



CITY OF OKEECHOBEE
PLANNING BOARD AND WORKSHOP MEETING
55 SOUTHEAST THIRD AVENUE, OKEECHOBEE, FL 34974
SEPTEMBER 17, 2020
LIST OF EXHIBITS

Draft Minutes	Summary of Board Action July 16, 2020
Exhibit 1	LDR Text Amendment Application No. 20-001-TA
Exhibit 2	LDR Text Amendment Application No. 20-002-TA
Exhibit 3	Planning Staff Report Topic



**CITY OF OKEECHOBEE, FLORIDA
PLANNING BOARD & WORKSHOP MEETING
JULY 16, 2020
DRAFT SUMMARY OF BOARD ACTION**

I. CALL TO ORDER

Chairperson Hoover called the regular meeting of the Planning Board for the City of Okeechobee to order on Thursday, July 16, 2020, at 6:22 P.M. in the City Council Chambers, located at 55 Southeast Third Avenue, Room 200, Okeechobee, Florida. Pursuant to Executive Order No. 20-69 issued by Governor DeSantis on March 20, 2020, and extended by Executive Order No. 20-150 effective June 23, 2020, the meeting was conducted utilizing communications media technology (CMT) as provided by Florida Statutes 120.54(5)(b)2, by means of Zoom.com Meeting ID 2459713294. The Host computer was operated by Executive Assistant Brock. The video, audio, and other digital comments are recorded and retained as a permanent record.

A. The Pledge of Allegiance was led by Chairperson Hoover.

II. ATTENDANCE

Planning Board Secretary Burnette called the roll. Chairperson Dawn Hoover, Vice Chairperson Doug McCoy, Board Members Phil Baughman, Karyne Brass, Rick Chartier, Felix Granados and Mac Jonassaint were present. Alternate Board Members Joe Papasso and Jim Shaw were present.

CITY STAFF: City Attorney John Fumero, City Planning Consultant Ben Smith, General Services Secretary Yesica Montoya, and Executive Assistant Robin Brock were present.

III. AGENDA

- A.** Chairperson Hoover asked whether there were any agenda items to be added, deferred, or withdrawn. There were none.
- B.** A motion was made by Board Member Baughman to adopt the agenda as presented; seconded by Board Member Brass.

Chairperson Hoover, Vice Chairperson McCoy, Board Members Baughman, Brass, Chartier, Granados and Jonassaint voted: Aye. Nays: None. Motion Carried.

IV. MINUTES

- A.** A motion was made by Board Member Brass to dispense with the reading and approve the May 21, 2020 Regular Meeting minutes; seconded by Board Member Chartier.

Chairperson Hoover, Vice Chairperson McCoy, Board Members Baughman, Brass, Chartier, Granados and Jonassaint voted: Aye. Nays: None. Motion Carried.

V. CHAIRPERSON HOOVER OPENED THE PUBLIC HEARING AT 6:25 P.M.

- A.** Chairperson Hoover yielded the floor to City Planning Consultant Ben Smith of LaRue Planning and Management Services who briefly reviewed the Planning Staff Report for Abandonment of Right-of-Way Petition No. 20-001-AC-SC, which requests to vacate the 20-foot wide by 512.5-foot long East to West alleyway lying between Lots 1 through 10 and Lots 17 through 26, of Block 39, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public of Records of Okeechobee County, and a 70-foot wide by 512.5-foot long portion of Northwest 10th Street, formally known as Sixteenth Avenue, lying between Lots 1 through 10, Block 39 and Lots 17 through 26, Block 28, CITY OF OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public of Records of Okeechobee County. He stated recently the vacant portion of Block 39 contiguous to the subject rights-of-way was approved for a Future Land Use Map Amendment (FLUM) to Multi-Family Residential (MF) and a Rezoning change to Residential Multiple Family (RMF). Should this request be approved, the Applicant intends to join the vacant portion of Block 28 to the North and construct a multifamily residential project.

V. PUBLIC HEARING ITEM CONTINUED

With those recent FLUM and Zoning approvals and the property to the North being designated as MF Residential on the FLUM and RMF on the zoning map, it seems appropriate to place the same designation on the vacated property. This designation is also necessary if the Applicant is to complete the stated goal of developing a multi-family residential project at this site. The Petition was reviewed by the Technical Review Committee at their meeting on June 18, 2020 and a motion was made to recommend approval.

Planning Staff is recommending **approval** based on the following responses to the required findings. The alleyway is not the sole means of access to any property. The property owner of the parcel to the North of the Northwest 10th Street right-of-way, Fosler LLC, has provided consent and the Applicant owns the Southern half. The proposed right-of-way areas to be vacated have not been improved to facilitate vehicular travel. Turning over maintenance responsibility to the Applicant and adding property to the City's tax rolls will be a benefit to the City. Finally, the Applicant has received authorization from all necessary utility entities.

