



CITY OF OKEECHOBEE
PLANNING BOARD AND WORKSHOP MEETING
55 SOUTHEAST THIRD AVENUE, OKEECHOBEE, FL 34974
JANUARY 21, 2021
LIST OF EXHIBITS

Draft Minutes	Summary of Board Action November 19, 2020
Exhibit 1	Holding Property Rezoning Incentivization Program
Exhibit 2	Planning Staff Report Topic

Draft Minutes will be provided prior to Meeting.



Staff Report

To: Okeechobee Planning Board
From: Ben Smith, AICP
Meeting Date: January 21, 2021
Subject: Ordinance - Holding Property Rezoning Incentivization Program

At one time, the City's land development code contained regulations for the development of properties zoned Holding. However, several years ago, the Holding district regulations were removed from the land development code. Currently, if any property owner of land zoned Holding is seeking to develop that property, a rezoning must be performed first.

There are currently 55 parcels of land within the City that are partially or entirely zoned Holding. Some of these parcels are developed, though most are undeveloped or used for agricultural purposes. Most of the Holding parcels are designated as Single Family Residential on the Future Land Use Map, though there are two with Commercial designations and one with Mixed Use Residential.

As members of the City Council and Planning Board have pointed out, the rezoning process can be an uncertain and cost prohibitive process for some property owners and prospective property buyers. If the goal of the City is to encourage owners of Holding properties to rezone, then the City may consider instituting a temporary program that provides some incentivization to rezone by reducing the requirements, lowering the application fee, and providing more certainty to the outcome of the rezoning process.

As was initiated by the Planning Board at the August 2020 workshop and as discussed at multiple subsequent workshops, the purpose of this proposed Ordinance is to implement a program to incentivize owners of properties zoned Holding to request a rezoning to another zoning district. It provides eligible property owners an opportunity for reduced application requirements, reduced application fees, official rezoning recommendations and mailed notification of the program. The attached Ordinance and Exhibits have been legally advertised and are presented to you for recommendation to the City Council.

Any further revisions to the language of the ordinance, the application, application fee, rezoning recommendations or draft letters can be discussed at the meeting and made as part of the recommendation to Council.

The basis for the rezoning recommendations, as provided by staff and discussed at the workshops are provided below in this report.

Map Area 1 – Staff Recommendations

Map ID #1

Acres: 4.63

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This property is comprised of 5 separate parcels. Ideally, all parcels would be rezoned to **RSF-1** to be consistent with the future land use designation and to be consistent with the character and the predominant pattern of land use of the surrounding properties.

Map ID #2

Acres: 1.8

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: Lots 1 through 3 of this parcel are zoned Holding. However, lots 4 through 10 are zoned Residential Multifamily. Ideally, the entire property should be rezoned to **RSF-1** to be consistent with the future land use designation and to be consistent with the character and pattern of land use of the surrounding properties.

Map ID #3

Acres: 11.3

Future Land Use: Single Family Residential

Use: This parcel clearly had agricultural uses at one time, though it is unclear whether the agricultural uses have been maintained.

Comments/Recommendations: A portion of this parcel is zoned Holding and a portion is zoned RSF-1. Depending on the current/intended use of the property, either the Holding portion of this parcel should be rezoned to **RSF-1** or the entire property should be rezoned to **Rural Heritage**.

Map ID #4

Acres: 0.34

Future Land Use: Single Family Residential

Use: One Triplex & Two Single Family Residences

Comments/Recommendations: Though this parcel contains multi-family structures, this parcel would be nonconforming (too much density for lot size) even with multi-family designations. Ideally, the entire property should be rezoned to **RSF-1** to be consistent with the future land use designation and to be consistent with the character and pattern of land use of the surrounding properties.

Map ID #5

Acres: 0.34

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: Ideally, this property should be rezoned to **RSF-1** to be consistent with the existing land use, future land use designation and the character and pattern of land use of the surrounding properties.

Map ID #6

Acres: 0.17

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should ideally be rezoned to **RSF-1** to be consistent with the existing land use, future land use designation and the character and pattern of land use of the surrounding properties.

Map ID #7

Acres: 0.17

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should ideally be rezoned to **RSF-1** to be consistent with the existing land use, future land use designation and the character and pattern of land use of the surrounding properties.

Map ID #8

Acres: 0.34

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: Ideally, this property should be rezoned to **RSF-1** to be consistent with the future land use designation and the character and pattern of land use of the surrounding properties.

Map ID #9

Acres: 0.34

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: Ideally, this property should be rezoned to **RSF-1** to be consistent with the future land use designation and the character and pattern of land use of the surrounding properties.

Map ID #10

Acres: 0.17

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should ideally be rezoned to **RSF-1** to be consistent with the future land use designation and the character and pattern of land use of the surrounding properties.

Map ID #11

Acres: 0.17

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should ideally be rezoned to **RSF-1** to be consistent with the future land use designation and the character and pattern of land use of the surrounding properties.

Map ID #12

Acres: 0.17

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should ideally be rezoned to **RSF-1** to be consistent with the future land use designation and the character and pattern of land use of the surrounding properties.

Map ID #13

Acres: 0.17

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should ideally be rezoned to **RSF-1** to be consistent with the existing land use, future land use designation and the character and pattern of land use of the surrounding properties.

Map ID #14

Acres: 0.17

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it ideally should be rezoned to **RSF-1** to be consistent with the existing land use, future land use designation and the character and pattern of land use of the surrounding properties.

Map ID #15

Acres: 0.17

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should ideally be rezoned to **RSF-1** to be consistent with the existing land use, future land use designation and the character and pattern of land use of the surrounding properties.

Map ID #16

Acres: 0.17

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should ideally be rezoned to **RSF-1** to be consistent with the existing land use, future land use designation and the character and pattern of land use of the surrounding properties.

Map ID #17

Acres: 0.17

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: This parcel does not meet the minimum lot area or lot width requirements for RSF-1 district. Though the lot does meet the minimum lot area and lot width requirements of the RSF-2 district, rezoning to the RSF-2 district would also require a future land use map amendment to multifamily residential. However, Section 90-32 of City's land development code allows for development of a single family home on nonconforming lots which are at least 4,000 square feet and 40 feet wide. Since this lot appears to meet those requirements, it should ideally be rezoned to **RSF-1** to be consistent with the existing land use, future land use designation and the character and pattern of land use of the surrounding properties.

Map Area 2 – Staff Recommendations

Map ID #18

Acres: 1.76

Future Land Use: Industrial & Single Family Residential

Use: Warehouse & Outdoor Storage

Comments/Recommendations: This parcel has split future land use and zoning designations, though most of it is designated industrial. It is adjacent to the railway and other industrial to the east. Though there are single family residences to the south, staff is of the opinion that map changes to industrial would provide the most consistency with the existing land use and pattern of land use in the surrounding area. Ideally, a future land use map amendment to industrial should be initiated for lots 19 and 20 in the southeast corner of this parcel concurrently with a zoning map change to industrial for the same lots.

Map ID #19

Acres: 4.3

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This property is comprised of 2 separate parcels. Ideally, this property should be rezoned to RSF-1 to be consistent with the future land use designation and to be consistent with the character and pattern of land use of the surrounding properties.

Map Area 3 - Staff Recommendations

Map ID #20

Acres: 0.33

Future Land Use: Commercial

Use: Vacant

Comments/Recommendations: This parcel is one lot off of US-441, with an existing medical office to the south. Ideally, this property should be rezoned to either CPO, CLT or CHV to be consistent with the future land use designation and to be consistent with the character and pattern of land use of the surrounding properties.

Map ID #21

Acres: 0.4

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This parcel is located along the commercial corridor (close proximity to US-441), there are existing commercial uses adjacent and nearby, and there are no adjacent single family residences. Though a rezoning to RSF-1 would make this zoning consistent with the future land use designation, it would not be completely consistent with the surrounding land use pattern and it is not clear that this change would be beneficial for the property owner, as single family residential may not be the highest and best development for this parcel. **Staff does not recommend any particular map changes for this property.** The property owner should present their own argument for their desired map changes.

Map ID #22

Acres: 0.69

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This property is comprised of 2 separate parcels and is located along the commercial corridor (close proximity to US-441). There are existing commercial and multi-family uses adjacent and nearby, and there are no adjacent single family residences. Though a rezoning to RSF-1 would make this zoning consistent with the future land use designation, it would not be completely consistent with the surrounding land use pattern and it is not clear that this change would be beneficial for the property owner, as single family residential may not be the highest and best development for this parcel. **Staff does not recommend that any particular map changes** for this property. The property owner should present their own argument for their desired map changes.

Map ID #23

Acres: 0.34

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This parcel is located along the commercial corridor (close proximity to US-441), there are existing commercial uses nearby, and there are no adjacent single family residences. Though a rezoning to RSF-1 would make this zoning consistent with the future land use designation, it would not be completely consistent with the surrounding land use pattern and it is not clear that this change would be beneficial for the property owner, as single family residential may not be the highest and best development for this parcel. **Staff does not recommend that any particular map changes for this property.** The property owner should present their own argument for their desired map changes.

Map ID #24

Acres: 1.0

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This property is comprised of 2 separate parcels and is located along the commercial corridor (close proximity to US-441). There is an existing multi-family development adjacent and commercial uses nearby, and there are no adjacent single family residences. Though a rezoning to RSF-1 would make this zoning consistent with the future land use designation, it would not be completely consistent with the surrounding land use pattern and it is not clear that this change would be beneficial for the property owner, as single family residential may not be the highest and best development for this parcel. **Staff does not recommend that any particular map changes for this property.** The property owner should present their own argument for their desired map changes.

Map ID #25

Acres: 2.1

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This property is comprised of 2 separate parcels. The property to the east and south is a large parcel with a single family residence. Ideally, this property should be rezoned to **RSF-1** to be consistent with the future land use designation.

Map ID #26

Acres: 0.1

Future Land Use: Commercial

Use: Public Utility

Comments/Recommendations: This parcel is owned by the Okeechobee Utility Authority. Public facilities are specifically listed as an allowable use in the Commercial future land use category under future land use policy 2.1(d). However, public facility/utility is not listed as a permitted use in any of the commercial zoning districts. Instead, it is listed as special exception use in the commercial zoning districts. The City could rezone this property to one of the commercial zoning district and concurrently approve the public utility as a special exception. However, it is likely more sensible to **take no action** until the City makes plans to improve the property or sell it.

Map ID #27

Acres: 0.34

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This property is comprised of 2 separate parcels, neither of which meet the minimum lot area or lot width requirements for RSF-1 district separately. However, if the owner joins the parcels, the RSF-1 district requirements will be met. Ideally, both parcels should be rezoned to **RSF-1** to be consistent with the future land use designation and the character of the surrounding area. The property owner should be encouraged to join the parcels and not sell them separately.

Map ID #28

Acres: 0.69

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: Ideally, this property should be rezoned to **RSF-1** to be consistent with the future land use designation and the character of the surrounding area.

Map ID #29

Acres: 0.26

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: Ideally, this property should be rezoned to **RSF-1** to be consistent with the future land use designation and the character of the surrounding area.

Map ID #30

Acres: 0.84

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This property is comprised of 2 separate parcels. One of the parcels does not meet the minimum lot area or lot width requirements for RSF-1 district separately. However, if the owner joins the parcels, the RSF-1 district requirements will be met. Ideally, this property should be rezoned to **RSF-1** to be consistent with the future land use designation and the character of the surrounding area. Though Section 90-32 allows for construction of a single family residence on the smaller parcel, the property owner should be encouraged to join parcels and not sell the smaller parcel separately.

Map ID #31

Acres: 1.4

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This property is comprised of 2 separate parcels. Ideally, this property should be rezoned to **RSF-1** to be consistent with the future land use designation and the character of the surrounding area.

Map ID #32

Acres: 0.71

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: Ideally, this property should be rezoned to **RSF-1** to be consistent with the future land use designation and the character of the surrounding area.

