ORDINANCE NO. 2025-429

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (ORDINANCE NO. 2022-409, AS AMENDED) TO AMEND CERTAIN PROVISIONS RELATING TO EXISTING NON-CONFORMING DEVELOPMENT IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; 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 6-3.1 in the Land Development Regulations ("LDR") is hereby amended follows:

6-3.1 Existing Non-Conforming Development

The requirements prescribed herein shall not be construed to require the removal, lowering, or other change to or alteration of any structure not conforming to the regulations as of the effective date of these Regulations, or to otherwise interfere with continuance of any nonconforming use except as provided in Sections 333.07(1) and (3), Florida Statutes and other Florida law.

Before any non-conforming structure is constructed, established, substantially altered, substantially repaired or replaced, the owner must obtain a permit (unless exempt as de minimus) from the City authorizing such replacement, repair or change.

Subject to the following restrictions for continuance of non-conforming development such development may, if in existence on the effective date of these Land Development Regulations, remain in its non-conforming state.

1. Public Hazard. The development must not constitute a threat to the general health, safety and welfare of the public.

2. Ordinary repair and maintenance. Normal maintenance and repair to permit continuation of non-conforming development may be performed.

3. Expansions or extensions. Non-conforming uses shall not be changed, expanded, or extended.

4. Abandonment or discontinuance. Where non-conforming development is abandoned or the use of the entire parcel is discontinued for a period of one hundred eighty (180) days in any 365-day period such use shall not be continued or resumed, and shall be subject to compliance with the provisions of these Land Development Regulations. However, discontinuance of the use of less than a majority of the total number of single

mobile home / manufactured home lots in a mobile home / manufactured home park shall not result in the loss of the non-conforming use of those lots.

5. Damage or destruction. In the case of detached single-family dwelling substantially damaged or destroyed by fire or natural disaster, the owner may rebuild the dwelling in the same footprint with the same number of stories as it previously existed unless there is a safety or flood zone concern or prohibition of the City and as long as the level of non-conformity does not increase. Where other non-conforming development is substantially damaged or destroyed reconstruction of such development shall be in compliance with all provisions of these Land Development Regulations. A dwelling is considered to be substantially damaged or destroyed if the cost of reconstruction is fifty (50) percent or more of the fair market value of the structure at the time of the damage or destruction. For non-conforming development comprised of multiple structures including ancillary structures the cost of reconstruction shall be compared to the combined fair market value of all of the structures.

6. Change of ownership. For any use existing prior to November 20, 1990, that became a nonconforming use thereafter but prior to November 4, 2025, on a property having the same fee-simple ownership from November 1, 2022 through November 4, 2025, a change of ownership or other transfer of a recorded interest in real property on which a non-conforming use is located after November 4, 2025, shall not terminate the non-conforming use status unless (a) the owner has eliminated the nonconforming use between November 20, 1990 and November 4, 2025; (b) the city has authorized a change in the use of the property eliminating its nonconforming status between November 20, 1990 and November 4, 2025; (c) the owner modifies, alters, adds to or deletes from what is constructed on the property by more than 1% of the square footage existing on November 4, 2025; or (d) the owner modifies, alters, adds to or deletes from what is constructed on the property alter the value of the property by more than 1% after November 4, 2025 as compared to its value prior to November 4, 2025. By way of example only for sub-subparagraph (a) and not a limitation on any specific foregoing provision, a duplex existing on November 20, 1990, that converted to a single-family residence prior to November 4, 2025, in a low density residential land use district, cannot be converted back to a duplex after November 4, 2025. For any and all other noncorforming use other than those set forth in this subparagraph 6, a c~~C~~hange of ownership or other transfer of a~~n~~ recorded interest in real property on which a non-conforming use is located shall terminate the non-conforming use status, regardless of whether the owner or purchaser modifies or alters the use of the property.

7. Replacement. Nothing contained herein shall preclude an owner of a non-conforming structure from replacing the non-conforming structure with a structure of similar size in the same footprint and equal to or better quality so long as the extent of the overall non-conformity of the entire property is not materially increased and only if the replacement complies with all other provisions of these Land Development Regulations including but not limited to Sections 5-11 or 5-12.

8. Change in structure. The regulations prescribed herein shall not be construed to require a change in the use of a structure not conforming to the regulations as of the effective date of these Regulations. Should a nonconforming structure be converted in whole or in part to a conforming structure, that portion of the nonconforming structure so converted shall lose its nonconforming status.

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 Errors. The City Attorney may correct any scrivener’s errors found in this Ordinance, without public hearing, by filing a corrected copy of the Ordinance with the Clerk. A scrivener’s error may not include an amendment that changes the intent or meaning of the Ordinance.

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. 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 6. 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 4th day of November, 2025.

CITY OF PARKER

_____
ANDREW KELLY, Mayor

ATTEST:

_____
INGRID BUNDY, City Clerk

Examined and approved by me, this 4th day of November, 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~~.