

CITY OF MEXICO BEACH

Land Development Regulations

As Amended February 5, 2019



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ARTICLE I GENERAL PROVISIONS

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.”

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 Chapter 166, Florida Statutes (City Government).

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.

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.

1.03.00 FINDINGS

1.03.01 General Findings

A. Statutory Requirement

Chapter 163, Florida Statutes, 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.

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.

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).

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).
- F.D.C.A. “Florida Accessibility Code for Building Construction,” 1997.

1.05.02 Maps

- Comprehensive Plan Future Land Use Map
- City Zoning Map
- Flood Insurance Rate Map #12005C0508G

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.

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.

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.

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.

1.06.05 Gender

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

1.06.06 Number

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

1.06.07 Shall, May

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

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.

1.06.09 Year

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

1.06.10 Day

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

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.

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.

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.

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.

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.

1.10.00 EFFECTIVE DATE

The effective date of this Code is February 5, 2019.

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.

2.00.01 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 Chapter 400, Part 2, Florida Statutes

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 8 body feet or more in width, over 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.

Florida Building code

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 Chapter 177, F.S.

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 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

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)

2.02.00 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.

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 m. Accessory Dwelling Units 	<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.
7. Development Standards					
Setbacks				Impervious Surface Ratio	
Front	Side	Rear	Corner	Max Height	
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. m. 		<ul style="list-style-type: none"> a. Condominiums b. Docks, piers, wharves, and similar structures in City Waters. c. Accessory Dwelling Units 		<ul style="list-style-type: none"> a. Mobile homes c. 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		
Front	Side	Rear	Corner			Max Height
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
<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. c. Accessory Dwelling Units 		<ul style="list-style-type: none"> a. Mobile homes d. 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 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. General 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 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.

<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 ee. Government offices ff. Financial institutions 			
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gg. 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	20 feet	12 feet	0.90	48 feet

E. 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
<ul style="list-style-type: none"> 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 	<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. Miniature golf courses j. Race tracks k. 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.

x. Other similar institutional uses. y. Personal service businesses where the service is performed on an individual-to-individual basis. j. 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	20 feet	12 feet	0.80	32 feet	

F. Public/Institutional

1. District Intent				2. Allowable Location	
3. District Intent This zoning district allows for public and institutional uses.				4. Allowable Location The Public/Institutional Zoning District is allowed within the Public/Institutional Future Land Use Category.	
5. Principal Uses		6. Uses Allowed with Council Approval		7. Prohibited Uses	8. Accessory Uses
<ul style="list-style-type: none"> 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. 		<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. Firing ranges g. Miniature golf courses h. Race tracks i. 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.
9. Development Standards					
Setbacks				Impervious Surface Ratio	
Front	Side	Rear	Corner	Max Height	
20 feet	7.5 feet	10 feet	20 feet	0.90 32 feet	

G. 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
<ul style="list-style-type: none"> 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 				<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. Firing ranges g. Miniature golf courses h. Race tracks i. 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.
7. Development Standards					
Setbacks				Impervious Surface Ratio	
Front	Side	Rear	Corner	Max Height	
20 feet	7.5 feet	10 feet	20 feet	0.80 32 feet	

I. Preservation

1. District Intent				1. Allowable Location	
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.	
2. Principal Uses		3. Uses Allowed with Council Approval		4. Prohibited Uses	5. Accessory Uses
Passive recreational activities such as those relating to beach activities, beach re-nourishment, and dune crossover boardwalks.				<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. Firing ranges g. Marinas h. Miniature golf courses i. Race tracks j. Medical Marijuana Treatment Center 	
6. Development Standards					
Setbacks				Impervious Surface Ratio	
Front	Side	Rear	Corner	Max Height	
None	None	None	None	0.2 None	
7. Development Restrictions					
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
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<p>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.</p>				<p>The Tourist Mixed Use Zoning District is allowed within the Tourist Mixed Use Future Land Use Category.</p>			
3. Principal Uses		4. Uses allowed with Council Approval		5. Prohibited Uses		6. Accessory Uses	
<ul style="list-style-type: none"> 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. 		<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 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 		<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. 	
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	20 feet	12 feet	0.70		48 feet	

	residential property				
8. Development Restrictions					
<p>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.</p> <p>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.</p> <p>C. Connection to central water and sanitary sewer systems shall be required prior to any certificate of occupancy being issued.</p> <p>D. The Tourist Mixed Use Zoning District may be implemented through the Planned Unit Development process as defined in this Code.</p> <p>E. A property must be under single ownership or under unified control at the time the Tourist Mixed Use category is assigned.</p>					

Florida Building code

2.02.03 Mixed Use

A. Mixed Use

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, a Plan Amendment, and the LDR, except as may be allowed by a properly approved PUD or permissible variance.

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 areas 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. In addition, residential or mixed-use developments or redevelopments built in GC or TC Zoning Districts may be eligible to have variances from the requirements of the LDR for development standards relating to setbacks, landscape buffers, and parking, if justified by the application for M-PUD and approved as a Final M-PUD Plan. Planning and Zoning Board No variances or waivers for M-PUD projects shall be permitted to requirements set forth in the Mexico Beach Comprehensive Plan such as, but not limited to, height, density, land use type, and canal buffer zone, unless the Comprehensive Plan is amended as required by law.
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

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. Setbacks. Setbacks for the perimeter of the entire tract for residential-only structures built in GC and/or TC Zoning Districts shall remain as Front-20', Side-7.5', Rear-10', and Corner-20'; however, the interior side setbacks between residential-only structures where there is more than one multifamily structure contained on a tract shall be 5' for each structure.
4. 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 LDR section 4.01, et seq.

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 foot above the crown of the road or access roads directly adjacent to the property. If there is more than one 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 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 the base Florida Department of Environmental Protection requirement.
- D. Height shall be measured to the mean roof height for all structures.

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 an 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.

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 adjusted accordingly.

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 12'.
- C. 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.

2.02.08 Development Restrictions

1.
 - 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 these Land Development Codes;
 - ii. A home occupation compliant with these Land Development Codes and the Florida Building Code;
 - iii. A vehicle licensed by the State of Florida as a Mobile Food Dispensing Vehicle or a successor program used by the State to license what is generally understood to be a food truck; 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 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 these Land Development Codes.
 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 non-conforming 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.

2.03.00 PLANNED UNIT DEVELOPMENT

2.03.01 Purpose and Intent

It is the intent of the PUD district to provide a flexible, alternative zoning procedure to encourage imaginative and innovative design for the unified development of tracts of land, within overall density, and use guidelines set forth in elements of the comprehensive plan, including goals and

policies for development of Mexico Beach as these may be officially adopted and from time to time supplemented or amended. Furthermore, it is the general purpose of the PUD district classification to:

- A. Encourage enhancement and preservation of lands which are unique or of outstanding scenic, environmental and 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.

2.03.02 Eligibility

In addition to the above performance-oriented criteria, the minimum development standards listed herein shall determine eligibility for a proposed PUD.

A. Use

The proposed use or combination of uses shall be consistent with the general intent of the adopted goals and policies of Mexico Beach, the general land use plan, and criteria established in this article.

B. Minimum development standards

Any tract of land for which a PUD application is made must conform to the following minimum standards:

1. The minimum area required for application is five (5) acres.
2. Office, institutional, and convenient commercial facilities are permitted providing they do not exceed ten (10) percent of the combined gross floor area of the residential uses when located in a residential zone. When located in a commercial Zoning District, no maximum percentage of combined floor area applies to commercial development.
3. A minimum of twenty-five (25) percent of the gross land area, excluding rights of way, must be reserved for open space with at least half (1/2) of this area maintained in common open space increments of at least ten-thousand (10,000) square feet, which may include outdoor or indoor recreational facilities or other community facilities that do not require impervious surface areas constituting more than five (5) percent of the total common open space area. At least half of all contiguous open space area and at least ten-thousand (10,000) square feet of contiguous open space increment must be usable common space characterized by high accessibility to all of the residents (and not isolated in one corner of the development), recreational usability or facilitation that is not limited by steep slope or any other limiting conditions, and a composition of not more than fifty (50) percent water.

