

MEXICO BEACH

Land Development Code

As Amended through February 13, 2024



Published by:

American Legal Publishing Corporation

525 Vine Street, Suite 310

Cincinnati, Ohio 45202

Tel: (800) 445-5588

Internet: <http://www.amlegal.com>

ARTICLE I

GENERAL PROVISIONS GENERAL PROVISIONS, ADMINISTRATION, AND ENFORCEMENT

1.00.00 TITLE

This Code shall be entitled the "City of Mexico Beach Land Development Code" and may be referred to herein as the "Code" or "LDC."

(Ord. 711, passed 2-5-2019; Ord. 819, passed 11-14-2023)

1.01.00 AUTHORITY

This Land Development Code is enacted pursuant to the requirements and authority of F.S. § 163.3202 (the Community Planning Act), the City Charter (effective as of September 12, 2008), and the general powers in F.S. Chapter 166, (City Government).

(Ord. 711, passed 2-5-2019)

1.02.00 APPLICABILITY

1.02.01 General Applicability

Except as specifically provided below, the provisions of this Code shall apply to all development in the City and no development shall be undertaken without prior authorization pursuant to this Code.

(Ord. 711, passed 2-5-2019)

1.02.02 Exceptions

- A. Previously Issued Development Permits

The provisions of this Code and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit if:

1. The development activity authorized by the permit has been commenced prior to the effective date of this Code.
2. The development activity continues without interruption (except because of war or natural disaster) until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this Code.

B. Consistency with Plan

Nothing in this Section shall be construed to authorize development that is inconsistent with the City of Mexico Beach Comprehensive Plan.

(Ord. 711, passed 2-5-2019)

1.03.00 FINDINGS

1.03.01 General Findings

A. Statutory Requirement

Florida Statutes, Chapter 163, requires each Florida local government to enact a single land development code which implements and is consistent with the local comprehensive plan and which contains all land development regulations for the City.

B. General Public Need

Controlling the location, design and construction of development within the City is necessary to maintain and improve the quality of life in the City as more fully described below.

(Ord. 711, passed 2-5-2019)

1.03.02 Specific Findings Relating to the Various Subject Areas of this Code

With regard to the following specific subject areas of this Code, the City Council finds:

A. Administration and Enforcement

1. A single set of administrative procedures for making all land use decisions promotes efficiency, predictability, and citizen participation.

2. All development proposals should undergo a development review process to assure compliance with the requirements of this Code.

3. All administrative decisions should be supported by a record with written findings to assure accountability and efficient appellate review.

4. A quick, efficient, and non-political avenue of appeal should be available for all ministerial and administrative decisions.

5. Enforcement of development orders and the provisions of this Code should be through procedures that are efficient, effective and consistent with the code enforcement procedures established by state law.

B. Signs

1. The manner of the erection, location, and maintenance of signs affects the public health, safety, morals, and welfare of the people of this community.

2. The safety of motorists, cyclists, pedestrians, other users of the public streets is affected by the number, size, location, lighting, and movement of signs that divert the attention of drivers.

3. The size and location of signs may, if uncontrolled, constitute an obstacle to effective fire-fighting techniques.

4. The construction, erection, and maintenance of large signs suspended from or placed on the tops of buildings, walls, or other structures may constitute a direct danger to pedestrian and vehicular traffic below, especially during periods of strong winds.

5. Uncontrolled and unlimited signs may degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic values of tourism, visitation, and permanent economic growth.

C. Landscaping and Tree Protection

1. Landscaping and buffering development with trees and other vegetation promotes the health, safety and welfare of the community to such an extent as to justify the imposition of landscaping and buffering requirements.

2. Trees and landscaping benefit the community by:

- a. Absorbing carbon dioxide and returning oxygen to the atmosphere;

- b. Precipitating dust and other particulates from the air;
- c. Providing wildlife habitat, particularly for birds which in turn help control insects;
- d. Providing soil stabilization which reduces erosion and mitigates the effect of flooding;
- e. Providing shade which reduces energy consumption and glare, making outdoor areas more comfortable during the warm months;
- f. Making the built environment more attractive by adding a variety of color, shape, and pattern and thus increasing community pride and the value of property;
- g. Providing attractive buffering between incompatible land uses; and
- h. Abating noise.

3. Because native vegetation is adapted to local diseases, pests, soil, and climate, it is generally more economical and desirable than exotic species which require more pesticide, fertilizer and water.

4. Exotic vegetation can crowd out native vegetation, use more water, and damage the environment from increased use of fertilizers and pesticides.

5. Because some trees are more beneficial than others, the public benefits of tree protection may be obtained without preserving each and every tree.

D. Off-Street Parking and Loading

1. Off-street parking and loading of vehicles promotes the public safety and welfare by reducing traffic congestion.
2. Well-designed off-street parking and loading areas promote the safe and efficient storage, loading, and circulation of vehicles.
3. Deferring the construction of some parking areas pending determination of the actual need for parking spaces, and taking into account public demand and the size of vehicles to be parked, conserves open space and developable land, and reduces the expense and hazard of controlling stormwater runoff.
4. Allowing the use of porous paving materials and unpaved parking areas whenever possible conserves water and energy, moderates the microclimate, and reduces the expense and hazards of controlling storm water runoff.

E. Stormwater Management

1. Increased stormwater runoff may cause erosion and pollution of ground and surface water with a variety of contaminants such as heavy metals and petroleum products.
2. Stormwater runoff often contains nutrients, such as phosphorus, and nitrogen, which adversely affect flora and fauna by accelerating eutrophication of receiving waters.
3. Erosion silts up water bodies, decreases their capacity to hold and transport water, interferes with navigation, and damages flora and fauna.
4. Installation of impervious surfaces increases the volume and rate of stormwater runoff and decreases groundwater recharge.
5. Improperly managed stormwater runoff increases the incidence and severity of flooding and endangers property and human life.
6. Improperly managed stormwater runoff alters the salinity of estuarine areas and diminishes their biological productivity.
7. Degradation of ground and surface waters imposes economic costs on the community.
8. Eighty to ninety-five percent of the total annual loading of most stormwater pollutants discharged into receiving waters are concentrated in the flush created by the first one inch of rainfall ("first flush"), and carried off-site in the first one-half inch of runoff.
9. Improperly managed stormwater adversely affects the drainage of off-site property.

F. Floodplain Protection

1. Flooding is a natural, recurring occurrence in the City.
2. Naturally flood-prone lands serve the following important functions in the regional hydrologic cycle and ecological system:
 - a. They provide natural storage and conveyance of flood waters.
 - b. They facilitate groundwater recharge.
 - c. They provide temporary storage of surface waters that moderates flood elevations and the timing, velocity, and rate

of flood discharges.

d. Flooding of developed properties may lead to demands that the government construct expensive and environmentally damaging projects to control flood waters.

e. Normally flood-free lands are placed at risk of flooding when flood waters on natural flood-prone areas are obstructed, diverted, displaced, or channelized by development.

f. Water quality is degraded, the supply of freshwater to estuaries is disrupted and habitat is lost.

g. Property values are lowered and economic activity is disrupted by damaging floods.

G. Protection of Environmentally Sensitive Lands and Other Protected Natural Resources

1. Protection of environmentally sensitive lands and other natural resources promote the well being of the people of the City as described below and in the Conservation Element of the Comprehensive Plan.

2. Wetlands serve the following beneficial functions:

a. Wetlands provide natural storage and conveyance of flood waters and minimize erosion and sedimentation by reducing flood flows and the velocity of flood waters.

b. Coastal wetlands, and inland wetlands adjoining larger lakes and rivers, protect wildlife and the shoreline from destructive wave action.

c. Wetlands filter and help decompose sediments, nutrients, and other natural and man-made pollutants that would otherwise degrade surface and ground waters.

d. Wetlands support commercial and recreational fishing because they provide essential nutrients and hatcheries for aquatic life.

e. Wetlands provide habitat for rare and endangered species, and provide essential breeding and protective habitats for many other birds, mammals, and reptiles.

f. Wetlands recharge ground and surface water.

3. Shorelines serve the following beneficial functions:

a. Land adjoining waters or wetlands, which can generally be divided into submergent, transitional, and upland vegetation zones, provides essential habitat for many plant and animal species, including species that are endangered, threatened, or of special concern.

b. Submergent, transitional, and upland vegetation zones serve as effective buffers against noise and other human activities which may have adverse affects on aquatic and wetland dependent wildlife.

c. Submergent, transitional, and upland vegetation zones help slow stormwater runoff flows and increase infiltration of water, nutrients, and other substances.

d. Submergent, transitional, and upland vegetation zones reduce predation by domestic pets on wetland and wetland dependent wildlife species.

4. Federal and state regulations mandate the protection of endangered and threatened species.

5. Agricultural and development activities have destroyed or impaired the beneficial functions of many environmentally sensitive lands in the City.

6. Federal and state regulations do not adequately protect environmentally sensitive lands, thus making local regulation necessary.

(Ord. 711, passed 2-5-2019)

1.04.00 INTENT

1.04.01 General Intent

With regard to this Land Development Code in general, its provisions shall be construed and implemented to achieve the following intentions and purposes of the City Council:

A. To establish the regulations, procedures and standards for review and approval of all proposed development in the City.

B. To foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, aesthetically pleasing and socially beneficial development of the City in accordance with the Comprehensive Plan.

C. To adopt a development review process that is:

1. Efficient, in terms of time and expense;

2. Effective, in terms of addressing the natural resource and public facility implications of proposed development; and

3. Equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of the City.

D. To implement the Comprehensive Plan as required by the “Community Planning Act.”

E. To provide specific procedures to ensure that development orders and permits are conditioned on the availability of public facilities and services that meet level of service requirements (concurrency).

(Ord. 711, passed 2-5-2019)

1.05.00 INCORPORATION BY REFERENCE

1.05.01 Technical Manuals

F.D.O.T. “Manual of Uniform Minimum Standards for Design,” (most recent edition).

(Ord. 711, passed 2-5-2019; Ord. 819, passed 11-14-2023)

1.05.02 Maps

City Zoning Map

(Ord. 711, passed 2-5-2019; Ord. 819, passed 11-14-2023)

1.06.00 RULES OF INTERPRETATION

1.06.01 Generally

In the interpretation and application of this Code all provisions shall be liberally construed in favor of the objectives and purposes of the City and deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 711, passed 2-5-2019)

1.06.02 Responsibility for Interpretation

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of this Code, the City Administrator shall be responsible for interpretation and shall look to the City Comprehensive Plan for guidance. Responsibility for interpretation by the City Administrator shall be limited to standards, regulations, and requirements of this Code, but shall not be construed to include interpretation of any technical codes adopted by reference in this Code, nor be construed as overriding the responsibilities given to any commission, board, or official named in other sections or articles of this Code.

(Ord. 711, passed 2-5-2019)

1.06.03 Computation of Time

The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.

(Ord. 711, passed 2-5-2019)

1.06.04 Delegation of Authority

Whenever a provision appears requiring the head of a department or some other City officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

(Ord. 711, passed 2-5-2019)

1.06.05 Gender

Words importing any gender shall be construed to include all genders.

(Ord. 711, passed 2-5-2019)

1.06.06 Number

Words in the singular shall include the plural and words in the plural shall include the singular.

(Ord. 711, passed 2-5-2019)

1.06.07 Shall, May

The word “shall” is mandatory; “may” is permissive.

(Ord. 711, passed 2-5-2019)

1.06.08 Written or In Writing

The term “written” or “in writing” shall be construed to include any representation of words, letters, or figures, whether by

printing or otherwise.

(Ord. 711, passed 2-5-2019)

1.06.09 Year

The word “year” shall mean a calendar year, unless otherwise indicated.

(Ord. 711, passed 2-5-2019)

1.06.10 Day

The word “Day” shall mean a working day, unless a calendar day is indicated.

(Ord. 711, passed 2-5-2019)

1.06.11 Boundaries

Interpretations regarding boundaries of Zoning Districts shall be made in accordance with the following:

A. Boundaries shown as following or approximately following any street shall be construed as following the centerline of the street.

B. Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such line.

C. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.

D. Boundaries shown as following or approximately following natural features shall be construed as following such features.

(Ord. 711, passed 2-5-2019)

1.06.12 Relationship of Specific to General Provisions

More specific provisions of this Code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

(Ord. 711, passed 2-5-2019)

1.07.00 REPEAL OF PRIOR PROVISIONS

Any ordinances and provisions in conflict with these regulations are hereby amended by this Code as of the effective date of this Code.

(Ord. 711, passed 2-5-2019)

1.08.00 ABROGATION

This Land Development Code is not intended to repeal, abrogate or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of the City.

(Ord. 711, passed 2-5-2019)

1.09.00 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Code is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this Code shall continue in full force and effect.

(Ord. 711, passed 2-5-2019)

1.10.00 EFFECTIVE DATE

The effective date of this Code is May 21, 1991. All amendments to the Land Development Code are effective as provided by law.

(Ord. 711, passed 2-5-2019; Ord. 819, passed 11-14-2023)

1.11.00 RESERVED

1.12.00 ENFORCEMENT

1.12.01 Decision Making Procedures

It is the intent of the City Council that any person affected by actions taken as a result of this LDC shall be afforded due process of law. Public hearing and notice requirements are set forth in this section.

(Ord. 819, passed 11-14-2023)

1.12.02 Legislative Actions

The following actions by the City Council shall be considered legislative:

- A. Any amendment to the Comprehensive Plan, including any amendment to the Future Land Use Map.
- B. Any amendment to the text of this Code.

(Ord. 819, passed 11-14-2023)

1.12.03 Legislative Hearing Procedures

The following procedures shall apply to legislative actions:

A. A request for any legislative action shall be made by application on a form provided by the City no less than thirty (30) days prior to the first public hearing when the request will be heard. Any applicable fees shall accompany the application submission. This requirement does not ensure the request will be heard at the next subsequent public hearing. A determination of completeness and compliance must first be made.

B. Within seven (7) calendar days of receipt of the request, the City Administrator, or their designee, shall determine if the application is complete and sufficient for review and shall notify the applicant of the determination of completeness in writing by electronic mail or by U.S. postal service.

C. There shall be a minimum of three (3) public hearings to consider any legislative action. The first public hearing shall be conducted by the Planning and Zoning Board, which shall make a recommendation to the City Council. The second and third public hearings shall be conducted at meetings of the City Council, where the ordinance affecting the change(s) shall be considered. This section does not preclude additional hearings from occurring, as either the Planning and Zoning Board or the City Council elects to hold additional meetings based on the conditions of the individual case.

D. After the applicant receives confirmation of the meeting dates from the City, the applicant is responsible for the provision of notice of the public hearings on a legislative action. The applicant shall notify property owners, as outlined below, with all three (3) hearing dates in the notification package. This shall include the Planning and Zoning Board hearing date and both of the City Council hearing dates. The notice requirements are as follows:

1. For any amendment to the Future Land Use Map:

i. A certified letter containing a description of the requests and hearing information shall be mailed to the property owner of record, as published by the Bay County Property Appraiser at the time of the application, to those property owners within three hundred (300) feet of the parcel subject to the request. If multiple parcels are subject to the request, the measurement shall be taken three hundred (300) feet from each parcel. The notice shall be postmarked no sooner than fifteen (15) days prior to the date of the first hearing. The notice must include the following information:

- a. A summary which shall include the intent and purpose of the request.
- b. The address (if one is assigned) and Bay County Property Appraiser parcel identification number.
- c. The location, time, and date of the scheduled hearing.
- d. A map indicating the location of the subject parcel with roadways and other locational factors shown (e.g., waterbodies).

ii. Within five (5) working days of the first scheduled hearing (one week prior), the applicant shall submit to the City:

- a. A copy of the letter and map sent to each of those property owners within the three hundred (300) foot radius of the subject parcel.
- b. Each of the certified receipts. A photocopy of all receipts is acceptable.
- c. A list of the property owners who were mailed a notice package.

If the applicant does not supply this evidence to the City Administrator or their designee by the deadline provided, the request shall be removed from the scheduled agendas and a re-notice shall be required with the new meeting dates.

If the letter and/or map included in the package does not include all correct and required information for the property owner to adequately understand the purpose, time, and dates of hearings, or location of hearings, the request shall be removed from the scheduled agendas and a re-notice shall be required with the correct and required information.

E. At least fifteen (15) days, but no more than thirty (30) days prior to the first public hearing, the City of Mexico Beach shall place a notice sign on the subject parcel in a location that is visible from the most vehicular traveled public right-of-way noting the action requested with the time, date, and location of the hearing.

F. The City shall cause notification to be provided as set forth in F.S. § 50.0311, as applicable.

(Ord. 819, passed 11-14-2023)

1.12.04 Quasi-judicial Actions

The following actions made by the City Council shall be considered quasi-judicial:

- A. A variance request from the requirements of this LDC.
- B. Issuance of development orders or permits that are not issued administratively.
- C. Development Agreements.
- D. Appeals from administrative decisions.
- E. Subdivision plats.
- F. Changes to the Zoning Map.
- G. Adoption of a Planned Unit Development (PUD).

(Ord. 819, passed 11-14-2023)

1.12.05 Quasi-judicial Hearing Procedures

The following procedures shall apply to quasi-judicial actions:

A. A request for any quasi-judicial action shall be made by application on a form provided by the City no less than thirty (30) days prior to the first public hearing that will schedule the request. Any applicable fees shall accompany the application submission. This requirement does not ensure the request will be heard at the next subsequent public hearing. A determination of completeness and compliance must first be made.

B. Within seven (7) calendar days of receipt of the request, the City Administrator, or their designee, shall determine if the application is complete and sufficient for review and shall notify the applicant of the determination of completeness in writing by electronic mail or by U.S. postal service.

C. There shall be a minimum of two (2) public hearings to consider any quasi-judicial action. The first public hearing shall be conducted by the Planning and Zoning Board, which shall make a recommendation to the City Council. The second public hearing shall be conducted at a meeting of the City Council, where the request shall be considered. This section does not preclude additional hearings from occurring, as either the Planning and Zoning Board or the City Council elects to hold additional meetings based on the conditions of the individual case. Additionally, any request that requires action by adoption of an ordinance shall have a minimum of three (3) hearings.

D. After the applicant receives confirmation of the meeting dates from the City, the City applicant is responsible for the provision of notice of the public hearings for this type of action. The applicant shall notify property owners, as outlined below, with all applicable hearing dates in the notification package. This shall include the Planning & Zoning Board hearing date and both of the City Council hearing dates. The notice requirements are as follows:

1. For any quasi-judicial decision:

i. A certified letter containing a description of the requests and hearing information shall be mailed to the property owner of record, as published by the Bay County Property Appraiser at the time of the application, to those property owners within three hundred (300) feet of the parcel subject to the request. If multiple parcels are subject to the request, the measurement shall be taken three hundred (300) feet from each parcel. The notice shall be postmarked no sooner than fifteen (15) days prior to the first date of the hearing. The notice must include the following information:

- a. A summary which shall include the intent and purpose of the request.
- b. The address (if one is assigned) and Bay County Property Appraiser parcel identification number.
- c. The location, time, and date of the scheduled hearing.
- d. A map indicating the location of the subject parcel with roadways and other locational factors shown (e.g., waterbodies).

ii. Within five (5) working days of the first scheduled hearing (one week prior), the applicant shall submit to the City:

- a. A copy of the letter and map sent to each of those property owners within the three hundred (300) foot radius of the subject parcel.
- b. Each of the certified receipts. A photocopy of all receipts is acceptable.
- c. A list of the property owners who were mailed a notice package.

If the applicant does not supply this evidence to the City Administrator or their designee by the deadline provided, the request shall be removed from the scheduled agendas and re-notice shall be required with the new meeting dates. If the letter and/or map included in the package does not include all required information for the property owner to adequately understand the purpose, time, and dates of hearings, or location of the hearing, the request shall be removed from the scheduled agendas and a re-notice shall be required with the correct and required information.

E. At least fifteen (15) days, but no more than thirty (30) days prior to the first public hearing, the City of Mexico Beach shall place a notice sign on the subject parcel in a location that is visible from the most vehicular traveled public right-of-way noting the action requested with the time, date, and location of the hearing.

F. The City shall cause notification to be provided as set forth in F.S. § 50.0311, as applicable.

(Ord. 819, passed 11-14-2023)

1.12.06 Quasi-judicial Hearing Standards

The following standards shall apply to quasi-judicial hearings held before the Planning and Zoning Board and before the City Council:

A. Ex parte communications shall be disclosed prior to any testimony or presentation of the case.

B. Any party or intervenor to the hearing may present evidence, cross-examine witnesses, and be informed as to all of the facts upon which the City Council acts. The attorney for the presiding body shall make rulings on any evidentiary issue presented. Any presentations made by the applicant or any party or intervenor in an evidentiary presentation shall not be limited in time.

C. The presiding body shall make decisions based on findings of fact that are available to all parties involved. The presiding body shall specifically state the reasons for denial of an application or request.

D. A record of the hearing shall be compiled and preserved. The record must be in sufficient detail as to provide for judicial review of the legal sufficiency of the evidence to support the findings of fact made, the legal sufficiency of the findings of fact supporting the reasons given, and the legal adequacy under applicable law. Any person wishing to appeal any decision must ensure that a verbatim recording of the proceeding is made.

E. All witnesses shall testify under oath and witness testimony shall not be limited in time.

(Ord. 819, passed 11-14-2023)

ARTICLE II

ZONING

2.00.00 GENERALLY

2.00.01 Purpose

The purpose of this Article is to describe the specific uses and restrictions that apply to Zoning Districts in the land use element of the comprehensive plan. These regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies of the City of Mexico Beach as expressed in the City Comprehensive Plan.

(Ord. 711, passed 2-5-2019)

2.00.02 Definitions

Abut

To physically touch or border upon, or to share a common property line.

Adult Congregate Living Facility (ACLF)

A type of residential care facility, defined in F.S. Chapter 400, Part 2.

Agricultural Activity

Any farming and forestry operation affecting land or waters such as site preparation, clearing, fencing, contouring, soil preparation, plowing, planting, harvesting, construction of access roads, extraction of stumps and submerged logs, and placement of bridges and culverts.

Beach

"Beach" means that area of unconsolidated material that extends landward from the mean low-water line of the Gulf of Mexico, to the frontal dune, or where there is no frontal dune, to the line of permanent vegetation or construction, whichever is more seaward.

Condominiums

A multiunit project consisting of individual ownership of a dwelling unit and undivided ownership of common areas.

Density or Gross Density

The total number of dwelling units divided by the total site area, including land dedicated or proposed to be dedicated for public or private rights-of-way.

Duplex

A multi-family dwelling containing two housing units that share a common roof and dividing wall. A duplex provides complete but independent living facilities for two housekeeping units, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A duplex may not contain an accessory apartment pursuant to the LDR.

Dwelling Unit

A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Group Homes

Half-way houses, juvenile housing facility, nursing homes.

Junkyard

Premises or portions thereof used for the storage or sale of used and discarded materials, including but not limited to, paper, rags, metal, building materials, appliances, household furnishings, machinery, vehicles, equipment, or parts thereof. The storage for a period of two (2) or more months of two (2) or more wrecked or partly dismantled motor vehicles, parts of dismantled motor vehicles, or the sale of parts thereof, not capable of or not intended to be restored to highway operating condition shall also constitute a junkyard. For the purposes of this Code, such uses as automobile reclaiming businesses, automotive wrecking businesses, automotive salvage businesses, and recycling centers shall be considered junkyards.

Lot

For zoning purposes, as covered by this Code, a "lot" is a parcel of land at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as herein required. Such "lot" may have frontage on an improved public street and may consist of: a single lot of record; a portion of a lot of record; a combination of complete lots of record or of portions of lots of record; or a parcel of land described by metes and bounds description, provided that in no case, division or combinations, shall any residential lot or parcel be created which does not meet the requirements of this Code.

Lot of Record

Land designated as a separate and distinct parcel on a legally recorded subdivision plat or in a legally recorded deed filed in the records of the Clerk of Courts in Bay County, Florida.

Manufactured Building

A closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer certified in conformance with this part. This part does not apply to mobile homes.

Mobile Home

A housing unit constructed to standards promulgated by the United States Department of Housing and Urban Development through the Federal Manufactured Home Construction and Safety Standard Act of 1976. The structure is transportable in one or more sections, which is eight (8) body feet or more in width, over thirty-five (35) body feet in length with the hitch, built on an integral chassis, designed to be used as a dwelling when connected to the required utilities, and not originally sold as a recreational vehicle, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. All manufactured/modular homes are required to submit a pre-placement survey depicting the home on the property.

Modular Home

A housing unit composed of factory-built sections and subject to local and State of Florida building codes.

Multi-Family Dwelling

Any residential structure containing two (2) or more separate dwelling units.

Neighborhood

Based upon the context where used, "neighborhood" can mean a defined, platted area such as a residential subdivision or, a general area situated within one-tenth (1/10) mile from any given location in a town or city.

Parcel

A unit of land within legally established property lines.

Plat

A map or drawing depicting the division of land into lots, blocks parcels, tracts, sited, or other divisions set forth in F.S. Chapter 177.

Recreation Vehicle

A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Single-Family Dwelling

A structure containing one (1) dwelling unit and not attached to any other dwelling unit by any means. A single-family unit may contain an accessory apartment pursuant to this Code.

Studios

A structure used as a working place for small personal businesses including the following uses:

- (1) arts and crafts
- (2) art, music, dancing, singing, or acting
- (3) photography

(Ord. 711, passed 2-5-2019)

2.01.00 ZONING DISTRICTS

Zoning Districts for the City of Mexico Beach are outlined generally in the Comprehensive Plan, Future Land Use Element, including a map series (atlas) and shall be considered as a factor in determining future zonings and re-zonings. The actual Zoning Districts and classifications defined in the Land Development Codes and delineated on the Official Zoning map of the City of Mexico Beach shall be the determinants of permissible activities on any parcel in the jurisdiction. Refer to the Land Development Codes, specifically including but not limited to sections 2.00 et seq., 3.00 et seq., 6.00 et seq., and 7.00 et seq., for the definitions of each use category and for all setback, parking, density, pavement, height, and new development requirements and restrictions. Allowable uses are shown in Section 2.02.02 to correlate individual land use activities with Zoning Districts. The City Council shall adopt an Official Zoning Map of the City of Mexico Beach and shall review, update, and revise as needed such map once every two years; however, failure to make such review in a timely manner shall not invalidate said map. The Official Zoning Map shall be placed at City Hall and be available for public inspection.

Residential Low-Density (RLD)

Residential General (RG)

High Density Residential (HDR)

Tourist Commercial (TC)

General Commercial (GC)

Public/Institutional District (PI)

Recreation District (REC)

Preservation District (PRS)

Tourist Mixed Use (TM)

(Ord. 711, passed 2-5-2019)

2.02.00 USES ALLOWED IN ZONING DISTRICTS

2.02.01 Generally

This Part defines and prescribes the specific uses and development standards allowed within each Zoning District described in the Comprehensive Plan and this Code.

(Ord. 711, passed 2-5-2019)

2.02.02 Zoning Districts

A. Residential Low Density

1. District Intent		2. Allowable Location	
This zoning district allows for single family residential at a maximum density of 6 dwelling units per acre and non-residential development as defined below.		The Residential Zoning District is allowed within the Residential Future Land Use Category.	
3. Principal Uses	4. Uses Allowed With Council Approval	5. Prohibited Uses	6. Accessory Uses

<ul style="list-style-type: none"> a. Residential single family b. Outdoor recreational uses, including arboretums, hiking trails, golf courses, playgrounds, ball fields, outdoor ball courts, outdoor swimming pools, c. Water-related or water-dependent uses, including boat ramps and fishing docks and piers d. Similar outdoor recreational uses, whether public or private. e. Educational facilities (public or private) f. Public buildings and grounds g. Pre-school and day care facilities (public or private) h. Churches i. Residential care facilities, j. Group homes k. Other similar institutional uses. 	<ul style="list-style-type: none"> a. Docks, piers, wharves, and similar structures in City Waters. 	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> a. Allowed: Pole barns, toolsheds, garages, greenhouses, storage sheds, pools and hot tubs, gazebos, private recreational facilities (tennis, basketball, etc.), doghouses, bathhouses, and other customary uses not restricted or prohibited either specifically or by nature of performance below. b. Restricted: Playhouses (100 square feet maximum). c. Prohibited: All other uses.
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7. Development Standards					
Setbacks				Impervious Surface Ratio	Max Height
Front	Side	Rear	Corner		
20 feet	7.5 feet	10 feet	10 feet	0.40	32 feet

B. Residential General

1. District Intent			2. Allowable Location		
This zoning district allows for single family and multi-family residential at a maximum density of 6 dwelling units per acre and non-residential development as defined below.			The Residential General Zoning District is allowed within the Residential General Future Land Use Category.		
3. Principal Uses		4. Uses Allowed With Council Approval	5. Prohibited Uses		6. Accessory Uses
<ul style="list-style-type: none"> a. Residential single family b. Multi-family c. Outdoor recreational uses, including arboretums, hiking trails, golf courses, playgrounds, ball fields, outdoor ball courts, outdoor swimming pools, d. Water-related or water-dependent uses, including boat ramps and fishing docks and piers e. Similar outdoor recreational uses, whether public or private. f. Educational facilities (public or private) g. Public buildings and grounds h. Pre-school and day care facilities (public or private) i. Churches j. Residential care facilities, k. Group homes l. Other similar institutional uses. 		<ul style="list-style-type: none"> a. Condominiums b. Docks, piers, wharves, and similar structures in City Waters. 	<ul style="list-style-type: none"> 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 		<ul style="list-style-type: none"> a. Allowed: Pole barns, toolsheds, garages, greenhouses, storage sheds, pools and hot tubs, gazebos, private recreational facilities (tennis, basketball, etc.), doghouses, bathhouses, personal service businesses where the service is performed on an individual-to-individual basis and other customary uses not restricted or prohibited either specifically or by nature of performance below. b. Restricted: Playhouses (100 square feet maximum). c. Prohibited: All other uses.
7. Development Standards					
Setbacks				Impervious Surface Ratio	Max Height
Front	Side	Rear	Corner		
20 feet	7.5 feet	10 feet	10 feet	0.40	32 feet

C. High Density Residential

1. District Intent				2. Allowable Location	
This zoning district allows for single family and multi-family residential at a maximum density of 8 dwelling units per acre and non-residential development as defined below.				The High Density Residential Zoning District is allowed within the High Density Residential Future Land Use Category.	
3. Principal Uses		4. Uses Allowed With Council Approval		5. Prohibited Uses	6. Accessory Uses
a. Residential single family b. Multi-family c. Outdoor recreational uses, including arboretums, hiking trails, golf courses, playgrounds, ball fields, outdoor ball courts, outdoor swimming pools, d. Water-related or water-dependent uses, including boat ramps and fishing docks and piers e. Similar outdoor recreational uses, whether public or private. f. Educational facilities (public or private) g. Public buildings and grounds h. Pre-school and day care facilities (public or private) i. Churches j. Residential care facilities, k. Group homes l. Other similar institutional uses.		a. Condominiums b. 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	a. Allowed: Pole barns, toolsheds, garages, greenhouses, storage sheds, pools and hot tubs, gazebos, private recreational facilities (tennis, basketball, etc.), doghouses, bathhouses, personal service businesses where the service is performed on an individual-to-individual basis and other customary uses not restricted or prohibited either specifically or by nature of performance below. b. Restricted: Playhouses (100 square feet max.). c. Prohibited: All other uses.
7. Development Standards					
Setbacks				Impervious Surface Ratio	Max Height
Front	Side	Rear	Corner		
20 feet	7.5 feet	10 feet	10 feet	0.50	32 feet

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	6. Accessory Uses
a. Residential single family, attached 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	a. Allowed only if the impervious surface is less than the maximum allowed: Sheds, detached garages, greenhouses, pools and hot tubs, gazebos, doghouses, bathhouses, personal service businesses where the service is performed on an individual-to-individual basis and other customary uses not restricted or prohibited either specifically or by nature of performance below. b. Prohibited: All other uses.
7. Development Standards					

Setbacks				Impervious Surface Ratio	Max Height
Front	Side ¹	Rear	Corner		
20 feet	0 feet	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.

E. General Commercial

1. District Intent		2. Allowable Location	
This zoning district allows for single family residential at a maximum density of 18 dwelling units per acre and commercial land uses as defined below.		The General Commercial Zoning District is allowed within the General Commercial Future Land Use Category.	
3. Principal Uses	4. Uses Allowed With Council Approval	5. Prohibited Uses	6. Accessory Uses
<ul style="list-style-type: none"> a. Community centers and fraternal lodges. b. Commercial or trade schools such as dance and martial arts studios c. Department stores and other retail sales stores, such as shoe stores, clothing stores, pharmacies, florists, and book stores. d. Funeral homes, cemeteries, and mortuaries. e. Farm and garden supply, building supply, and vehicle parts and accessories (including vehicle sales/service/repair). f. Grocery stores, supermarkets (including convenience stores), and specialty food stores (such as meat markets and bakeries). g. Hospitals h. Service businesses such as blueprint, printing, catering, tailoring, travel agencies, upholstery shops, laundries/dry cleaners, and light mechanical repair stores (such as camera, TV, or bicycle repair shops). i. Restaurants including open air cafes. j. Shopping centers (but not regional malls or centers). 	<ul style="list-style-type: none"> a. Condominiums b. Docks, piers, wharves, and similar structures in City Waters. 	<ul style="list-style-type: none"> a. Landfills. b. Hazardous waste collection and handling centers. c. Borrow pits. d. Pastures, forestry, feed lots, and buildings which are an accessory to these agricultural uses. e. Junkyards and salvage yards. f. Medical marijuana treatment center 	<p>Restricted:</p> <ul style="list-style-type: none"> a. Areas and sheds for outside storage shall be enclosed by opaque fencing of at least six (6) feet in height. b. No accessory buildings used for industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located nearer than one hundred (100) feet from any property line. <p>Prohibited:</p> <ul style="list-style-type: none"> c. All other uses.

3. Principal Uses	4. Uses Allowed With Council Approval	5. Prohibited Uses	6. Accessory Uses
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<ul style="list-style-type: none"> k. Theaters and auditoriums. l. Plant nurseries. m. Veterinary offices and animal hospital with outside kennels. n. Wholesale and retail businesses for storing and/or distributing goods. o. Mobile home parks, recreational vehicle, and travel trailer parks. p. Arcades, billiards/pool parlors, bowling alleys, indoor recreational centers, and gymnasiums/spas/ health clubs. q. Small taverns and bars. r. Residential Single Family s. Multi-family t. Educational facilities (public or private) u. Public buildings and grounds v. Pre-school and day care facilities (public or private) w. Churches x. Cemeteries without funeral homes, y. Residential care facilities, z. Group homes aa. Other similar institutional uses. bb. Personal service businesses where the service is performed on an individual-to-individual basis, including barber shops, beauty shops, boutiques, studios, or other similar uses. cc. Professional offices dd. Medical offices or clinics 			
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3. Principal Uses	4. Uses Allowed With Council Approval			5. Prohibited Uses	6. Accessory Uses
<ul style="list-style-type: none"> ee. Government offices ff. Financial institutions gg. Temporary uses, as defined in Section XX. hh. Lodging establishments 					
7. Development Standards					
Setbacks				Impervious Surface Ratio	Max Height
Front	Side	Rear	Corner		
12 feet	0 feet if attachment easement is in place; 5 feet if abutting residential property	10 feet	12 feet	0.90	48 feet

F. Tourist Commercial

1. District Intent	2. Allowable Location
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This zoning district allows for single family residential at a maximum density of 18 dwelling units per acre and commercial land uses as defined below.		The Tourist Commercial Zoning District is allowed within the Tourist Commercial Future Land Use Category.	
3. Principal Uses	4. Uses Allowed With Council Approval	5. Prohibited Uses	6. Accessory Uses
a. Boutiques b. Souvenir shops c. Restaurants and open air cafes d. Small hotels and small motels e. Marinas f. Single family dwellings g. Multi-family dwellings h. Gasoline sales and service i. Gasoline sales combined with small food marts n. Outdoor recreational uses, including arboretums, hiking trails, golf courses, playgrounds, ball fields, outdoor ball courts, outdoor swimming pools, o. Water-related or water-dependent uses, including marinas, boat ramps, fishing docks and piers p. Similar outdoor recreational uses, whether public or private. q. Educational facilities (public or private) r. Public buildings and grounds s. Pre-school and day care facilities (public or private) t. Churches u. Cemeteries without funeral homes, v. Residential care facilities, w. Group homes	a. Condominiums b. 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. Miniature golf courses j. Race tracks k. Medical marijuana treatment center	Restricted: a. Areas and sheds for outside storage shall be enclosed by opaque fencing of at least six (6) feet in height. b. No accessory buildings used for industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located nearer than one hundred (100) feet from any property line. Prohibited: c. All other uses.

3. Principal Uses	4. Uses Allowed With Council Approval	5. Prohibited Uses	6. Accessory Uses
x. Other similar institutional uses. y. Personal service businesses where the service is performed on an individual-to-individual basis. z. Temporary uses, as defined in Section XX.			

7. Development Standards					
Setbacks				Impervious Surface Ratio	Max Height
Front	Side	Rear	Corner		
12 feet	0 feet if attachment easement is in place; 5 feet if abutting residential property	10 feet	12 feet	0.80	32 feet

G. Public/Institutional

1. District Intent	2. Allowable Location
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This zoning district allows for public and institutional uses.				The Public/Institutional Zoning District is allowed within the Public/Institutional Future Land Use Category.	
3. Principal Uses		4. Uses Allowed With Council Approval		5. Prohibited Uses	6. Accessory Uses
a. Educational facilities (public or private) b. Public buildings and grounds c. Pre-school and day care facilities (public or private) d. Churches e. Cemeteries without funeral homes, f. Residential care facilities, g. Group homes h. Other similar institutional uses.		a. Condominiums b. Docks, piers, wharves, and similar structures in City Waters.		a. Landfills. b. Hazardous waste collection and handling centers. c. Borrow pits. d. Pastures, forestry, feed lots, and buildings which are an accessory to these agricultural uses. e. Junkyards and salvage yards. f. Firing ranges g. Miniature golf courses h. Race tracks i. Medical marijuana treatment center	Restricted: a. Areas and sheds for outside storage shall be enclosed by opaque fencing of at least six (6) feet in height. b. No accessory buildings used for industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located nearer than one hundred (100) feet from any property line. Prohibited: c. All other uses.
7. Development Standards					
Setbacks				Impervious Surface Ratio	Max Height
Front	Side	Rear	Corner		
20 feet	7.5 feet	10 feet	20 feet	0.90	32 feet

H. Recreation

1. District Intent				2. Allowable Location	
This zoning district is intended to provide limited active and passive recreation areas open to the public.				The Recreation Zoning District is allowed within the Recreation Future Land Use Category.	
3. Principal Uses		4. Uses Allowed With Council Approval		5. Prohibited Uses	6. Accessory Uses
a. Areas for outdoor recreational activity such as picnicking, jogging, cycling, and hiking b. Arboretums c. Golf courses d. Playgrounds e. Ball fields f. Outdoor ball courts g. Outdoor swimming pools h. Boat ramps i. Fishing docks and piers j. Marinas k. Similar outdoor recreational uses				a. Landfills. b. Hazardous waste collection and handling centers. c. Borrow pits. d. Pastures, forestry, feed lots, and buildings which are an accessory to these agricultural uses. e. Junkyards and salvage yards. f. Firing ranges g. Miniature golf courses h. Race tracks i. Medical marijuana treatment center	Restricted: a. Areas and sheds for outside storage shall be enclosed by opaque fencing of at least six (6) feet in height. b. No accessory buildings used for industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located nearer than one hundred (100) feet from any property line. Prohibited: c. All other uses.
7. Development Standards					
Setbacks				Impervious Surface Ratio	Max Height
Front	Side	Rear	Corner		
20 feet	7.5 feet	10 feet	20 feet	0.80	32 feet

I. Preservation

1. District Intent		2. Allowable Location	
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This zoning district is intended to protect and preserve natural resources and locally designated environmentally sensitive resources.				The Preservation Zoning District is allowed within the Preservation Future Land Use Category.	
3. Principal Uses		4. Uses Allowed With Council Approval		5. Prohibited Uses	6. Accessory Uses
Passive recreational activities such as those relating to beach activities, beach re-nourishment, and dune crossover boardwalks.				a. Landfills. b. Hazardous waste collection and handling centers. c. Borrow pits. d. Pastures, forestry, feed lots, and buildings which are an accessory to these agricultural uses. e. Junkyards and salvage yards. f. Firing ranges g. Marinas h. Miniature golf courses i. Race tracks j. Medical marijuana treatment center	
7. Development Standards					
Setbacks				Impervious Surface Ratio	Max Height
Front	Side	Rear	Corner		
None	None	None	None	0.2	None
Development within this district is restricted to that which is created to preserve, enhance, or mitigate previous development of natural hazard activities which have degraded the natural state. All City-owned access to beach dunes and beach areas shall be preserved without exception.					

