

ORDINANCE NO. 2025-426

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (ORDINANCE NO. 2022-409) TO AMEND CERTAIN PROVISIONS TO REQUIRE THE ISSUANCE OF DEVELOPMENT PERMITS BE SUBJECT TO THE APPROVAL OF THE CITY ENGINEER; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER AS FOLLOWS:

Section 1. Section 3-4.3 in the Land Development Regulations ("LDR") is amended follows:

3-4.3 Permit Approval Authority

The City Clerk or the designee of the City Clerk shall have authority to issue development permits for minor developments, subject to the prior approval of the City Engineer, without action being taken by the City Council when issuance of such permit involves:

1. Construction or renovation of an individual single-family detached residence on one lot or parcel.
2. Placement or replacement of a recreational vehicle or mobile home / manufactured home in a MU-1 or MU-2 district on a single lot or parcel during the demolition, repair or reconstruction of a home damaged as a result of a natural disaster. Placement or replacement of a recreational vehicle in a RES district on a single lot or parcel during the demolition, repair or reconstruction of a home damaged as a result of a natural disaster.
3. Construction or placement of accessory structures which are not intended for human occupancy or habitation.
4. Construction of a dock or seawall not required to be considered by the City Council in accordance with Section 86-73 of the Code of Ordinances of the City, as may be amended or superseded.
5. Placement or replacement of a POD, CONEX box or shipping container on a single lot or parcel for the temporary storage of the contents of a home being repaired or reconstructed. Such approval shall be for a period not to exceed one (1) year and may be renewable by the City Council in excess of one (1) year.

All recommendations or actions taken by the City Clerk relative to the authority granted under this subsection shall be in conformance with the provisions of these Land Development Regulations, the Comprehensive Plan, and other applicable laws, statutes, ordinances, resolutions, regulations or codes.

Section 2. Section 6-1.3 of the LDR is hereby amended as follows:

6-1.3 Development Review Process

The following process shall be adhered to during the course of development review.

1. Developers wishing to engage in development activities, except as listed in subsection 6-1.2.3 above, shall first obtain from the City an application for a development permit. Such application shall be in the form prescribed by the City Clerk and shall be completed by the developer or an agent authorized to act on behalf of the developer. Development reviews shall be conducted using only those forms or materials established and approved by the City including the site plan requirements specified in subsection 6-1.4 of these Land Development Regulations.
2. A pre-application conference may be requested by an applicant upon completion of the development permit application. A pre-application conference is an optional step in the development review process.
3. Development review shall be undertaken for the following types of development as follows.
 - a. Minor Development. Requires review by the City Clerk or the City Clerk's designee after review and approval by the City Engineer or the City Engineer's designee. The following activities would require a Minor Development Review:
 - i. Uses permitted in the land use category and compatible with other land uses in the land use category and developed in conformity with the City's land development regulations without the need for a variance;
 - ii. Construction or modification of one single-family dwelling unit; or installation of one owner-occupied manufactured home; or mobile home on a lot where a manufactured home or mobile home had been located within the prior six months; or the construction of an accessory structure to such a dwelling on a lot or parcel with legal access;

- iii. Construction or placement of accessory structures which are 120 square feet or more and not intended for human occupancy or habitation; or
- iv. Expansion of existing multi-family or commercial uses by less than 1,000 square feet of gross building area or an increase in total impervious surface area of less than 15 percent.
- v. Reconfiguration of previously permitted improvement so long as the square footage of the principal structure has not increased and so long as there are no changes to any accessory structures or development components.

The review will be conducted by the City Clerk or their designee. At a minimum, review must be based upon compliance with Article 4 – Land Use District and Article 5 – Development Standards. Review may include consultation with other City and affiliated agency technical staff. Applications must include a site plan of the subject property, as described in Section 6-1.4.2.a, along with sufficient information to demonstrate compliance with applicable standards. Additional information or impact assessments may be required for development activities in designated conservation zones.

