



CITY OF OKEECHOBEE

55 SE THIRD AVENUE
OKEECHOBEE, FL 34974

JUNE 20, 2023

6:00 PM

LIST OF EXHIBITS

Mayor

Dowling R. Watford, Jr.

Vice Mayor

Monica Clark

Council Members

Noel Chandler

Bob Jarriel

David McAuley

Warrant Register

May, 2023

Exhibit 1	Ordinance No. 1273
Exhibit 2	Ordinance No. 1274
Exhibit 3	Ordinance No. 1272
Exhibit 4	Resolution No 2023-02
Exhibit 5	Voting Delegate form for Florida League of Cities Annual Conference
Exhibit 6	Ordinance No. 1276



Okeechobee, FL

Check Report

By Check Number

Date Range: 05/01/2023 - 05/31/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: CapVeh Fund-Capital Vehicle Fund Truist Checking						
Celeste Watford Tax	Celeste Watford Tax Collector	05/02/2023	Regular	0.00	240.75	1949
BOA- 3373 fka 2149 P	Bank of America 3373 fka 2149 PD#1	05/10/2023	Regular	0.00	2,124.98	1950
Calvin, Giordano & A	Calvin, Giordano & Associates	05/15/2023	Regular	0.00	5,975.00	1951
Celeste Watford Tax	Celeste Watford Tax Collector	05/15/2023	Regular	0.00	13.80	1952
City Electric Supply	City Electric Supply	05/15/2023	Regular	0.00	42.22	1953
1491	Home Depot Credit Services	05/22/2023	Regular	0.00	518.30	1954
BOA- 9616	Bank of America - 9616 PD#2	05/30/2023	Regular	0.00	779.99	1955
Design & Print	Design & Print Services	05/30/2023	Regular	0.00	2,425.00	1956

Bank Code CapVeh Fund Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	8	8	0.00	12,120.04
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	8	8	0.00	12,120.04