J. Tourist Mixed Use

1. District Intent		2. Allowable Location			
This district provides for an integrated mix of resort uses that are predominantly tourist-oriented and seasonal in nature; development will be designed to encourage connectivity among the uses and clustered to the extent practicable to provide open space and to protect environmentally sensitive areas. This zoning district allows for single family residential and multi-family at a maximum density of 2 dwelling units per acre and commercial land uses as defined below.		The Tourist Mixed Use Zoning District is allowed within the Tourist Mixed Use Future Land Use Category.			
3. Principal Uses		4. Uses Allowed With Council Approval		5. Prohibited Uses	6. Accessory Uses
a. Single family b. Multi-family, and any ancillary uses; c. Hotel, motel, and other temporary lodging units; d. Neighborhood and community-scale commercial; e. Beach clubs and other recreational uses; f. Public and private uses such as offices and services; g. Religious institutions; h. Marinas and water related facilities; i. Infrastructure j. Entertainment facilities.		a. Condominiums b. Docks, piers, wharves, and similar structures in City Waters.		a. Mobile home parks b. Landfills. c. Hazardous waste collection and handling centers. d. Borrow pits. e. Pastures, forestry, feed lots, and buildings which are an accessory to these agricultural uses. f. Junkyards and salvage yards. g. Medical marijuana treatment center	Restricted: a. Areas and sheds for outside storage shall be enclosed by opaque fencing of at least six (6) feet in height. b. No accessory buildings used for industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located nearer than one hundred (100) feet from any property line. Prohibited: c. All other uses.

7. Development Standards					
Setbacks				Impervious Surface Ratio	Max Height
Front	Side	Rear	Corner		
12 feet	0 feet if attachment easement is in place; 5 feet if abutting residential property	20 feet	12 feet	0.70	48 feet

8. Development Restrictions

A. In the Tourist Mixed Use Zoning District at least three principal uses must be developed on the subject property, one of which is required to be a residential use. No principal use shall be less than 10% of the total land area.

B. Where practicable, native vegetation will be used for residential lots and common open spaces. Native vegetation to be used can be identified from Waterwise Florida Landscape as produced by Florida’s water management districts.

C. Connection to central water and sanitary sewer systems shall be required prior to any certificate of occupancy being issued.

D. The Tourist Mixed Use Zoning District may be implemented through the Planned Unit Development process as defined in this Code.

E. A property must be under single ownership or under unified control at the time the Tourist Mixed Use category is assigned.

K. Residential Construction Requirements within each Land Use District

1. All off grade buildings shall be supported and tied to a continuous reinforced concrete footing of sufficient size to resist the gravity, wind and uplift forces which might be imposed on such buildings. Dry stack blocks as piers for support of any structure is prohibited.

2. Any bolts, anchors, straps, tie downs or other type hardware which originates less than twelve (12) inches above grade or ground should be of stainless steel material. The use of any galvanized material is prohibited due to the possible damage of the coatings during installation. This shall not apply to any such items permanently encased in concrete.

3. All new or remodeled buildings shall provide some form of architectural character with the use of design elements such as roof dormers, extended entry way, a covered porch, decorative columns or wing walls, and/or other features to enhance the appearance and alter the straight line or rectangular shape of the structure.

4. The crawl space of an off grade building (that area located between the grade and the lowest floor member) shall be shielded by some architectural feature which is compatible with the design and architecture of the building so that the line of sight from any public road or alley does not include any portion of the underside of the structure. Such feature shall be included as part of any building permit application.

(Ord. 711, passed 2-5-2019; Ord. 727, passed 7-23-2019; Ord. 744, passed 5-12- 2020; Ord. 765, passed 8-10-2021; Ord. 833, passed 2-13-2024)

2.02.03 Projects Developed With a Mixture of Land Uses

A. Residential Development is allowed within the General Commercial and Tourist Commercial zoning districts; however, unless otherwise permitted by the Mexico Beach Comprehensive Plan or a Plan Amendment and the LDC, or a properly approved PUD, commercial development is not allowed in residential zoning districts. All structures shall be built to the requirements of the Comprehensive Plan, and the LDC.

1. For purposes of this ordinance and section, “commercial development or redevelopment” shall not include any space used for residential living, rental living units of any nature, residential support quarters, or accessory structures of any nature whatsoever.

2. Any mixed residential/commercial development or redevelopment projects shall be built to commercial standards under the Florida Building Code, as may be amended, and will be considered a land use designation for a commercial use and shall not revert or otherwise be changed to a residential land use of any nature for at least seven (7) years, and then only by approval of the City Council after review by the Planning and Zoning Board. Upon application by the landowner or his/her agent to develop or redevelop under this ordinance, or if this ordinance is applied to a development, the owner and his/her heirs, transferees, successors in interest, and assigns agree to all provisions of this ordinance, specifically including the requirement that said property shall remain commercial in nature unless changed as set forth in this Code.

B. Residential Development Standards for Structures Developed or Redeveloped in GC and TC Zoning Districts

1. Residential Structures developed or redeveloped in GC or TC Zoning Districts shall adhere to the residential density requirements as set forth above.

2. Length-Residential Only Structures. Developments and redevelopments built in GC and/or TC Zoning Districts that contain residential only improvements shall be limited in length to one hundred (100) feet, measured from exterior wall to

exterior wall, including any decks and patios which may be located on the ends of such structure.

3. Landscaping. A landscaping plan shall be submitted, and must be approved by the City Council for all commercial or mixed-use developments and by the City Administrator for residential-only developments, with any application for development in GC and/or TC Zoning Districts in accordance with LDC section 4.01, et seq.

(Ord. 711, passed 2-5-2019)

2.02.04 Height Measurement

As described in this Plan, height for properties shall be measured as follows:

A. For properties landward of the Coastal Construction Control Line (CCCL) outside the 100/500-year flood plain as indicated on the best available FEMA Flood Insurance Rate Map, maximum height shall be measured from one (1) foot above the crown of the road or access roads directly adjacent to the property. If there is more than one (1) road adjacent to the property, then the road with the highest elevation shall be used.

B. For properties landward of the CCCL within Zones AE, VE, or X, on the best available FEMA Flood Insurance Rate Map, maximum height shall be measured from the base flood elevation plus 1.5 feet (freeboard).

C. For properties seaward of the CCCL, maximum height shall be measured from 19.6 feet above NGVD or mean high water line (sea level).

D. Height shall be measured to the mean roof height for all structures.

(Ord. 711, passed 2-5-2019; Ord. 791, passed 8-23-2022)

2.02.05 Change in Use or Establishment of Similar Uses

Any use that is not identified in Section 2.02.02 is prohibited unless it is substantially similar to the use named in Section 2.02.02. A proposed change in use to a use allowed within the same Zoning District shall be evaluated for changes in impact. A determination regarding substantial similarity of a use or a change in use shall be made as follows:

A. A requested use shall be considered substantially similar when the characteristics and off-site impacts of the requested use are equivalent in type, intensity, degree or impact when compared to a use named in Section 2.02.02. Such characteristics include, but are not limited to:

- a. Trip generation rates;
- b. Typical hours of operation;
- c. Types of traffic associated with the use (such as trucks or delivery vehicles, automobiles, recreation vehicles, or other vehicles);
- d. Features of the use that generate noise, odor, electromagnetic interference or vibration;
- e. Type and extent of parking, including whether parking areas are lighted;
- f. Use of loudspeakers; and
- g. Use of outdoor storage.

B. The City Administrator or designee shall make a written administrative interpretation as to the substantial similarity of a requested use that is not named in Section 2.02.02.

C. The City Administrator or designee shall make a written administrative interpretation as to the creation of additional impacts regarding a proposed change in use. If the proposed change in use creates additional impacts, a development order pursuant to Section 7.02.02 shall be required.

(Ord. 711, passed 2-5-2019)

2.02.055 Minimum Size for Single Family Dwellings

A Single Family Dwelling must have seven hundred (700) square feet or more of heated and cooled area. This square footage is measured and determined as provided by the Florida Building Code – Residential, as amended.

(Ord. 737, passed 11-12-2019)

2.02.06 Impervious Surface Coverage

A. Generally

Impervious surface on a development site shall not exceed the ratios provided in Section 2.02.02.

B. Ratio Calculation

The impervious surface ratio is calculated by dividing the total impervious surface by the gross site area. Water bodies and pavers are impervious and shall be included as such in the impervious surface ratio calculation.

C. Alternative Paving Materials

If porous paving materials are used, documentation shall be provided demonstrating the permeability of the materials, and the percentage of pervious area shall be adjected accordingly.

(Ord. 711, passed 2-5-2019)

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. The structure may be built on the property line provided 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 an attachment easement has been created pursuant to paragraph B of this Section.

2. Distance shall be 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).

3. Residential structures built either on Tourist Commercial, or General Commercial, property must adhere to Residential building setback requirements as shown in Section 2.02.02 with the exception of front setbacks. The front setback remains twelve (12) feet.

D. Minimum Setbacks for Conservation District

Building setbacks may be greater than stated above when building on sites next to or containing environmentally sensitive land. 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)

2.02.08 Specific Restrictions

A. Food Trailers prohibited.

1. Food Trailers are prohibited in the City except as provided in this subsection.

2. "Food Trailer" means any structure or vehicle, fixed or mobile, used for the purpose of selling food or beverages or producing food or beverages for commercial purposes, and which is not:

i. A building compliant with the Florida Building Code and this Land Development Code;

- ii. A home occupation compliant with this Land Development Code and the Florida Building Code;
- iii. A Food Truck, as defined by subsection B. of this Section; or
- iv. A food or beverage vending structure, vehicle, or cart operated for a maximum of seventy-two (72) hours and only as part of festival or special event not prohibited by the City. To qualify for this exception, at the end of the seventy-two (72) hour period, the vending structure, vehicle or cart must either be removed from the City or placed into storage not visible from a public right-of-way and in compliance with this Land Development Code.

3. Non Conforming Use Established. Food Trailers operating within the City prior to the Effective Date of this ordinance and holding a local business tax receipt validly issued by the City Clerk shall be considered a nonconforming use that is permitted to continue as governed by the rules for structures provided by Section 7.12.00, notwithstanding that said Food Trailers are not "dwelling units." In addition to those rules, permissible nonconforming status shall be lost upon a change of ownership of the Food Trailer or a relocation of the Food Trailer to a different parcel of property. Furthermore, Subsections 7.12.00 B.3. and 7.12.00 B.4. shall not apply to these nonconforming

Food Trailers. These nonconforming Food Trailers shall otherwise comply with these Land Development Codes and shall be considered restaurants for purposes of parking, landscaping, and other instances when requirements vary depending on use of property.

B. Food Trucks.

1. Food Truck shall have the same definition as "mobile food dispensing vehicle" pursuant to F.S. § 509.102, as amended, which initially means any vehicle that is a public food service establishment and that is self-propelled or otherwise movable from place to place and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal. However, to be considered a Food Truck for the purposes of this Code, a mobile food dispensing vehicle must hold an active and valid mobile food dispensing vehicle license from the Florida Division of Hotels and Restaurants and a copy of such license must be kept inside of the licensed vehicle at all times while it is located in the City. Any food dispensing vehicle that does not strictly meet the requirements of this definition, including the requirement to hold State of Florida licensure, shall be considered a Food Trailer and be regulated under paragraph A. above.

2. Food Trucks are permitted in zoning districts that allow (i) restaurants and open air cafes or (ii) neighborhood and community-scale commercial pursuant to the zoning districts tables provided by Section 2.02.02 of this Code. In such cases, Food Trucks may only be placed on the property where they will be operated after obtaining the advanced written permission of the property owner, a copy of which shall be kept in the Food Truck while it is located within the City. In addition, Food Trucks may be allowed within the Recreation zoning district on publicly owned property, but only with the advanced written permission of the government agency that owns the location and a copy of such written permission must be kept in the Food Truck while it is located in the City.

3. Food Trucks shall be set back a minimum of ten (10) feet from all property lines or comply with the applicable setback rules for the property, whichever are greater. Food Trucks shall be considered an accessory structure for the purposes of determining setbacks. Food Trucks may not be stored or operated in any public right-of-way within the City. Moreover, the location of the Food Truck may not obstruct or create unsafe ingress and/or egress.

4. Food Truck operators shall be required to immediately comply with any request by law enforcement and/or code enforcement officers relating to safety, which may include relocation of the Food Truck if deemed by the officer to be creating an unsafe situation.

5. Trash and recyclable receptacles shall be provided by the Food Truck and, at a minimum, emptied daily. All trash is to be removed from the site daily. Dumpsters of permanent businesses shall not be used without permission of that business(es).

6. The Food Truck business owner shall obtain a local business tax receipt from the City.

(Ord. 711, passed 2-5-2019; Am. Ord. 779, passed 1-11-2022)

2.03.00 PLANNED UNIT DEVELOPMENT

2.03.01 Purpose and Intent.

It is the intent of this chapter to establish a planned unit development (PUD) overlay district in an effort to provide a flexible, alternative development procedure to encourage imaginative and innovative design for the unified development of tracts of land, within overall density and use guidelines set forth in the elements of the Comprehensive Plan. Furthermore, it is the general purpose of the PUD overlay district to:

- A. Encourage enhancement and preservation of lands which are unique or of outstanding scenic, environmental, or cultural significance;
- B. Provide an alternative for more efficient use of land, promoting greater opportunities for public and private open space;
- C. Encourage harmonious and coordinated development of the site, considering the natural features, community facilities, pedestrian and vehicular circulation, and land use relationship with surrounding properties and the general neighborhood;
- D. Require the application of professional planning and design techniques to achieve overall coordinated development,

eliminating the negative impacts of unplanned and piecemeal development likely to result from rigid adherence to the zoning classifications and standards found elsewhere in this Code.

(Ord. 711, passed 2-5-2019; Am. Ord. 716, passed 4-23-2019)

2.03.02 Definitions.

For purposes of this chapter, the following words and terms shall have the meaning given in this subsection:

Planned unit development (PUD) means a tract of land which is developed as a unit under single ownership or control and which is planned and developed in a single operation or within a proposed period of time by a series of scheduled development phases according to an officially approved final PUD development plan, which does not necessarily correspond to the property development and use regulations of the conventional zoning districts; but which permits flexibility in building siting and mixtures of housing types and land uses, and encourages the utilization of usable open space and the maintenance of significant natural features.

(Ord. 711, passed 2-5-2019; Am. Ord. 716, passed 4-23-2019)

2.03.03 Demonstration of Applicability.

The provisions of this Chapter shall apply generally to the creation and regulation of all Planned Unit Developments. Where there are conflicts between the provisions of this chapter, subdivision or other applicable ordinances or regulations, this chapter shall apply. A proposed Planned Unit Development must demonstrate the following:

A. Granting of the PUD will result in a recognized and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.

B. The PUD may depart from the strict conformance with the development standards, use and specific content regulations of this Code to the extent specified in the PUD development plan and documents authorizing the PUD. These deviations/departures shall result in the form of provision of exceptional amenities, design excellence, etc.

C. The PUD must demonstrate compatibility with surrounding land uses. This may be achieved through use, form, or buffers as defined in Section 4.01.06C. of the Code.

D. Each deviation from the strict conformance with the development standards, use and specific content regulations of this Code shall be enumerated in the PUD development plan. If no deviation is requested, the underlying zoning district requirements shall apply.

(Ord. 711, passed 2-5-2019; Am. Ord. 716, passed 4-23-2019)

2.03.04 Area, density, and intensity requirements.

A. A PUD must be at least five (5) acres in area.

B. No minimum lot area or width shall be required within a PUD, provided that the density and intensity of the development complies with the density and intensity set forth in the Comprehensive Plan for the land use classification in which the property is located and provided further that the proposed lot lines are shown on the PUD development plan.

(Ord. 711, passed 2-5-2019; Am. Ord. 716, passed 4-23-2019)

2.03.05 PUD Application.

Along with a completed application, the developer shall submit a development plan. The development plan shall include:

- A. Total land area;
- B. Future land use and zoning district boundaries;
- C. An accurate legal description of the entire area within the planned development;
- D. Accurate legal descriptions of each separate use area, including common open space;
- E. A Master Plan of the entire development area; including total number of residential units and unit types, total number of nonresidential units, and total square footage for each type of development;
- F. Tabulation of separate non-subdivided use area, including land area, number of buildings, number of dwelling units, number of bedrooms, and dwelling units per acre; and
- G. Approximate location and amount of open space included in each development area;
- H. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress; the internal street network should be extended and connected to where feasible;
- I. A concurrency analysis that meets the requirements set forth in this Code;
- J. A development phasing schedule including sequence for each phase, approximate size of the area in each phase, and proposed phasing of construction of public recreation and common open spaces, and specified location of buildings;
- K. Certificates, seals, and signatures required for the dedication of lands, and recording the document;

L. Other documentation reasonably necessary to permit satisfactory review under the requirements of this Code and other applicable City ordinances; and

(Ord. 711, passed 2-5-2019; Am. Ord. 716, passed 4-23-2019)

2.03.06 Procedure for Approval.

Before development of a PUD, the land must receive approval of a PUD development plan following the procedures and standards of this chapter. No plats or building permits may be issued until the PUD development plan and accompanying data have been submitted, approved, and recorded. Application for PUD consideration must be submitted and processed in the following manner:

A. **Pre-Application Conference.** The conference shall include an exchange of information regarding the development of the site under the PUD procedures. It shall be the applicant's responsibility to demonstrate consistency with the goals, objective and policies of the comprehensive plan, land development regulations, and all other applicable regulations and procedures. The applicant shall request in writing a pre-application conference with the City Administrator. The written request should provide a brief description of the proposed PUD, i.e., size, location, description of uses, total square footage of nonresidential uses, nonresidential floor areas ratio, description of nonresidential uses, description of housing types, building heights, total amount of open space, listing of deviations from bulk standards requested, number of phases, location of all wetlands and habitat preservation area, etc. The City Administrator shall give a written notice to the applicant stating the date, time, and the attendees for the conference. The City's letter of response shall inform the applicant of the fee structure described by Section 2.03.010, who can apply, PUD application package containing information on the review process and required submittals, applicant's responsibility for ensuring conformance and compatibility to the City's Comprehensive Plan, regulations, and physical characteristics of the site.

B. **PUD Development Plan.** After the pre-application conference, the applicant may submit a completed application along with a copy of the plan and the fee set forth by Section 2.03.010. Within twenty (20) working days of receipt of a PUD application, the City Administrator or designee shall determine whether the application is sufficient, and:

1. If the City Administrator determines the application is not complete, a written notice shall be forwarded to the applicant specifying the deficiencies. No further actions shall be taken until the deficiencies are corrected and the application resubmitted.

2. When the application is determined complete, the City Administrator shall notify the applicant in writing of the application's sufficiency and that the application is ready for review. The applicant shall submit eight (8) copies of the PUD development plan.

C. **Planning and Zoning Board Review.** In accordance with the review procedures in Article VII herein, the Planning and Zoning Board shall review the application and determine whether the proposed plan meets the intent of the planned unit development rules and whether it complies with the comprehensive plan and the goals and policies for development of Mexico Beach, Florida. The Planning and Zoning Board shall then send its recommendations to the Mexico Beach City Council.

D. **City Council Review and Approval.** The City Council shall approve, approve with modifications, or deny the plan, unless the applicant requests an extension, at a public hearing noticed in accordance with Article VII of this Code and F.S. § 166.041. The City Council's approval may only be by ordinance.

E. **Dedications.** The City Council shall be permitted to require an applicant to make reasonable contributions including, but not limited to any combination of the following:

1. Dedication of land for public park purposes;
 2. Dedication of land for public school purposes;
 3. Dedication of land for public road right-of-way purposes;
 4. Construction of or addition to roads and utilities serving the proposed project, along with a completion inspection report prepared by a licensed engineer paid for by the applicant, when such construction or addition is reasonably related to the traffic or utility demand to be generated;
 5. Installation of required traffic safety devices; and
 6. Preservation of areas containing significant natural, environmental, historic, archeological or similar resources.
7. There shall be a rational nexus between the impacts of the development and such contribution and the cost of the contribution shall not exceed the development's proportionate share of the total costs of the improvement.

F. **Phasing.** Subsequent phases must be submitted in general conformance with the phasing schedule submitted by the applicant with PUD development plan.

G. **Time Limit.** The PUD must have an active building permit within three (3) years of the date of approval, or PUD development plan approval is withdrawn and the underlying zoning district standards apply.

H. **Modification.** Any modification by the developer of a PUD development plan under review, but not yet approved by the City Council, must not:

1. Increase the proposed number of dwelling units by more than five percent (5%);
2. Involve a reduction of the area set aside for open space and usable open space, or a substantial relocation of such area;
3. Increase by more than five percent (5%) the total lot coverage of all buildings and structures within the PUD; or
4. Increase by more than five percent (5%) in the height of any buildings.

(Ord. 711, passed 2-5-2019; Am. Ord. 716, passed 4-23-2019)

2.03.07 Changes to Approved PUD Development Plan.

The City Administrator may approve minor changes following the approval of PUD development plan. In general, a minor change shall include any change to the interior of the development which does not increase density or intensity, or which does not decrease buffers or open space. Any other changes shall only be approved pursuant to the process set forth in Section 2.03.04 A.-E.

(Ord. 711, passed 2-5-2019; Am. Ord. 716, passed 4-23-2019)

2.03.08 Effect of PUD Overlay District.

Any development of a PUD must be undertaken and carried out in accordance with:

- A. The approved PUD development plan;
- B. The comprehensive plan and applicable land development regulations; and
- C. Such other conditions or modifications as may be attached to the PUD. Development within the PUD is subject to all applicable development permits (i.e. environmental review, building permits, subdivision plats, etc.)

(Ord. 711, passed 2-5-2019; Am. Ord. 716, passed 4-23-2019)

2.03.09 Amendments to Built Planned Unit Developments.

Any part or all of a PUD which is built may be the subject of an application for a variance or other approval covered by the Land Development Code. The applicant must be the owner of the property and the owners of the remainder of the original PUD must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. For purposes of this section, the term "built" means that the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouse, entrance signs, entrance ways and other similar items identified as part of the approved PUD development plan have been constructed and acknowledged by the City as complete. In the case of PUDs that include residential structures, the term "built" does not mean that all residential structures have been constructed on individual platted lots.

(Ord. 711, passed 2-5-2019; Am Ord. 716, passed 4-23-2019)

2.03.010 Fees.

Each applicant for a PUD or an amendment to a PUD is required to reimburse the City for all of the City's costs for engineering, planning, and legal services relating to the consideration of the application and all City costs for notices. Following the pre-application conference, the City shall provide the applicant an estimated cost based on the nature of the application, which the applicant must pay at the time of application submittal.

If the City's actual costs exceed the estimate, the applicant will be required to pay the actual amount and if the actual costs are less than the estimate, the City will provide a partial refund to the applicant. No other fee is required for the processing and examination of the PUD application.

(Ord. 711, passed 2-5-2019; Am. Ord. 716, passed 4-23-2019)

2.04.00 ACCESSORY STRUCTURES

It is the purpose of this Article to regulate the installation, configuration, and use of accessory structures in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas.

Definitions

Principal structure

The principal structure shall be construed to mean the dwelling unit, house, or commercial use located on the lot that contains the principal use.

Principal Use

The primary use on a lot as allowed by the Zoning District within which the lot is located.

Accessory structure

A structure of a nature incidental and subordinate to the principal structure. Accessory structures shall be located on the

same lot as the principal structure to which they are accessory. Unless otherwise provided, if on the same premises where a building is attached to the principal building, it shall be considered a part thereof, not an accessory building.

Accessory use

A use of a nature customarily and/or functionally incidental and subordinate to the principal use on a lot.

(Ord. 711, passed 2-5-2019)

2.04.01 General Standards and Requirements

Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:

A. There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this Code. No accessory structure shall be permitted until the principal structure is complete. A variance from this provision is not allowed.

B. Accessory structures shall not be located in a required buffer, landscape area, or minimum building setback area.

C. Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.

D. Accessory structures shall be shown on any concept development plan with full supporting documentation of compliance with Articles II and III of this Code.

E. Maximum size of accessory structures

1. The total square footage for all accessory structures on a lot shall not exceed seventy-five percent (75%) of the square footage of the primary structure.

2. A combination of square footage of both the primary structure and accessory structure may not exceed the allowable densities and intensities within each Zoning District as stated in Article II Section 2.02.02 of this Code.

F. Vehicles, including manufactured housing and mobile homes, shall not be used as accessory structures.

G. Standards

All accessory structures shall comply with the following standards:

1. Twelve (12) feet maximum height in residential Zoning Districts, twelve (12) feet in commercial Zoning Districts and sixteen (16) feet for garages/carports and boatsheds.

2. No noise, glare, odor, vibration, or fume shall be produced by the accessory structure itself or activities performed within the structure.

H. All accessory structures must satisfy the requirements of 2.01.02 of this Code.

I. All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.

(Ord. 711, passed 2-5-2019)

2.04.02 Swimming Pools, Hot Tubs, and Similar Structures

A. Swimming pools shall be permitted only in side and rear yards and shall not encroach into any required building setback.

B. Enclosures for pools shall be considered a part of the principal structure and shall comply with standards for minimum distance between buildings, yard requirements, and other building location requirements of this Code.

C. All pools shall be completely enclosed with an approved barrier as per the Florida building code. The enclosure shall completely surround the pool and shall be of sufficient density to prohibit unrestrained admittance to the enclosed area through the use of self-closing and self-latching doors.

D. No overhead electric power lines shall pass over any pool unless enclosed in conduit and rigidly supported, and shall conform to the standards of the National Electric Code. No power line shall be nearer than ten (10) feet horizontally or vertically from the pool's water edge.

E. Excavations for pools to be installed for existing dwellings shall not exceed a 2:1 slope from the foundation of the house, unless a trench wall is provided.

(Ord. 711, passed 2-5-2019)

2.04.03 Fences

A. All fences to be built shall comply with the Florida Building Code. The posts of each fence must be resistant to decay, corrosion, and termite infestation. The posts must also be pressure-treated for strength and endurance.

B. Fences or hedges may be located in all side and rear yard setback areas. No fence located in the side and rear yard setbacks shall exceed the height of six (6) feet. Hedges located in front yards shall not exceed three (3) feet in height.

C. No fences shall be placed in front yards (the yard abutting a road or public right-of-way and defined by extending the line of the front wall of the principal structure to the side property lines) except as provided in section 2.04.03.1.2. below.

D. The waterfront side of any property shall conform to the same fence type and placement standards as the front yard of any property.

E. In areas where the property faces two (2) roadways or is located in any other area construed to be a corner lot, no fence or hedge exceeding two (2) feet shall be located in the vision triangle, as required by Article VI.

F. Any fence shall be placed with the finished side facing outward from the property.

G. No fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site.

H. Fences shall require permits subject to standards that include but are not limited to fence design (type), height, material, and placement as specified by the Mexico Beach City Council and this Code.

I. Exemptions

1. A fence required for safety and protection of hazard by another public agency may not be subject to the height limitations above. Approval to exceed maximum height standards may be given by the Planning and Zoning Board upon receipt of satisfactory evidence of the need to exceed height standards.

2. Non-opaque decorative fences used strictly for landscape purposes and not exceeding three (3) feet in height may be placed in front yards (as defined above). A chain-link fence, for example, even if less than three (3) feet in height, does not constitute a decorative landscape fence.

J. Materials [Reserved]

(Ord. 711, passed 2-5-2019)

2.05.00 ACCESSORY USES

2.05.02 Home Occupations

A. Purpose

To provide peace, quiet, and domestic tranquility within all residential neighborhoods within the City, and to guarantee to all residents freedom from excessive noise, traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential areas. A home occupation shall be allowed in a bona fide dwelling unit subject to the requirements of this section.

B. No person other than those persons residing on the premises shall be engaged in such occupation and such person must have a valid business license issued by the City of Mexico Beach.

C. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the structure.

D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one (1) sign not exceeding one (1) square foot in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two (2) feet from the main entrance of the residence.

E. No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a front yard required pursuant to this Code.

F. No equipment, tools, or process shall be used in such a home occupation which creates interference to neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, or television receivers off the premises or causes fluctuations in line voltage off the premises.

G. Fabrication of articles commonly classified under the terms arts and handicrafts may be deemed a home occupation, subject to the other terms and conditions of this definition, and providing no retail sales are made at the home.

H. Outdoor storage of materials shall not be permitted.

I. The following shall not be considered home occupations, and shall be treated as commercial uses: band instrument instruction, studio for group instruction, public dining facility or tea room, antique or gift shops, outdoor repair, food processing, retail sales, nursery school, or kindergarten.

J. At no time shall any home occupation generate the need for more than two (2) parking spaces at once, in addition to the two (2) spaces required for a dwelling unit.

K. At no time shall any home occupation become a nuisance to neighboring properties through generation of noise, odor, fumes, vehicular traffic generation, eyesore, or any other manner.

L. The giving of individual instruction to one (1) person at a time such as an art or piano teacher, shall be deemed an

acceptable home occupation; individual instruction as a home occupation for those activities listed in paragraph I above shall be prohibited.

M. Day care shall be considered a home occupation when limited to five (5) children at any given time and subject to the provisions of paragraph K above.

N. There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of the home occupation thereon.

O. The owner(s) and other individual(s) primarily responsible for the home occupation shall live within the dwelling unit where said home occupation is located.

P. Deliveries from commercial suppliers may not be made more than once each week and the deliveries shall not restrict traffic circulation nor cause nuisances of any kind.

Q. The lists of home occupations that are allowed or prohibited in this section are by no means comprehensive, but instead are intended to serve as examples of acceptable and unacceptable home occupations.

R. A home occupation shall be subject to all applicable city/county occupational licensing requirements, fees, and other business taxes.

S. Any violation the standards and requirements set forth in this section may result in the permanent termination of the home occupation or for a period to be determined by the Mexico Beach City Council.

(Ord. 711, passed 2-5-2019)

2.05.03 Dining Rooms, Recreation Centers, and Other Amenities

A. Generally

Residential and non-residential development projects may provide amenities for the exclusive use of the employees and/or residents of the project. Such amenities shall be allowed only as provided below.

B. Dining Rooms/Cafeterias/Snack Shops, Etc.

A development may provide a central dining facility to serve the employees and/or residents of the project subject to the following restrictions:

1. The facility shall not be open to the general public.
2. There shall be no off-site signs advertising the presence of the facility.

C. Community Centers/Recreation Centers

Residential projects may provide a central facility to provide a meeting place and indoor recreation opportunities for residents subject to the following restrictions:

1. Such facilities shall not include health clubs, gyms, and the like offering services to the general public.
2. Parking to serve the building shall be provided as required by Article IV of this Code.
3. There shall be no identification signs, other than directional signs pursuant to Article V of this Code.

D. Employee Fitness Centers

Non-residential development projects may provide a fitness or exercise center for the use of employees subject to the following restrictions:

1. Such facilities shall not be open to the general public.
2. There shall be no signs, other than directional or occupant signs, identifying the facility.

(Ord. 711, passed 2-5-2019)

2.06.00 OPERATIONAL PERFORMANCE STANDARDS

2.06.01 Purpose and Intent

It is the purpose of this section to provide appropriate standards relating to the operation of certain activities throughout Mexico Beach. Such operations may create or maintain such excessive noise or air pollution, as to be a detriment to the public health, comfort, convenience, safety, and welfare. These standards are therefore provided to protect the public interest and promote the public health and welfare.

(Ord. 711, passed 2-5-2019)

2.06.02 Applicability

These standards shall apply to all lands within the jurisdiction of Mexico Beach.

(Ord. 711, passed 2-5-2019)

2.06.03 Standards Manual

The following references are cited in this Article:

40 CFR Code of Federal Regulations, Title 40, "Protection of Environment"

FAC 17-2 Chapter 17-2, Florida Administrative Code, "Air Pollution"

APAM "Air Pollution Abatement Manual" of the Manufacturing Chemist Association

PHR 47 U.S. Public Health Report 47, No. 12, "Measurement of Density Mineral Dust"

ICR 12 Industrial Cost Rule No. 12 adopted by the Board of Standards and Appeals of the New York State Department of Labor

CFR 10 Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation"

ANSI American National Standards Institute – Applicable Standards

FAC Chapter 40A (1 – 4), Chapter 40A-6, Chapter 40A-21, and Chapter 40A-44

FAC Chapter 62-346, Phase I Environmental Permitting

(Ord. 711, passed 2-5-2019)

2.07.00 NOISE CONTROL

2.07.01 Scope

The provisions of this element apply to the control of all sound originating within the geographical limits of the City and, outside City limits, within all territory to which the jurisdiction of the City extends.

(Ord. 711, passed 2-5-2019)

2.07.02 Definitions

For the purpose of this section, the following definitions shall apply:

A. A-weighted sound pressure level: The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is DB(A) or dBA.

B. Alarm: Any fire, burglary, motor vehicle, or civil defense alarm, whistle, or similar stationary emergency signaling device.

C. Construction: Any site preparation, assembly, erection, substantial repair, alteration, demolition, or similar action, for or of public or private rights-of-way, structures, utilities or similar property.

D. Emergency: Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

E. Emergency vehicle: A motor vehicle belonging to a fire department or certified private vehicle belonging to a volunteer fireman, or fire-fighting association, partnership or corporation, an ambulance, motor vehicle belonging to private security agency, or a motor vehicle belonging to a federal, state, county, or municipal law enforcement agency; provided said vehicles are in use as an emergency vehicle by one authorized to use said vehicle for that purpose.

F. Emergency work: Any work for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

G. Gross vehicle weight rating (GVWR): The value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating, which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

H. Land use category: The classification of an area, such as residential, multifamily dwelling, business, commercial, industrial, noise-sensitive area or public space, according to its use. Any area not otherwise classified shall be considered a commercial area for the purposes of this section. In case of multiple use, the least restrictive use category shall apply.

I. Motor vehicle: Motor vehicle means a vehicle with two (2) or more wheels, or a machine, propelled or drawn by mechanical power and used on the public roads and highways in the transportation of passengers or property, or any combination thereof, which is required to be licensed, but does not include any vehicle, locomotive, or car operated exclusively on rail or rails.

J. Noise-sensitive area: An area where a school, hospital, nursing home, church, court, or public library is located.

K. Person: Any individual, association, partnership, or corporation and includes any officer, employee, department, agency, or instrumentality of the United States.

L. Powered model vehicle: Any self-propelled airborne, waterborne, or land-borne plane, vessel, or vehicle which is not designed to carry persons, including, but not limited to, any model airplane, boat, car, or rocket.

M. Public right-of-way: Any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a governmental entity.

N. Public Space: Any real property or structures thereon owned by a governmental entity and normally accessible to the public, including, but not limited to, parks and other public recreational areas.

O. Real property line: A line along the surface, and its vertical plan extension, which separates the real property owned, rented, or leased by one (1) person from that owned, rented, or leased by another person, excluding intra-building real property division.

P. Sound level: The A-weighted sound pressure level obtained by use of a sound level meter as specified in American National Standards Institute specifications for sound level meters (ANSI Si.4-1971, as amended).

(Ord. 711, passed 2-5-2019)

2.07.03 Excessive Noise Prohibited

No person shall continue or cause to be made or continued any loud unnecessary or excessive noise which unreasonably interferes with the comfort and repose of others within the jurisdiction of the City of Mexico Beach.

(Ord. 711, passed 2-5-2019)

2.07.04 Maximum Permission Sound Levels

It shall be unlawful, except as expressly permitted herein, to make, cause, or allow the making of any noise or sound which violates the provisions of this element.

A. No person shall operate or cause to be operated any source of sound from any locations in such a manner as to create a sound level which exceeds the limits set forth in Table 1 of the receiving land use category more than ten percent (10%) of any measurement period, which period shall not less than ten (10) minutes, when measured at the property boundary of the land use category from which the sound emanates.

B. Sound level measurement shall be made with a sound level meter using the A-weighting scale in accordance with the standards promulgated by the American National Standards Institute (ANSI).

Land Use Category	Time	Sound Levels dBA
Residential, public space, or institutional	6:00 a.m. – 10:00 p.m.	60
	10:00 p.m. – 6:00 a.m.	55
Commercial or business	6:00 a.m. – 10:00 p.m.	65
	10:00 p.m. – 6:00 a.m.	60
Industrial, manufacturing, or agricultural	At all times	75

(Ord. 711, passed 2-5-2019)

2.07.05 Exemptions

The following are exempt from the sound level limits of Table 1:

A. Domestic power tools, lawn mowers, and agricultural equipment, when operated with a muffler between the hours of 6:00 a.m. and 10:00 p.m.

B. Noises resulting from any authorized emergency vehicles when responding to an emergency.

C. Noises made by persons having obtained parade or concert permits from the City Council.

(Ord. 711, passed 2-5-2019)

2.07.06 Specific Prohibitions

In addition to the general prohibitions set out above, the following specific acts are declared to be in violation of this element:

A. Horns, signaling devices. The sounding of any horn or signaling device on any motor vehicle or any street or public place in the City continuously and/or incessantly for a period in excess of sixty (60) seconds, except as a danger warning.

1. The operating or playing of any radio, television, phonograph, musical instrument, or similar device which produces or reproduces sound in such a manner as to exceed the levels set forth in Table 1 for the land use category.

B. Animals. The owning, possessing, or harboring of any animal which frequently, or for continued duration, howls, barks, meows, squawks, or makes other sounds which create excessive and unnecessary noise across a residential or commercial

real property line or within a noise-sensitive area. For the purpose of this element, “barking dog” shall mean a dog that barks, bays, cries, howls, or makes any other noise continuously and/or incessantly for a period of ten (10) minutes, or barks intermittently for one-half hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a “barking dog” if, at the time, the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon property in or upon which the dog is situated.

C. Construction and demolition. The operating of any equipment used in construction work within fifty-two (52) yards of any residential or noise-sensitive area between the hours of 10:00 p.m. and 6:00 a.m.

D. Powered model vehicles. The operating of, or permitting the operation of, powered vehicles:

1. Between the hours of 10:00 p.m. and 6:00 a.m.
2. In such a manner as to exceed the levels set for public space land use, measured at a distance of not closer than one hundred (100) feet from the operator.
3. Emergency signaling devices.
4. Except in case of an emergency, the intentional sounding of any alarm between the hours of 10:00 p.m. and 6:00 a.m.

(Ord. 711, passed 2-5-2019)

2.07.07 Motor Vehicles

A. Maximum sound levels. No person shall operate a motor vehicle at any time in such a manner as to exceed the sound level limits or the category of motor vehicle shown in Table 2. The sound level shall be measured at a distance of at least twenty-five (25) feet from the near side of the nearest lane(s) being monitored and at a height of at least four (4) feet above the immediately surrounding surface. This section shall apply to the total noise from a vehicle:

<i>Table 2</i>		
<i>Maximum Permissible Sound Levels for Motor Vehicles</i>		
<i>Land Use Category</i>	<i>Sound Level Limit</i>	
	<i>Speed Limit 35 mph or less</i>	<i>Sound Limit over 35 mph</i>
Motor vehicle with a manufacture’s gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of ten thousand (10,000) pounds or more, or any combination of vehicles towed by such motor vehicles.	91	95
Any other motor vehicle or any combination of vehicles towed by any motor vehicle.	78	78

B. Adequate mufflers or sound-dissipative devices.

1. No person shall operate or cause to be operated any motor vehicle or motorcycle not equipped with muffler in good working order and in constant operation.

