CITY OF PARKER
AGENDA ITEM SUMMARY

1. *DEPARTMENT MAKING REQUEST/NAME OF PRESENTER:*	2. *MEETING DATE:*
Council/Sloan	**August 20, 2024**

3. ***PURPOSE:***

1. Public Hearing – 1st Reading Ordinance 2024-424

ORDINANCE NO. 2024-424 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 OFF-PREMISES SIGNS; 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.

4. ***IS THIS ITEM BUDGETED (IF APPLICABLE)***

YES ☐ **NO** ☐ **N/A X**

AGENDA ITEM # 3

NOTICE OF PUBLIC HEARINGS FOR THE ADOPTION OF AN AMENDMENT OF THE CITY OF PARKER, FLORIDA, LAND DEVELOPMENT REGULATIONS

The Planning Commission of the City of Parker will conduct a public hearing in the Council Meeting Room, Parker City Hall, 1001 West Park Street, Parker, Florida, on August 13, 2024, at 5:01 p.m. or as soon thereafter as the issue may be heard in connection with a recommendation for the possible adoption of an amendment to the City of Parker, Florida, Land Development Regulations, in Ordinance No. 2024-424. The City Council of the City of Parker will conduct a public hearing in the Council Meeting Room, Parker City Hall, 1001 West Park Street, Parker, Florida, on August 20, 2024, at 5:30 p.m. or as soon thereafter as the issue may be heard in connection with a recommendation of the Planning Commission concerning the possible adoption of the City of Parker, Florida, amendment to its Land Development Regulations in Ordinance No. 2024-424, the header of which is set forth below. Another public hearing of the City Council of the City of Parker to in connection with the recommendation of the Planning Commission and possible adoption of the City of Parker, Florida, amendment to its Land Development Regulations in Ordinance No. 2024-424, the header of which is set forth below, will be held on September 3, 2024, in the Council Meeting Room, at City Hall, 1001 West Park Street, Parker, Florida, at 5:30 p.m. or as soon thereafter as the issue may be heard. Members of the public and all interested parties are invited to attend. The purpose of the Public Hearings is to receive public comments and make decisions regarding the above matter.

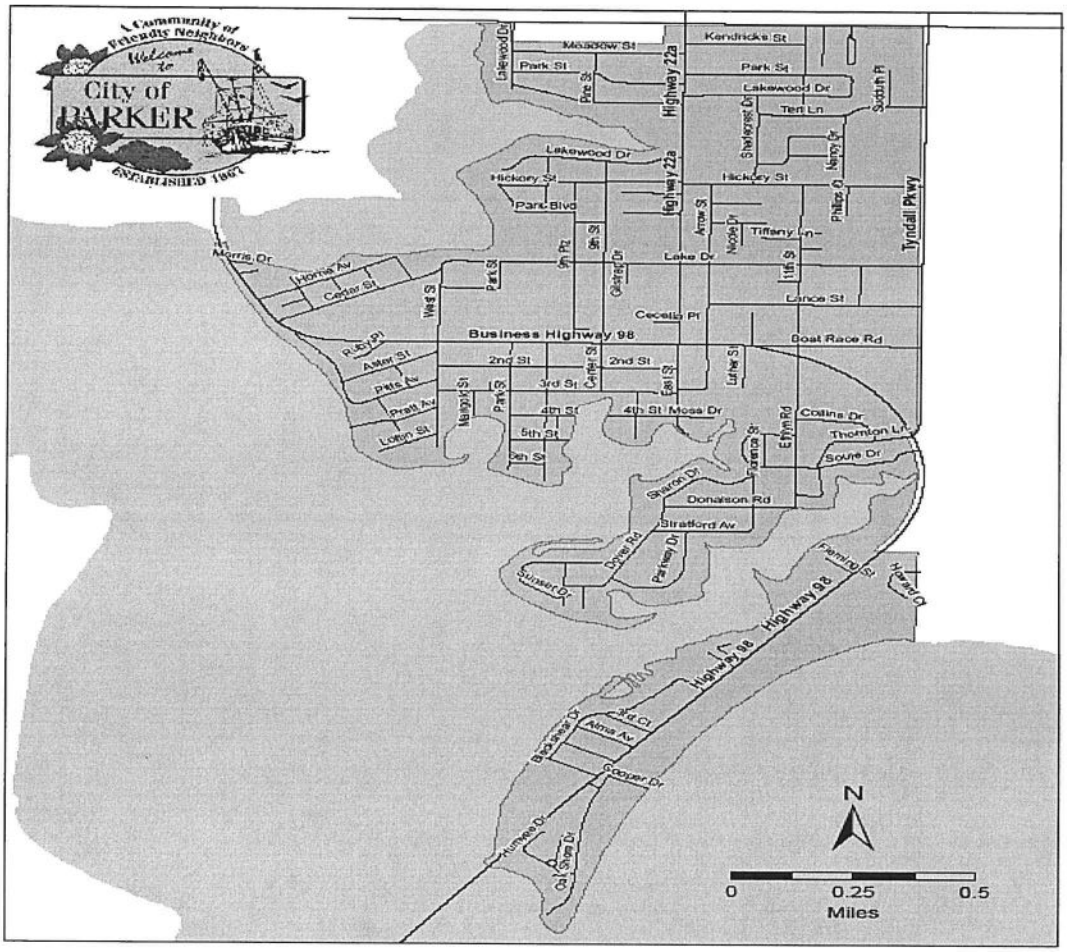
During or following the Planning Commission public hearing the Planning Commission will consider a recommendation concerning the possible adoption of Ordinance No. 2024-424. During or following the first City Council public hearing, the City Council will the possible adoption of Ordinance No. 2024-424 having a first reading of Ordinance No. 2024-424. During or following the second public hearing, the City Council will also consider a second reading and adoption of Ordinance No. 2024-424.

