

ORDINANCE NO. 775

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING THE LAND DEVELOPMENT CODE TO ELIMINATE PLANNING BOARD AND CITY COUNCIL REVIEW OF COMMERCIAL DEVELOPMENT ORDER APPLICATIONS THAT PROPOSE TO REBUILD IMPROVEMENTS SUBSTANTIALLY SIMILAR TO HOW THEY EXISTED PRIOR TO HURRICANE MICHAEL; PROVIDING THAT SUCH RULE EXPIRES AFTER TWENTY-FOUR MONTHS; PROVIDING FOR CODIFICATION; REPEALING ORDINANCES AND RESOLUTIONS TO THE EXTENT OF ANY CONFLICT; PROVIDING FOR SEVERABILITY AND AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, on October 10, 2018, Hurricane Michael struck the City of Mexico Beach (the “City”) as a Category 5 hurricane resulting in massive damage within the City;

WHEREAS, the buildings where most businesses in the City were located were heavily damaged and most require substantial renovation or complete reconstruction; and

WHEREAS, the City adopted Ordinance 739 to provide temporary streamlined procedures for review of certain Major Commercial Development Orders and provided an expiration date of October 15, 2021 for those procedures;

WHEREAS, the reasons provided within Ordinance 739 for its adoption still apply in large part to the City, the City still lacks various basic business services that are essential for its citizens, and it is in the best interest of the City to expedite reestablishment of those services; and

WHEREAS, the City wishes to extend the streamlined procedures provided by Ordinance 739 through October 26, 2023 and readopts the same procedures herein, but with a revised expiration date; and

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 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, in the exercise of its authority, 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. The City readopts and incorporates herein the facts and reasoning stated by Ordinance 739 in support of the previous adoption of the streamlined procedures for review of certain Major Commercial Development Orders and finds that such facts and reasoning still apply.

SECTION 2. Amendments to Land Development Code. The City of Mexico Beach hereby adds Subsection 4 to 7.02.02 A. Review of Development Activity as follows, relating to streamlined review of some Major Commercial Development Orders, with new text **bold and underlined** and deleted text ~~stricken~~. All text is shown without the changes provided by Ordinance 739 due to the expiration of such language.

7.02.02 Review of Development Activity

A. -----

4. Temporary Streamlined Procedures for Review of Certain Major Commercial Development Order

Notwithstanding the requirements of Section 7.02.02 of this Code, applications for Major Commercial Development Orders submitted before October 26, 2023 that meet the requirements of this paragraph may be reviewed and approved at the staff level and will not require review by the Planning and Zoning Board and the City Council. The following requirement must be met:

- a. **The project must involve reconstructing or repairing a commercial structure destroyed or damaged by Hurricane Michael;**
- b. **The use of the property will not change, as determined with the standards provided by Section 2.02.05;**
- c. **The proposed structure must fit within the footprint of the structure that existed prior to Hurricane Michael;**

- d. The design proposed must be substantially similar to the improvements and structures that existed prior to Hurricane Michael, except that staff may approve exterior aesthetic enhancements, interior modifications, reductions in square footage, and modifications needed to comply with Florida Building Code, setbacks, floodplain requirements, and similar rules; and
- e. The application and proposal meet all other requirements of this Code, will not require a variance, and will not result in a non-conforming use.

Any proposal that does not meet these requirements shall be referred to the Planning and Zoning Board and City Council and follow the standard review procedures for Major Commercial Development Orders.

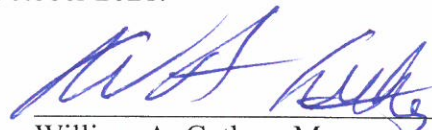
SECTION 3. Codification. The appropriate officers and agents of the City are authorized and directed to codify, include and publish in electronic format the provisions of this Ordinance within the Mexico Beach Land Development Code. Section numbers may be assigned and changed whenever necessary or convenient.

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.

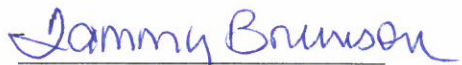
SECTION 6. Effective Date. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED AND ADOPTED at the special meeting of the City Council of the City of Mexico Beach, Florida, this 26 day of October 2021.



William A. Cathey, Mayor

ATTEST:



Tammy Brunson, City Clerk