Check Report

Date Range: 05/01/2023 - 05/31/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: GenFund-General Fund Checking-Truist Checking						
City Of Okeechobee P	City Of Okeechobee Payroll Account	05/03/2023	EFT	0.00	104,182.89	173
2032	The Standard	05/04/2023	EFT	0.00	31,194.70	174
1644	PRM - Health Insurance	05/15/2023	EFT	0.00	57,073.78	175
1770	PRM - Life, LTD & STD	05/15/2023	EFT	0.00	2,452.92	176
1770	PRM - Life, LTD & STD	05/15/2023	EFT	0.00	1,417.83	177
1645	PRM - Vision & Dental	05/15/2023	EFT	0.00	2,508.88	178
City Of Okeechobee P	City Of Okeechobee Payroll Account	05/17/2023	EFT	0.00	105,619.56	179
City Of Okeechobee P	City Of Okeechobee Payroll Account	05/31/2023	EFT	0.00	120,510.45	180
Beth Gearhart	Beth Gearhart	05/03/2023	Regular	0.00	40.74	45896
BOA- 2709 fka 0257 a	Bank of America - 2709 fka 0257 Admin	05/10/2023	Regular	0.00	1,291.32	45897
BOA- 9616	Bank of America - 9616 PD#2	05/10/2023	Regular	0.00	3,483.44	45898
	Void	05/10/2023	Regular	0.00	0.00	45899
BOA- 9928 fka 2303 P	Bank of America - 9928 fka 2303 PW	05/10/2023	Regular	0.00	522.66	45900
BOA- 3373 fka 2149 P	Bank of America 3373 fka 2149 PD#1	05/10/2023	Regular	0.00	442.03	45901
1035	Marvin Roberts	05/10/2023	Regular	0.00	119.00	45902
BOA- 9616	Bank of America - 9616 PD#2	05/10/2023	Regular	0.00	1,790.00	45903
AdvanceAuto	Advance Auto Parts	05/15/2023	Regular	0.00	424.60	45904
America's Office Sou	America's Office Source	05/15/2023	Regular	0.00	60.00	45905
Apple Machine and Su	Apple Machine and Supply Co.	05/15/2023	Regular	0.00	409.62	45906
2207	Arrigo Dodge	05/15/2023	Regular	0.00	4,648.98	45907
Bureau of Elevator S	Bureau of Elevator Safety	05/15/2023	Regular	0.00	75.00	45908
C&C Industrial Enter	C&C Industrial Enterprise. LLC	05/15/2023	Regular	0.00	168.75	45909
CAS Governmental Ser	CAS Governmental Services, LLC	05/15/2023	Regular	0.00	4,109.65	45910
CenturyLink-LD	CenturyLink	05/15/2023	Regular	0.00	17.44	45911
Design & Print	Design & Print Services	05/15/2023	Regular	0.00	125.00	45912
Domer's Inc.	Domer's Inc.	05/15/2023	Regular	0.00	19.12	45913
Federal Eastern Inte	Federal Eastern International, Inc.	05/15/2023	Regular	0.00	332.78	45914
CIT Technology Finan	First-Citizens Bank & Trust Co	05/15/2023	Regular	0.00	1,781.24	45915
Fitness Factory	Fitness Factory	05/15/2023	Regular	0.00	200.00	45916
114	Goodbreads Okeechobee Lawn Tamer	05/15/2023	Regular	0.00	3.25	45917
HealthEquity	HealthEquity	05/15/2023	Regular	0.00	788.46	45918
HealthEquity	HealthEquity	05/15/2023	Regular	0.00	18.90	45919
1892	Highland Pest Control	05/15/2023	Regular	0.00	320.00	45920
ICS	ICS Computers Inc.	05/15/2023	Regular	0.00	2,080.00	45921
IMS	IMS	05/15/2023	Regular	0.00	279.78	45922
1360	James Pickering	05/15/2023	Regular	0.00	106.34	45923
594	KYOCERA Document Solutions Southeast	05/15/2023	Regular	0.00	812.58	45924
2253	MacVicar Consulting, Inc.	05/15/2023	Regular	0.00	250.00	45925
Morbark	Morbark	05/15/2023	Regular	0.00	1,146.80	45926
Morris-Depew Associa	Morris-Depew Associates, Inc.	05/15/2023	Regular	0.00	9,349.25	45927
2212	Nason Yeager Gerson Harris & Fumero P.A.	05/15/2023	Regular	0.00	9,400.00	45928
BOCC	Okeechobee County - BOCC	05/15/2023	Regular	0.00	550.00	45929
222	Okeechobee News c/o Independent Newspape	05/15/2023	Regular	0.00	771.12	45930
222	Okeechobee News c/o Independent Newspape	05/15/2023	Regular	0.00	83.88	45931
OUA	Okeechobee Utility Authority	05/15/2023	Regular	0.00	16.00	45932
2043	O'Reilly Auto Parts	05/15/2023	Regular	0.00	182.02	45933
Ramon Liberato	Ramon Liberato	05/15/2023	Regular	0.00	500.00	45934
Reno's	Reno's Motorcycle Service	05/15/2023	Regular	0.00	438.95	45935
554	Scott's Quality Cleaning	05/15/2023	Regular	0.00	1,932.91	45936
2110	Security 101	05/15/2023	Regular	0.00	28.75	45937
1474	St. Lucie Battery & Tire	05/15/2023	Regular	0.00	124.94	45938
350	Superior Water Works, Inc.	05/15/2023	Regular	0.00	110.00	45939
Supplyline	Supplyline	05/15/2023	Regular	0.00	90.00	45940
1861	TransUnion Risk & Alternative Data	05/15/2023	Regular	0.00	75.00	45941
TCMA	Treasure Coast Medical Associates	05/15/2023	Regular	0.00	2,881.00	45942
338	US Postal SVC/Neopost Postage On Call	05/15/2023	Regular	0.00	1,000.00	45943
Verizon	Verizon Wireless	05/15/2023	Regular	0.00	411.73	45944
Verizon	Verizon Wireless	05/15/2023	Regular	0.00	72.14	45945
Verizon	Verizon Wireless	05/15/2023	Regular	0.00	813.89	45946
W&W	W&W Lumber Company of Okeechobee	05/15/2023	Regular	0.00	320.04	45947