Map Area 4 - Staff Recommendations

Map ID #33

Acres: 51.19

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: A portion of this property is zoned RMH and the property surrounds an existing manufactured home park. The railway runs along the northern property line and beyond that is the City's Commerce Center. Taylor creek runs along the western property line with single family residential and industrial uses on the other side of the creek. The boundary of the City runs along the eastern property line with single family residences in the adjacent unincorporated area beyond. Vacant commercially designated property lies to the south. There are many potential development possibilities for this large unplatted parcel and the owner has expressed an interest in several different development scenarios. Due to the large size and uniqueness of this parcel, it is difficult for staff to recommend any particular map change other than what is currently consistent with the Future Land Use. Therefore, unless the property owner presents their own argument for their desired map changes, staff recommends a rezoning to **RSF-1**.

Map ID #34

Acres: 1.36

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: The west portion of this parcel is already zoned RSF-1. Ideally, the remainder of this property should be rezoned to **RSF-1** to be consistent with the future land use designation, existing land use and character of surrounding area.

Map ID #35

Acres: 1.1

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: This property was very recently acquired by the owner of Map ID #33. As such, this property should be considered part of Map ID #33 and staff's recommendations are the same for both.

Map ID #36

Acres: 1.0

Future Land Use: Single Family Residential

Use: Vacant

Comments/Recommendations: Vacant commercially designated property lies to the south. The property to the east, west and north is zoned Holding with a staff recommendation to rezone to RSF-1. Similarly, staff recommends a rezoning to **RSF-1** for this property as well, to be consistent with the Future Land Use designation.

Map Area 5 - Staff Recommendations

Map ID #37

Acres: 13.32

Future Land Use: Single Family Residential

Use: This parcel clearly had agricultural uses at one time, though it is unclear whether the agricultural uses have been maintained.

Comments/Recommendations: Depending on the current/intended use of the property, this parcel should ideally be rezoned to **RSF-1 or Rural Heritage**.

Map Area 6 - Staff Recommendations

Map ID #38

Acres: 1.72

Future Land Use: Single Family Residential

Use: Two Single Family Residences

Comments/Recommendations: A portion of this parcel is already zoned RSF-1. Ideally, the remainder should be rezoned to **RSF-1** to be consistent with future land use designation, existing land use, and character and pattern of land use of the surrounding area.

Map ID #39

Acres: 12.21

Future Land Use: Single Family Residential

Use: This parcel clearly had agricultural uses at one time, though it is unclear whether the agricultural uses have been maintained.

Comments/Recommendations: Depending on the current/intended use of the property, this parcel should ideally be rezoned to **RSF-1 or Rural Heritage**.

Map Area 7 - Staff Recommendations

Map ID #40

Acres: 2.21

Future Land Use: Single Family Residential

Use: Parking for Bank

Comments/Recommendations: This parcel contains overflow parking for the existing bank facility to the west. Since this parcel is separate from the bank parcel, the existing land use of this property can best be characterized as a commercial parking lot. Among the commercial zoning districts, the CHV district is the only district that allows commercial parking lot as a permitted use. The actions that would provide the most consistency between the maps and existing land use would be a **future land use map amendment to Commercial and a concurrent rezoning to CHV**.

Map ID #41

Acres: 39.88

Future Land Use: Mixed Use Residential

Use: This parcel was clearly used for agricultural purposes at one time, though it is unclear whether the agricultural use has been maintained.

Comments/Recommendations: This parcel meets the minimum size requirements for the Mixed Use Residential future land use category and limited agricultural uses are permitted in the Mixed Use Residential future land use category. However, rezoning to PUD-M should only be approved through the planned unit development process. Staff is **not recommending any particular map changes** for this property. The property owner should proceed with the planned unit development approval process or present their own argument for their desired map changes.

Map Area 8 - Staff Recommendations

Map ID #42

Acres: 14.21

Future Land Use: Single Family Residential

Use: Single Family Residence and possibly agricultural

Comments/Recommendations: This property is comprised of 2 separate parcels. The property appraiser lists the use of this property as improved pasture, though aeriels indicate that a single family residence is also present on the site. Depending on the intended use of this property, it should ideally be rezoned to either **RSF-1 or Rural Heritage**.

Map ID #43

Acres: 2.0

Future Land Use: Single Family Residential

Use: Single Family Residence

Comments/Recommendations: Ideally, this property should be rezoned to **RSF-1** to be consistent with future land use designation, existing land use, and character and pattern of land use of the surrounding area.

ORDINANCE NO. 2021-XX

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; IMPLEMENTING THE HOLDING REZONING INCENTIVIZATION PROGRAM, PROVIDING INCENTIVES FOR OWNERS OF PROPERTIES ZONED HOLDING TO REZONE TO OTHER ZONING DISTRICTS SUPPORTED BY THE LAND DEVELOPMENT REGULATIONS, REDUCING THE APPLICATION FEES AND APPLICATION SUBMITTAL REQUIREMENTS FOR A SIX MONTH PERIOD; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Okeechobee, Florida, has adopted Ordinance Number 716, as amended, known as the Land Development Regulations; and

WHEREAS, the Land Development Regulations generally contain codes specific to each zoning district, which provide lists of permitted uses, lists of specially permitted uses and regulations for development within that specific zoning district; and

WHEREAS, multiple parcels within the City are zoned Holding, though the Land Development Regulations do not currently contain any codes specific to regulating the Holding zoning district; and

WHEREAS, the City Council has a legitimate interest in ensuring that the potential development of every parcel in the City is regulated by clear and concise land development regulations; and

WHEREAS, the City Council of the City of Okeechobee, Florida, has adopted Ordinance Number ???, as amended, known as the Comprehensive Plan; and

WHEREAS, the Future Land Use Element of the Comprehensive Plan generally contains descriptions of future land use designations in which lists of zoning districts that are appropriate within those designations are provided; and

WHEREAS, the Holding zoning district is not listed as an appropriate zoning district within any of the future land use designations; and

WHEREAS, the City Council seeks to encourage owners of properties in the Holding zoning district to rezone to other zoning districts which are supported by the Land Development Regulations, the Future Land Use Element; and the Future Land Use Map; and

WHEREAS, the Planning Board of the City of Okeechobee, Florida, recommends that the Council adopt a program to be operated for a limited time, whereby owners of property zoned Holding may request rezoning of their property with reduced application submittal requirements and reduced application fees; and

WHEREAS, the Planning Board of the City of Okeechobee, Florida, has reviewed the existing conditions of parcels in the Holding zoning district; including the future land use designation, the existing land use, the prevailing pattern of land uses in the surrounding area, the zoning designation of the surrounding parcels, and the future land use designation of the surrounding parcels; and has provided recommendations for the rezoning of those parcels; and

WHEREAS, the Planning Board for the City of Okeechobee, Florida, reviewed and discussed the proposed Ordinance to implement the Holding Property Rezoning Incentivization Program at a duly advertised Public Hearing held on January 21, 2021, and based on recommendations by the Planning Staff, hereby recommends the City

Council approve this program for a period of six months; and

WHEREAS, the City Council for the City of Okeechobee, Florida, considered the recommendations by the Planning Board and concludes that implementing such a program to be in the best interest of its citizens of said City, that such a program is necessary and appropriate to make the Zoning Map, the Land Development Regulations and the Comprehensive Plan more consistent and responsive to the needs of the City and its citizens.

NOW, THEREFORE, be it ordained before the City Council of the City of Okeechobee, Florida; presented at a duly advertised public meeting; and passed by majority vote of the City Council; and properly executed by the Mayor or designee, as Chief Presiding Officer for the City; that:

SECTION 1: **RECITALS ADOPTED.** Each of the above stated recitals is true and correct and incorporated herein by this reference:

SECTION 2: **HOLDING PROPERTY REZONING INCENTIVIZATION PROGRAM IMPLEMENTED.** The City of Okeechobee hereby adopts the Holding Property Rezoning Incentivization Program as follows:

Eligibility

Owners (or their authorized designee) of properties which are either partially or entirely zoned Holding are eligible to apply for rezoning according to the provisions of this program.

This program does not exempt owners from consistency with the Future Land Use Map. Where the requested zoning change would also require a Future Land Use Map amendment, the standard application requirements, procedures and fees for Future Land Use Map amendments will apply. Future Land Use Map amendments must be approved prior to approval of the associated rezoning request.

Rezoning Application Requirements

For eligible owners, the standard rezoning application requirements according to Form 3 of Appendix A of the City's Land Development Regulations have been reduced substantially. See attached Exhibit A- Holding Property Rezoning Application. Requests to rezone contiguous properties under the same ownership may be considered under the same application. The application requirements of this program are as follows:

- Completed Holding Property Rezoning Application
- Copy of recorded warranty deed indicating current ownership (required)
- Notarized letter of consent (required if applicant is different from property owner)
- Property survey (if available)
- Legal description (required, but may be included with survey)
- Property owners list (required)
- Supplemental supporting information (optional)
- Application fee

Rezoning Application Fee

For eligible owners, the standard rezoning application fees according to Fee Schedule of Appendix C of the City's Land Development Regulations have been reduced substantially. Application Fees according to this program are \$600 plus

\$20 per acre.

Application Period

The application period for this program will be limited to the period of time beginning at the adoption date of this ordinance and ending six months after the adoption date of this ordinance.

Rezoning Recommendations

In the interest of consistency between the Future Land Use Map and the Zoning Map and in the interest of compatibility with the existing pattern of surrounding land uses, the City officially recommends zoning changes for properties in the City which are either partially or entirely zoned Holding. See attached Exhibit B- Holding Property Rezoning Recommendations.

Future Land Use Map Amendment Recommendations

In some instances where the recommended zoning changes would also require a Future Land Use Map amendment, the City has also provided official Future Land Use Map amendment recommendations, which are also included in Exhibit B- Holding Property Rezoning Recommendations.

Owner Notification and Legal Notification

Notification of the benefits, requirements and procedures of this program will be mailed to all eligible property owners in the form of Exhibit C- Draft Property Owner Notification Letters.

Legal notification and advertisement of zoning requests will be performed by the City and in conformance with the requirements for zoning district boundary changes as provided in Florida Statute.

SECTION 3: **CONFLICT.** The provisions of this ordinance shall take precedent over all ordinances or parts of ordinances in conflict herewith.

SECTION 4: **SEVERABILITY.** If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

SECTION 5: **EFFECTIVE DATE.** This Ordinance shall take effect immediately upon its passage.

INTRODUCED for First Reading and set for Final Public Hearing on this ____ day of ____.

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

PASSED AND ADOPTED after Second and Final Public Hearing this ____ day of ____.

ATTEST:

Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John Fumero, City Attorney

Exhibit A
Holding Property Rezoning Application

City of Okeechobee Planning and Development
55 SE 3rd Avenue, Okeechobee, FL 34974
Phone (863) 763-3372 • Fax (863) 763-1686

Holding Property Rezoning Application

Per City of Okeechobee Ordinance No (xxxx), property owners of land zoned Holding in the City of Okeechobee may submit requests to rezone their property with reduced application fees and reduced application submittal requirements until (*program termination date*) by filling out this application, paying the application fee and providing the required submittals on the attached checklist.

