

**ORDINANCE 758**  
**DISCUSSION**  
**TABLED**



ORDINANCE NO. 758

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE TO CLARIFY THE RULES FOR PRELIMINARY AND FINAL PLATS; REQUIRING A SIMPLIFIED REPLAT PROCESS FOR LOT SPLITS; REQUIRING A SIMPLIFIED REPLAT PROCESS FOR LOT COMBINATIONS; PROVIDING MORE SPECIFIC RULES FOR PUBLIC NOTICES ASSOCIATED WITH REZONINGS AND LAND USE CHANGES, VARIANCES, AND PLATTING MATTERS; DELETING OBSOLETE LANGUAGE FROM THE CITY CODE THAT IS NOW COVERED BY THE LAND DEVELOPMENT CODE; 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, the City's process for approving lot splits and the combination of two or more lots typically involves review by the Planning & Zoning Board and approval by the City Council, but does not result in revising the recorded plat or recording anything of record; and

WHEREAS, generally in instances when a lot split or lot combination has been approved, the City intends for it to be binding on the property despite changes in preferences or damage to structures unless the City Council formally approves a subsequent change; and

WHEREAS, it is difficult for the City to enforce that intent, particularly when there is no recorded record of the lot split or lot combination; and

WHEREAS, the best way to ensure that the public has notice of a previous lot split or lot combination and to discourage sales and development that would ignore that previous lot split or lot combination is to accomplish lot splits and lot combinations through binding replats recorded in the Bay County Official Records plat books; and

WHEREAS, the City has many parcels that rely on metes and bounds descriptions despite being located in platted subdivisions and this ordinance should ensure that situation does not expand and gradually reduce it; and

WHEREAS, the City's current platting process of preliminary plat approval, followed by development order approval, followed by final plat approval is not described clearly by the Land Development Code; and

WHEREAS, this ordinance clearly describes that process and clarifies when development may occur based on each approval; and

WHEREAS, the notice rules for posting signs and sending notices to nearby property owners lack specific parameters, which make these rules difficult for staff to apply and makes the City susceptible to legal challenges; and

WHEREAS, this ordinance provides more specific rules for public notice through mailing and sign postings; and

WHEREAS, development of property is governed by the City's Land Development Code, but the City Code contains some obsolete rules regarding the development of property; and

WHEREAS, it is appropriate to delete those obsolete rules from the City Code and, as prudent, address those topics in the Land Development Code instead; and

WHEREAS, the City's Planning & Zoning Board considered the revisions to the Land Development Code proposed by this Ordinance and has made recommendations to the City Council; and

WHEREAS, 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.

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 3.07.00 of the Land Development Code as follows, with new text **bold and underlined** and deleted text ~~stricken~~:

### **3.07.00 SUBDIVISIONS, PLATTING, LOT SPLITS, AND LOT COMBINATIONS**

**Subdivisions of property, lot splits, and lot combinations require approval by the City Council and recording of an approved plat or replat by the applicant in the Bay County Official Records plat book. A new subdivision of property consists of a preliminary plat approval and a final plat approval. Once the City Council has provided a preliminary plat approval, the applicant must secure a development order from the City, which is generally consistent with the approved preliminary plat, prior to commencing development of the property. Lot splits and lot combinations do not require submission of a preliminary plat and, therefore, may be accomplished in a single replat approval.**

All requests for ~~subdivision of~~ ~~division of~~ ~~platted or unplatted~~ property, **including previously platted property**, must be presented to the Planning and Zoning Board and the City Council of Mexico Beach for approval ~~or~~ disapproval. **Lot splits and the combination of previously platted lots may be considered by the City Council without being presented to the Planning and Zoning Board.** ~~These requests~~ **Requests for any of these platting related matters** must be submitted to the City Administrator for placement on the agendas for these meetings; all applications **and plat documents** must be submitted to allow adequate time for **the City to provide public notice as required by this Land Development Code** ~~placement of required signs and written notifications to adjacent property owners~~. To qualify for **a lot split, lot combination, or** a subdivision of platted property, any resulting lots must meet all the requirements of the City of Mexico Beach Comprehensive Plan and Land Development Codes and must conform to the physical characteristics of the neighborhood where located.