Check Report

Date Range: 05/01/2023 - 05/31/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
2244	Waste Management	05/15/2023	Regular	0.00	48,721.61	45948
WEX	WEX Bank	05/15/2023	Regular	0.00	6,902.46	45949
Ashley Weikert	Ashley Weikert-Rucks	05/22/2023	Regular	0.00	17.09	45950
1491	Home Depot Credit Services	05/22/2023	Regular	0.00	1,125.38	45951
AdvanceAuto	Advance Auto Parts	05/30/2023	Regular	0.00	251.73	45952
AFLAC	American Family Life Assurance Co.	05/30/2023	Regular	0.00	316.88	45953
1988	Ardex	05/30/2023	Regular	0.00	12.95	45954
BOA- 9616	Bank of America - 9616 PD#2	05/30/2023	Regular	0.00	120.24	45955
BOA- 9852 fka 8540	Bank of America - 9852 fka 8540	05/30/2023	Regular	0.00	684.72	45956
BOA- 9928 fka 2303 P	Bank of America - 9928 fka 2303 PW	05/30/2023	Regular	0.00	2,026.34	45957
BOA- 3373 fka 2149 P	Bank of America 3373 fka 2149 PD#1	05/30/2023	Regular	0.00	93.84	45958
C&C Industrial Enter	C&C Industrial Enterprise. LLC	05/30/2023	Regular	0.00	160.34	45959
CenturyLink-Fiber	Century Link	05/30/2023	Regular	0.00	1,826.54	45960
CenturyLink-Local	CenturyLink	05/30/2023	Regular	0.00	1,991.10	45961
CenturyLink-Local	CenturyLink	05/30/2023	Regular	0.00	-1,991.10	45961
621	City Of Okeechobee - Petty Cash	05/30/2023	Regular	0.00	10.00	45962
Comcast	Comcast	05/30/2023	Regular	0.00	216.30	45963
Dawn Hoover	Dawn Hoover	05/30/2023	Regular	0.00	50.00	45964
Design & Print	Design & Print Services	05/30/2023	Regular	0.00	550.00	45965
Domer's Inc.	Domer's Inc.	05/30/2023	Regular	0.00	184.38	45966
FPL	Florida Power & Light Company	05/30/2023	Regular	0.00	13.55	45967
FPL	Florida Power & Light Company	05/30/2023	Regular	0.00	1,124.63	45968
FPL	Florida Power & Light Company	05/30/2023	Regular	0.00	3,063.86	45969
FPU	Florida Public Utilities	05/30/2023	Regular	0.00	60.25	45970
Gilbert Outdoors	Gilbert Outdoors	05/30/2023	Regular	0.00	188.76	45971
Glades Air Condition	Glades Air Conditioning	05/30/2023	Regular	0.00	70.00	45972
Harris	Harris Corporation	05/30/2023	Regular	0.00	738.00	45973
1892	Highland Pest Control	05/30/2023	Regular	0.00	10.00	45974
ICS	ICS Computers Inc.	05/30/2023	Regular	0.00	699.00	45975
2174	James Shaw	05/30/2023	Regular	0.00	35.00	45976
1866	JC Newell Const. Inspect. Services, Inc.	05/30/2023	Regular	0.00	5,397.20	45977
JonathanFolbrecht	Jonathan Folbrecht	05/30/2023	Regular	0.00	35.00	45978
1532	Karyne Brass	05/30/2023	Regular	0.00	35.00	45979
1843	Kelley Margerum	05/30/2023	Regular	0.00	250.00	45980
1895	Mac L Jonassaint	05/30/2023	Regular	0.00	35.00	45981
MissionSquare	MissionSquare	05/30/2023	Regular	0.00	2,400.00	45982
MissionSquare	MissionSquare	05/30/2023	Regular	0.00	231.74	45983
2148	Motorola Solutions, Inc.	05/30/2023	Regular	0.00	16,750.00	45984
2212	Nason Yeager Gerson Harris & Fumero P.A.	05/30/2023	Regular	0.00	9,400.00	45985
1727	Okeechobee Dodge Chrysler Jeep	05/30/2023	Regular	0.00	2,529.45	45986
OUA	Okeechobee Utility Authority	05/30/2023	Regular	0.00	1,213.21	45987
2043	O'Reilly Auto Parts	05/30/2023	Regular	0.00	41.98	45988
1564	Philip Baughman	05/30/2023	Regular	0.00	35.00	45989
2165	Richard Chartier	05/30/2023	Regular	0.00	35.00	45990
1574	Salem Trust Company	05/30/2023	Regular	0.00	5,208.12	45991
1574	Salem Trust Company	05/30/2023	Regular	0.00	9,376.02	45992
2183	Select Shred	05/30/2023	Regular	0.00	30.00	45993
Sirchie	Sirchie Acquisition Company	05/30/2023	Regular	0.00	186.16	45994
Sprint	Sprint	05/30/2023	Regular	0.00	77.01	45995
Summit	Summit Fire & Security	05/30/2023	Regular	0.00	255.00	45996
Taylor Rental	Taylor Rental - Okeechobee	05/30/2023	Regular	0.00	439.95	45997
1813	Thompson Reuters	05/30/2023	Regular	0.00	104.36	45998
1516	Total Roadside Services, Inc.	05/30/2023	Regular	0.00	922.86	45999
TCMA	Treasure Coast Medical Associates	05/30/2023	Regular	0.00	636.45	46000
	Void	05/30/2023	Regular	0.00	0.00	46001
814	Treasure Coast Newspapers	05/30/2023	Regular	0.00	347.13	46002
1544	UniFirst Corp	05/30/2023	Regular	0.00	342.68	46003
1939	United Way	05/30/2023	Regular	0.00	26.00	46004
W&W	W&W Lumber Company of Okeechobee	05/30/2023	Regular	0.00	132.14	46005
743	Walmart/Capital One	05/30/2023	Regular	0.00	84.03	46006

Check Report**Date Range: 05/01/2023 - 05/31/2023****Vendor Number****Vendor Name****Payment Date****Payment Type****Discount Amount****Payment Amount****Number**

1490

World Risk Management

05/30/2023

Regular

0.00

1,399.00

46007

Bank Code GenFund Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	170	110	0.00	184,239.54
Manual Checks	0	0	0.00	0.00
Voided Checks	0	3	0.00	-1,991.10
Bank Drafts	0	0	0.00	0.00
EFT's	8	8	0.00	424,961.01
	178	121	0.00	607,209.45

Check Report

Date Range: 05/01/2023 - 05/31/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: Grant Fund 307-Appropriations Grant Fund						
CAS Governmental Ser	CAS Governmental Services, LLC	05/15/2023	Regular	0.00	675.00	1395

Bank Code Grant Fund 307 Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	1	1	0.00	675.00
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	1	1	0.00	675.00