1. Mr. Steven Dobbs, with SLD Engineering, who represents the Applicant, Mr. Omar Abuaita, and Mr. Randy Simler, Co-Owner of Fosler LLC and property owner to the North of the subject Northwest 10th Street Right-of-Way, were present for questions. Mr. Dobbs pointed out the Northwest 10th Street right-of-way was actually 100 feet wide per the survey instead of 70 feet. Board Member Brass stated she has no issues with the project though voiced a concern with "giving away" these rights-of-way instead of having a policy in place to assign some sort of worth to them. She commented she knows the Hamrick Trust is paid but does one pay the City. Mr. Simler stated he has paid quite a bit of money for the property and plans to join them together whether the properties get developed or not. Property taxes will still have to be paid either way.
2. Chairperson Hoover opened the floor for public comment. There were none. The Petition was advertised in the local newspaper, two signs were posted on the subject property and courtesy notices were mailed to nine surrounding property owners.
3. No disclosures of Ex-Parte were offered.
4. A motion was offered by Member Baughman to recommend **approval** to the City Council for Abandonment of Right-of-Way Petition 20-001-AC-SC requesting to vacate an unimproved portion of Northwest 10th Street, formally known as Sixteenth Avenue, running East to West and lying South of Lots 17 to 26 of Block 28, and North of Lots 1 to 10 of Block 39, approximately 70-feet by 512.5-feet, OKEECHOBEE, Plat Books 1 and 5, Pages 10 and 5, Public of Records of Okeechobee County; and vacate the East to West alleyway in Block 39; seconded by Member Jonassaint.
 - a) The Board offered no further discussion.
 - b) **Chairperson Hoover, Vice Chairperson McCoy, Board Members Baughman, Brass, Chartier, Granados and Jonassaint, voted: Aye. Nays: None. Motion Carried.** The recommendation will be forwarded to the City Council for consideration at a Public Hearing, tentatively September 1, 2020, 6:00 P.M.

CHAIRPERSON HOOVER CLOSED THE PUBLIC HEARING AT 6:38 P. M.

VI. CHAIRPERSON HOOVER RECESSED THE REGULAR MEETING AND CONVENED THE WORKSHOP AT 6:38 P.M.

- A. City Planning Consultant Mr. Smith briefly reviewed the Staff Report for the Workshop regarding Rezoning of Holding Properties. The City's FLUM and Zoning maps have several existing types of conflicts. Properties with zoning designations that are inconsistent with the Future Land Use (FLU) designation; properties with existing land uses that are inconsistent with map designations; and lastly, properties zoned Holding.

VI. WORKSHOP ITEM CONTINUED

This Workshop is to discuss City initiated rezoning of properties currently zoned Holding. Several years ago, the Holding district regulations were removed from the land development code. It was intended at that time that most properties zoned Holding would be rezoned to one of the single-family residential zoning districts or to the Rural Heritage district. The Rural Heritage district was conceived in order to provide an appropriate zoning district to continue to be used for agricultural purposes. The City's Comprehensive Plan was also amended at that time to allow limited agriculture in the appropriate FLU categories to address existing lands in the City where agricultural activities have been and continue to be active. Since there are no longer any Holding district regulations provided in the code that would regulate development of properties zoned Holding, the Holding designation is no longer supported by the City's land development code. At this time, if any property owner of land zoned Holding is seeking to develop that property, a rezoning must be performed first.

At the November 21, 2019 Workshop Meeting, staff received directions from the Planning Board to proceed with recommendations for City initiated rezoning of the Holding properties. Currently 55 parcels of land within the City are zoned Holding. A few are developed, though most are undeveloped or used for agricultural purposes. Most of the Holding properties are designated as Single Family Residential (SF) on the FLUM, though there are two with Commercial designations and one with Mixed Use Residential. Mr. Smith provided FLUM and Zoning sub maps to the Board depicting eight separate areas of the City. Properties within those sub maps are labeled with map ID numbers. He explained several tasks would need to be considered. Separate applications and staff reports for each map ID; contacting each property owner; advertising; surveys which either would need to be provided by the property owner or the City; and should the map changes allow for an increased intensity of the use, then the effects to public facilities, utilities and services will need to be accessed.

A lengthy discussion followed centered around whether to create an actual zoning district for Holding, to how it was initially introduced and why the maps were created with this zoning designation if no regulations remained, to what transpired in past years when some of these Holding properties were rezoned.

