

**ORDINANCE #1276 LANGUAGE AS RECOMMENDED BY THE
PLANNING BOARD ON 5/18/2023 AND AS APPROVED AT
FIRST READING ON 6/20/2023, BEFORE AMENDED ON
8/15/2023:**

ORDINANCE NO. 1276

**AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA;
AMENDING PART II OF THE CITY OF OKEECHOBEE CODE OF
ORDINANCES, SUBPART B LAND DEVELOPMENT REGULATIONS,
CHAPTER 90 ZONING, ARTICLE III DISTRICTS AND DISTRICT
REGULATIONS, DIVISION 1 GENERALLY, ADDING A NEW SECTION
90-84, DEFINING PERIODS DURING WHICH STORM SHUTTERS MAY
NOT REMAIN IN PLACE AND PROVIDING EXCEPTIONS, AS
SUBMITTED IN LAND DEVELOPMENT TEXT AMENDMENT
APPLICATION NO. 23-003-TA; PROVIDING FOR CONFLICT;
PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE.**

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

WHEREAS, the City has a legitimate interest in periodic review of its Ordinances and LDRs in order to address certain inconsistencies or outdated regulations contained in the Codes; to make amendments to meet changing community standards, or to accommodate new development; and to create new ordinance or regulation to better serve the public and to make the Code a more consistent and easier to understand document; and

WHEREAS, the Planning Board for the City, acting as the Local Planning Agency, reviewed and discussed the proposed amendments, also known as LDR Text Amendment Application No. 23-003-TA, at a duly advertised Public Hearing held on May 18, 2023, and based on findings of fact by the Planning Staff, hereby recommends certain changes, amendments, or modifications to the Code of Ordinances, to present to the City Council for ordinance adoption and codification; and

WHEREAS, the City Council for the City considered the recommendations by the Planning Board and concludes that this Ordinance promotes the public health, safety, and welfare of its citizens and inhabitants of the City, pursuant to Article VIII, Section 1(g), Florida Constitution; and

WHEREAS, the City Council for the City finds and determines that these changes, amendments, or modifications to the City’s Code of Ordinances are consistent with all applicable policies including the LDRs and the City’s adopted Comprehensive Plan and not in conflict with the public interest.

NOW, THEREFORE, be it ordained before the City Council of the City 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.
The foregoing “whereas” clauses are incorporated herein as legislative findings by this reference and made a part hereof for all intents and purposes.

SECTION 2: AMENDMENT TO CHAPTER 90 ZONING.
That Part II of the Code of Ordinances, Subpart B LDRs, Chapter 90, Zoning, Article III District and District Regulations, Division 1 Generally, is hereby amended to read as follows:

Section 90-84—90-100. Reserved.

Language to be added is underlined.
Language to be deleted is ~~struck through~~.

**ORDINANCE #1276 LANGUAGE AS RECOMMENDED BY THE
PLANNING BOARD ON 5/18/2023 AND AS APPROVED AT
FIRST READING ON 6/20/2023, BEFORE AMENDED ON
8/15/2023:**

Section 90-84. Periods during which storm shutters may not remain in place; exceptions.

- (a) During the period starting on December 1 and ending on May 31, inclusive,
- (1) Storm shutters or storm panel systems permanently installed, hung, or attached to a building which serve both as architectural features on the building and as protective coverings when closed in the event of a storm shall not remain in a closed/secured position so as to block windows or doors unless a hurricane or tropical storm warning or watch has been issued. In the event of the issuance of a hurricane or tropical storm warning or watch, storm shutters or storm panel systems are allowed to cover the window and/or door openings, but must be removed or opened, as applicable, within 2-weeks of the end of the storm event. If a hurricane or tropical storm watch occurs during the 2-week period, a new 2-week period shall begin upon the publication of a new hurricane or tropical storm warning.
- (2) Storm shutters or hurricane protection devices that are composed of removable panels shall not be installed so as to block windows or doors unless a hurricane or tropical storm warning or watch has been issued. In the event of the issuance of a hurricane or tropical storm warning or watch, storm shutters or hurricane protection devices are allowed to cover the window and/or door openings, but must be removed or opened, as applicable, within 2-weeks of the end of the storm event. If a hurricane or tropical storm watch occurs during the 2-week period, a new 2-week period shall begin upon the publication of a new hurricane or tropical storm warning.
- (b) Notwithstanding the above, residents who are planning to be away from the City during hurricane season may be permitted to install storm shutters, storm panels, or hurricane protection devices even when no storm warning or watch has been issued by providing notification to the City General Services Department through the submission of a Storm Protection Extended Duration Notice prior to any proposed period of absence. The Notice shall include statements which certify that the residence will remain vacant during the resident's absence from the City and the exact duration of such vacancy during the hurricane season. The Storm Protection Extended Duration Notice will be made available on the City website.
- (c) Nothing hereinabove shall be construed as to conflict with the Florida Building Code or the Florida Fire Prevention Code as administered by the appropriate City official(s).