C. Configuration of Lands

The tract of land for which the PUD application is made shall be a contiguous unified parcel with sufficient width and depth to accommodate the proposed use.

D. Location

The planned unit development may be utilized for development or redevelopment purposes in the HDR, TMU, RLD, RG, GC, and TC Zoning Districts.

E. Ownership

All land included for purpose of development within a PUD district shall be owned by or be under the control of the applicant for such zoning designation, whether that applicant be an individual, partnership, or corporation. The applicant shall present proof of the unified control of the entire area within the proposed PUD district and shall state agreement that if he proceeds with the proposed development he will:

1. Do so in accord with (1) the concept plan of development officially adopted for the district; (2) regulations existing when the amendment creating the PUD district is passed; and (3) such other conditions or modifications as may be attached to the rezoning of land to the PUD classification.
2. Provide agreements, contracts, and proposed deed restrictions acceptable to Mexico Beach for completion of the undertaking in accordance with the adopted concept plan as well as for the continuing operation and maintenance of such areas, functions, and facilities as are not to be provided, operated, or maintained at general public expense. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect, and the City Council as to suitability for the proposed use of open areas and other areas, functions, and facilities as are not to be provided, operated, or maintained at general public expense.
3. Bind his developer successors in title to any commitments made under (1) and (2) preceding.

2.03.03 Concept plan information package

A. Professional services required

1. The concept plan submitted for approval shall be prepared by one or more persons registered in the State of Florida in the following professions: architecture, civil engineering, landscape architecture, land surveying, or a land use planner who has completed one of the following education or experience requirements:
 - a. Received a graduate degree in planning and has been engaged in two (2) years of professional planning experience; or
 - b. Received a graduate degree in a field related to planning and has been engaged in three (3) years in professional planning experience; or
 - c. Received a bachelor's degree in planning and have had at least four (4) years of work experience in the planning field, including at least three (3) years of professional planning experience; or
 - d. Received a bachelor's degree and have had at least five (5) years in the planning field, including at least three (3) years of professional planning experience; or
 - e. Have had at least eight (8) years in the planning field, including at least three (3) years of professional planning experience. Professional planning experience must be related to the planning experience. Professional planning experience must be related to the planning of the unified development of urban communities and their environs, and any item of work experience must show initiative, judgment, substantial involvement, and personal

accountability for definition of or preparation of significant substantive elements of the planning program.

B. Legal description of site

This description shall be prepared by a land surveyor. The legal definition shall be accompanied by a map at a scale suitable for reproduction for advertising for public hearing.

C. Site conditions map

This map or series of maps shall be drawn to an acceptable scale and shall indicate:

1. Title of the planned unit development and name of the developer.
2. Scale, date, north arrow, and general location map showing the relationship of the site to such external facilities as highways, shopping areas, and cultural complexes.
3. Boundaries of the subject property, all existing streets, buildings, water courses, easements, section lines, and other important physical features within the proposed project. Other information on physical features affecting the proposed project may be required.
4. Existing topography (latest U.S. Department of the Interior Geological Survey 7.5 minute series reproduced to scale of other use date will be acceptable).
5. The location and size (as appropriate) of all existing drainage, water, sewer, and other utility provisions.
6. Information about existing vegetative cover and general soil types as appropriate to the proposed project.
7. The location and function of all other existing public facilities which would serve the site such as schools, parks, and fire stations. Notation of this information on a scaled map is acceptable.

D. Concept Plan

This plan shall be prepared at the same scale as the above site conditions map and shall indicate:

1. Sketch plan for pedestrian and vehicular circulation showing the general locations and rights-of-way widths and the general design capacity of the system as well as access points to the major thoroughfare systems. A diagrammatic flow chart demonstrating the pattern of vehicular movement to, within, and through the planned unit development shall be included as a supplement to this plan. The applicant is encouraged where acceptable, but not required, to submit one or more companion proposals for a pedestrian system, transit system, or other alternative for the movement of persons by means other than privately owned vehicles.
2. A general plan for the use of all lands within the proposed PUD, Such plans shall indicate the general location, functions, and extent of all components or units of the plan; open space provisions such as golf courses, parks, passive or scenic areas, community-serving recreational or leisure time facilities; and areas for such public or quasi-public institutional uses such as schools, churches, libraries, outpatient clinics, and public safety facilities.
3. A statement indicating what proposed arrangements are made with the appropriate agencies for the provision of needed utilities to and within the planned unit development, including, if appropriate, water supply, treatment and distribution where on-site treatment is proposed; storm drainage collection and disposal; electric power; gas; sewage collection, treatment and disposal where on-site treatment is proposed; and communications (telephone, cable TV).

E. Supportive Report

A supportive report shall be prepared in conjunction with the above material and shall include:

1. A statement indicating how the proposed project complies with the comprehensive and community plan and its components and the goals and policies for development of Mexico Beach, Florida.
2. A general description of the proposed development including:
 - a. The total acreage involved in the project.
 - b. The number of acres devoted to the various categories of land use shown on the site development plan, along with the percentage of total acreage represented by each category of use and component of development plus and itemized list of uses proposed for each of the components which shall be the range of uses permitted for that section of the planned unit development.
 - c. The number and types of dwelling units involved for the overall site and for its components; dwelling unit per acre calculations along with population projections for each.
 - d. A description of the projected service areas for nonresidential uses (neighborhood, community, or regional) along with the projected population data necessary to support these facilities.
 - e. The establishment of minimum design standards which shall govern the site development such as lot size and shape, internal streets and pedestrian ways, open space provisions, off-street parking demands, visual screens, general buffer and landscape areas.
3. A proposed concept plan shall contain the following information:
 - a. Delineation of the components in map form along with the order in which they shall be submitted for final development approval.
 - b. The approximate dates for filing final development plans.
 - c. The approximate schedule for construction of required or permitted improvements of common open space within each component, including any complimentary buildings.
 - d. The proposed schedule for dedication of improvement of public rights-of-way, easements and properties.
4. A statement and/or map indicating which streets or roads (and pedestrian ways as appropriate) are proposed for public ownership and maintenance and whether approval is sought as part of the concept plan for private roads, if any, within the community.
5. A statement and/or map on drainage which generally shows existing drainage conditions, wet weather areas, areas of frequent flooding, points of discharge from the project, and anticipated quantities of water generated from the development. Where conditions dictate, a statement on the proposed method of discharge of run-off within and from the site shall be furnished.
6. A statement which shall indicate the proposed method of governing the use, maintenance and continued protection of the open space and community-serving facilities.
7. Dedication of public rights-of-way and easements may be required as a condition for approval by the Planning and Zoning Board and city commission.

2.03.04 Procedures for PUD concept plan approval

All applications for PUD development shall be processed in the following manner:

A. Pre-application conference—Planning and Zoning Board

Prior to submitting an application for approval of a planned unit development, the applicant or his representative shall confer with the Mexico Beach Planning and Zoning Board. The applicant is encouraged to submit a tentative land use sketch for review and to obtain information on any

projected plans, programs, or other matters that may affect the proposed development. This information should include:

1. The proper relationship between the proposed development and surrounding uses, and the effect of the plan upon the comprehensive plan of Mexico Beach.
2. The adequacy of existing and proposed streets, utilities, and other public facilities and services within the proposed planned unit development.
3. The character, design, and appropriateness of the proposed land uses and their adequacy to encourage desirable living conditions, to provide separation and screening between uses where desirable, and to preserve the natural amenities of streams, wooded areas, and similar natural features.
4. The adequacy of open space and recreation areas existing and proposed, to serve the needs of the development.
5. The adequacy of the land area and of the surrounding areas to accommodate future expansion, if needed.

B. Planning and Zoning Board hearings

In accordance with the review of procedure of 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 district 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 submit its recommendations and confirm in writing to the Mexico Beach City Council.

C. Action by City Council

The City Council shall review all material and comments submitted in a public hearing, not sooner than fifteen (15) days, nor longer than sixty (60) days from the date of the Planning and Zoning Board disposition. The action of the City Council may be conditional and may impose restrictions and standards of development for the PUD district. In any event, a final determination must be made within six (6) months of the original public hearing.

