

ORDINANCE NO. 2022-400

AN ORDINANCE OF THE CITY OF PARKER, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP, REDESIGNATING A PARCEL OF PROPERTY LOCATED AT 5818 and 5820 HWY 98 BUSINESS EAST, CONSISTING OF APPROXIMATELY 3.259 Acres, AND HAVING PARCEL IDENTIFICATION NUMBERS 25813-010-000 and 25813-030-000, FROM MIXED-USE ONE (MU-1) TO MIXED-USE TWO (MU-2); PROVIDING FOR SCRIVENER'S ERRORS AND LIBERAL CONSTRUCTION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature adopted Chapter 163, Laws of Florida, which requires the City of Parker ("City") to prepare, adopt and enforce a comprehensive plan;

WHEREAS, GMZ Holding, LLC is the owner of that certain parcel of real property consisting of approximately 3.259 acres, more or less, located at 5818 and 5820 East Highway 98, Parker, Florida, having Parcel Identification Numbers of 25813-010-000 and 25813-030-000, in the City more particularly described as follows ("Property"):

**DESCRIPTION OF PARCEL I:** COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF SECTION 24, TOWNSHIP 4 SOUTH, RANGE 14 WEST, BAY COUNTY, FLORIDA AND THE NORTHWESTERLY R/W LINE OF U.S. HIGHWAY 98; THENCE N 38°56'27" E ALONG SAID R/W LINE FOR 1014.60 FEET; THENCE LEAVING SAID R/W LINE RUN N 89°52'34" W FOR 170.00 FEET TO THE POINT OF BEGINNING; THENCE S 89°52'34" E FOR 170.00 FEET TO SAID NORTHWESTERLY R/W LINE; THENCE N 38°56'27" E ALONG SAID R/W LINE FOR 190.10 FEET; THENCE LEAVING SAID R/W LINE, RUN N 42°55'33" W FOR 144.79 FEET; THENCE N 37°41'30" E FOR 31.30 FEET; THENCE N 33°19'58" W FOR 52.80 FEET; THENCE N 48°25'24" W FOR 146.50 FEET; THENCE N 20°29'31" W FOR 228.45 FEET, MORE OR LESS, TO THE WATER'S EDGE OF PITTS BAYOU; THENCE NORTHWESTERLY AND SOUTHEASTERLY ALONG SAID WATER'S EDGE FOR 1189.10 FEET, MORE OR LESS, TO A POINT THAT IS N 48°39'06" W FROM THE POINT OF BEGINNING; THENCE S 48°39'06" E FOR 38.47 FEET TO THE POINT OF BEGINNING.

**DESCRIPTION OF PARCEL A:** COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF SECTION 24, TOWNSHIP 4 SOUTH, RANGE 14 WEST, BAY COUNTY, FLORIDA, AND THE NORTHWESTERLY RIGHT

OF WAY LINE OF U.S. HIGHWAY 98; THENCE N 38°56'27" E ALONG SAID RIGHT OF WAY LINE FOR 1204.70 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 38°56'27" E ALONG SAID RIGHT-OF-WAY LINE FOR 40.34 FEET; THENCE LEAVING SAID RIGHT OF WAY RUN N 46°37'47" W FOR 144.44 FEET; THENCE S 37°41'30" W FOR 31.03 FEET; THENCE S 42°55'33" E FOR 144.79 FEET TO THE POINT OF BEGINNING.

**DESCRIPTION OF PARCEL B:** COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF SECTION 24, TOWNSHIP 4 SOUTH, RANGE 14 WEST, BAY COUNTY, FLORIDA, AND THE NORTHWESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 98; THENCE N 38°56'27" E ALONG SAID RIGHT OF WAY LINE FOR 1284.18 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT OF WAY LINE RUN N 50°58'35" W FOR 144.62 FEET; THENCE S 37°41'30" W FOR 28.20 FEET; THENCE S 46°37'47" E FOR 144.44 FEET TO SAID NORTHWESTERLY RIGHT OF WAY LINE; THENCE N 38°56'27" E ALONG SAID RIGHT OF WAY LINE FOR 39.14 FEET TO THE POINT OF BEGINNING.

WHEREAS, the owner has requested that said Property be changed in their land use category from Mixed Use One (MU-1) to Mixed Use Two (MU-2);

WHEREAS, the Planning Commission of the City held a meeting on March 22, 2022 to consider Proposed Comprehensive Plan Amendment 2022-S1 and recommended the Amendment be approved for adoption;

WHEREAS, the City Council of the City held Public Hearings on April 1, 2022 and April 19, 2022, in connection with Comprehensive Plan Amendment 2022-S1, pursuant to Sections 163.3184 and 163.3187, Florida Statutes, with due public notice having been provided, and having reviewed and considered all comments received during the public hearings, and having provided for necessary revisions; and,

WHEREAS, in exercise of its authority, the City Council of the City finds it necessary and desirable to adopt and does hereby adopt Comprehensive Plan Amendment 2022-S1.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER AS FOLLOWS:**



SECTION 1. Purpose and Intent.

The Property is reclassified on the Future Land Use Map of the Comprehensive Plan from Mixed Use One (MU-1) to Mixed Use Two (MU-2).

SECTION 2. Comprehensive Plan Amendment.

The City of Parker Comprehensive Plan is hereby amended as set forth herein and incorporated herein by reference, consisting of a Future Land Use Map Amendment. The Future Land Use Map of the City is hereby amended to reflect the change in the land use category of the Property.

SECTION 3. Unaltered Provisions of Existing Comprehensive Plan.

Except as amended and modified by this Ordinance, all provisions of the Comprehensive Plan, as previously amended, shall remain unaltered and in full force and effect.

SECTION 4. Scrivener's Error.

The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee, without public hearing.

SECTION 5. Ordinance to be Liberally Construed.

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

SECTION 6. Repealer.

All ordinances and resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. Severability.

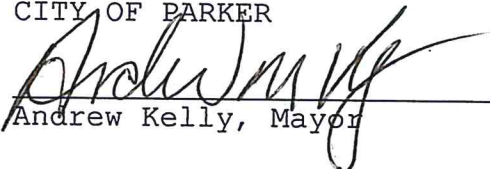
If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 8. Effective Date.

The effective date of this Ordinance containing the Comprehensive Plan Amendment shall be the later of thirty-one days from the date of adoption of this Ordinance if no appeal is filed or, if an appeal is filed then the date a final order is issued by the Department of Economic Opportunity finding the amendment to be in compliance in accordance with Sections 163.3184 and 163.3187, F.S.; or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Sections and 163.3184 and 163.3187, F.S. No development orders, development permits, or land uses dependent on this Ordinance may be issued or commenced before this Ordinance (amendment) becomes effective.

**PASSED, APPROVED, AND ADOPTED** at a meeting of the City Council of the City of Parker, Florida on this 19<sup>th</sup> day of April, 2022.

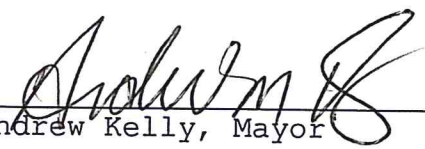
CITY OF PARKER

  
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Andrew Kelly, Mayor

ATTEST:

Melissa R. Correia  
~~Jami Hinrichs, City Clerk~~  
Melissa Correia, Acting City Clerk

Examined and approved by me, this 19<sup>th</sup> day of April, 2022.

  
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Andrew Kelly, Mayor