**Until a lot combination replat has been approved pursuant to this Section, structures may not be constructed on property that would overlap the boundary of a platted Lot of Record or violate any setback for any platted Lot of Record. Furthermore, an accessory structure may not be installed if the principal structure that it is associated with is located on a different platted lot until such time the lots have been combined pursuant to this Section. For existing adjoining parcels, owned by independent parties, that do not conform to the applicable plat or plats, either due to a previously approved informal lot split or lot combination or a grandfathered metes and bounds conveyance, the City shall apply the rules provided by this paragraph as if the actual parcels were platted Lots of Record while respecting any valid non conforming use rights that have not terminated pursuant to this Land Development Code.**

Lots created by **lot split or** resubdivision of an existing lot in a recorded or unrecorded residential area zoned "Residential – General" or "Residential – Low Density" shall be no more than ten percent smaller than the median size of all other

lots located ~~in the subdivision~~, on the same street, **in the same subdivision** or neighborhood, as originally platted in a recorded or unrecorded plat, and no less than the minimum lot size sufficient to meet all development design standards in this Code. If a subdivision was developed in phases, the median size of lots shall be determined by the lots in the phase affected by the proposed **lot split or** resubdivision.

**All plats and replats shall conform to the requirements of Chapter 177, Florida Statutes.** Within the jurisdiction of this chapter, no subdivision, **lot split, or lot combination** shall be platted or recorded for any purpose, nor shall parcels or lots resulting from such subdivision be sold or offered for sale unless such subdivision meets all of the requirements of these subdivision regulations, the ~~plan~~ **Comprehensive Plan** and other applicable regulations, including but not limited to the Land Development Codes and ~~this chapter~~ **other City ordinances.**

No final plat of any subdivision **of property or replat to accomplish a lot split or lot combination** within Mexico Beach shall be filed or recorded by the clerk of the circuit court of the county until it shall have received subdivision approval under the applicable provisions of this chapter and accepted by the Council. Evidence of such approval shall be placed on the plat prior to recording.

Based on the foregoing revisions, the City of Mexico Beach hereby deletes Section 7.07.00 of the Land Development Code and amends Sections 7.08.00 and 7.08.01 as follows, with new text **bold and underlined** and deleted text ~~stricken~~:

~~7.07.00 PLATTING~~

~~Where proposed development includes the subdivision of land, the final approval of the development plan shall be made contingent upon approval by the City Council of a plat conforming to the development plan. A plat shall conform to the requirements of Chapter 177, Florida Statutes.~~

~~7.08.00~~ **7.07.00** FEES

- A. Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters shall be charged to applicants for tree permits, driveway permits, fence permits, sign permits, concurrency determination, and development review.
- B. Fees shall be paid upon submission of a signed application.

~~7.08.01~~ **7.08.00** Property Owner Notifications

It shall be the responsibility of the City of Mexico Beach City Administrator to notify affected property owners of any variance, ~~or future land use map amendments,~~ rezoning requests, or plat or replat requests as detailed below. ~~or if a commercial parking lot is to be placed on a residentially zoned parcel.~~

