

ORDINANCE NO. 849

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA AMENDING THE CITY'S LAND DEVELOPMENT CODE TO MODIFY ALL OR CERTAIN PORTIONS OF SECTIONS 2.02.02, 2.02.07, 3.00.04, and 6.01.00 TO AMEND AND CLARIFY SETBACKS IN A TOWNHOME LAND USE/ZONING DISTRICT; PROVIDING FOR A REPEALER, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, LIBERAL CONSTRUCTION AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as provided in Article VIII, Section 2(b) of the Constitution of the State of Florida, and Section 166.021(1) of the Florida Statutes, the City of Mexico Beach, Florida ("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;

WHEREAS, Chapters 163 and 166 of the Florida Statutes provide for the City to regulate land use/zoning and development and implement its Comprehensive Plan through land development regulations that comprise the City's Land Development Code;

WHEREAS, the Mexico Beach Planning and Zoning Board, acting as the Local Planning Agency, reviewed this amendment to the Land Development Code on December 2, 2024, during a duly noticed public hearing and recommended certain amendments be approved by the Mexico Beach City Council;

WHEREAS, pursuant to Section 166.041 of the Florida Statutes, the Mexico Beach City Council held public hearings on January 28, 2025, and February 11, 2025, to consider the amendment, and after consideration of the public comments received during the public hearing, adopted this Ordinance to amend its Land Development Code; and

WHEREAS, the City Council hereby finds and determines that the approval of this Ordinance to the Land Development Code is consistent with the Goals, Objectives and Policies of the City's Comprehensive Plan, as amended.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEXICO BEACH THAT:

SECTION 1. APPROVAL AND ADOPTION OF AMENDMENT

Sections 2.02.02D, 2.02.07, 3.00.04, and 6.01.00 of the City's Land Development Code are amended as set forth on Exhibit "A" attached hereto and made a part hereof.

SECTION 2. REPEAL

All codes, ordinances or resolutions or parts of codes, ordinances or resolutions or portions thereof of the City in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 3. SEVERABILITY

If any section, subsection, sentence, clause, phrase or other portion of this Ordinance, or any particular application thereof shall be held invalid or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION 4. SCRIVENER'S ERRORS.

The City Attorney may correct any scrivener's errors found in this Ordinance by filing a corrected copy of the Ordinance with the Clerk. A scrivener's error may not include an amendment that changes the context or meaning of the Ordinance.

SECTION 5. ORDINANCE TO BE LIBERALLY CONSTRUED.

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 6. CODIFICATION.

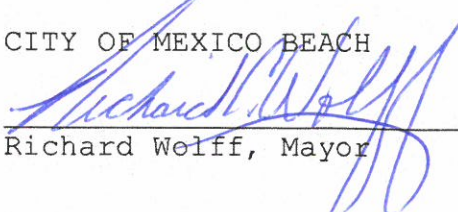
The provisions of this Ordinance shall become and be made part of the Land Development Code of the City. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 7. EFFECTIVE DATE.

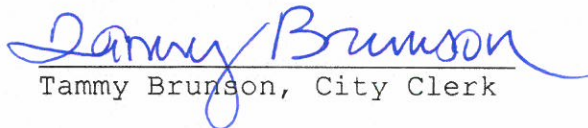
This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED, AND ADOPTED at a duly noticed public meeting of the City Council of the City Mexico Beach as of this 11th day of February, 2025.

CITY OF MEXICO BEACH


Richard Wolff, Mayor

ATTEST:


Tammy Brunson, City Clerk

*In this Ordinance, language added to an existing section is printed in underscored type, and language deleted is printed in ~~struck through type~~.

Ordinance 849 Exhibit A

ARTICLE II ZONING

2.01.00 ZONING DISTRICTS

2.02.02 Zoning Districts

D. Townhome District

1. District Intent		2. Allowable Location
This zoning district is created to specifically allow common wall townhomes within the City. This district allows for single family attached and multi-family attached residential dwelling units at a maximum density of 8 dwelling units per acre.		The Townhome District is allowed within the High Density Residential Future Land Use Category.
3. Principal Uses	4. Uses Allowed With Council Approval	5. Prohibited Uses
a. Residential single family, attached; residential single family, detached. b. Multi-family c. Residential care facilities, d. Group homes	a. Docks, piers, wharves, and similar structures in City Waters.	a. Mobile homes b. RV parks c. Landfills. d. Hazardous waste collection and handling centers. e. Borrow pits. f. Pastures, forestry, feed lots, and buildings which are an accessory to these agricultural uses. g. Junkyards and salvage yards. h. Firing ranges i. Marinas j. Miniature golf courses k. Race tracks l. Medical marijuana treatment center m. multi-family residential on a single parcel.