- b. Major Development. Requires review by the Planning Commission and City Council. Major Development review involves large-scale development activities including all activities not listed within subsection 6-1.3.3.a. or exempted by subsection 6-1.2. Major Development review must be based upon all requirements of Minor Development review plus an assessment of impacts which may be caused by the proposed development. At a minimum, the impact assessment must address the following general parameters;
 - i. Adequacy of public facilities and services available to serve the proposed development and bonding of all infrastructure by phase;
 - ii. Suitability of site conditions including topography and soils, and the extent to which site modifications will be necessary to accommodate the proposed development;
 - iii. Ingress and egress to roadways;
 - iv. Drainage or stormwater management;
 - v. Water infiltration;

- vi. Vehicular traffic, including on-site parking;
- vii. Required permits from other governmental agencies;
- viii. Noise;
- ix. Lighting;
- x. Public safety and/or potential to create a public nuisance; and
- xi. Impacts on natural resources.

Review may include consultation with other City and affiliated agency technical staff. Applications must include a site plan of the subject property along with a Development Permit Application. Additional information or assessment may be required for development activities in designated conservation zones.

Section 3. Section 6-1.5 of the LDR is hereby amended as follows:

6-1.5 Development Permit Approval

1. Standards

Upon review and finding of completion of a development permit application pursuant to these Land Development Regulations the City, its designee, or City Council may issue a development permit. The decision for issuance of such permit shall be based upon general standards, including but not limited to:

- a. The proposed development must not be in conflict with or contrary to the public interest;
- b. Unless otherwise exempted, the proposed development must be consistent with the Comprehensive Plan and the provisions of these Land Development Regulations;
- c. The proposed development must not cause significant financial liability or hardship for the City;
- d. The proposed development must not create an unreasonable hazard or nuisance, or otherwise constitute a threat to the general health, welfare or safety of the public; and

- e. The proposed development must be in conformance with all other applicable laws, statutes, ordinances, regulations or codes.

2. Approval Authority

Responsibility for approval of development permits shall be as follows.

- a. Minor Development: City Clerk or City Clerk's designee with the prior approval of the City Engineer or the City Engineer's designee.
- b. Major Development: City Council

Section 4. Section 6-1.6 of the LDR is hereby amended as follows:

6-1.6 Review Period

All applications for major developments shall be submitted to the City Clerk and to Tyndall Air Force Base Commander or their designee(s) for review and comments. Required reviews and subsequent actions or recommendations shall be completed within thirty (30) days after the date the application is submitted and deemed complete by the City Clerk.

Upon completion of the 30-day review period:

- a. If a Minor Development Review is completed, the City Clerk shall:
 - i. approve the Minor Development plan and issue the applicant a development permit if found to be compliant with subsection 6-1.5 and other requirements of these Land Development Regulations and the City Engineer also approves of the Minor Development plan;
 - ~~ii.~~ deny the application based on the failure of the development to comply with the standards of these Land Development Regulations; ~~or~~
 - iii. deny the application if the City Engineer determines the development to fails comply with the standards of these Land Development Regulations or any other applicable code or regulation; or
 - ~~iii.~~iv. refer the application to the Planning Commission or the City Council, as the Clerk deems appropriate. If it is referred to the Planning Commission or the City Council, the applicable governing body will schedule a public hearing to be noticed in accordance with subsection 6-3.5. The Planning Commission shall recommend

whether to approve, approve with conditions, or deny the application.

b. If a Major Development Review is completed:

- i. The City Clerk shall notify the Planning Commission and schedule a public hearing to be noticed in accordance with subsection 6-3.5. The Planning Commission shall recommend whether to approve, approve with conditions, or deny the application.
- ii. The City Council must then review the application at a public hearing noticed in accordance with subsection 6-3.5. The City Council will review the application for compliance with subsection 6-1.5 and other requirements of these Land Development Regulations and render final decision. The City Council shall approve, approve with conditions, or deny the application.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Scrivener's Errors. 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 7. 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 8. Repeal of Conflicting Ordinances and Resolutions. All other charter provisions, codes, ordinances and resolutions or parts of charter provisions, codes, ordinances and resolutions or portions thereof of the City of Parker in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 9. Effective Date. This Ordinance shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED at a meeting of the City Council of the City of Parker, Florida on the ____ day of June, 2025.

CITY OF PARKER

ANDREW KELLY, Mayor

ATTEST:

INGRID BUNDY, City Clerk

Examined and approved by me, this ____ day of June, 2025.

ANDREW KELLY, MAYOR

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