2.03.05 Application of PUD concept plan

A. If approved by the City Council, in accordance with Article III herein, the concept plan and all other information and material formally submitted with the application shall be adopted as an amendment to this Zoning Code and shall become the standards of development for the planned unit development. All future developments shall conform to the standards adopted for the planned unit development regardless of changes in ownership.

B. Upon such approval and subsequent amendment, construction may proceed for public and/or approved private roads, utility installations, community-serving open space, and recreational facilities not involving residential use, but including clubhouses and other accessory and related facilities, government structures, and similar uses. Such construction shall be in accord with the concept plan as approved. Except as provided above, no construction permit shall be issued for lands zoned PUD until an appropriate PUD final development plan has been approved in the manner hereinafter set out.

C. Application for approval of a PUD concept as set forth herein may be made, notwithstanding the fact that there may exist at the time of application conflicting restrictive covenants on the land, but final approval of the PUD concept plan shall then be conditioned on the invalidation of modification

of any such restrictive covenants within six (6) months from the date of conditional approval so as to conform to the approved PUD concept.

2.03.06 Establishing planned unit development district

A. Status of land

Upon approval of the concept plan, the property shall be designated PUD concept on the official zoning map. The only construction permitted on the property until approval on the final development plan is that construction provided for in 2.04.05. The property shall remain PUD concept until approval of the final development plan.

B. Changes in the concept plan

It is not intended that the planned unit development district concept plan so approved shall be inflexibly applied, but rather, the development of the PUD district shall be in conformance with the concept plan subject to modification due to changed economic, social, or demographic conditions.

2.03.07 Final development plan

Except as permitted under concept plan approval, the applicant shall submit a final development plan prior to commencing development on property zoned PUD concept. Approval of components of the PUD district plans shall be according to the development schedule approved under the concept plan. The following data and information is required in addition to the material submitted under the concept plan.

A. Professional services required

Same as set forth in 2.04.03.

B. Detailed statement of objectives

The following shall be indicated:

1. The general purpose of the development.
2. The type of dwelling unit to be constructed.
3. The method and time schedule of development and improvement of the project.
4. The disposition of open space to be provided. A boundary survey shall be prepared by a land surveyor showing all public rights-of-way and easements.

C. Site Conditions map

A site conditions map drawn to an appropriate engineer's scale sufficient to show detail shall show the location of the existing property lines for both private property and for public property, existing contours shown at a contour interval of two (2) feet, streets, buildings, watercourses, transmission lines, sewers, bridges, culverts and drain pipes, water mains, public utility easements wooded areas, streams, lakes marshes, and any other physical condition affecting the area.

D. Final development plan

A final development plan shall be drawn to an appropriate scale showing:

1. Site boundaries, topography, and proposed grading plan.
2. The width, location, typical sections, and names of proposed streets.
3. The width, location, and names of surrounding streets and surrounding land use.
4. The use, size, location, and height of all proposed buildings and other structures.

5. The off-street parking and loading plan.
6. A circulation diagram showing vehicular and pedestrian movements including any special engineering features and traffic regulation devices needed.
7. Drawings indicating the general architectural themes, appearance, and representative building types except for detached single family dwellings and accessory structures.
8. Provisions for the control of signs including size, shape, and appearance.
9. The location and size of common open spaces and public or quasi-public areas.

E. Utility service plan

The utility service plan will show:

1. Existing drainage and septic tanks.
2. The disposition of sanitary waste and stormwater.
3. The source of potable water.
4. The location and width of all utility easements or rights-of-way.
5. Streetlights.
6. Underground Utilities

F. Landscape plan

The landscape plan will show:

1. Landscaped areas.
2. All specimen trees or groups of specimen trees thirty-six (36) inches in diameter or larger, indicating those to be retained, removed, or relocated.
3. The location, height, and material for walks, fences, walkways, and other man-made features.
4. Any special landscape features such as, but not limited to, man-made lakes, land sculptures, and waterfalls.

G. Statistical information

This statistical information shall include:

1. Total acreage of the site.
2. Maximum building coverage expressed as a percentage of the site area.
3. The area of land devoted to landscaping and/or open space useable for recreational purposes expressed as a percentage of the total site area.
4. The calculated density for the project.

H. Development schedule

The development schedule shall contain the following information:

1. The order of the construction of the proposed stages delineated in the final development plan.
2. The proposed date for the beginning of construction on said stages.
3. The proposed date for the completion of construction on said stages.
4. The proposed schedule for the construction and improvement of common open space within said stages, including any complementary buildings.

I. Definitive covenants, grants, easements, dedications, and restrictions to be imposed on the land, buildings, and structures, including proposed easements for public utilities and instruments relating to the use and maintenance of common open spaces and private streets. Such instruments shall give consideration to access requirements of public vehicles for maintenance purposes. If the

common open space is deeded to a homeowners association or its equivalent, the declaration of covenants and restrictions shall include, but not be limited to, the following:

1. The homeowner's association must be set up before any homes are sold;
2. Membership must be mandatory for each home buyer or renter and any successive buyer or renter;
3. The open space restrictions must be permanent;
4. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
5. Homeowners and renters must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property;
6. The association must be able to adjust the assessment to meet changing needs.

J. Association or nonprofit corporation

If the applicant elects this method of administering common open space, the proposed bylaws of the association or the certificate of incorporation and the corporate bylaws of the nonprofit corporation shall be submitted to the Planning and Zoning Board and city council for their files. The Mexico Beach City Council shall have review, comment, and approval powers of all homeowners' association bylaws and articles of incorporation. The Council shall retain the right to take over the functions of a homeowners' association at the residents' expense should a homeowners' association collapse.

2.03.08 Site development standards

Exemptions from the normal requirements of the Zoning Code and subdivision regulations may be permitted when the developer demonstrates to the Planning and Zoning Board that adequate provisions have been made in the planned unit development for sufficient light and air, that the density of development is compatible with surrounding land uses, that pedestrian and vehicular traffic circulation systems are safe and efficient, that the development will progress in orderly phases, and that public health, safety and general welfare will be protected. However, where higher or more restrictive specific standards for use, height, setback, visual screens, rights-of-way, sign control, and open space are adopted as part of the concept plan, no exceptions or variations from said standards shall be granted in the final development plan. For the PUD, the required general development standards are as follows:

- A. Use restrictions shall be the same as those set forth in Article VI, schedule of district regulations.
- B. Residential density shall be determined by the maximum set forth in the general land use plan. However, an increase in density may be permitted under 3.03.01-E of this Code when it can be demonstrated by the applicant that the features of the property and the conditions of the concept plan represent a development alternative which does not significantly increase the impact (anticipated by the land use plan) on the neighborhood and community.
- C. Setback standards are the same as set forth in Article III, schedule of district regulations, except variation might be granted when stated in the concept plan, as approved, or in the final development plan, provided such variations are consistent with and aid in the accomplishment of the PUD district as set forth in Section 2.04.01-A, B, C.

- D. Visual screens proposed under the concept plan shall have the same minimum requirements as those set forth in Article IV, Section 1 of this Code unless acceptable alternatives are proposed and approved as part of concept or final plan approval.
- E. Off-street parking, loading, and unloading regulations shall be the same as are required under Article VI except that minimum requirements for off-street parking spaces may be reduced when approved under the final development plan. The applicant must provide evidence that minimum requirements may be varied due to the unique character of the proposed development such as provisions for mass transportation or multiple use parking facilities by activities which function at different hours and which can utilize common facilities, provided, further, the effect of said reduction will be to place the area thus economized into landscaped or natural open space to be available for future parking needs should conditions change.
- F. Minimum design standards for public and private rights-of-way and minimum construction standards for streets, drainage systems and utility systems shall be the same as are required under the subdivision regulations unless acceptable alternatives providing equal or higher performance are approved in the final development plan.
- G. The standards of development are subject to all of the requirements of this Code unless acceptable alternatives are approved under the final development plan.
- H. Sign Control
All sign restrictions shall apply to all PUD applications unless acceptable alternatives are approved as part of the final development plan.
- I. Common open space
The Planning and Zoning Board shall require that the petitioner provide for and establish an organization for the ownership and maintenance of any common open space, and such organization shall not be dissolved nor shall it dispose of any common open space by sale, or otherwise (except to an organization conceived and established to own and maintain the common open space). Any transfer shall conform to the conditions of the final development plan.
- J. Dedication of public facilities
The Planning and Zoning Board and city commission may, as a condition of approval and adoption in accordance with the final development plan, require that suitable areas for easements and public rights-of-way be set aside, dedicated and/or improved for public use.