The consensus of the Board was to have the City Attorney and the City Planner get together and do some further research. To determine if there is a way to approach this task without surveys, if applicable, to gather more information on the cost involved, and a more detailed approach to be able to make decisions on how to proceed.

CHAIRPERSON HOOVER ADJOURNED THE WORKSHOP AND RECONVENED THE REGULAR MEETING AT 7:14 P.M.

- VII.** There be no further items on the agenda, Chairperson Hoover adjourned the meeting at 7:14 P.M.

Dawn T. Hoover, Chairperson

ATTEST:

Patty M. Burnette, Secretary

Please take notice and be advised that when a person decides to appeal any decision made by the Planning Board/Board of Adjustment and Appeals with respect to any matter considered at this proceeding, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. General Services' media are for the sole purpose of backup for official records.

City of Okeechobee
General Services Department
55 S.E. 3rd Avenue, Room 101
Okeechobee, Florida 39974-2903
Phone: (863) 763-3372, ext. 218
Fax: (863) 763-1686

Date: 8-24-20

Petition No. 20-001-TA

Fee Paid: N/A

Jurisdiction: PB/CC

1st Hearing: 9-17-202nd Hearing: 10-20-20 / 11-17-20

Publication Dates:

Notices Mailed: N/A

APPLICATION FOR TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS

APPLICANT INFORMATION

1 Name of Applicant: City of Okeechobee

2 Mailing address: 55 SE 3rd Avenue Okeechobee Florida

3 E-mail address: pburnette@cityofokeechobee.com

4 Daytime phone(s): 863-763-9820

5 Do you own residential property within the City? ☐ Yes ☐ No

If yes, provide address(es)

6 Do you own nonresidential property within the City? ☐ Yes ☐ No

If yes, provide address(es)

REQUEST INFORMATION

7 Request is for: ☒ Text change to an existing section of the LDRs
☐ Addition of a permitted use ☐ Deletion of a permitted use
☐ Addition of a special exception use ☐ Deletion of a special exception use
☐ Addition of an accessory use ☐ Deletion of an accessory use

8 Provide a detailed description of text changes to existing section(s) showing deletions in strikeout and additions in underline format. (This description may be provided on separate sheets if necessary.)

See draft Ordinance



Staff Report

Land Development Code Text Amendment

Applicant: *The City of Okeechobee*
Petition No.: *20-001-TA*

Reason for Amendment

The RMH district standards are provided in Division 4 of Article III of Chapter 90 of the City's land development code. Staff became aware of several issues regarding the current Residential Mobile Home (RMH) district standards and the maximum density allowed in the Single Family Residential future land use category:

1. **Permitted Uses:** The list of permitted uses includes types of development that do not seem correct in the context of the definitions provided for those uses.
2. **Required Setbacks:** One of the required setbacks seems contrary to the other required setbacks.
3. **Density:** The minimum allowed lot size could create a density that would exceed the maximum allowed density of the single family residential future land use category.

Land Development Code Sections Involved

Section 90-162 provides the list of permitted uses in the RMH district as follows:

- (1) Mobile home subdivision, with one mobile home per lot.
- (2) Mobile home park, with one mobile home per lot.
- (3) Hurricane shelter.
- (4) Public and private schools.
- (5) House of worship, on a lot of at least five acres.
- (6) Open space.
- (7) Public facility or use.
- (8) Site-built or modular single-family homes on lots in mobile home parks existing as of August 1, 2007.

Section 90-165 provides lot and structure requirements as follows:

Except where further restricted by these regulations for a particular use, the minimum lot and structure requirements in the RMH district shall be as follows:

(1)	Minimum area.			
	a.	Mobile home park:	Area	10 acres
	b.	Mobile home subdivision:	Area	10 acres
	c.	Recreation vehicle park:	Area	10 acres
(2)	Minimum lot area.			
	a.	Mobile home and single-family home:	Area	5,000 square feet
			Width	50 feet
	b.	Other permitted principal uses:	Area	10,000 square feet
			Width	100 feet

(3)	Minimum yard requirements. Except where a greater distance is required by these regulations for a particular use, the minimum yard setbacks in the RMH district shall be as follows:		
	a.	District yard minimum:	20 feet on all property boundaries
	b.	Mobile home and single-family home:	Front Side Rear 20 feet 10 feet 10 feet
	c.	Other permitted principal uses:	Front Side Rear 25 feet 20 feet 20 feet
(4)	Maximum lot coverage by all buildings.		
			Maximum Coverage Maximum Impervious Surface
	a.	Mobile home, recreation vehicle and single-family home:	50 percent 50 percent
	b.	Other permitted principal uses:	30 percent 50 percent
(5)	Maximum height of structures.		
	Except where further restricted by these regulations for a particular use, the maximum height shall be as follows: All uses shall be 30 feet.		