Section 90-85—90-100. Reserved.

SECTION 3: CONFLICT.

All Sections or parts of Sections of the City Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

SECTION 4: INCLUSION IN THE CODE OF ORDINANCES.

It is the intention of the City Council of the City, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City Code of Ordinances, that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

SECTION 5: SEVERABILITY.

If any Section, subsection, clause, or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

**ORDINANCE #1276 LANGUAGE AS RECOMMENDED BY THE
PLANNING BOARD ON 5/18/2023 AND AS APPROVED AT
FIRST READING ON 6/20/2023, BEFORE AMENDED ON
8/15/2023:**

SECTION 6: EFFECTIVE DATE.

This Ordinance shall be effective immediately upon final adoption on second reading.

INTRODUCED for First Reading and set for Final Public Hearing on this 20th day of June 2023.

ATTEST: _____
Dowling R. Watford, Jr., Mayor

Lane Gamiotea, CMC, City Clerk

PASSED AND ADOPTED after Second Reading and Final Public Hearing this 18th day of July 2023. **POSTPONED** to this 15th day of August 2023.

As required by City Charter Section C-4.1.C, ordinances shall be adopted by roll call on final reading and recorded, the vote was as follows:

	Yes	No	Abstained	Absent
Council Member Chandler:	_____	_____	_____	_____
Council Member/Vice Mayor Clark:	_____	_____	_____	_____
Council Member Jarriel:	_____	_____	_____	_____
Council Member McAuley:	_____	_____	_____	_____
Mayor Watford:	_____	_____	_____	_____

ATTEST: _____
Dowling R. Watford, Jr., Mayor

Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John J. Fumero, City Attorney
Nason Yeager Gerson Harris & Fumero, P.A.

**ORDINANCE #1276 AS AMENDED ON 8/15/2023
AND POSTPONED TO 9/5/2023:**

ORDINANCE NO. 1276

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING PART II OF THE CITY OF OKEECHOBEE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT REGULATIONS, CHAPTER 90 ZONING, ARTICLE III DISTRICTS AND DISTRICT REGULATIONS, DIVISION 1 GENERALLY, ADDING A NEW SECTION 90-84, DEFINING ~~PERIODS DURING WHICH STORM SHUTTERS MAY NOT REMAIN IN PLACE AND PROVIDING EXCEPTIONS~~ STORM SHUTTERS PROTOCOL FOR COMMERCIAL AND RESIDENTIAL STRUCTURES, AS SUBMITTED IN LAND DEVELOPMENT TEXT AMENDMENT APPLICATION NO. 23-003-TA; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City has a legitimate interest in periodic review of its Ordinances and LDRs in order to address certain inconsistencies or outdated regulations contained in the Codes; to make amendments to meet changing community standards, or to accommodate new development; and to create new ordinance or regulation to better serve the public and to make the Code a more consistent and easier to understand document; and

WHEREAS, the Planning Board for the City, acting as the Local Planning Agency, reviewed and discussed the proposed amendments, also known as LDR Text Amendment Application No. 23-003-TA, at a duly advertised Public Hearing held on May 18, 2023, and based on findings of fact by the Planning Staff, hereby recommends certain changes, amendments, or modifications to the Code of Ordinances, to present to the City Council for ordinance adoption and codification; and

WHEREAS, the City Council for the City considered the recommendations by the Planning Board and concludes that this Ordinance promotes the public health, safety, and welfare of its citizens and inhabitants of the City, pursuant to Article VIII, Section 1(g), Florida Constitution; and

WHEREAS, the City Council for the City finds and determines that these changes, amendments, or modifications to the City's Code of Ordinances are consistent with all applicable policies including the LDRs and the City's adopted Comprehensive Plan and not in conflict with the public interest.