2. No person shall remove or render inoperative or cause to be removed or rendered operative any muffler or sound-dissipative device on a motor vehicle or motor cycle other than for purposes of maintenance, repair, or replacement.

(Ord. 711, passed 2-5-2019)

2.07.08 Enforcement Responsibility

The policy department shall be responsible for the enforcement of the provisions of this element; provided, however, that the City Council shall be responsible for the issuing of special permits and the enforcement of the conditions stated thereon.

(Ord. 711, passed 2-5-2019)

2.07.09 Penalties

Violation of this element shall constitute a misdemeanor and violators shall be punished accordingly, however, that in the case of a violation involving a motor vehicle, the person charged with a violation may be guaranteed a period of fifteen (15) days in which to correct the source of the sound.

(Ord. 711, passed 2-5-2019)

2.08.00 AIR POLLUTION

A. Standard

To protect and enhance the air quality of Mexico Beach, all sources of air pollution shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations, Title 40) and the Florida Department of Environmental Regulations (Florida Administrative Code, Chapter 17-2). No person shall operate a regulated source of air pollution without a valid operation permit issued by the Department of Environmental Regulation.

B. Testing

Air pollution emissions shall be tested and results reported in accordance with techniques and methods adopted by the Florida Department of Environmental Regulation and submitted to the State. These tests shall be carried out under the supervision of the State and at the expense of the person responsible for the source of pollution.

(Ord. 711, passed 2-5-2019)

2.09.00 BURN CONTROL

2.09.01 Burning of Household and Building Refuse, Branches and Trees, Incinerators

A. No person shall burn household or building refuse, branches, or trees within the corporate limits of the City.

B. No incinerators shall be installed without the permission of the Fire Chief or his assistants. Operation of incinerators shall be subject to periodic Fire Department inspections to assure that adequate fire and safety precautions are maintained.

(Ord. 711, passed 2-5-2019)

2.09.02 Land Clearing

Contractors and land developers shall not burn brush, branches, or trees within the corporate limits of the City. All land clearing refuse must be hauled from the premises and properly disposed of by the contractor or developer that has initiated the project(s). These actions may only be accomplished after proper permitting has been obtained by either the developer or contractor.

(Ord. 711, passed 2-5-2019)

2.09.03 Fires on the Beach

No fires will be allowed on the beach within the corporate limits of the City.

(Ord. 711, passed 2-5-2019)

2.09.04 Fireworks

The sale of fireworks shall not commence without a permit or license from the State of Florida and the City of Mexico Beach. Coordination between the Fire Chief, his assistants, and individual(s) permitted or licensed to sell fireworks will be required.

(Ord. 711, passed 2-5-2019)

2.09.05 Violation of Element

Any person or persons violating this element is guilty of a misdemeanor of the second degree, punishable as provided by State Statute.

(Ord. 711, passed 2-5-2019)

2.10.00 FIRE PROTECTION

2.10.01 Mandatory Key Boxes for Fire Suppression and Standpipe Systems

When a building within the City of Mexico Beach is protected by an automatic fire suppression or standpipe system it shall be equipped with a key box. The Key Box shall be at a location approved by the City of Mexico Beach Building/Fire Official. The Key Box shall be a UL type and size approved by the Building/Fire Official.

(Ord. 711, passed 2-5-2019)

2.10.02 Mandatory Key Boxes for Automatic Alarm Systems

When a building is protected by an automatic alarm system and/or access to or within a building, or an area within that building, is unduly difficult because of secured openings, and where immediate access is necessary for life saving or firefighting purposes, the Building/Fire Official may require a key box to be installed at a location approved by the City of Mexico Beach Building/Fire Official. The Key Box shall be a UL type and size approved by the Building/Fire Official.

(Ord. 711, passed 2-5-2019)

2.10.03 Key Tamper Box Switch

The Building/Fire Official may require a key box tamper switch connected to the building's fire alarm system.

(Ord. 711, passed 2-5-2019)

2.10.04 Security Padlocks

When a property is protected by a locked fence or gate and where immediate access to the property is necessary for life saving or firefighting purposes, the Building/Fire Official may require a security padlock to be installed in a location approved by the City of Mexico Beach Building/Fire Official. The Padlock shall be UL type and size approved by the Building/Fire Official.

(Ord. 711, passed 2-5-2019)

2.10.05 Security Caps

When a building is protected by an automatic sprinkler system or standpipe system and fire department connection is exposed to undue vandalism the Fire Subcode/Fire Official may require that a Fire Department Connection Security Cap(s) be installed. The Fire Department connection Security Cap(s) shall be a type approved by the Building/Fire Official.

(Ord. 711, passed 2-5-2019)

2.10.06 Non-applicability to Certain Dwellings

The term "Building" used herein means any building or structure located in the City of Mexico Beach, whether privately or publicly owned, including, without limitation, any building owned by the City of Mexico Beach or any other public, quasi-public, or private entity or person provided however that this chapter shall not apply to owner occupied one and two family dwellings.

(Ord. 711, passed 2-5-2019)

2.10.07 Rapid Response Key Boxes

The rapid key boxes shall contain the following:

1. Keys to locked points of egress, whether in interior or exterior of such buildings.
2. Keys to the locked mechanical rooms.
3. Keys to the locked elevator rooms.
4. Keys to the elevator controls.
5. Keys to any fence or secured areas.
6. Keys to any other areas that may be required by the Building/Fire Official.
7. A card containing the emergency contact people and phone numbers for such building.

In addition, floor plans of the rooms within the building may be required.

(Ord. 711, passed 2-5-2019)

2.11.00 WIND SPEED DESIGN

2.11.01 Required Ultimate Design Wind Speed

The ultimate design wind speed, Vult, for the determination of the wind loads for Risk Category II Buildings, as defined by the Florida Building Code, shall be one hundred forty (140) miles per hour for all of the City of Mexico Beach.

(Ord. 711, passed 2-5-2019)

ARTICLE III

SUBDIVISION REGULATIONS

GENERAL STANDARDS

3.00.00 GENERAL PROVISIONS

3.00.01 Purpose

The purpose of this Article is to provide development design and improvement standards applicable to all development activity within the City of Mexico Beach.

(Ord. 711, passed 2-5-2019)

3.00.02 Responsibility for Improvements

All improvement required by this Article shall be designed, installed, and paid for by the Developer.

(Ord. 711, passed 2-5-2019)

3.00.03 Principles of Development Design

The provisions of this Article are intended to ensure functional and attractive development. Development design shall first take into account the protection of natural resources as prescribed in Article IV of this Code. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to lots and sites; and to avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

(Ord. 711, passed 2-5-2019)

3.00.04 Definitions

Attachment Easement

An easement granted to allow an adjacent property owner to erect or construct a building attached to a building on the grantor's property line where such building has one (1) wall at the common property line.

Frontage

The front or frontage is that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side line of a corner lot. (Planners Advisory Service, American Planning Association, [A Survey of Zoning Definitions](#))

Impervious Surface

That portion of the land which is covered by buildings, pavements, or other cover through which water cannot penetrate.

Junkyard

An open area where wastes or used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials shall include but are not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. An automobile wrecking yard is also considered a junkyard.

Lot

For zoning purposes, as covered by this Code, a "lot" is a parcel of land at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as herein required. Such "lot" may have frontage on an improved public street and may consist of: a single lot of record; a portion of a lot of record; a combination of complete lots of record or of portions of lots of record; or a parcel of land described by metes and bounds descriptions, provided that in no case, division or combinations, shall any residential lot or parcel be created which does not meet the requirements of this Code.

Lot, Corner

A lot abutting on and at the intersection of two (2) or more streets.

Lot of Record

Land designated as a separate and distinct parcel on a legally recorded subdivision plat or in a legally recorded deed filed in the records of the Clerk of Courts in Bay County, Florida.

Lot Split

The subdividing or splitting of any platted or unplatted parcel into two (2) parcels, each of which will become independent parcels with individual Parcel Identification numbers. Each parcel is required to meet the requirements of the zoning district in which it is located.

Neighborhood

Based upon the context where used, "neighborhood" can mean a defined, platted area such as a residential subdivision or all similarly zoned property situated within one-tenth (1/10) mile from any given location in a town or city.

Nonconforming Use

A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

Plat

A map or drawing depicting the division of land into lots, block parcels, tracts, sited, or other divisions set forth in F.S. Chapter 177.

Recreational Vehicle Park

A development designed specifically to allow temporary living accommodations for recreation, camping, or travel use.

Setback

The required minimum horizontal distance between the building line and the related front, side, or rear property line.

Storage Building

Any site-built or portable structure (manufactured off-site and transported, either whole or in pieces) utilized for storage of goods. Storage buildings cannot be larger than one hundred (100) square feet. Vehicles and manufactured housing are not permitted to be used for storage. Only one (1) storage building per parcel is allowed.

Subdivision (of Property)

The subdividing or splitting of any platted or unplatted parcel into three (3) or more parcels, each of which will become independent parcels with individual Parcel Identification numbers. The parcels created must be of sufficient size and configuration to meet the requirements of the Zoning District in which they are created and the requirements of this Code.

Yard

Any open space located on the same lot with a building, unoccupied and unobstructed from the ground up, except for accessory buildings, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard shall consist of the horizontal distance between lot line and the nearest point of the foundation wall of the main building.

Yard, Front

A yard extending along the full width of a front lot line between side lot lines and from the lot line to the front building in depth.

Yard, Rear

A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear-yard depth shall be measured at right angles to the rear line of the lot.

Yard, Side

A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side-yard width shall be measured at right angles to side lines of the lot.

(Ord. 711, passed 2-5-2019)

3.01.00 LOT AREA

3.01.01 Minimum Lot Area Requirements

A. Requirements for All Developments

All developments shall have a total land area sufficient to meet all development design standards in this Code including, but not limited to, land required to provide setbacks from abutting rights-of-way, buffers, stormwater management, off street parking and circulation, protection of environmentally sensitive lands, and any other provisions which may require land area to be set aside.

B. Specific Requirements for Residential Development

There is no minimum lot area for individual lots within a residential development provided that all of the following requirements are met:

1. The land area for the total project is sufficient to meet standards of this Code as stated in paragraph A of this Section.
2. Gross density of the area shall not exceed that specified in the Section 2.02.02.
3. Land, exclusive of individual lots to be conveyed in fee simple ownership, shall be controlled and maintained through a condominium association, property owners' association, or other similar provision, or may be conveyed to governmental or not-for-profit organizations. Recordable instruments providing for these common-ownership lands shall be submitted for review with the application for development plan review.

C. Treatment of Planned Unit Development

Because the impervious surface ratio is calculated for the gross site, a planned unit development may result in individual lots within a development project exceeding the impervious surface ratio, while other lots may be devoted entirely to open space. The Planning and Zoning Board may require, as a condition of approval, deed restrictions or covenants that guarantee the maintenance of such open space in perpetuity.

D. Reserved (Requirements for Areas with Central Sewer)

(Ord. 711, passed 2-5-2019)

3.02.00 SIDEWALKS

3.02.01 Sidewalk Regulations

A. When Required

1. Projects abutting collector or arterial facilities, encompassing the entire block, shall provide sidewalks adjacent to the collector or arterial roadway. Location of sidewalks shall be consistent with planned roadway improvements.

2. Projects for which new roads are constructed shall provide sidewalks adjacent to the roadway.

3. Sidewalks shall be provided on both sides of all residential streets where the average lot width at the street is sixty (60) feet or less.

4. Sidewalks shall be provided on one (1) side of all residential streets where the average lot width at the street is greater than sixty (60) feet.

5. Residential projects adjacent to or in the immediate vicinity of an activity center such as commercial, office, service, or recreation activities shall provide pedestrian and bicycle access from the development to the activity center.

6. Pedestrian-ways or crosswalks, not less than ten (10) feet wide with a sidewalk meeting the requirements of this Code, may be required by the Planning and Zoning Board to be placed in the center of blocks more than eight hundred (800) feet long where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

7. Sidewalks shall be included in the plans for all new construction on parcels located along Hwy. 98, 15th Street, and 7th Street which correspond with the "City of Mexico Beach FDOT Sidewalk Master Plan" dated October 30th 2006. These sidewalks will parallel the route of those respective streets and are in addition to any sidewalks required by other sections of the City of Mexico Beach Land Development Codes.

8. Individuals applying for the installation of sidewalks on developed property (i.e., where sidewalks will be the only new construction) will be required to submit an "Application for a Sidewalk Permit" to the City of Mexico Beach; there will be no charge or fee associated with this permit. The requirements for permits from other agencies and the design and construction standards established below will still apply.

B. Developments Exempted from Providing Sidewalks

1. All currently platted lots are exempt from the above requirements to provide sidewalks.

2. New developments which do not encompass an entire block are exempt from the above requirements to provide sidewalks.

C. Design and Construction Standards

Design and construction of sidewalks, bikeways, or other footpaths shall be designed and constructed with pavers or commercial-grade, reinforced concrete with a minimum width of six (6) feet and a minimum thickness of four (4) inches. In all other regards, the construction shall be in compliance with the standards in the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, published by the Florida Department of Transportation.

(Ord. 711, passed 2-5-2019)

3.03.00 UTILITIES

3.03.01 Requirements for All Developments

A. Generally

The following basic utilities are required for all developments subject to the criteria listed herein.

B. Electricity

Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision.

C. Telephone

Every principal use and every lot within a subdivision shall have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision.

D. Water

Every principal use and every lot within a subdivision shall be connected to the City of Mexico Beach's water system. Developers must provide water distribution lines constructed to City standards as part of new developments.

E. Sewer

Every principle use and every lot within a subdivision shall have adequate sewage treatment facilities provided at the level of service of two hundred fifty (250) gallons per Equivalent Residential Unit (ERU) per day or as prescribed in Chapter 10D-6, F.A.C. (Package treatment plants for use in planned unit developments (PUD) will be permitted and shall require a validated contract for perpetual maintenance between the homeowners association, or its equivalent, and a cesspool maintenance service.

F. Illumination

All streets, driveways, sidewalks, bikeways, parking lots, and other common areas and facilities in developments shall provide illumination meeting the standards of the Department of Community Affairs Technical Construction Standards Manual.

G. Fire Hydrants

All developments served by a central water system shall include a system of fire hydrants consistent with the standards of the Department of Community Affairs Technical Construction Standards Manual.

(Ord. 711, passed 2-5-2019)

3.03.02 Design Standards

A. Compliance with Technical Construction Standards Manual

All utilities required by the Code shall meet or exceed the minimum standards contained in the Department of Community Affairs Technical Construction Standards Manual.

B. Placement of Utilities Underground.

1. All electric, telephone, cable television, and other communication lines (exclusive of transformers or enclosures containing electrical equipment including but not limited to, switches, meters, or capacitors which may be pad mounted), and gas distribution lines shall be placed underground within easements or dedicated public rights-of-way, installed in accordance with the specifications of the Department of Community Affairs Technical Construction Standards Manual.

2. Lots abutting existing easements or public rights-of-way where overhead electric, telephone, or cable television distribution supply lines and service connections have previously been installed may be supplied with such services from the utilities' overhead facilities provided the service connection to the site or lot are placed underground.

3. Screening of any utility apparatus placed above ground shall be required.

(Ord. 711, passed 2-5-2019)

3.03.03 Utility Easements

When a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

(Ord. 711, passed 2-5-2019)

3.04.00 SUPPLEMENTAL STANDARDS

3.04.01 Generally

Certain uses have unique characteristics that require the imposition of development standards in addition to those minimum standards which may pertain to the general group of uses encompassing the use. These uses are listed in this part together with the specific standards that apply to the development and use of land for the specified activity. These standards shall be met in addition to all other standards of this Code, unless specifically exempted.

(Ord. 711, passed 2-5-2019)

3.04.02 Recreational Vehicle Parks

A. Intent

It is the intent in this section to provide standards for the location and development of parks for recreation vehicles.

B. General Requirements

A recreational vehicle park shall meet the following general requirements:

1. It shall be primarily for recreational use by persons with transportable recreational housing, with appropriate accessory uses and structures.

2. The land on which it is developed shall be under unified control and shall be planned and developed as a whole in a single development operation or programmed series of development operations for recreational vehicles and related uses and facilities. Subsequent subdivision of lots or conveyance of sites to individual owners by any means is prohibited.

3. The principal and accessory uses and structures shall be substantially related to the character of the development in the context of the district of which it is a park.

4. The park shall be developed according to comprehensive and detailed plans that include not only streets, utilities, lots, or building sites and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land as related to the building.

5. The park shall have a program for provision, maintenance, and operation of all areas, improvements, and facilities for the common use of all or some of the occupants of the park, but will not be provided, operated, or maintained at general public expense.

C. Allowable Uses

1. Recreational vehicles.

2. Park trailers (park models) as defined by Florida law, provided they are placed in an area designated exclusively for that use on an approved final site plan. Park models are not to be set up for more than one hundred eighty (180) consecutive days, or for more than forty-five (45) consecutive days in areas of special flood hazard unless elevated and anchored to comply with the flood plain protection standards of this Code.

3. Convenience establishments for the sale or rental of supplies or for provision of services, for the satisfaction of daily or frequent needs of campers, within the park may be permitted. These establishments may provide groceries, ice, sundries, bait, fishing equipment, self-service laundry equipment, bottled gas, and other similar items needed by users of the park. These establishments shall be designed to serve only the needs of the campers within the park and shall not, including their parking areas, occupy more than five percent (5%) of the area of the park, and shall not be so located as to attract patronage from outside the grounds, nor have adverse effects on surrounding land uses.

4. Marinas or launching ramps may be permitted where allowed in the land use/zoning district, subject to either minimum requirements or supplemental standards, within the district. Marinas or launching ramps shall not include facilities for storage of boats other than those rented in connection with the park operation. There shall be no facilities for the repair or overhaul of boats.

D. Site Design Requirements

The following site design requirements shall be met:

1. The minimum land area for a recreational vehicle park shall be eight (8) acres.

2. The maximum density for a recreational vehicle park shall be eighteen (18) spaces per gross acre. Storage spaces shall be included in the density calculation.

3. Individual spaces shall take access to internal streets and shall not take direct access to adjoining public rights-of-way.

4. Access to the recreational vehicle park shall be from a collector or arterial roadway.

5. Internal streets shall provide safe and convenient access to spaces and appropriate park facilities. Alignment and gradient shall be properly adapted to topography. Construction and maintenance shall provide a well-drained and dust-free surface that is of adequate width to accommodate anticipated traffic, and in any case, shall meet the following minimum requirements:

One-Way, No parking 12 Feet

Two-Way, No Parking 20 Feet

6. Not less than eight percent (8%) of the area of the district shall be devoted to recreation area. The recreation area may include space for common walkways and related landscaping in block interiors, provide that the common open space is at least twenty (20) feet in width as passive recreation space. At least half of the total required recreation area shall be comprised of facilities for active recreation, such as swimming pools or beaches, ball fields, shuffleboard courts, or play lots for small children. These facilities shall be so located as to be readily available from all spaces, and free from traffic hazards.

7. Camping spaces shall be so located in relation to internal streets as to provide for convenient vehicular ingress and egress if the space is intended for use by wheeled units. Where back-in or back-out spaces are used, appropriate maneuvering room shall be provided in the adjacent internal street and within the space.

8. Where spaces are to be used exclusively for erection of tents on the ground, provision for vehicular access onto such spaces shall not be required, but parking areas shall be located within one hundred (100) feet, except in circumstances in which providing such vehicular accessibility would result in excessive destruction of trees or other vegetation, or where it would be impractical to provide such parking areas within such distances for particularly desirable campsites.

9. Spaces shall be so related to pedestrian ways and principal destinations within the park as to provide for convenient pedestrian access to such destinations by the pedestrian systems.

10. No minimum dimensions are specified for spaces, but each shall provide a stand and the clearances and open spaces specified herein, and the boundaries of each stand and space shall be clearly indicated.

11. Spaces for dependent units shall be located within two hundred (200) feet by normal pedestrian routes of toilet, washroom, and bath facilities.

12. Spaces for self-contained units, operating as such, may not be located more than four hundred (400) feet by normal pedestrian routes from toilet, washroom, and bath facilities.

13. Stands shall be so located that when used, clearance from units, including attached awnings and the like, shall be

as follows:

- a. From units on adjoining stands 10 feet
- b. From internal streets of common parking area 10 feet
- c. From portions of buildings not containing uses likely to disturb stand occupants, or constructed or oriented so that noise and lights will not be disturbing to occupants of space 25 feet
- d. From any other use or fueling facility 50 feet

14. Within each space, there shall be an area suitably located and improved for outdoor use by occupants of units and not to be occupied by units or towing vehicles except during maneuvering incidental to location or removal. This space shall be at least eight (8) feet in minimum dimensions and one hundred sixty (160) square feet in area in route parks, ten (10) feet in minimum dimension and two hundred (200) square feet in area in destination parks, and shall be so located as to be easily accessible from the entry side of units as normally parked and oriented on stands.

15. Where fireplaces, cooking shelters, or similar facilities for open fires or outdoor cooking are provided within spaces or elsewhere, they shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance within the park and in adjoining areas.

16. Design and construction of improvements shall comply with standards and specifications in the Appendices.

(Ord. 711, passed 2-5-2019)

3.04.03 Junkyards

A. Restrictions as to Location

No junkyard, junk, or automobile graveyard shall be kept, operated, or maintained in Mexico Beach.

1. No more than one (1) unlicensed, inoperable motor vehicle shall be permitted to be located on the private property of the owner or owners of said unlicensed vehicles.

B. Implementation

The provision of this section shall apply to all junkyards, motor vehicle graveyards, and locations where junk may be kept, accumulated, or maintained.

(Ord. 711, passed 2-5-2019)

3.04.04 Mobile Homes

A. Skirting

- 1. All mobile homes are required to be skirted upon initial set up during the Development Order phase.
- 2. Skirting materials must be resistant to decay, corrosion, and termite infestation.

(Ord. 711, passed 2-5-2019)

3.05.00 TRANSPORTATION SYSTEMS

3.05.01 General Provisions

A. Purpose

This section establishes minimum requirements applicable to the development of the transportation system, including public and private streets, bikeways, and pedestrian ways. The standards in this Section are intended to minimize the traffic impacts of development, to assure that all developments adequately and safely provide for the storage and movement of vehicles consistent with good engineering and development design practices.

B. Compliance with Technical Construction Standards Manual

All required elements of the transportation system shall be provided in compliance with the engineering design and construction standards contained in the Florida Department of Transportation Technical Construction Standards Manual (the Green Book).

(Ord. 711, passed 2-5-2019)

3.05.02 Streets

A. Street Classification System Established

- 1. Streets in the City are classified according to function served in order to allow for regulation of access, road and

right-of-way widths, circulation patterns, design speed, and construction standards.

2. Private streets and streets that are to be dedicated to the City are classified in a street hierarchy system with design tailored to function. The street hierarchy system shall be defined by road function and average daily traffic (ADT), calculated by trip generation rates prepared by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the developer demonstrates the alternative source better reflects local conditions.

3. When a street continues an existing street that previously terminated outside the subdivision, or is a street that will be continued beyond the subdivision or development at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision or development.

4. The following streets hierarchy is established: residential, collector, and arterial. Each street type is divided into subcategories. All development proposals containing new streets or taking access from existing streets shall conform to the standards and criteria contained in this Part.

B. Residential Streets

Residential streets are primarily suited to providing direct access to residential development, but may give access to limited non-residential uses, provided average daily traffic (ADT) volume generated by the non-residential use does not exceed applicable standards for the affected streets. All residential streets should be designed to minimize unnecessary and/or speeding traffic. Each residential street shall be classified and designed for its entire length to meet the minimum standards for one (1) of the following street types.

1. Residential access street

This is the lowest order street in the hierarchy. A residential access street is a frontage street which provides direct access to abutting properties and is designed to carry no more traffic than is generated on the street itself. Residential access streets may take access from any higher order street type. Both ends of a residential loop street must take access from a single higher order street. The design speed for residential access streets is fifteen (15) to twenty-five (25) miles per hour. Residential access streets shall have a maximum ADT of five hundred (500). Cul-de-sacs shall have a maximum ADT of two hundred (200). Loop streets shall have a maximum ADT of four hundred (400).

2. Residential sub-collector street

This is the middle order street in the residential street hierarchy. It will collect traffic from residential access streets and provide direct access to abutting properties. Residential sub-collector streets shall have a design speed of twenty-five (25) miles per hour. Residential sub-collector streets may take access from any higher order street type and may give access to residential access streets and may provide direct access to limited non-residential uses. Loop streets carrying more than five hundred (500) ADT must have two (2) intersections with higher order streets. Lots of less than forty (40) feet in width may not take access from a residential sub-collector. Residential subcollector streets shall have a maximum ADT of one thousand (1,000).

3. Residential collector street

This is the highest order street that can be classified as residential. In larger developments, this class of street may be necessary to carry traffic from one (1) neighborhood to another or from the neighborhood to streets connecting to other areas in the community. It will collect traffic from residential access and sub-collector streets and may provide direct access to limited non-residential uses. Residential collector streets shall have a design speed of thirty (30) miles per hour. No individual residential uses shall take direct access from residential collector streets except where no feasible alternative exists. All residential collector streets shall take access from at least two (2) equal or higher order street types or give access to residential access and subcollector streets. Residential collector streets shall have a maximum ADT of two thousand (2,000).

C. Collector Roads

Collector roads provide access to non-residential uses and connect lower order streets to arterial streets. Design speeds and average daily traffic volumes will be higher than for lower order streets. There are three (3) types of collector streets.

1. Minor Collector

These are local collector streets giving direct access to commercial and industrial uses and to residential projects, but not to individual dwelling units. Minor collectors may take access from other collector streets, minor arterials, or arterials. Minor collectors may give access to any residential street type. Minor collectors shall have a design speed of thirty (30) miles per hour. Minor collectors shall have a maximum ADT of three thousand (3,000).

2. Collector

Collector roads may serve commercial and industrial uses as well as some through traffic. Collector streets may take access from other collector streets, major collectors, minor arterials, or arterials and may give access to any lower order street. Collector streets shall have a design speed of thirty-five (35) miles per hour. Collector streets shall have an ADT of no greater than seven thousand (7,000) nor less than three thousand (3,000).

3. Major Collector

These streets serve major community or regional facilities and carry through traffic. Major collector streets may take

access from other major collectors, minor arterials, and arterials and may give access to any same or lower order street type. Major collectors shall have a design speed of thirty-five (35) miles per hour. Major collectors shall have a minimum ADT of seven thousand (7,000). No parking is allowed on major collectors.

D. Arterial Roads

Arterial roads provide links between communities or to limited-access expressways, limit direct access from abutting properties except for regionally significant uses, and are designed for speeds up to fifty-five (55) miles per hour. No parking is allowed on any arterials. There are two (2) types of arterial roads.

1. Minor Arterial

These roads link community districts to regional or state highways. They may also give direct access to regionally significant land uses. These roads may take access from other arterials or freeways and may give access to any lower order non-residential street type. Minor arterials shall have a design speed of forty-five (45) miles per hour.

2. Arterials

These are major regional highways providing links between communities. These roads may take access from other arterials or freeways and may give access to any lower order non-residential street type. These roads shall have a design speed of fifty-five (55) miles per hour.

E. Special Purpose Streets

Under special circumstances a new local street may be classified and designed as one (1) of the following:

1. Alley

An alley is a special type of street which provides a secondary means of access to lots. It will normally be on the same level in the hierarchy as a residential access street, although different design standards will apply.

2. Marginal Access Street

A marginal access street is a street parallel and adjacent to a collector or higher level street which provides access to abutting properties and separation from through traffic. It may be designed at the level of a residential access street or a residential sub-collector as anticipated traffic volumes will dictate.

3. Divided Streets

For the purpose of protecting environmental features or avoiding excessive grading, the municipality may require that the street be divided. In such a case, the design standards shall be applied to the aggregate dimensions of the two (2) street segments.

F. Official Street Map

The Official Street Map and any amendments thereto, adopted by the City as a part of the Comprehensive Plan, is hereby made a part of this Code. All existing roadways within the jurisdiction of the City shall be designated on the Official Street Map according to the foregoing classification scheme. Any street abutting or affecting the design of a subdivision or land development which is not already classified on the Official Street Map shall be classified according to its function, design, and use by the City at the request of the applicant or during plan review. The map shall be the basis for all decisions regarding required road improvements, reservation or dedication of rights-of-way for required road improvements, or access of proposed uses to existing or proposed roadways.

G. Street Classification Standards

The following table, Table 3.05.02(A), specifies the number of lanes and pavement and right-of-way widths for residential, collector, and arterial streets. These requirements should be read in conjunction with the foregoing street type descriptions.

STREET TYPE	NUMBER OF LANES	PAVEMENT WIDTHS		ROW WIDTHS	
		CURB & GUTTER	NO CURB & GUTTER	CURB & GUTTER	NO CURB & GUTTER
STREET TYPE	NUMBER OF LANES	PAVEMENT WIDTHS		ROW WIDTHS	
		CURB & GUTTER	NO CURB & GUTTER	CURB & GUTTER	NO CURB & GUTTER
Residential Streets					
Residential Access Streets	2 - 9' moving No Parking No Individual lot access	18'	16'	50'	50'

(1) Cul-de-sac	2- 9' moving No Parking Individual lot access	18'	16'	50'	50'	
	(2) Loop Street	2 - 10' moving No Parking Individual lot access	20'	18'	50'	50'
	2 - 9' moving 1 - 8' parking Individual lot access	26'	--	50'	--	
Residential Subcollector Streets	2 - 9' moving No parking No individual lot access	26'	--	50'	--	
	2 - 9' moving No parking Individual lot access	18'	--	50'	--	
	2 - 10' moving No Parking No individual lot access	20'	18'	50'	50'	
	(1) Single Access	2 - 10' moving No parking Individual lot access	20'	18'	50'	50'
	(2) Loop Street	2 - 9' moving 1 - 8' parking Individual lot access	26'	--	50'	--
		2 - 10' moving 1 - 8' parking Individual lot access	28'	--	50'	--
		2 - 4' moving No parking Individual lot access	22'	--	50'	--
		2 - 11' moving No parking	22'	20'	60'	60'
Collector Streets						
Minor Collector Streets	2 - 11' moving 1 - 8' parking Undivided (no median)	30'	--	60'	--	
	2 - 11' moving 2 - 8' parking Undivided	38'	--	60'	--	
Minor Collector Streets	2 - 11' moving 2 - 8' parking 6' median strip	44'	--	66'	--	
Collector Streets	2 -14' moving No parking No median	28'	28'	66'	66'	
	2 - 12' moving No parking 6' median	30'	30'	70'	70'	
Major Collector Street	4 - 12' moving No parking No median	48'	48'	80'	80'	
	4 - 12' moving No parking 6' median	54'	54'	90'	90'	
Arterial Streets						

Minor Arterial Streets	Normal road configuration 2 - 14' moving No parking No median	--	28'	--	80'
	Approach to intersections 2 - 12' moving 2 - 12' turning 1 - 2' merging 6' median	--	66'	--	100'
Arterial Streets	Normal road configuration 4 - 12' moving No parking 6' median	--	54'	--	100'
	Approach to intersections	--	78'	--	120'
Arterial Streets	4 - 12' moving 2 - 12' turning 6' median				

(Ord. 711, passed 2-5-2019)

3.05.03 Rights-of-Way

A. Rights-of-way Widths

Rights-of-way requirements for road construction shall be as specified in Table 3.05.02(A) of this Code. The right-of-way shall be measured from lot line to lot line.

B. Future Rights-of-Way

Where roadway construction, improvement, or reconstruction is not required to serve the needs of the proposed development project, future rights-of-way shall nevertheless be reserved for future use. No part of the reserved area shall be used to satisfy minimum requirements of this Code.

C. Protection and Use of Rights-of-Way

1. No encroachment shall be permitted into existing rights-of-way, except for temporary use authorized by the City or the Florida Department of Transportation.

2. Use of the right-of-way for public or private utilities, including, but not limited to, sanitary sewer, potable water, telephone wires, cable television wires, gas lines, or electricity transmission, shall be allowed subject to Florida Department of Transportation utility placement regulations (U.S. 98) and applicable City regulations.

3. Sidewalks and bicycle ways shall be placed within the right-of-way.

D. Abandonment of Rights-of-Way

Applications to abandon a right-of-way shall be approved upon a finding that all of the following requirements are met:

1. The requested abandonment is consistent with the Transportation Circulation Element of the City Comprehensive Plan.

2. The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement.

3. The abandonment would not jeopardize the current or future location of any utility.

4. The proposed abandonment is not detrimental to the public interest and provides a positive benefit to the City.

(Ord. 711, passed 2-5-2019)

3.05.04 Street Design Standards

A. General Design Standards

1. All streets in a new development shall be designed and constructed pursuant to the standards in the Green Book. Streets shall be dedicated to the City upon completion, inspection, and acceptance by the City.

2. The street system of the proposed development shall, to the extent practicable, conform to the natural topography of the site, preserving existing hydrological and vegetative patterns, and minimizing erosion potential, runoff, and the need for site alteration. Particular effort should be directed toward securing the flattest possible grade near intersections.

3. Streets shall be laid out to avoid environmentally sensitive areas.

4. Private streets may be allowed within developments that will remain under common ownership, provided they are designed and constructed pursuant to the standards in the Green Book and Florida Department of Transportation Specs for Roads and Bridges current edition.

5. The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area.

6. Streets in proposed subdivision shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are unplatted, stub outs in the new development shall be provided for future connection to the adjacent unplatted land.

7. Residential streets shall be arranged to discourage through traffic.

8. Streets shall intersect as nearly as possible at right angles and in no case shall be less than seventy- five (75) degrees.

9. New intersections along one (1) side on an existing street shall, where possible, coincide with existing intersections. Where an offset (jog) is necessary at an intersection, the distance between centerlines of the intersecting streets shall be no less than one hundred fifty (150) feet.

10. No two (2) streets may intersect with any other street on the same side at a distance of less than four hundred (400) feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be no less than one thousand (1,000) feet.

B. Paving Widths

Paving widths for the street classification shall be as provided in Table 3.03.02(A) of this Code.

C. Curbing requirement

1. Curbing shall be required for the purposes of safety, delineation and protection of pavement edge along streets, and for drainage in the following cases: where the surface drainage plan requires curbing to channel stormwater.

2. All curbing shall conform to the construction standards contained in the Florida Department of Transportation Specs for Roads and Bridges, current addition.

D. Shoulders

Shoulders, where required, shall measure at least four (4) feet in width and shall be required on the side of streets and shall be located within the right-of-way. Shoulders shall consist of stabilized turf or other stabilizing material. Shoulders and/or drainage swales are required as follows:

1. Shoulders are required on residential access and residential subcollector streets only where necessary for stormwater management or road stabilization.

2. All residential collector streets shall provide two (2) four (4)-foot wide shoulders. Shoulders should be grass surfed except in circumstances where grass cannot be expected to survive. In no case shall the shoulders be paved.

3. Where shoulders are required by the Florida Department of Transportation.

4. Collector streets where curbing is not required.

5. Arterial streets where curbing is not required.

E. Acceleration, Deceleration, and Turning Lanes.

1. Deceleration or turning lanes may be required by the City along existing and proposed streets as determined by a traffic impact study where the City can justify the need.

2. Deceleration lanes shall be designed to the following standards:

a. The lane width shall be the same as the required width of the roadway moving lanes.

b. The lane shall provide the full required lane width for its full length. It shall not be tapered.

c. The minimum lane length shall be as follows:

<i>Design Speed of Road</i>	<i>Minimum Deceleration Lane Length</i>
30 mph	165 feet
40 mph	230 feet
50 mph	310 feet

3. Acceleration lanes are only required when indicated as needed by a traffic impact study. Where needed, a paved taper shall be provided for right hand turns.

F. Cul-de-sacs Turnarounds

1. An unobstructed twelve (12) foot wide moving lane with an outside turning radius of thirty-eight (38) feet shall be provided at the terminus of every permanent cul-de-sac.

2. No cul-de-sac shall exceed eight hundred (800) feet in length. Right-of-way radius for cul-de-sac shall be fifty (50) feet.

G. Stub Streets

1. Residential access and subcollector stub streets may be permitted only within subsections of a phased development for which the proposed street in its entirety has received final site plan approval.

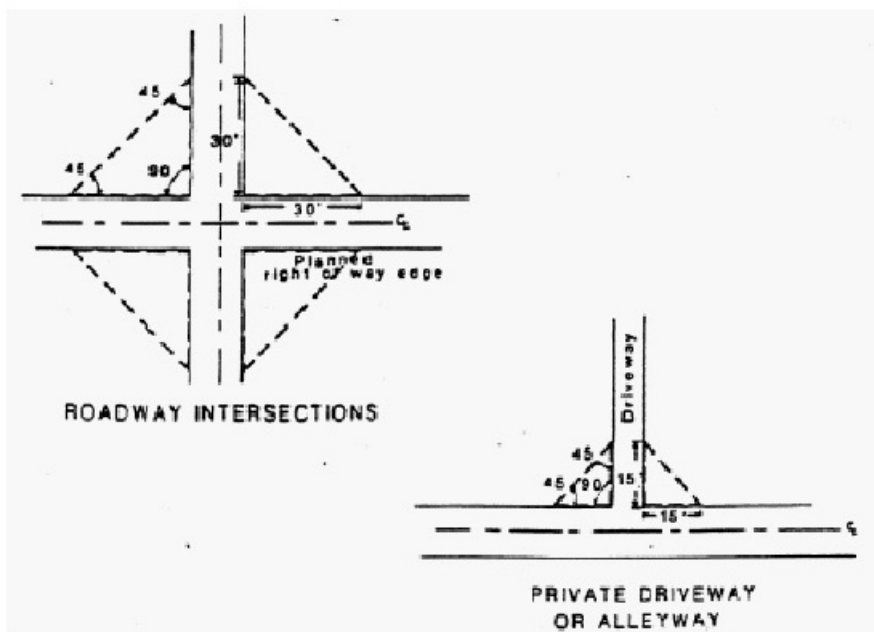
2. Residential collector and higher order stub streets may be permitted or required by the City provided that the future extension of the street is deemed desirable by the City.

3. Temporary turnarounds shall be provided for all stub streets providing access to five (5) or more lots or housing units. Where four (4) or fewer units or lots are being served, a sign indicating a dead-end street shall be posted.

H. Clear Visibility Triangle

In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by two (2) intersecting streets or the intersection of a driveway and a street. The following standards shall be met:

1. Nothing shall be erected, piled, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and ten (10) feet above the grade, measured at the centerline of the intersection.



2. The clear visibility triangle shall be formed by connecting a point on the street center line, to be located at the distance from the intersection of the street center lines indicated below, and a third line connecting the two (2) points. See Figure 3.05.04 (H).

3. The distance from the intersection of the street center lines will be determined by the Superintendent of the Road and Street Department, and the Public Works Director in their absence, and based upon the individual and unique conditions of each intersection and the adjacent properties.

I. Signage and Signalization

The developer shall provide all necessary roadway signs and traffic signalization as may be required by the City, based upon City or State traffic standards. At least two (2) street name signs shall be placed at the four-way street intersection, and one (1) at the "T" intersection. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs shall be consistent, of a style appropriate to the community, and of a uniform size and color.

J. Street Trees

No development shall be approved without reserving an easement authorizing the City to plant shade trees within five (5) feet of the required right-of-way boundary. No street shall be accepted for dedication until the easement required by this subsection has been provided.

(Ord. 711, passed 2-5-2019)

3.06.00 BUILDING NUMBERS

All buildings must provide numbers and have them displayed in a manner that is visible from the road. The building numbers are to be displayed on the front portion of the structure.

(Ord. 711, passed 2-5-2019)

3.07.00 SUBDIVISIONS, PLATTING, AND LOT SPLITS

Subdivision of property into three (3) 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 F.S. Chapter 177.