Submittal Date: _____ Petition Number: _____

Name of Applicant: _____

Name of Property Owner (if other than Applicant): _____

Address of Applicant: _____

Contact Person (if other than Applicant): _____

Applicant/Contact Person Phone Number: _____

Applicant/Contact Person Address: _____

Applicant/Contact Person Email Address: _____

Subject Property Address: _____

Subject Property Parcel ID Number(s): _____

Subject Property Acreage: _____

Subject Property Source of Potable Water: _____

Subject Property Method of Sewage Disposal: _____

Current Use(s) of Subject Property: _____

Current Use(s) of Adjoining Property to the North: _____

Current Use(s) of Adjoining Property to the East: _____

Current Use(s) of Adjoining Property to the South: _____

Current Use(s) of Adjoining Property to the West: _____

Requested Zoning Designation: _____

Proposed Use(s) of Subject Property: _____

Exhibit A
Holding Property Rezoning Application

Submittal Checklist

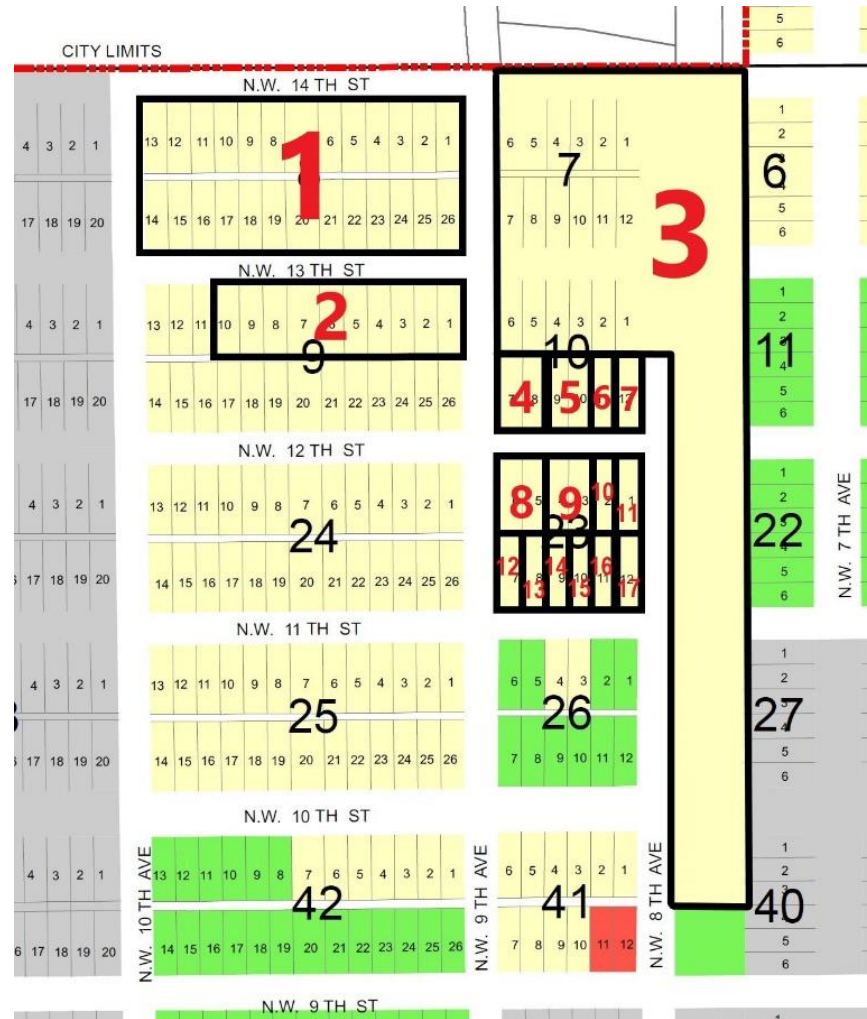
<u>No.</u>	<u>Checklist Items</u>	<u>Check</u>
1.	Copy of recorded warranty deed indicating current ownership (required)	_____
2.	Notarized letter of consent (required if applicant is different from property owner)	_____
3.	Property survey (if available, not required)	_____
4.	Legal description (required, but may be included with survey)	_____
5.	Property owners list (required)	_____
6.	Supplemental supporting information (optional)	_____
7.	Application fee of \$600 plus \$20/acre (required)	_____

Exhibit B Rezoning Recommendations

Map ID	Map #	Parcel ID	Existing Land Use	Acres	Future Land Use	Rec Zoning	Rec FLU
1	1	3-15-37-35-0010-00080-0110	Vacant	0.516	SF Res	RSF-1	
1	1	3-15-37-35-0010-00080-0140	Vacant	0.516	SF Res	RSF-1	
1	1	3-15-37-35-0010-00080-0100	Vacant	0.344	SF Res	RSF-1	
1	1	3-15-37-35-0010-00080-0010	Vacant	1.628	SF Res	RSF-1	
1	1	3-15-37-35-0010-00080-0180	Vacant	1.628	SF Res	RSF-1	
2	1	3-15-37-35-0010-00090-0010	Vacant	1.8	SF Res	RSF-1	
3	1	2-16-37-35-0A00-00001-0000	Vacant, possibly Ag	11.299	SF Res	RSF-1 or RH	
4	1	3-15-37-35-0010-00100-0070	One Triplex & Two Single Fam Res	0.344	SF Res	RSF-1	
5	1	3-15-37-35-0010-00100-0090	Single Fam Res	0.344	SF Res	RSF-1	
6	1	3-15-37-35-0010-00100-0110	Single Fam Res	0.172	SF Res	RSF-1	
7	1	3-15-37-35-0010-00100-0120	Single Fam Res	0.172	SF Res	RSF-1	
8	1	3-15-37-35-0010-00230-0050	Vacant	0.344	SF Res	RSF-1	
9	1	3-15-37-35-0010-00230-0030	Vacant	0.344	SF Res	RSF-1	
10	1	3-15-37-35-0010-00230-0020	Vacant	0.172	SF Res	RSF-1	
11	1	3-15-37-35-0010-00230-0010	Vacant	0.172	SF Res	RSF-1	
12	1	3-15-37-35-0010-00230-0070	Vacant	0.172	SF Res	RSF-1	
13	1	3-15-37-35-0010-00230-0080	Single Fam Res	0.172	SF Res	RSF-1	
14	1	3-15-37-35-0010-00230-0090	Single Fam Res	0.172	SF Res	RSF-1	
15	1	3-15-37-35-0010-00230-0100	Single Fam Res	0.172	SF Res	RSF-1	
16	1	3-15-37-35-0010-00230-0110	Single Fam Res	0.172	SF Res	RSF-1	
17	1	3-15-37-35-0010-00230-0120	Single Fam Res	0.172	SF Res	RSF-1	
18	2	3-16-37-35-0160-00130-0010	Warehouse and Outdoor Storage	1.764	SF Res & Ind	IND	Ind
19	2	3-15-37-35-0010-00680-0010	Vacant	2.153	SF Res	RSF-1	
19	2	3-15-37-35-0010-00680-0140	Vacant	2.153	SF Res	RSF-1	
20	3	3-15-37-35-0010-00150-0090	Vacant	0.327	Com	CPO, CLT or CHV	
21	3	3-15-37-35-0010-00150-0070	Vacant	0.402	SF Res	None	
22	3	3-15-37-35-0010-00150-0210	Vacant	0.344	SF Res	None	
22	3	3-15-37-35-0010-00150-0230	Vacant	0.344	SF Res	None	
23	3	3-15-37-35-0010-00150-0050	Vacant	0.344	SF Res	None	
24	3	3-15-37-35-0010-00150-0010	Vacant	0.688	SF Res	None	
24	3	3-15-37-35-0010-00150-0250	Vacant	0.321	SF Res	None	
25	3	3-15-37-35-0010-00160-0010	Vacant	0.929	SF Res	None	
25	3	3-15-37-35-0010-00160-0060	Vacant	1.122	SF Res	None	
26	3	3-15-37-35-0010-00010-0A1B		0.1	Com	None	
27	3	3-15-37-35-0010-00320-0130	Vacant	0.17	SF Res	RSF-1	
27	3	3-15-37-35-0010-00320-0120	Vacant	0.17	SF Res	RSF-1	

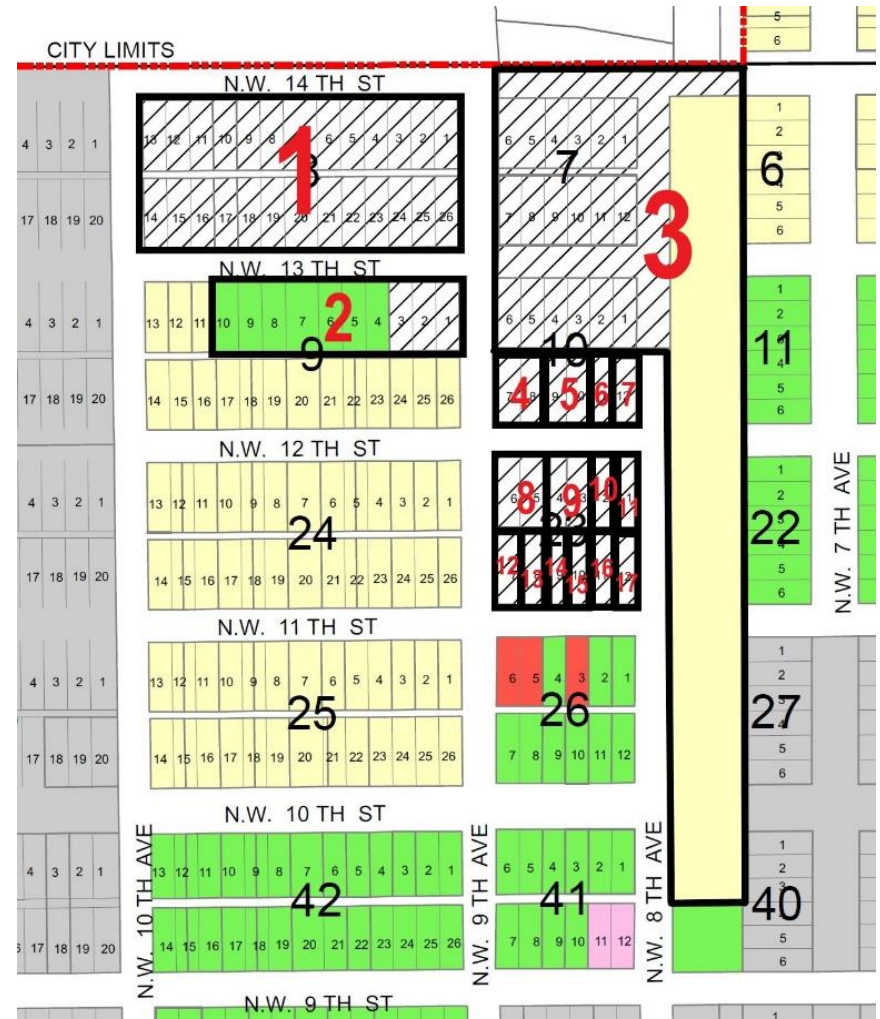
Map ID	Map #	Parcel ID	Existing Land Use	Acres	Future Land Use	Rec Zoning	Rec FLU
28	3	3-15-37-35-0010-00320-0080	Vacant	0.69	SF Res	RSF-1	
29	3	3-15-37-35-0010-00320-0200	Vacant	0.26	SF Res	RSF-1	
30	3	3-15-37-35-0010-00320-0210	Vacant	0.67	SF Res	RSF-1	
30	3	3-15-37-35-0010-00320-0250	Vacant	0.17	SF Res	RSF-1	
31	3	3-15-37-35-0010-00350-0010	Vacant	0.96	SF Res	RSF-1	
31	3	3-15-37-35-0010-00350-0240	Vacant	0.48	SF Res	RSF-1	
32	3	3-15-37-35-0010-00350-0200	Vacant	0.71	SF Res	RSF-1	
33	4	2-15-37-35-0A00-00003-0000	Vacant	51.19	SF Res	RSF-1	
34	4	3-15-37-35-0010-00820-0110	Single Fam Res	1.356	SF Res	RSF-1	
35	4	2-15-37-35-0A00-00002-A000	Vacant	1.1	SF Res	RSF-1	
36	4	2-15-37-35-0A00-00003-B000	Vacant	1	SF Res	RSF-1	
37	5	2-21-37-35-0A00-00006-A000	Vacant, possibly Ag	13.32	SF Res	RSF-1 or RH	
38	6	2-28-37-35-0A00-00012-0000	Two Single Fam Res	1.724	SF Res	RSF-1	
39	6	2-28-37-35-0A00-00012-A000	Vacant, possibly Ag	12.21	SF Res	RSF-1 or RH	
40	7	2-22-37-35-0A00-00032-0000	Parking for Bank	2.21	SF Res	CHV	Com
41	7	2-22-37-35-0A00-00031-0000	Vacant, possibly Ag	39.88	MU Res	None	
42	8	2-22-37-35-0A00-00060-0000	Single Fam Res, possibly Ag	4.71	SF Res	RSF-1 or RH	
42	8	2-22-37-35-0A00-00059-0000	Single Fam Res, possibly Ag	9.5	SF Res	RSF-1 or RH	
43	8	2-22-37-35-0A00-00042-A000	Single Fam Res	2	SF Res	RSF-1	