NOW, THEREFORE, be it ordained before the City Council of the City 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.

The foregoing "whereas" clauses are incorporated herein as legislative findings by this reference and made a part hereof for all intents and purposes.

SECTION 2: AMENDMENT TO CHAPTER 90 ZONING.

That Part II of the Code of Ordinances, Subpart B LDRs, Chapter 90, Zoning, Article III District and District Regulations, Division 1 Generally, is hereby amended to read as follows:

~~Section 90-84—90-100. Reserved.~~

Language to be added is underlined.

Language to be deleted is ~~struck through~~.

Language in RED was amended during the 8/15/2023 Public Hearing

**ORDINANCE #1276 AS AMENDED ON 8/15/2023
AND POSTPONED TO 9/5/2023:**

Section 90-84. ~~Periods during which storm shutters may not remain in place; exceptions~~ Storm Shutters Protocol for Commercial and Residential Structures.

~~(a) During the period starting on December 1 and ending on May 31, inclusive,~~

(1) Storm shutters or storm panel systems permanently installed, hung, or attached to a building which serve both as architectural features on the building and as protective coverings when closed in the event of a storm shall not remain in a closed/secured position so as to block windows or doors unless a hurricane or tropical storm warning or watch has been issued. In the event of the issuance of a hurricane or tropical storm warning or watch, storm shutters or storm panel systems are allowed to cover the window and/or door openings, but must be removed or opened, as applicable, within 2-weeks of the end of the storm event. If a hurricane or tropical storm watch occurs during the 2-week period, a new 2-week period shall begin upon the publication of a new hurricane or tropical storm warning.

(2) Storm shutters or hurricane protection devices that are composed of removable panels shall not be installed so as to block windows or doors unless a hurricane or tropical storm warning or watch has been issued. In the event of the issuance of a hurricane or tropical storm warning or watch, storm shutters or hurricane protection devices are allowed to cover the window and/or door openings, but must be removed or opened, as applicable, within 2-weeks of the end of the storm event. If a hurricane or tropical storm watch occurs during the 2-week period, a new 2-week period shall begin upon the publication of a new hurricane or tropical storm warning.

~~(b)~~

(3) Notwithstanding the above, residents who are planning to be away from the City ~~during hurricane season~~ may be permitted to install storm shutters, storm panels, or hurricane protection devices even when no storm warning or watch has been issued by providing notification to the City General Services Department. ~~through the submission of a Storm Protection Extended Duration Notice prior to any proposed period of absence.~~ The Notice shall include statements which certify that the residence will remain vacant during the resident's absence from the City and the exact duration of such vacancy. ~~during the hurricane season.~~ The ~~Storm Protection Extended Duration~~ Notice ~~form~~ will be made available on the City website.

~~(c)~~

(4) Nothing hereinabove shall be construed as to conflict with the Florida Building Code or the Florida Fire Prevention Code as administered by the appropriate City official(s).

Section 90-85—90-100. Reserved.

SECTION 3: CONFLICT.

All Sections or parts of Sections of the City Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

SECTION 4: INCLUSION IN THE CODE OF ORDINANCES.

It is the intention of the City Council of the City, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City Code of Ordinances, that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

Language to be added is underlined.

Language to be deleted is ~~struck through~~.

Language in RED was amended during the 8/15/2023 Public Hearing

**ORDINANCE #1276 AS AMENDED ON 8/15/2023
AND POSTPONED TO 9/5/2023:**

SECTION 5: SEVERABILITY.