7. Development Standards					
Setbacks				Impervious Surface Ratio	Max Height
Front	Side ¹	Rear	Corner		
20 feet	0 feet <u>7.5 feet. If there is a common wall or attachment easement shared by the residential units, then the setback shall be 0 feet.</u>	10 feet	10 feet	0.85	32 feet

¹ ~~For any parcel that shares a side boundary with a parcel is not zoned Townhome District, that Townhome District parcel must comply with a 7.5 foot side setback on that shared side boundary.~~

2.02.07 Setbacks

A. If the site is adjacent to a major arterial roadway, the front setback for the site will be that portion abutting the arterial roadway in all zoning categories.

B. ~~If the applicable zoning district setbacks allow, The~~ structure may be built on the property line provided the structure is built with a common wall or the owner shall grant an attachment easement to the adjacent property owner(s) ~~in Tourist Commercial and General Commercial only.~~

C. Minimum Setbacks Between Buildings

1. The minimum distance between adjacent buildings shall be ten (10) feet, except that no setback between buildings is required where a common wall is constructed or an attachment easement has been created pursuant to paragraph B of this Section.

2. Distance shall be measured from the exterior wall of a permanent structure, or any portion of the permanent structure, as measured at the narrowest space between structures, ~~whether a main living unit, principal structure, an allowable attachment, or an accessory use,~~ and shall not include roof overhang (eave) or building services equipment.

3. ~~Single-family detached Residential structures/dwellings built either on Tourist Commercial, or General Commercial, outside of the High Density Residential, Residential General, Residential Low Density, and Tourist Mixed Use zoning districts property must adhere to Residential building the setback requirements as shown in Section 2.02.02.B with the exception of front setbacks. The front setback remains twelve (12) feet.~~

D. Minimum Setbacks for ~~Conservation Preservation~~ District

Building setbacks may be greater than stated ~~above in Section 2.02.02.1~~ when building on sites next to or containing environmentally sensitive lands. ~~These setback requirements are listed in Sections 5.02.03-B, 5.03.05-B4, 5.02.05-B, and 5.02.05-2A of this Code.~~

E. ~~Limited Setback Waiver~~

~~For twenty four (24) months following the effective date of Ord. 781, the City will continue to consider development order applications with reduced setbacks as provided below and may approve those applications if all of the following requirements are met:~~

- ~~1. The limited setback waiver allows a new primary structure to be built in the same footprint as the previous primary structure as that footprint existed on October 9, 2018;~~
- ~~2. This waiver does not apply if the use of the property will change (e.g. building a dwelling unit where a business was located or building a business where a dwelling unit was located);~~
- ~~3. This waiver does not apply if the number of dwelling units on the parcel will increase;~~
- ~~4. This waiver does not apply to accessory structures, which must comply with the applicable current rules;~~
- ~~5. This waiver follows the land, rather than being personal to an owner;~~
- ~~6. The waiver expires upon the expiration of the development order, but if the project was constructed pursuant to the development order, it will be protected by the City's regular non-conforming use rules thereafter;~~
- ~~7. The request for this limited setback waiver must be part of normal development order application and only the regular application fee will apply to it;~~
- ~~8. Applicants must complete forms prescribed by the City Administrator or her designee and provide surveys, building plans and other relevant documents if requested to either confirm the boundaries of the prior building footprint or its distance from the property boundaries or to determine whether the requirements of this ordinance have been met;~~
- ~~9. All development orders granted with this limited setback waiver shall state that the requirements of this ordinance have been met and shall describe the reduced setbacks or buildable area applicable to the parcel; and~~
- ~~10. The City shall deny any application that does not strictly meet the requirements of this ordinance, but such requests may be considered under standard variance procedures upon subsequent application by the owner.~~

~~Approval of this limited setback waiver does not reduce or modify any obligation to comply with all other rules promulgated by the City and the Florida Building Code.~~

(Ord. 711, passed 2-5-2019; Ord. 781, passed 4-12-2022)

ARTICLE III SUBDIVISION REGULATIONS

3.00.00 GENERAL PROVISIONS

3.00.04 Definitions

Setback

~~The required minimum horizontal distance between the permanent exterior wall of a structure, or any portion of the permanent structure, as measured at the narrowest space between that point and the platted lot or parcel boundary. building line and the related front, side, or rear property line. The measurement shall not include an overhang which is twenty-four (24) inches or less, but shall include any overhang that is greater than twenty-four (24) inches.~~

ARTICLE VI OFF STREET PARKING, CIRCULATION AND ACCESS

6.01.00 DEFINITIONS

Setback

~~The measurement from the exterior wall of a permanent structure, or any portion of the permanent structure, as measured at the narrowest space between that point and the recorded property or parcel boundary. The measurement shall not include an overhang which is twenty-four (24) inches or less, but shall include any overhang that is greater than twenty-four (24) inches. The lateral distance between the right-of-way line and the roadside business, building, gasoline pump, curb base, display stand, or other object. The provision of the setback will result in space for vehicles to stop or park between such facilities and the right-of-way line.~~