CITY OF PARKER
AGENDA ITEM SUMMARY

1. *DEPARTMENT MAKING REQUEST/NAME OF PRESENTER:*	2. *MEETING DATE:*
Council/Sloan	**September 3, 2024**

3. *PURPOSE:*

Public Hearing

2nd Reading and Possible Adoption of Ordinance 2024-423

ORDINANCE NO. 2024-423 AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (ORDINANCE 2022-409, AS AMENDED) TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS; PROVIDING FOR APPLICABILITY; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

YES ☐ NO ☐ N/A X

AGENDA ITEM # 4

NOTICE OF PUBLIC HEARINGS FOR THE ADOPTION OF AN AMENDMENT TO 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, by virtue of Ordinance No. 2024-423 and consisting of an update to the date of the flood insurance study and the flood insurance rate maps. 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 the possible adoption of an amendment to the City of Parker, Florida, Land Development Regulations, by virtue of Ordinance No. 2024-423, 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 possible adoption of an amendment to the City of Parker, Florida, Land Development Regulations, by virtue of Ordinance No. 2024-423, 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.

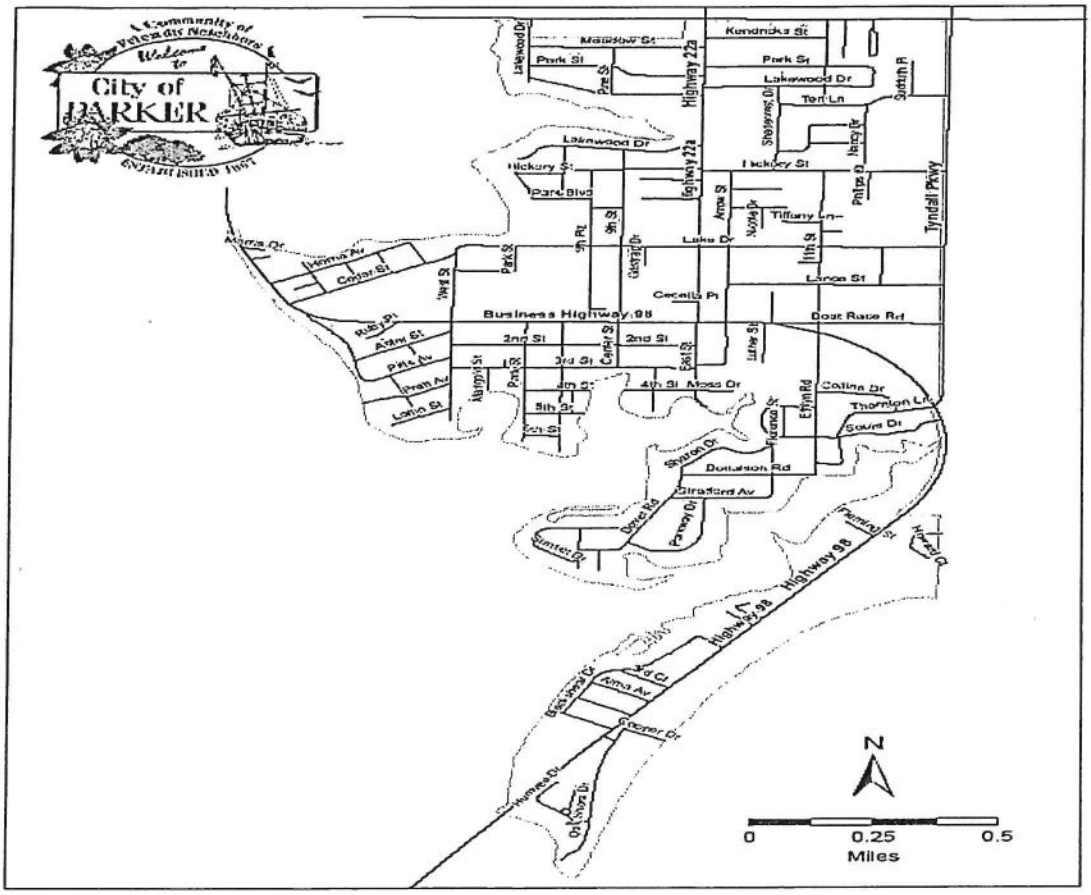
During or following the Planning Commission public hearing the Planning Commission will consider a recommendation concerning the possible adoption of Ordinance No. 2024-423. During or following the first City Council public hearing, the City Council will consider having a first reading of Ordinance No. 2024-423. During or following the second public hearing, the City Council will also consider a second reading and adoption of Ordinance No. 2024-423.

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. 2024-423

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (ORDINANCE 2022-409, AS AMENDED) TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS; PROVIDING FOR APPLICABILITY; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

The adoption of the City of Parker, Florida, Ordinance No. 2024-423 will amend certain provisions affecting the use and development of all land within the entire City of Parker, Florida, including but not limited to land in the Community Development Areas. The proposed ordinance shall affect all land within the City as such land 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. 2024-423 (proposed amendment to City of Parker 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. 2024-423 (proposed amendment to City of Parker 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. (Central Time), 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.

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. 2024-423

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (ORDINANCE NO. 2022-409, AS AMENDED) TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS; PROVIDING FOR APPLICABILITY; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR REPEALER CLAUSES; 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 2024-423 would update the date of the flood insurance study and flood insurance rate maps recognized by the City.

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 2024-423. 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 light manufacturing development. 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 2024-423 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 2024-423 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 or development 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 2024-423 will depend on how many businesses seek to develop property within the City for light manufacturing purposes.

ORDINANCE NO. 2024-423

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS (ORDINANCE 2022-409, AS AMENDED) TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS; PROVIDING FOR APPLICABILITY; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Parker participates in the National Flood Insurance Program and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation;

WHEREAS, the Federal Emergency Management Agency has revised and reissued the Flood Insurance Study for Bay County, Florida and Incorporated Areas, with an effective date of October 24, 2024; and

WHEREAS, the City Council has determined that it is in the public interest to amend certain provisions of the City's Land Development Regulations (Ordinance 2022-409, as amended) to identify the effective date of the revised Flood Insurance Study and Flood Insurance Rate Maps.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Parker, Florida, that the following floodplain management regulations are hereby adopted.

Section 1. Section 5-7.9 of the Land Development Regulations of the City is amended as follows:

5-7.9 Flood Zones

1. Protection Standards

All development activity undertaken within established flood hazard areas shall be in conformance with the provisions of Article 8 Floodplain Management of these Land Development Regulations. The Flood Insurance Study for Bay County, Florida and Incorporated Areas dated ~~June 2, 2009~~October 24, 2024, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of these Land Development Regulations and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the office of the City Clerk.

In addition to the requirements set forth in Article 8 Floodplain Management of these Land Development Regulations the location of hospitals, nursing homes, institutions or similar facilities is prohibited within designated flood zones.

Section 2. Section 8-2.3 of the Land Development Regulations of the City is amended as follows:

8-2.3 Basis for Establishing Flood Hazard Areas

The Flood Insurance Study for Bay County, Florida and Incorporated Areas dated ~~June 2, 2009~~October 24, 2024, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of these Land Development Regulations and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the office of the City Clerk.

Section 3. Applicability. For the purposes of jurisdictional applicability, this Ordinance shall apply in the City of Parker, Florida. This Ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this Ordinance.

Section 4. 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 5. 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 6. 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 7. Repeal of Conflicting Ordinances and Resolutions. All 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 8. 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~~.