ORDINANCE NO. 2013-360

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PARKER (ORDINANCE NO. 2010-349, AS AMENDED); AMENDING CHAPTER 86 OF THE CODE OF ORDINANCES RELATING TO WATERWAYS AND STRUCTURES IN CITY WATERS; PROVIDING SEVERABILITY, CODIFICATION AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Section 86-72 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 86-72. Application for permit; plans; fee.

(a) *Application for permit.* Application for any permit required by this article shall be made to the city clerk or the clerk's designee in writing on forms provided therefor. The permit shall constitute an agreement by the permittee to comply with all conditions imposed in the granting of the permit.

(b) *Plans.* The application shall be accompanied by plans and specifications setting forth in detail the work to be done.

(c) *Fee.* Each application shall be accompanied by a fee in an amount established by the city council. Fees shall not be returnable by the city to the applicant whether or not the permit is granted.

Section 2. Section 86-73 of the Code of Ordinances, City of Parker. Florida, is hereby amended to read as follows:

Sec. 86-73. Processing the application.

(a) *Approval required.* Prior approval of the council or its designee shall be required before any permit is issued. The application and plans and specifications shall be reviewed by the council or its designee to determine whether the proposed work meets all the requirements of this article and any standards and policies adopted by the council for such construction or work and is in the public interest. The council or its designee shall approve or disapprove each application

within 45 days after it is submitted.

(b) *Hearing.* A public hearing shall be held by the council before any application is approved when:

(1) The abutting upland property is a dedicated public right-of-way.

(2) The abutting upland property is owned by the city.

(3) The abutting property is zoned commercial.

(4) Approved bulkhead lines do not exist.

(5) The structure would affect a designated swimming area, or interfere with access to existing structures.

(6) The structure is to be used for commercial purposes.

(7) More than one slip or float is requested bayward of a single parcel.

(c) *Conditions.* In granting any such application, the council may impose conditions in the permit which it deems necessary to protect commerce, navigation, fishing or the health, welfare and safety of the citizens of the city.

Section 3. 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 4. Codification.

The provisions of this Ordinance shall become and be made part of the Code of the City. The sections of this Ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. Repeal of Conflicting Codes, Ordinances, and Resolutions.

All codes, ordinances and resolutions or parts of 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 6. Effective Date.

This Ordinance shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED at a Special Meeting of the City Council of the City of Parker, Florida as of the 28th day of December, 2012.

CITY OF PARKER

Tonya K Barrow

TONYA K. BARROW, Mayor

ATTEST:

Nancy Rowell, City Clerk

Examined and approved by me, this 28th day of December 2012.

TONYA K. BARROW, MAYOR