2.03.09 Procedure for approval

Procedure for approval of a final development plan for a PUD shall be processed in the following manner:

A. Preapplication conference

Prior to submitting a formal application for final development plan approval, the applicant shall confer with the Mexico Beach Planning and Zoning Board in the review and processing of the

application. The Planning and Zoning Board shall review the information and advise the applicant of any recommended adjustments or necessary additional information.

B. Planning and Zoning Board review

The Planning and Zoning Board shall, within forty-five (45) days of the Planning and Zoning Board's decision on final plan compliance with concept plan, review the application for final plan approval unless the time limit is waived by the applicant. Any conditions attached to final plan approval by the Planning and Zoning Board must be part of the material required for plan approval by the Planning and Zoning Board and must be resubmitted by the applicant for final plan approval.

C. Compliance with adopted concept plan

The following intensity, density, floor area, and ground area variations are permitted to be transferred within the final plan components according to the following schedule, providing such variations do not represent a net increase in the overall intensity, density, use, floor area, or ground coverage adopted for the PUD under the concept plan. The variations shall not:

1. Increase the proposed gross residential density or intensity of use.
2. Involve a reduction of the area set aside for common open space nor the substantial relocation of such area(s).
3. Increase by more than ten (10) percent the floor area proposed for nonresidential use.
4. Increase by more than ten (10) percent the total ground areas covered by buildings.
5. Vary substantially from street layouts or proposed land uses not stipulated in the concept plan. Modifications in the design of streets and utilities in a matter approved by the Planning and Zoning Board shall not constitute a substantial variation from the concept plan. The burden shall be upon the applicant to show the Planning and Zoning Board good cause for any variation between the concept plan and the final development plan as submitted for final approval. If the final development plan, as submitted, contains substantial variations from the concept plan, the Planning and Zoning Board may, after a meeting with the applicant, refuse to grant final approval and shall, within five (5) days of such action, so advise the applicant in writing why said variations are not in the public interest.

D. Appellate Review

If the Planning and Zoning Board refuses approval, the applicant may:

1. File his application for approval of final development plans without the variation objected to by the Planning and Zoning Board on or before the last day of the time within which he was authorized to submit the plan for final approval or within sixty (60) days from the date he received notice of the refusal, whichever shall occur later in time; or
2. Treat the refusal as a denial of final development plan approval and appeal the Planning and Zoning Board's decision to the City Council. The City Council, shall, within thirty (30) days, affirm, modify, or reverse the decision of the Planning and Zoning Board. Any property owner abutting the planned unit development aggrieved by a decision of the Planning and Zoning Board, may, within thirty (30) days of such decision, file a written notice to the City Council appealing the decision of the Planning and Zoning Board. The City Council shall, within thirty (30) days of such notice, affirm, modify, or reverse the decision of the Planning and Zoning Board. Any final development plan affirmed or reversed in this manner shall be final.

E. Administrative discretion

When unforeseen circumstances occur during site development which may result in minor shifts, extensions, alterations, or modifications of buildings or structures, such may be authorized by the administrative official if they are consistent with the purposes and intent of the final development plan.

F. Applicability

If approved, the final development plan and all other material and information submitted formally with the application, and any provisions placed on the property by the Planning and Zoning Board or city commission shall be adopted as amendments to the Zoning Code and shall become standards of development for the planned unit development. All future development shall conform to the adopted standards regardless of any changes in ownership and provided further, that no building permit or certificate of occupancy shall be issued unless standards herein are complied with.

G. Zoning designation

Upon approval of a final conceptual plan, the property shall be designated PUD on the official zoning map.

H. Extensions

If development of the PUD has not commenced within three years from the date of approval, the property owner may submit the proposed PUD for a one year extension. This extension may or may not be approved. If construction had not began by the end of the one year extension, the PUD is considered revoked and the property reverts to its original zoning designation.

2.03.10 Violations

A. Any violation of the concept plan or final development plan or any other adopted as part of the amendment to the Zoning Code shall constitute a violation of the Zoning Code.

B. If the land zoned PUD is not developed within a year of scheduled construction, the zoning of that land shall revert to its original zoning designation.

2.03.11 Mini-Planned Unit Developments (M-PUD)

A. Mini-Planned Unit Developments

The intention of this section is to create an avenue for creative and innovatively designed neighborhoods and mixed-use developments or redevelopments in areas covering .5 acre to 4.99 acres of land and located in a GC and/or TC Zoning District. All M-PUDs approved under this section shall meet the requirements of the Comprehensive Plan or Plan Amendment, including overall density, goals, and policies of the Comprehensive Plan and as may be amended from time to time, including the policies set forth in LDR section 2.04.01. It is the further intent of this section to 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 in this Code.

B. Minimum Development Standards for M-PUDs

All tracts of land for which a M-PUD application is made must meet, in the sole discretion of the City Council, the following standards:

1. The tract must be a contiguous parcel of land at least .5 acre in size and no larger than 4.99 acres with sufficient width and depth to accommodate the proposed use; “contiguous” in this section shall include tracts of land separated by a single roadway so long as at least 40% of both parcels’ road frontage overlap each other or one parcel’s road frontage fully encompasses the other.
2. The tract is located in a GC and/or TC Zoning District and, therefore, density will be controlled by sections 1 and 2, above, and range from a maximum of 18DU/1AC for residential only developments up to a maximum of 24DU/1AC for the appropriate mixed-use developments as set forth in this Code.
3. All land included in the application for a M-PUD must be owned by or be under the control for zoning designation purposes of the applicant, whether the applicant is an individual, partnership, or corporation; certification of ownership or control will be required; applicant shall be required to bind any development/owner successors in title to any commitments made or required by the City Council.
4. The development of land under a M-PUD shall be consistent with the intent of the City’s Comprehensive Plan or Plan Amendment.

C. Application Requirements

1. The applicant shall submit a concept plan to the city for consideration by the city staff, then, if appropriate, to the Planning and Zoning Board for a recommendation to Council, and, finally, to the City Council for preliminary review and, if appropriate, approval.
2. The concept plan shall be prepared by one or more of the following: a professionally licensed and registered in the State of Florida, architect, civil engineer, or land use planner.
3. The concept plan shall include as a minimum the following:
 - a. Legal description of the site prepared by a Florida certified land surveyor.
 - b. Site description map, including title of the M-PUD and name of the developer; scale, date, north arrow, and general location of the site to adjacent properties, highways, shopping areas, and civic centers.
 - c. Boundaries of the subject property, all existing streets, buildings, water courses, easements, utilities and their sizes, drainage systems or natural flows, section lines, and other important physical features within the site.
 - d. Existing topography.
 - e. Existing soil types and vegetative conditions.
 - f. Notation (by separate map, if necessary) of location of all existing public facilities which would serve this site, such as schools, parks, and fire stations.
4. A separate concept plan to the same scale as the basic information, above, shall be submitted and include a general site plan for the use of all lands in the proposed M-PUD project. Such plans shall indicate the general location, function, and extent of all components or units of the plan, open space provisions for passive or active recreational use, community and/or institutional uses and areas, such as daycare or libraries; parking, roadway, sidewalk and pedestrian movements, general landscaping and any other helpful elements.
5. The applicant also shall submit with the initial application a supportive report as set forth in section 2.04.03 (E) covering standard PUDs as set forth in the LDR.