Map Area 1 - Future Land Use



- lot_line
- SINGLE - FAMILY RESIDENTIAL
- MIXED USE RESIDENTIAL
- MULTI - FAMILY RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC FACILITIES
- EASEMENT
- RAILROAD CENTERLINE
- HOPKINS MEANDER LINE
- UNINCORPORATED

Map Area 1 - Zoning

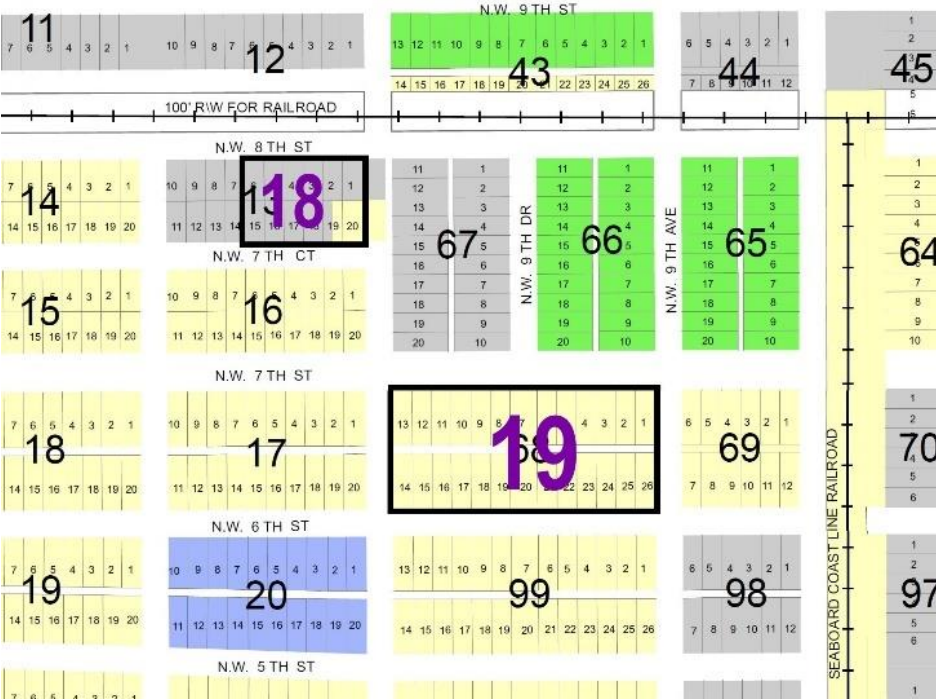


- HOPKINS MEANDER LINE
- RAILROAD CENTERLINE
- CENTRAL BUSINESS DISTRICT
- HEAVY COMMERCIAL
- LIGHT COMMERCIAL
- COMMERCIAL PROFESSIONAL OFFICE
- HOLDING
- INDUSTRIAL
- PUBLIC FACILITIES
- PLANNED UNIT DEVELOPMENT-MIXED USE
- PLANNED UNIT DEVELOPMENT-RESIDENTIAL
- RESIDENTIAL MULTIPLE FAMILY
- RESIDENTIAL MOBILE HOME
- RESIDENTIAL SINGLE FAMILY-ONE
- RESIDENTIAL SINGLE FAMILY-TWO
- UNINCORPORATED

Map Area 1 - Aerial

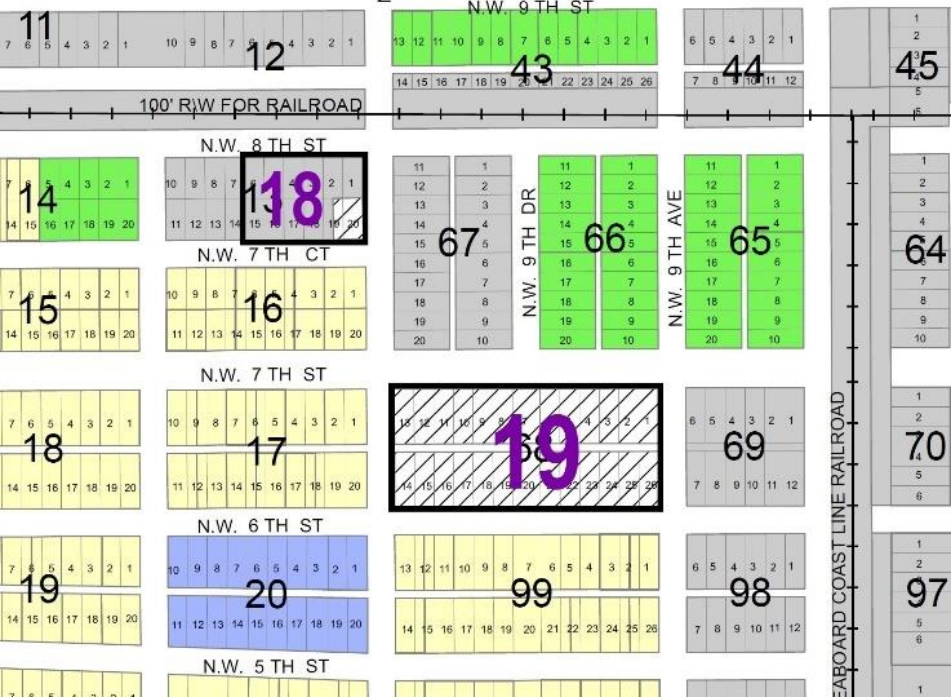


Map Area 2 - Future Land Use



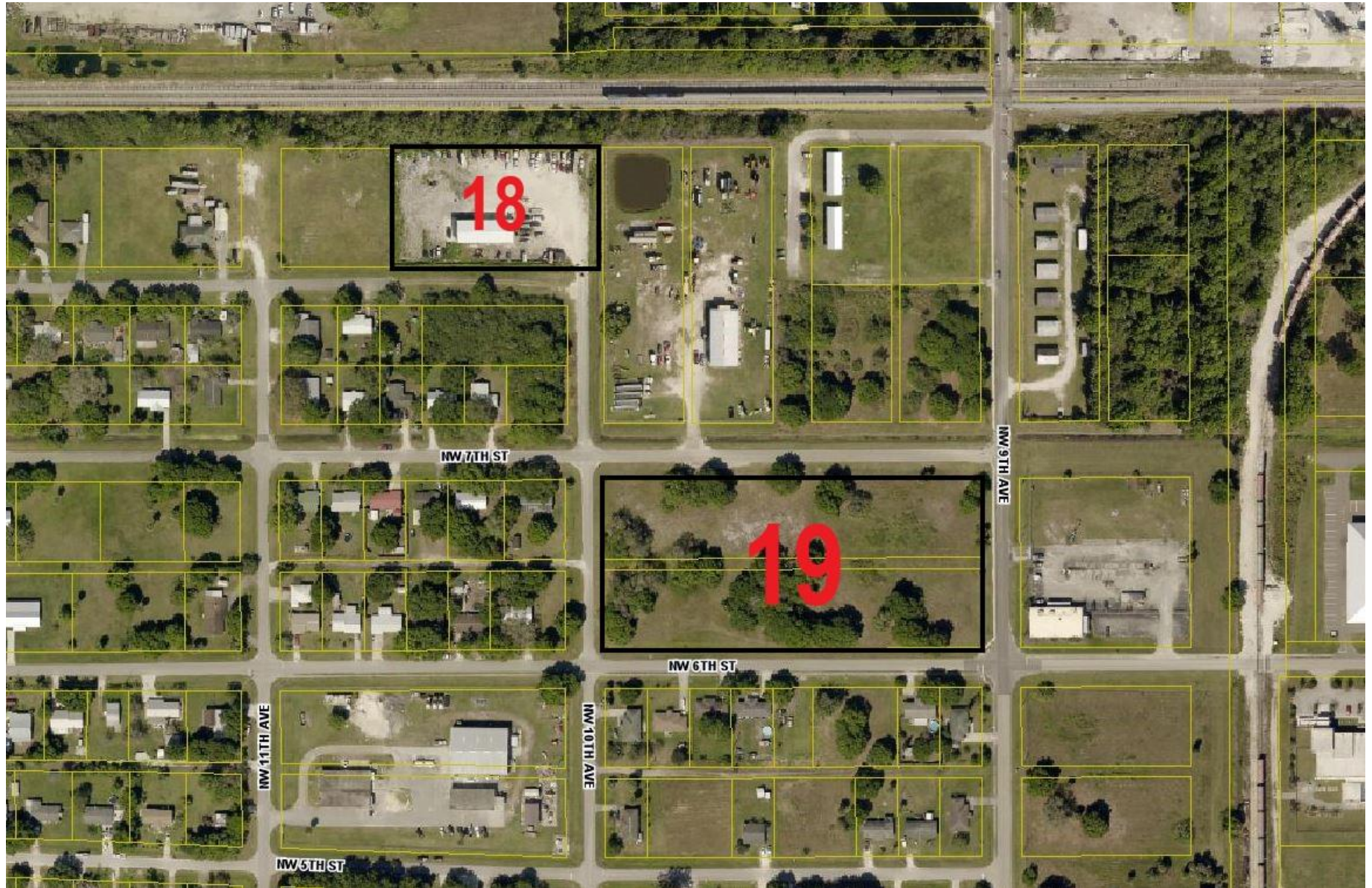
- lot_line
- SINGLE - FAMILY RESIDENTIAL
- MIXED USE RESIDENTIAL
- MULTI - FAMILY RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC FACILITIES
- EASEMENT
- RAILROAD CENTERLINE
- HOPKINS MEANDER LINE
- UNINCORPORATED

Map Area 2 - Zoning

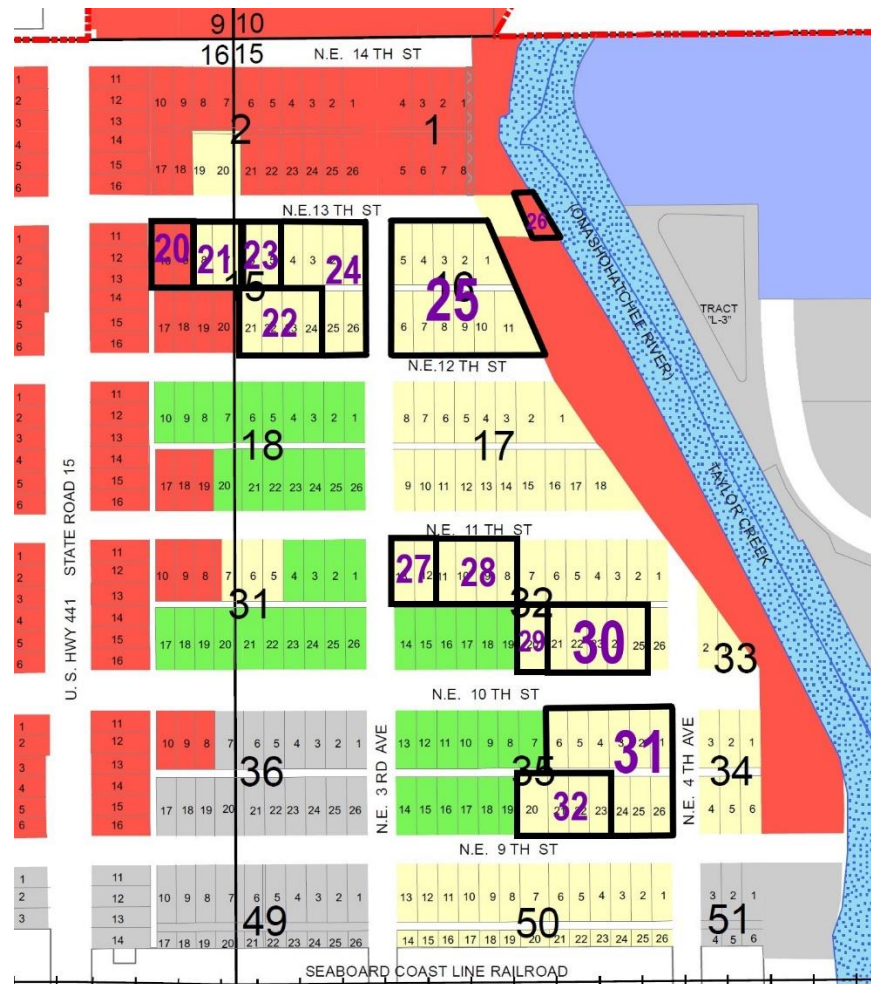


- HOPKINS MEANDER LINE
- RAILROAD CENTERLINE
- CENTRAL BUSINESS DISTRICT
- HEAVY COMMERCIAL
- LIGHT COMMERCIAL
- COMMERCIAL PROFESSIONAL OFFICE
- HOLDING
- INDUSTRIAL
- PUBLIC FACILITIES
- PLANNED UNIT DEVELOPMENT/MIXED USE
- PLANNED UNIT DEVELOPMENT/RESIDENTIAL
- RESIDENTIAL MULTIPLE FAMILY
- RESIDENTIAL MOBILE HOME
- RESIDENTIAL SINGLE FAMILY-ONE
- RESIDENTIAL SINGLE FAMILY-TWO
- UNINCORPORATED

