

**City Council Regular Meeting
Tuesday, July 9, 2019 1:00 pm
City Hall 201 Paradise Path**

Mayor William A. Cathey

**Councilman Bobby Pollock
Councilman Jerry Smith**

**Councilman Jerry Wallace
Councilman Rex Putnal**

1. Beach Inlet Project Funding – CDC
2. Variance for 215 St Frances Street
 - A. Open Public Hearing
 - B. Close Public Hearing
 - C. Discussion
 - D. Approve/Deny
3. Variance for 107 S 38th Street
 - A. Open Public Hearing
 - B. Close Public Hearing
 - C. Discussion
 - D. Approve/Deny
4. Variance for 1002 Hwy 98
 - A. Open Public Hearing
 - B. Close Public Hearing
 - C. Discussion
 - D. Approve/Deny
5. Edits to Land Development Code
6. Civic Center – Mr. Wallace
7. Minimum Square Foot for Dwellings
8. Closing Temporary Road from Bridge Repair – Mr. Pollock
9. Miscellaneous

*You are hereby notified that in accordance with Florida Statutes, you have a right to appeal any decision made by the Council with respect to any matter considered. You may need to insure that a verbatim record of the proceedings is made which may need to include evidence and testimony upon which the appeal is based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Adrian Welle, City Clerk, at 114 North 22nd Street, Mexico Beach, Florida 32456; or by phone at (850) 648-5700 at least five calendar days prior to the meeting. If you are hearing or speech impaired, and you possess TDD equipment, you may contact the City Clerk using the Florida Dual Party Relay System, which can be reached at 1-800-955-8770 (TDD).



City of Mexico Beach
P.O. Box 13425
Mexico Beach, FL 32410
Phone: 850-648-5700
Fax: 850-648-8768

REPORT TO CITY OF MEXICO BEACH CITY COUNCIL

FROM: Tanya Castro, City Administrator
TO: City of Mexico City Council
RE: 215 St Frances
DATE: June 26, 2019

PROCEDURAL ISSUES: A public meeting to hear this request will be held before the Planning & Zoning Board on Monday, July 1, 2019 and a second public meeting will be held on Tuesday, July 9, 2019 before the City Council.

REQUESTED ACTION: The current property owner wishes to expand an existing deck. The deck would require a rear setback variance of the entire width of the deck.

PETITIONERS/OWNERS:

Roy Layfield
215 St. Frances St.
Mexico Beach, FL 32456

LOCATION: The subject property is located at 215 St. Frances St.

CASE SUMMARY: The property located at 215 St. Frances St contains a single-family home. The owner is requesting to expand a deck and requests a variance from the rear setback.

PETITIONERS' COMMENTS: The Petitioner has indicated that they wish to expand this deck because "due to the hurricane, we do not have any access to our side yard from our back door."

CONFORMANCE TO COMPREHENSIVE PLAN: The Comprehensive Plan does not prohibit a setback variance.

ADJACENT LAND USE CONSIDERATIONS:

<u>Direction</u>	<u>Land Use</u>	<u>Current Zoning</u>
On-Site	Single-Family	Residential Low Density
North	Vacant	Residential Low Density
South	Vacant	Residential Low Density
East	Vacant	Residential Low Density
West	Vacant	Residential Low Density

APPLICABLE REGULATIONS:

Section 2.02.02B of the Land Development Regulations
Residential General Setbacks: Front 20', Side 7.5', Rear 10', Corner 10'

ANALYSIS: The subject parcel is .172 acre.

STAFF RECOMMENDATION: In this request, the owner is required to meet a rear setback of 10'. The existing deck is already completely in the rear setback and was constructed without a permit. The current owner purchased the property in March 2019 after the initial deck was constructed. The new deck addition, constructed by the current owner, is almost complete and was built without a permit as well. The City Code Enforcement officer discovered the violation and placed a stop work order on the property which prompted the variance request.

ATTACHMENTS:

1. Variance Application
2. Survey Map



City of Mexico Beach
P.O. Box 13425
Mexico Beach, FL 32410
Phone: 850-648-5700
Fax: 850-648-8768

REPORT TO CITY OF MEXICO BEACH CITY COUNCIL

FROM: Tanya Castro, City Administrator
TO: City of Mexico City Council
RE: 107 F 38th St., Mexico Beach
DATE: June 26, 2019

PROCEDURAL ISSUES: A public meeting to hear this request will be held before the Planning & Zoning Board on Monday, July 1, 2019 and a second public meeting will be held on Tuesday, July 9, 2019 before the City Council.