6. The applicant shall submit a report that enumerates the elements of the project which do not meet the requirements of the current LDR, the numerical extent to which it does not meet each element of the LDR requirements, and the reason(s) why the project will be enhanced or the tract of land better utilized by exemption from the LDR requirements.

D. Procedure for M-PUD Conceptual Approval

Applications for conceptual approval of a M-PUD shall be processed as follows:

1. Prior to submitting the concept plan, the applicant is encouraged to meet with the city staff designated to review land use matters to discuss the proposed project before application is made.
2. Once application is made, the city staff will have 15 business days to review the application and seek professional assistance in reviewing the application; if the application is not complete, city staff may contact or notify in writing the applicant the exact nature of the deficiencies; if deficiencies are noted, the applicant will correct these deficiencies within 45 days, which time may be reasonable extended by the city, or the application will be deemed withdrawn; upon correction of the noted deficiencies by applicant and re-filing with the city, staff will have an additional 10 business days to review the application; no conceptual plan shall be deemed approved or accepted in any manner by the City until an affirmative vote of approval by the City Council has occurred.
3. At the end of the staff review period, the staff will submit the application packet to the Planning and Zoning Board for review and recommendation, if appropriate, for preliminary approval at the next available regular Planning and Zoning Board meeting following the staff review period; no conceptual plan shall be deemed approved or accepted in any manner by the City until an affirmative vote of approval by the City Council has occurred.
4. The Planning and Zoning Board shall review the application and within 31 days of the first meeting it considers the application make a recommendation for acceptance or rejection to the City Council with or without comments on the application; failure to make a timely recommendation to council, without consent of the applicant, shall have the effect of transferring the application to council for review without comment or recommendation by the Planning and Zoning Board.
5. The City Council shall review the application and, if made, consider the comments by the Planning and Zoning Board. The City Council may reject, table for one regular meeting, or approve the application, with or without recommended changes, to the conceptual M-PUD and changes that it will require for approval of the final M-PUD Plan. Failure by the City Council to timely act on an application shall be considered a rejection of the M-PUD application.

E. M-PUD Final Plan

1. Application Requirements

Except as permitted under concept plan approval, the applicant shall submit a final development plan prior to commencing development on property designated or zoned M-PUD concept. Approval of components of the M-PUD district plans shall be according to the development schedule, if any, approved under the concept plan. The following data and information is required in addition to the material submitted under the concept plan. The applicant for final M-PUD Plan shall submit a final plan that follows the requirements set forth in approval of a final standard PUD Plan as stated in the LDR under section 2.04.07, except as may be amended below:

- a. Professional services required for plan preparation by a state licensed architect, engineer, urban land planner with a bachelor's degree and at least 5 years of work experience, and a state licensed surveyor of land.
- b. Detailed statement of objectives.
- c. Site conditions map.
- d. Final development plan.
- e. Utility service plan.
- f. Landscape plan.
- g. Statistical information.
- h. Development schedule.
- i. Definitive covenants, grants, easements, dedications, restrictions, etc. to be imposed on the land, buildings, and structures.
- j. Association of non-profit, if elected to do so.

Applicant shall refer to section 2.04.07 of the LDR for guidance and details in preparing these items. The final plan shall comply with these sections unless application of one or more of the above requirements is specifically waived by the Planning/Zoning Director or the City Administrator because of its inapplicability to the proposed project.

2. Site Development Standards/M-PUD

- a. Exemptions from the normal requirements of the LDR and subdivision regulations may be permitted when the developer demonstrates to the City Council that adequate provisions have been made in the M-PUD for sufficient light and air, that the density is compatible with surrounding land uses, that the pedestrian and vehicular traffic systems are safe and efficient, that development will progress in an orderly manner, that the development is adequately landscaped, buffered, and provides or has immediate access to recreational areas, and that the public health, safety, and welfare will be protected as set forth in LDR section 2.04.08. Any proposed amendments to the Comprehensive Plan shall be approved as required by law.
- b. All requirements for M-PUD site development shall meet the standards for site development of a standard PUD contained in section 2.04.08 A. thru J. of the LDR, and applicant shall refer to those sub-sections for guidance and the details in preparation of its final plan. The final plan shall comply with the provisions of section 2.04.08 A. thru J. unless application of one or more of the standards is specifically waived by the Planning/Zoning Director or the City Administrator because of its inapplicability to the proposed project.

3. Procedure for approval of M-PUD final plan

Applications for approval of a M-PUD final plan shall be processed as follows:

- a. Prior to submitting the final plan, the applicant is encouraged to meet with the city staff designated to review land use matters to discuss the proposed project before the final plan submission is made.
- b. A complete final plan application shall meet all the requirements set forth above for an M-PUD and the applicable sections of 2.04.07 and 2.04.08 of the LDR and be filed with the city. The city staff shall have 15 business days to review the final plan application and seek professional assistance in reviewing the application; if the application is not complete, city staff may contact or notify in writing the applicant the exact nature of the deficiencies. If deficiencies are noted, the applicant will correct these deficiencies or the applicant for final plan will be deemed withdrawn. Upon correction of the noted deficiencies by applicant and

re-submission to the city, the city staff will have an additional 10 business days to review the application. Unless deficiencies are corrected and re-submitted to the city within 90 days, the final plan shall be deemed withdrawn.

- c. Once an application is complete, at the end of the staff review period, the planning/zoning director or city administrator will submit such application to the Planning and Zoning Board at the next available regular Planning and Zoning Board meeting for review and recommendation for approval or rejection to the city council.
- d. The Planning and Zoning Board shall review the application and, within 31 days of the first meeting it considers the application, make a recommendation for acceptance or rejection to the city council with or without comments on the final plan application; failure to make a timely recommendation to council, without the consent of the applicant, shall have the effect of transferring the application to the council for review without comment or recommendation by the Planning and Zoning Board.
- e. The City Council shall review the final plan application and, if made, consider the comments of the Planning and Zoning Board. The City Council may reject, table for one regular meeting or longer with the consent of the applicant, or approve the final application, with or without conditions that it deems necessary and proper. Failure by the City Council to timely act on an application shall be considered a rejection of the final M-PUD application. Once the final plan for a M-PUD is approved by the City Council it may be adopted by ordinance pursuant to Florida law as deemed appropriate by City Council.
- f. When unforeseen circumstance occur during the site development which may result in minor shifts, extensions, alterations, or modifications of buildings or structures, such may be authorized by the City Administrator if they are consistent with the purposes and intent of the final development plan.
- g. If approved, the final development plan and all other material and information submitted formally with the application, and any provisions placed on the property by the City Council shall be adopted as amendments to the LDR and shall become standards of development for the M-PUD land area in question. All future development shall conform to the adopted standards regardless of any changes in ownership and provided further, that no building permit or certificate of occupancy shall be issued unless standards herein are complied with. The final development plan for an M-PUD may be adopted by ordinance in conformity with Florida law as deemed appropriate by the City Council.

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.

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.

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 wall, fence, or other substantial structure not less than five (5) feet in height. 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.

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 2.05.04 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 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 in section 2.05.04 C 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]

2.05.00 ACCESSORY USES

2.05.01 Accessory Dwelling Units

A. Purpose

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

B. Standards

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

- 1. The addition of the accessory dwelling unit cannot exceed the density limitations of the overlying Future Land Use Category of the Comprehensive Plan.
- 2. No more than one (1) accessory dwelling unit shall be permitted on any residential lot.
- 3. Any accessory dwelling unit shall be located within the principal structure. An accessory dwelling unit shall not be construed to be located within the principal structure if connected only by a breezeway, roofed passage, or similar structure.