Section 66-1 provides the definition of *mobile home park* and the definition of *mobile home subdivision* as follows:

Mobile home park means **land under single ownership** which is used to supply to the public spaces for the placement and occupancy of two or more mobile homes as dwelling units.

Mobile home subdivision means a **subdivision of land** for the sale of lots for the placement and occupancy of mobile homes as dwelling units.

Permitted Uses

Based on the definitions of mobile home park and mobile home subdivision, there are a few issues with the list of permitted uses in the RMH district. Subsection 90-162(2) lists “mobile home park, with one mobile home per lot” as a permitted use. However, the definition of mobile home park requires that the park must be under single ownership. While this could mean an area with separate lots all owned by the same entity, it is more typically one parcel of land owned by one entity, with multiple mobile home sites for rent/lease by that entity. This use, as listed in section 90-162(2) should be revised to be consistent with the definition of a mobile home park.

According to staff reports and meeting minutes from the adoption of Ordinance 997, subsection 90-162(8) was added in August 2007 with the intent of allowing redevelopment of lots in the RMH district with single family homes in place of mobile homes. Previously, single

family homes were not a permitted use in the RMH district. However, the wording of this section is problematic as it specifies mobile home parks, leaving out mobile home subdivisions, and could have several interpretations.

Based on the definitions of mobile home park and mobile home subdivision, as well as the City's desire to allow redevelopment of RMH lots with single family homes, this subsection should be revised to allow site built of modular single family homes on any lot. A new subsection (9) should also be added to clarify that mobile homes and single family homes should be permitted on existing undersized lots. Except for the permitting of the mobile homes, this is consistent with section 90-32(a) which provides for development of nonconforming residential lots as follows:

A lot in a residential zoning district which is nonconforming because of insufficient area, which has at least 4,000 square feet and 40 feet frontage, and was in separate ownership on the date of enactment of these regulations, may be used to build a single-family dwelling

Required Setbacks

Section 90-165(3)(a) seems to contradict the setbacks allowed in subsection (b) and (c). Subsections (b) and (c) seem to cover all potential structures and subsection (a) requires greater setbacks than the minimum allowed under subsection (b). Since the 10 foot rear and side setbacks allowed under section (b) do seem appropriate, we recommend that subsection (a) be stricken from the code.

Density

The RMH zoning district is only permitted within the single family residential future land use category, the standards for which are provided in Future Land Use Policy 2.1(a) of the City's Comprehensive Plan as follows:

Single-Family Residential. Permitted uses include single-family dwellings, mobile home parks, houses of worship, public and private schools, public facilities, limited agriculture and accessory uses customary to permissible uses. Other uses related to and consistent with low density residential development such as boarding houses, bed and breakfasts, adult family care homes, assisted living facilities, community centers, indoor and outdoor recreation and public utilities may be permissible under certain circumstances.

- (1) Maximum density is four units per acre for residential units on individual lots, and six units per acre for mobile home parks. Where affordable housing is provided in accordance with Housing Policy 1.6, the maximum density for single family development shall be five units per acre.
- (2) Zoning districts considered appropriate within this future land use category include Rural Heritage (RH), Residential Single-Family One (RSF 1), Residential Mobile Home (RMH), and Residential Planned Unit Development (PUD-R).

Section 90-165(2)(a) allows for minimum lot sizes of 5,000 square feet for mobile homes and single family homes. If a mobile home subdivision were to be created with 5,000 square foot lots, the density would be 8.7 dwelling units per acre. This is inconsistent with the City's comprehensive plan, as this density is greater than the maximum density of 6 units per acre that is permitted by future land use policy 2.1(a). If the City would like to ensure compliance with policy 2.1(a), then the minimum area required for each mobile home in the RMH district should be 7,260 square feet.

Proposed Amendment

The above issues were discussed with the Planning Board at a workshop on August 20, 2020. It was generally agreed upon that:

- The 20 foot minimum yard setback required in Section 90-165(3)(a) should be removed.
- Redevelopment of lots in the RMH district with single family dwellings to replace mobile homes should be permitted and encouraged.
- The maximum densities allowed by the Single Family Residential Future Land Use Category should remain unchanged.
- No new subdivisions or lot splitting should be permitted which is inconsistent with the maximum densities allowed by the comprehensive plan; and that the permitted uses and lot area requirements of the RMH district should be amended to achieve this

Please see the attached proposed ordinance which, if approved, will amend the RMH district standards.