Check Report

Date Range: 05/01/2023 - 05/31/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: PubFac Fund-Public Facility Fund-Truist Checking						
BOA- 9928 fka 2303 P	Bank of America - 9928 fka 2303 PW	05/10/2023	Regular	0.00	1,000.52	3632
B & B Site Developme	B & B Site Development	05/15/2023	Regular	0.00	3,574.83	3633
B & B Site Developme	B & B Site Development	05/15/2023	Regular	0.00	-3,574.83	3633
Bozard Ford Lincoln	Bozard Ford Lincoln	05/15/2023	Regular	0.00	40,778.00	3634
Celeste Watford Tax	Celeste Watford Tax Collector	05/15/2023	Regular	0.00	84.85	3635
Crown USA	Crown USA	05/15/2023	Regular	0.00	2,914.19	3636
Culpepper & Terpenin	Culpepper & Terpening, Inc.	05/15/2023	Regular	0.00	7,455.00	3637
CW Roberts Contracti	CW Roberts Contracting, Inc.	05/15/2023	Regular	0.00	755.00	3638
Kimley-Horn and Asso	Kimley-Horn and Associates, Inc.	05/15/2023	Regular	0.00	14,305.50	3639
W&W	W&W Lumber Company of Okeechobee	05/15/2023	Regular	0.00	31.04	3640
B & B Site Developme	B & B Site Development	05/22/2023	Regular	0.00	1,733.06	3641
FPL	Florida Power & Light Company	05/22/2023	Regular	0.00	5,748.10	3642
1491	Home Depot Credit Services	05/22/2023	Regular	0.00	222.32	3643
BOA- 9928 fka 2303 P	Bank of America - 9928 fka 2303 PW	05/30/2023	Regular	0.00	847.20	3644
621	City Of Okeechobee - Petty Cash	05/30/2023	Regular	0.00	28.50	3645
Culpepper & Terpenin	Culpepper & Terpening, Inc.	05/30/2023	Regular	0.00	1,070.00	3646
CW Roberts Contracti	CW Roberts Contracting, Inc.	05/30/2023	Regular	0.00	610.00	3647
Diamond R Fertilizer	Diamond R Fertilizer Co., Inc.	05/30/2023	Regular	0.00	495.30	3648
JMC	JMC Landscaping Services, Inc.	05/30/2023	Regular	0.00	3,849.58	3649
Taylor Rental	Taylor Rental - Okeechobee	05/30/2023	Regular	0.00	20.60	3650
W&W	W&W Lumber Company of Okeechobee	05/30/2023	Regular	0.00	4.99	3651
1173	Walpole Feed & Supply	05/30/2023	Regular	0.00	810.00	3652

Bank Code PubFac Fund Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	22	21	0.00	86,338.58
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	-3,574.83
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	22	22	0.00	82,763.75

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	201	140	0.00	283,373.16
Manual Checks	0	0	0.00	0.00
Voided Checks	0	4	0.00	-5,565.93
Bank Drafts	0	0	0.00	0.00
EFT's	8	8	0.00	424,961.01
	209	152	0.00	702,768.24

Fund Summary

Fund	Name	Period	Amount
001	GENERAL FUND	5/2023	607,209.45
301	PUBLIC FACILITY FUND	5/2023	82,763.75
304	CAPITAL PROJECTS FUND	5/2023	12,120.04
307	APPROPRIATIONS GRANT FUND	5/2023	675.00
			702,768.24

ORDINANCE NO. 1273

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF OKEECHOBEE BY REZONING A CERTAIN TRACT OF LAND MORE PARTICULARLY DESCRIBED HEREIN, FROM HOLDING TO INDUSTRIAL; PETITION NO. 23-001-R; AMENDING THE ZONING MAP ACCORDINGLY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Okeechobee, Florida has adopted Ordinance No. 402 in which a revised Official Zoning Map was adopted for said City; and

WHEREAS, Be A Man Buy Land, LLC has heretofore filed Petition No. 23-001-R, pursuant to the Land Development Regulations of the City of Okeechobee for the purpose of rezoning a certain tract of land consisting of approximately 0.36 acres from Holding to Industrial; and

WHEREAS, said Petition was reviewed by the City's Planning Consultant who determined, based on initial findings and review, that such Petition is consistent with the Comprehensive Plan; and

WHEREAS, said Petition being reviewed by the City's Planning Board at a duly advertised Public Hearing held on April 20, 2023, determined that such Petition is consistent with the Comprehensive Plan; and

WHEREAS, the City Council agreed with the recommendation of the Planning Board and hereby finds Rezoning Petition No. 23-001-R to be consistent with the City's Comprehensive Plan and deems it in the best interest of the inhabitants of said City to amend aforesaid revised Zoning Map 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: LEGAL DESCRIPTION.

The following described land consisting of approximately 0.36 acres, as the subject property, located in the City of Okeechobee, to-wit:

UNPLATTED LANDS OF THE CITY NORTH HALF OF NORTHWEST
QUARTER OF SOUTHEAST QUARTER LYING NORTH OF SAL
RAILROAD SECTION 15, TOWNSHIP 37 SOUTH, RANGE 35 EAST,
OKEECHOBEE COUNTY, FLORIDA.