4. An accessory dwelling unit shall be proportionate in size to the principal structure in which it is located according to the following standards:
 - a. Single-family dwelling units with fifteen-hundred (1,500) square feet or less of gross floor area may use up to fifty (50) percent of the gross floor area for an accessory dwelling unit;
 - b. Single-family dwelling units larger than fifteen-hundred (1,500) square feet of gross floor area but smaller than three-thousand (3,000) square feet of gross floor area may use up to seven-hundred-fifty (750) square feet of the gross floor area for an accessory dwelling unit;
 - c. Single-family dwelling units larger than three-thousand (3,000) square feet of gross floor area may use up to twenty-five (25) percent of the gross floor area for an accessory dwelling unit.
5. The entire area underneath single-family residential structures on pilings may be enclosed and counted toward the gross floor area of that structure for the purpose of calculating the maximum allowable square footage for an accessory dwelling unit, provided that:
 - a. The area beneath the structure is a fully enclosed and functionally livable addition to the structure;
 - b. The area to be enclosed is located entirely above the one-hundred (100) year flood plain by at least one (1) foot;
 - c. The enclosure does not constitute an eyesore in any way but is externally designed and built to be aesthetically pleasing and compatible with the existing structure;
 - d. No other addition is made to the principal structure for the purpose of accommodating an accessory apartment;
 - e. The enclosure is in no way of substandard quality as defined by the Bay County Building Code;
 - f. Adequate sewage disposal is provided for the expansion as certified by the Department of Health and Rehabilitative Services.
6. Enclosure of the area entirely underneath a single-family dwelling unit that is supported by or situated on pilings will not constitute an increase in the impervious surface area of the lot.
7. Any homeowner wishing to expand a single-family dwelling unit in any way to accommodate an accessory dwelling unit shall first obtain the approval of the City of Mexico Beach Planning and Zoning Board in the form of a written acknowledgement by the Board that the plans for expansion have been reviewed by the Board and that conditions set forth in this Code have been met by the plans;
8. A dwelling unit located above a commercial establishment is considered mixed-use, and not an accessory use, and is therefore not subject to a maximum percentage of gross floor area of the commercial use below it.
9. The accessory dwelling unit shall be located and designed not to interfere with the appearance of the principal structure as a one-family dwelling unit.
10. The homeowner may live in the accessory dwelling unit or in the principal dwelling unit.
11. To accommodate the additional parking demand of an accessory dwelling unit, up to two (2) additional parking spaces are allowed so long as the total number of parking spaces for that lot does not exceed four (4) spaces and so long as the additional spaces are accommodated off the street.
12. No variations, adjustments, or waivers to the requirements of this Code shall be allowed in order to accommodate an accessory dwelling unit.

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 sign not exceeding one 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 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.

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.

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.

2.07.02 Applicability

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

2.06.03 Standards Manual

The following references are cited in this Article:

40CFR Code of Federal Regulations, Title 40, “Protection of Environment”

FAC17-2 Chapter 17-2, Florida Administrative Code, “Air Pollution”

APAM “Air Pollution Abatement Manual” of the Manufacturing Chemist Association

PHR47 U.S. Public Health Report 47, No. 12, “Measurement of Density Mineral Dust”

ICR12 Industrial Cost Rule No. 12 adopted by the Board of Standards and Appeals of the New York State Department of Labor

CFR10 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

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.

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 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).

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.

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 of any measurement period, which period shall not less

than 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).

Table 1
Maximum Permissible Sound Levels

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

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.

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.

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:

**Table 2
Maximum Permissible Sound Levels for Motor Vehicles**

Land Use Category	Sound Level Limit	
	Speed Limit 35 mph or less	Sound Limit over 35 mph
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

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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.

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.

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.

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.

2.9.00 BURN CONTROL

2.9.01 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.

2.9.02 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.

2.9.03 Fires on the Beach

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

2.9.04 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.

2.9.05 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.

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.

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.

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.

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.

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.

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.

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.

**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.

3.00.02 Responsibility for Improvements

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

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.

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 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 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 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 is it 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 Chapter 177, F.S.

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 square feet. Vehicles and manufactured housing are not permitted to be used for storage. Only one storage building per parcel is allowed.

Subdivision (of Property)

The subdividing or splitting of any platted or unplatted parcel into three 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.

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)

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 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 (ie., 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.

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 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.

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.

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.

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.

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 and 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 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 and 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.

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.

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.

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).

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 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 to twenty-five (15-25) 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 sub-collector 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 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 sub-collector 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 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 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 (5) miles per hour.

E. Special Purpose Streets

Under special circumstances a new local street may be classified and designed as one 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 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

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'	--
		2 - 9' moving No parking No individual lot access	26'	--	50'	--
		2 - 9' moving No parking Individual lot access	18'	--	50'	--
	Residential Subcollector Streets	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'	--
Residential Collector Streets (cont.)	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	30'	--	60'	--	

	1 - 8' parking Undivided (no median)				
	2 - 11' moving 2 - 8' parking Undivided	38'	--	60'	--
	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'
Arterial Streets (cont.)	Approach to intersections 4 - 12' moving 2 - 12' turning 6' median	--	78'	--	120'

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 subjects 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.

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 75 degrees.
9. New intersections along one 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 150 feet.
- 10 No two streets may intersect with any other street on the same side at a distance of less than 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 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 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:

<u>Design Speed of Road</u>	<u>Minimum Deceleration Lane Length</u>
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.

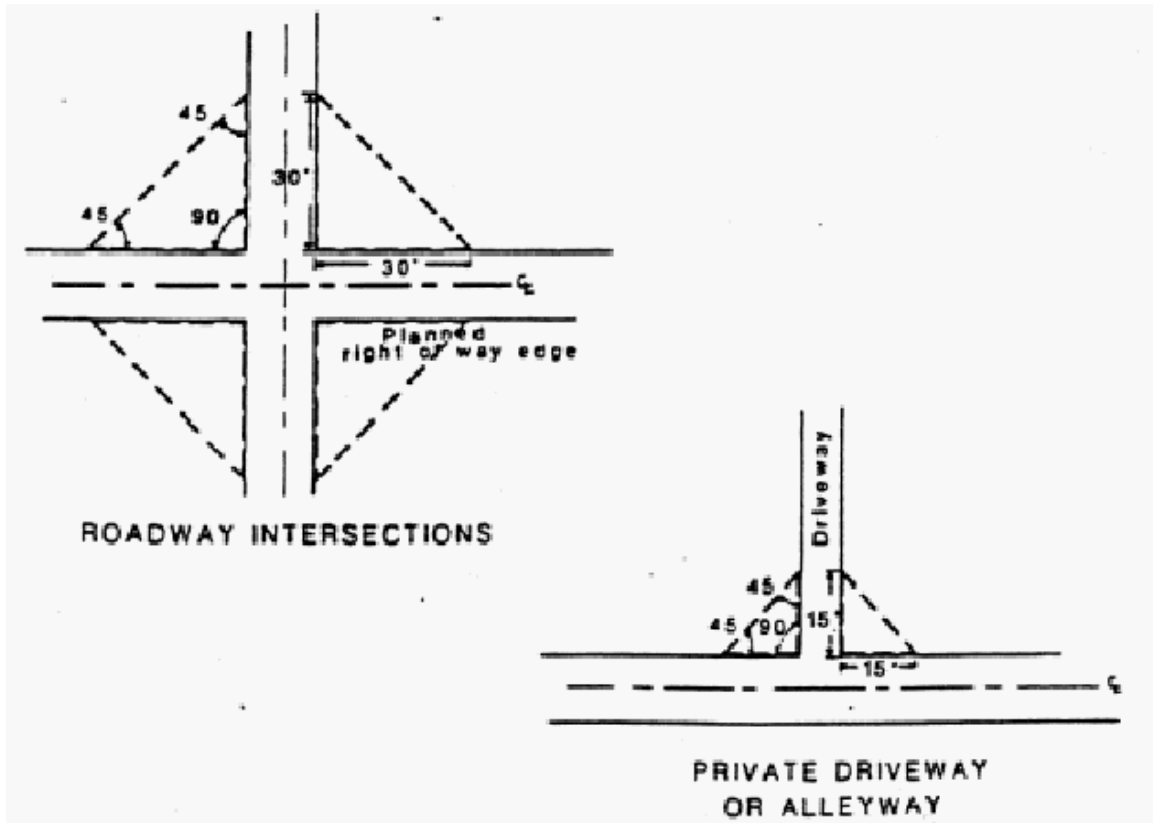
G. Stub Streets

- 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 or more lots or housing units. Where four 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 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 street name signs shall be placed at the four-way street intersection, and one 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.