Submitted by:



Benjamin L. Smith, AICP
Sr. Planner

LaRue Planning
September 8, 2020

Planning Board Meeting: September 17, 2020
City Council 1st Reading: (tentative) October 20, 2020
City Council 2nd Reading and Public Hearing: (tentative) November 17, 2020

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING DIVISION 4 OF ARTICLE III OF CHAPTER 90 OF THE LAND DEVELOPMENT CODE OF THE CITY OF OKEECHOBEE; AMENDING SECTION 90-162, REVISING PERMITTED USES IN THE RMH ZONING DISTRICT; AMENDING SECTION 90-165, REVISING MINIMUM LOT AND STRUCTURE REQUIREMENTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDED FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statute 166.01 authorizes cities to establish, coordinate and enforce zoning and development laws that are necessary for the protection of the public; and

WHEREAS, the City of Okeechobee desires to update its Land Development Code; and

WHEREAS, the City of Okeechobee Land Development Code is intentionally modified to be relevant and to encourage development and redevelopment; and

WHEREAS, the City of Okeechobee Land Development Code is wholly consistent with the City's Comprehensive Plan and the Florida Community Planning Act; and

WHEREAS, the City Council agreed with the recommendation of the Planning Board and hereby finds such Land Development Code text amendment to be consistent with the City's Comprehensive Plan and deems it in the best interest of the inhabitants of said City to amend the Land Development Code as hereinafter set forth.

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: CITY CODE AMENDED. The City of Okeechobee Land Development Code is hereby revised as follows:

CHAPTER 90 – ZONING

* * * *

ARTICLE III. – DISTRICTS AND DISTRICT REGULATIONS

* * * *

DIVISION 4. – RESIDENTIAL MOBILE HOME (RMH) DISTRICT

Sec. 90-161. - Generally.

- (a) Residential mobile home (RMH) zoning districts shall be permitted only on land designated as future land use category single-family residential in the comprehensive plan.
- (b) Uses in residential mobile home (RMH) zoning districts shall be subject to the regulations of this division.

Sec. 90-162. - Permitted uses.

The following principal uses and structures in the RMH district are permitted:

- (1) Mobile home subdivision, with one mobile home per lot.
- (2) Mobile home park, with one mobile home per ~~lot~~ site (each site meeting the lot and site area requirements of Section 90-165(2)(a)).
- (3) Hurricane shelter.
- (4) Public and private schools.
- (5) House of worship, on a lot of at least five acres.
- (6) Open space.
- (7) Public facility or use.
- (8) Site-built or modular single-family homes ~~on lots in mobile home parks existing as of August 1, 2007.~~
- (9) Mobile homes and single-family homes on undersized lots that have existed since August 1, 2007.

Sec. 90-163. - Special exception uses.

The following uses and structures are permitted in the RMH district after issuance of a special exception use petition and may have additional conditions imposed at the time of approval:

- (1) Adult family care homes or assisted living facilities as provided by law.
- (2) Day care center.
- (3) House of worship on a lot less than five acres.
- (4) Recreation vehicle park for transient recreation use only.
- (5) Community center.
- (6) Indoor recreation.
- (7) Outdoor recreation.
- (8) Golf course.
- (9) Public utility.

Sec. 90-164. - Customary accessory uses.

Each permitted principal use and special exception use in the RMH district is also permitted to have the customary accessory uses for that use.

Sec. 90-165. - Lot and structure requirements.

Except where further restricted by these regulations for a particular use, the minimum lot and structure requirements in the RMH district shall be as follows:

(1)	<i>Minimum area.</i>			
	a.	Mobile home park:	Area	10 acres
	b.	Mobile home subdivision:	Area	10 acres
	c.	Recreation vehicle park:	Area	10 acres
(2)	<i>Minimum lot <u>and site</u> area.</i>			
	a.	Mobile home and single family home:	Area	5,000 <u>7,620</u> square feet
			Width	50 feet
	<u>b.</u>	<u>Single Family Home:</u>	<u>Area</u>	<u>10,000 square feet</u>
			<u>Width</u>	<u>50 feet</u>
	b. <u>c.</u>	Other permitted principal uses:	Area	10,000 square feet
			Width	100 feet
(3)	<i>Minimum yard requirements.</i> Except where a greater distance is required by these regulations for a particular use, the minimum yard setbacks in the RMH district shall be as follows:			
	a.	District yard minimum:	20 feet on all property boundaries	
	b. <u>a.</u>	Mobile home and single-family home:	Front Side Rear	20 feet 10 feet 10 feet
	c. <u>b.</u>	Other permitted principal uses:	Front Side Rear	25 feet 20 feet 20 feet
(4)	<i>Maximum lot coverage by all buildings.</i>			
			<i>Maximum Coverage</i>	<i>Maximum Impervious Surface</i>
	a.	Mobile home, recreation vehicle and single-family home:	50 percent	50 percent
	b.	Other permitted principal uses:	30 percent	50 percent

(5)	Maximum height of structures.		
	Except where further restricted by these regulations for a particular use, the maximum height shall be as follows: All uses shall be 30 feet.		