If any Section, subsection, clause, or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

SECTION 6: EFFECTIVE DATE.

This Ordinance shall be effective immediately upon final adoption on second reading.

INTRODUCED for First Reading and set for Final Public Hearing on this 20th day of June 2023.

ATTEST: _____
Dowling R. Watford, Jr., Mayor

Lane Gamiotea, CMC, City Clerk

PASSED AND ADOPTED after Second Reading and Final Public Hearing this 18th day of July 2023. **POSTPONED** to this 15th day of August 2023. **POSTPONED** to this 5th day of September 2023.

As required by City Charter Section C-4.1.C, ordinances shall be adopted by roll call on final reading and recorded, the vote was as follows:

	Yes	No	Abstained	Absent
Council Member Chandler:	_____	_____	_____	_____
Council Member/Vice Mayor Clark:	_____	_____	_____	_____
Council Member Jarriel:	_____	_____	_____	_____
Council Member McAuley:	_____	_____	_____	_____
Mayor Watford:	_____	_____	_____	_____

ATTEST: _____
Dowling R. Watford, Jr., Mayor

Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John J. Fumero, City Attorney
Nason Yeager Gerson Harris & Fumero, P.A.

Language to be added is underlined.
Language to be deleted is ~~struck through~~.
Language in RED was amended during the 8/15/2023 Public Hearing

**PROPOSED AMENDMENTS FROM STAFF FOR ORDINANCE
#1276 FOR COUNCIL CONSIDERATION AT THE 9/5/2023
PUBLIC HEARING:**

ORDINANCE NO. 1276

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING PART II OF THE CITY OF OKEECHOBEE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT REGULATIONS, CHAPTER 90 ZONING, ARTICLE III DISTRICTS AND DISTRICT REGULATIONS, DIVISION 1 GENERALLY, ADDING A NEW SECTION 90-84, DEFINING STORM SHUTTERS PROTOCOL GUIDELINES FOR COMMERCIAL AND RESIDENTIAL STRUCTURES, PROHIBITING STORM SHUTTERS FROM BEING LEFT IN PLACE AND PROVIDING EXCEPTIONS, AS SUBMITTED IN LAND DEVELOPMENT TEXT AMENDMENT APPLICATION NO. 23-003-TA; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the City has a legitimate interest in periodic review of its Ordinances and LDRs in order to address certain inconsistencies or outdated regulations contained in the Codes; to make amendments to meet changing community standards, or to accommodate new development; and to create new ordinance or regulation to better serve the public and to make the Code a more consistent and easier to understand document; and

WHEREAS, the Planning Board for the City, acting as the Local Planning Agency, reviewed and discussed the proposed amendments, also known as LDR Text Amendment Application No. 23-003-TA, at a duly advertised Public Hearing held on May 18, 2023, and based on findings of fact by the Planning Staff, hereby recommends certain changes, amendments, or modifications to the Code of Ordinances, to present to the City Council for ordinance adoption and codification; and

WHEREAS, the City Council for the City considered the recommendations by the Planning Board and concludes that this Ordinance promotes the public health, safety, and welfare of its citizens and inhabitants of the City, pursuant to Article VIII, Section 1(g), Florida Constitution; and

WHEREAS, the City Council for the City finds and determines that these changes, amendments, or modifications to the City's Code of Ordinances are consistent with all applicable policies including the LDRs and the City's adopted Comprehensive Plan and not in conflict with the public interest; and

WHEREAS, for the purposes of this Ordinance, underlined type shall denote additions to and strike through shall denote deletions from the original text.

NOW, THEREFORE, be it ordained before the City Council of the City 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.

The foregoing "whereas" clauses are incorporated herein as legislative findings by this reference and made a part hereof for all intents and purposes.

If applicable, language to be added is underlined.
If applicable, language to be deleted is ~~struck through~~.

**PROPOSED AMENDMENTS FROM STAFF FOR ORDINANCE
#1276 FOR COUNCIL CONSIDERATION AT THE 9/5/2023
PUBLIC HEARING:**

SECTION 2: AMENDMENT TO CHAPTER 90 ZONING.

