

ORDINANCE NO. 761

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE TO CONFIRM THE RULES FOR PRELIMINARY PLAT APPROVAL, FINAL PLAT APPROVAL, AND LOT SPLITS; PROVIDING A PROCESS FOR LOT COMBINATIONS; 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 the combination of two or more lots typically involves review by the Planning & Zoning Board and approval by the City Council, but is not described in detail by the Land Development Code; and

WHEREAS, the City would like to the City Administrator to approve small lot combinations since those lot combinations usually are not controversial and often benefit the City; and

WHEREAS, the City's current lot split process and 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 those processes and clarifies when development; 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.

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 and adds Section 3.08.00 as follows, with new text **bold and underlined** and deleted text ~~stricken~~:

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

**Subdivision of property into three or more parcels requires plat approval by the City and recording of an approved plat or replat by the applicant in the Bay County Official Records. This process consists of preliminary plat approval and final plat approval. Once the City has approved a preliminary plat, the applicant must secure a development order from the City prior to commencing development of the property. A final plat must be approved by the City Council prior to the sale of any subdivided property. The final plat must be formatted appropriately for recording, be materially similar to the preliminary plat, and conform to the requirements of Chapter 177, Florida Statutes.**

**A lot split application shall be referred to the Mexico Beach Planning & Zoning Board for a recommendation and may be approved by the City Council only. The City Council may approve a lot split upon finding that it is in the best interest of the City. Lot splits do not require recording of a formal replat.**

All requests for **a lot split or subdivision** ~~division~~ of platted or unplatted property must be presented to the Planning and Zoning Board **for recommendation** and **to** the City Council of Mexico Beach for approval/disapproval. These requests 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 placement of required signs and written notifications to adjacent property owners. To qualify for a **lot split or plat approval** ~~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.

Lots created by **lot split or subdivision** ~~resubdivision~~ of an existing lot in a ~~recorded or unrecorded~~ **platted or unplatted** 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, 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~~.

~~Within the jurisdiction of this chapter, no~~ **No subdivision of property or lot split** shall be platted or recorded for any purpose, nor shall parcels or lots resulting from such subdivision **or lot split** be sold or offered for sale unless such **process and the resulting lots meet all of the requirements of this Land Development Code** ~~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.~~

No final plat of any subdivision 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.

### **3.08.00 LOT COMBINATIONS**

**The combinations of two lots may be approved administratively by the City Administrator. Lot combinations involving the combination of three or more lots shall instead be reviewed pursuant to the process for a lot split. A survey will be required if any of the lots are described by metes and bounds. Structures may not be constructed that would overlap the boundary of a lot or violate any setback until a lot combination has been approved pursuant to this Section. Accessory structures may not be installed on a parcel that does not have a principal structure until a lot combination has been approved that results in a principal structure being on the combined lot. City Council approval is required to reverse a lot combination and shall be pursuant to the same procedure and notices required for a lot split.**

Based on the foregoing revisions, the City of Mexico Beach hereby deletes Section 7.07.00 of the Land Development Code 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.~~

**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 11 day of May, 2021. PASSED, APPROVED AND ADOPTED at the meeting of the City Council of the City of Mexico Beach, Florida, this 11 day of May, 2021.

  
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William A. Cathey, Mayor

ATTEST:

  
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Tammy Brunson, City Clerk