* * * *

SECTION 3: CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: INCLUSION IN THE CODE. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Okeechobee.

SECTION 5: 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 6: 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 ____.

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John Fumero, City Attorney

City of Okeechobee
General Services Department
55 S.E. 3rd Avenue, Room 101
Okeechobee, Florida 39974-2903
Phone: (863) 763-3372, ext. 218
Fax: (863) 763-1686

Date: 8-24-20

Petition No. 20-002-TA

Fee Paid: N/A

Jurisdiction: PB/CC

1st Hearing: 9-17-202nd Hearing: 10-20-20 / 11-17-20

Publication Dates:

Notices Mailed: N/A

APPLICATION FOR TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS

APPLICANT INFORMATION

- 1 Name of Applicant: City of Okeechobee
- 2 Mailing address: 55 SE 3rd Avenue Okeechobee Florida
- 3 E-mail address: phumette@cityofokeechobee.com
- 4 Daytime phone(s): 863-763-9820

5 Do you own residential property within the City? ☐ Yes ☐ No
If yes, provide address(es)

6 Do you own nonresidential property within the City? ☐ Yes ☐ No
If yes, provide address(es)

REQUEST INFORMATION

- 7 Request is for: ☒ Text change to an existing section of the LDRs
☐ Addition of a permitted use ☐ Deletion of a permitted use
☐ Addition of a special exception use ☐ Deletion of a special exception use
☐ Addition of an accessory use ☐ Deletion of an accessory use

8 Provide a detailed description of text changes to existing section(s) showing deletions in ~~strikeout~~ and additions in underline format. (This description may be provided on separate sheets if necessary.)

See draft Ordinance



Staff Report

Land Development Code Text Amendment

Applicant: *The City of Okeechobee*

Petition No.: *20-002-TA*

Based on direction from the Board at the July workshop and discussion of this issue at the August Workshop, the attached proposed Ordinance presents land development code amendments that will allow the City of Okeechobee to initiate zoning map changes and future land use map changes with less requirements than are currently required for map changes requested by property owners. As staff confirmed with other local governments, no survey is required for a city initiated rezoning or a city initiated future land use map amendment. Identifying the subject property on maps and providing a legal description is sufficient. Minor changes to the processing procedures of applicant-initiated map changes are also proposed in order to more clearly align with the manner in which requests are actually processed.

In addition to new application requirements proposed in Appendix A, some minor revisions are also proposed to Section 70-340 in order to broaden the applicability of the required findings for zoning map changes and land development code changes.

Submitted by:



Benjamin L. Smith, AICP
Sr. Planner

LaRue Planning
September 8, 2020

Planning Board Meeting: September 17, 2020
City Council 1st Reading: (tentative) October 20, 2020
City Council 2nd Reading and Public Hearing: (tentative) November 17, 2020

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING DIVISION 4 OF ARTICLE III OF CHAPTER 70 OF THE LAND DEVELOPMENT CODE OF THE CITY OF OKEECHOBEE; AMENDING SECTION 70-340, BROADENING THE APPLICABILITY OF THE FINDINGS REQUIRED FOR GRANTING PETITIONS; AMENDING APPENDIX A OF THE LAND DEVELOPMENT CODE OF THE CITY OF OKEECHOBEE; AMENDING FORM 1 TO CLARIFY THE PROCEDURES FOR COMPREHENSIVE PLAN AMENDMENT PETITIONS; AMENDING FORM 3 TO CLARIFY THE PROCEDURES FOR ZONING DISTRICT BOUNDARY CHANGE PETITIONS; CREATING FORM 19 TO PROVIDE STANDARDS AND PROCEDURES FOR ADMINISTRATIVELY INITIATED COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENTS; CREATING FORM 20 TO PROVIDE STANDARDS AND PROCEDURES FOR ADMINISTRATIVELY INITIATED ZONING DISTRICT BOUNDARY CHANGE PETITIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statute 166.01 authorizes cities to establish, coordinate and enforce zoning and development laws that are necessary for the protection of the public; and

WHEREAS, the City of Okeechobee desires to update its Land Development Code; and

WHEREAS, the City of Okeechobee Land Development Code is intentionally modified to be relevant and to encourage development and redevelopment; and

WHEREAS, the City of Okeechobee Land Development Code is wholly consistent with the City's Comprehensive Plan and the Florida Community Planning Act; and

WHEREAS, the City Council agreed with the recommendation of the Planning Board and hereby finds such Land Development Code text amendment to be consistent with the City's Comprehensive Plan and deems it in the best interest of the inhabitants of said City to amend the Land Development Code as hereinafter set forth.