A lot split that involves a parcel consisting of two (2) lots, as shown on a validly recorded plat, being split back to the originally platted lots, without any change to their boundaries, may be approved by the City Administrator so long as the lot split would not result in either lot or the improvements located on them being in violation of the City of Mexico Beach Comprehensive Plan or Land Development Code. Other lot split applications shall be processed as described below 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, except as provided above, or subdivision 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, 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 of an existing lot in a platted or unplatted residential area zoned "Residential - General" or "Residential - Low Density" shall be no more than ten percent (10%) 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.

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, the Comprehensive Plan, and other applicable regulations.

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.

(Ord. 711, passed 2-5-2019; Am. Ord. 764, passed -13-2021)

3.08.00 LOT COMBINATIONS

The combinations of two (2) lots may be approved administratively by the City Administrator. Lot combinations involving the combination of three (3) 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 except as provided above regarding a lot split that involves a parcel consisting of two (2) lots, as shown on a validly recorded plat, being split back to the originally platted lots without any change to their boundaries.

(Ord. 764, passed -13-2021)

ARTICLE IV

NATURAL RESOURCES PROTECTION

4.00.00 INTERGOVERNMENTAL FORUM PARTICIPATION

Mexico Beach shall cooperate with Bay County as part of any intergovernmental forum that should be established by Bay County to protect vegetative communities located within more than one (1) jurisdiction.

(Ord. 711, passed 2-5-2019)

4.01.00 LANDSCAPING

4.01.01 Scope

Encourage a holistic approach to landscape development, site design, and protection of environmentally sensitive lands by integrating existing vegetation, native species, natural topography, and stormwater management systems. Emphasis will be on preserving and maintaining existing vegetation to provide buffers, wildlife habitat, and reduce the impact of urbanization.

(Ord. 711, passed 2-5-2019)

4.01.02 Intent

It is the intent of this article to establish minimum landscape development requirements in both publicly and privately owned developed and redeveloped land.

(Ord. 711, passed 2-5-2019)

4.01.03 Definitions

Buffer Zone

A landscaped strip along parcel boundaries that serves as a buffer between incompatible uses and zoning districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary.

Ground Cover

Low growing plants, other than deciduous varieties; natural mulch; rocks, gravel, and sand installed to form a continuous cover over the ground.

Interior Area

The entire parcel to be developed exclusive of the front, rear, and side perimeter landscape areas.

Landscape Material

Living material including trees, shrubs, vines, grass, ground cover; landscape water features; and nonliving durable material commonly used in landscaping, including rocks, pebbles, and sand.

Landscaping

The placement of landscape material on a site in accordance with the requirements of this article.

Native Plants

Those plants, including communized plants, which are appropriate to the ecological setting, have non-invasive growth habits, are tolerant of the hydric conditions of the site, and require little maintenance upon maturity.

Natural

Existing in and produced by nature, not artificially or occurring in the ordinary course of nature.

Planting Area

Any area designed for landscape material installation having a minimum area and containing a suitable growing medium with proper drainage.

Shrub

A woody perennial plant differing from a perennial herb by its persistent and woody stems and from a tree by its low stature and habit of branching from the base.

Tree

Any self-supporting woody plant having at least one (1) well defined stem, a minimum of two (2) inches DBH, and which normally grows to a minimum height of eight (8) feet in the north Florida coastal area.

Vehicular Use Area

Any ground surface area, except public rights-of-way, used by any type of vehicle, whether moving or at rest, for such purposes as driving, parking, loading, unloading, storage, or display, including car dealerships; activities of a drive in nature in connection with banks, restaurants, filling stations, grocery and dairy stores, and other vehicular uses under, on, or within buildings.

(Ord. 711, passed 2-5-2019)

4.01.04 Application

The following requirements and standards apply to all development and redevelopment in Mexico Beach, Florida. No

development order may be issued on any property unless and until the site plan conforms in every respect to the requirements set forth in this article.

A. Minimum Standards

The design and installation of required landscaping shall be consistent with the following minimum standards. Where an applicant can demonstrate, to the satisfaction of the Planning and Zoning Board, that alternative design and installation plans will exceed the objectives of this article, strict application of the specific requirements for landscaping may be waived.

B. Submittal Criteria

All landscape drawings shall be drawn to scale, have a north arrow, have all buildings, pavement, onsite stormwater management facilities and utilities accurately depicted. The landscape drawing or accompanying site plan must give the land use type of adjacent parcels and the total square footage of all pavement. A plant schedule shall be provided showing the name, size, spacing, and number of all required plant materials. Any plant on the approved list of plants may be substituted for the identified plant, provided that the plant be adapted to the amount of sun/shade, wet/dry, and size conditions where it will be planted. Plant materials shown in addition to the required elements of the landscape plan must be labeled as optional and shall not be subject to inspection.

(Ord. 711, passed 2-5-2019)

4.01.06 Required Landscaping

A. Landscape Area Requirements

1. A minimum of twenty-five percent (25%) of the total developed area shall be devoted to landscaping. Landscaping can be concentrated in the building setback areas, which is also the primary tree protection area. However, a minimum of five percent (5%) of the landscaped area shall be located within the interior of the site.

2. All development activity shall seek to preserve natural areas. These areas can be used to fulfill the landscape requirements provided they meet one (1) of the following criteria:

- a. Protects the beaches and dunes;
- b. Encompasses tree clusters;
- c. Is located so as to protect downhill sides of slopes;
- d. Constitutes a perimeter buffer;
- e. Encompasses all onsite environmental constraints.

B. Vehicle Use Areas

1. Perimeter Landscape Area Requirements:

a. **Front Perimeter Landscape Area.** A ten (10) foot wide strip of land along the entire front perimeter of a site, located between the front property line and any vehicular use area, shall be landscaped. Width of sidewalks shall not be included within the ten (10) foot wide front perimeter landscape area.

b. **Side and Rear Perimeter Landscape Areas.** A six (6) foot wide strip of land along the entire side and rear perimeter of a site, located between the side and rear property lines and any vehicular use area, shall be landscaped, except where a permitted entrance or access way is located.

c. **Adjacent Properties.** Adjacent property owners may agree to only one (1) landscape barrier as long as it meets the requirements and standards of the landscape code.

2. Interior Landscape Area Requirements:

a. Interior planting areas shall be located to most effectively relieve the monotony of large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.

b. Interior Landscape Areas shall have a minimum size of one hundred forty (140) square feet.

C. Buffer Zones

1. A buffer zone is a landscaped strip along parcel boundaries that serves as a buffer between incompatible uses and zoning districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. Buffers are required in between incompatible uses as defined in Table 4.01.06, below. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirements.

2. **Width:** A buffer strip of at least ten (10) feet in width along the property line is required where such conflict exists.

3. **Height:** The buffer shall contain a wall, fence, or hedge to a height of at least six (6) feet providing a visual screen.

4. The use of existing native vegetation in buffer zones is preferred. If a developer proposes to landscape a buffer zone with existing native vegetation, the Planning and Zoning Board may allow a variance from the strict planting requirements of this section if:

- a. The variance is necessary to prevent harm to the existing native vegetation; and
 - b. The buffering and/or aesthetic purposes of the buffer zone are substantially fulfilled despite the variance.
5. The buffer zone counts towards the twenty-five percent (25%) required landscaping.

4.01.06 Table of Incompatible Adjacent Districts

Zoning District	RLD	RG	HDR	GC	TC	P/I	R	I	P	TMU
Zoning District	RLD	RG	HDR	GC	TC	P/I	R	I	P	TMU
Residential Low Density	--	C	C	I	I	C	C	I	C	I
Residential General	C	--	C	I	I	C	C	I	C	I
High Density Residential	C	C	--	I	I	C	C	I	C	I
General Commercial	I	I	I	--	I	I	I	I	I	I
Tourist Commercial	I	I	I	I	--	I	I	I	I	I
Public/Institutional	C	C	C	I	I	--	C	I	C	C
Recreation	C	C	C	I	I	C	--	I	C	C
Preservation	C	C	C	I	I	C	C	I	--	I
Tourist Mixed Use	C	C	C	I	I	C	C	I	I	--

Notes for Table 4.01.06

“C” stands for “Compatible.” “I” stands for “Incompatible.” Two (2) parcels of different zoning districts that are specified in this section as “incompatible” require a buffer along the parcel boundaries. This includes incompatible Zoning Districts that are separated by a road.

D. Use of Required Areas

No accessory structures, garbage or trash collection points or receptacles, parking, or any other functional use contrary to the intent and purpose of this Code shall be permitted in a required landscape area. This does not prohibit the combining of compatible functions such as landscaping and stormwater drainage facilities.

(Ord. 711, passed 2-5-2019)

4.01.07 Landscape Design and Materials

A. Design Principles

All landscaped areas required by this Code should conform to the following general design principles:

1. Landscaping should integrate the proposed development into existing site features through consideration of existing topography, hydrology, soils, and vegetation.
2. The functional elements of the development plan, particularly the drainage systems and internal circulation systems for vehicles and pedestrians, should be integrated into the landscaping plan.
3. Landscaping should be used to minimize potential erosion through the use of ground covers or any other type of landscape material that aids in soil stabilization.
4. Existing native vegetation should be preserved and used to meet landscaping requirements.
5. Landscaping should enhance the visual environment through the use of materials that achieve variety with respect to seasonal changes, species of living material selected, textures, colors, and size at maturity.
6. Landscaping design should consider the aesthetic and functional aspects of vegetation, both when initially installed and when the vegetation has reached maturity.
7. Landscaping should enhance public safety and minimize nuisances.
8. Landscaping should be used to provide windbreaks, channel wind, and increase ventilation.
9. The selection and placement of landscaping materials should consider the effect on utilities such as power lines.

B. Installation of Plants

1. All plants shall be healthy and free of diseases and pests and shall be selected from the list of approved species.
2. Plants shall be installed during the period of the year most appropriate for planting the particular species. If compliance with this requires that some or all of the landscaping be planted at a time after the issuance of a certificate of occupancy, the developer shall post a performance bond sufficient to pay the costs of the required, but not yet installed, landscaping before the certificate shall be issued.

3. Landscaping shall be protected from vehicular and pedestrian encroachment by means of raised planting surfaces, depressed walks, curbs, edges, and the like.

4. The landscaping shall not interfere, at or before maturity, with power, cable television or telephone lines, sewer or water pipes, or any other existing or proposed overhead or underground utility service.

5. All plants shall be installed according to standards adopted by the Planning and Zoning Board.

6. The developer shall provide sufficient soil and water to sustain healthy growth of all plants.

7. To provide visibility and safety, no landscape materials except grasses and groundcovers shall be located closer than three (3) feet to an access way; and no landscape materials shall exist within the heights of two (2) and six (6) feet above ground level, including limbs and foliage of trees and shrubs planted outside but extending into the sight triangle.

C. Use of Native Plants

Forty percent (40%) of the total number of individual plants selected from each of the categories of the list of approved species below (tree, shrub, and groundcover) and used to satisfy the requirements of this Code shall be selected from the list of native species in the category.

D. Planting Requirements

1. Trees

A ratio of one (1) tree for every fifty (50) linear feet of boundary is required. Trees shall have a minimum overall height of ten (10) to twelve (12) feet at time of planting. These trees should be concentrated in the perimeter landscape areas. This provision is not intended to require trees to be equally spaced. Creative design and spacing is encouraged. However, the plants shall be spread along the length of the buffer. Native species that need less water and maintenance are preferred.

2. Shrubs

Shrubs shall have a minimum height of eighteen (18) inches and a minimum spread of fifteen (15) inches at the time of planting. Shrubs spacing shall not exceed five (5) feet on center, nor shall plants be closer than two (2) feet to the edge of any pavement.

3. Ground Cover

Ground Cover shall be placed within all interior vehicle use landscape areas, and within all perimeter landscape areas not occupied by other landscape material or permitted access ways. Ground cover shall not exceed eight (8) inches in height.

E. Non-Living Materials

1. Mulches shall be a minimum depth of two (2) inches and plastic surface covers shall not be used.

2. Rocks, gravel, sand, or other natural material commonly used in landscaping are acceptable.

3. Areas using artificial plant material do not meet landscaping requirements.

F. Maintenance and Replacement of Plants

1. All required plants shall be maintained in a healthy, pest-free condition.

2. If a plant is dead, or severely damaged, or diseased within one (1) year of planting, the plant shall be replaced by the developer. The replacement plants shall be similar in size to the healthy plants of the same species at the time of replanting. If there are no healthy plants of that species, then the replacement plants will be the equivalent size of one (1) year old plants.

(Ord. 711, passed 2-5-2019)

4.02.00 TREE PROTECTION

4.02.01 Statement of Intent

The intent of this article is to perpetuate selected native tree species of Mexico Beach by requiring their on-site preservation. This article does not intend to deny reasonable use of private property, nor is it intended to delay or disrupt the development process; its purpose is to foster development responsive to, and protective of, local natural landscapes. The preservation of native trees and shrubbery will provide community-wide aesthetic benefits and indirect monetary worth by enhancing property values.

In a coastal environment, infertile soils and excessive salt mist limit tree and vegetation types to those species tolerant of harsh growing conditions. The conditions mentioned above diminish growth even among species adapted to a coastal environment. This creates extreme time lags between the implementation of landscape designs relying on replanting and the actual intended aesthetic affect of these designs. For this reason, preservation of existing trees is desired over replacement of removed trees; developers are urged to go beyond the minimum requirements of this Code in incorporating existing native vegetation into site design.

The following paragraphs define those trees protected from removal during development and levels of protection and replacement schedules for those protected trees removed in the course of development. A developer should apply the

provisions of this Article to a proposed development site before any other development design work is done. Application of the provisions of this Article will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should thus be designed to fit within the areas that may be developed.

(Ord. 711, passed 2-5-2019)

4.02.02 Definitions

Crown

The main mass of branching of a tree or shrub above the ground.

DBH

Diameter at breast height. "Breast height" is defined to be fifty-four (54) inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.

Desired Replacement Tree List

A listing of trees and shrubs native to coastal Panhandle Florida and desired for replanting in the area.

Drip Line

The outermost perimeter of the crown of a tree projected vertically to the ground.

General Replacement Tree List

A listing of salt tolerant tree and shrub species suitable for the Mexico Beach environment. This list includes non-native species. The General Tree Replacement List is intended to assist in the selection of trees for replacement and does not restrict those tasked with tree replacement to species appearing on the list.

Hardwood

Broad-leaved, flowering tree such as oak or hickory.

Oak Thicket

A dense association of shrubby oaks, the crowns of which have intertwined to form a canopy. This canopy displays the distinctive sculpted appearance caused by salt pruning.

Primary Tree Protection Area

An area equal in size to the zoning setbacks measured from the perimeter of the lot or parcel towards the interior. The area offers the highest degree of tree protection.

Protected Tree

A tree which the community desires to protect during all phases of site development. Any tree so designated must, upon removal or damage during the course of development, be replaced at a specified ratio at developer expense. For the purpose of this Code, all shrubby oaks are hereby declared protected trees.

Replacement Tree

An approved tree species of at least one (1) inch DBH and four (4) feet in height, planted at developer expense towards replacement of protected trees removed or damaged in the course of development. (See Replacement Tree lists.)

Remove

To relocate, cut down, damage, poison, or in any other manner destroy, or cause to be destroyed, a tree.

Secondary Tree Protection Area

That interior portion of a lot or parcel exclusive of the Structure Footprint and the Primary Tree Protection Area.

Shrub

A woody plant of relatively low height distinguished from a tree by having several stems rather than a single trunk.

Shrubby Oaks

Rooted trees and seedlings of the following species:

Quercus geminata (Live Oak)

Quercus myrtifolia (Myrtle Oak)

Quercus chapmanii (Chapman's Oak)

Softwood

A coniferous (cone-bearing) tree, usually evergreen, for example, a pine.

Structure Footprint

That area within a parcel or lot taken up by the extent of a structure plus an additional ten (10) feet. "Extent" shall include roof overhangs or other enclosed structure based on the dwelling foundation. This area shall also include the driveway. This area is offered the least amount of tree protection.

Tree Protection Zone

A circular zone around each protected tree defined as follows:

- a. If the drip line is less than six (6) feet from the trunk of the tree, the zone shall be that area within a radius of six (6) feet around the tree.
- b. If the drip line is more than six (6) feet from the trunk of the tree, the zone shall be that area within the radius of the full drip line around the tree up to a maximum radius of twenty (20) feet.

(Ord. 711, passed 2-5-2019)

4.02.03 Regulations

The following regulations for the protection of selected trees apply during all phases of new site development and to post-development tree removal. Single family residences are not exempted from these regulations. These regulations shall also apply to reconstruction on a lot or parcel.

A. Primary Tree Protection Area Requirements

1. Within the Primary Tree Protection area:
 - a. All hardwood trees with a four (4) inch DBH or greater are protected trees.
 - b. All softwood trees with an eight (8) inch DBH or greater are protected trees.
2. All designated protected trees shall be safeguarded from damage or destruction during all phases of the development process by adoption of suitable protection measures (see paragraph 6 below). This protection shall extend outward to the limits of the defined drip zone.
3. All protected trees removed from the Primary Tree Protection Area shall be replaced at developer expense at the following ratios:
 - a. For every one (1) inch DBH of protected tree removed in the Primary Tree Protection Area, two (2) inches DBH of replacement tree shall be planted. These trees may be from those listed on the General Replacement Tree List.or
 - b. For every inch DBH of protected tree removed from the Primary Tree Protection Area, 1.5 inches DBH shall be planted from tree species listed on the Desired Replacement Tree List.
4. Replacement trees not surviving one (1) year from planting must be replaced at developer expense.
5. That portion of the Primary Tree Protection Area required for the driveway is exempt from the preceding regulations and shall be regarded as part of the Structure Footprint.
6. Replacement trees necessitated by the removal of protected trees may be replanted in either the Secondary Tree Protection Zone or in available space in the Structure Footprint.

B. Secondary Tree Protection Area Requirements:

1. Within the Secondary Tree Protection Area all hardwoods with a four (4) inch or greater DBH are designated protected trees.
2. All designated protected trees shall be safeguarded from damage or destruction during all phases of the development process by adoption of suitable protection measures (see paragraph F below). This protection shall extend outward to the limits of the defined drip zone.
3. All protected trees removed from the Secondary Tree Protection Area shall be replaced at developer expense at the following ratio: For every one (1) inch DBH of protected tree removed in the Secondary Tree Protection Area, one (1) inch DBH of replacement tree shall be planted. Replacement trees for the Secondary Tree Protection area may, but need not, be selected from those listed on either the General or Desired Replacement Tree List.
4. Replacement trees not surviving one (1) year from planting must be replaced at developer expense.
5. That portion of the Secondary Tree Protection Area required for the driveway is exempt from the preceding regulations and shall be regarded as part of the Structure Footprint.
6. Replacement trees necessitated by the removal of protected trees may be replanted in either the Primary Tree Protection Zone or in available space in the Structure Footprint.

C. Structure Footprint Protection Requirements:

1. Within the Structure Footprint, all trees with a fifteen (15) inch or greater DBH are designated protected trees.
2. The replacement of protected trees necessitated by the placement of the Structure Footprint shall be at the following ratio:

a. For every one (1) inch of DBH of protected tree removed in the Structure Footprint, one (1) inch DBH of replacement tree shall be planted in the Primary or Secondary Tree Protection Area, or available space within the Structure Footprint. These trees may, but need not, be selected from among those listed on the General Replacement Tree List.

or

b. For every one (1) inch DBH of protected tree removed in the Structure Footprint, one-half (.5) inch DBH of replacement tree shall be planted in the Primary or Secondary Tree Protection Area, or available space within the Structure Footprint, from trees listed on the Desired Replacement Tree List.

3. The maximum number of Replacement Tree inches required in the Structure Footprint shall not exceed fifty (50) inches DBH for trees not selected from the Desired Replacement Tree List, or twenty-five (25) inches DBH for trees selected from the Desired Replacement Tree List, regardless of the number of protected tree inches removed.

(Ord. 711, passed 2-5-2019)

4.02.04 Special Provisions for the Protection of Oak Thickets

A. Within the Primary and Secondary Tree Protection Areas, oak thickets (see definition) shall be regarded as protected trees regardless of the DBH of individual oaks within the thicket. The appropriate replacement ratios apply. Where no determination can be made of DBH of trees comprising the oak thicket, a one (1) inch DBH shall be assumed.

B. Every attempt should be made to preserve oak thickets in their entirety by incorporating them into site landscape design.

C. Should removal of part of the thicket be necessary, every effort shall be made to preserve the most seaward edge of the thicket running parallel (or nearly parallel) to the Gulf of Mexico. This leading edge provides protection to the interior portions of the thicket by intercepting the bulk of salt mist and spray. Removal of this edge invites damage to the thicket interior by exposing it to increased amounts of airborne salt.

D. Preservation of oak thickets can account for all or part of the required twenty-five percent (25%) on-site native vegetation protection total (see Landscape Protection Regulations).

(Ord. 711, passed 2-5-2019)

4.02.05 Exemptions

The preceding Tree Protection Requirements do not apply to:

- A. The removal of a tree planted and grown in the ordinary course of business of a lawful plant or tree nursery.
- B. The removal of any tree during or following an act of nature, when the director determines that Tree Protection Review requirements will hamper efforts to return the community to normal functioning.
- C. The removal of a tree which is determined to be so damaged or diseased as to pose a public health risk.
- D. The removal of trees for utility operations, provided that removal is confined to those areas necessary for either the maintenance of existing facilities, or for construction of new facilities.
- E. The removal of trees and shrubs by licensed surveyors in the course of their work. Surveyors shall be limited to no more than a three (3) foot swath.
- F. The removal of trees for thinning purposes where it is evident that an overabundance of trees is causing the property owner an obvious nuisance, or renders a strong possibility of property damage to the structures, or the trees in question far outnumber the minimum tree requirements set forth in this regulation. This provision does not apply to land developers for resale purposes.
- G. The softwood coniferous (cone-bearing) tree known as the specie pine is exempted from tree protection requirements within this article.

(Ord. 711, passed 2-5-2019)

4.02.06 Physical Protection of Protected Trees during Development

A. To assure the health and survival of protected trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:

1. Mechanical injuries to roots, trunks, and branches.
2. Injuries by chemical poisoning.
3. Injuries by grade changes.

4. Injuries by excavations.
5. Injuries by paving.

B. Paragraph 4.02.06A.1.-5. shall be accomplished by the erection of barriers around the entire Tree Protection Zone (see definition) prior to the commencement of development. The barrier shall be constructed as follows:

1. Wooden or similar posts, at least 1.5 X 3.5 inches, shall be implanted in the ground deep enough to be stable, and with at least three (3) feet above the ground.
2. The protective posts shall not be placed more than six (6) feet apart, and shall be linked together by rope or chain.

C. In lieu of constructing barriers around large areas containing protected trees, the developer may place stakes a maximum of ten (10) feet apart around the perimeter of the Tree Protection Zone. The stakes will then be connected with ribbon, flagging, or plastic tape.

D. All development activities except for those specifically permitted in this article are prohibited within the Tree Protection Zone. All temporary construction activities shall also be prohibited within the Tree Protection Zone, including digging, storage of construction material, and parking of construction vehicles.

E. The following development activities are permitted in the Tree Protection Zone:

1. The tunneling of utility lines beneath tree roots shall be permitted to avoid trenching.
2. The placement of sodding and other natural ground covers, and the preparation of the ground surface for such covers.

(Ord. 711, passed 2-5-2019)

4.02.07 Review Procedures

A. For Site Development:

The Planning and Zoning Board shall review all site plans for compliance with the preceding Tree Protection Regulations.

1. For submission to the Planning and Zoning Board, the developer will denote on site plans:
 - a. The Primary Tree Protection Area.
 - b. The Secondary Tree Protection Area.
 - c. The Structure Footprint Area.
 - d. The location of tree protection zones, as indicated by barriers.

2. The developer will provide an estimate of total inches of protected trees removed from each Protection Area. From this estimate, the number of replacement trees will be determined.

B. For Post-Development Tree Removal:

1. The property owner or the owner's appointed agent will make timely application to the City Council for removal of trees on the applicants' property protected by the tenets of this regulation.
2. For each protected tree to be removed, a Tree Removal Permit shall be issued.

(Ord. 711, passed 2-5-2019)

4.02.08 Hardship Procedures

All development activities anticipated not to be in compliance with the Tree and Landscape Regulations shall apply for variance from these regulations to the Planning and Zoning Board in accordance with Section 7.04.00.

(Ord. 711, passed 2-5-2019)

4.02.09 Desired Replacement Tree List

The following tree and shrub species are native to Mexico Beach and its environs and so are best adapted to local growing conditions when matched to specific habitat requirements. These species, when available are desired for replanting:

<i>Common Name</i>	<i>Latin Name</i>	<i>Habitat</i>
<i>Common Name</i>	<i>Latin Name</i>	<i>Habitat</i>
Cabbage Palm	Sabal Palmetto	Wet areas with calcerous soil
Chapman's Oak	Quercus Chapmanii	Dry, sandy soil
Live Oak	Quercus Virginiana	Damp or dry, sandy soil
Magnolia	Magnolia Grandiflora	Damp or dry, sandy soil

Sand Live Oak	Quercus Geminata	Dry, sandy soil
Sand Pine	Pinus Clausa	Dry, sandy soil in elevated areas
Slash Pine	Pinus Elliotii	Wet areas with acid, sandy soil
Wild Olive	Osmanthus Americanus	Damp to dry, sandy soil
Myrtle Oak*	Quercus Myrtifolia	Dry, sandy soil
Wax Myrtle*	Myrica Cerifera	Wet to dry, sandy soil
Yaupon*	Ilex Vomitora	Damp to dry, sandy soil
* by definition a shrub rather than a tree		

(Ord. 711, passed 2-5-2019)

4.02.10 General Replacement Tree List

The following tree and shrub species which, though non-native to the area around Mexico Beach, are tolerant of local soil and climatic conditions. This list is intended for guidance only and does not restrict those tasked with tree replacement to this list.

<i>Common Name</i>	<i>Latin Name</i>	<i>Freeze Damage</i>
Century Plant	Aqave Americana	22 deg.
Bottle Brush	Callistemon spp.	26 deg.
Japanese Plum	Eriobata Japonica	Hardy
Shore Juniper	Juniperus Conferta	Hardy
Wax Leaf Ligustrum	Ligustrum Japonica	Hardy
Oleander*	Nerium Oleander	26 deg.
Jerusalem Thorn	Parkinsonia Aculeata	Hardy
Senegal Date Palm	Phoenix Reclinata	24 deg.
Pittosporum*	Pittosporum Tobira	Hardy
Japanese Yew	Podocarpus Macrophylla	Hardy
False Lavender*	Vitex Agnus-Castus	Hardy
* by definition a shrub rather than a tree		

(Ord. 711, passed 2-5-2019)

4.03.00 ENVIRONMENTALLY SENSITIVE LANDS AND OTHER PROTECTED NATURAL RESOURCES

4.03.01 Purpose and Scope

The purpose of this Article is to establish environmentally sensitive lands and other resources that must be protected from harmful effects of development. A developer should apply the provisions of this Section to a proposed development site before any other development design work is done. Application of the provisions of this Section will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should then be designed to fit within the areas that may be developed.

Scope: Designated Environmentally Sensitive Lands and other Protected Natural Resources. This section incorporates regulations designed to protect Environmentally Sensitive Lands, which are designated in Policy 6.2.1 of the City of Mexico Beach Comprehensive Plan, and other natural resources in need of protection. Environmentally sensitive lands are considered to be jurisdictional wetlands, surface waters, and beaches and dunes. Other protected natural resources are considered to be canal shoreline, wildlife habitat, and marine habitat.

(Ord. 711, passed 2-5-2019)

4.03.02 General Provisions

A. Relationship to other Requirements Relating to the Protection of Environmentally Sensitive Lands

In addition to meeting the following protection of environmentally sensitive lands and other protected natural resources requirements, development plans shall comply with applicable federal, state, water management district, county, and local regulations relating to these lands. In all cases the strictest of the applicable standards shall apply.

B. Compliance when Subdividing Land

Each lot of a proposed subdivision must include a site suitable for constructing a structure in conformity with the standards of these regulations.

(Ord. 711, passed 2-5-2019)

4.03.03 Definitions

Adverse Effects

Any modifications, alterations, or effects on waters, associated wetlands, or shorelands, including their quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

Beneficial Functions of a Protected Environmentally Sensitive Area

Those functions, described in the Conservation Element of the Comprehensive Plan, that justify designating an area as environmentally sensitive.

Clearing

The removal of trees and brush from the land, not including the ordinary mowing of grass.

Direct Hydrologic Connection

A surface water connection which, under normal hydrological conditions, occurs on an average of thirty (30) or more consecutive days per year. In the absence of reliable hydrologic records, a continuum of wetlands may be used to establish a direct hydrologic connection.

Pollutant

Any substance, contaminant, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Significant Adverse Effect

Any modification alteration, or effect upon a Protected Environmentally Sensitive Area which measurably reduces the Area's beneficial functions as delineated in the Conservation Element of the City of Mexico Beach Comprehensive Plan.

Water or Waters

Includes, but is not limited to, water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, streams, rivers, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.

Water Body

Any natural or artificial pond, lake, reservoir, or other area with a discernible shoreline which ordinarily or intermittently contains water.

Watercourse

Any natural or artificial channel, ditch, canal, stream, river, creek, waterway, or wetland through which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, banks, or other discernible boundary.

Water's Edge and Wetland's Edge

The water's or wetland's edge shall be determined by whichever of the following indices yields the most landward extent of waters or wetlands:

- 1) the boundary established by the average annual high water mark
- 2) the landward boundary of hydric soils, or
- 3) the landward boundary of wetland vegetation, based on the wetland vegetation index.

(Ord. 711, passed 2-5-2019)

4.03.04 Creation of Protected Environmentally Sensitive Zones

A. Wetlands Protection Zone

1. There is hereby created a "Wetlands Protection Zone" in which special restrictions on development apply.
2. The boundaries of this zone shall be the most landward extent of the following:
 - a. Areas within the dredge and fill jurisdiction of the Department of Environmental Regulation as authorized by F.S. Chapter 403.
 - b. Areas within the jurisdiction of the U.S. Army Corps of Engineers as authorized by Section 404, Clean Water Act or

Section 10, River and Harbor Act.

3. Determination of wetlands boundaries by the Department of Environmental Regulation or the Army Corp of Engineers must be made prior to development approval for all areas identified as "Potential For Wetlands" on the Future Land Use Map of the Comprehensive Plan. If the determination for a proposed development site has not been made, the determination process will be initiated by the developer.

B. Canal Shoreline Protection Zone

1. There is hereby created the "Canal Shoreline Protection Zone" in which special restrictions on development apply.

2. The Canal Shoreline Protection Zone extends from the point in waters where no emergent aquatic vegetation can grow landward, to a point fifteen (15) feet landward of the water's edge. No development or construction activity shall occur in this zone, however, construction of bulkheads, seawalls, dock facilities, or other water related structures is not prohibited provided all appropriate State and local permits are obtained prior to construction. Natural shoreline vegetation shall be preserved for twenty (20) feet landward from the mean high tide line. Cleared corridors fifteen (15) feet in width or less which provide access to water will be allowed at a frequency of every one hundred (100) feet of frontage along the water's edge or one (1) corridor per lot, whichever is more stringent. In addition, only two (2) twelve (12) foot wide, covered boat slips will be permissible per single family residential lot.

C. Beach and Dune Protection Zone

1. There is hereby created the "Beach and Dune Protection Zone" in which special restrictions on development apply.

2. The Beach and Dune Protection Zone boundaries encompass beaches and dunes designated "Preservation" on the Future Land Use Map of the Comprehensive Plan. The "Preservation" designation encompasses lands south of U.S. 98 between 8th Street and the eastern City limit and lands seaward of the Coastal Construction Control Line (CCCL). The City shall redefine its "Preservation" designation upon any change to the boundaries of the CCCL.

D. Wildlife Habitat Protection Zone

1. There is hereby created the "Wildlife Habitat Protection Zone" in which special restrictions on development apply.

2. The boundaries of this zone are those lands which are inhabited by species listed as endangered or threatened, as specified in the "Official Lists of Endangered Fauna and Flora in Florida", published by the Florida Game and Fresh Water Fish Commission.

E. Request for Determination of Boundaries

A developer may obtain a determination of the boundaries of a Protected Environmentally Sensitive Zone or Other Protected Natural Resource by submitting a request to the department with jurisdiction over the land in question. The request must, as a minimum, set forth an adequate description of the land the developer wishes to develop, the nature of the developer's right to ownership or control of the land, and other information needed to make the determination.

(Ord. 711, passed 2-5-2019)

4.03.05 Development Activities within Protected Environmentally Sensitive Zones

A. Generally

Except as expressly provided herein, no development activity shall be undertaken in a Protected Environmentally Sensitive Zone.

B. Activities Presumed to have an Insignificant Adverse Effect on Protected Environmentally Sensitive Zones

1. Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of Protected Environmentally Sensitive Zones. Notwithstanding the prohibition in Section 4.03.05A. of this Part, these activities may be undertaken unless it is shown by competent and substantial evidence that the specific activity would have a significant adverse effect on the Protected Environmentally Sensitive Area.

2. The following uses and activities are presumed to have an insignificant adverse effect on Environmentally Sensitive Zones:

- a. Minor maintenance or emergency repair to existing structures or improved areas.
- b. Cleared walking trails having no structural components.
- c. Timber catwalks, docks, and trail bridges that are less than or equal to four (4) feet wide, provided that no filling, flooding, dredging, draining, ditching, or excavating is done, except limited filling and excavating necessary for the installation of pilings.
- d. Commercial or recreational fishing.

3. The following activities are presumed to have an insignificant adverse effect on the beneficial functions of the Wetlands Protection Zone:

- a. Construction of fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.

b. Development of an area that no longer functions as a wetland, except a former wetland that has been filled or altered in violation of any rule, regulation, statute, or this Code. The developer must demonstrate that the water regime has been permanently altered, either artificially or naturally, in a manner to preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetland structure and function. If the water regime of a wetland has been artificially altered, but wetland species remain the dominant vegetation of the area, the Department shall determine the feasibility of restoring the altered hydrology. If the wetland may be restored at a cost that is reasonable in relation to benefits to be derived from the restored wetland, the developer shall, as a condition of development, restore the wetland and comply with the requirements of this Code.

4. The following uses and activities are presumed to have an insignificant adverse effect on the Canal Shoreline Protection Zone:

a. Clearing of shoreline vegetation to create walking trails having no structural components, not to exceed four (4) feet in width.

b. Construction of fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.

5. The following uses and activities are presumed to have an insignificant adverse effect on the Beach and Dune Protection Zone:

a. Maintenance of existing beach/dune vegetation following Department of Natural Resource guidelines.

b. Activities allowed under the "Exemptions from Permit Requirements" section of Department of Natural Resource Rules and Procedures for Chapter 16B-33, FAC.

C. Special Uses

1. Generally

a. All development activities in Environmentally Sensitive Lands and Environmental Protection Zones within the City are prohibited unless the necessary valid permits are obtained. These permits must be obtained prior to issuing local development approval.

b. Pursuant to the Conservation Element of the Comprehensive Plan, the City shall evaluate impacts on fisheries, wildlife habitat and marine habitat as part of its development and review and approval process. Development activities which will destroy identified wildlife or marine habitat, or endangered or threatened species shall be restricted through use of an enforceable development agreement pursuant to F.S. § 163.3220-3234, or mitigation measures pursuant to Chapter 17-312, FAC.

c. In the event endangered species such as sea turtles or manatees are found within the City, the City shall contact the Department of Natural Resources for guidance as to protective measures to be undertaken.

2. Permits for all development activities in jurisdictional wetlands must be obtained from the U.S. Army Corps of Engineers, pursuant to Section 404, Clean Water Act and Section 10, River and Harbor Act, and/or the Florida Department of Environmental Regulation, pursuant to Chapters 17-4 and 17-312, FAC.

3. Pursuant to Policy 5.2.1 of the City Comprehensive Plan, when reviewing applications for development permits or plan amendments the City shall permit the following shoreline uses in order of priority. The City shall give priority to these uses when issuing permits for competing development applications.

a. Resource Conservation

- (1) Wetlands preservation
- (2) Protection of living marine resources
- (3) Shoreline stabilization/dune protection

b. Waterfront Access and Recreation

- (1) Public waterfront access
- (2) Public and private open-to-public recreation
- (3) Open space

c. Water-Dependent Development

- (1) Marinas
- (2) In-water boat repair
- (3) Institutional

d. Other Uses

- (1) Residential

(2) Commercial

(3) Institutional

4. Permits for development activities in beaches and dunes must be obtained from the Florida Department of Natural Resources, pursuant to Chapters 16B-24 and 16-B33, FAC.

a. Prior to development approval from the City, the CCCL must be surveyed and clearly marked on site. The City building inspector shall periodically inspect such sites to ensure compliance with state law.

5. Permits for development activities in surface waters must be obtained from the Department of Natural Resources pursuant to Chapters 16B-24 and 16B-33, FAC, and the Department of Environmental Regulation pursuant to Chapters 17-3, 17-4, and 17-312, FAC.

a. Approval by the City Council of construction activities in Gulf surface waters is dependent on determination by the developer of presence of seagrass beds, oyster reefs, or other living marine resources. If permanent damage to these resources is expected to result from construction activities, the City will coordinate with the Department of Natural Resources to restrict construction activities and determine appropriate mitigation procedures. Appropriate mitigation is undertaken by the developer subject to the provisions of Chapter 17-312, Part III, Florida Administrative Code.

b. Construction of docks, piers, wharves, or similar structures under City jurisdiction are prohibited unless specifically approved by the City Council.

6. Appropriate permits for all development activities in identified endangered species and threatened species habitat must be obtained from the Florida Game and Fresh Water Fish Commission and the United States Department of Interior. Determination of habitat is necessary when endangered or threatened species habitat is present in the area of proposed construction activities. The developer of any areas identified as containing wildlife habitat shall be responsible for conducting an analysis to determine the presence of endangered or threatened species.

D. Mitigation

1. Generally

a. The purchase, creation, enhancement and/or restoration of Environmentally Sensitive Lands through compensatory mitigation is required to compensate for the loss of such lands when a special use is allowed.

b. The purchased, created, enhanced, or restored Environmentally Sensitive Land must be of the same type as those destroyed or degraded.

c. Compensatory mitigation shall not be the basis for approving a project that could not otherwise be approved.

d. A developer of a compensatory mitigation plan shall grant a conservation easement under F.S. § 704.06, on the newly purchased, created, enhanced, or restored Environmentally Sensitive Lands to protect them from future development.

2. Wetlands

a. Compensatory wetland mitigation shall require that the amount of wetlands purchased, created, enhanced, or restored be large enough to assure that the amount of wetlands destroyed or degraded will be completely and successfully replaced. Replacement of destroyed wetlands shall be in accordance with Department of Environmental Regulation mitigation standards, FAC 17-312.

3. Beaches and Dunes

a. Compensatory beach and dune mitigation shall require that the amount of beaches and dunes created, enhanced, or restored be large enough to assure that the amount of beaches and dunes destroyed or degraded will be completely and successfully replaced. Creation, enhancement, or restoration shall require, at a minimum, the planting and maintenance of xeric vegetation to a mature stage, which is achieved approximately four (4) years after planting of vegetation. Planting of vegetation shall begin by the first optimal planting season following construction.

b. Installation of dune walkovers as part of the construction of any new multi-family or commercial development undertaken along the gulf beach shall be required pursuant to 5.2.1(c) of the Comprehensive Plan.

E. Remediation

1. Remediation is required when Environmentally Sensitive Lands or other Protected Natural Resources are injured or destroyed as a result of improper or illegal construction activities. Development activity is halted and restoration of lands to natural conditions is required before permitting is considered.

(Ord. 711, passed 2-5-2019)

4.03.06 Restricted Development Zone

A. Generally

There are hereby created three (3) Restricted Development Zones, one (1) adjacent to jurisdictional wetlands, one (1) adjacent canal shorelines, and one (1) adjacent to Wildlife Protection Zones. These zones encompass all land within five hundred (500) feet of the boundary of the protected environmentally sensitive zone.