Map Area 2 - Aerial

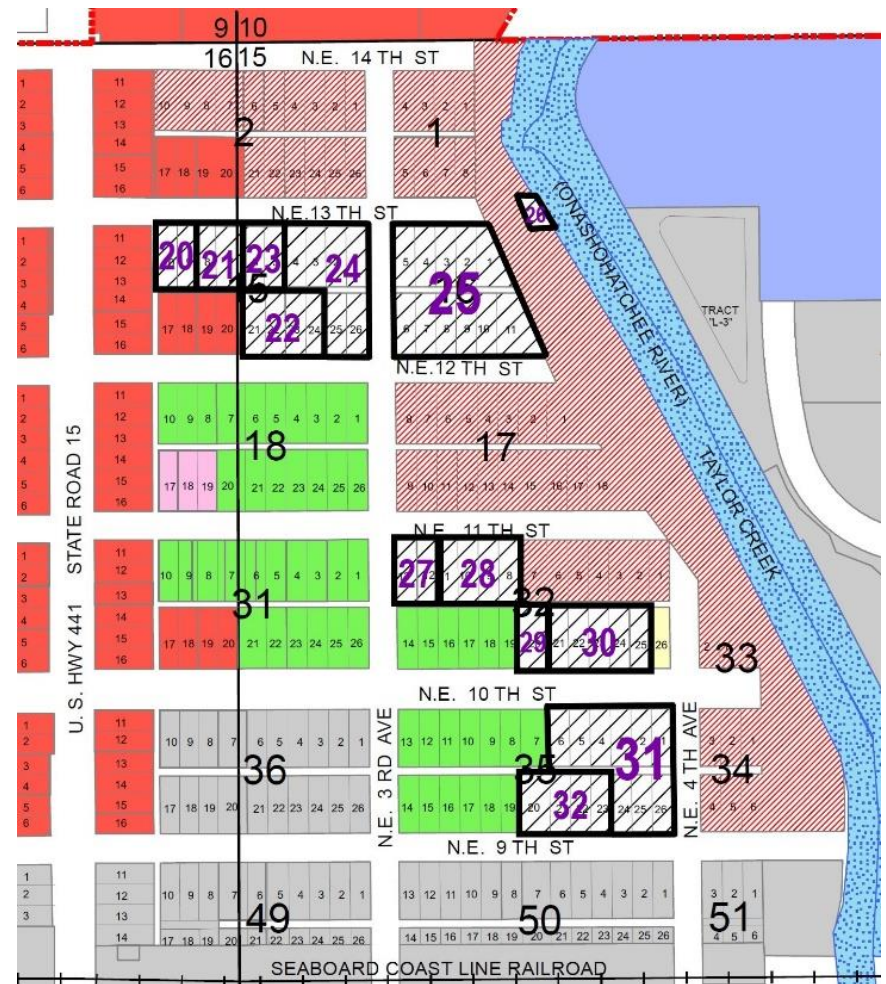


Map Area 3 - Future Land Use



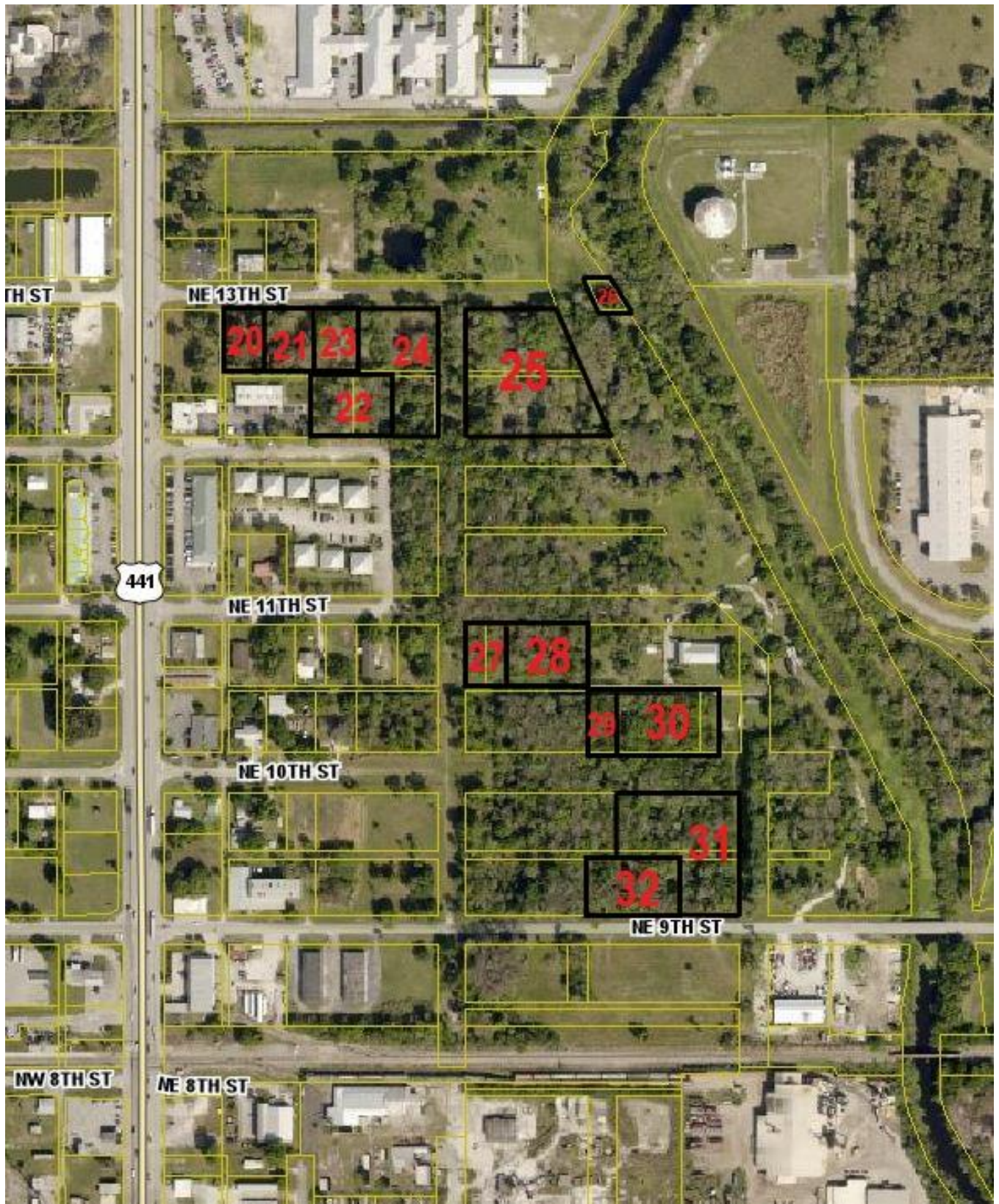
- lot_line
- SINGLE - FAMILY RESIDENTIAL
- MIXED USE RESIDENTIAL
- MULTI - FAMILY RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC FACILITIES
- EASEMENT
- RAILROAD CENTERLINE
- HOPKINS MEANDER LINE
- UNINCORPORATED

Map Area 3 - Zoning

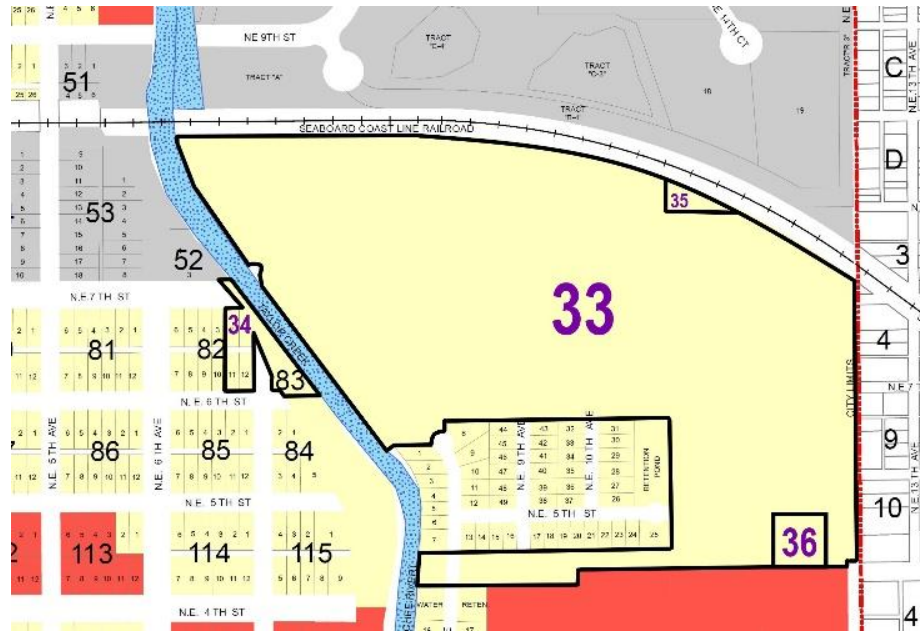


- HOPKINS MEANDER LINE
- RAILROAD CENTERLINE
- CENTRAL BUSINESS DISTRICT
- HEAVY COMMERCIAL
- LIGHT COMMERCIAL
- COMMERCIAL PROFESSIONAL OFFICE
- HOLDING
- INDUSTRIAL
- PUBLIC FACILITIES
- PLANNED UNIT DEVELOPMENT-MIXED USE
- PLANNED UNIT DEVELOPMENT-RESIDENTIAL
- RESIDENTIAL MULTIPLE FAMILY
- RESIDENTIAL MOBILE HOME
- RESIDENTIAL SINGLE FAMILY-ONE
- RESIDENTIAL SINGLE FAMILY-TWO
- UNINCORPORATED