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: CITY CODE AMENDED. The City of Okeechobee Land Development Code is hereby revised as follows:

CHAPTER 70 – ADMINISTRATION

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ARTICLE III. – ADMINISTRATIVE PROCEDURES AND REQUIREMENTS

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DIVISION 4. – APPLICATION REQUIREMENTS

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Sec. 70-340. - Findings required for granting petitions.

All petitions for change of land development regulations and change of zoning district boundary shall be considered in relation to the following criteria, where applicable. In acting upon a petition ~~for a proposed use~~, the city council, planning board, or board of adjustment, as appropriate, shall find that:

- (1) The ~~use~~request is not contrary to comprehensive plan requirements.
- (2) The use is specifically authorized under the zoning district regulations applied for.
- (3) ~~The use~~Approval of the request will not have an adverse effect on the public interest.
- (4) The use is appropriate for the location proposed, is reasonably compatible with adjacent uses, and is not contrary or detrimental to urbanizing land use patterns.
- (5) ~~The use~~Approval of the request will not adversely affect property values or living conditions, nor be a deterrent to the improvement or development of adjacent property.
- (6) The use can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood.
- (7) ~~The use~~Approval of the request will not create a density pattern that would overburden public facilities such as schools, streets, and utility services.
- (8) ~~The use~~Approval of the request will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.
- (9) The use has not been inordinately burdened by unnecessary restrictions.

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APPENDIX A - APPLICATION FORMS AND CONTENT REQUIREMENTS

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Form 1. - Comprehensive plan amendment petition.

1. *Petition contents.* Comprehensive plan amendment petition shall be submitted on the appropriate application form and comprises the following:
 - a. Petitioner's name, address, phone number.
 - b. Reason for requesting the amendment.

- c. Details of the requested amendment.
 - d. Supplementary supporting information.
 - e. Information and documents requested by city administrator prior to public hearing.
 - f. Application fee.
2. *Processing.* Comprehensive plan amendment petitions are processed as follows:
- a. Applicant submits petition to general services department.
 - b. Administrator reviews petition, initiates processing, issues notice of ~~first~~planning board public hearing.
 - c. Planning board holds public hearing, forwards advisory recommendation to city council.
 - d. Administrator issues notice of ~~second~~city council public hearing.
 - e. City council holds public hearing, renders final decision on petition.
- * * * *

Form 3. - Zoning district boundary change petition.

1. *Petition contents.* Zoning district boundary change petition shall be submitted on the appropriate application form and comprises the following:
- a. Petitioner's name, address, phone number.
 - b. Proof of interest in property.
 - c. Property survey and location map.
 - d. Property owner's list.
 - e. Site development plan.
 - f. Statement of use.
 - g. Supplementary supporting information.
 - h. Impact analysis.
 - i. Application fee.
2. *Processing.* Zoning district boundary change petitions are processed as follows:
- a. Applicant submits petition to general services department.
 - b. Administrator reviews petition, initiates processing, issues notice of ~~first~~planning board public hearing.
 - c. Planning board holds public hearing, forwards advisory recommendation to city council.
 - d. Administrator issues notice of ~~second~~city council public hearing.
 - e. City council holds first public hearing, renders decision.
 - f. If approved, Administrator issues notice of second city council public hearing.
 - eg. City council holds second public hearing, renders final decision on petition.
- * * * *

Form 19. – Administratively Initiated comprehensive plan future land use map amendment.

1. *Petition contents.* Comprehensive plan future land use map amendments initiated by the City of Okeechobee shall be presented by city staff in a report which includes the following:

- a. List of property owners.
 - b. Location map identifying subject property.
 - c. Future Land Use Map identifying subject property.
 - d. Zoning Map identifying subject property.
 - e. Legal description of subject property
 - f. Reason for amendment
 - d. Supplementary supporting information.
 - e. Information and documents requested by city administrator prior to public hearing.
2. Processing. Administratively initiated comprehensive plan amendment petitions are processed as follows:
- a. Staff prepares a report on the proposed map change.
 - b. Administrator reviews petition, initiates processing, issues notice of public hearing.
 - c. Planning board holds public hearing, forwards advisory recommendation to city council.
 - d. Administrator issues notice of city council public hearing.
 - e. City council holds public hearing, renders final decision on petition.

Form 20. – Administratively Initiated zoning district boundary change petition.