B. Development Activities Within Restricted Development Zone

1. All development in a Restricted Development Zone shall be designed, constructed, and maintained to avoid significant adverse effects on the adjacent environmentally sensitive zone.

2. The following special design standards apply within Restricted Development Zones:

a. Natural buffers shall be retained between development and Environmentally Sensitive Lands and Other Protected Natural Resources. If a natural buffer does not exist, an equivalent buffer shall be created.

b. The developer shall completely restore any portion of a Protected Environmentally Sensitive Zone and other protected natural resources damaged during construction.

c. Other reasonable protective measures necessary to prevent significant adverse effects on Protected Environmentally Sensitive Zones and Other Protected Natural Resources may be required. The factual basis of the decision to require the measure shall be stated as a finding in the written record. Protective measures may include, but are not limited to:

(1) Maintenance of natural drainage patterns.

(2) Limitation of the removal of vegetation to the minimum necessary to carry out the development activity.

(3) Expedient replanting of denuded areas.

(4) Stabilization of banks and other unvegetated areas by siltation and erosion control measures.

(5) Design, location, construction, and maintenance of all development in a manner that minimizes environmental damage.

(6) Use of legal mechanisms to require the developer and successors to protect the environmentally sensitive areas and maintain the development in compliance with the protective measures.

3. The following special design standards apply within Restricted Development Zones adjacent to Wetlands Protection Zones:

a. The natural buffer shall be at least thirty (30) feet.

b. Complete restoration of a damaged wetland area means that within two (2) years the area will be operating as effectively as the natural system did prior to being destroyed.

c. The amount of fill used in the development activity will be minimized.

d. Dredged spoil will be disposed of at specified locations in a manner causing minimal environmental damage.

e. Any dredging shall be conducted at times of minimum biological activity to avoid fish migration and spawning, and other cycles and activities of wildlife.

f. Location of septic tanks away from high groundwater areas and peaty soils.

4. The following special design standards apply within Restricted Development Zone adjacent to the canal shoreline:

a. The natural buffer shall be the buffer provided in Section 4.01.06C. of this Code.

b. Complete restoration of damaged canal shoreline means that within one (1) year the area will be operating as effectively as the natural system did prior to being destroyed.

c. Point source and non-point source discharges are prohibited, except for stormwater, which is regulated in Section 4.06 of these Land Development Codes. The City reserves approval of development until the requirements of the previously referenced section are fulfilled.

d. Siltation and erosion control measures shall be instituted in accordance with Department of Environmental Regulation standards located in FAC 17-25.

e. Any dredging shall be conducted at times of minimum biological activity to avoid fish migration and spawning, and other cycles and activities of wildlife.

f. Any spoil that results from dredging shall be disposed of at upland sites and stabilized within thirty (30) days, unless the spoil is causing turbidity or other problems, in which case the developer must stabilize the spoil immediately.

g. If dredging causes adjacent shores to erode, the developer shall periodically replenish these shores with the appropriate quantity and quality of aggregate.

h. Where wet moorage is offered for boats which have holding facilities for sewage, or where other recreational vehicles are allowed to stay overnight, then pumpout, holding, or treatment facilities shall be provided by the developer for sewage and other wastes, including bilge, contained on vessels and vehicles. The facilities shall be conveniently available to all vessels and vehicles.

i. Marinas and other appropriate developments shall locate in areas:

- (1) Having adequate water depth to accommodate the proposed boat use without disturbance of bottom habitats.
 - (2) Away from seagrass beds, oyster reefs, and other important fish and shellfish spawning and nursery areas.
 - (3) Outside areas identified as inappropriate for marina development in the Marina Siting Study for West Florida (West Florida Regional Planning Council; August 2000) unless appropriate mitigating actions are undertaken.
- j. Marinas and other appropriate developments shall:
- (1) Maintain water quality standards as provided by F.S. Chapter 403.
 - (2) Demonstrate oil spill cleanup capability within the boundaries of the leased area.
- k. Marinas and other appropriate developments shall post the following signs where they are readily visible to all users of the development:
- (1) Regulations pertaining to handling and disposal of waste, sewage, or toxic materials.
 - (2) Regulations prohibiting the use of vessel toilets while moored unless these toilets are self-contained or have an approved treatment device.
 - (3) Regulations prohibiting the disposal of fish or shellfish cleaning wastes, scrapfish, viscera, or unused bait in or near the development.
 - (4) Appropriate messages relating to local ecological concerns, e.g., manatee protection.
- l. A marina shall include boat launch facilities unless the applicant can demonstrate that providing such facilities is not feasible or it is determined that the ramp would be excessively damaging to the aquatic environment.
- m. Marinas shall have adequate rest-room facilities in compliance with local Health Board regulations.
- n. Garbage receptacles shall be provided and maintained by the marina operator at several locations convenient to users.
5. The following special design standards apply within Restricted Development Zones adjacent to the Wildlife Habitat Protection Zone.
- a. Natural buffers shall be retained between all development and this Restricted Development zone. The size of the buffer shall be the minimum necessary to prevent the effects of development from adversely affecting the species.
 - b. Construction activities shall be designed to not damage lands in the Wildlife Habitat Protection Zone. If damage does occur, remediation shall be immediately undertaken.
- (Ord. 711, passed 2-5-2019)

4.03.07 Prohibited Ongoing Activities

The following standards apply to post-development activities taking place within any Restricted Development Zone or Protected Environmentally Sensitive Zone.

A. Point Source and Nonpoint Source Discharges

Absent an amendment to the development order, point source and nonpoint source discharges shall continue to meet the standards applicable to the original development.

B. Clearing

Absent an amendment to the development order, no person shall clear more vegetation than was permitted for the original development.

C. Handling and Storage of Fuel, Hazardous and Toxic Substances, and Wastes

1. Developments where fuel or toxic substances will be stored, transferred, or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of fuel and toxic substances. Facilities and procedures shall be designed to prevent substances from entering the water or soil, and employ adequate means for prompt and effective cleanup of spills that do occur.

2. No toxic or hazardous wastes or substances shall be stored in outdoor containers.

3. Storage or disposal of all types of wastes is prohibited on shorelines.

4. Police and Fire Departments shall coordinate with the Bay County Department of Emergency Management as prescribed in the Comprehensive Emergency Management Plan for Hazardous Materials (2004) in the event of a hazardous materials emergency.

5. The City shall require that all stationary above-ground and underground petroleum storage tanks conform to the provisions of Chapter 17-61, FAC, and that permits be obtained from the Department of Environmental Regulation prior to installation or removal of such tanks.

6. The City shall require that all small quantity generators of hazardous waste register with Bay County Department of Emergency Management as specified under F.S. § 403.7234 and 403.7236.

D. Prohibited Uses

The long-term storage of equipment or materials, and the disposal of wastes shall be prohibited.

E. Fertilizers, Herbicides, or Pesticides

1. Fertilizers, herbicides, or pesticides shall not be applied in a Protected Environmentally Sensitive Zone except for projects conducted under the authority of F.S. §§ 373.451-373.4595, the Surface Water Improvement and Management Act, and governmentally-authorized mosquito control programs.

2. Fertilizers, pesticides, and herbicides used in Restricted Development Zones shall be applied sparingly and at appropriate rates and time intervals.

F. Spray Vehicles

Vehicles used for mixing or spraying chemicals are prohibited from withdrawing water directly from waters.

G. Pump-out, Holding, and Treatment Facilities for Wastes from Mobile Sources

Sewage, solid waste, and petroleum waste generated by vessels or vehicles on the site shall be properly collected and disposed of.

(Ord. 711, passed 2-5-2019)

4.04.00 WELLFIELD PROTECTION

4.04.01 Purpose and Intent

The purpose of groundwater protection standards is to safeguard the health, safety, and welfare of the City. This is accomplished through ensuring the protection of the principle source of water for domestic and commercial use. The availability of adequate and dependable supplies of good quality water is of primary importance to the future of the City. Therefore, standards are described in this section with the intent of protecting the quality of the groundwater supply. It is further the intent of this section to control development adjacent to designated wellheads to protect groundwater supplies from potential contamination.

(Ord. 711, passed 2-5-2019)

4.04.02 Definitions

Wellhead Protection Zone

All land within a three hundred (300) foot radius of an existing or designated municipal wellhead.

(Ord. 711, passed 2-5-2019)

4.04.03 Restrictions on Development

A. Septic Tanks

Septic tanks are prohibited within two hundred (200) feet of any municipal wellhead.

B. The following land uses are prohibited within the wellhead protection zone:

1. Facilities for the bulk storage, handling, or processing of materials on the Florida Substance List (F.S. Ch. 442)
2. Activities that require the storage, use, handling, production or transportation of restricted substances: agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, medical wastes, etc.
3. Excavation of waterways or drainage facilities which intersect the water table.

(Ord. 711, passed 2-5-2019)

4.05.00 FLOODPLAIN REQUIREMENTS

4.05.01 Administration

A. Title.

These regulations shall be known as the floodplain management section of the city, hereinafter referred to as "this section."

B. Scope.

The provisions of this section shall apply to all development that is wholly within or partially within any flood hazard area and the two-tenths of one percent (0.2%) (500-year) flood hazard area (shaded Zone X), including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured

buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

C. Intent.

The purposes of this section and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in Title 44 Code of Federal Regulations, Section 59.22.

D. Coordination with the Florida Building Code.

This section is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code. In the City of Mexico City, administration of the flood provisions of the Florida Building Code shall be based on the flood hazard area established in paragraph G of this Section.

E. Warning.

The degree of flood protection required by this section and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.

F. Disclaimer of liability.

This section shall not create liability on the part of the City Council of the City of Mexico Beach or by any officer or employee thereof for any flood damage that results from reliance on this section or any administrative decision lawfully made thereunder.

G. Applicability.

1. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
2. Areas to which this section applies. This section shall apply to all flood hazard areas within the City, as established in subparagraph 3.
3. Basis for establishing flood hazard areas.
 - a. Except as provided in subparagraph b., the Flood Insurance Study for Bay County, Florida and incorporated areas dated June 2, 2009, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City of Mexico Beach, City Hall, 201 Paradise Path, Mexico Beach, Florida 32410.
 - b. The "Post-Michael Adapted Preliminary Flood Map for Bay County" produced by the Northwest Florida Water Management District, or as revised and reposted to the NFWFMD webpage (<http://portal.nfwfmdfloodmaps.com>), are adopted by reference as a part of this section and, where such maps show more restrictive base flood elevation and more restrictive flood zone designations than shown on the Flood Insurance Rate Maps adopted in subparagraph 3.a., the more restrictive of the base flood elevation and flood zone designations shall prevail. Upon issuance of a Letter of Final Determination by FEMA establishing the effective date for revisions to the study and maps cited in subparagraph 3.a., this

subparagraph shall be voided.

4. Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 4.05.04 the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

a. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the Florida Building Code.

b. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

5. Other laws. The provisions of this section shall not be deemed to nullify any provisions of local, state or federal law.

6. Abrogation and greater restrictions. This section supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this section and any other ordinance, the more restrictive shall govern. This section shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this section.

7. Interpretation. In the interpretation and application of this section, all provisions shall be:

a. Considered as minimum requirements;

b. Liberally construed in favor of the governing body; and

c. Deemed neither to limit nor repeal any other powers granted under state statutes.

H. Definitions.

1. Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this section, have the meanings shown in this section.

2. Terms defined in the Florida Building Code. Where terms are not defined in this section and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

3. Terms not defined. Where terms are not defined in this section or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

Alteration of a watercourse.

A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal.

A request for a review of the Floodplain Administrator's interpretation of any provision of this section.

ASCE 24.

A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, Virginia.

Base flood.

A flood having a one percent (1%) chance of being equaled or exceeded in any given year. (Also defined in FBC, B, Section 202.) The base flood is commonly referred to as the "100-year flood" or the "1% annual chance flood."

Base flood elevation.

The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). (Also defined in FBC, B, Section 202.)

Basement.

The portion of a building having its floor sub grade (below ground level) on all sides. "Also defined in FBC, B, Section 202; see "Basement (for flood loads)"."

Coastal construction control line.

The line established by the State of Florida pursuant to F.S. § 161.053, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area.

A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V.

Critical facility.

A facility for which even a slight chance of flooding poses unacceptable risk. Critical facilities include facilities assigned Flood Design Class 4 and care facilities where residents have limited mobility or ability, including nursing homes but not including care facilities for five (5) or fewer persons.

Design flood.

The flood associated with the greater of the following two (2) areas: (Also defined in FBC, B, Section 202.)

- (a) Area with a floodplain subject to a one percent (1%) or greater chance of flooding in any year; or
- (b) Area designated as a flood hazard area on the community's flood hazard map, except for the 0.2% (500-year) flood hazard area (shaded Zone X), or otherwise legally designated.

Design flood elevation.

The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet. (Also defined in FBC, B, Section 202.)

Development.

Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment.

The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure.

Any buildings and structures for which the "start of construction" commenced before July 15, 1977. (Also defined in FBC, B, Section 202.)

Existing manufactured home park or subdivision.

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 15, 1977.

Expansion to an existing manufactured home park or subdivision.

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA).

The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding.

A general and temporary condition of partial or complete inundation of normally dry land from: (Also defined in FBC, B, Section 202.)

- (a) The overflow of inland or tidal waters.
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials.

Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. (Also defined in FBC, B, Section 202.)

Flood hazard area.

The greater of the following two (2) areas: (Also defined in FBC, B, Section 202.)

(a) The area within a floodplain subject to a one percent (1%) or greater chance of flooding in any year.

(b) The two-tenths of one percent (0.2%) (five hundred (500)-year) flood hazard area (shaded Zone X) designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM).

The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. (Also defined in FBC, B, Section 202.)

Flood Insurance Study (FIS).

The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data. (Also defined in FBC, B, Section 202.)

Floodplain Administrator.

The office or position designated and charged with the administration and enforcement of this section (may be referred to as the Floodplain Manager).

Floodplain development permit or approval.

An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this section.

Floodway.

The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. (Also defined in FBC, B, Section 202.)

Floodway encroachment analysis.

An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code.

The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use.

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade.

The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure.

Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

Letter of Map Change (LOMC).

An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include: Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F).

A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR).

A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck.

As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at eight thousand five hundred (8,500) pounds gross vehicular weight rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
- (b) Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or
- (c) Available with special features enabling off-street or off-highway operation and use.

Lowest floor.

The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. (Also defined in FBC, B, Section 202.)

Manufactured home.

A structure, transportable in one (1) or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." (Also defined in 15C-I.0101, F.A.C.)

Manufactured home park or subdivision.

A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Market value.

The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this chapter, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction.

For the purposes of administration of this section and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after July 15, 1977 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision.

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after July 15, 1977.

Park trailer.

A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. (Defined in F.S. § 320.01.)

Recreational vehicle.

A vehicle, including a park trailer, which is: (See F.S. § 320.01.)

- (a) Built on a single chassis;
- (b) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes.

Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area.

An area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. (Also defined in FBC, B Section 202.)

Start of construction.

The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one hundred eighty (180) days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (Also defined in FBC, B Section 202.)

Substantial damage.

Damage of any origin sustained by a structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two (2) separate occasions during a ten (10)-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred. (Also defined in FBC, B Section 202.)

Substantial improvement.

Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a one (1)-year period, the cumulative cost of which equals or exceeds fifty percent (50%) of the market value of the building or structure before the improvement or repair is started. For each building or structure, the one (1)-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to May 11, 2016. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either (also defined in FBC, B, Section 202.)

(a) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

(b) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance.

A grant of relief from the requirements of this chapter, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this chapter or the Florida Building Code.

Watercourse.

A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

(Ord. 719, passed 5-28-2019; Ord. 757, passed 12-18-2020)

4.05.02 Duties and Powers of the Floodplain Administrator

A. Designation.

The City Administrator is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

B. Authorization.

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this section. The Floodplain Administrator shall have the authority to render interpretations of this section consistent with the intent and purpose of this section and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this section without the granting of a variance pursuant to Section 4.05.06.

C. Applications and permits.

The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;

3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of

boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

4. Provide available flood elevation and flood hazard information;
 5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 6. Review applications to determine whether proposed development will be reasonably safe from flooding;
 7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance; and
 8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section.
- D. Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; for proposed work to repair damage caused by flooding, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of "substantial damage" and the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement"; and
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this section is required.

E. Modifications of the strict application of the requirements of the Florida Building Code.

The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 4.05.06.

F. Notices and orders.

The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.

G. Inspections.

The Floodplain Administrator shall make the required inspections as specified in Section 4.05.05 for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

H. Other duties of the Floodplain Administrator.

The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 4.05.02, paragraph D.;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available;
4. Review required design certifications and documentation of elevations specified by this section and the Florida Building Code to determine that such certifications and documentation are complete;

5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Mexico Beach are modified; and

6. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

I. Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this section and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at City Hall by contacting the City Administrator.

(Ord. 719, passed 5-28-2019; Ord. 757, passed 12-18-2020)

4.05.03 Permits

A. Permits required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this section and all other applicable codes and regulations has been satisfied.

B. Floodplain development permits or approvals.

Floodplain development permits or approvals shall be issued pursuant to this section for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

C. Buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this section:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.

5. Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

7. Family mausoleums not exceeding two hundred fifty (250) square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

9. Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

D. Application for permit or approval.

1. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form

furnished by the community.

2. The information provided shall:

- a. Identify and describe the development to be covered by the permit or approval.
- b. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- c. Indicate the use and occupancy for which the proposed development is intended.
- d. Be accompanied by a site plan or construction documents as specified in Section 4.05.04.
- e. State the valuation of the proposed work.
- f. Be signed by the applicant or the applicant's authorized agent.
- g. Give such other data and information as required by the Floodplain Administrator.

E. Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this section shall not be construed to be a permit for, or approval of, any violation of this section, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

F. Expiration.

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred eighty (180) days after the work commences. Extensions for periods of not more than one hundred eighty (180) days each shall be requested in writing and justifiable cause shall be demonstrated.

G. Suspension or revocation.

The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this section or any other ordinance, regulation or requirement of this community.

H. Other permits required.

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The Northwest Florida Water Management District; F.S. § 373.036.
2. Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.041.
4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
6. Federal permits and approvals.

(Ord. 719, passed 5-28-2019; Ord. 757, passed 12-18-2020)

4.05.04 Site Plans and Construction Documents

A. Information for development in flood hazard areas.

1. The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale and shall include, as applicable to the proposed development:
 - a. Delineation of flood hazard areas, 500-year floodplain boundary, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
 - b. Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 4.05.04, paragraphs B. or C.
 - c. Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 4.05.04, paragraph A.
 - d. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in

coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

e. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

f. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; compensatory storage excavations, if required; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

g. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.

h. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

i. Existing and proposed alignment of any proposed alteration of a watercourse.

2. The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this section but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this section.

B. Information in flood hazard areas without base flood elevations (approximate Zone A).

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

3. Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

C. Additional analyses and certifications.

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 4.05.04, paragraph D. and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.

2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 4.05.04, paragraph D.

4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

D. Submission of additional data

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. 719, passed 5-28-2019; Ord. 757, passed 12-18-2020)

4.05.05 Inspections

A. General inspections.

Development for which a floodplain development permit or approval is required shall be subject to inspection.

B. Development other than buildings and structures.

The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this section and the conditions of issued floodplain development permits or approvals.

C. Buildings, structures and facilities exempt from the Florida Building Code.

The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this section and the conditions of issued floodplain development permits or approvals.

D. Lowest floor inspection.

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 4.05.04, subparagraph B.3.b., the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

E. Final inspection.

As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentation shall be prepared as specified in Section 4.05.04, paragraph D.

F. Manufactured homes.

The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

(Ord. 719, passed 5-28-2019; Ord. 757, passed 12-18-2020)

4.05.06 Variances and Appeals

A. Requests.

The City Council shall hear and decide on requests for appeals and requests for variances from the strict application of this section. Pursuant to F.S. § 553.73(5), the City Council shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

B. Appeals.

The City Council shall hear and decide on appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this section. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes.

C. Limitations on authority to grant variances.

The City Council shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in paragraph G. of this section, the conditions of issuance set forth in paragraph H. of this section, and the comments and recommendations of the Floodplain Administrator and the Building Official. The City Council has the right to attach such conditions as it deems necessary to further the purposes and objectives of this section.

D. Restrictions in floodways.

A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 4.05.04, paragraph C.

E. Historic buildings.

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

F. Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this section, provided the variance meets the requirements of paragraph D. of this section is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

G. Considerations for issuance of variances.

In reviewing requests for variances, the City Council shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this section, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

H. Conditions for issuance of variances.

Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this section or the required elevation standards;
2. Determination by the City Council that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. 719, passed 5-28-2019; Ord. 757, passed 12-18-2020)

4.05.07 Violations

A. Violations.

Any development that is not within the scope of the Florida Building Code but that is regulated by this section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this section, shall be deemed a violation of this section. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this section or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

B. Authority.

For development that is not within the scope of the Florida Building Code but that is regulated by this section and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

C. Unlawful continuance.

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Ord. 719, passed 5-28-2019; Ord. 757, passed 12-18-2020)

4.05.08 Flood Resistant Development

A. Buildings and structures.

1. Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to Section 4.05.03, paragraph C., buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 4.05.14.

2. Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

a. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.

b. Minor structures and non-habitable major structures as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this section and ASCE 24.

B. Critical facilities.

New critical facilities shall, to the extent feasible, be located outside of the special flood hazard area and outside of the two-tenths of one percent (0.2%) (500-year) floodplain. If documentation is provided that feasible sites outside of the special flood hazard and outside of the two-tenths of one percent (0.2%) (500-year) floodplain are not available that satisfy the objectives of a proposed critical facility, then the critical facility shall have the lowest floor or level of dry floodproofing at or above the base flood elevation plus three (3) feet, whichever is higher.

C. Technical amendments to the Florida Building Code, Residential.

Modify Section R322 by amending the following sections, with all changes shown being relative to the original Florida Building Code language rather than any prior technical amendment by the City:

R322.2.1 Elevation requirements.

1. Buildings and structures in flood hazard areas including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 1.5 feet (457.2 mm), or the design flood elevation, whichever is higher.

2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 2 feet (610 mm), or not less than 4 feet (1220 mm) if a depth number is not specified.

3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 1.5 feet (457.2 mm), or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section 322.2.2.

R322.2.2 Enclosed areas below design flood elevation. Enclosed areas, including crawl spaces, that are below the design flood elevation shall:

1. Be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by

the fire code. The limitation on partitions does not apply to load bearing walls interior to perimeter wall (crawl space) foundations. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

Remainder unchanged

R322.3.2 Elevation requirements.

1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1.5 feet (457.2 mm), or the design flood elevation, whichever is higher.

2. Basement floors that are below grade on all sides are prohibited.

3. The use of fill for structural support is prohibited.

4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.

5. Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

R322.3.4 Walls below design flood elevation. Walls are permitted below the elevated floor, provided that such walls are not part of the structural support of the building or structure and:

1. Electrical, mechanical and plumbing system components are not to be mounted on or penetrate through walls that are designed to break away under flood loads; and

2. Are constructed with insect screening or open lattice; or

3. Are designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Such walls, framing and connections shall have a resistance of not less than 10 (479 Pa) and not more than 20 pounds per square foot (958 Pa) as determined using allowable stress design; or

4. Where wind loading values of this code exceed 20 pounds per square foot (958 Pa), as determined using allowable stress design, the construction documents shall include documentation prepared and sealed by a registered design professional that:

4.1. The walls below the design flood elevation have been designed to collapse from a water load less than that which would occur during the base flood.

4.2. The elevated portion of the building and supporting foundation system have been designed to withstand the effects of wind and flood loads acting simultaneously on structural and nonstructural building components. Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code.

5. Walls intended to break away under flood loads as specified in Item 3 or 4 have flood openings that meet the criteria in Section R322.2.2, Item 2.

R322.3.5 Enclosed areas below the design flood elevation. Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless a partition is required by the fire code. Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).

D. Technical amendments to the Florida Building Code, Building.

Modify Section 202 by amending the following definitions, with all changes shown being relative to the original Florida Building Code language rather than any prior technical amendment by the City:

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50% of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds 50% of the market value of the building or structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to May 11, 2016. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either

(a) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

(b) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Modify Section 1612 by adding the following, with all changes shown being relative to the original Florida Building Code language rather than any prior technical amendment by the City:

1612.4.3 Additional requirements for enclosed areas. In addition to the requirements of ASCE 24, enclosed areas below the design flood elevation shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators, unless required by the fire code.

1612.4.4 Elevation requirements. In special flood hazard areas except for the 0.2% (500-year) flood hazard areas (shaded Zone X), the minimum elevation requirements shall be as specified in ASCE 24 or the base flood elevation plus 1.5 feet (457.2 mm), whichever is higher. Seaward of the coastal construction control line, the minimum elevation requirement shall be as specified in ASCE 24, Section 3109, or buildings and structures shall be elevated so that the bottom of the lowest horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 1.5 feet (457.2 mm), whichever is higher.

E. Technical amendments to the Florida Building Code, Existing Building.

Modify Section 202 by amending the following definitions, with all changes shown being relative to the original Florida Building Code language rather than any prior technical amendment by the City:

SUBSTANTIAL DAMAGE. For the purpose of determining compliance with the flood provisions of this code, damage of any origin sustained by a structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50% of the market value of the building or structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. For the purpose of determining compliance with the flood provisions of this code, any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds 50% of the market value of the building or structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first permit issued for improvement or repair of that building or structure subsequent to May 11, 2016. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either

(a) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

(b) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

(Ord. 719, passed 5-28-2019; Ord. 757, passed 12-18-2020)

4.05.09 Subdivisions

A. Minimum requirements.

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

B. Subdivision plats.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
2. Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 4.05.04, subparagraph B.1.; and
3. Compliance with the site improvement and utilities requirements of Section 4.05.10.

(Ord. 719, passed 5-28-2019; Ord. 757, passed 12-18-2020)

4.05.10 Site Improvements, Utilities and Limitations

A. New development.

All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

B. Sanitary sewage facilities.

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

C. Water supply facilities.

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

D. Limitations on sites in regulatory floodways.

No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 4.05.04, subparagraph C.1. demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

E. Limitations on placement of fill.

Subject to the limitations of this chapter:

1. Fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour.
2. If intended to support buildings and structures (Zone A/AE only), fill shall comply with the requirements of the Florida Building Code.
3. Compensatory storage (excavation) shall be provided based on a volume for volume basis when fill is placed in flood hazard areas landward of the coastal construction control line, including two-tenths of one percent (0.2%) (500-year) flood hazard areas (shaded Zone X), above the normal high groundwater table elevation and below the base flood elevation. The first twelve (12) inches of fill placed above the historic, natural elevation of the parcel is exempt from this requirement. In addition, the fill contained within a stem wall foundation built in compliance with the Florida Building Code is exempt from this requirement. The Floodplain Administrator may reduce or waive the compensatory fill requirement based on site specific conditions and local drainage that demonstrate that the development will have no more than a minimal effect on floodwater storage and will not divert floodwaters onto adjacent property.

F. Limitations on sites in coastal high hazard areas (Zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 4.05.04, subparagraph C.4. demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 4.05.14, subparagraph H.3.

(Ord. 719, passed 5-28-2019; Ord. 757, passed 12-18-2020)

4.05.11 Manufactured Homes

A. Installation.

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-I, F.A.C. and the requirements of this section. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

B. Limitations on installation in floodways.

New installations of manufactured homes shall not be permitted in floodways.

C. Foundations.

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

1. In flood hazard areas (Zone A/AE) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this chapter. Foundations for manufactured homes subject to paragraph G. of this section are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this chapter.

D. Anchoring.

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

E. Elevation.

Manufactured homes that are placed, replaced, or substantially improved shall comply with paragraph F. or paragraph G. of this section, as applicable.

F. General elevation requirement.

Unless subject to the requirements of paragraph G. of this section, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A/AE) or Section R322.3 (Zone V).

G. Elevation requirement for certain existing manufactured home parks and subdivisions.

Manufactured homes that are not subject to paragraph F. of this section, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A/AE) or Section R322.3 (Zone V); or

2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than forty-eight (48) inches in height above grade.

H. Enclosures.

Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

I. Utility equipment.

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

(Ord. 719, passed 5-28-2019; Ord. 757, passed 12-18-2020)

4.05.12 Recreational Vehicles and Park Trailers

A. Temporary placement.

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall have a plan for removal in case of a threat at least four (4) hours prior to the arrival of the threat and shall:

1. Be on the site for fewer than one hundred eighty (180) consecutive days; or

2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

B. Limitations on placement in coastal high hazard areas (Zone V).

Limitations on placement in coastal high hazard areas (Zone V). New placement of recreational vehicles shall not be permitted in coastal high hazard areas (Zone V).

C. Permanent placement.

Recreational vehicles and park trailers that do not meet the limitations in paragraph B. of this section for temporary placement shall meet the requirements of Section 4.05.11 for manufactured homes.

(Ord. 719, passed 5-28-2019; Ord. 757, passed 12-18-2020)

4.05.13 Tanks

A. Underground tanks.

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

B. Above-ground tanks, not elevated.

Above-ground tanks that do not meet the elevation requirements of paragraph C. of this section shall:

1. Be permitted in flood hazard areas (Zone A/AE) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

2. Not be permitted in coastal high hazard areas (Zone V).

C. Above-ground tanks, elevated.

Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

D. Tanks inlets and vents.

Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. 719, passed 5-28-2019; Ord. 757, passed 12-18-2020)

4.05.14 Other Development

A. General requirements for other development.

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this section or the Florida Building Code, shall:

1. Be located and constructed to minimize flood damage;

2. Meet the limitations of Section 4.05.10, paragraph D. if located in a regulated floodway;

3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

4. Be constructed of flood damage-resistant materials; and

5. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

B. Fences in regulated floodways.

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 4.05.10, paragraph D.

C. Retaining walls, sidewalks and driveways in regulated floodways.

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 4.05.10, paragraph D.

D. Roads and watercourse crossings in regulated floodways.

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one (1) side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 4.05.10, paragraph D. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 4.05.04, subparagraph C.3.

E. Concrete slabs.

In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

1. Structurally independent of the foundation system of the building or structure;
2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
3. Have a maximum slab thickness of not more than four (4) inches.

F. Decks and patios in coastal high hazard areas (Zone V).

In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
3. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
4. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

G. Other development in coastal high hazard areas (Zone V).

In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

H. Nonstructural fill in coastal high hazard areas (Zone V).

In coastal high hazard areas:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
2. Nonstructural fill with finished slopes that are steeper than one (1) unit vertical to five (5) units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.
3. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

(Ord. 719, passed 5-28-2019; Ord. 757, passed 12-18-2020)

4.06.00 STORMWATER MANAGEMENT

4.06.01 Intent

The discharge of untreated and uncontrolled stormwater can reasonably be expected to be a source of pollution to waters of

the State, and a direct cause of flooding causing risk of harm to life and property. It is the intent of the City to minimize adverse impacts of pollution and flooding through regulation of stormwater discharges caused by land development.

(Ord. 711, passed 2-5-2019)

4.06.02 General Requirements

A. All residential properties and properties that are exempted from installing a stormwater management facility under paragraph B. shall be graded so that the property drains towards a permanent storm drainage structure, street or permanent body of water prior to construction of improvements thereon, in order to eliminate flooding due to sudden and heavy rainfall. If runoff cannot be directly conveyed to a permanent City drainage structure, street or permanent body of water without crossing another property, a permanent easement must be recorded by the crossing property owner to ensure conveyance is maintained. If the project includes gutters and downspouts which are connected directly into permanent City stormwater collection system (without surface discharge) or which drain to an onsite infiltration system (such as a French drain, etc.), then the development may be exempted from the above requirements regarding runoff, provided existing (pre-developed) drainage patterns are not altered and no new discharge onto adjacent properties is created. All direct connections to the City stormwater system must be coordinated with the City during the Development Order process.

B. Development activity not exempted by F.A.C. 62-330.020 for regulated activities (development which exceeds nine thousand (9,000) square feet of building space combined with four thousand (4,000) square feet of parking/drive areas) shall be required to install a stormwater management facility. For aesthetic reasons and to increase shoreline habitat, the shorelines of retention areas shall be sinuous rather than straight.

(Ord. 711, passed 2-5-2019; Am. Ord. 719, passed 5-28-2019; Am. Ord. 720, passed 5-28-2019)

4.06.03 General Criteria

A. Water Quality

Stormwater management facilities shall be designed to water quality criteria per the most current issue of the Northwest Florida Water Management District Environmental Resources Applicants' Handbook Vol II.

B. Water Quantity

For stormwater attenuation stormwater facilities shall be designed such that post development runoff shall not exceed predevelopment runoff for the 25-year, 24-hour storm event. Stormwater management facilities shall be designed and constructed per the most current issue of the Northwest Florida Water Management District Environmental Resources Applicants' Handbook Vol II.

C. The Stormwater management facility design must be certified by a registered professional engineer and include calculations of maximum runoff, water quality treatment, and best management practices for erosion and sedimentation control. The stormwater management facility shall be designed to accommodate the stormwater that originates within the development. The stormwater facility shall not be required to attenuate or treat off-site runoff, provided offsite runoff may be conveyed around the stormwater facility. In no case shall off-site runoff be impeded.

D. For all development, grading, filling, excavation, storage, or disposal of soil and earth materials associated with development activities shall be undertaken so as to reduce the potential for soil erosion and sedimentation of water bodies or drainage ways. For some developments, the City may require an erosion and sediment control plan.

E. The developer or owner shall use swale drainage to the maximum extent possible, except where it is physically unfeasible as determined by the Public Works Director. If feasible, perforated pipe shall be used within the swale for infiltration purposes in situations where piping is necessary.

F. For development landward of the Coastal Construction Control Line (CCCL) outside the 100/500-year flood plain as indicated on the best available FEMA Flood Insurance Rate Map, finish floor shall be set to one (1) foot above the crown of the road or access roads directly adjacent to the property. If there is more than one (1) road adjacent to the property, then the road with the highest elevation shall be used. For development landward of the CCCL within Zones AE, VE, or X, the elevation requirements from Section 4.05.00, et seq., including the City's Technical Amendments to The Florida Building Code must be followed. For development seaward of the CCCL, finish floor shall be set to the Florida Department of Environmental Protection requirement. An administrative variance may be granted to the requirement for elevation above the street where the applicant demonstrates that the natural lay of the land provides adequate drainage away from the street and the proposed structure will be one (1) foot above the highest adjacent grade.

G. Stormwater management systems shall be designed for ease of maintenance and operations and low maintenance costs. It is suggested that the required stormwater system be integrated into a site's open areas and landscaping and that they be used as recreational park areas. They system should be constructed in such a manner (i.e., gentle slopes, grassed, plantings, etc.) that it will be an amenity to the development.

H. Projects that are to be developed in phases will require submission of a master plan of the applicant's contiguous landholdings. Applications for individual project phases may only be considered when the phases and the stormwater systems are independent of contiguous landholdings or a regional stormwater management facility is installed with the first phase of development.

I. Violations. Any development that is not within the scope of the Florida Building Code but that is regulated by this Section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with

this Section, shall be deemed a violation of this Section, in addition to any other applicable law. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this Section or the Florida Building Code is presumed not to be a violation until such time as that documentation is provided. Violations will result in suspension or revocation of the applicable development order, building permit, or both. In the event of a violation in instances when no development order or building permit was issued, the City will require all work to cease until the violation is resolved. Civil Penalties shall be assessed for violations pursuant to the procedures provided by Section 7.10.00. The civil penalty for a violation of this Section 4.06.00 shall be \$100.00 if the violation occurs on a residential lot that is being individually developed and \$250.00 for all other types of development. Penalties may increase or multiply pursuant to the Section 7.10.00 rules for repeat and continuing violations.

(Ord. 711, passed 2-5-2019; Am. Ord. 720, passed 5-28-2019)

ARTICLE V

SIGNS

5.00.00 GENERAL PROVISIONS

5.00.01 Relationship To Building and Electrical Codes

These sign regulations are intended to complement the requirements of the building and electrical codes adopted by the City. Wherever there is inconsistency between these regulations and the building or electrical code, the more stringent requirements shall apply.

(Ord. 711, passed 2-5-2019)

5.00.02 No Defense To Nuisance Action

Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.

(Ord. 711, passed 2-5-2019)

5.00.03 Maintenance

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the City, and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

(Ord. 711, passed 2-5-2019)

5.00.04 Definitions

Accessory Sign:

A permanent ground or building sign that is permitted under this Code as incidental to an existing or proposed use of land.

Advertising:

Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.

Abandoned Sign:

A sign which no longer identifies or advertises a bona fide business, leaser, service, owner, product, or activity, or for which no legal owner can be found.

Animated Sign:

Any sign which uses movement or change of lighting to depict action or to create a special effect or scene.

Awning:

A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework.

Awning Sign:

A sign painted on, printed on, sewn, or attached against the surface of an awning.

Banner:

A sign on which copy or graphics may be displayed, made of paper, plastic, fabric or any flexible, nonrigid material with no

enclosing framework or frames. For purposes of this ordinance, the term "banner" shall not be deemed to include flexible sign face substrates, which are used as the enclosed face on advertising signs using back illumination, consisting generally of a polyester scrim embedded between two (2) layers of white pigmented vinyl formulated to accepted opaque and translucent films, and meeting Federal Standards #191-A (Textile Test Methods).

Billboard:

See "Off-premises sign"

Building Sign:

A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees, and roof slopes of forty-five (45) degrees or steeper. See Figure 5.00.04-A.

Commercially Developed Parcel:

A parcel of property on which there is at least one (1) walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Construction Sign:

A temporary sign identifying an architect, contractor, subcontractor, financial institution, developer, or material supplier participating in construction on the property on which the sign is located.

Copy:

The linguistic or graphic content of a sign.

Double-faced Sign:

A sign with two (2) faces.

Electric Sign:

Any sign containing electric wiring.

Erect a Sign:

To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

Facade:

The entire building front including the parapet.

Face of Sign:

The area of the sign in which the copy is located.

Festoons:

A string of ribbons, tinsel, small flags, or pinwheels.

Flags:

A flexible, graphic device representing a government, business, or other identifiable entity.

Frontage:

The length of the property line of any one (1) parcel along a street on which it borders.

Frontage, building:

The length of an outside building wall facing a public right of way.

Governmental Sign:

Any temporary, portable, or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility; or used for any other public purpose.

Ground Sign:

A sign that is supported by one (1) or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building. See Figure 5.00.01-B.

Identification Sign:

A sign whose copy is limited to the name and address of a building, institution, or person, activity or occupation being

identified.

Illegal Sign:

A sign which does not meet the requirements of this chapter and which has not received legal nonconforming status.

Illuminated Sign:

A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Incidental Sign:

A small sign, emblem, or decal, located on the window or wall of the building, informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or sign indicating the hours of business.

Inflatable Sign:

A sign or Sign Statuary that is either expanded to its full dimensions or supported by gases contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

Mansard:

A sloped roof or roof-like facade architecturally comparable to a building wall.

Marquee:

A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.

Monument Sign:

A sign designed to be mounted on a concrete footing or similar support which allows the base of the sign structure to be placed at grade level and not supported by poles or attached to other structures.

Multiple Occupancy Complex:

A commercial use, i.e. any use other than residential or agricultural, consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one (1) occupant.

Nonconforming Sign:

Any sign within the City on the effective date of this Code (or a sign existing within any area annexed to the City after the effective date of this Code) which is prohibited by, or does not conform to the requirements of, this Code; except signs that are within ten percent (10%) of the height and size limitations of this Code, and that in all other respects conform to the requirements of this Code, shall be deemed in conformity with this Code.

Occupant:

Also referred to as occupancy. A commercial use, i.e. any use other than residential or agricultural.

Off-premises Sign:

A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., "billboards" or "outdoor advertising".

Outdoor Advertising Sign:

A permanent ground sign supported by a post, or posts, attached to which is a sign face intended to directly or indirectly promote the sale or use of a product, commodity, entertainment, real or personal property, or a service.

Owner:

The record owner of the property. For the purposes hereof, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the city, e.g., a sign leased from a sign company.

