

ORDINANCE 827

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA CALLING AND SCHEDULING AN ELECTION UPON AMENDMENT TO THE CHARTER OF THE CITY; PROVIDING FOR THE MANNER IN WHICH SUCH ELECTION SHALL BE CONDUCTED; ESTABLISHING THE FORM OF THE BALLOT FOR SUCH ELECTION; PROVIDING FOR PUBLIC NOTICE OF SUCH ELECTION; PROVIDING FOR THE AVAILABILITY OF COPIES OF THE PROPOSED AMENDMENTS TO THE CITY CHARTER; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statutes chapter 166.031 provides that the governing body of a municipality may submit to the electors of that municipality proposed amendments to its charter at a referendum election; and

WHEREAS, the City Council of the City of Mexico Beach has upon recommendation from the Charter Review Committee established by the City Council for that purpose recommends that an amendment be made to the Charter of the City of Mexico Beach which amendment appears as Exhibit "A" to this Ordinance; and

WHEREAS, the City Council desires to submit the said amendment to the Charter for ratification by the electors of the City of Mexico Beach as a separate ballot question.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEXICO BEACH, FLORIDA, that:**

SECTION 1. A referendum election is hereby called and scheduled to be held concurrent with the general election on Tuesday, April 16, 2024, to determine whether the amendment to the Charter of the City of Mexico Beach appearing in Exhibit "A" of this Ordinance shall be approved by a majority of the votes cast in such election in which the qualified electors residing in the City shall participate. Such referendum election shall be held and conducted in the manner prescribed by law for all general elections. The places for voting in such referendum election shall be the usual places for voting in the City in the general election to be held Tuesday, April 16, 2024.

SECTION 2. The ballot to be used at such referendum election shall contain a statement of the proposed subject matter of the amendment to the Charter and shall provide facilities for qualified electors to vote for or against the adoption of such Charter amendment in a separate ballot question. Said ballot shall be in substantially the following form:

**BALLOT**

**CITY OF MEXICO BEACH, FLORIDA**

QUESTION: AMENDMENT TO THE CHARTER ADDING SECTION 1.06 TO ARTICLE I OF THE CHARTER SETTING MAXIMUM BUILDING HEIGHTS TO THOSE SET FORTH IN THE CITY LAND DEVELOPMENT CODE AS OF THE ADOPTION OF THIS REFERENDUM, WHICH ARE 32 FEET IN RESIDENTIAL LOW DENSITY, RESIDENTIAL GENERAL, HIGH DENSITY RESIDENTIAL, TOWNHOME DISTRICT, TOURIST COMMERCIAL, PUBLIC INSTITUTIONAL, AND RECREATION AND 48 FEET IN GENERAL COMMERCIAL AND TOURIST MIXED USE, SAID RESTRICTIONS WOULD ONLY PERTAIN TO PROPRERTIES CURRENTLY SITUATED WITHIN THE CITIES BOUNDARIES AS OF THE DATE OF THIS REFERENDUM.

Shall the Charter be amended to add Section 1.06 to Article I of the Charter setting maximum building heights to those contained in the City’s Land Development Code as of the effective date of this referendum. Said restrictions would only pertain to the properties currently situated within the City’s boundaries as of the date of this referendum.

\_\_\_\_\_ YES

\_\_\_\_\_ NO

INSTRUCTION TO VOTERS: If you are in favor of the adoption of the foregoing amendment to the Charter, mark the space to the left of the word “YES”. If you are not in favor of the adoption of the foregoing amendment, mark the space to the left of the word “NO”.

SECTION 3. The City Clerk is hereby authorized and directed to instruct the Supervisor of Elections of Bay County to include the above-described question on the ballot for the general election to be held on Tuesday, April 16, 2024.


SECTION 4. Notice of the said referendum election in substantially the form showing in Exhibit “B” to this Ordinance shall be published two times in a newspaper of general circulation according to the laws of the State of Florida. The first publication shall be during the fifth week prior to the week in which the referendum election is to be held and the second publication shall be during the third week prior to the week in which the referendum election is to be held. A minimum of five copies of the proposed amendment to the Charter shall be kept on file in the office of the City Clerk for public inspection upon demand during normal business hours.