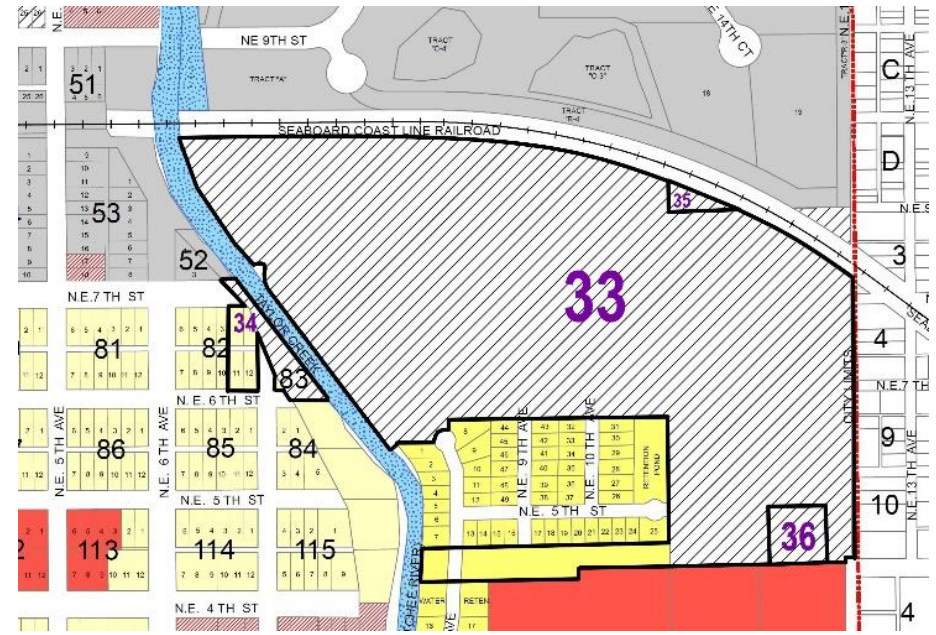
Map Area 3 - Aerial



Map Area 4 - Future Land Use



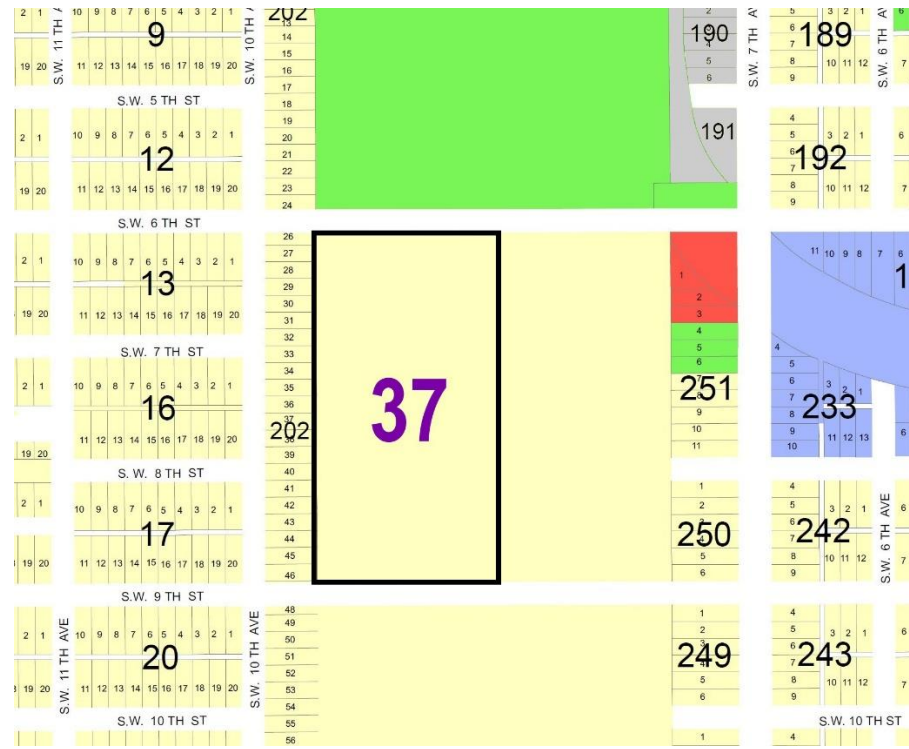
Map Area 4 - Zoning



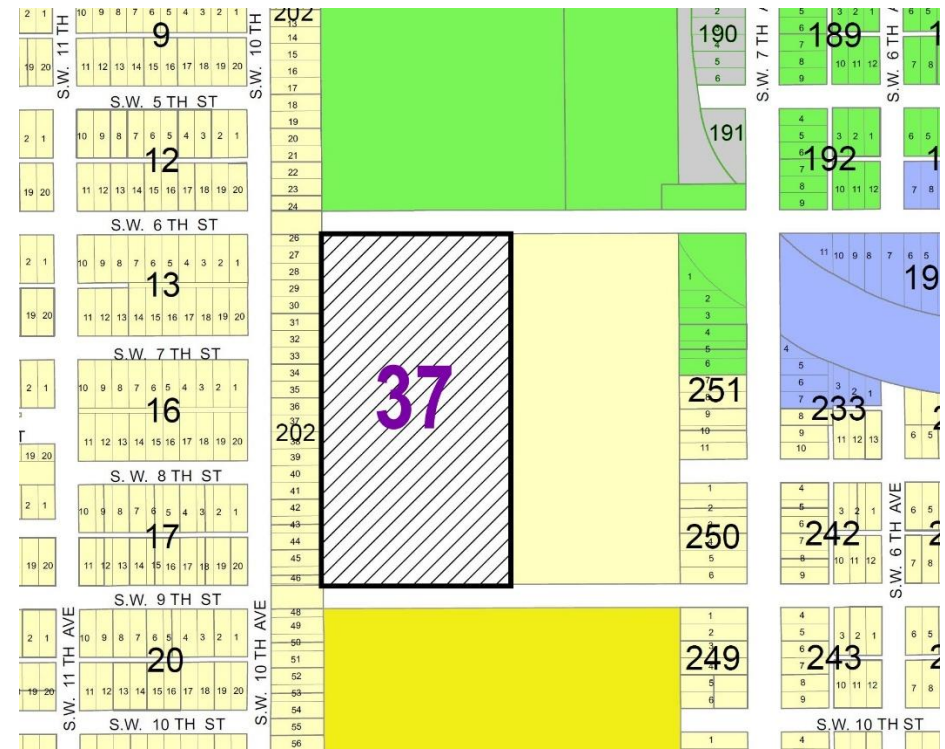
Map Area 4 - Aerial



Map Area 5 - Future Land Use



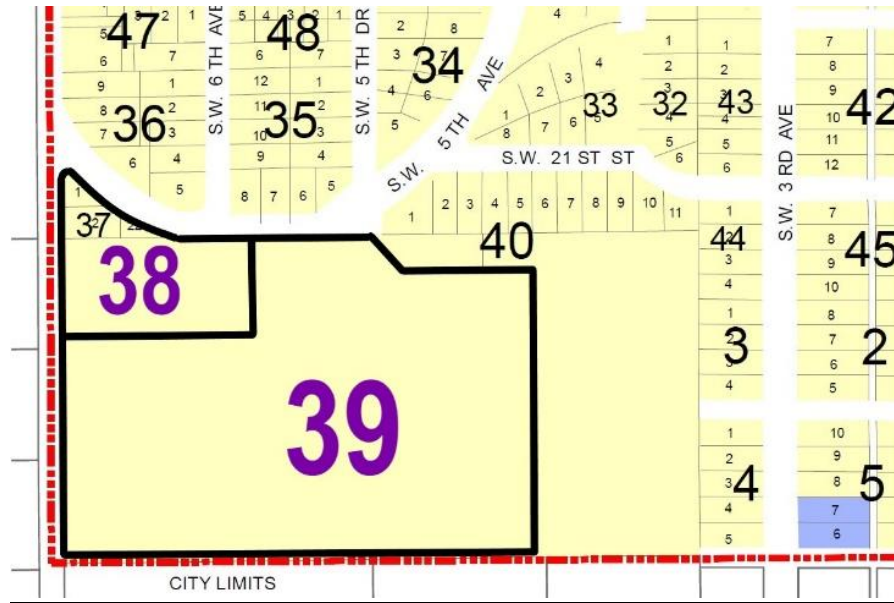
Map Area 5 - Zoning



Map Area 5 - Future Land

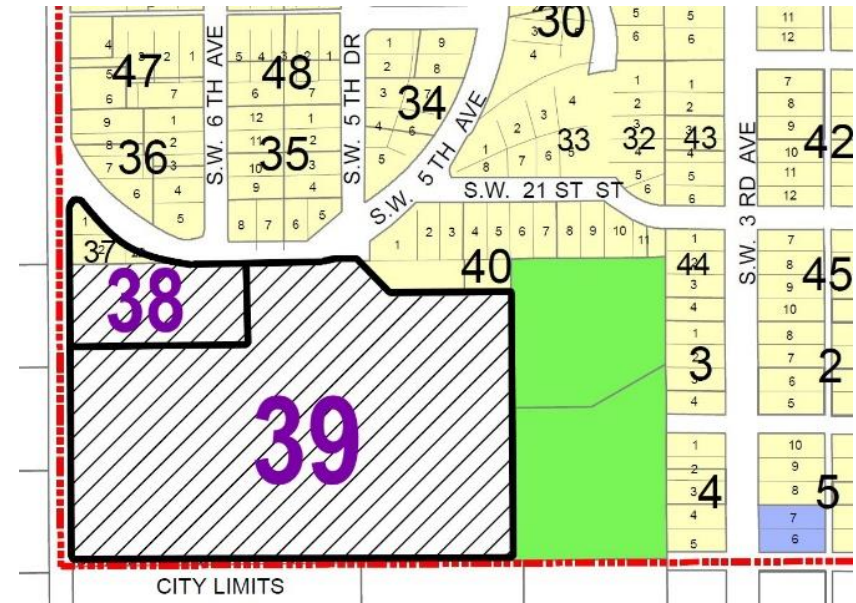


Map Area 6 - Future Land Use



- lot_line
- SINGLE - FAMILY RESIDENTIAL
- MIXED USE RESIDENTIAL
- MULTI - FAMILY RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC FACILITIES
- EASEMENT
- RAILROAD CENTERLINE
- HOPKINS MEANDER LINE
- UNINCORPORATED

Map Area 6 - Zoning

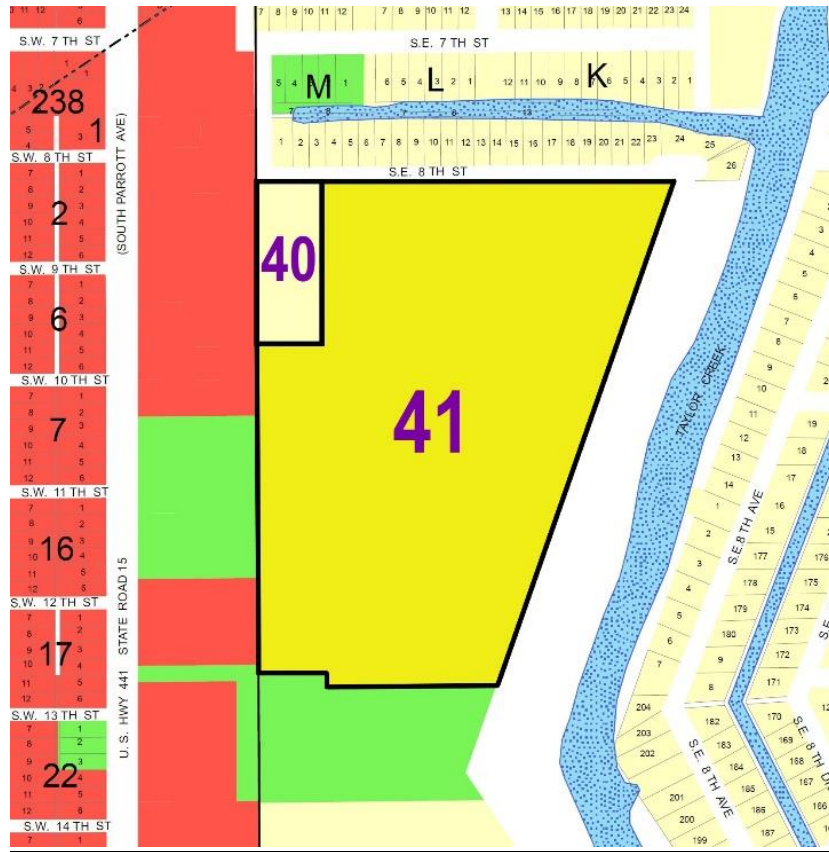


- HOPKINS MEANDER LINE
- RAILROAD CENTERLINE
- CENTRAL BUSINESS DISTRICT
- HEAVY COMMERCIAL
- LIGHT COMMERCIAL
- COMMERCIAL PROFESSIONAL OFFICE
- HOLDING
- INDUSTRIAL
- PUBLIC FACILITIES
- PLANNED UNIT DEVELOPMENT-MIXED USE
- PLANNED UNIT DEVELOPMENT-RESIDENTIAL
- RESIDENTIAL MULTIPLE FAMILY
- RESIDENTIAL MOBILE HOME
- RESIDENTIAL SINGLE FAMILY-ONE
- RESIDENTIAL SINGLE FAMILY-TWO
- UNINCORPORATED