Parapet:

The extension of a false front or wall above a roofline.

Parcel:

A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of this Code or lead to absurd results, a "parcel" may be as designated for a particular site by the Board.

Permanent:

Designed, constructed, and intended for more than a short time.

Plaza Sign:

An on-premises sign of a facility which is a multiple occupancy complex for more than one (1) business, consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one (1) occupant.

Point of Purchase Display:

Advertising of a retail item on the product display, e.g., an advertisement on a product dispenser.

Political Sign:

For the purposes of this ordinance, a temporary sign used in connection with a local, state, or national election or referendum.

Portable Sign:

Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building, not including portable governmental signs.

Projecting Sign:

A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Real Estate Sign:

A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Roof Line:

A horizontal line intersecting the highest point or points of a roof.

Roof Sign:

A sign placed above the roof line of a building or on or against a roof slope of less than forty-five (45) degrees.

Sandwich Sign:

Also referred to as a "sandwich board sign." Signboard consisting of two (2) hinged boards that hang front and back from the shoulders of a walker and are used to display advertisements; these signs are not secured or attached to the ground or any building or structure and displayed in or proximate to areas of pedestrian traffic.

Sign:

Any writing, pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device which is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term "sign" shall not be deemed to include the terms "building" or "landscaping" or any architectural embellishment of a building not intended to communicate information.

Sign Face:

The part of a sign that is or may be used for copy.

Sign Face Area:

The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

Sign Structure:

Any construction used or designed to support a sign.

Snipe Sign:

Any temporary, unpermitted sign, banner, or poster made of any material, including paper, cardboard, wood, and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, telephone poles, fences, conventional sign pole(s), pedestal, other similar object, or having wire legs located or situated on public or private property. Snipe signs shall not include "posted property" signs.

Street:

A public or private right of way for vehicular traffic, including highways, thoroughfares, lanes, roads, ways, and boulevards.

Temporary:

Designed, constructed, and intended to be used on a short-term basis.

Total Sign Area:

Unless otherwise qualified, e.g. square footage “per face,” any reference in this chapter to “sign area” or to a square footage without more, shall mean total square footage of all faces for the sign.

Under-canopy Sign:

A sign suspended beneath a canopy, ceiling, roof, or marquee.

Unit:

That part of a multiple occupancy complex housing one (1) occupant.

Vehicle Sign:

Any sign affixed to a vehicle.

Wall Sign:

A sign attached parallel to and extending not more than twelve (12) inches from the wall of a building; this definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

Window sign:

A sign installed inside a window and intended to be viewed from outside.

(Ord. 711, passed 2-5-2019)

5.01.00 EXEMPT SIGNS

The following signs are exempt from the enforcement of these sign regulations, and from the requirement in this Code that a permit be obtained for the erection of permanent signs, provided they are not placed or constructed so as to create a hazard of any kind:

- A. Signs that are not designed or located so as to be visible from any street or adjoining property.
- B. Signs of two (2) square feet or less and signs that include no letters, symbols, logos, or designs in excess of two (2) inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by Section 5.02.02 of this Code.
- C. Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the State of Florida, the United States, Bay County, or the City of Mexico Beach.
- D. Legal notices and official instruments.
- E. Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the City Commission for a prescribed period of time.
- F. Holiday lights and decorations.
- G. Flags, emblems, or insignias of the United States, State of Florida, Bay County, or the City of Mexico Beach.
- H. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.
- I. Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers. Except for signs identified in Paragraph 5.02.02, Subparagraph “V”.
- J. Public warning signs to indicate the dangers of trespassing, swimming, animals, or similar hazards.
- K. Strings of light bulbs used on commercially developed parcels for commercial purposes, other than traditional holiday decorations.
- L. Religious displays.
- M. Sandwich/Sandwich Board Signs with a sign face of four (4) square feet or less. Sandwich signs shall be in good taste, located on private property, and with a minimum distance of twenty (20) feet between consecutive signs. There shall be a maximum of two (2) sandwich signs per parcel and/or business.
- N. Under canopy signs which shall be limited to two (2) per occupancy and no more than four (4) square feet per sign.
- O. Signs, commonly referred to as “wind signs,” consisting of one (1) or more pennants, ribbons, spinners, streamers, captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind and determined to be in good taste by the Planning and Zoning Board.

(Ord. 711, passed 2-5-2019)

5.02.00 PROHIBITED SIGNS

5.02.01 Generally

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, this Code.

(Ord. 711, passed 2-5-2019)

5.02.02 Specifically

The following signs are expressly prohibited unless exempted by Part 5.01.00 of this Code or expressly authorized by Part 5.03.00 or Part 5.04.00 of this Code:

- A. Signs that are in violation of the building code or electrical code adopted by the City.
- B. Any sign that, in the opinion of the Board, does or will constitute a safety hazard.
- C. Blank temporary signs.
- D. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.
- E. Signs with the optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy.
- F. Signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary in intensity or color except for time/temperature/date signs.
- G. Signs carried by a person for the purpose of advertising.
- H. Banners, except for temporary banners as authorized in Section 5.03.05, subsection "F", of this Code.
- I. Inflatable signs.
- J. Signs that incorporate projected images emit any sound that is intended to attract attention, or involve the use of live animals.
- K. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Code or other ordinance of the City.
- L. Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- M. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonable confused with or construed as, or conceal, a traffic control device.
- N. Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.
- O. Non-governmental signs that use the words "stop," "look," "danger," or any similar work, phrase, or symbol.
- P. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.
- Q. Searchlights used to advertise or promote a business or to attract customers to a property.
- R. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except house numbers and traffic control signs.
- S. Signs placed upon benches, bus shelters, or waste receptacles, except as may be authorized in writing pursuant to F.S. § 337.407.
- T. Signs erected on public property, or on private property (such as private utility poles) located on public property, other than signs erected by a public authority for public purposes.
- U. Signs erected over or across any public street except as may otherwise be expressly authorized by this Code, and except governmental signs erected by or on the order of a public officer.
- V. All off-premise outdoor advertising signs, except the City-controlled sign at Canal Park.
- W. No person or business shall operate or park any vehicle or trailer in a non-designated parking spot/lot on public right of way or public property so as to be visible from the public right of way, which has attached thereto or located thereon any sign or advertising device for the primary purpose of advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises.
- X. Any sign erected or displayed in any fresh water wetlands or salt marsh areas subject to periodic inundation by tidal saltwater.
- Y. Portable signs.

Z. Snipe signs.

(Ord. 711, passed 2-5-2019)

5.02.03 Appeals

The right to use prohibited signs shall neither be appealable nor subject to a request for variance from the Planning and Zoning Board or the City Commission. Notwithstanding the City Council's ability and sole discretion to amend this Code, relief from this Code and its requirements may only be sought through a court of competent jurisdiction.

(Ord. 711, passed 2-5-2019)

5.03.00 PERMITTED TEMPORARY SIGNS

5.03.01 Where Allowed

Temporary signs are allowed throughout the City, subject to the restrictions imposed by this section and other parts of this Code.

(Ord. 711, passed 2-5-2019)

5.03.02 Sign Types Allowed

A temporary sign may be a ground or building sign but may not be an electric sign.

(Ord. 711, passed 2-5-2019)

5.03.03 Permits

Temporary signs as defined in this Code shall not require a permit from the City.

(Ord. 711, passed 2-5-2019)

5.03.04 Removal of Illegal Temporary Signs

Any temporary sign not complying with the requirements of this section is illegal and subject to immediate removal. The City Administrator or his designee shall have the authority to remove all illegal signs, without notice to the owners thereof, prohibited by this Code, and to impound them for a period of thirty (30) days. The owner or person entitled to possession of a sign impounded may recover any impounded sign prior to the expiration of the thirty (30)-day impoundment period upon the payment to the City of the costs incurred in the impounding of such sign, including attorney's fees and any applicable fines. In the event any impounded sign is not claimed within thirty (30) days, the City Administrator, or his designee, may dispose of the sign in the same manner as surplus or abandoned City property.

(Ord. 711, passed 2-5-2019)

5.03.05 Permissible Temporary Signs

A temporary sign may display any message as long as it is not advertising as defined by this Code, except that advertising for the following purposes may be displayed:

A. To indicate that an owner, either personally or through an agent, is actively attempting to sell, rent or lease the property on which the sign is located; provided that if the property is for lease or rent such sign shall be attached or affixed to the building or structure and shall not be staked or placed into the ground. Temporary real estate signs advertising the lease or rental of property shall not exceed two (2) signs per unit and each individual rental sign shall not exceed a total of four (4) square feet. Property which is for sale is covered under Section 5.03.06 of this Code.

B. To indicate the grand opening of a business or other activity. Such message may be displayed for a period not exceeding fourteen (14) days within the first three (3) months that the occupancy is open for business.

C. To identify construction in progress. Such signs shall be thirty-two (32) square feet or less and any construction sign shall not be displayed more than sixty (60) days prior to the beginning of actual construction of the project, and shall be removed immediately upon receiving a Certificate of Occupancy (CO). If a message is displayed pursuant to this section, but construction is not initiated within sixty (60) days, the sign shall be removed, pending initiation or continuation of construction activities.

D. To indicate the existence of a new business, or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than sixty (60) days or until installation of permanent signs, whichever shall occur first.

E. To announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets, or any public, charitable, educational, or religious event or function. Such message shall be removed within five (5) days after the special event.

F. Upon written application to, and approval by, the City, a temporary banner may be erected in the City only under the following terms and conditions:

1. A temporary banner covering a sign in a business district which has been damaged by windstorm or other casualty, provided such banner is displayed for not more than the forty-five (45)-day period following such windstorm or casualty; and

2. During a special event, a temporary banner not exceeding thirty-two (32) square feet may be approved for use. Any banner approved for a special event must be one-sided, located entirely against a solid structure or sign, and stretched tight and securely fastened at each corner or edge. All such banners shall be permitted for a maximum length of time of two (2) weeks.

G. Wind signs may be permitted for as long as they are displayed in good taste and in a nonexcessive manner. Upon determination by the City Administrator, the City can order the removal of such wind signs determined to be excessive or egregious in their display.

H. Political Signs. Political Signs are defined as any sign that requires a political disclaimer under F.S. Chapter 106. Political Signs must meet the following standards.

1. Placement. Signs shall be placed on private property only and with the permission of the property owner. The signs may be placed back-to-back, or single face, but multiple signs of the same candidate shall not be placed within ten (10) feet of one another, regardless of size.

2. Dimensions. Political signs shall not exceed eight (8) square feet per sign face and shall not exceed five (5) feet in sign height measured from the aggregate grade.

3. Timelines for placement. All political signs shall not be displayed prior to ninety (90) days before the date of any election and shall be removed within ten (10) days following the end of any election cycle. If a primary or run off exists, only candidates or issues advancing will be allowed to continue sign placement.

(Ord. 711, passed 2-5-2019)

5.03.06 Permissible Size, Height, and Number of Temporary Signs

A. One-Family and Two-Family Residences/Businesses:

A parcel on which is located a single one-family or two-family residence or business may display not more than two (2) temporary signs indicating the sale of such property with an aggregate sign area of not more than eight (8) square feet per unit. No individual sign for the sale of the property shall exceed six (6) square feet nor exceed six (6) feet in height.

B. Three-Family and Four-Family Residences/Businesses:

A parcel on which is located a single three-family or four-family residence or business may display not more than two (2) temporary signs per individual unit indicating the sale of such property with an aggregate sign area of not more than eight (8) square feet per unit. No individual sign for the sale of such property shall exceed six (6) square feet nor exceed six (6) feet in height.

C. On All Other Parcels:

1. All other parcels may display one (1) square foot of temporary signage for the sale of such property per ten (10) feet of frontage up to a maximum of forty-eight (48) square feet of total signage. No individual sign shall exceed twelve (12) square feet nor exceed eight (8) feet in height. Signs must be spaced at least one hundred (100) feet apart. All parcels shall be permitted a minimum of six (6) square feet of temporary signage indicating it is for sale.

2. "Display Signs" shall be defined as signage for the sale of five (5) or more residential or commercial units while under construction or thereafter, including single-family and multi-family residential and commercial units, and shall be limited to no more than two (2) signs per property or project with an aggregate sign area of sixty-four (64) square feet. No such individual sign for the sale of such property shall exceed eight (8) feet in height. These display signs shall be erected in place of and not in addition to the signs described above in section C.1. Should four (4) or fewer units of a larger multi-unit project be placed on the market for sale, see the above sections A. and B. as applicable.

3. All signs erected under this section shall conform to the Florida Building Code and certification of compliance by a state licensed engineer or architect may be required by the City or its designated building agent or City Administrator.

D. All other signage requirements for dwellings or parcels that are for sale which are not directly covered by these above sections shall be determined in the sole discretion of the City Administrator applying these above sections in a fair and equitable manner.

(Ord. 711, passed 2-5-2019)

5.04.00 PERMITTED PERMANENT ACCESSORY SIGNS

5.04.01 Sign Types Allowed

A permanent accessory sign may be a ground or building sign or a work of art placed with the intention of advertising a commercial establishment or entity. A permanent accessory sign may not be a roof sign.

(Ord. 711, passed 2-5-2019)

5.04.02 Permissible Number, Area, Spacing, and Height of Permanent Accessory Signs

A. Ground Signs:

The permissible number, area, spacing, and height of permanent accessory ground signs for each multiple occupancy

complex and each occupant not located in a multiple occupancy complex shall be determined according to the following tables and text:

PERMISSIBLE GROUND SIGNS				
Frontage on a Public Right-of-Way (in feet)	Number of Signs Allowed	Total Sign Area Allowed (in square feet)	Minimum Distance from any Side Property Line (in feet)	Maximum Height (in feet)
PERMISSIBLE GROUND SIGNS				
Frontage on a Public Right-of-Way (in feet)	Number of Signs Allowed	Total Sign Area Allowed (in square feet)	Minimum Distance from any Side Property Line (in feet)	Maximum Height (in feet)
Less than 50	1	24	10	18
At least 50 but less than 100	1	48	15	18
At least 100 but less than 200	1	64	20	18
At least 200 but less than 300	1	96	50	18
At least 300 but less than 400	2	128	50	18
400 or more	2	192	50	18

B. Building Signs

1. Subject to the design criteria in Part 5.07.00 of this Article, the maximum height of a building sign shall be eighteen (18) feet, except that on a building of more than two (2) stories, a single building sign is allowed above eighteen (18) feet on each side of the building.

2. Each multiple occupancy complex may display one (1) permanent accessory building sign on each side of the principal building or buildings in which the complex is located, not to exceed a sign area of up to ten percent (10%) of the facade area (see Part 5.06.00, Measurement Determinations) of each building side or two hundred (200) square feet, whichever is smaller.

3. Each occupant of a multiple occupancy complex may display three (3) permanent accessory building signs on any exterior portion of the complex that is part of the occupant's unit (not including a common or jointly owned area), not to exceed a total combined sign area of fifteen percent (15%) of the facade area (see part 5.06.00, Measurement Determinations) of such exterior portion or two hundred (200) feet, whichever is smaller.

4. Each occupant not located in a multiple occupancy complex may display three (3) permanent accessory building signs on each side of the principal building in which the occupancy is located, not to exceed a total combined sign area for each building side of twenty percent (20%) of the facade area (see Part 5.06.00, Measurement Determinations) of the building side or two hundred (200) square feet, whichever is smaller.

C. Multiple Frontages.

If a building has frontage on two (2) or more streets, each frontage shall be separately considered for the purposes of determining compliance with the provisions of these regulations, but the permitted sign area for one (1) frontage may not be combined with that permitted on another frontage to increase the permitted sign area on one (1) frontage. However, no ground sign on one (1) right of way may be closer than one hundred (100) feet to a sign on another right of way, measured as the sum of distances measured continuously along the rights of way through a common point or points.

(Ord. 711, passed 2-5-2019)

5.04.03 Time/Temperature/Date Signs

Time/Temperature/Date signs are permitted as a permanent accessory sign on commercially developed parcels notwithstanding the general prohibition on changing signs. These signs may only display numerical information in an easily comprehensible way and shall be kept accurate. They may be ground or building signs and are subject to the regulations applicable to such signs. They shall be counted as part of an occupancy's allowable sign area.

(Ord. 711, passed 2-5-2019)

5.04.04 Directional Signs

Directional signs are limited in area to four (4) square feet, giving directions to motorists regarding the location of parking areas and access drives shall be permitted as permanent accessory signs on all parcels and shall not be counted as part of occupancy's allowable sign area.

(Ord. 711, passed 2-5-2019)

5.04.05 Signs at Entrances to Residential Developments

A. Generally

A permanent accessory sign may be displayed at the entrance to residential developments.

B. Restrictions

1. One (1) sign is permitted at only one (1) entrance into the development from each abutting street. The sign may be a single sign with two (2) faces of equal size or may be two (2) single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed thirty-two (32) square feet in size and may be illuminated with a steady light only.

2. When considering the placement of such signs, the Planning and Zoning Board shall consider the location of public utilities, sidewalks, and future street widening.

3. The Planning and Zoning Board shall ensure that such signs shall be maintained perpetually by the developer, the owner of the sign, a pertinent owners' association, or some other person who is legally accountable under a maintenance arrangement approved by the Board. If no accountable person accepts legal responsibility to maintain the sign(s) and no other provision has been made for the maintenance of them, the sign(s) shall be removed by the developer or owner.

(Ord. 711, passed 2-5-2019)

5.04.06 Utility Signs

Public utility signs that identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are permitted so long as they do not exceed three (3) feet in height, and so long as the sign face does not exceed one-half (1/2) square foot.

(Ord. 711, passed 2-5-2019)

5.05.00 PERMITTED PERMANENT OUTDOOR ADVERTISING SIGNS

5.05.01 Where Allowed

It is the purpose and intent of this section to prohibit permanent outdoor advertising signs in order to maintain the aesthetic appearance of the City.

(Ord. 711, passed 2-5-2019)

5.05.02 Types Prohibited

All permanent outdoor advertising signs, as defined by this Code, are prohibited.

(Ord. 711, passed 2-5-2019)

5.06.00 MEASUREMENT DETERMINATIONS

5.06.01 Distance Between Signs

The minimum required distance between signs shall be measured along street rights of way from the closest parts of any two (2) signs. See Figure 5.06.01-A.

(Ord. 711, passed 2-5-2019)

5.06.02 Facade Area

The facade area shall be measured by determining the area within a two-dimensional geometric figure coinciding with the edges of the walls, windows, doors, parapets, marquees, and roof slopes of greater than forty-five (45) degrees that form a side of a building or unit. See Figure 5.06.02-A.

(Ord. 711, passed 2-5-2019)

5.06.03 Sign Area

A. Generally

The area of a sign shall be the area within the smallest square, rectangle, parallelogram, triangle, circle, or semicircle, the sides of which touch the extreme points or edges of the sign face.

B. Special Situations

1. Where a sign is composed of letters or pictures attached directly to a facade, window, door, or marquee, and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points of the letters or pictures. See Figure 5.06.03-A.

2. Where two (2) sign faces are placed back to back on a single sign structure and the faces are at no point more than four (4) feet apart, the area of the sign shall be counted as the area of one (1) of the faces.

3. Where four (4) sign faces are arranged in a square, rectangle, or diamond, the area of the sign shall be the area of the two (2) largest faces. See Figure 5.06.03-B.

4. Where a sign is in the form of a three-dimensional object, the area shall be determined by drawing a square, rectangle, parallelogram, triangle, circle, or semicircle, the sides of which touch the extreme points or edges of the projected image of the sign and multiplying that area by two (2). The "projected image" is that image created by tracing the largest possible two-dimensional outlines of the sign. See Figure 5.06.04-A.

(Ord. 711, passed 2-5-2019)

5.06.04 Number of Signs

A. Generally

In general, the number of signs shall be the number of non-contiguous sign faces. Multiple non-contiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area. See Figure 5.06.04-A.

B. Special Situations

1. Where two (2) sign faces are placed back to back and are at no point more than three (3) feet apart, it shall be counted as one (1) sign.

2. If a sign has four (4) faces arranged in a square, rectangle, or diamond, it shall be counted as two (2) signs. See Figure 5.06.04-B.

(Ord. 711, passed 2-5-2019)

5.06.05 Sign Height

The height of a sign shall be measured as the vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher. See Figure 5.06.05-A.

(Ord. 711, passed 2-5-2019)

5.07.00 DESIGN, CONSTRUCTION, AND LOCATION STANDARDS

5.07.01 Generally

All permanent signs must comply with the following design, construction, and location standards.

(Ord. 711, passed 2-5-2019)

5.07.02 Compliance with Building and Electrical Codes Required

All permanent signs, and the illumination thereof, shall be designed, constructed, and maintained in conformity with applicable provisions of the building and electrical codes adopted by the City. Additionally, the following will apply:

A. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.

B. Wind loads. All signs shall be designed and constructed to meet the wind loading requirements as set forth in the Florida Building Code.

C. All signs containing electrical components shall be constructed according to the specifications of the Florida Building Code as well as the specifications of Underwriters' Laboratories or other approved testing agency. All such signs shall have a clearly visible testing agency label permanently affixed.

(Ord. 711, passed 2-5-2019)

5.07.03 Illumination Standards

A. Sign lighting may not be designed or located to cause confusion with traffic lights.

B. Illumination by floodlights or spotlights is permissible so long as none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets.

C. Illuminated signs shall not have lighting mechanisms that project more than eighteen (18) inches perpendicularly from any surface of the sign over public space.

(Ord. 711, passed 2-5-2019)

5.07.04 Placement Standards

A. Near Street and Driveway Intersections:

Signs located within a clear visibility triangle shall conform to the requirements of this Code, Florida Building Codes, and the *Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways* published by the Florida Department of Transportation.

B. In Right of Way:

Supports for signs or sign structures shall not be placed in or upon public right of way or public easement.

C. Over Right of Way:

No ground sign shall project over a public right of way.

D. Blocking Exits, Fire Escapes, Etc.

No sign or sign structure shall be erected that impedes the use of any fire escape, emergency exit, or standpipe.

E. Public Lands:

The placement of any sign or signs of any nature, including political signs, except by local, state or federal governments, or their respective agencies, on any public lands, tracts, or parcels shall be prohibited. Public lands, tracts or parcels, or portions thereof, shall include, but not be limited to, all right of ways, known public easements, parks, piers, public roads, and public waterways.

F. Vacant Lands:

The placement of any sign or signs of any nature, including political signs, except by local, state, or federal governments, or their respective agencies, on any vacant land shall be prohibited. Vacant land shall be defined as any lot, parcel, or tract of land without a properly approved structure erected on such land. Roads, streets, bridges and other infrastructure or utility improvements shall not be considered a "structure" for purposes of this section. Properly approved and erected real estate signs advertising the vacant property on which such signs are erected shall be permitted and shall not violate this section.

G. No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation.

(Ord. 711, passed 2-5-2019)

5.07.05 Clearance Standards

A. Over Pedestrian Ways:

All signs over pedestrian ways shall provide a minimum of seven (7) feet six (6) inches of clearance.

B. Over Vehicular Ways:

All signs over vehicular ways shall provide a minimum of thirteen (13) feet six (6) inches of clearance.

C. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with Florida Building Code specifications.

(Ord. 711, passed 2-5-2019)

5.07.06 Relationship to Building Features

A building sign shall not extend beyond any edge of the surface to which it is attached, nor disrupt a major architectural feature of the building. See Figure 5.07.06-A and Figure 5.07.06-B.

(Ord. 711, passed 2-5-2019)

5.07.07 Maximum Projection

A building sign may project no more than four (4) feet perpendicularly from the surface to which it is attached.

(Ord. 711, passed 2-5-2019)

5.07.08 Maximum Window Coverage

The combined area of permanent and temporary signs placed on or behind windows shall not exceed twenty-five percent (25%) of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed.

(Ord. 711, passed 2-5-2019)

5.07.09 Format for Multiple Occupancy Complexes

Building signs for multiple occupancy complexes constructed, remodeled, undergo a change in use, or a change in ownership after the effective date of this Code shall conform to an approved sign format. The sign format shall be included as a submittal for authorization to erect such a sign and shall be maintained on file in City Hall. The format shall be presented in a plan or sketch, together with written specifications in sufficient detail to enable the Board to authorize signs based on the specifications. As a minimum, the sign format shall specify the types of signs and dimensions (not to exceed the size limits contained in this Article) which will be permitted each occupant within the complex. The sign format shall also contain common design elements, such as placement, color, shape, or style of lettering, which lend a unified appearance to

the signs of the occupants within the complex. The sign format may only be modified with the approval of the Board upon submission of a revised plan and specifications detailing the revised format.

(Ord. 711, passed 2-5-2019)

5.08.00 NONCONFORMING SIGNS

5.08.01 Defined

Any sign within the City on the effective date of this Code (or a sign existing within any area annexed to the City after the effective date of this Code) which is prohibited by, or does not conform to the requirements of, this Code; except signs that are within ten percent (10%) of the height and size limitations of this Code, and that in all other respects conform to the requirements of this Code, shall be deemed in conformity with this Code.

(Ord. 711, passed 2-5-2019)

5.08.02 Continuation of Use

A. All nonconforming signs and all signs prohibited by Part 5.02.00 (Prohibited Signs) of this Code with a replacement cost of less than \$100.00, shall be removed within sixty (60) days of the enactment of this Code.

B. All other nonconforming signs other than nonconforming accessory or permanent signs, but including portable signs, shall be removed within one (1) year of the effective date of this Code. Within thirty (30) days from the effective date of this Code, any animated component of any portable sign shall be turned off.

C. Nonconforming accessory and other permanent signs may be continued indefinitely subject to the restrictions of Section 5.08.03 below.

(Ord. 711, passed 2-5-2019)

5.08.03 Continuation of Use Restrictions

Subject to the restrictions of Section 5.08.02, a nonconforming sign may be continued and shall be maintained in good condition as required by this Code, but it shall not be:

- A. Structurally changed to another nonconforming sign, but its pictorial content may be changed.
- B. Structurally altered to prolong the life of the sign, except to meet safety requirements.
- C. Altered in any manner that increases the degree of nonconformity.
- D. Expanded.
- E. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty percent (50%) of the appraised replacement cost as determined by the Planning and Zoning Board.
- F. Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.
- G. Continued in use after the structure housing the occupancy is demolished or requires renovations the cost of which exceeds fifty percent (50%) of the assessed value of the structure.
- H. Continued in use after the structure housing the occupancy changes ownership.
- I. Signs where either the business or structure no longer exists shall be removed.
- J. Signs that do not conform to these regulations will be removed upon transfer of ownership.

In addition to the above, permanent signs such as animated signs or signs with flashing lights shall conform to the signage regulations contained in the Article by turning off the animated or flashing portion of the sign, where practicable.

(Ord. 711, passed 2-5-2019)

5.08.04 Removal of Real Estate Sales Signs

Temporary signs erected for the sale of real property as set forth in sections 5.03.05 and 5.03.06 shall be removed by the property owner or the real estate agent/broker whose name is on such real estate sign within fifteen (15) days from the closing of the sale of such property. The closing and sale date for such properties shall be defined as the date on which the seller signs the deed or other transfer documents to actually convey such property. The earliest executed document(s) shall control.

Upon violation of Section 5.08.04 of this Code by the owner of the new property or the real estate broker or agent of the recently sold property, the offending party will be subject to the penalties specified in Section 5.10.00. The City, at its discretion, shall be permitted to remove any such offending sign and retain such sign until any and all fines are paid in full. The City, at its discretion, may suspend or withhold the business license of any broker or agent whose name appears on such signs if more than two (2) violations of this Code occur in any twelve (12) month period.

(Ord. 711, passed 2-5-2019)

5.09.00 PERMITS AND LICENSES REQUIRED

All signs existing in the City on the effective date of this Code, other than temporary signs, are required to have a sign permit application on file at City Hall within one hundred eighty (180) days of the effective date of this Code, to establish a record of existing signs in the City. Applications for permits for signs existing on the effective date of this Code are exempt from any sign permit fees adopted as a part of this Code, if submitted within one hundred eighty (180) days of the effective date of this Code. Information included on the application shall contain sufficient information for the City Administrator to make a determination as to whether the sign is in conformance with this Code. The erection of a permanent sign after the effective date of this Code shall require a sign permit as required in Article VII of this Code.

(Ord. 711, passed 2-5-2019)

5.09.01 Licenses

No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs without a valid occupational license and all required state and federal licenses.

(Ord. 711, passed 2-5-2019)

5.09.02 Indemnification

All persons involved in the maintenance, installation, alteration, or relocation of signs near any public right-of-way or property shall agree to hold harmless and indemnify the city, its officers, agents, and employees, against any and all claims of negligence resulting from such work.

(Ord. 711, passed 2-5-2019)

5.10.00 PENALTIES

Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, for each such offense, be guilty of a misdemeanor and subject to a fine not to exceed \$250.00 per offense or imprisonment of up to thirty (30) days, or by both fine and imprisonment in the discretion of the Court.

In addition to the penalties set forth above, violation of this ordinance shall be a civil penalty and each violation shall be considered a separate offense. The City shall send a notice of violation of this ordinance to any real estate broker or agent whose name(s) appear on an offending sign and give such person(s) seven (7) days to correct the violations(s). If the violation is not removed within seven (7) days from the mailing of such notices, then the new owner and the real estate broker or agent whose name(s) appear on the offending sign will be fined a minimum of \$100 and up to \$10 per day for every day that the offending sign is in violation. The City shall always retain the right to remove any sign it deems to be in violation of this ordinance or any sign ordinance or law of this City or State without the City incurring any penalty or liability whatsoever to the owner of any sign(s).

(Ord. 711, passed 2-5-2019)

ARTICLE VI

OFF-STREET PARKING, CIRCULATION AND ACCESS

6.01.00 DEFINITIONS

Access

Ingress to and egress from land bordering on a system of streets and roads.

Connection

Driveways, streets, turnouts, and other means of providing the movement of vehicles to or from roads on the state highway system.

Driveway

That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Gross Floor Area

The gross floor area of a building is the sum of the area at each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobby stores, and offices that are included with the principle outside faces of exterior walls, not including architecture setbacks or projections. Included are all storage or other areas that have floor surface with clear standing head room (six (6) feet, six (6) inches minimum) regardless of the use. Where a ground level area, or a part thereof, within the principle outside faces of exterior wall is left unenclosed, the gross floor area of the enclosed portion is to be considered as a part of the overall square footage of the building. All unroofed areas and unenclosed roofs over spaces, except as defined above are to be excluded from the area calculations.

Level of Service

Shall mean a measure of the percentage of capacity of a roadway or intersection being used during the peak hour, as determined by the traffic engineer, and in compliance with the definitions contained in the Highway Capacity Manual, HRS special report 87.

Major Arterial, Major Collector, Minor Collector

The categories of functional classification, which is the grouping of highways by the characteristics of service they provide. The street hierarchy system shall be defined by road function and average daily traffic calculated by the Institute of Transportation Engineers.

Parking Space

A portion of the vehicle accommodation area set for the parking of one (1) vehicle.

Permit

Shall mean written authority to allow construction, reconstruction, or reclassification of a connection in accordance with this Code.

Setback

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.

Shopping Center

- (a) A shopping center is defined as a group of shops forming a central retail market within a given area.
- (b) To be considered a shopping center, the development must contain a minimum of five (5) separate and individual shops or businesses.
- (c) The specific location must be identified and approved by the City Council of the City of Mexico Beach. All applications for the development of a shopping center must include geographic boundaries of the shopping center.
- (d) Additional businesses can be added with approval by the City Council.
- (e) Any request for the development of a shopping center must be in the form of a major commercial development order with all the requirements of such being met by the owner(s) and/or developer(s).
- (f) Required parking for any shopping center will be calculated at one (1) space per three hundred (300) square feet of gross business space. All parking will be owned/maintained by the shopping center with the only specifically designated parking being those required for "Handicap Parking."
- (g) Any approved shopping center will be designated on all City maps.

State Road

All streets, roads, highways, and other public ways open to travel by the general public and dedicated to public use according to law or by prescription, and designated by the Florida Department of Transportation as part of the state highway system.

Vehicle Accommodation or Vehicle Use Area

That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading areas. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

(Ord. 711, passed 2-5-2019)

6.02.00 GENERAL PROVISIONS

A. Purpose

The requirements set forth in this section are designed to ensure the adequate provision of safe access, efficient on-site traffic flow, and acceptable parking for every building, structure, or use erected or instituted.

B. Existing Structures and Uses

1. Conforming Uses

As of the effective date of this Code, existing buildings or structures may be modernized, altered, or repaired without having to apply these regulations, provided there is no increase in floor area or capacity and no change of occupancy classification.

2. Expansion of Structure

The proposed expansion of any existing structure or building in floor area, volume, capacity, or space shall result in the compliance with the requirements governed by this Code for both existing and new structures or buildings.

3. Non-Conforming Uses

Non-conforming uses destroyed or damaged in excess of fifty percent (50%), when rebuilding, must comply with Section 6 of this Code.

4. Change in Use

A change in use of a structure or building resulting in additional requirements over that of the present use, shall be bound to comply with the regulations contained in this Code.

(Ord. 711, passed 2-5-2019)

6.03.00 OFF-STREET PARKING STANDARDS

A. Space Requirements

The following matrix specifies the required minimum number of automobile spaces for a particular land use.

LAND USE	SPACES REQUIRED
1. DWELLINGS	
a. All Residential (houses, apartments, condominiums, townhouses, and mobile homes)	2 per unit
b. Hotel and Motel	1.25 per room or suite, and 10 per 1000 sq. feet of floor area or 1 per 4 seats, whichever is greater for restaurant and lounge area
c. Boarding and Rooming Houses, and Dormitories	1 per each bedroom
d. Travel Trailer Parks	1 per unit
2. PUBLIC ASSEMBLY	
a. Churches, Temple, or Places of Worship	1 per 4 seating spaces in main assembly area
b. Fraternal Organization	1 per 300 sq. feet of gross floor area
c. Theater or Place of Assembly	1 per 3 seats
d. Day Care Facilities	1 per staff member plus 1 space per 5 children (based on maximum capacity)
e. Amusement Place, Dance Hall	1 per 4 seats or 1 per 100 sq. feet of gross floor area, whichever is greater
3. HEALTH FACILITIES	
a. Nursing Homes	1 per 4 beds, plus 1 per 4 employees
b. Medical, Dental, and Health Offices and Clinics	1 per 300 sq. feet gross floor area
4. COMMERCIAL	
a. Banks	1 per 300 sq. feet gross floor area
b. Food Store	1 per 300 sq. feet gross floor area
c. Food Stores with Gas Pump	1 per 300 sq. feet gross floor area
d. Automobile Service Station	2 plus 4 spaces per service bay
e. General Business, Commercial, or Personal Service Establishment Catering to Retail Trade	1 per 300 sq. feet gross floor area
f. Offices, Excluding Medical, Dental, and Health Clinics and Offices	1 per 300 sq. feet gross floor area
g. Eating and Drinking Establishments	1 per 4 seats
h. Take out establishments only	1 per 200 sq. feet of gross floor area
i. Shopping Centers	1 per 300 sq. feet of gross floor area
5. RECREATION	
a. Marina	0.5 per wet slip and 0.5 per dry slip
6. INDUSTRIAL	
a. Warehousing	1 per 2000 sq. feet gross floor area
b. Wholesale, Manufacture, Processing, or Assembly	2 per 1000 sq. feet gross floor area. For each sq. foot up to 150,000 sq. feet plus 1 space per 1000 sq. feet for each sq. feet over 150,000 sq. feet of gross floor area
7. MIXED USE	

a. Mixed Use	Sum of individual categories
Categories not listed above shall be established by the City Council based upon recommendations from the Planning and Zoning Board	

B. Uses Not Specifically Listed in Matrix

Parking space requirements for a use not specifically listed in the matrix shall be derived from a use that most closely approximates the unlisted use.

C. Off-Street Parking Plan

A plan showing off-street parking shall be submitted and approved before a permit is issued for the construction of, or use of, the building or structure. This plan shall accurately show the number and location of spaces, their size access aisles, driveways, and required landscaping areas. This plan shall not include any City owned or City maintained right-of-way as part of the plan. The entire plan must be on the owner's or developer's property.

D. Spaces for Handicapped Persons

Any parking area to be used by the general public shall provide suitable, marked spaces for handicapped persons as required by the American National Standards Institute, (ANSI), A117.1, and by F.S. Chapter 553, Part II.

E. Joint Use and Off-Site Facilities

Parking spaces must be located and maintained on property abutting and contiguous of the building, structure, or use served. No parking spaces provided shall count as part of the spaces required for another building, structure, or use, unless the spaces are jointly provided by uses that are not normally open at the same time. If such a joint parking arrangement is proposed, the applicants must file a written notarized agreement assuring the retention of the joint parking arrangement with the application for a building permit.

F. Garbage Dumpsters

No Garbage dumpster shall be permitted to be placed in a required parking space. If a garbage dumpster is required, an additional space must be included in the Off-Street Parking Plan.

(Ord. 711, passed 2-5-2019; Ord. 804, passed 1-10-2023)

6.04.00 DESIGN STANDARDS

A. Minimum Size

1. Standard parking spaces shall be sized according to the following table.

<i>Parking Angle</i>	<i>Stall Width</i>	<i>Stall Depth</i>	<i>Aisle Width</i>	<i>Curb Length Per Car</i>	<i>Lot Width (two rows plus aisle)</i>
0	10'	10'	12'	23'	32'
45	10'	21.2'	12'	14.1'	54.4'
60	10'	22.3'	18'	11.5'	62.6'
90	10'	20'	24'	10'	64'

2. Spaces for handicapped parking shall be a minimum of twelve (12) feet wide and twenty (20) feet long.

B. Surfacing Materials

1. All parking areas are required to pave parking spaces. Residential parking areas have the option of either paving the parking spaces or using crushed shells, gravel, or other similar dust-free materials. All parking spaces shall be clearly defined.

- 2. Access drives and aisles for parking areas shall be paved.
- 3. Any parking space designated as handicapped parking shall be paved.

C. Drainage

1. All required off-street parking facilities shall conform to the Stormwater Management requirements section of this Code, and shall be drained so as not to cause any nuisance to adjacent private or public property.

D. Access

1. All parking spaces shall have direct access to public streets only by way of aisles or driveways, constructed in accordance with the provisions of this Code.

E. Landscaping of Parking Areas

1. All parking areas, except residential, are required to set aside five percent (5%) of the parking area for landscaping. If a commercial parking area is proposed, a six (6) foot fence is required in addition to the buffer requirements established in Chapter 4 of this Code. Additional landscaping requirements for vehicle use areas are set forth in the Landscaping Section of this Code.

(Ord. 711, passed 2-5-2019)

6.05.00 ACCESS MANAGEMENT

All proposed development shall meet the following standards for vehicular access and circulation.

A. General Standards

- 1. Access points must be able to accommodate all vehicles having occasion to enter the site, including delivery vehicles.
- 2. Access point design must be such that an entering vehicle will not encroach upon the exit lane of a two-way driveway.
- 3. There must be sufficient on-site storage to accommodate queued vehicles waiting to park or exit without using any portion of the street right-of-way or in any other way interfering with street traffic.

B. Number of Access Points

- 1. A maximum of one (1) access point shall be permitted to a particular site from each of one (1) or two (2) abutting streets.
- 2. Dual access drives will be considered to be one (1) access point.

C. Separation of Access Points

- 1. The location of access points on state-maintained roads shall be in accordance with Florida Department of Transportation (FDOT) rules, Chapter 14-96 and Chapter 14-97.
- 2. On roads not maintained by the State, the separation between access points onto arterial or collector roads, or between an access point and an intersection of an arterial or collector with another road, shall be in accordance with the following table:

<i>Functional Road Class</i>	<i>Distance Between Access Points</i>
Major Arterial	300 feet
Major Collector	185 feet
Minor Collector	140 feet

3. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

D. Driveway Regulations

- 1. All driveways connecting to any City owned or City maintained right-of-way, where constructed or altered by others, must be included in a site plan before construction can occur. No one shall enter upon a City owned or City maintained right-of-way to construct a driveway or roadway, alter an existing driveway or existing roadway, or connect any driveway or roadway until the development order is issued. Development orders will not be permitted until these standards are met.
- 2. Permits for the construction or alteration of driveways or roadways on City owned or City maintained rights-of-way will be issued in conformity with procedures set forth in the Concurrency Management Section of this Code.