That Part II of the Code of Ordinances, Subpart B LDRs, Chapter 90, Zoning, Article III District and District Regulations, Division 1 Generally, is hereby amended to read as follows:

~~Section 90-84—90-100. Reserved.~~

Section 90-84. Storm Shutters Protocol Guidelines for Commercial and Residential Structures.

- (1) Storm shutters or storm panel systems permanently installed, hung, or attached to a commercial or residential structure building which serve both as architectural features on the building and as protective coverings when closed in the event of a storm shall not remain in a closed/secured position so as to block windows or doors unless a hurricane or tropical storm warning or watch has been issued. In the event of the issuance of a hurricane or tropical storm warning or watch, storm shutters or storm panel systems are allowed to cover the window and/or door openings, but must be removed or opened, as applicable, within 2-weeks of the end of the storm event for all window and/or door openings which serve as the sole ingress/egress for a room to the exterior of the structure and within 4-weeks of the end of the storm event for all other windows and doors. If a hurricane or tropical storm watch occurs during the 2-week period, a new 2-week period shall begin upon the publication of a new hurricane or tropical storm warning.
- (2) Storm shutters or hurricane protection devices that are composed of removable panels shall not be installed so as to block windows or doors unless a hurricane or tropical storm warning or watch has been issued. In the event of the issuance of a hurricane or tropical storm warning or watch, storm shutters or hurricane protection devices are allowed to cover the window and/or door openings, but must be removed or opened, as applicable, within 2-weeks of the end of the storm event for all window and/or door openings which serve as the sole ingress/egress for a room to the exterior of the structure and within 4-weeks of the end of the storm event for all other windows and doors. If a hurricane or tropical storm watch occurs during the 2-week period, a new 2-week period shall begin upon the publication of a new hurricane or tropical storm warning.
- (3) Notwithstanding the above, residents who are planning to be away from the City may be permitted to install storm shutters, storm panels, or hurricane protection devices even when no storm warning or watch has been issued by providing notification to the City General Services Department. The Notice shall include statements which certify that the residence will remain vacant during the resident's absence from the City and the exact duration of such vacancy. The Notice form will be made available on the City website.
- (4) Nothing hereinabove shall be construed as to conflict with the Florida Building Code or the Florida Fire Prevention Code as administered by the appropriate City official(s).

~~Section 90-85—90-100. Reserved.~~

SECTION 3: CONFLICT.

All Sections or parts of Sections of the City Code of Ordinances in conflict herewith are intended to be repealed to the extent of such conflict.

If applicable, language to be added is underlined.
If applicable, language to be deleted is ~~struck through~~.

**PROPOSED AMENDMENTS FROM STAFF FOR ORDINANCE
#1276 FOR COUNCIL CONSIDERATION AT THE 9/5/2023
PUBLIC HEARING:**

SECTION 4: INCLUSION IN THE CODE OF ORDINANCES.

It is the intention of the City Council of the City, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City Code of Ordinances, that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

SECTION 5: SEVERABILITY.

If any Section, subsection, clause, or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

SECTION 6: EFFECTIVE DATE.

This Ordinance shall be effective immediately upon final adoption on second reading.

INTRODUCED for First Reading and set for Final Public Hearing on this 20th day of June 2023.

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

PASSED AND ADOPTED after Second Reading and Final Public Hearing this 18th day of July 2023. **POSTPONED** to this 15th day of August 2023. **POSTPONED** to this 5th day of September 2023.

As required by City Charter Section C-4.1.C, ordinances shall be adopted by roll call on final reading and recorded, the vote was as follows:

	Yes	No	Abstained	Absent
Council Member Chandler:	_____	_____	_____	_____
Council Member/Vice Mayor Clark:	_____	_____	_____	_____
Council Member Jarriel:	_____	_____	_____	_____
Council Member McAuley:	_____	_____	_____	_____
Mayor Watford:	_____	_____	_____	_____

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John J. Fumero, City Attorney
Nason Yeager Gerson Harris & Fumero, P.A.

If applicable, language to be added is underlined.
If applicable, language to be deleted is ~~struck through~~.