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.

3.07.00 SUBDIVISIONS

All requests for division of platted or unplatted property must be presented to the Planning and Zoning Board and 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 must be submitted to allow adequate time for placement of required signs and written notifications to adjacent property owners. To qualify for a subdivision of platted property, 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 resubdivision of an existing lot in a recorded or unrecorded residential area zoned “Residential – General” or “Residential – Low Density” shall be no more than ten percent 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 resubdivision.

Within the jurisdiction of this chapter, no subdivision shall be platted or recorded for any purpose, nor shall parcels or lots resulting from such subdivision be sold or offered for sale unless such subdivision meets all of the requirements of these subdivision regulations, the plan and other applicable regulations, including but not limited to the Land Development Codes and this chapter.

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.

**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 jurisdiction.

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.

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.

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 well defined stem, a minimum of two (2) inches DBH, and which normally grows to a minimum height of 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.

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.

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 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 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 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 (25) percent required landscaping.

4.01.06 Table of Incompatible Adjacent Districts

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 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.

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 (40) percent 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 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 year old plants.

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.

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.

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 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 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 inch (.5) 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.

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 25% on-site native vegetation protection total (see Landscape Protection Regulations).

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.

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 4.02.06(1)(a-e) 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.

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.

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.

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:

<u>Common Name</u>	<u>Latin Name</u>	<u>Habitat</u>
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

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.

<u>Common Name</u>	<u>Latin Name</u>	<u>Freeze Damage</u>
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

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.

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.

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.

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 Section 403 of the Florida Statutes.
 - 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 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 20 feet landward from the mean high tide line. Cleared corridors 15 feet in width or less which provide access to water will be allowed at a frequency of every 100 feet of frontage along the water’s edge or one (1) corridor per lot, whichever is more stringent. In addition, only two 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.

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 4.03.05(A) 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 Statute 163.3220-3234, Florida Statutes, or mitigation measures pursuant to Chapter 17-312, Florida Administrative Code.
 - 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 Section 704.06, Florida Statutes, 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.

4.03.06 Restricted Development Zone

A. Generally

There are hereby created three Restricted Development Zones, one adjacent to jurisdictional wetlands, one adjacent canal shorelines, and one adjacent to Wildlife Protection Zones. These zones encompass all land within 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) Expeditious 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 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 4.01.06(C) 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 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 pump-out, 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 Chapter 403, Florida Statutes.
 - (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, scrap-fish, 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.

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 Florida Statutes 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 Sections 373.451-373.4595, Florida Statutes, 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.

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.

4.04.02 Definitions

Wellhead Protection Zone

All land within a three hundred (300) foot radius of an existing or designated municipal wellhead.

4.03.03 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 (Ch. 442, F.S.)
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.

4.05.00 FLOODPLAINS

4.05.01 See Chapter 152, Code of Ordinances; Ordinance 636, as amended by Ordinance 712.

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.

4.06.02 General Requirements

A. All non-exempt development (exemptions are defined in Section 17-25.030 F.A.C) must obtain a stormwater discharge permit from the Department of Environment Regulation pursuant to Chapter 17-25, F.A.C. and be designed, constructed, and maintained in accordance with subsection 4.06.03.

1. Single-family units, duplexes, triplexes, and quadplexes exempted from the requirements of Chapter 17-25 F.A.C. shall be designed, constructed, and maintained in accordance with subsection 4.06.03.

4.06.03 General Criteria

A. Water Quality

At a minimum, stormwater management facilities shall be designed to provide for a volume of treatment equivalent to one-half (1/2) inch of depth over the entire site or the runoff from the

first inch of rainfall on the entire site in accordance with Chapter 17-25, F.A.C. in order to meet receiving water quality standards in Chapter 17-302, section 17-302.500, F.A.C.

B. Water Quantity

At a minimum, stormwater management facilities shall be designed and constructed to attenuate stormwater runoff caused by the 25-year, 24-hour event, or in conformance with the provisions of Chapter 14-86, F.A.C. (Drainage Connection)

C. The proposed stormwater management system shall be designed to accommodate the stormwater that originates within the development and stormwater that flows onto or across the development from adjacent lands. The stormwater system shall not be required to attenuate or treat off-site flows, but must convey off-site flows downstream. In no case shall off-site flows be impeded.

D. For aesthetic reasons and to increase shoreline habitat, the shorelines of retention areas shall be sinuous rather than straight.

E. All 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 drainageways. As part of the development review process a developer shall include an "Erosion and Sediment Control Plan." This plan shall be certified by a registered professional engineer. The plan shall include:

1. Calculations of maximum runoff based on the 25-year, 24-hour storm;
2. A description of, and specifications for, sediment retention devices;
3. A description of, and specifications for, surface runoff and erosion control devices;
4. A description of vegetative measures; and,
5. A map showing the location of all items listed in 1 through 5 of this paragraph.

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.

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.

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 then (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.

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 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 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 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 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 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, ie. 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 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 (10) percent 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 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 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 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 occupant
Vehicle Sign:	Any sign affixed to a vehicle.
Wall Sign:	A sign attached parallel to and extending not more than 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.

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 square feet or less. Sandwich signs shall be in good taste, located on private property, and with a minimum distance of twenty feet between consecutive signs. There shall be a maximum of two sandwich signs per parcel and/or business.

- N. Under canopy signs which shall be limited to two per occupancy and no more than four square feet per sign.
- O. Signs, commonly referred to as “wind signs,” consisting of one 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.

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.

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 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 section 337.407, Florida Statutes.
- 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.

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

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.

5.03.02 Sign Types Allowed

A temporary sign may be a ground or building sign but may not be an electric sign.

5.03.03 Permits

Temporary signs as defined in this Code shall not require a permit from the City.

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 30 days. The owner or person entitled to possession of a sign impounded may recover any impounded sign prior to the expiration of the 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 30 days, the City Administrator, or his designee, may dispose of the sign in the same manner as surplus or abandoned city property.

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 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 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 45-day period following such windstorm or casualty; and
 - (2) During a special event, a temporary banner not exceeding 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 weeks.

- G. Wind signs may be permitted for as long as they are displayed in good taste and in a non-excessive 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 Florida State Statute 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 feet of one another, regardless of size.
 - (2). *Dimensions*. Political signs shall not exceed eight square feet per sign face and shall not exceed five feet in sign height measured from the aggregate grade.
 - (3). *Timelines for placement*. All political signs shall not be displayed prior to 90 days before the date of any election and shall be removed within ten 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.

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 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 feet in height.
- C. On All Other Parcels:
 - (1) All other parcels may display one 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.

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.

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	Number of signs allowed	Total Sign Area Allowed	Minimum Distance from any side property line	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 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 (10) percent of the façade 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 (15) percent of the façade 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 (20) percent of the façade 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 frontage. However, no ground sign on one 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.

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.

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.

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 (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.

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.

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.

5.05.02 Types Prohibited

All permanent outdoor advertising signs, as defined by this Code, are prohibited.

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 signs. See Figure 5.06.01-A.

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 from a side of a building or unit. See Figure 5.06.02-A.

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 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 sign faces are arranged in a square, rectangle, or diamond, the area of the sign shall be the area of the two 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.

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 sign faces are placed back to back and are at no point more than three (3) feet apart, it shall be counted as one sign.
2. If a sign has four faces arranged in a square, rectangle, or diamond, it shall be counted as two signs. See Figure 5.06.04-B.

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.

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.

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.

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.

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.

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 (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.

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.

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.

5.07.08 Maximum Window Coverage

The combined area of permanent and temporary signs placed on or behind windows shall not exceed twenty-five (25) percent of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed.

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.

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 (10) percent 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.

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.

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 (50) percent 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 (50) percent 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.

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 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 violations of this Code occur in any 12 month period.

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 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 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.

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.

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.

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 per offense or imprisonment of up to 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 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).

ARTICLE VI OFF-STREET PARKING, CIRCULATION AND ACCESS

6.01.00 DEFINITIONS

Access

Ingress to and egress from to 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 (6 feet, 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 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).