SECTION 2: ZONING MAP AMENDMENT.

That the aforesaid Revised Zoning Map of the City of Okeechobee be amended to reflect the subject property to be changed from Holding to Industrial.

SECTION 3: CONFLICT.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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 become effective thirty-one (31) days after its adoption if the associated Zoning Map Amendment, No. 23-001-R, is adopted and not timely challenged. If the Comprehensive Plan is timely challenged, this ordinance shall become effective on the date the State Land Planning Agency, or the Administration Commission enters a final order determining the Zoning Map Amendment to be in compliance.

INTRODUCED for First Reading and set for Final Public Hearing on this 16th day of **May 2023**.

ATTEST:

Lane Gamiotea, CMC, City Clerk

Dowling R. Watford Jr., Mayor

PASSED AND ADOPTED after Second and Final Public Hearing this 20th day of **June 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:

Lane Gamiotea, CMC, City Clerk

Dowling R Watford Jr., Mayor

REVIEWED FOR LEGAL SUFFICIENCY:

John J. Fumero, City Attorney

IV. PRESENTATIONS AND PROCLAMATIONS CONTINUED

- B. Continued. and Whereas, It Starts with You, the theme for Building Safety Month 2023, encourages us all to raise awareness about building safety on a personal, local and global scale; and Whereas, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property; and Now Therefore, I, Dowling R. Watford, by virtue of the authority vested in me as Mayor of the City of Okeechobee, Florida, do hereby proclaim the month of May 2023, as Building Safety Month.”
- C. Sergeants Jessica Francis and K-9 Luna were recognized by Mayor Watford and Chief Donald Hagan for their years of service. Sergeant Francis was presented with a pen, engraved with her name, and a framed Longevity Service Certificate, read into the record as follows: “In recognition of your five years of service, hard work, and dedication to the City, its citizens, and your fellow employees from May 2, 2018 through May 2, 2023.” Sergeant K-9 Luna was presented with a leather K-9 badge holder and personalized treat jar.

V. CONSENT AGENDA

Motion and second by Vice Mayor Clark and Council Member Jarriel to:

- A. Approve the April 2023 Warrant Register [in the amounts: General Fund, \$753,904.50; Public Facilities Improvement Fund, \$23,575.99; Capital Improvement Projects Fund, \$112,623.74; Industrial Development Fund, \$1,377.00; and Appropriations Grant Fund, \$675.00; [as presented]; and
- B. Ratify the appointment of John Creasman to the General Employees' Pension Fund Board of Trustees as the Fifth Member, term being May 1, 2023, through December 31, 2025, replacing Dawn Martin.

Motion Carried Unanimously.

VI. NEW BUSINESS

- A. Motion and second by Council Member Jarriel and Vice Mayor Clark to read by title only, proposed Ordinance No. 1273, for Rezoning Petition No. 22-001-R, submitted by Rene Griffith, Registered Agent, on behalf of the property owner, Be A Man, Buy Land, LLC., to rezone 0.36 +/- unplatted acres from Holding to Industrial. The property is a triangular-shaped vacant, unaddressed parcel, located contiguous to the West-side of the East City Limits Boundary Line, North of the railroad tracks, and South of Northeast 12th Avenue. The proposed use is outdoor storage [as presented in **Exhibit 1**]. **Motion Carried Unanimously.**

City Attorney John Fumero read into the record the title of proposed Ordinance No. 1273, as follows: **“AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF OKEECHOBEE BY REZONING A CERTAIN TRACT OF LAND MORE PARTICULARLY DESCRIBED HEREIN, FROM HOLDING TO INDUSTRIAL; PETITION NO. 23-001-R; AMENDING THE ZONING MAP ACCORDINGLY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.”**

Motion and second by Vice Mayor Clark and Council Member Jarriel to approve the first reading of proposed Ordinance No. 1273 and set June 20, 2023, as the final public hearing date.

Planner Ben Smith, attending electronically via Zoom, presented the Planning Staff Report which finds the request is reasonably compatible with adjacent uses and consistent with the Comprehensive Plan. Planning Staff and Planning Board recommend approval. **Motion Carried Unanimously.**

- B. Motion and second by Council Members Jarriel and Chandler to read by title only, proposed Ordinance No. 1274, amending Chapter 18, Code Enforcement Procedure, to include a Fine Reduction Process [as presented in **Exhibit 2**]. **Motion Carried Unanimously.**

Attorney Fumero read into the record the title only of proposed Ordinance No. 1274 as follows: **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OKEECHOBEE, FLORIDA; RELATING TO REQUESTS FOR CODE ENFORCEMENT FINE REDUCTIONS, AMENDING PART II OF THE CODE OF ORDINANCES OF THE CITY OF OKEECHOBEE WITHIN CHAPTER 18 CODE ENFORCEMENT, ARTICLE II CODE ENFORCEMENT PROCEDURE, BY SPECIFICALLY AMENDING SECTION 18-38 POWERS OF MAGISTRATE; SPECIFICALLY AMENDING SECTION 18-39 FINE REDUCTION REQUEST PROCESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.”**



**CITY OF OKEECHOBEE, FLORIDA
PLANNING BOARD MEETING
APRIL 20, 2023
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, April 20, 2023, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast (SE) Third Avenue, Room 200, Okeechobee, Florida. The invocation was offered by Mr. Noel Chandler; followed by the Pledge of Allegiance.

