

ORDINANCE NO 749

AN ORDINANCE INITIATED BY THE CITY OF MEXICO BEACH TO REZONE FROM RESIDENTIAL HIGH DENSITY TO TOWNHOME DISTRICT THOSE CERTAIN PARCELS OF LAND LYING WITHIN THE CITY OF MEXICO BEACH, FLORIDA, AS LISTED AND MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE AND LOCATED ON MIRAMAR DR., S 42ND ST., S 41ST ST., S 40TH ST., S 39TH ST., S 38TH ST, S 37TH ST, S 35TH ST, S 32ND ST, S 29TH ST., AND US HWY 98 BETWEEN S 23RD ST. AND N 22ND ST.; CONSISTING OF APPROXIMATELY NINE NON-CONTIGUOUS ACRES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.

WHEREAS, the City of Mexico Beach (the "City") has initiated this ordinance to rezone multiple parcels of real property, which are more particularly described below, from Residential High Density to Townhome District; and

WHEREAS, the goal of this rezoning is to facilitate and simplify the rebuilding process for many parcels that incurred severe damage by Hurricane Michael and to avoid the creation of widespread non-conforming uses on these parcels;

WHEREAS, Hurricane Michael substantially damaged the buildings on nearly all of the parcels that are the subject of this ordinance and substantially damaged buildings generally were required to be demolished if they were not destroyed by Hurricane Michael;

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 were located on individually owned parcels, many of which are very 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, the narrow parcels that are the subject of this ordinance rarely complied with or could comply with side yard setbacks, which has led 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 includes impervious surface limits; and

WHEREAS, the Comprehensive Plan only allows 50% impervious surface area within the Residential High Density Future Land Use category unless the parcel is zoned Townhome District, in which case 85% impervious surface area with certain conditions is allowed; and

WHEREAS, it would be difficult to develop the parcels affected by this rezoning ordinance with only 50% impervious surface area and, in some case, it probably would be impossible; and

WHEREAS, the City created the Townhome District zoning category to better accommodate construction on narrow parcels in part due to its preference to modify its rules to create consistent, predictable standards to allow townhomes or other low-setback homes to be rebuilt, rather than to rely on time consuming and costly case by case approvals that would create non-conforming uses; and

WHEREAS, the City along with its planning consultant selected the parcels included herein based on their widths, sizes, and consistencies with the goals for the Townhome District zoning category; and

WHEREAS, this ordinance changes only the zoning map designation of the real property described herein and does not change the actual list of permitted, conditional, or prohibited uses within a zoning category; and

WHEREAS, this rezoning and ordinance was initiated by the City to change the actual zoning map designation of a parcels equaling less than 10 contiguous acres and the total amount of property under consideration in this ordinance is less than 10 acres regardless of whether contiguity is considered; and

WHEREAS, Florida Statute 166.041(3)(c) provides that in cases in which the proposed ordinance changes the actual zoning map designation for a parcel or parcels of land involving less than 10 contiguous acres, the City shall notify by mail each real property owner whose land the municipality will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records;

WHEREAS, the City has notified each real property owner whose land the City will redesignate to Townhome District zoning by certified mail in late August or early September of 2020; and

WHEREAS, Florida Statute 166.041(3)(c) provides that in cases in which the proposed ordinance changes the actual zoning map designation for a parcel or parcels of land involving less than 10 contiguous acres, the governing body shall hold a public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance; and

WHEREAS, on October 27, 2020 the City Council conducted this statutory public hearing, and preceding the statutory hearing, the City Council had a first reading of this ordinance on September 22, 2020, and preceding the statutory hearing the Mexico Beach Planning and

Zoning Board reviewed this rezoning request and conducted a public hearing on September 14, 2020, and recommended approval to the City Council upon the condition that the final list of parcels included in Exhibit A is reviewed and concurred with by the City's Plan Reviewer; and

WHEREAS, based upon competent substantial evidence adduced in the properly advertised public hearing conducted on October 27, 2020, the City found the requested change to be consistent with the currently applicable Mexico Beach Comprehensive Plan and to reasonably accomplish a legitimate public purpose.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF MEXICO BEACH, FLORIDA:

SECTION 1. The following described parcels of real property within the municipal limits of the City of Mexico Beach, Florida, are rezoned from Residential High Density to Townhome District, to wit,


SEE ATTACHED AND INCORPORATED EXHIBIT "A"

and the City's Zoning Map is amended accordingly.


SECTION 2. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 3. This ordinance shall take effect immediately upon passage, and the zoning changes approved herein shall take effect immediately respecting the lands which are the subject of this ordinance.

PASSED, APPROVED and ADOPTED at the regular meeting of the City Council of the City of Mexico Beach, Florida, this 27th day of October, 2020.


William A. Cathey, Mayor

ATTEST:


Lindsay Hovind, City Clerk

PUBLISHED in the Panama City News-Herald on the 27th day of October, 2020.

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