

ORDINANCE NO. 755

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE TO MODIFY THE TOWNHOME DISTRICT ZONING CATEGORY PRINCIPAL USES TO ALLOW SINGLE FAMILY DETACHED AND ELIMINATE MULTIFAMILY RESIDENTIAL; 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 May 12, 2020, the City adopted Ordinance 744 to create the Townhome District zoning and this zoning became available to property owners upon Ordinance 743 later becoming effective; and

WHEREAS, the City created the Townhome District zoning category in response to Hurricane Michael damage in sections of the City that historically had numerous townhomes on individually owned narrow parcels and to more efficiently accommodate and approve attached townhomes in those locations rather instead of relying variances or other time consuming and costly processes; and

WHEREAS, during the effort to rezone numerous parcels to Townhome District and based on feedback received by City staff, it has become apparent that the Principal Uses allowed for Townhome District zoning did not properly reflect the City’s intent to allow, but not require, homes to be attached and to have townhomes on individually owned parcels rather than as part of a multi-family development on a single parcel, such as an apartment complex; and

WHEREAS, the Mexico Beach Planning and Zoning Board discussed proposed amendments to the Land Development Code during its regular meeting on September 14, 2020 and held a public hearing to consider these proposed amendments to the Land Development Code on October 5, 2020 (known as, “the Amendment”), and recommended that the Amendment be approved by the Mexico Beach City Council; and

WHEREAS, pursuant to Florida Statute 166.041(3)(c), the Mexico Beach City Council held public hearings on October 27, 2020 and November 10, 2020 to consider the Amendment, and after consideration of the public comments received during the public hearing, voted to approve this Ordinance; and

WHEREAS, subsequent to the November 10, 2020 hearing, the City determined that the hearing, notice of hearing, or both did not meet the requirements of Florida Statute 166.041(3)(c); and

WHEREAS, the City is conducting a third hearing to adopt this Ordinance on January 12, 2021 in full compliance with the schedule and notice requirements of Florida Statute 166.041(3)(c).

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, Table D, Townhome District as follows 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.

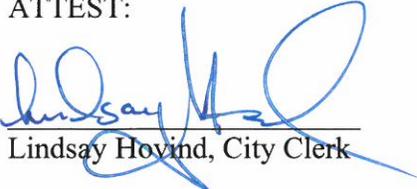
SECTION 5. Effective Date. This Ordinance shall take effect immediately.

PASSED, APPROVED AND ADOPTED at the meeting of the City Council of the City of Mexico Beach, Florida, this 12th day of January, 2021.



William A. Cathey, Mayor

ATTEST:



Lindsay Hoynd, City Clerk

EXHIBIT A – ORDINANCE 755
Amendments to 2.02.02 Zoning Districts

2.02.02 Zoning Districts
D. Townhome District

<p>1. District Intent</p> <p>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</p> <p>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 Residential Single Family, detached</p> <p>c. Residential care facilities,</p> <p>d. Group homes</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>m. multi-family residential on a single parcel</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>7. Development Standards</p> <table border="1"> <thead> <tr> <th colspan="3">Setbacks</th> <th rowspan="2">Impervious Surface Ratio</th> <th rowspan="2">Max Height</th> </tr> <tr> <th>Front</th> <th>Side¹</th> <th>Rear Corner</th> </tr> </thead> <tbody> <tr> <td>20 feet</td> <td>0 feet</td> <td>10 feet</td> <td>0.85</td> <td>32 feet</td> </tr> </tbody> </table>		Setbacks			Impervious Surface Ratio	Max Height	Front	Side ¹	Rear Corner	20 feet	0 feet	10 feet	0.85	32 feet
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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.

1. Other development requirements:
 - a) Porous paving systems are required for driveway, sidewalk, and patio construction within this district.