ORDINANCE NO. 2021-393

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 STRUCTURES ON CITY WATERS AND PERMITS; 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 86-73 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 86-73. Processing the application and permitting.

(a) State and Federal Exempt/General Permit Docks and Seawalls. Except for any applications required to be referred to the council as specified herein, applications that have or will be qualified as exempt from state or federal permitting or which have or will have a general permit from the applicable state or federal permitting agencies shall only require review and either issuance or denial by the city clerk or the designee of the city clerk. Applications for docks and/or seawalls meeting any of the following criteria shall not be reviewed or permitted by the city clerk or the designee of the city clerk but instead shall be referred to the council for a public hearing and disposition if: (i) the structure is intended to be used/employed in connection with a commercial business, (ii) the structure will have a commercial purpose, (iii) the dock has more than two (2) slips waterward of a single parcel, (iv) the abutting upland property is a dedicated public right-of-way, (v) the abutting upland property is owned by the city, (vi) the abutting property has a commercial land use designation, (vii) the structure would affect a designated swimming area or interfere with access to existing structures, (viii) the structure has already been fully or partially constructed at the time the application is submitted to the city, or (ix) other special circumstances are determined to exist by the city clerk or the designee of the city clerk.

(1) Review by city clerk or the designee of the city clerk. Prior consideration of the application, all required information and documentation must be provided to the city clerk or designee of the city clerk and all fees owed shall have been paid to the city. The application

and plans and specifications shall be reviewed 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. The city clerk or the designee of the city clerk shall approve or disapprove each application within 30 days after the later of (i) the completed application with all required information and documentation is submitted to the city and all required fees have been paid to the city, or (ii) all city requested reviews of engineers and other professionals have been completed.

(2) *No hearing for exempt docks and seawalls.* No public hearing shall be required for permits meeting the requirements for review by the city clerk or the designee of the city clerk in this subsection (a).

(3) *Considerations in review of application.* In reviewing an application under this subsection (a), the city clerk or the designee of the city clerk may consider or condition the permit on any criteria he or she deems appropriate to protect commerce, navigation, fishing or the health, welfare and safety of the citizens of the city.

(4) *Referral to engineer or other professionals.* The city clerk or the designee of the city clerk may refer any application, information and documentation to an engineer or other professional in connection with the review of the application.

(5) In the event of a denial of the permit, the applicant shall have the right to file an appeal with the council within thirty (30) days of rendition of the denial by the city clerk or the designee of the city clerk. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record of the city clerk or the designee of the city clerk.

(6) In the event of a denial of the permit through an appeal to the council, the applicant shall have the right to file a final appeal with the Circuit Court of Bay County, Florida within thirty (30) days of rendition of the denial by the council. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record of the council.

(b) *Council approval required.* In the case of any permit application not disposed of under subsection (a) above, prior approval of the council shall be required before any permit is issued. The city may refer any such application, information and documentation to an engineer or other professional in connection with the review of the application. The application and plans and specifications shall be reviewed by the council 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.

(1) *Hearing and conditions.* A public hearing shall be held by the council and the council may impose conditions in any permit which it deems necessary to protect commerce, navigation, fishing or the health, welfare and safety of the citizens of the city.

(2) *Appeal.* In the event of a denial of the permit, any interested party, having exhausted his or her administrative remedies before the council, may appeal to the Circuit Court of Bay County, Florida. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record of the council. An appeal shall be filed withing thirty (30) days of the rendition of the order of the council.

Section 2. 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 3. 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 4. 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 5. 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 6. 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 7. Effective Date.

This Ordinance shall take effect immediately upon its passage.

PASSED, ADOPTED AND ADOPTED at a Meeting of the City Council of the City of Parker, Florida as of the 15th day of June, 2021.

CITY OF PARKER

ANDREW KELLY, Mayor

ATTEST:

KAREN GRIFFIN, City Clerk

Examined and approved by me, this 15th day of June, 2021.

ANDREW KELLY, Mayor