1. Petition contents. Zoning district boundary changes initiated by the City of Okeechobee shall be presented by city staff in a report which includes the following:
- a. List of property owners.
 - b. Location map identifying subject property.
 - c. Future land use map identifying subject property.
 - d. Zoning map identifying subject property.
 - e. Legal description of subject property
 - f. Reason for rezoning
 - g. Supplementary supporting information.
 - h. Information and documents requested by city administrator prior to public hearing.
2. Processing. Administratively initiated zoning district boundary change petitions are processed as follows:
- a. Staff prepares a report on the proposed map change.
 - b. Administrator reviews staff report, initiates processing, issues notice of planning board hearing.
 - c. Planning board holds public hearing, forwards advisory recommendation to city council.
 - d. Administrator issues notice of first city council public hearing.
 - e. City council holds first public hearing, renders decision.
 - d. If approved, Administrator issues notice of second city council public hearing.
 - f. City council holds second public hearing, renders final decision.

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SECTION 3: CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: INCLUSION IN THE CODE. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Okeechobee.

SECTION 5: 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 6: 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 ____.

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John Fumero, City Attorney

Staff Report

To: Okeechobee Planning Board
From: Ben Smith, AICP
Meeting Date: September 17, 2020
Subject: Workshop – Holding Property Rezoning Incentivization Program

As directed by the Planning Board at the August workshop, the purpose of this report is to provide discussion points for the formulation of a program to incentivize owners of properties zoned Holding to request rezoning to another zoning district.

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.

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 properties 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.

Determine application requirements, including application fees

Currently, for rezoning application to be considered complete and sufficient, Appendix A of the City's Land Development Code requires the following to be submitted by the applicant:

- a) Petitioner's name, address, phone number.
- b) Proof of interest in property.
- c) Property survey and location map.
- d) Property owner's list.
- e) Site development plan.
- f) Statement of use.
- g) Supplementary supporting information.
- h) Impact analysis.
- i) Application fee.

As part of the incentivization program, the City could reduce these rezoning application requirements in a few ways. The City could allow Holding property owners to submit their application without a survey and location map, instead requiring only a legal description and parcel number. Additionally, a site development plan and impact analysis are also not completely necessary.

Appendix C of the City's Land Development Code requires a rezoning application fee of \$850 plus \$30/acre. According to records provided by City staff, the application fee for 20-001-R was \$936.10 and the City spent \$674.24 on advertising and mailing costs. The application fee for 20-002-R was

\$850 and the City spent \$549.58 on advertising and mailing costs.

In addition to the direct costs of advertising and mailing, there are other costs that the City has assumed including planning consultant time, administrative staff time, and in some rezoning situations more than others, attorney time. At this time, these costs are not billed directly back to the applicant. The administrative staff that work on these items are employed by the City to perform a multitude of tasks, of which processing rezoning applications is only a small part. Similarly, the planning consultant and attorney contracts include a minimum number of hours to be billed to the City, and processing or providing services on rezoning applications are generally assumed within those minimum number of hours.

Ultimately, it must be a City policy and budgeting decision whether to reduce the fees or set fees differently for any application. Considering the advertising costs, mailing costs, consultant time and administrative staff time spent on each rezoning request, reducing the rezoning application fees would likely be a subsidization. However, reducing fees, even if only moderately, would provide some incentivization for Holding property owners or prospective buyers to initiate a rezoning.

Identify map changes that the City will support.

There are currently 55 parcels of land within the City that are zoned Holding. A few of these parcels are developed, though most are undeveloped or used for agricultural purposes. Most of the Holding properties 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.

Staff has already prepared a report outlining the existing land use, surrounding land uses, future land use map designation and recommendations for map changes for nearly every Holding parcel. These recommendations should be discussed, revised as necessary and formalized by the Planning Board.

Then, if Holding property owners request a rezoning according to the City's formally supported map changes, they can have confidence that the request will be approved.

Decide how Holding property owners should be notified of this program

To ensure that Holding property owners are aware of the program and the incentives, property owners should be made aware of this program by the City. Ideally, a notice would be mailed to each property owner, with the notice being somewhat specific for each property to describe the map change that is supported by the City for their property. If phone and/or email contacts are known, staff could also reach out to property owners through those methods.

Adopt an Ordinance to implement the Holding property rezoning incentivization program.

Once the specifics of the program have been determined, staff will prepare an ordinance to formally adopt the program. The Ordinance should include:

- 1) Application requirements including application fee
- 2) Provisions for mailing notices to Holding property owners regarding the existence of this program and the incentives of this program.
- 3) An application form specifically created for this program
- 4) List of map changes that are formerly supported by the City.