The adoption of the City of Parker, Florida, Land Development Regulations will be accomplished by adoption of the Ordinance set forth by title as follows:

ORDINANCE NO. 2024-424

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 OFF-PREMISES SIGNS; 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.

The adoption of the City of Parker, Florida, Ordinance No. 2024-424 will enact certain provisions affecting the use and development of all land within the entire City of Parker, Florida, particularly land in a commercial land use district and including but not limited to land in the Community Development Areas. The proposed ordinance shall affect all land within the City currently designated and designated in the future as being in a commercial land use district as all such land of the City of Parker is depicted on the following map.



All interested parties are invited to attend the public hearings and comment upon the proposed adoption of Ordinance No. 2024-424 (proposed amendment of City of Parker, Florida, Land Development Regulations) or submit their comments in writing to the City Council prior to the date of the Public Hearings. Further information concerning Ordinance No. 2024-424 (proposed amendment of City of Parker, Florida, Land Development Regulations) can be obtained from the City Clerk at City Hall, at 1001 W. Park Street, Parker, Florida, 32401, or by calling (850) 871-4104, between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday, excluding holidays.

Please be advised that if a person decides to appeal any decision made with respect to any matter considered at these hearings, such person will need a record of the proceedings, and for this purpose such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which

the appeal is based. The City of Parker does not provide or prepare such record pursuant to Section 286.0105 of the Florida Statutes.

In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation to participate in these proceedings should contact the City Clerk at City Hall, at 1001 W. Park Street, Parker, Florida, 32401, or by calling (850) 871-4104, no later than three (3) days prior to the proceedings.

ORDINANCE NO. 2024-424

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 OFF-PREMISES SIGNS; 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 7-4 in the Land Development Regulations ("LDR") is hereby amended follows:

Sec. 7-4. PROHIBITED SIGNS

The following signs are prohibited in all areas of the City:

1. Abandoned signs~~;~~.

2. Any non-governmental sign located within a dedicated City right-of-way, unless approved by the City~~;~~.

3. Signs placed on motor vehicles or trailers which are parked or located for the primary purpose of displaying such signs, except for taxi-cabs, buses, or motor vehicles operating during the normal course of business.

4. Flashing, fluttering, undulating, swinging, or rotating; except for time and/or temperature signs and governmental signs.

5. Any sign placed or located in such a manner as to obstruct or restrict the sight distance of motor vehicle operators.

6. Off-premises signs.

Section 2. Section 7-10 in the LDR is hereby amended follows:

Sec. 7-10. ~~OFF-PREMISES SIGNS (BILLBOARDS)~~

~~This Section shall apply to off-premises signs which advertise an activity, business or service not usually conducted on or from the premises upon which the sign is located.~~

~~7-10.1 Location Restrictions~~

1. Off-premise signs shall only be allowed adjacent to principal arterial roadways (Tyndall Parkway, Business US 98).

7-10.2 Size of Signs.

1. On the federal-aid highway system (Tyndall Parkway, Business 98), size shall be in accordance with the agreement entered into by the state and the U.S. Secretary of Transportation and shall be pursuant to State regulation.

2. The maximum area for any one sign facing shall be 380.88 (10.7 feet in width, 36 feet in length) square feet inclusive of any border and trim, but excluding the base or apron, supports and other structural members.

3. The maximum size limitations shall apply to each facing of a sign structure and signs may be placed back-to-back with not more than two (2) displays to each facing.

7-10.3 Spacing Requirements

1. No outdoor advertising sign may be established within fifteen hundred (1,500) feet of any other outdoor advertising sign, measured on the same side of the same street and facing in the same direction.

2. Governmental and on-premise signs, as well as any other sign which does not constitute an outdoor advertising sign as defined herein shall not be counted nor shall measurements be made from them for the purpose of determining compliance with these spacing requirements.

3. No off-premises signs shall exceed a height of fifty (50) feet at its highest point. Such measurement shall be made from the ground level, at the base of the sign supports or from the pavement level of the street to which it faces, whichever is higher. The minimum clearance shall be ten (10) feet from the bottom of the sign face to grade.