SECTION 5. Any amendment to the City Charter described herein which is approved by the electors of the City, shall take effect upon certification of the general election of the City scheduled on Tuesday, April 16<sup>th</sup>, 2024.

SECTION 6. This Ordinance shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Mexico Beach, Florida, this 31<sup>st</sup> day of January, 2024.

THE CITY OF MEXICO BEACH

BY:   
MICHELE MILLER, Mayor

ATTEST:   
TAMMY BRUNSON  
City Clerk

1<sup>st</sup> reading: January 19, 2024  
2<sup>nd</sup> reading: January 31, 2024

**EXHIBIT "A"**

CITY OF MEXICO BEACH LANGUAGE OF THE PROPOSED CHARTER CHANGE/AMENDMENT

(In all cases, words crossed out are to be deleted and words underlined are to be added.)

1. Article I of the Charter is to be amended by adding Section 1.06 to read as follows:

**SECTION 1.06 MAXIMUM BUILDING HEIGHTS**

As of the effective date of this Section, aside from the approved exemptions set forth below, no building or other structure shall be constructed, erected, situated or located, in the City of Mexico Beach as its boundaries are currently located as of the effective date of this Section, which exceeds the height set forth in the zoning districts as contained in the City's Land Development Code as of the effective date of this Section. Those restrictions are as follows: 32ft (thirty-two feet) for Zoning Districts Residential Low Density; Residential General; High Density Residential; Townhome District; Tourist Commercial; Public Institutional; and Recreation; and 48ft (forty-eight feet) in General Commercial; and Tourist Mixed Use. However, this Charter provision shall not restrict any property owner's vested rights under constitutional, statutory or common law.

Existing buildings which currently exceed the allowable height restrictions contained in their current Zoning District may be repaired to that existing height. No alterations shall be made to any building, which would cause that building to exceed the current allowable height as of the effective date of this Section.

Exemptions: Chimneys, house of worship spires, elevator shafts, flagpoles, heating and air conditioning systems, solar collectors with appropriate screening and cell phone towers.



**EXHIBIT "B"**

**NOTICE OF REFERENDUM ELECTION CITY OF MEXICO BEACH, FLORIDA**

Public notice is hereby given that on Tuesday, April 16, 2024, the issue of whether the City of Mexico Beach shall adopt an amendment to its City Charter will be submitted to the qualified electors of the City of Mexico Beach and will appear on the same election ballot as a referendum on that date as one separate ballot question.

The City Council of the City of Mexico Beach has adopted an ordinance calling the said election and has stated the following reasons for the adoption of the proposed amendments to the Charter:

**AS TO THE QUESTION:**

Is it desirable for the City Charter to be amended to provide for maximum building heights?

The places of voting shall be the usual places in the City of Mexico Beach during the general election scheduled on Tuesday, April 16, 2024, and the polls shall open from 7:00 a.m. to 7:00 p.m. on the said date. All duly qualified electors residing within the City of Mexico Beach shall be entitled to participate and vote in said referendum election.

The ballot containing the question to be so submitted to the electors shall be in substantially the following form:

**BALLOT**

**CITY OF MEXICO BEACH, FLORIDA**

**QUESTION: AMENDMENT TO THE CHARTER ADDING SECTION 1.06 TO ARTICLE I OF THE CHARTER SETTING MAXIMUM BUILDING HEIGHTS TO THOSE SET FORTH IN THE CITY LAND DEVELOPMENT CODE AS OF THE ADOPTION OF THIS REFERENDUM.**

Shall the Charter be amended to add Section 1.06 to Article I of the Charter setting maximum building heights to those contained in the City's Land Development Code as of the effective date of this referendum. Said restrictions would only pertain to the properties currently situated within the City's boundaries as of the date of this referendum.

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**INSTRUCTION TO VOTERS:** If you are in favor of the adoption of the foregoing amendment to the Charter, mark the space to the left of the word "YES". If you are not in favor of the adoption of the foregoing amendment, mark the space to the left of the word "NO".