II. ATTENDANCE

Roll was taken by Board Secretary Patty Burnette. Chairperson Dawn Hoover, Board Members Phil Baughman, Karyne Brass, Rick Chartier, Mac Jonassaint and Alternate Board Members Jon Folbrecht and Jim Shaw were present. Vice Chairperson Doug McCoy, and Board Member Carl Berlin, Jr., were absent with consent. Chairperson Hoover moved Alternate Board Members Folbrecht and Shaw to voting position.

III. AGENDA

- A. There were no items added, deferred, or withdrawn from the agenda.
- B. Motion by Member Jonassaint, seconded by Member Brass to approve the agenda as presented. **Motion Carried Unanimously.**
- C. There were no comment cards submitted for public participation.

IV. MINUTES

- A. Motion by Member Brass, seconded by Member Jonassaint to dispense with the reading and approve the February 16, 2023, Regular Meeting minutes and the March 16, 2023, Workshop Meeting minutes. **Motion Carried Unanimously.**

V. CHAIRPERSON HOOVER OPENED THE PUBLIC HEARING AT 6:03 P.M.

- A. Land Development Regulation (LDR) Text Amendment Application No. 23-001-TA proposes to amend Chapters 14 and 90 of the City's Code of Ordinances to allow and regulate the operation of Mobile Food Dispensing Vehicles (MFDVs).
 - 1. City Planning Consultant Mr. Ben Smith of Morris-Depew Associates, Inc. gave a brief overview for those not in attendance at the March 16, 2023, Workshop Meeting. He then reviewed a proposed ordinance which included classifications of different MFDVs, regulations for operating on private property, operating by right in the Industrial (IND) Zoning District, possible Special Exception and Temporary Use Permit processes in other zoning districts, operating in the public rights-of-way, general operating standards, and enforcement.
 - 2. Justin and Dmitri Bellamy, 1116 20th Street, Octavio and Joie Montiel, 8600 Southwest (SW) 9th Street, Tommy and Jennifer Harden, 81 SW 21st Terrace, Briana Leske, 10200 Northeast (NE) 12th Street, and James Crowley, 307 Northwest (NW) 3rd Street, all of Okeechobee, Florida, spoke regarding MFDVs currently not being allowed to operate on properties without owners written permission, as they would lose their licenses otherwise; that MFDVs must pay taxes, insurance, and have repeated inspections that are costly. MFDVs owners would like to operate on a Peddlers Permit or similar to such in the City of Okeechobee and have minimal restrictions.
 - 3. There were no Ex-Parte disclosures offered.
 - 4. After a lengthy discussion among the Board and direction to the Planner to review some other local jurisdiction's ordinances, a motion was made by Member Folbrecht, seconded by Member Chartier, to continue LDR Text Amendment Application No. 23-001-TA as presented in [Exhibit 1] to the May 18, 2023, meeting. **Motion Carried Unanimously.**

QUASI-JUDICIAL ITEM

- B. Rezoning Petition No. 23-001-R, requests to rezone 0.36± unplatted acres from Holding (H) to IND, located contiguous to the West-side of the East City Limits Boundary Line, North of the railroad tracks, and South of NE 12th Avenue for the proposed use of outdoor storage.

QUASI-JUDICIAL PUBLIC HEARING ITEM B CONTINUED

1. Notary Public Patty Burnette administered an oath to Ms. Rene Griffith, In-house Attorney and Registered Agent, on behalf of the Property Owner, Be A Man Buy Land, LLC, 4260 SE Federal Highway, Stuart, FL, and Mr. Ben Smith, Morris-Depew Associates, Inc., 2914 Cleveland Avenue, Fort Myers, FL, who responded affirmatively.
2. City Planning Consultant Smith briefly reviewed the Planning Staff Report finding the requested rezoning from H to IND for the subject property to be consistent with the City's Comprehensive Plan, reasonably compatible with adjacent uses, and consistent with the pattern of land use, therefore recommending approval.
3. Ms. Rene Griffith, Registered Agent, on behalf of the Property Owner, Be a Man Buy Land, LLC, was present and available for questions. Member Brass asked for clarification of what the outdoor storage use would be. Ms. Griffith commented they had chosen open storage to market the property.
4. No Ex-Parte disclosures were offered.
5. Motion by Member Chartier, seconded by Member Folbrecht to recommend approval to the City Council for Rezoning Petition No. 23-001-R as presented in [Exhibit 2, which includes the findings as required for granting Petitions per Code Section 70-340; and the Planning Consultant's analysis of the findings and recommendation for approval]. **Motion Carried Unanimously.** The recommendation will be forwarded to the City Council for consideration at Public Hearings tentatively scheduled for May 16, 2023, and June 20, 2023.