7-10.4 General Restrictions and Limitations

1. Off-premises signs shall not be established at any location having principal frontage on any street within three hundred (300) feet of any property which is used for public parks, public schools, church, courthouse, City hall or public museum having principal frontage on the same street.

2. No off-premises sign shall be located within ten (10) feet of any street right-of-way. No portion of any off-premises sign may be placed on, or extend over the right-of-way line of any street or highway.

~~3. No sign shall be constructed which resembles any official marker erected by the City, state, or any governmental agency, or which by reason of position, shape, or color would conflict with the proper functioning of any traffic sign or signal.~~

~~4. All signs shall be constructed in accordance with the prevailing building and electrical code, and as specified in Section 7-13 of this Article.~~

~~5. All signs shall be maintained in good and safe structural condition. The painted portions of outdoor advertising signs shall be periodically repainted and kept in good condition.~~

~~6. No sign or part thereof shall be located on any property without the written consent of the property owner.~~

~~7. The general area in the vicinity of any ground sign on undeveloped property must be kept free and clear of sign materials, weeds, debris, trash and other refuse.~~

~~7-10.5~~ Electronic Signs

The following regulations and restrictions apply to electronic signs.

1. The static display time for each message is a minimum of six seconds.

2. The time to complete change from one message to the next is a maximum of two seconds.

3. The sign shall have no revolving, flashing, moving, rotating, or similar intermittent lights.

4. The sign shall contain a default design that will freeze the device in one position if a malfunction occurs.

5. All electronically illuminated signs shall have a disconnecting switch located in accordance with the provisions of the National Electrical Code.

6. Electronic signs shall not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.

7. Any electronic sign adjacent to residential property shall be placed in a manner so as to limit illumination on residential property.

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. 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 context or meaning of the Ordinance.

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. 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 7. 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 September, 2024.

CITY OF PARKER

_____
ANDREW KELLY, Mayor

ATTEST:

_____
KIMBERLY REGA, City Clerk

Examined and approved by me, this ___ day of September, 2024.

_____
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~~.

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the website of the City of Parker ("City") by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

ORDINANCE NO. 2024-424

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 OFF-PREMISES SIGNS; 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.

This Business Impact Estimate is provided in accordance with Section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The proposed ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
  a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
  c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or

[1] See Section 166.041(4)(c), Florida Statutes.

d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals, and welfare):

Ordinance 2024-424 would disallow off-premises signs within the City. The Ordinance recognizes the desire to maintain the aesthetic beauty of the gateways into and out of the the City; thereby, satisfying a public purpose.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

There are unlikely to be direct compliance costs associated with Ordinance 2024-424. No new charge or fee is imposed by the Ordinance for which businesses in the City should be financially responsible. There may be indirect compliance costs in prohibiting off-premises signs. The City may incur increased, indeterminate regulatory costs associated with code compliance. Existing fees and costs may be incurred as a part of code compliance, the amounts are currently not determinable.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Ordinance 2024-424 does not impose any new charge or fee on existing businesses in the City. The City may incur increased, indeterminate costs associated with ensuring compliance. There are no new charges or fees that will be imposed on existing businesses by the proposed Ordinance to cover the City's costs of ensuring compliance.

4. Additional information the governing body deems useful (if any):

The proposed Ordinance 2024-424 is a generally applicable Ordinance that applies to all persons similarly situated (individuals as well as businesses) who might apply for a development order/permit for the construction, development or operation of an off-premises sign in the City. The estimated number of businesses likely to be impacted by the Ordinance cannot be quantified at this time because the number of businesses likely to be impacted by Ordinance 2024-424 will depend on how many businesses seek to construct or maintain an off-premises sign within the City.

Column

INTERIM AD DRAFT

This is the proof of your ad scheduled to run in **The News Herald** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(123) 123-4567**.

Notice ID: 2vyBZZ5IETWV8Pn32Hcf | **Proof Updated: Aug. 15, 2024 at 10:54am EDT**
Notice Name: Notice of Public Hearing

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER

Donna Perdue
dperdue@cityofparker.com
(000) 000-0000

FILING FOR

The News Herald

Columns Wide: 1
Ad Class: Legals
Total Column Inches: 5.69
Number of Lines: n/a

08/07/2024: Display Ad Notice	326.76

Subtotal	$326.76
Tax	$0.00
Processing Fee	$32.68
Total	**$359.44**

This proof reflects the current active invoice for this notice.

See Proof on Next Page

Expected print dimensions of advertisement:

Width: 1.54 in., Height: 5.69 in.

Newspaper page size: Width: 11.62 in., Height: 21.12 in.

Publisher may wrap or break notice between pages.

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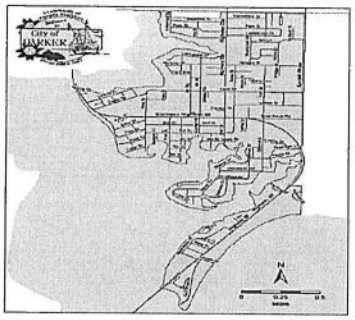
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