000	109 S 37TH ST B	0.039492093
104	04639-302-000	112 S 37TH ST C	0.038529558
105	04639-279-000	117 S 38TH ST A	0.118261219
106	04634-034-000	109 37TH ST A	0.109529707
107	04639-301-000	112 37TH ST B	0.037995957
108	04639-278-000	117 S 38TH ST B	0.089440323
109	04639-277-000	117 S 38TH ST C	0.11740167
110	04639-300-000	112 37TH ST A	0.059922307
111	04639-276-000	117 S 38TH ST D	0.086919418
112	04639-275-000	117 S 38TH ST E	0.125392687
113	04634-051-000	111 37TH ST C	0.045073604
114	04639-283-000	116 37TH ST D	0.084015695
115	04634-052-000	111 37TH ST B	0.043720856
116	04639-282-000	116 S 37TH ST C	0.109682351
117	04634-053-000	111 37TH ST A	0.044266993
118	04639-281-000	116 37TH ST B	0.082097742
119	04639-280-000	116 37TH ST A	0.141886416
120	04634-054-000	113 37TH ST 3	0.043459533
121	04634-056-000	113 S 37TH ST B	0.043640998
122	04618-010-020	105 S 35TH ST 3	0.061922457
123	04634-055-000	115 37TH ST D	0.073269531

124	04618-010-010	105 S 35TH ST 2	0.048016959
125	04634-071-000	117 37TH ST D	0.202512895
126	04634-072-000	117 37TH ST C	0.068310641
127	04634-073-000	115 37TH ST B	0.068069825
128	04634-074-000	115 37TH ST A	0.112132404
129	04540-040-000	104 32ND ST A	0.061305632
130	04540-050-000	104 32ND ST B	0.040686427
131	04540-060-000	104 32ND ST C	0.039522562
132	04540-070-000	104 32ND ST D	0.060597405
133	04610-108-000	112 32ND ST H	0.06489854
134	04610-107-000	112 32ND ST G	0.057558556
135	04610-106-000	112 32ND ST F	0.056897063
136	04610-105-000	112 32ND ST E	0.056545864
137	04610-501-000	109 29TH ST A	0.041217063
138	04610-502-000	109 29TH ST B	0.04094082
139	04610-503-000	109 29TH ST C	0.040671135
140	04610-504-000	109 29TH ST D	0.040425823
141	04480-000-000	1907 HWY 98	0.116913059
142	04480-010-000	1905 HWY 98	0.113668366
143	04634-031-000	105 37TH ST B	0.03810729
144	04634-029-000	107 37TH ST B	0.037802469
145	04634-030-000	105 37TH ST A	0.052466277
146	04634-033-000	109 37TH ST D	0.03790165
147	04634-035-000	109 S 37TH ST C	0.037907196
148	04634-036-000	107 37TH ST C	0.036043473
149	04634-026-000	107 37TH ST A	0.037798128
150	04634-027-000	105 37TH ST D	0.048017549
151	04634-028-000	105 37TH ST C	0.037620701
152	04119-000-000	103 S 41ST ST A	0.063301586
153	04119-025-000	103 41ST ST B	0.04559272
154	04119-030-000	103 41ST ST C	0.063227796
155	04473-020-000	2115 HWY 98	0.1267821
156	04473-010-000	2115 HWY 98 B	0.087063578
157	04473-000-000	2115 HWY 98	0.178995524
158	04473-015-000	2115 HWY 98 4	0.087063578
159	04105-005-000	111 41ST ST A	0.036577805
160	04639-284-000	119 37TH ST	0.085829401
Total Acreage			8.490823