REQUESTED ACTION: The current property owner wishes to build a unit with ICF construction which requires 12" exterior walls. The owner doesn't want to lose interior space so is requesting a 6" variance from the south side setback.

PETITIONERS/OWNERS:

Gary and Jean Miller
1808 Bethsaida Rd
Boaz, AL 35957

LOCATION: The subject property is located at 107 F 38th St.

CASE SUMMARY: The property located at 107 F 38th St contained a multi-family home that was destroyed in the hurricane. The owner is requesting a side setback in order to build ICF constructions. Prior to the hurricane the owner had a 0' side setback as it appears that there is a 2.5' utility easement as part of his property.

PETITIONERS' COMMENTS: The Petitioner has indicated that they wish to expand the footprint because they don't want less interior space and with ICF construction they will lose 6".

CONFORMANCE TO COMPREHENSIVE PLAN: The Comprehensive Plan does not prohibit a setback variance.

ADJACENT LAND USE CONSIDERATIONS:

<u>Direction</u>	<u>Land Use</u>	<u>Current Zoning</u>
On-Site	Vacant	High Density Residential
North	Vacant	High Density Residential
South	Vacant	High Density Residential
East	Vacant	High Density Residential
West	Vacant	High Density Residential

APPLICABLE REGULATIONS:

Section 2.02.02B of the Land Development Regulations
High Density Residential Setbacks: Front 20', Side 7.5', Rear 10', Corner 10'

ANALYSIS: The subject parcel is .05 acre.

STAFF RECOMMENDATION: In this request, the owner has the option, under the current ordinance, to rebuild to the previous footprint. However, if the owner wants to build a larger footprint then they must meet current setbacks, and prior to the storm the building was at the property line (excluding the utility easement). A copy of the property survey was not provided but the owner is attempting to obtain that document. If this area is indeed a utility easement, the City would not recommend allowing building encroachment into the setback area.

ATTACHMENTS:

1. Variance Application

2.02.03 ~~Mixed Use~~ Projects Developed With a Mixture of Land Uses

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

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

1. Residential Structures developed or redeveloped in GC or TC Zoning Districts shall ~~adhere to the residential density requirements as set forth above~~ have a maximum density of eighteen (18) dwelling units to the acre.
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 2010'; 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.~~
43. 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 LDRC section 4.01, et seq.

2.02.04 Height Measurement

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

7.12.01 Non-conforming Uses

All uses existing on the effective date of this Regulation or any amendment hereto, that preexisted or were permitted pursuant to the 1991 Mexico Beach Land Development Codes and have continued pursuant to the standards for nonconforming uses shall be considered nonconforming under the terms of this Regulation. Uses not legally permitted by this Regulation or the 1991 Mexico Beach Land Development Codes or which did not preexist the 1991 Mexico Beach Land Development Codes shall be considered illegal. This section is to protect the rights of property owners who have lawfully established and continuously maintained a use prior to the effective date of this Regulation. These non-conforming uses may continue in their present condition, but shall not be substantially enlarged, expanded, extended, or ~~used for adding~~ be allowed to add other structures ~~or uses prohibited elsewhere in the same classification~~. In addition, the following regulations apply to non-conforming uses:

- A. Vacant Lots. Vacant P 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. If a use is discontinued or abandoned for a period of six (6) months or more, the use may not continue.
- A.C. As pursuant to Policy 1.8.4 of the Comprehensive Plan, the use shall be considered substantially changed, intensified, or expanded from the current use when an increase in the number of trips generated as deemed by a comparative analysis utilizing the Institute of Traffic Engineers Trip Generation Manual, most recent edition.

7.12.02 Non-conforming Structures

- A. B. — Structure. In any part of the City, a lawful dwelling unit Any structure erected on or prior to the original adoption date of this Code, or amendment of this Regulation, but not permitted thereafter, may continue or be occupied, provided:
 1. If the structure is damaged in excess of 50% or more of ~~its~~ the fair market value of the structure at the time of damage or destruction, any reconstruction shall comply with the current Mexico Beach Comprehensive Plan and Land Development Codes requirements.
 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.~~ Structures which are deemed historical or historically significant may rebuild to the historic nature of the development.
 3. Additions may be constructed on non-conforming structures. ~~h~~ However, these any alteration additions may not exceed the any adopted setback current development standard 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. Any lot or parcel that is designated with a Future Land Use that allows for residential development that existed on or prior to the original adoption date of this Land Development Code shall not be prohibited by applicable density requirements from having the same number of dwelling units as existed on that lot or parcel that were in place on October 9, 2018.~~

5. The provisions of Section 2.02.07(E), Limited Setback Waiver, shall remain in force until October 9, 2020.

- 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.