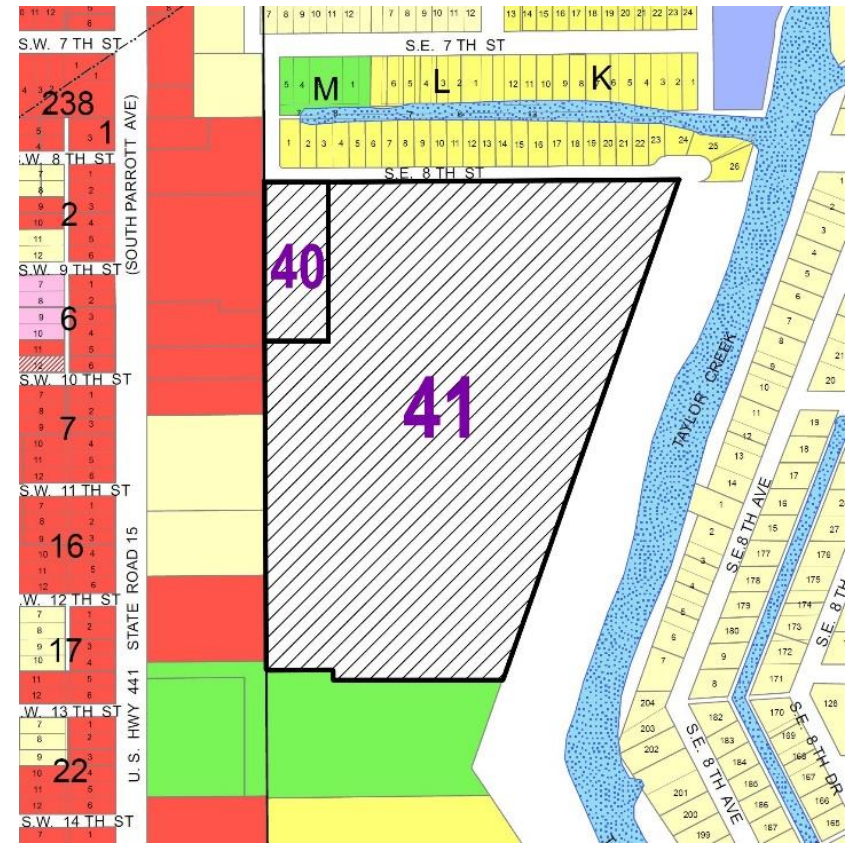
Map Area 6 - Aerial



Map Area 7 - Future Land Use



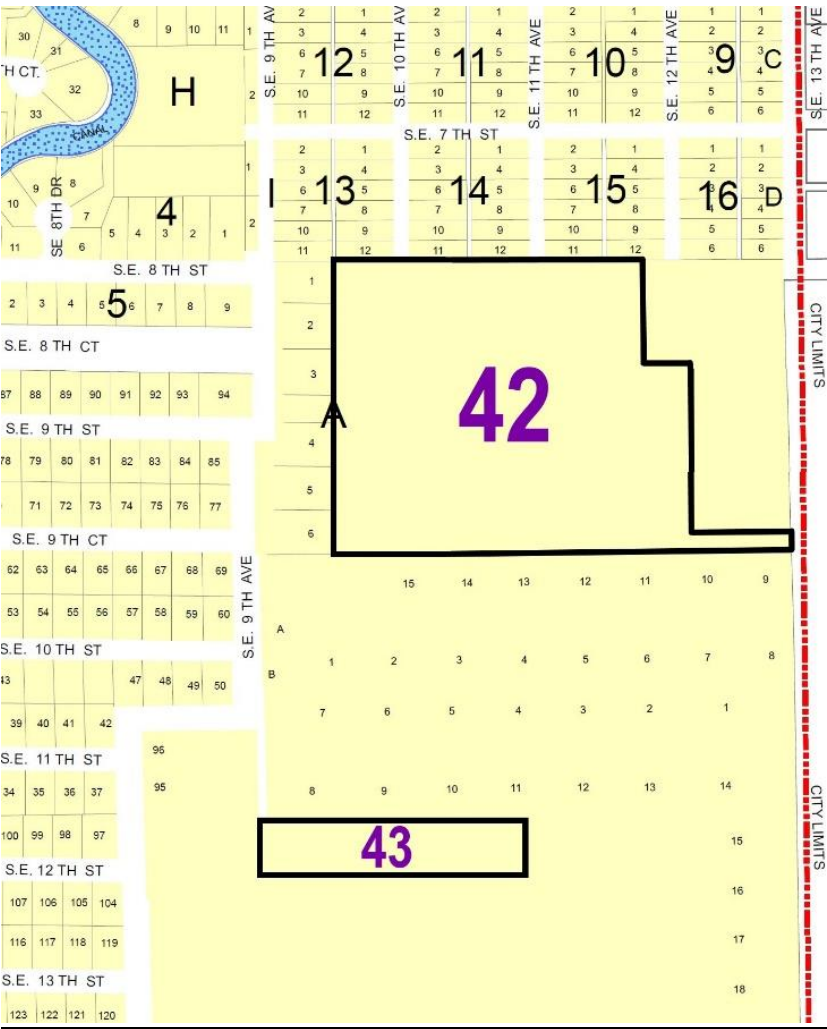
Map Area 7 - Zoning



Map Area 7 – Aerial

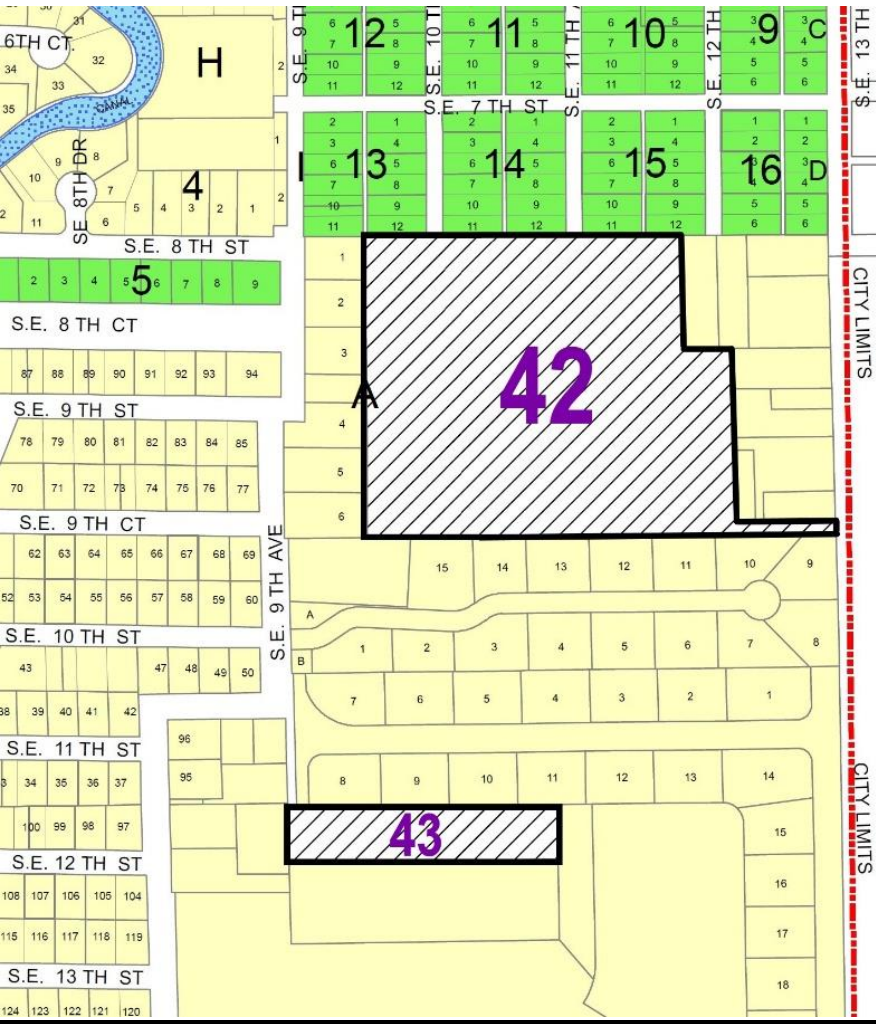


Map Area 8 - Future Land Use



- lot_line
- SINGLE - FAMILY RESIDENTIAL
- MIXED USE RESIDENTIAL
- MULTI - FAMILY RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC FACILITIES
- EASEMENT
- RAILROAD CENTERLINE
- HOPKINS MEANDER LINE
- UNINCORPORATED

Map Area 8 - Zoning



- HOPKINS MEANDER LINE
- RAILROAD CENTERLINE
- CENTRAL BUSINESS DISTRICT
- HEAVY COMMERCIAL
- LIGHT COMMERCIAL
- COMMERCIAL PROFESSIONAL OFFICE
- HOLDING
- INDUSTRIAL
- PUBLIC FACILITIES
- PLANNED UNIT DEVELOPMENT-MIXED USE
- PLANNED UNIT DEVELOPMENT-RESIDENTIAL
- RESIDENTIAL MULTIPLE FAMILY
- RESIDENTIAL MOBILE HOME
- RESIDENTIAL SINGLE FAMILY-ONE
- RESIDENTIAL SINGLE FAMILY-TWO
- UNINCORPORATED

Map Area 8 – Aerial



Exhibit C

Draft Property Owner Notification Letters

City of Okeechobee Planning and Development
55 SE 3rd Avenue, Okeechobee, FL 34974
Phone (863) 763-3372 • Fax (863) 763-1686

(Date)

Dear (property owner name),

Pursuant to City Ordinance XXXX, we are writing to inform you that the City has enacted a program to reduce the application fees and submittal requirements for properties that are partially or entirely zoned Holding. This program will be offered for a limited time and applications will only be accepted by the Okeechobee Department of Planning and Development until (termination date of program). As you may be aware, records indicate that you are the owner of property within the City of Okeechobee that is zoned Holding.

At one time, the City land development codes contained regulations for the development of properties zoned Holding. However, several years ago, the Holding district regulations were removed from the land development code. Currently, if any property owner of land zoned Holding is seeking to develop their property, a rezoning must be performed first. The City recognizes that this situation may be an impediment to development or the sale of your property and has enacted this rezoning incentivization program to assist you in increasing the value and development potential of your property. Rezoning requests and the associated required submittals are typically prepared at expense to the applicant by professional engineers, surveyors, planners, attorneys, and other consultants. It is the City's intention to reduce the submittal requirements such that rezoning requests submitted under this program can be made by the owner or the owner's representative without incurring the expense of outside professionals or to at least reduce those costs significantly. Under this program, the rezoning application submittal requirements have been reduced in the following ways:

- The application fee has been reduced from \$850 plus \$30/acre to \$600 plus \$20/acre.
- No survey is required. Surveys are typically prepared by a professional survey company at expense to the owner.
- No location map is required.
- No impact analysis required. Impact analysis for rezoning applications are typically prepared by professionals at expense to the owner and include traffic impact analysis, environmental impact analysis, public facilities impact analysis and adjacent property impact analysis.
- No applicant response to rezoning criteria is required. The City code provides criteria by which the Planning Board and Council should determine whether to approve or deny a rezoning request. Responses to rezoning criteria are typically prepared by professionals at expense to the owner.

The City Planning Board has already analyzed your property located at (property address) with parcel ID (###) and is supportive of a rezoning to (recommended zoning designation). If you fill out and submit the attached application with the required submittals and an application fee of only (application fee for this property), you can be assured that the City is supportive of a rezoning to (recommended zoning designation) for this property. Please keep in mind that the application period for this program is limited. Please submit your application by (termination date of program) to take advantage of this opportunity. Once the program expires, the standard rezoning application submittal requirements and the standard rezoning application fee of (standard rezoning fee for this property) will apply to any future rezoning requests.

If you have any questions, please contact the Okeechobee Department of Planning and Development at 863-763-3372.

Exhibit C

Draft Property Owner Notification Letters

City of Okeechobee Planning and Development
55 SE 3rd Avenue, Okeechobee, FL 34974
Phone (863) 763-3372 • Fax (863) 763-1686

(Date)

Dear (property owner name),

Pursuant to City Ordinance XXXX, we are writing to inform you that the City has enacted a program to reduce the application fees and submittal requirements for properties that are partially or entirely zoned Holding. This program will be offered for a limited time and applications will only be accepted by the Okeechobee Department of Planning and Development until (termination date of program). As you may be aware, records indicate that you are the owner of property within the City of Okeechobee that is zoned Holding.