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 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.

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 or 1 per 100 sq. feet of gross floor area, whichever is greater
- 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

LAND USE

SPACES REQUIRED

- 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 Chapter 553, Part V, Florida Statutes.

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.

6.04.00 DESIGN STANDARDS

A. Minimum Size

1. Standard parking spaces shall be sized according to the following table.

Parking Angle	Stall Width	Stall Depth	Aisle Width	Curb Length Per Car	Lot Width (two rows plus aisle)
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 5% of the parking area for landscaping. If a commercial parking area is proposed, a six 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.

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 access point shall be permitted to a particular site from each of one or two abutting streets.
2. Dual access drives will be considered to be one 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:

Functional Road Class	Distance Between Access Points
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.

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 (50) percent 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 (25) percent 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 (25) percent, 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 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.

**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.

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.

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 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.

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.

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.

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.
- D. 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.

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.

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.

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 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 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 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, requires a submittal of project scope to the Mexico Beach Building Department, approval by the City Council, and the issuance a City of Mexico Beach building permit:
- (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 the following development orders with final approval being the sole responsibility of the Mexico Beach City Council:
 - (1) Major Commercial Development Orders
 - (2) Canal Development
 - 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-I, 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.
- 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 man-made 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 allows sufficient public notice for providing an opportunity for affected persons or interested persons to provide comments on the proposed development.
- 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 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 or more of the conditions imposed by this Code.

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 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.

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 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 on-site 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.

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 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.

7.04.00 PROCEDURE FOR APPEALING DECISIONS

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 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 15 days of receipt of a written decision.

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-year terms unless serving an unexpired term. Posts 2 and 4 shall serve initial two-year terms beginning on or about January 9, 2002 and ending two years thereafter on January 8, 2004. Thereafter, Posts 2 and 4 shall serve two-year terms. Posts 1, 3, and 5 shall serve initial one-year terms beginning on or about January 9, 2002 and ending one year thereafter on January 8, 2003. Thereafter, Posts 1, 3, and 5 shall serve two-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 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 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-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 or more regular members. In the absence of one regular member, only Alternate Post 1 may vote. In the absence of two 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.

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.

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 indicated below:

<u>Date of Issuance</u>	<u>Date of Expiration</u>
Jan 1 – Jun 30	Dec 31 of current year
Jun 30 – Dec 31	Jun 31 of following year

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.

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.

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:

$250 \text{ gal} \times \text{total number of Equivalent Residential Units} = \text{total projected demand.}$

Commercial:

$150 \text{ gal}/1,200 \text{ square feet of commercial space}$

- 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:

$4.5 \text{ lbs} \times \text{capita} = \text{total projected demand.}$

Commercial:

$4.5 \text{ lbs per } 1,000 \text{ square feet building area} = \text{total projected demand}$

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 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.

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

$$\text{Proportionate Fair Share} = \sum [((\text{Development Trips}_i) / (\text{SV Increase}_i)) \times \text{Cost}_i]$$

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 (5) percent of the roadway capacity.
6. Recreation
- a. The level of service standards shall be those adopted in the Comprehensive Plan as follows:

<u>Facility Type</u>	<u>Level of Service</u>
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.

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 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 Section 163.3220, Florida Statutes, or an agreement of development order issued pursuant to Chapter 380, Florida Statutes. 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 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 year of the issuance of the applicable development permit. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes.
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-year schedule of capital improvements, the concurrency requirement may be satisfied.

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 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.

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.

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 Chapter 177, Florida Statutes.

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.

7.08.01 Property Owner Notifications

It shall be the responsibility of the City of Mexico Beach City Administrator to notify affected property owners of any variance or rezoning requests or if a commercial parking lot is to be placed on a residentially zoned parcel.

- A. In the case of a variance request, notification is not limited to abutting property owners. Upon receiving the application for a variance, the City shall place a sign on the subject property for the purpose of notifying interested parties in the area.
- B. Rezoning request notifications are not limited to abutting property owners and may encompass an entire neighborhood. The City Administrator shall render the decision on the scope of such notifications. Upon receiving the application for a rezoning, the City shall place a sign on the subject property for the purpose of notifying interested parties in the area.
- C. Method of notification to adjacent homeowners shall be by certified mail. Cost of such mailing will be passed on to the variance or rezoning requester and shall be paid prior to the requests being heard by the Board.
- D. Failure to respond to the certified mailings on the part of the addressee will be counted as a favorable response for the requester.

7.09.00 PROCEDURE FOR AMENDING THIS CODE OR THE COMPREHENSIVE PLAN

7.09.01 Application

Any person may apply to the City to amend this Code or the Comprehensive Plan by submitting a written request to the City Administrator specifying the nature of the proposed amendment.

7.09.02 Amending this Code

The City Administrator shall refer the proposed amendment to the Planning and Zoning Board for consideration at the next scheduled public hearing that allows sufficient public notice. The Planning and Zoning Board shall hold an administrative hearing and shall make a recommendation on the proposal to the City Council. The City Council shall hold an administrative hearing and may enact or reject the proposal, or enact a modified proposal.

7.09.03 Amending the Comprehensive Plan

The City Administrator shall refer the proposed amendment to the Planning and Zoning Board for consideration at the next scheduled public hearing that allows sufficient public notice. The Planning

and Zoning Board shall hold an administrative hearing and shall make a recommendation on the proposal to the City Council. The City Council shall hold an administrative hearing and may decide to reject the proposal or submit the proposal or a modified proposal to the state land planning agency for review, subject to the requirements of Chapter 163, Florida Statutes.

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 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.

7.10.02 Definitions

- A. 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.

- B. 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.
- C. "uncorrectable violation," "continuing violations," "repeat violation," and "correctable violation" shall have the meanings ascribed to them by Section 7.10.06.

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.

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 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 copy of the civil violation notice with the City Clerk or his or her designee.

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 (2)(b)1. and 2. 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 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 Chapter 50, Florida Statutes, for legal and official advertisements.
 - 1.b. Proof of publication shall be made as provided in Sections 50.0541 and 50.051, Florida Statutes.
 - 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 of which shall be the property upon which the violation is alleged to exist and the other of which shall be City Hall.
 - 2.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.

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)(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.

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 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 five hundred dollars (\$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 two hundred fifty dollars (\$250.00) per day for a first violation and shall not exceed five hundred dollars (\$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.

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 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.

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 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 7.10.08(a), all findings of the Special Master shall be admissible in any proceeding to collect unpaid penalties.

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.

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 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 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 60 day period.
 - b. The City will charge a fee of one hundred (\$100.00) dollars 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.

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.

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 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 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.

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 two hundred fifty dollars (\$250.00) dollars.

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.

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.

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.

7.12.00 PROVISIONS FOR CERTAIN TYPES OF CONSTRUCTION CONCERNING NON-CONFORMING RESIDENTIAL AND NON-RESIDENTIAL STRUCTURES

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 enlarged, expanded, extended, or used for adding other structures or uses prohibited elsewhere in the same classification. In addition, the following regulations apply to non-conforming uses:

- A. Lots. 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 dwelling unit due to failing to meet the otherwise applicable density requirements.
- B. Structure. In any part of the City, a lawful dwelling unit erected on 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 50% of its fair market value, any reconstruction shall comply with the Mexico Beach Land Development Codes.
 - 2. If changes are going to be made to a non-conforming structure, it may be necessary to remove non-structural attachments (porches, decks, etc.) to make the structure comply with this Code.
 - 3. Additions may be constructed on non-conforming structures however, these additions may not exceed the setback or otherwise compound the cause of the non-conforming infringement.
 - 4. Any legally existing residential or non-residential structure, existing as of the date of the original adoption of this Code in 1991, shall be deemed consistent with the community character, and if destroyed by fire, natural disaster, or other calamity, may be rebuilt to the density and intensity as existing prior to said destruction but shall otherwise be required to meet all regulations and construction codes in effect. For purposes of this section, “destroyed” and “destruction” shall mean that the structure is damaged in excess of 50% of its fair market value.
- C. 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 7.02.02(A)(1)(b)(3) of this Code.