(Ord. 711, passed 2-5-2019)

6.06.00 EXCEPTIONS AND MODIFICATIONS

A. Nonconforming Vehicle Use Areas

- 1. An existing vehicle use area that does not comply with the requirements of this Code must be brought into full compliance when fifty percent (50%) or more of the paving of the vehicle use area is replaced.
- 2. When the square footage of a vehicle use area is increased, compliance with this Code is required as follows:
 - a. When a vehicle use area is expanded by twenty-five percent (25%) or less, only the expansion area must be brought into compliance with this Code.
 - b. When a vehicle use area is expanded by more than twenty-five percent (25%), the entire vehicle use area shall be

brought into compliance with this Code.

3. After enactment of this Code, any existing vehicle use area having more than the number of spaces required by this Code, which is proposed to be changed shall be treated as follows:

a. The area shall be reconfigured to comply with requirements in this Code.

b. If, after the reconfiguration, a paved area or areas that are not needed to comply with the requirements of this Code remain, the developer may do any one (1) or combination of the following:

(1) Conform the area(s) to comply with this Code and continue to use them for parking.

(2) Remove the paving and use as grassed overflow parking.

B. Reduction in the number of parking spaces required for the purpose of saving a protected tree as set forth in the Tree Protection Section of this Code.

1. One (1) required surfaced parking space for each full ten (10) parking spaces may be waived if that parking space would endanger a protected tree as defined in the Tree Protection Section of this Code. The area that would have been a part of that parking space must also be set aside for landscaping.

(Ord. 711, passed 2-5-2019)

ARTICLE VII

ADMINISTRATION, APPEALS, AND CONCURRENCY

7.00.00 PURPOSE AND INTENT

This article sets forth the application and review procedures required for obtaining development orders and certain types of permits and specifies the procedures for appealing decisions. This Article also describes the requirements and procedures for implementing concurrency and for measuring the impact of development on level of service standards adopted in the City of Mexico Beach Comprehensive Plan for: potable water, solid waste, stormwater management, septic tank, roads, and recreation.

(Ord. 711, passed 2-5-2019)

7.00.01 Withdrawal of Applications

An application for development review may be withdrawn at any time so long as no notice has been given that the application will be reviewed at a public hearing.

(Ord. 711, passed 2-5-2019)

7.00.02 Definitions

Adversely Affected Person

Any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

Certificate of Concurrency

The certificate issued by the City of Mexico Beach upon finding that an application for a development order will not result in a reduction of the level of service standards for public facilities and services below those standards adopted in the City of Mexico Beach Comprehensive Plan.

Concurrency

A condition where public facilities and services have or will have the necessary capacity to meet the adopted level of service standards at the time of impact of the development project.

Development

Any building activity involving any material change in appearance to any structure or land, a change in the intensity of land use exclusive of normal lot cleaning where no trees or vegetation protected by the Land Development Codes are removed, or clearing of land for development purposes and any of the following activities:

1. Construction, clearing, filling, excavating, grading, paving, dredging, drilling, or otherwise significantly disturbing the soil of a site. (Examples: Any parcel of land which contains a structure but also vacant lots such as those in a subdivision—such as Casuna or Ocean Plantation—or vacant lots which have met the definition of development and have been

maintained over time, such as those along Hwy 98.)

2. Building, installing, enlarging, replacing, or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage of materials.

3. Division of land into two (2) or more parcels.

4. A tree removal for which authorization is required under this Code (Section 7.01.01).

5. Erection of a permanent sign unless expressly exempted by Article V of this Code (Section 7.01.03).

6. Alteration of a historic property for which authorization is required under this Code.

7. Changing the use of a site so that the need for parking is increased.

8. Construction, elimination, or alteration of a driveway onto a public street (Section 7.01.03).

9. Erection or construction of any fence (Section 7.01.03).

Development Application

An applicant for a development order shall provide the City of Mexico Beach with all information required for the City to determine that the proposed development is consistent with the provisions of this Code.

Development Order

An order issued by the City of Mexico Beach which grants, denies, or grants with conditions, an application for a development permit.

Development Permit

Includes any building permit or other official action of local government having the effect of permitting development.

Public Facilities and Services

The following public facilities and services for which level of service standards have been adopted in the City of Mexico Beach Comprehensive Plan and which must be evaluated for concurrency:

1. Potable water
2. Solid waste
3. Stormwater management
4. Septic tank or sewer
5. Roads
6. Recreation

Gross Floor Area

The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including, non-roofed, non-heated, and air conditioned spaces, interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

Impervious Surface

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures. If porous paving materials are used, documentation shall be provided demonstrating the permeability of the materials, and the percentage of impervious area shall be adjusted accordingly.

(Ord. 711, passed 2-5-2019)

7.01.00 AUTHORIZATION BY A DEVELOPMENT PERMIT REQUIRED PRIOR TO UNDERTAKING ANY DEVELOPMENT ACTIVITY

7.01.01 Process

A. Except as provided in Section 7.01.03 below, any development activity within the City of Mexico Beach may commence only when:

1. The application for development has complied with the application and approval procedures established in this Code and has received all required permits (wastewater, potable water, stormwater, etc.) from outside agencies; and

2. A development order and certificate of concurrency has been issued by the City of Mexico Beach Building Department.

B. A development order shall be issued by the City of Mexico Beach if the development is consistent with the adopted Land Development Code. A development shall be considered consistent with the adopted Comprehensive Plan if the development conforms to the provisions set forth in the City of Mexico Beach Land Development Code.

(Ord. 711, passed 2-5-2019)

7.01.02 Prerequisites to Issuance of Development Permit

A development permit shall not be issued by the Mexico Beach Building Department for any development within the City of Mexico Beach that is not exempted under Section 7.01.03 until such time as:

1. A certificate of concurrency has been issued by the City of Mexico Beach for the proposed development as provided in Section 7.06.00.
2. The proposed development has undergone site review by the City of Mexico Beach as provided in Section 7.02.00.
3. The City of Mexico Beach City Council has approved the development activity as provided in Section 7.02.03.

(Ord. 711, passed 2-5-2019)

7.01.03 Exceptions to Requirement of a Development Order

A development order shall not be required for the following:

A. Development authorized by a development permit issued prior to the effective date of this Code, in which development activity has begun and has continued in good faith.

B. The maintenance or alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site.

C. Permits for the following activities may be issued by the City of Mexico Beach without a development order so long as the development activity is not part of a larger development activity:

1. Removal of protected trees when not accompanied by earthwork activity such as clearing, excavating, grading, or otherwise significantly disturbing the soil of the site.
2. Driveway installation or modification which does not access Hwy 98.
3. Installation or construction of fences.
4. Installation or construction of signs.

(Ord. 711, passed 2-5-2019)

7.01.04 Post-Permit Changes

After a development order or development permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the development order without first obtaining a modification of the development order.

(Ord. 711, passed 2-5-2019)

7.02.00 PROCEDURE FOR REVIEW OF DEVELOPMENT PLANS

7.02.01 Pre-Application Conference

Prior to filing for development plan review, the developer shall meet with the City Administrator or designee to discuss the development review process. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

(Ord. 711, passed 2-5-2019)

7.02.02 Review of Development Activity

A. 1. Development Order Types

A Development Order is the document and process used by the City of Mexico Beach for the property owner to define and illustrate the development planned, for the City to assure proper administration review and conformance to the City of Mexico Beach Land Development Code, and to support the authorization to proceed and the issuance of any building permits that may be required by the Mexico Beach Building Department. The five (5) types of Development Orders (DO's) and the manner in which they are processed are:

a. **BASIC DEVELOPMENT ORDER:** Basic Development Orders cover improvements and activities on private property which are processed and approved by the City Administrator or their designee. Basic Development Orders are issued as a permit with the fee set for the particular activity requested. Developments identified may also require a building permit from the Mexico Beach Building Department at additional cost. Activities covered by Basic Development Orders include:

- (1) Requests for removal of trees
- (2) Installation or construction of fences
- (3) Driveway installation or modification which does not require access to U.S. Highway 98
- (4) Installation or construction of decks and storage sheds.

b. **MINOR RESIDENTIAL DEVELOPMENT ORDER:** Minor Residential Development Orders are processed and approved by the City Administrator or their designee. Minor Residential Development Orders cover the types of development described in the following examples and must conform to the specific requirements of the LDC for the type of development approved:

(1) Maintenance and repair of an existing building or structure without change to the gross floor area of the building, its use, or the amount of impervious surface area at the site and the cost for such activity is less than fifty percent (50%) of the current tax roll value for the existing structure.

(2) Installation or construction of accessory buildings or swimming pools.

(3) Any action or construction on a non-conforming structure which requires a building permit be issued.

c. **MAJOR RESIDENTIAL DEVELOPMENT ORDER:** Major Residential Development Orders are processed and approved by the Mexico Beach Building Department. The types of developments covered by a Major Residential Development Order are listed below, and must conform to the specific requirements of the LDC for the type of development approved:

(1) New residential home construction

(2) Additions to a building or structure which do not increase the heated, ventilated, or air conditioned area but may or may not increase the foot print of the building or structure such as a garage under a stilt house or a garage attached to a home

(3) Developments which increase the heated, ventilated, and air conditioned floor area within a building or structure

(4) The upgrade, renovation, major repair, or modernization of a structure if the cost of such upgrade or improvements exceed fifty percent (50%) of the current tax roll value for the existing structure.

d. **CANAL DEVELOPMENT ORDER:** Any construction activity along the canal, of the types described below, but not meeting the criteria for a Major Commercial Development Order, processed and approved by the Mexico Beach Building Department:

(1) Installation or construction of Seawalls

(2) Installation or construction of Docks

(3) Installation or construction of Boat Houses and/or Boat Lifts

(4) Any other construction in, on, or around the canal which places any object in the water.

e. **MINOR COMMERCIAL DEVELOPMENT ORDER:** Minor Commercial Development Orders which deal with those activities listed below are processed and approved by the City Administrator or their designee. Minor Commercial Development Orders require full conformity with the requirements of the Land Development Code for the particular activity involved. Typical activities covered by a Minor Commercial Development Order includes:

(1) Installation, construction, or modification of signs.

(2) Installation, construction, or modification of fences.

(3) Upgrade, renovation, repair, or modification of existing facilities within the existing footprint

f. **MAJOR COMMERCIAL DEVELOPMENT ORDER:** Major Commercial Development Orders are initially processed by the Mexico Beach Building Department, referred to the Planning and Zoning Board for a compliance evaluation and recommendation, and then passed to the City Council for final action. City Council approval is necessary to obtain a City of Mexico Beach building permit. Issuance of a Major Commercial Development Order requires that all aspects of the property involved are brought into full compliance with the requirements of the Land Development Code for the category of land use involved. Typical activities covered by a Major Commercial Development Order include:

(1) Installation, construction, or modification of decks, patios, or accessory buildings

(2) Upgrade, renovation, repair, or modification of existing facilities outside the existing footprint

(3) Construction of any new facilities of any kind

(4) Installation, construction, or modification of parking facilities

(5) Change of land use of commercially zoned property that is currently used for residential purposes to commercial use

(6) A change in use to another use allowed in the same Zoning District where additional parking or other changes

to the exterior of the building are required.

2. Approving Authority

a. The City Administrator is hereby granted the authority to approve all development orders, except Major Commercial Development Orders.

b. The Planning and Zoning Board shall make recommendations to the City Council for either approval or denial of Major Commercial Development Orders with final approval being the sole responsibility of the Mexico Beach City Council.

c. The City Administrator will assist all applicants with the preparation of Development Order applications, customer understanding of the Land Development Code requirements for the particular development involved, and the procedures to follow to expedite the handling of the customer's Development Order. The City Administrator shall process and approve promptly all applications which comply with the requirements identified for the categories they are authorized to approve. Major Residential and Minor Commercial Development Orders which are complete and conform to the requirements of the Land Development Codes should be processed and approved as soon as possible.

d. Development Orders which require Planning and Zoning Board action and City Council approval will be handled as quickly as possible, pursuant to the process defined in Section C.1., below.

3. Violation. Any person or persons developing land in violation of this ordinance is guilty of a misdemeanor of the second degree, punishable as provided by State Statutes.

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.

B. The developer shall file a completed application and development plan(s) as a prerequisite to obtaining development review.

C. Within five (5) working days of receipt of an application and development plan(s), the City Administrator shall:

1. Determine whether the submittals are incomplete and inform the developer in writing as to any deficiencies; or

2. Determine whether the submittals are complete and proceed with the following procedures.

D. Once the application has been deemed complete by the City Administrator or designee, the City Administrator shall:

1. For Basic, Minor Residential, Major Residential, and Minor Commercial Development orders, determine if the application meets the requirements of the land development code, including:

a. Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses.

b. Whether the concurrency requirements of Section 7.06.00 could be met if the development were built.

c. The nature of the proposed development, including land use types and densities; the placement of proposed buildings, and other improvements on the site; the location of all proposed signs; the location, type and method of maintenance of open space and public use areas; the preservation of trees and other natural features; proposed parking areas; internal traffic circulation system; the approximate total ground coverage of paved areas and structures; and, types of water and sewage treatment systems.

d. Conformity of the proposed development with the Comprehensive Plan, this Code, and other applicable regulations.

e. Other applicable factors and criteria prescribed by the Comprehensive Plan, this Code, or other law.

2. For Canal and Major Commercial Development Orders, the proposal shall be placed on the agenda of the next meeting of the Planning and Zoning Board which was noticed pursuant to Article I.

E. The Planning and Zoning Board shall conduct an administrative hearing for the purpose of reviewing the development proposal and shall consider:

1. Characteristics of the site and surrounding area, including important natural and man-made features, the size and accessibility of the site, and surrounding land uses.
2. Whether the concurrency requirements of Section 7.06.00 could be met if the development were built.
3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings, and other improvements on the site; the location of all proposed signs; the location, type and method of maintenance of open space and public use areas; the preservation of trees and other natural features; proposed parking areas; internal traffic circulation system; the approximate total ground coverage of paved areas and structures; and, types of water and sewage treatment systems.
4. Conformity of the proposed development with the Comprehensive Plan, this Code, and other applicable regulations.
5. Concerns of surrounding landowners and other affected persons or interested persons.
6. Other applicable factors and criteria prescribed by the Comprehensive Plan, this Code, or other law.

F. Within five (5) days of the completion of the administrative hearing that has allowed sufficient review of the proposal, the Planning and Zoning Board shall submit recommendations to the City Council proposing that:

1. The proposed development receive a development order complying with Section 7.02.03 below; or,
2. The proposed development be denied a development order based on the failure of the development to comply with one (1) or more of the conditions imposed by this Code.

G. The City Council shall conduct an administrative hearing for the purpose of reviewing the development proposal and shall consider the Planning and Zoning Board recommendations in conjunction with criteria outlined in paragraphs E.1. – E.6. above.

H. The applicant may agree to modify their application, including the plans and specifications, in response to comments or recommendations by City Council members. Unless such modifications are so substantial or extensive that the City Council cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the City Council may approve the application with the stipulation that the development order will not be issued until plans reflecting the agreed upon changes are submitted.

I. Within five (5) days of the completion of the administrative hearing that has allowed sufficient review of the proposal, the City Council shall order the City Administrator to:

1. Issue a development order complying with Section 7.02.03 below; or,
2. Deny a development order based on the failure of the development to comply with one (1) or more of the conditions imposed by this Code.

(Ord. 711, passed 2-5-2019; Ord. 736, passed 11-12-2019; Ord. 739, passed 10-14-2019; Ord. 775, passed 10-26-2021; Ord. 819, passed 11-14-2023)

7.02.03 Required Contents of Development Orders

A. Required Contents

A development order shall contain:

1. A determination that the development meets all applicable requirements of this Code.
2. A specific time period during which the development order is valid and during which time development shall commence. A development order shall remain valid only if development commences and continues in good faith according to the terms and conditions of approval.
3. Any conditions, considerations, or special constraints imposed on the development by the City Council.

B. Expiration Date

Development orders will expire six (6) months after their date of issue but shall remain valid for longer periods of time if development commences and continues in good faith according to the terms and conditions of approval.

(Ord. 711, passed 2-5-2019)

7.02.04 Submittals

A. Application

Applications for development review shall be available from the Mexico Beach Building Department. A completed application shall be signed by all owners, the developer, or their agent of the property subject to the proposal, and notarized. Signatures

by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.

B. General Plan Requirements

Diagrams and elevations must be of sufficient detail and scale to depict all information necessary for a complete evaluation of the proposal. The submission of written explanations and additional documents may be necessary to satisfy development review requirements. It is the presumption of this section that all of the information set forth in the following paragraphs is necessary to satisfy the requirements of this section. However, it is recognized that each development is unique and the Planning and Zoning Board or City Council may allow less information to be submitted according to the needs of the particular case. The information required under paragraphs C.1. and C.2. below can be modified during the pre-application conference when the information is not applicable to the development.

C. Site Plan Requirements

Each site plan shall show on the drawings or in tabular form:

1. Existing Conditions

- a. The location of existing property or right-of-way lines both for private and public property, streets, railroads, buildings, transmission lines, sewers, bridges, culverts, drain pipes, water mains, fire hydrants, and any public or private easements.
- b. All water courses, water bodies, floodplains, wetlands, important natural features, and vegetative cover.
- c. The topography of the site.
- d. The approximate location of Protected Environmentally Sensitive Zones as established in Article V of this Code.
- e. Existing land uses and existing zoning of the parcel and abutting parcels.
- f. A depiction of the abutting property within four hundred (400) feet of the proposal showing:
 - (1) Area and percentage of total site area to be covered by an impervious surface.
 - (2) Densities of residential use; and,
 - (3) Traffic circulation systems.
- g. The intensity or density of the proposed development.

2. Proposed Development Activities and Design

- a. Generally
 - (1) Area and percentage of total site area to be covered by an impervious surface.
 - (2) Grading plans specifically including perimeter grading.
 - (3) Construction phase lines.
 - (4) A description of how the plan mitigates or avoids potential conflicts between land uses.
- b. Buildings and Other Structures
 - (1) Building plan showing the location, dimensions, gross floor area, and proposed use of buildings.
 - (2) Building setback distances from property lines, abutting right-of-way center lines, and all adjacent buildings and structures.
 - (3) Minimum floor elevations of buildings within any 100-year floodplain.
 - (4) The location, dimensions, type, composition, and intended use of all other structures.
- c. Potable Water and Wastewater Systems
 - (1) Proposed location and sizing of potable water and wastewater facilities to serve the proposed development, including required improvements or extensions of existing off-site facilities.
 - (2) The boundaries of proposed utility easements.
 - (3) Location of the nearest available public water supply and the proposed tie-in points.
 - (4) Exact locations of onsite and nearby existing and proposed fire hydrants.
 - (5) A permit is required from the Bay County Public Health Department for approval of on-site wastewater systems.
- d. Streets, Parking, and Loading
 - (1) Points of ingress to and egress from the site including existing or planned public or private road rights-of-way.

(2) The layout of all streets and driveways with paving and drainage plans.

(3) A parking plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, and projected on-site traffic flow.

(4) The location of any proposed garbage dumpsters.

(5) Specifications of all proposed pavement.

e. Tree Removal and Protection

(1) All protected trees to be removed and a statement of why they are to be removed.

(2) Proposed changes in the natural grade and any other development activities directly affecting trees to be retained.

(3) A statement of the measures to be taken to protect the trees to be retained.

(4) A statement of tree relocations and replacements proposed.

(5) A site plan identifying tree protection areas, structure footprint, and tree protection zones.

f. Landscaping

(1) Location and dimensions of required buffer zones and landscaped areas.

(2) Description of plant materials existing and to be planted in buffer zones and landscaped areas.

g. Stormwater Management

(1) An erosion and sedimentation control plan that describes the type and location of control measures, the stage of development at which they will be put into place or used, and maintenance provisions.

(2) Minimum floor elevations of buildings within any 100-year floodplain.

(3) A stormwater permit issued by the Northwest Florida Water Management District for developments other than a residential dwelling.

(4) Direction of water flow and areas of the site to be used for detention of the first one-half (½) inch of runoff for single-family developments.

h. Environmentally Sensitive Lands and Other Protected Natural Resources

(1) The exact sites and specifications for all proposed drainage, filling, grading, dredging, and vegetation removal activities proposed within areas containing environmentally sensitive lands or other protected natural resources.

(2) Detailed statement or other materials showing the following:

a. The percentage of the land surface of the site that is covered with natural vegetation and the percentage of natural vegetation that will be removed by development.

b. The distances between development activities and the boundaries of the environmentally sensitive lands.

c. The coastal construction control line must be surveyed and clearly identified onsite of the property proposed for development.

(3) The manner in which habitats of endangered and threatened species are protected.

i. Signs

(1) Drawings or diagrams of the plans and specifications of regulated signs, and method of their construction and attachment to the building or ground. The plans shall show all pertinent structural details and display materials in accordance with the requirements of this Code and the building and electrical codes adopted by the City. The plans shall clearly illustrate the type of sign or sign structure as defined in this Code; the design of the sign, including dimensions, colors, and materials; the aggregate sign area; the dollar value of the sign; maximum and minimum heights of the sign; and sources of illumination.

(2) For regulated ground signs, a plan, sketch, or diagram which indicates clearly:

a. The location of the sign relative to property lines, rights-of-way, streets, alleys, sidewalks, vehicular access and parking areas, and other existing ground signs on the parcel.

b. All regulated trees that will be damaged or removed for the construction and display of the sign.

(3) For regulated building signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:

a. The location of the sign relative to property lines, rights-of-way, streets, alleys, sidewalks, vehicular access and parking areas, buildings, and structures on the parcel.

b. The number, size, type, and location of all existing signs on the same parcel, except a single business unit in a multiple occupancy complex shall not be required to delineate the signs of other business units.

c. A building elevation or other documentation indicating the building dimensions.

j. Subdivision

Proposed number, minimum area and location of lots, if development involves a subdivision of land.

k. Land Use and Dedications

(1) Location of all land to be dedicated or reserved for all public and private uses including rights-of-way, easements, special reservations, and the purposes for which the land will be held.

(2) The location and amount of area devoted to all existing and proposed land uses, including residential, commercial, accessory buildings, and open space as well as the types of activities proposed for all land uses.

(3) The total number and type of all structures including square footage and gross size. Residential units shall be categorized according to the total number of residential units per acre (gross density).

l. Wellfield Protection

Location of on-site wells, and wells within one thousand (1,000) feet of any property line.

m. Historic and Archaeological Sites

The manner in which known historic and archaeological sites on the parcel will be protected.

(Ord. 711, passed 2-5-2019)

7.03.00 ADMINISTRATIVE HEARING

Each administrative hearing conducted for the purpose of reviewing applications for a development order, or for hearing an appeal to a final decision regarding a development application, shall conform to the following procedures, as supplemented by law, rule or decision.

A. Burden and Nature of Proof

The applicant for any development order must prove by a preponderance of the evidence that the proposal satisfies the applicable requirements and standards of this Code.

B. Order of Proceedings

1. The Planning and Zoning Board and City Council shall:

- a. Determine whether it has jurisdiction over the matter.
- b. Determine whether any member must abstain or is disqualified.

2. The Planning and Zoning Board and the City Council may take official notice of known information related to the issue, including:

- a. State law and applicable ordinances, resolutions, rules, and official policies of the City.
- b. Other public records and facts relevant to the proceedings.

3. Matters officially noticed need not be established by evidence and are binding to the extent that they are relevant and material.

4. Planning and Zoning Board and City Council members may view the site of the proposed development with or without notification to the parties, but after the visit, shall state the time, manner and circumstances of the view for the record.

5. Staff, the developer, and interested persons may present information relevant to the proposed development and an opportunity for rebuttal shall be given to opposing parties. The Planning and Zoning Board or City Council may ask additional persons to testify and may ask additional questions of any person who has testified or presented evidence.

C. Findings and Order

Upon completion of sufficient review of the proposal, the Planning and Zoning Board and City Council shall state the reasons for a decision to approve, conditionally approve, or deny a development order for the proposed development.

D. Record of Proceedings

1. All proceedings shall be recorded stenographically or electronically and shall be transcribed if required for review or if ordered by the City Council.

2. The Planning and Zoning Board shall, where practicable, include in the hearing record, one (1) copy of each item of physical or documentary evidence presented and shall mark each item to show the identity of the person who presented it.

Each exhibit received into evidence shall be retained in the hearing file until after the applicable appeal period has expired.

(Ord. 711, passed 2-5-2019)

7.04.00 HARDSHIP RELIEF

7.04.01 Appeals

An appeal from any final order or decision made by the City Administrator or their designee regarding a development application may be taken to the Planning and Zoning Board within fifteen (15) days of receipt of a written decision.

An appeal from any final order or decision made by the Planning and Zoning Board regarding a development application may be taken to the City Council within fifteen (15) days of receipt of a written decision.

(Ord. 711, passed 2-5-2019)

7.04.02 Variances

The purpose of this section is to provide a method of relief for property owners in a condition where literal application of this Code will inflict practical difficulty or unnecessary hardships to a particular property or site that is uncommon to other properties in Mexico Beach, through no fault of the property owner.

A. Purpose.

A variance is an allowance of land disturbance or development activity when the planned development cannot meet the requirements of this Code and when the action or activity requested is not contrary to the public interest and will not impact the health, safety, or welfare of Mexico Beach residents.

A variance cannot be issued from any Comprehensive Plan Goal, Objective, Policy, or Map, or from any designation of the Zoning Map.

B. Process.

1. The application must be submitted to the City Administrator, or his/her designee, on a form generated by the City, with the applicable fee. The application shall be signed by the property owner or their authorized agent.

2. The application must be accompanied by a site plan with dimensions and setbacks shown to clearly identify the nature, extent, and location of the request.

3. At the discretion of the City Administrator, and dependent upon individual case circumstances, a consistency analysis may be required as part of the application.

4. No application shall be deemed complete and processed for review and subsequently scheduled for hearing until all required documents and fees are received by the City.

5. The burden of proof to demonstrate the hardship for the City to issue the variance is upon the property owner or applicant. If the property owner or applicant presents no evidence that the property cannot be used without the granting of the variance, the City Council shall deny the request.

6. A variance must be considered in a quasi-judicial proceeding by the City Council. The City Council shall support their decision by competent and substantial evidence and state their findings of fact into the motion to deny or grant the variance.

7. Any appeal to a variance decision by the City Council shall be made in Circuit Court.

C. Applicability.

The criteria subject to the issuance of a variance include:

1. An area variance to the bulk regulations of this Code. An area variance is defined as:

Regulatory controls such as lot size, floor area ratio, lot coverage (also known as impervious surface), open space, and building setbacks that deal with the placement of a structure or structures on a site and/or the building envelope. The height of the structure is excluded from a variance request and cannot be granted under this process. In addition, under no instance shall a variance to the requirements of any City regulation be issued within any designated floodway if the result is an increase in flood levels within the floodway.

2. Those activities which are associated with Section 4.02.08 of this Code.

D. Standards of Review.

The applicant must submit a variance request that demonstrates the following standards have been met. All standards herein must be found met prior to the granting of a variance.

1. Special conditions or physical circumstances exist which are particular to the land and which are not applicable to other land subject to the same regulations or policies such as the parcel size, shape, or topography of the land. For example, the variance is necessary to protect against wetland infill or protected trees from impact or removal.

2. The special conditions and circumstances that exist do not result from the actions of the property owner or applicant

or are a self-imposed hardship, nor could the condition or circumstances be corrected or avoided by the property owner or applicant. As such, the issuance of the variance shall not confer on the petitioner the grant of a special privilege. For example, a property owner cannot be issued a setback variance on a property that can reasonably contain a house with a smaller footprint.

3. The relief granted is the minimum degree of relief necessary to make possible the reasonable use of the land in compliance with all other applicable regulations.

4. Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties that are subject to the same regulations or policies or would render the enforcement of this Code impractical.

5. The grant of the relief will not be in derogation of the general intent and purpose of this Code nor the goals, objectives, or policies of the Comprehensive Plan.

6. The issuance of the variance will not create an inconsistency from the existing character of the area surrounding the site. For the purpose of this measure, "surrounding site" shall mean those parcels which are within a five-hundred-foot radius of the subject parcel, or within the same platted subdivision, as applicable.

E. Comparative Review

A variance must be reviewed on its own merits, and previously approved variances cannot be the basis of determination for the issuance of a new or separate variance request.

F. Economic Impact

An economic disadvantage due to a property owner's or applicant's preference as to what they want to do with the property is not sufficient to constitute a hardship for the purpose of granting a variance.

(Ord. 811, passed 9-12-2023)

7.05.00 BOARDS

7.05.01 Appointment and Terms

A. Membership.

The Planning and Zoning Board shall consist of five (5) members nominated by any member of the City Council and approved by a majority of the City Council. Each member shall be assigned to a Post Number and his or her term shall be served as set forth below. Each member shall live within the City limits and the City of Mexico Beach shall be each member's primary residence. Should a member move from the City limits or become unable to serve, his or her successor shall be appointed by the City Council for the remainder of the unexpired term. No elected official or holder of any other public office shall be eligible to serve on the Board.

B. Term of Office.

All members of the Board shall be appointed for two (2)-year terms unless serving an unexpired term. Posts 2 and 4 shall serve initial two (2)-year terms beginning on or about January 9, 2002 and ending two (2) years thereafter on January 8, 2004. Thereafter, Posts 2 and 4 shall serve two (2)-year terms. Posts 1, 3, and 5 shall serve initial one (1)-year terms beginning on or about January 9, 2002 and ending one (1) year thereafter on January 8, 2003. Thereafter, Posts 1, 3, and 5 shall serve two (2)-year terms.

C. Term Limits.

All Board members may serve for two (2) year terms and may be reappointed to successive terms without limitation.

D. Removal of Members.

Any Board member may be removed by the City Council for repeated failure to attend or participate in meetings or for any other good cause related to performance of duties.

E. Organization.

The Board shall elect a presiding officer from among its members at its first meeting after January 8th each year, or as soon thereafter as is reasonably possible. The term of the presiding officer shall be for one (1) year, unless such presiding officer shall resign, be removed, or otherwise become unable or ineligible to serve on the Board or as presiding officer. In such event, a new presiding officer shall be elected by the Board from among its members at the next Regular Board meeting. The presiding officer shall be eligible for reelection as presiding officer. The Board shall operate its meetings under Robert's Rules of Order, latest edition; however, failure to precisely follow the format of Robert's Rules of Order shall not invalidate any action taken at a Board meeting. Such rules may be modified upon approval of the City Council. All meetings of the Board shall be open to the public and all records of the Board shall be a public record as set forth in the Florida Sunshine Laws, including exceptions.

F. Meetings.

The Board shall conduct its Regular Meetings on the first Tuesday of each month at a time set forth by the Board and noticed as required by State law. It is within the discretion of the Board to hold and call Special Meetings and Workshops as may be necessary to further conduct the business of the Board. All such meetings shall be called and noticed at least

twenty-four (24) hours in advance and as required by State law. The Board may adopt reasonable administrative rules and procedures and deadlines, subject to approval by a majority of the City Council, to better expedite the filing of planning and zoning documents.

G. Alternate Members.

Alternate Planning and Zoning Board members may be appointed by a majority vote of the City Council. Alternate members shall serve two (2)-year terms and shall be eligible for reappointment. The alternate board members shall be appointed or reappointed at the January Regular Meeting of the City Council in all even-numbered years and their terms shall expire on January 8th of each even-numbered year. The alternate board members shall be assigned specifically as Alternate Post 1 and Alternate Post 2. Alternate board members may participate in all subject material discussed by the Board but shall be permitted to vote only in the absence of one (1) or more regular members. In the absence of one (1) regular member, only Alternate Post 1 may vote. In the absence of two (2) or more regular members, then Alternate Posts 1 and 2 may vote. If Alternate Post 1 is absent from the meeting and is eligible to vote because of the absence of a regular member, Alternate Post 2 may vote in his or her place. The eligibility of alternate members to vote shall be reflected in the minutes of the meeting; however, failure to reflect such action shall not invalidate any votes taken by the alternate board members.

(Ord. 711, passed 2-5-2019)

7.06.00 CONCURRENCY DETERMINATIONS

This Section describes the requirements and procedures for implementing concurrency and for measuring the impact of development on level of service standards adopted in the City of Mexico Beach Comprehensive Plan for: potable water, solid waste, stormwater management, septic tank, roads, and recreation.

(Ord. 711, passed 2-5-2019)

7.06.01 Certificate of Concurrency

A. A certificate of concurrency shall be issued upon completion of a concurrency evaluation described in the following sections and a finding that the proposed development will not degrade level of service standards for public facilities and services.

B. A certificate of concurrency attached to an approved development order shall remain valid so long as the development order remains valid. A certificate of concurrency that is not attached to an approved development order shall expire as described in this section. A certificate of concurrency issued between January 1 and June 30 shall expire on December 31 of the year in which the certificate of concurrency was issued. A certificate of concurrency issued between July 1 and December 31 shall expire on June 30 of the following year as indicted below:

<i>Date of Issuance</i>	<i>Date of Expiration</i>
Jan 1 – Jun 30	Dec 31 of current year
Jun 30 – Dec 31	Jun 31 of following year

(Ord. 711, passed 2-5-2019)

7.06.02 Application and Notice

A concurrency determination will be made by the City Administrator within five (5) days of receiving a concurrency application containing sufficient information for completing the concurrency evaluation and payment of the concurrency review fee. The applicant will receive notification of the findings by mail.

(Ord. 711, passed 2-5-2019)

7.06.03 Determination of Available Capacity

The available capacity of public facilities and services shall be determined by subtracting the capacity committed to existing development, from the design capacity of the facilities. The sum is then compared to the projected increment of demand created by the proposed development to determine if concurrency requirements are satisfied.

(Ord. 711, passed 2-5-2019)

7.06.04 Criterion for Calculating Increment of Demand

1. Potable Water:

a. The level of service standards shall be those adopted in the Comprehensive Plan:

Adopted LOS = 250 gal/ERU (Equivalent Residential Unit)

b. The calculation of increment of demand shall be:

Residential:

250 gal x total number of Equivalent Residential Units = total projected demand.

Commercial:

150 gal/1,200 square feet of commercial space

c. Developers must provide water distribution lines constructed to City standards and all connections to the water distribution system shall be in conformance with the Standard Plumbing Code, 1988. All extensions of the City water system shall be in accordance with Department of Environmental Regulation standards.

d. All residential and non-residential structures shall be connected to the City water system.

e. Permits to connect to the potable water system will only be issued once capacity has been verified and/or development agreements have been signed with the City regarding the subject property.

2. Solid Waste:

a. The level of service standards shall be those adopted in Comprehensive Plan:

Adopted LOS = 4.5 lbs/day/capita

b. The calculation of increment of demand shall be:

Residential:

4.5 lbs x capita = total projected demand.

Commercial:

4.5 lbs per 1,000 square feet building area = total projected demand

3. Stormwater Management:

a. The level of service standards shall be those adopted in the Comprehensive Plan:

Adopted LOS = Chapter 17-25, F.A.C., excluding exemptions specified in Chapter 17-25.030, F.A.C.

b. A presumption of available capacity shall be rendered upon receipt of the applicable Florida Department of Environmental Regulation permit.

c. Residential developments must have site plans indicating areas for retaining first one-half (½) inch of runoff.

4. Sanitary Sewer:

a. The calculation of increment of demand shall be:

Residential:

250 gal x total number of Equivalent Residential Units = total projected demand.

Commercial:

150 gal/1,200 square feet of commercial space

b. Developers must provide sanitary sewer distribution lines constructed to City standards and all connections to the water distribution system shall be in conformance with the Standard Plumbing Code, 1988. All extensions of the City water system shall be in accordance with Department of Environmental Regulation standards.

c. All residential and non-residential structures shall be connected to the City water system.

d. Permits to connect to the potable water system will only be issued once capacity has been verified and/or development agreements have been signed with the City regarding the subject property.

5. Roads and Streets:

a. The level of service standards shall be those adopted in the Comprehensive Plan:

Adopted LOS = D for Principle Arterial Roads; and = E for Collector Roads.

b. The method of calculation per Florida Statutes is as follows:

The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build-out of a state or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted level of service.

OR

Proportionate Fair Share = $\frac{[(\text{Development Trips}_i) / (\text{SV Increase}_i)] \times \text{Cost}_i}{\text{Total}}$

Where: Development Trips_i = Those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the concurrency management system or have further degraded the

LOS of an already deficient roadway segment;

SV Increase_i = Service volume increase provided by the eligible improvement to roadway segment “i”;

Cost_i = Adjusted cost of the improvement to Segment “i”. Cost shall include all improvements and associated costs, such as design, right of way acquisition, planning engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

c. Developments located adjacent to State Highway 98 will require a State Driveway Permit from the Florida Department of Transportation before a development order will be issued.

d. Developments located adjacent to City and local roads will require driveway review before a development order will be issued.

e. A single-family residence, duplex, or quadraplex will not be denied a certificate of concurrency based on traffic impacts so long as it does not impact more than five percent (5%) of the roadway capacity.

6. Recreation

a. The level of service standards shall be those adopted in the Comprehensive Plan as follows:

Facility Type	Level of Service
Community Park	1 acre/2000 pop.
Waterfront Park	1 acre/5000 pop.

b. The projected increment of demand shall be calculated on the basis of the population increase resulting from the development.

c. Developers of residential developments larger than five (5) acres shall provide recreation site(s) or a sum of money sufficient for the City to provide recreation facilities as determined in a recreation fee schedule adopted by reference in this Code.

(Ord. 711, passed 2-5-2019)

7.06.05 Findings of Concurrency Deficiency

If a concurrency determination results in a finding that the proposed development will result in a reduction in level of service standards below those adopted in the Comprehensive Plan, the City may conditionally approve a development order if one (1) of the following conditions occur:

A. Potable Water, Wastewater, Solid Waste, and Stormwater

1. The necessary public facilities and services are in place at the time a development permit is issued; or
2. A development permit is issued subject to the condition that the necessary public facilities and services will be in place when the impacts of the development occur; or
3. The necessary public facilities and services are under construction at the time a development permit is issued; or
4. The necessary public facilities and services are guaranteed in an enforceable development agreement that includes the provisions of 4.04(a)1-3 of this Section. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220, or an agreement of development order issued pursuant to F.S. Chapter 380. The agreement must guarantee that the necessary public facilities and services will be in place when the impacts of development occur.

B. For recreation, the concurrency requirement may be satisfied by complying with the standards in 4.04(a)1-3 of this Section or by complying with the following standards:

1. At the time the development order is being issued, the necessary public facilities and services are the subject of a binding executed contract which provides for the commencement of the actual construction of the required facilities or the provision of services within one (1) year of the issuance of the development permit; or,
2. The necessary public facilities and services are guaranteed in an enforceable development agreement which requires the commencement of the actual construction of the facilities or the provision of services within one (1) year of the issuance of the applicable development permit. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220, or an agreement or development order issued pursuant to F.S. Chapter 380.
3. For roads, the concurrency requirement may be satisfied by following the standards in subsections (a)1-3 and (b)1 and 2 of this Section. In addition, in areas in which the City has committed to provide the necessary public facilities and services in accordance with its five (5)-year schedule of capital improvements, the concurrency requirement may be satisfied.

(Ord. 711, passed 2-5-2019)

7.06.06 Annual Report

The City Administrator shall prepare and submit an Annual Report to the City Council which summarizes the available capacity of public facilities and services. The report shall include:

- A. The number and type of residential and commercial development projects for which development orders were issued during the preceding twelve (12) months.
- B. An estimate of available capacity for each of the public facilities and services which must meet concurrency requirements and which is based on:
 1. The committed capacity including capacity reserved by the issuance of all certificate of concurrency permits, which will be subtracted from the design capacity of the facilities, or best estimates.
 2. Estimates of available capacity may also include projected increased capacity resulting from improvements identified in the City's Capital Budget.

