

ORDINANCE NO. 765

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE TO ELIMINATE SECTION 2.05.01 REGARDING ACCESSORY DWELLING UNITS AND OTHER REFERENCES TO ACCESSORY DWELLING UNITS; 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 Land Development Code allows “accessory dwelling units” in residential zoning categories except for Residential Low Density, which pursuant to the Land Development Code generally are attached apartments contained within the principal structure; and

WHEREAS, all residential zoning categories except for Residential Low Density also allow multi-family housing structures, such as apartments or duplexes, which serve a similar purpose as an accessory dwelling unit, but with fewer restrictions; and

WHEREAS, an accessory dwelling unit is a density unit for density calculations, so any location where an accessory dwelling unit could be approved could also have a duplex; and

WHEREAS, since an accessory dwelling unit cannot be permitted in Residential Low Density and can be approved as a multi-family structure in other residential zones, the inclusion of special rules in the Land Development Code for accessory dwelling units creates confusion, leads some people to think accessory dwelling units are allowed where they are not, and does not add anything to the more general rules that allow multi-family housing on a lot with sufficient area to meet the density requirement; and

WHEREAS, the City Council has determined that the rules in the Land Development Code for accessory dwelling units should be deleted, as well as all references in the Land Development Code to accessory dwelling units; 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 Zoning Tables. The City of Mexico Beach hereby amends Section 2.02.02 of the Land Development Code relating to Zoning Districts by deleting all references to “accessory dwelling units” in the zoning tables.

SECTION 2. Amendments to Land Development Code Eliminating Accessory Dwelling Unit Rules. The City of Mexico Beach hereby amend Section 2.05.01 of the Land Development Code as follows, with new text **bold and underlined** and deleted text ~~stricken~~:

~~2.05.01 Accessory Dwelling Units~~

~~A. Purpose~~

~~The purpose of this section is to provide for inexpensive housing units to meet the needs of handicapped, older, and low-income households, making housing available to those who might otherwise have difficulty finding homes. This section is also intended to protect the property values and residential character of neighborhoods where accessory dwelling units are located.~~

~~B. Standards~~

~~Accessory dwelling units may be allowed in single-family homes provided that all of the following requirements shall be met:~~

- ~~1. The addition of the accessory dwelling unit cannot exceed the density limitations of the overlying Future Land Use Category of the Comprehensive Plan.~~
- ~~2. No more than one (1) accessory dwelling unit shall be permitted on any residential lot.~~
- ~~3. Any accessory dwelling unit shall be located within the principal structure. An accessory dwelling unit shall not be construed to be located within the principal structure if connected only by a breezeway, roofed passage, or similar structure.~~
- ~~4. An accessory dwelling unit shall be proportionate in size to the principal structure in which it is located according to the following standards:~~
 - ~~a. Single-family dwelling units with fifteen-hundred (1,500) square feet or less of gross floor area may use up to fifty (50) percent of the gross floor area for an accessory dwelling unit.~~

- ~~b. Single family dwelling units larger than fifteen hundred (1,500) square feet of gross floor area but smaller than three thousand (3,000) square feet of gross floor area may use up to seven hundred fifty (750) square feet of the gross floor area for an accessory dwelling unit;~~
 - ~~e. Single family dwelling units larger than three thousand (3,000) square feet of gross floor area may use up to twenty five (25) percent of the gross floor area for an accessory dwelling unit.~~
- ~~5. The entire area underneath single family residential structures on pilings may be enclosed and counted toward the gross floor area of that structure for the purpose of calculating the maximum allowable square footage for an accessory dwelling unit, provided that:~~
- ~~a. The area beneath the structure is a fully enclosed and functionally livable addition to the structure;~~
 - ~~b. The area to be enclosed is located entirely above the one hundred (100) year flood plain by at least one (1) foot;~~
 - ~~e. The enclosure does not constitute an eyesore in any way but is externally designed and built to be aesthetically pleasing and compatible with the existing structure;~~
 - ~~d. No other addition is made to the principal structure for the purpose of accommodating an accessory apartment;~~
 - ~~e. The enclosure is in no way of substandard quality as defined by the Bay County Building Code;~~
 - ~~f. Adequate sewage disposal is provided for the expansion as certified by the Department of Health and Rehabilitative Services.~~
- ~~6. Enclosure of the area entirely underneath a single family dwelling unit that is supported by or situated on pilings will not constitute an increase in the impervious surface area of the lot.~~
- ~~7. Any homeowner wishing to expand a single family dwelling unit in any way to accommodate an accessory dwelling unit shall first obtain the approval of the City of Mexico Beach Planning and Zoning Board in the form of a written acknowledgement by the Board that the plans for expansion have been reviewed by the Board and that conditions set forth in this Code have been met by the plans;~~
- ~~8. A dwelling unit located above a commercial establishment is considered mixed use, and not an accessory use, and is therefore not subject to a maximum percentage of gross floor area of the commercial use below it.~~
- ~~9. The accessory dwelling unit shall be located and designed not to interfere with the appearance of the principal structure as a one family dwelling unit.~~
- ~~10. The homeowner may live in the accessory dwelling unit unit or in the principal dwelling unit.~~

~~11. To accommodate the additional parking demand of an accessory dwelling unit, up to two (2) additional parking spaces are allowed so long as the total number of parking spaces for that lot does not exceed four (4) spaces and so long as the additional spaces are accommodated off the street.~~

~~12. No variations, adjustments, or waivers to the requirements of this Code shall be allowed in order to accommodate an accessory dwelling unit.~~

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. Section numbers may be assigned and changed whenever necessary or convenient.

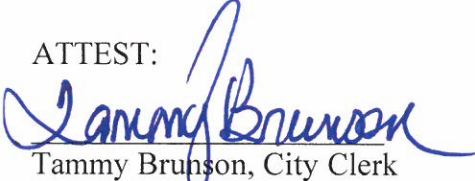
SECTION 4. Repeal. All Codes, Ordinances and/or Resolutions or parts of Codes, Ordinances and/or Resolutions in conflict herewith are hereby repealed to the extent of the conflict.

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 13th day of July, 2021. PASSED, APPROVED AND ADOPTED at the meeting of the City Council of the City of Mexico Beach, Florida, this 10th day of August, 2021.

ATTEST:


Tammy Brunson, City Clerk


William A. Cathey, Mayor