At one time, the City land development codes contained regulations for the development of properties zoned Holding. However, several years ago, the Holding district regulations were removed from the land development code. Currently, if any property owner of land zoned Holding is seeking to develop their property, a rezoning must be performed first. The City recognizes that this situation may be an impediment to development or the sale of your property and has enacted this rezoning incentivization program to assist you in increasing the value and development potential of your property. Rezoning requests and the associated required submittals are typically prepared at expense to the applicant by professional engineers, surveyors, planners, attorneys, and other consultants. It is the City's intention to reduce the submittal requirements such that rezoning requests submitted under this program can be made by the owner or the owner's representative without incurring the expense of outside professionals or to at least reduce those costs significantly. Under this program, the rezoning application submittal requirements have been reduced in the following ways:

- The rezoning application fee has been reduced from \$850 plus \$30/acre to \$600 plus \$20/acre.
- No survey is required. Surveys are typically prepared by a professional survey company at expense to the owner.
- No location map is required.
- No impact analysis required. Impact analysis for rezoning applications are typically prepared by professionals at expense to the owner and include traffic impact analysis, environmental impact analysis, public facilities impact analysis and adjacent property impact analysis.
- No applicant response to rezoning criteria is required. The City code provides criteria by which the Planning Board and Council should determine whether to approve or deny a rezoning request. Responses to rezoning criteria are typically prepared by professionals at expense to the owner.

The City Planning Board has already analyzed your property located at (property address) with parcel ID (###) and the City is supportive of a rezoning to (recommended zoning designation). Due to the Future Land Use designation of your property, a Future Land Use Map amendment to (recommended FLU designation) will also be necessary if you would like to rezone to (recommended zoning designation). If you fill out and submit the attached applications with the required submittals and application fees, you can be assured that the City is supportive of a rezoning to (recommended zoning designation) and future land use map amendment to (recommended FLU designation) for this property. Please keep in mind that the application period for this program is limited. Please submit your application by (termination date of program) to take advantage of this opportunity. Once the program expires, the standard rezoning application submittal requirements and the standard rezoning application fee will apply to any future rezoning requests.

If you have any questions, please contact the Okeechobee Department of Planning and Development at 863-763-3372.



Staff Report

To: Okeechobee Planning & Zoning Board
From: Ben Smith, AICP
Meeting Date: January 21, 2020
Subject: Workshop - Parking Reduction Requests

City code sections 90-483 through 90-485 provide for requests to reduce the amount of parking that is required according to Section 90-512. However, the code does not provide application requirements, an application fee, or a clear review process. Currently, if an applicant is requesting approval for a parking reduction, the City charges the same fee for a parking reduction request as a site plan review. In situations where the parking reduction request is concurrent with the site plan review, this is appropriate. However, in the case of a change of use where no site plan review is occurring, it may not be appropriate to charge a site plan fee which is a minimum of \$1,000.

Previously, the Planning Board recommended approval to the Council of a new application and fee schedule of \$250 for parking reduction requests. However, the Council brought up issues with the proposed application requirements and directed staff to revise those requirements. Staff recognizes that the issues brought by Council are valid, but also that these issues should be addressed by revisions to code sections 90-483 through 90-485, as well as revisions to the previously proposed application requirements.

See attached proposed code revisions that substantially modify and clarify the requirements and procedures for parking reduction requests. Some points that should be discussed at the workshop are as follows:

- The Council's main objection to the previous proposal was the requirement for a parking study with any parking reduction request. As a parking study was a requirement per the existing code, it is necessary to revise the code to address that concern. The attached proposed revisions allow for applicants to request approval of parking reductions by providing a less formal demonstration than a full parking study, while still allowing the Administrator to require a parking study if it is warranted for a particular project. Are there any additional criteria or considerations that should be included in the review of parking reduction requests?
- Should parking reduction requests be reviewed by the Technical Review Committee, the Board of Adjustment, the Council, or some combination of the three bodies? If one of the goals is to keep City costs to a minimum, it would be preferable to limit the review of parking reduction requests to one body. The current code requires approval by the City Council, though it seems that review of parking reduction requests is more in line with the current duties of the TRC or BoA.
- The current code places limits on the maximum amount of parking reduction that can be approved in the commercial zoning districts and the PUB zoning district. The attached proposed code revisions also include limits for the other zoning districts as well as a prohibition on reducing parking requirements for single family homes, mobile homes, and duplexes. Are there any other specific uses where parking reduction requests should be limited? And are the proposed zoning district limits appropriate?

providing planning and management solutions for local governments

1375 Jackson Street, Suite 206 Fort Myers, FL 33901 239-334-3366 www.larueplanning.com

CHAPTER 90 - ZONING

ARTICLE IV – SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 2. - PARKING AND LOADING REQUIREMENTS

Sec. 90-481. - Generally.

Off-street parking and loading facilities shall be indicated on a site plan and provided in accord with the regulations of this division.

(LDR 1998, § 450)

Sec. 90-482. - Computation of required off-street parking and loading spaces.

Computation of required off-street parking and loading spaces shall be as follows:

- (1) Computation of parking spaces shall be rounded up or down to the nearest whole number.
- (2) Computation of parking spaces based on floor area requirements shall be gross floor area.
- (3) Computation of parking spaces in places of public assembly shall be based on the maximum occupancy rating given the building by the fire marshal.
- (4) Computation of parking spaces based on number of employees shall be at the maximum work shift.
- (5) Spaces for the handicapped are included in the computations of total parking spaces.
- (6) Parking spaces for two or more businesses may be combined, provided that the total number of spaces shall not be less than the sum of required spaces computed separately. Where it can be demonstrated that the need for parking spaces from specific uses do not overlap in time, the number of spaces may be reduced by the number required by the lesser use.
- (7) Loading spaces for two or more businesses may be combined, provided that the total number of loading spaces shall not be less than the sum of required spaces computed separately.
- (8) When a building or use is changed, or enlarged in floor area, the off-street parking and loading spaces as required in this division shall be provided for those changed or enlarged uses.

(LDR 1998, § 451)

~~Sec. 90-483. - Modification of parking and loading space requirements.~~

~~Modification of parking and loading space requirements shall be as follows:~~

- ~~(1) The number of spaces may be increased, decreased, or deferred by the city council when:
 - a. A parking study demonstrates that the proposed use would have a demand in excess of, or less than, the requirements of these Regulations.
 - b. A parking study demonstrates that the hours of need for maximum parking for two or more joint uses do not normally overlap.
 - c. A building is in an historic district or is of historic interest.
 - d. A building is in a Commercial, Central Business District, or Public Use Zoning Categories.~~
- ~~(2) The city council may require the applicant to provide a parking study when the technical review committee presents data indicating that an increase or decrease in the number of parking spaces may be warranted.~~

CHAPTER 90 - ZONING

ARTICLE IV – SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 2. - PARKING AND LOADING REQUIREMENTS

- ~~(3) —An applicant may submit a parking study to demonstrate that either the parking or loading space regulations are excessive for the use proposed, or there is not a current need for all spaces.~~
- ~~(4) —A parking study requesting deferral of parking spaces shall contain:
 - ~~a. —A site plan locating the total required parking spaces and designating the deferred spaces, and a landscaping plan of the deferred parking area.~~
 - ~~b. —A written agreement with the city that the developer will pay for a study to determine the need to provide the full parking requirement and that the deferred spaces will be converted to parking spaces at the developer's expense should the city determine that additional spaces are needed.~~~~
- ~~(5) —The number of parking spaces shall not be reduced below these requirements where there is insufficient parking.~~

Sec. 90-483. - Modification of parking and loading space requirements.

Parking reduction requests to provide less parking and/or loading spaces than is required by Sections 90-512 and 90-513 may be submitted, reviewed, and approved by the technical review committee as follows:

- (1) Applicants that submit site plans for review by the technical review committee may request approval of parking reduction concurrently with site plan approval. No additional application or application fees are required if the request is submitted for consideration in conjunction with the site plan submittal package.
- (2) For owners of existing developments where a proposed change of use would require more parking than is currently present on site, a parking reduction request application may be submitted for consideration by the technical review committee. Please see parking reduction application in Appendix A and the associated fee in Appendix C.
- (3) Applicants that submit PUD-M and PUD-R petitions may request approval of parking reduction concurrently with PUD approval. No additional application or application fees are required if the request is submitted for consideration in conjunction with the PUD petition package.
- (4) Applicants shall demonstrate that the reduction request is appropriate, justified and in the public interest through one or several of the following. At the discretion of the Administrator, a parking study may be specifically required.
 - a. Submittal of a parking study demonstrating that the proposed use or combination of uses will have a peak parking demand less than the requirements of Sections 90-512 and/or 90-513.
 - b. The location, design and proposed uses of the site provide for and encourage exceptional pedestrian and bicycle access.
 - c. The site will contain multiple uses with opportunities for internal capture and shared use of parking facilities, and the hours of peak demand for two or more of the proposed uses do not normally overlap.
 - d. Public street parking is located adjacent to the site.
 - e. Drive through service is available and adequate space for stacking of vehicles is provided. Designated stacking lanes shall be designed to minimize congestion associated with internal circulation as well as site ingress and egress.
 - f. The subject property and/or building is in an historic district or is of historic interest.

Formatted: Indent: Left: 0.3", First line: 0"

CHAPTER 90 - ZONING

ARTICLE IV – SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 2. - PARKING AND LOADING REQUIREMENTS

- (5) In the CBD zoning district, the number of parking spaces shall not be reduced by more than 80 percent.
- (6) In the RSF-1, RSF-2, RMH, RMF, CPO, CLT and CHV zoning districts the number of parking spaces shall not be reduced by more than 20 percent.
- (7) In PUB and IND zoning districts, the number of parking spaces shall not be reduced by more than 50 percent.
- (8) No parking reductions shall be approved for single family residences, mobile homes, or duplexes.

(LDR 1998, § 452; Ord. No. 815, § 1, 2-4-2003)

Sec. 90-484. - Reduction of paved parking space requirements.

- (a) The number of paved spaces may be reduced ~~by the city council when a parking study demonstrates~~upon demonstration by the applicant that the proposed use normally would have a demand for the total required parking spaces only on one or two days a week.
- (b) Paved parking spaces shall not be reduced by more than 75 percent.

(LDR 1998, § 453)

~~Sec. 90-485. - Reduction of parking space requirements in commercial districts.~~

- ~~(a) In commercial, central business, and public use zoning districts, city council may reduce the number of parking spaces if the technical review committee finds that there is a surplus of on-street parking in the immediate vicinity of the proposed use that is not required by other uses, or that the applicant has provided sufficient off-street parking by alternative means, such as but not limited to a parking garage, or adequate parking lots adjacent to the proposed use.~~
- ~~(b) City council may require the applicant to provide a parking study, or evidence of ownership or lease of alternative off-street parking, and may attach conditions to an approved or alternative parking space reduction.~~
- ~~(c) In the CBD the number of parking spaces shall not be reduced by more than 80 percent from that otherwise required in these regulations.~~
- ~~(d) In commercial zoning districts the number of parking spaces shall not be reduced by more than 20 percent from that otherwise required in these regulations.~~
- ~~(e) In public use zoning districts, the number of parking spaces shall not be reduced by more than 50 percent from that otherwise required in these regulations.~~

(LDR 1998, § 454; Ord. No. 815, § 1, 2-4-2003)

Secs. ~~90-486~~90-485—90-510. - Reserved.

* * * *

Form 19. – Parking Reduction Petition.

1. Application contents. Parking reduction request applications shall be submitted on the appropriate application form and include the following:
 - a. Petitioners name, address, phone number.
 - b. Proof of interest in property.
 - c. Property survey and location map.
 - d. Description of all proposed uses.
 - e. Supplementary supporting information.
 - f. Application fee.

2. Processing. Parking reduction request applications are processed as follows:
 - a. Applicant submits application to general services department.
 - b. Administrator reviews application, initiates processing, issues notice of technical review committee meeting.
 - c. Technical review committee reviews application and either approves, denies, or approves with conditions.

* * * *

APPENDIX C - SCHEDULE OF LAND DEVELOPMENT REGULATION FEES AND CHARGES

Fee Schedule:

* * * *

20. Applications for Parking Reduction Requests..... \$250.00