CHAIRPERSON HOOVER CLOSED THE PUBLIC HEARING AT 8:18 P.M.

VI. CITY ADMINISTRATOR UPDATE

No updates provided at this time.

VII. Chairperson Hoover adjourned the meeting at 8:18 P.M.

Submitted by:

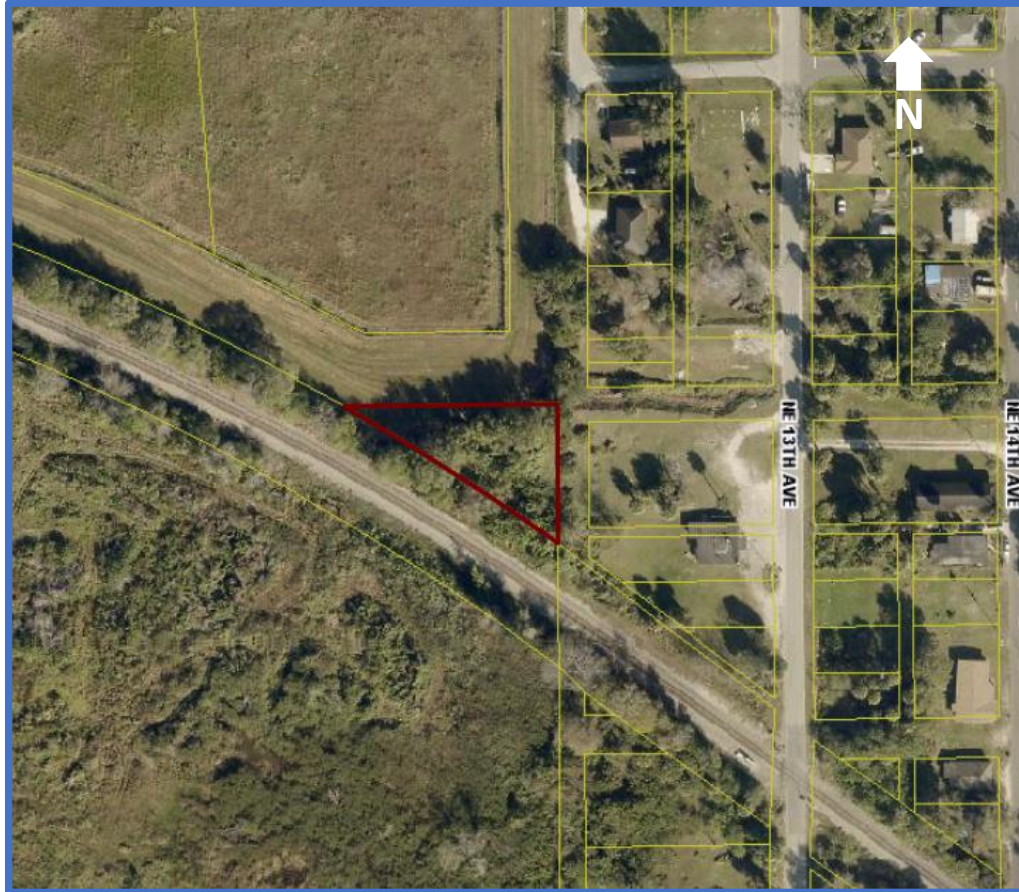
Patty M. Burnette

Patty M. Burnette, Secretary

Please take notice and be advised that when a person decides to appeal any decision made by the Planning Board 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.

23-001-R

Rezoning Staff Report



Applicant | Be A Man Buy Land, LLC
Parcel Identification | 2-15-37-35-0A00-00003-A000



Prepared for The City of Okeechobee

General Information

Owner: Be A Man Buy Land, LLC
Applicant: Be A Man Buy Land, LLC
Primary Contact/Agent: Rene Griffith, (772) 546-4101
Parcel Identification: 2-15-37-35-0A00-00003-A000

Legal Description

UNPLATTED LANDS OF THE CITY N1/2 OF NW 1/4 OF SE 1/4 LYING NORTH OF SAL RR 15 37S 35E.

Future Land Use, Zoning, and Existing Use of Subject Property

	Existing	Proposed
Future Land Use	Industrial	Industrial
Zoning	Holding	Industrial
Use of Property	Vacant	Open storage
Acreage	.36	.36

Future Land Use, Zoning, and Existing Use of Surrounding Properties

	Future Land Use	Zoning	Existing Use
North	Industrial	Industrial	Vacant
East	Urban Residential Mixed Use (Okeechobee County)	Residential Mixed (Okeechobee County)	Retail
South	Commercial	Heavy Commercial	Railroad; Vacant
West	Commercial	Heavy Commercial	Vacant

Description of Request and Existing Conditions

The request for consideration by the Okeechobee County Planning Board is a Rezoning Application, to change the zoning designation of a vacant 0.36-acre parcel from Holding to Industrial. The applicant is availing themselves of the Holding Rezoning program, which encourages property owners to rezone land which is zoned Holding and provides for reduced application fees and application submittal requirements as an incentive to do so.