(Ord. 711, passed 2-5-2019)

7.06.07 Use of the Annual Report

The annual report shall establish available capacity for issuing certificates of concurrency for the next twelve (12) months following the Report. The annual report shall also be used for evaluating the Capital Improvements Element and the Capital Budget.

(Ord. 711, passed 2-5-2019)

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 F.S. Chapter 177.

(Ord. 711, passed 2-5-2019)

7.08.00 FEES

- A. Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters shall be charged to applicants for tree permits, driveway permits, fence permits, sign permits, concurrency determination, and development review.
- B. Fees shall be paid upon submission of a signed application.

(Ord. 711, passed 2-5-2019)

7.09.00 RESERVED

7.10.00 ESTABLISHMENT OF CODE ENFORCEMENT BY USE OF A SPECIAL MASTER

7.10.01 Special Master

- A. There is created the Special Master of the City also known as the Code Enforcement Hearing Official. The Special Master and Alternate Special Master (the "Special Masters") shall have all the powers conferred by this Code.
- B. The Special Master shall not be an employee of the City. The Special Master shall be appointed by the City Council for a term of two (2) years, but will be reappointed automatically by the City Council unless the City Council elects not to renew an appointment. There shall be no limit on the number of reappointments that may be given to any individual Special Master.
- C. The Special Masters shall serve without compensation while conducting their duties except Special Masters may be reimbursed for such travel, mileage, and other actual expenses as authorized by the City Administrator.
- D. An Alternate Special Master shall be appointed by the City Council and shall meet the same requirements set forth in B. above. The Alternate Special Master shall fill any vacancy due to absence of the Special Master including any temporary basis due to un-foreseen circumstances.
- E. The Special Master and Alternate Special Master shall work at the will of the City Council and may be suspended or removed from office by the City Council.
- F. Special Master Hearings shall be held as needed, at a reasonable time and place within the City where an official hearing may be conducted. The City shall post notice of this hearing five (5) days prior to the hearing if possible. The posting of this hearing shall be at the City of Mexico Beach City Hall.
- G. The minutes of all Special Master Hearing shall be maintained by clerical staff provided by the City.

H. The City shall provide the Special Master with the legal services and advice for the purposes of the hearing and procedures if requested, which will not be from the City Attorney if a conflict exists. The City Attorney may serve as general counsel to the City. If an appeal to the Circuit Court is requested pursuant to Section 7.10.08 the City Attorney shall represent the City at such proceedings.

(Ord. 711, passed 2-5-2019)

7.10.02 Definitions

Code Enforcement Officer.

Means any authorized employee of the City whose duty it is to enforce any and all the Codes within the City. An authorized employee is one approved by the City Administrator.

Special Master.

A person appointed by the City Council to issue written orders involving assessment of continuing violation penalties and to hear administrative appeals regarding Code violations.

"Uncorrectable violation," "continuing violations," "repeat violation," and "correctable violation" shall have the meanings ascribed to them by Section 7.10.06.

(Ord. 711, passed 2-5-2019)

7.10.03 Jurisdiction and Powers

A. Jurisdiction: Unless specifically stated otherwise within this Code or this City's Code of Ordinances, the Special Master shall have jurisdiction to hear any timely request for an administrative appeal of a civil penalty issued for violation of this Code or the City's Code of Ordinance.

B. The Special Master shall have the power to:

1. Adopt rules for conduct of the hearings;
2. Subpoena alleged violators and witnesses to the hearings. All subpoenas shall be served by a law enforcement officer of the City or the Bay County Sheriff's Office;
3. Subpoena all records or information needed
4. Take testimony under oath;
5. Assess, uphold, and order the payment of civil penalties as provided herein;
6. Reject or modify findings or penalties set forth by a Notice of Violation;
7. Issue orders having the force of law to command whatever steps necessary to bring a violation into compliance; and
8. In cases where the named violator is found guilty of a violation which constitutes a public nuisance under this Code or the City's Code of Ordinances, authorize the City's abatement of the nuisance following the failure of the violator to correct the violation within the time ordered.

(Ord. 711, passed 2-5-2019)

7.10.04 Code Enforcement Procedure

A. Code Enforcement Officers shall have the authority to initiate enforcement proceedings as provided below. No Special Master shall have the power to initiate such proceedings.

B. For the purposes of this chapter, "violators" shall be deemed to be those persons or entities creating or permitting a violation of the ordinances of the City of Mexico Beach, or those persons or entities owning or possessing land on which a violation of ordinances of the City of Mexico Beach is created or maintained. The City finds and determines that the owner of land has an obligation to know whether conditions created or maintained on that land violate any City ordinance and therefore is deemed to have actual or constructive knowledge of any such violation. The owner of land has a legal duty to determine whether conditions created or maintained on his or her land violate any City ordinance, and to correct such violations.

C. A Code Enforcement Officer who finds a violation of these Land Development Regulations or the Mexico Beach City Code shall determine a reasonable time period within which the violator must correct the violation provided that such time period shall be no more than thirty (30) days. This determination shall be based on considerations of fairness; practicality; ease of correction; ability to correct; severity of violation; nature, extent and probability of danger or damage to the public; and other relevant factors relating to the reasonableness of the time period prescribed. A time for correction need not be specified if the violation is an uncorrectable violation.

D. A Code Enforcement Officer who finds such a violation shall issue a Notice of Violation to the violator, pursuant to Section 7.10.045.

E. The Notice of Violation shall include but not be limited to the following:

1. Date and time of issuance.
2. Name of Code Enforcement Officer and division or department issuing the notice.
3. Name and address of the violator.
4. Section number of the City Code or Land Development Regulations section that has been violated.
5. Brief description of the nature of the violation, including location, date, and time of violation.
6. Amount of the civil penalty for which the violator may be liable and a statement that the penalty is waived by the City if the violation is corrected within ten (10) calendar days.
7. Instructions and due date for paying the civil fine or filing for an administrative hearing before a Special Master to appeal the civil fine.
8. Time within which the violation must be corrected if applicable.
9. Notice that each day of continued violation after the time period for correction has run shall be deemed a continuing violation subject to additional penalty in the same amount, without the need for additional notices of violation.
10. Notice that the filing of a request for an administrative hearing will toll the accrual of continuing violation penalties.
11. Notice that failure to request an administrative hearing within twenty (20) days, or within the specified time period listed for a violation of a specific section of the Code, after issuance of the civil violation notice shall be a waiver of the violator's right to an administrative hearing before the Special Master, and that such waiver shall constitute an admission of violation.
12. Notice that the violator may be liable for the reasonable costs of the administrative hearing should he be found guilty of the violation.
13. Notice that if the violator fails to pay civil penalty in the time allowed or fails to request a hearing to contest the violation, the violator shall be deemed to have waived his right to contest the violation and that, in such case, judgment may be entered against the violator by the Special Master for the amount of the maximum civil penalty.

F. After issuing a civil violation notice to an alleged violator, the Code Enforcement Officer shall promptly deposit the original civil violation notice and one (1) copy of the civil violation notice with the City Clerk or his or her designee.

(Ord. 711, passed 2-5-2019)

7.10.045 Notices

A. All notices required by this part shall be provided to the alleged violator by:

1. Certified mail, return receipt requested, provided if such notice is sent under this paragraph to the owner of the property in question at the address listed in the tax collector's office for tax notices, and at any other address provided to the City by such owner and is returned as unclaimed or refused, notice may be provided by posting as described in subparagraphs B.2.a. and b. and by first class mail directed to the addresses provided to the City by such owner with a properly executed proof of mailing or affidavit confirming the first class mailing;
2. Hand delivery by the sheriff or other law enforcement officer, Code Enforcement Officer, or other person designated by the local governing body;
3. Leaving the notice at the violator's usual place of residence with any person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice; or
4. In the case of commercial premises, leaving the notice with the manager or other person in charge.

B. In addition to providing notice as set forth in subsection A, at the option of the party issuing a notice on behalf of the City, a notice may also be served by publication or posting, as follows:

1. a. Such notice shall be published once during each week for four (4) consecutive weeks (four (4) publications being sufficient) in a newspaper of general circulation in the county where the code enforcement board is located. The newspaper shall meet such requirements as are prescribed under F.S. Chapter 50, for legal and official advertisements.

b. Proof of publication shall be made as provided in F.S. §§ 50.0541 and 50.051.

2. a. In lieu of publication as described in paragraph B, such notice may be posted at least ten (10) days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two (2) locations, one (1) of which shall be the property upon which the violation is alleged to exist and the other of which shall be City Hall.

b. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.

3. Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection A.

Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection A., together with proof of

publication or posting as provided in subsection B, shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

(Ord. 711, passed 2-5-2019)

7.10.05 Hearing Procedures

A. Upon receipt of a named violator's timely request for an administrative hearing, the Special Master shall set the matter for hearing on the next regularly scheduled hearing date or as soon thereafter as possible or as mandated in the specified Code section which is enforced pursuant to this chapter.

B. The Special Master shall provide a notice of hearing by certified mail to the named violator at his last known address. Alternatively, the notice may be delivered as provided in Section 7.10.45. The notice of hearing shall include but not be limited to the following:

1. Name of the Code Enforcement Officer who issued the notice.
2. Factual description of alleged violation.
3. Date of alleged violation.
4. Section of the Code allegedly violated.
5. Place, date and time of the hearing.
6. Right of violator to be represented by a lawyer.
7. Right of violator to present witnesses and evidence.
8. Notice that failure of violator to attend hearing may result in additional civil penalties and the administrative cost of the hearing being assessed against him.
9. Notice that requests for continuances will not be considered if not received by the Special Master at least five (5) calendar days prior to the date set for hearing.

C. The hearing shall be recorded, if possible, and minutes taken by a City clerical person. The violator may transcribe the hearing at his or her expense.

D. All hearings of the Special Master shall be open to the public. All testimony shall be under oath and may be electronically recorded. Assuming proper notice, a hearing may proceed in the absence of the named violator.

E. A hearing date shall not be postponed or continued unless a request for continuance, showing good cause for such continuance is received in writing by the Special Master at least five (5) calendar days prior to the date set for the hearing.

F. Each case before a Special Master shall be presented by the Code Enforcement Officer, the City Administrator, or his or her designee.

G. The hearing need not be conducted in accordance with the formal rules relating to evidence and witnesses but fundamental due process shall be observed and shall govern the proceedings. Any relevant evidence shall be admitted if the Special Master finds it competent and reliable, regardless of the existence of any common law or statutory rule to the contrary.

H. The Code Enforcement Officer and all other persons giving testimony shall be sworn in and all testimony shall be given under oath. Each party shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. Either side shall be permitted to give brief opening and closing statements. The Special Master may, at his or her request, require written memoranda of each party prior to or following the conclusion of a hearing. Such memoranda, if submitted, shall be submitted to the Special Master and all parties to the hearing within the time requested by the Special Master.

I. The Special Master shall make findings based on evidence of record. In order to make a finding upholding the Code Enforcement Officer's decision, the Special Master must find that a preponderance of the evidence indicates that the named violator was responsible for the violation of the relevant section of the Code as charged. The fact-finding determination of the Special Master shall be limited to whether the violation alleged did occur and, if so, whether the person named in the civil violation notice is responsible for that violation as provided in Section 7.10.04. Based upon this fact-finding determination, the Special Master shall either reverse, modify, or affirm the decision of the Code Enforcement Officer as to the responsibility of the named violator for the Code violation, and shall issue an order affording the proper relief. If the Special Master reverses the decision of the Code Enforcement Officer and finds the named violator not responsible for the Code violation alleged in the civil violation notice, the named violator shall not be liable for the payment of any civil penalty, absent reversal of the Special Master's findings pursuant to Section 7.10.08. If the Special Master affirms the decision of the Code Enforcement Officer, the Special Master shall issue an order and shall determine a reasonable time period within which correction of the violation must be made. If the decision of the Special Master is to affirm, then the following elements shall be included in the order:

1. Amount of civil penalty.

2. Administrative costs of hearing.
3. Date by which the violation must be corrected to prevent imposition of continuing violation penalties (if applicable).

J. If the named violator is found guilty of the violation, he may be held liable for the reasonable costs of the administrative hearing as set forth by the City Clerk. If the City prevails in prosecuting a case before the Special Master, the City shall be entitled to recover all costs incurred in prosecuting the case before the Special Master and such costs will be included in the lien authorized under Code Section 7.10.07.

K. If the violation is one which presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, then the Special Master shall recommend to the City to undertake all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the City to make further repairs or to maintain the property and does not create liability against the City for any damages to the property if such repairs were completed in good faith.

L. If the owner of property which is subject to an enforcement action or proceeding transfers ownership of such property between the time the initial citation or citations were issued and the time of the hearing, such owner shall:

1. Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
2. Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
3. Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
4. File a notice with the Special Master of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five (5) days after the date of transfer.

M. A failure to make the disclosure described in subparagraphs L.1., 2., and 3. above, before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed but the new owner will be added as an additional party of record and thereafter shall be provided a reasonable period of time as determined by the Code Enforcement Officer to correct the violation before the hearing is held. Continuing violation penalties, if any, shall continue to accrue against the original party. No civil penalty or continuing violation penalties shall accrue against the new owner until and unless the new owner shall fail to correct the violation within the reasonable period provided to the new owner. All parties shall be jointly and severally liable for any penalties that are common to them both, and the amounts paid to the City shall be first applied to that common, joint and several amount.

(Ord. 711, passed 2-5-2019)

7.10.06 Civil Penalties and other Remedies upon Violation.

A. Penalties for violations of the ordinances to be enforced by this chapter shall be in the amount prescribed by the Code Enforcement Officer and described in the Notice of Violation in accordance with this Section.

B. An "uncorrectable violation" is a violation which cannot be remedied after the violation has been committed because the violation constitutes a single prohibited act of a transitory nature rather than an ongoing condition or constant circumstance. Each reoccurrence of an uncorrectable violation shall constitute a separate violation and shall subject the violator to an additional penalty in the same amount as that prescribed for the original violation. If, however, a violator has been once found guilty of an uncorrectable violation, and causes the same uncorrectable violation to occur a second time, each reoccurrence of the uncorrectable violation by such violator shall constitute a "repeat violation" as provided in Section 7.10.06.D.

C. "Continuing violations" are those violations which remain uncorrected beyond the reasonable time period for correction contained in either the civil violation notice or the final order of the Special Master, whichever is applicable. For each day of continued violation after the time for correction has run, an additional penalty in the same amount as that prescribed for the original violation shall be added. The maximum total fine for any one (1) continuing violation shall not exceed thirty (30) times the original penalty amount.

D. A "repeat violation" is a recurring violation of an ordinance by a violator who has been found guilty of the same violation within five (5) years prior to the present violation, or who has admitted violating the same provision within five (5) years prior to the present violation, notwithstanding the violations occurred at different locations. For the first repeat violation, the amount of the civil penalty shall be double the amount of penalty prescribed for the original violation. The amount of civil penalty due for each subsequent repeat violation shall be double the amount of penalty due for the first day of the immediately preceding violation, provided that the maximum penalty payable for the first day of any one (1) repeat violation shall be \$500.00. A repeat violation which remains uncorrected beyond the time prescribed for correction in the civil violation notice shall be treated as a continuing violation.

E. A "correctable violation" is a violation which is not an uncorrectable violation.

F. A civil penalty imposed pursuant to this Section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation.

G. If a request for administrative hearing is not timely filed continuing violation penalties shall accrue from the date of

correction given in the civil violation notice until the correction is made and payment of fine is received. If the named violator requests an administrative hearing on a correctable violation and loses his appeal, the Special Master shall determine a reasonable time period within which correction of the violation must be made, based on the considerations set forth in Section 7.10.04. If correction is not made within the period set by the Special Master, continuing violation penalties shall begin after the time for correction has run. No continuing violation penalties shall accrue during the time period from the date of the civil violation notice until the date of the administrative hearing, if the named violator timely requests an administrative hearing to appeal the decision of the Code Enforcement Officer. Continuing violation penalties cannot be imposed by the Special Master for uncorrectable violations.

H. Civil penalties assessed pursuant to this chapter are due and payable to the City Clerk, on the last day of the period allowed for the filing of a request for an administrative hearing, or if an appeal to the Special Master is made, on the last day of the period allowed for the filing of an appeal to the Circuit Court from the Special Master's decision, or, if proper appeal is made, when the appeal has been finally decided adversely to the named violator.

(Ord. 711, passed 2-5-2019)

7.10.07 Administrative fines; Cost of Repair; Liens; Recovery of Unpaid Civil Penalties; Foreclosure.

A. The City of Mexico Beach may institute proceedings in a court of competent jurisdiction to compel payment of civil penalties. In an action to compel payment of civil penalties, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurred in the action. The City shall be entitled to collect all costs incurred in recording and satisfying a valid lien.

B. A certified copy of an order imposing a civil penalty, or a penalty plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists or, if the violator does not own the land, upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this State, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. After three (3) months from the filing of any such lien which remains unpaid, the City of Mexico Beach may foreclose or otherwise execute on the lien.

C. If an order is recorded in the public records, and the order is complied with by the date specified in the order, the Special Master, City Clerk, or City Attorney shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

D. Notwithstanding any provisions of this Code, no municipal officer, agent, employee or board shall approve, grant, or issue any operating permit, license, building permit, certificate of use and occupancy, occupational licenses, platting action or zoning action to any named violator, the owner of at least ninety percent (90%) of the named violator, or any entity wholly owned by a named violator with:

1. unpaid civil penalties;
2. unpaid administrative costs of hearing;
3. unpaid investigative, enforcement, testing or monitoring costs; or
4. unpaid liens, any or all of which are owed to the City pursuant to the provisions of the Code of the City of Mexico Beach.

(Ord. 711, passed 2-5-2019)

7.10.08 Appeals

A. An aggrieved party, including the City of Mexico Beach, may appeal a final Administrative Order of the Special Master to the Fourteenth Judicial Circuit of Bay County. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Special Master. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

B. Unless the findings of the Special Master are overturned in a proceeding held pursuant to Section 7.10.08A., all findings of the Special Master shall be admissible in any proceeding to collect unpaid penalties.

(Ord. 711, passed 2-5-2019)

7.10.09 Provisions contained herein supplemental.

Nothing contained in this chapter shall prohibit the City from enforcing its Code by any other means and the City may choose to collect costs or penalties hereunder pursuant to its special assessment ordinances, to the extent permitted by Florida law. The enforcement procedures outlined herein are cumulative to all others and shall not be deemed to be prerequisites to filing suit for the enforcement of any section of this Code.

(Ord. 711, passed 2-5-2019)

7.11.00 NUISANCES, UNLAWFUL ACCUMULATIONS, AND GROWTHS

7.11.01 Definitions

As used in this article the following terms shall have the meanings ascribed to it in this section:

Nuisance

The term nuisance shall mean any of the following:

1. Any accumulation of rubbish, trash, junk, and other abandoned materials, metals, lumber, piles of dirt, etc.
2. Any excessive accumulation of untended growth of weeds, undergrowth, or other dead or living plant life upon a parcel of land, developed and not in a natural state.
3. Any grass, underbrush, or weeds which exceed twelve (12) inches in height.
4. Any unsafe dwelling, structure, or boat dock/pier which has any of the following conditions, such that life, health, property, or safety of its occupants or the general public are endangered:
 - a. Any means of egress or portion thereof is not of adequate size or is not arranged to provide a safe path of travel in case of fire or panic.
 - b. Any means of egress or portion thereof, such as, but not limited to, fire doors, closing devices, and fire resistive ratings, is in disrepair or in a dilapidated or nonworking condition such that the means of ingress could be rendered unsafe in case of fire or panic.
 - c. The stress in any material, member, or portion thereof, due to all imposed loads, including dead load, exceeds the stresses allowed in the Florida Building code.
 - d. The building structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the building or structure is less than it was prior to the damage and is less than the minimum requirements established by the Florida Building code.
 - e. Any exterior appendage or portion of the building or structure is not securely fastened, attached, or anchored such that it is capable of resisting wind, seismic or similar loads as required by the Florida Building code.
 - f. If for any reason the building, structure, or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.
 - g. The building, structure, or portion thereof as a result of decay, deterioration, or dilapidation is likely to fully or partially collapse.
 - h. Any building, structure, or portion thereof that is in such a condition as to constitute a public nuisance.
 - i. Any building, structure, or portion thereof that is in violation of the housing, building, electrical, plumbing, mechanical, sanitation, and fire codes of the City.
 - j. Unfit for human habitation, if so intended or used.
 - k. Any building, structure, or portion thereof that is dangerous to life or property of the occupant thereof or of the surrounding areas.
 - l. Any building, structure, or portion thereof that is habitually used as a place from which criminal activity is conducted.
5. Unsheltered storage for a period of thirty (30) days or more within the corporate limits of this City of vehicles, boats, machinery, implements, or equipment or personal property of any kind which are no longer safely usable for the purposes for which they were manufactured.
6. For the purposes of this article, the term nuisance shall include, but is not limited to, any of the following: abandoned, discarded, unused objects or equipment such as automobiles, boats, furniture, stoves, refrigerators, freezers, cans, or containers.
7. All disagreeable or obnoxious odors and stenches, as well as the conditions, substances, or other causes which give rise to the emission or generation of such odors and stenches.
8. Except as otherwise authorized in the Stormwater Management Regulations, any wholly or partially manmade pool, pond, other body of water; depression or excavation, or any other condition on the premises wherein water may accumulate and stand in such a manner as to make possible the propagation or production of disease vectors, biting insects, pests, or the like.
9. Any of the conditions that occurs or exists in or upon any structure, lot, tract, or parcel in the City to an extent that may reasonably cause to be infested with or inhabited by rodents, vermin, reptiles, or wild animals, or that may create a breeding place for such in a manner that and/or may threaten or endanger the public health, safety, or welfare.
10. The unsheltered storage of any vehicle, boat, or parts thereof, without a valid license plate shall be prima facie evidence that said property is scrapped, non-operative, unusable, or discarded.
11. Any vehicles undergoing repairs of duration of more than seventy-two (72) hours must be stored and repaired out of sight of the general public and not in the front yard of the residence or property.
12. Any dead or dying trees of any height within the proximity of another's property which would endanger the safety of

other people or the property of another person by falling over or dropping over broken branches and limbs. This includes trees which, being dead or dying have a high potential of falling and damaging public utility wires or poles. This will be considered a public safety hazard.

13. Unlawful accumulations of dirt or similar materials.

a. It shall be unlawful for any person to permit to accumulate on any premises, anywhere within the corporate limits of the City, improved or vacant, any piles of dirt or similar materials that may be permitted to remain thereon unless such materials are to be used immediately thereafter for lawful development purposes.

b. The purpose and intent of the regulation is to prevent any accumulation for any extended time, which creates a public eyesore.

14. Operation of vehicles.

It shall be unlawful for any person to drive or operate a motor vehicle upon the public beach; provided with exception that this provision shall not apply to regular employees of the City working under the direction and supervision of the City or those persons authorized by the City Administrator or his designee for specific purposes such as City contractors, outside maintenance crews, the Turtle Patrol, or special event work crews under the terms and conditions contained in such organizations.

15. Soliciting, Collecting, etc., upon streets.

a. No person shall approach a motor vehicle being operated on a public street open for vehicular traffic for any of the following purposes:

1. Soliciting or attempting to solicit donations of money or of property of any kind of charitable, religious, educational, benevolent, or any other purposes from any occupant of the motor vehicle.

2. Collecting or attempting to collect donations of money or of property of any kind for charitable, religious, educational, benevolent, or any other purposes from any occupant of the motor vehicle.

3. Soliciting or attempting to solicit employment or the purchase of property or of services of any nature whatsoever from any occupant of the motor vehicle. Public Street means those publicly owned streets upon which the public has the right to travel by use of motor vehicle, including the travel lane of City-owned garages and parking lots.

16. Use of skateboards, bikes, roller skates, and in-line skates prohibited on specific public or private property.

a. It is unlawful for any person to operate or ride a skateboard, roller skates, or inline skates in or upon any of the following locations:

1. In any public parking garage, including the access/egress ramp.

2. In any public access ramps or access ramps for handicapped persons providing pedestrian access to any building.

3. On any publicly owned benches, railings, planters, ceramic-tiled walkways, steps, and curbs.

4. On any public or private property where prohibited by conspicuously located signs having lettering at least two (2) inches high and containing a minimum wording which states: "No Skating," "No Skateboarding," or a substantially similar message.

b. It is unlawful for operators or riders of skateboards, roller skates, or in-line skates to fail to yield the right-of-way to any other pedestrians or to otherwise endanger or interfere with pedestrian traffic on any street or sidewalk within the City.

17. Fish cleaning, disposal of fish wastes, swimming, diving restricted.

a. It shall be unlawful for any person to clean any fish upon the piers, seawalls or walks, or upon any other portion of City owned piers or marina property within the City.

b. It shall be unlawful for any person to dispose of fish carcasses, wastes, or other fish byproducts into the canal system of the City.

c. It shall be unlawful for any person to swim or dive from any City owned piers, seawalls, or walkways of the canal property, or from any watercraft docked at the marina. The provisions of this subsection shall not be applicable to any City employee, watercraft owner, or their agent from entering into the waters in or around the marina to inspect or clean the bottom of any watercraft docked in the marina or conduct maintenance to any seawall or dock.

18. False alarm calls.

a. The City will allow three (3) false alarms that result in a call be dispatched to law enforcement within any sixty (60) day period.

b. The City will charge a fee of \$100.00 for every call that is dispatched after third false alarm.

19. Fireworks.

Any person who is involved in the use of fireworks which have been determined illegal by the State of Florida, shall be

guilty of a violation under this section.

a. Any person who is involved in the use of fireworks which are illegal and results in a response by law enforcement or creates a public nuisance by the use of such.

b. Exception: Any approved public display as approved by the City Administrator.

20. Sleeping on municipal beaches in the nighttime prohibited.

a. Legislative intent. It is the intent of the City Council in the adoption of this section to preserve and protect the beauty of the City's public beaches since such beaches are invaluable natural assets which are held in trust by the City for recreational use by residents and visitors alike. The City Council has made the following findings in reaching the determination that sleeping on the City's beaches during nighttime hours must be prohibited.

1. The City's beaches are its most valuable natural asset.

2. The City's beaches are intended to be used solely for recreational purposes and are not intended to be used for sleeping during nighttime hours.

3. The City's economic well being is substantially dependent upon tourism which is, in turn, dependent on maintaining attractive and inviting beaches. Permitting persons to sleep upon the City's beaches during nighttime hours will negatively affect the appearance of the City's beaches, will have a deleterious effect upon the City's tourism industry, and will require an unwarranted expenditure of City funds in order to provide a reasonable safe and healthy sleeping environment for those who may choose to sleep upon the City's beaches during nighttime hours.

4. Persons asleep on the City's beaches during nighttime hours are exposed to the risk of harm from others and from the elements.

5. Prohibiting persons from sleeping upon the City's beaches during nighttime hours will promote the public health, safety and welfare.

b. Prohibition. It shall be unlawful for any person to sleep on any public beach within the corporate limits of the City between the hours of 6:00 p.m. and 6:00 a.m. of the following day.

c. Sleeping on streets, avenues, etc. No person shall sleep on any of the streets, avenues, or other public property of the City.

21. Permit Required.

No person shall stage, promote, conduct, or manage either as owner, principal entertainer, or entrepreneur, within the City of Mexico Beach, a musical or entertainment festival unless he shall first secure from the City Administrator a special entertainment permit for such festival.

22. Right of Entry by the City.

The City Administrator and his or her agents shall have the right to enter upon real property, consistent with State and federal law, and shall be immune from prosecution, civil and criminal, for trespassing upon such real property, in the discharge of his, her, or their duties in the removing, termination, or abating a public nuisance under this article.

23. Such other acts or conditions which are declared by other ordinances to be or constitute nuisances.

(Ord. 711, passed 2-5-2019)

7.11.02 Powers and Duties of the Inspector; Determination of Interested Parties

A. The inspector shall be charged with the duty of administering the applicable standards and securing compliance wherewith and in furtherance of this responsibility, the inspector shall:

1. Make such inspections as may be necessary to effectuate the purposes and intent of this chapter.

2. Investigate any complaints of alleged violation of this chapter and maintain a log reflecting the resolution thereof; however, only matters or conditions pertinent to the existence of a nuisance shall be considered or reported by the inspector.

B. When the inspector verifies the existence of a nuisance involving an unfit or unsafe structure, it shall be his duty to promptly prepare and submit to the Chief of the Department of Public Safety the notice and order required by this article. The City Administrator and Building Inspector, shall determine the owner of record of the real estate upon which the nuisance is located and send a notice and order of condemnation to such party. In addition, notice shall be given to the lessee or occupants, if any, and persons of record interest, including mortgagee, contract purchaser, agent with power of attorney, person claiming an interest under lis pendens and the like.

C. Where the inspector verifies the existence of a nuisance not involving an unsafe or unfit structure, the inspector shall serve the notice and order upon the record owner of the premises reflected by the latest tax rolls and upon any occupant of the premises, if other than the owner.

(Ord. 711, passed 2-5-2019)

7.11.03 Notice and Order of Inspector

A. The notice and order of the inspector may require the cutting of weeds or underbrush or the removal of rubbish or such other measures as are reasonably necessary to abate the nuisance.

B. The notice and order of the inspector may require the vacation, demolition, or removal of any unfit or unsafe dwelling or structure, or may order the repair, restoration, or replacement of any part of same.

C. In the case of an unfit or unsafe dwelling or structure, this notice and order shall require the owner and other interested parties within thirty (30) days after service to obtain a permit and begin specified repairs or improvements, or begin to demolish and remove the dwelling or structure or portion thereof. This work shall be completed within sixty (60) days from the date of the permit for repair or demolition. Any demolition permit necessary as a result of any condemnation in this section shall not require a fee.

D. Except as otherwise provided in this article for unsafe or unfit dwellings or structures, the inspector may order such work to be completed within such time as he determines to be reasonable considering the nature of the nuisance, the danger to the public, and the amount of work involved to abate the nuisance.

E. When the City health officer verifies the existence of a rodent infestation in any dwelling or structure that is to be demolished and removed, in order to preclude the migration of rodents, the notice and order of the building official shall require that effective rodent extermination methods be employed by a licensed structural pest control operator prior to demolition. Extermination techniques shall include ectoparasite control measures.

F. In the case of an unfit and unsafe dwelling or structure, which after inspection is determined to be uninhabited, the inspector shall cause to be posted a "No Trespassing" sign to prevent entry into the premises by third parties who might be exposed to the risk of danger created by the unsafe structure.

(Ord. 711, passed 2-5-2019)

7.11.04 Criminal Penalties

A. It shall be unlawful for any landowner to suffer, maintain, or permit to remain any accumulation of rubbish or trash, abandoned vehicles, boats, refrigerators, stoves, household articles, other appliances, furniture, junk, abandoned equipment, or other nuisances as defined in Section 7.11.01.

B. It shall be unlawful for the owner of any previously developed lot located within Mexico Beach to suffer, maintain, or permit to remain dangerous trees or any accumulation of grass, weeds, or undergrowth as defined in Section 7.11.01. (Wild flowers are exempt.)

C. Any person violating the provisions of this section is guilty of a civil violation punishable by a fine not exceeding \$250.00.

(Ord. 711, passed 2-5-2019)

7.11.05 City Action with Failure to Comply

A. In the event that the owner or other parties in interest shall fail to comply with an order made pursuant to the provisions of this Code, the City, acting through the City Administrator or Mayor, is authorized to vacate, demolish, or otherwise abate the nuisance in accordance with such order, either with City forces or by independent contractor.

B. Summary Abatement. In addition to the remedies prescribed by this Code, and cumulative thereof, if it shall be brought to the attention of the City Council, and it shall be determined that any such nuisance, or nuisances, are likely to have an immediate adverse effect upon the public health, comfort or safety, then and in that event, the City Council may, by appropriate resolution or motion, order such nuisance or nuisances summarily abated by the City in a reasonably prudent manner.

(Ord. 711, passed 2-5-2019)

7.11.06 Recovery by City of Expenses of Nuisance Removal

A. The City is damaged by the creation of a nuisance within the City, and the cost of nuisance removal has become a significant expense of the City. It is intended that persons responsible for such expenses shall bear the costs of same. In order to recover the costs of nuisance removal, the City may bring a civil action against any person believed to be responsible for creation of a nuisance. The City may, in order to avoid the necessity of the institution of such action, make an offer of settlement to any person believed to be responsible for creation of a nuisance. If the settlement offer is accepted, no action will be instituted by the City.

B. If such action is brought, all costs and expenses of nuisance removal shall be recoverable, as well as injunctive relief to prevent such actions in the future, and further, the City shall be entitled to recover all reasonable and actual attorney's fees and costs incurred in said litigation, including appellate attorney's fees and costs.

(Ord. 711, passed 2-5-2019)

7.11.07 Entry Powers

The inspectors are hereby authorized to enter upon private property in order to enforce the provisions of this chapter. When necessary to obtain such entry, the inspector may institute appropriate proceedings to obtain a warrant.

(Ord. 711, passed 2-5-2019)

7.12.00 PROVISIONS FOR NON-CONFORMING USES AND STRUCTURES

7.12.01 Non-conforming Uses

All uses existing on the effective date of this Regulation of any amendment hereto, that preexisted or were permitted pursuant to the 1991 Mexico Beach Land Development Codes and have continued pursuant to the standards for nonconforming uses shall be considered nonconforming under the terms of this Regulation. Uses not legally permitted by this Regulation or the 1991 Mexico Beach Land Development Codes or which did not preexist the 1991 Mexico Beach Land Development Codes shall be considered illegal. This section is to protect the rights of property owners who have lawfully established and continuously maintained a use prior to the effective date of this Regulation. These non-conforming uses may continue in their present condition, but shall not be substantially enlarged, expanded, extended, or be allowed to add other structures. In addition, the following regulations apply to non-conforming uses:

- A. Vacant Lots. Vacant parcels of record or recorded platted lots that are within a land use category that allows for residential development and that existed on or prior to the original adoption date of this Code, shall not be prohibited from having one (1) dwelling unit due to failing to meet the otherwise applicable density requirements.
- B. If a use is discontinued or abandoned for a period of six (6) months or more, the use may not continue.
- C. As pursuant to Policy 1.8.4 of the Comprehensive Plan, the use shall be considered substantially changed, intensified, or expanded from the current use when an increase in the number of trips generated as deemed by a comparative analysis utilizing the Institute of Traffic Engineers Trip Generation Manual, most recent edition.

(Ord. 711, passed 2-5-2019)

7.12.02 Non-conforming Structures

A. Any structure erected on or prior to the original adoption date of this Code, or amendment of this Regulation, but not permitted thereafter, may continue or be occupied, provided:

- 1. If the structure is damaged in excess of fifty percent (50%) or more of the fair market value of the structure at the time of damage or destruction, any reconstruction shall comply with the current Mexico Beach Comprehensive Plan and Land Development Code requirements.
- 2. Structures which are deemed historical or historically significant may rebuild to the historic nature of the development.
- 3. Additions may be constructed on non-conforming structures. However, any alteration may not exceed any adopted current development standard or otherwise compound the nonconforming infringement.
- 4. Any lot or parcel that is designated with a Future Land Use that allows for residential development that existed on or prior to the original adoption date of this Land Development Code shall not be prohibited by applicable density requirements from having the same number of dwelling units as existed on that lot or parcel that were in place on October 9, 2018.
- 5. The provisions of Section 2.02.07E., Limited Setback Waiver, shall remain in force until October 9, 2020.

B. Review. In all situations where a building permit is to be issued for a non-conforming structure, the permit application must be reviewed and approved in accordance with the requirements of the Minor Residential Development Order, Section 7.02.02A.1.b.(3) of this Code.

(Ord. 711, passed 2-5-2019)

PARALLEL REFERENCES

References to Florida Statutes

References to Ordinances

REFERENCES TO FLORIDA STATUTES

<i>F.S. Reference</i>	<i>Code Section</i>
<i>F.S. Reference</i>	<i>Code Section</i>
Ch. 50	7.10.045
50.0541	7.10.045
50.051	7.10.045
Ch. 106	5.03.05
161.041	4.05.03

161.053	4.05.01
161.055	4.05.03
161.54	4.05.08
Ch. 163	1.03.00, 7.09.03
163.3202	1.01.00
163.3220	7.06.05
163.3220-3234	4.03.05
Ch. 166	1.01.00
166.041	2.03.06
Ch. 177	2.00.02, 3.00.04, 3.07.00, 7.07.00
320.01	4.05.01
320.8249	4.05.11
337.407	5.02.02
366.02	4.05.03
373.036	4.05.03
373.451-373.4595	4.03.07
Ch. 380	7.06.05
381.0065	4.05.03
Ch. 400, Part 2	2.00.02
Ch. 403	4.03.04, 4.03.06
403.7234	4.03.07
403.7236	4.03.07
Ch. 442	4.04.03
509.102	2.02.08
Ch. 553, Part V	6.03.00
553.73(5)	4.05.06
553.73(10)(k)	4.05.03
604.50	4.05.03
704.06	4.03.05

REFERENCES TO ORDINANCES

Ord. No.	Date Passed	Code Section
Ord. No.	Date Passed	Code Section
711	2-5-2019	1.00.00, 1.01.00, 1.02.01, 1.02.02, 1.03.01, 1.03.02, 1.04.01, 1.05.01, 1.05.02, 1.06.01 - 1.06.12, 1.07.00, 1.08.00, 1.09.00, 1.10.00, 2.00.01, 2.00.02, 2.01.00, 2.02.01 - 2.02.08, 2.03.01 - 2.03.010, 2.04.00 - 2.04.03, 2.05.02, 2.05.03, 2.06.01 - 2.06.03, 2.07.01 - 2.07.09, 2.08.00, 2.09.01 - 2.09.05, 2.10.01 - 2.10.07, 2.11.01, 3.00.01 - 3.00.04, 3.01.01, 3.02.01, 3.03.01 - 3.03.03, 3.04.01 - 3.04.04, 3.05.01 - 3.05.04, 3.06.00, 3.07.00, 3.08.00, 4.00.00, 4.01.01 - 4.01.07, 4.02.01 - 4.02.10, 4.03.01 - 4.03.07, 4.04.01 - 4.04.03, 4.06.01 - 4.06.03, 5.00.01 - 5.00.04, 5.01.00, 5.02.01 - 5.02.03, 5.03.01 - 5.03.06, 5.04.01 - 5.04.06, 5.05.01, 5.05.02, 5.06.01 - 5.06.05, 5.07.01 - 5.07.09, 5.08.01 - 5.08.04, 5.09.00 - 5.09.02, 5.10.00, 6.01.00, 6.02.00, 6.03.00, 6.04.00, 6.05.00, 6.06.00, 7.00.00 - 7.00.02, 7.01.01 - 7.01.04, 7.02.01 - 7.02.04, 7.03.00, 7.04.01, 7.05.01, 7.06.00 - 7.06.07, 7.07.00, 7.08.00, 7.10.01 - 7.10.09, 7.11.01 - 7.11.07, 7.12.01, 7.12.02
716	4-23-2019	2.03.01 - 2.03.010

719	5-28-2019	4.05.01 - 4.05.14, 4.06.02
720	5-28-2019	4.06.01, 4.06.02, 4.06.03
727	7-23-2019	2.02.02
729	8-27-2019	2.02.02
736	11-12-2019	7.02.02
737	11-12-2019	2.02.055
739	10-14-2019	7.02.02
744	5-12-2020	2.02.02
757	12-18-2020	4.05.01 - 4.05.14
764	-13-2021	3.07.00, 3.08.00
765	8-10-2021	2.02.02, Repeals 2.05.01
775	10-26-2021	7.02.02
779	1-11-2022	2.02.08
781	4-12-2022	2.02.07
791	8-23-2022	2.02.04
804	1-10-2023	6.03.00
819	11-14-2023	1.12.00
819	11-14-2023	1.00.00, 1.05.01, 1.05.02, 1.10.00, 1.12.01 - 1.12.06, 7.02.02, 7.04.00, 7.04.02, Repeals 7.08.01, 7.09.00 - 7.09.03
833	2-13-2024	2.02.02