- A. In the case of a variance request, notification to adjacent property owners shall be provided by certified mail. Generally, the City will send a single certified mail letter for all hearings and such letter must be mailed at least 14 days prior to the Planning and Zoning Board's hearing to consider the variance and 21 days prior to the City Council's hearing to consider the variance. If the date of any hearing changes from the dates originally noticed, new certified mail notices must be provided by the City. These notices must be provided to all ~~is not limited to~~ abutting property owners and all owners of parcels located within 200 feet of any boundary of the subject property, as reasonably calculated with the Bay County Property Appraiser's website. Upon receiving the application for a variance, the City shall place a sign on the subject property for the purpose of notifying interested parties in the area and such sign must be placed at least 14 days prior to the Planning and Zoning Board's hearing to consider the variance and must remain in place until the City Council has made a decision on the variance request.
- B. In the case of a request to change the zoning and/or future land use category of a property, notification to adjacent property owners shall be provided by certified mail. Generally, the City will send a single certified mail letter describing the dates of all hearings and ordinance readings. Such letter must be mailed at least 14 days prior to the Planning and Zoning Board's hearing to consider the variance and at least 21 days prior to the City Council's first reading of the associated ordinance. If the date of any hearing changes from the dates originally noticed, new certified mail notices must be provided by the City. ~~Rezoning request notifications are not limited~~ These notices must be provided to all ~~to~~ abutting property owners and all owners of parcels located within 400 feet of any boundary of the subject property, as reasonably calculated with the Bay County Property Appraiser's website ~~and may encompass an entire neighborhood. The City Administrator shall render the decision on the scope of such notifications.~~ Upon receiving the application for a rezoning or future land use change, the City shall place a sign on the subject property for the purpose of notifying interested parties in the area and such sign must be placed at least 14 days prior to the Planning and Zoning Board's hearing to consider the variance and remain in place until the City Council has made a decision on the request.
- C. In the case of a request to adopt or modify a plat, the following rules apply.
1. Requests for a preliminary plat approval shall be noticed the same as a request to rezone a property.

2. The development order to implement a preliminary plat must be included on the published agendas of the Planning and Zoning Board and the City Council. No additional special notice is necessary, except that if the previously posted sign at the property has been removed for any reason, a new sign must be placed at the property at least 14 days prior to the Planning & Zoning Board hearing and remain up until the City Council has concluded its hearing.
3. Requests for final plat approval shall be noticed the same as the development order to implement the preliminary plat, as provided above in this Section.
4. Requests for a lot split require a sign to be placed at the property least 14 days prior to the City Council's hearing to consider the lot split.
5. Requests for a lot combination require a sign to be placed at the property least 14 days prior to the City Council's hearing to consider the lot split

~~C.D.~~ The method ~~Method~~ of mail notification to ~~adjacent~~ nearby property homeowners shall be by certified mail. The cost ~~Cost~~ of such mailing will be passed on to the ~~variance or rezoning requester~~ applicant and shall be paid prior to mailing by the City ~~the requests being heard by the Board.~~

~~D.E.~~ Failure to respond to the certified mailings on the part of the addressee will be counted as a favorable response for the requester.

F. Newspaper notices shall occur only as required by the Florida Statutes.

**SECTION 2. Amendments to the City Code.** The City of Mexico Beach hereby deletes Section 150.01. of the City Code as follows, with new text **bold and underlined** and deleted text ~~stricken~~:

~~§ 150.01 DIVISION OF PLATTED PROPERTY.~~

~~—(A) It shall be required that any division of platted property located within the city must meet all requirements as stated in the subdivision regulations in §§ 154.125 et seq. and § VIII, Future Land Use Element of the Comprehensive Plan and all amendments thereto.~~

~~—(B) All requests for division of platted property must be presented to the Planning and Zoning Board and the City Council for approval or disapproval.~~

~~—(C) Any request for division of platted property must be made to the City Administrator at least one week prior to the regular scheduled meeting to ensure that the request is placed on the agenda.~~

~~—(D) Any application for division of platted property or rezoning of property will require a sign advertising the subdivision be placed on the property specifying the dates and times of the public hearings regarding the request. Additionally, all adjacent homeowners shall be notified by certified mail to provide adequate time to attend any public hearings regarding~~



~~the application for the subdivision.~~

~~(E) Any person or persons violating this section will be denied a development order and is guilty of a misdemeanor of the second degree, punishable as provided by state statutes. (Ord. 381, passed 10-10-2000; Ord. 544, passed 6-12-2007) Penalty, see § 150.99~~

**SECTION 3. 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 and the Mexico Beach City Code. Section numbers may be assigned and changed whenever necessary or convenient.

**SECTION 4. 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 5. 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 6. Effective Date.** This Ordinance shall take effect immediately upon passage.

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

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

ATTEST:

\_\_\_\_\_  
Lindsay Hovind, City Clerk