Consistency with LDC Section 70-340

City LDC Section 70-340 requires that applicants for rezoning requests must address the following standards.

1) The request is not contrary to comprehensive plan requirements

Applicant Response: No, the proposed request is not contrary to the comprehensive plan requirements. The current zoning for the property is Holding and the Future Land Use for the property is Industrial. The applicant is requesting a rezoning to Industrial. The City Council has encouraged property owners in the past located in the Holding zoning district to rezone to other zoning districts which are supported by the Future Land Use Map.

Staff Response: The subject property is designated Industrial on the City of Okeechobee Future Land Use Map. The City of Okeechobee Comprehensive Plan does not mention the Holding zoning district or contemplate it as appropriate in any FLU category though it does identify the Industrial (IND) zoning district as an appropriate district within the Industrial FLU category. This rezoning request is consistent with the comprehensive plan.

2) The use is specifically authorized under the zoning district regulations applied for.

Applicant Response: Yes, the Future Land Use for the subject property is Industrial.

Staff Response: The Applicant has identified open storage as the proposed use of the property. "Outdoor sales and storage, building trades contractor" is listed as an permitted use within the Industrial (IND) zoning district.

3) Approval of the request will not have an adverse effect on the public interest.

Applicant Response: The proposed use will not have an adverse effect on the public interest as the Future Land Use is Industrial.

Staff Response: The subject property is triangularly shaped and is designated Industrial FLU. The Okeechobee Commerce Center, the City's designated industrial park, is adjacent to the north. The railway is adjacent to the south and west, with vacant property beyond designated heavy commercial zoning. The eastern border of the property is also the City's eastern border. The area of unincorporated Okeechobee County that lies to the east is mixed use residential and commercial, though the property immediately adjacent to the east contains an existing retail use. Industrial uses at this location 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.

Applicant Response: The proposed use is appropriate for the location proposed, is reasonably compatible with adjacent land uses and is not contrary to or detrimental to urbanizing land use patterns as the Future Land Use for the subject property is Industrial and the adjacent properties in the City surrounding the subject property are either zoned Industrial or Holding.

Staff Response: As a point of clarification (the applicant may not be aware), the property to the immediate south and west was recently rezoned from Holding to Heavy Commercial. Based on the pattern of land uses as described in the staff response above, staff find that the proposed use is reasonably appropriate for the location proposed, is compatible with adjacent uses, and is consistent with prevailing land use patterns.

- 5) *Approval of the request will not adversely affect property values or living conditions, nor be a deterrent to the improvement or development of adjacent properties.*

Applicant Response: The proposed use will not adversely affect property values or living conditions or be a deterrent to the improvement or development of adjacent property as the properties in the City surrounding the subject property are either zoned Industrial or Holding.

Staff Response: The proposed use should not adversely affect property values or living conditions, nor be a deterrent to the improvement or development of adjacent properties.

- 6) *The use can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood.*

Applicant Response: The Future Land Use for the subject property is Industrial and the properties surrounding the subject property are either Holding, Industrial or Residential Mixed and, therefore, the change in zoning is consistent with the area and there shouldn't be any nuisance or hazard to the neighborhood.

Staff Response: The property is not large enough to accommodate many types of industrial uses, large structures, or significant buffering. However, there is adequate area to provide the minimum landscape buffering and to provide a 5-foot-tall fence on the east side in accordance with LDC 90-454. The property will be subject to all standards and regulations set forth by the Land Development Code, including all required setbacks, buffers, and screening.

- 7) *Approval of the request will not create a density pattern that would overburden public facilities such as schools, streets, and utility services*

Applicant Response: No, the proposed use is for outdoor storage and therefore would not overburden public facilities such as schools, streets and utility services.

Staff Response: No residential density is proposed.

- 8) *Approval of the request will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety*

Applicant Response: No, the proposed use is for outdoor storage and therefore would not create traffic congestion, flooding, drainage problems, or affect public safety.

Staff Response: Industrial use of this property is unlikely to create any traffic congestion, flooding or drainage problems, or otherwise affect public safety.

9) *The use has not been inordinately burdened by unnecessary restrictions.*

Applicant Response: As of date, the proposed use has not been inordinately burdened by unnecessary restrictions.

Staff Response: There are no active uses associated with this property that staff is aware of and the proposed use has not been inordinately burdened by unnecessary restrictions.

Recommendation

Based on the materials provided by the applicant and the above analysis, we find that this request to rezone the subject parcel from Holding to Industrial (IND) is consistent with the City's Comprehensive Plan, reasonably compatible with adjacent uses, and is consistent with the pattern of land use. Staff recommend approval of this request.

Submitted by:



Ben Smith, AICP

Director of Planning

April 10, 2023

Okeechobee Planning Board Hearing April 20, 2023

City Council Public Hearing: (tentative) May 16, 2023, and June 20, 2023.

Supplemental Exhibits

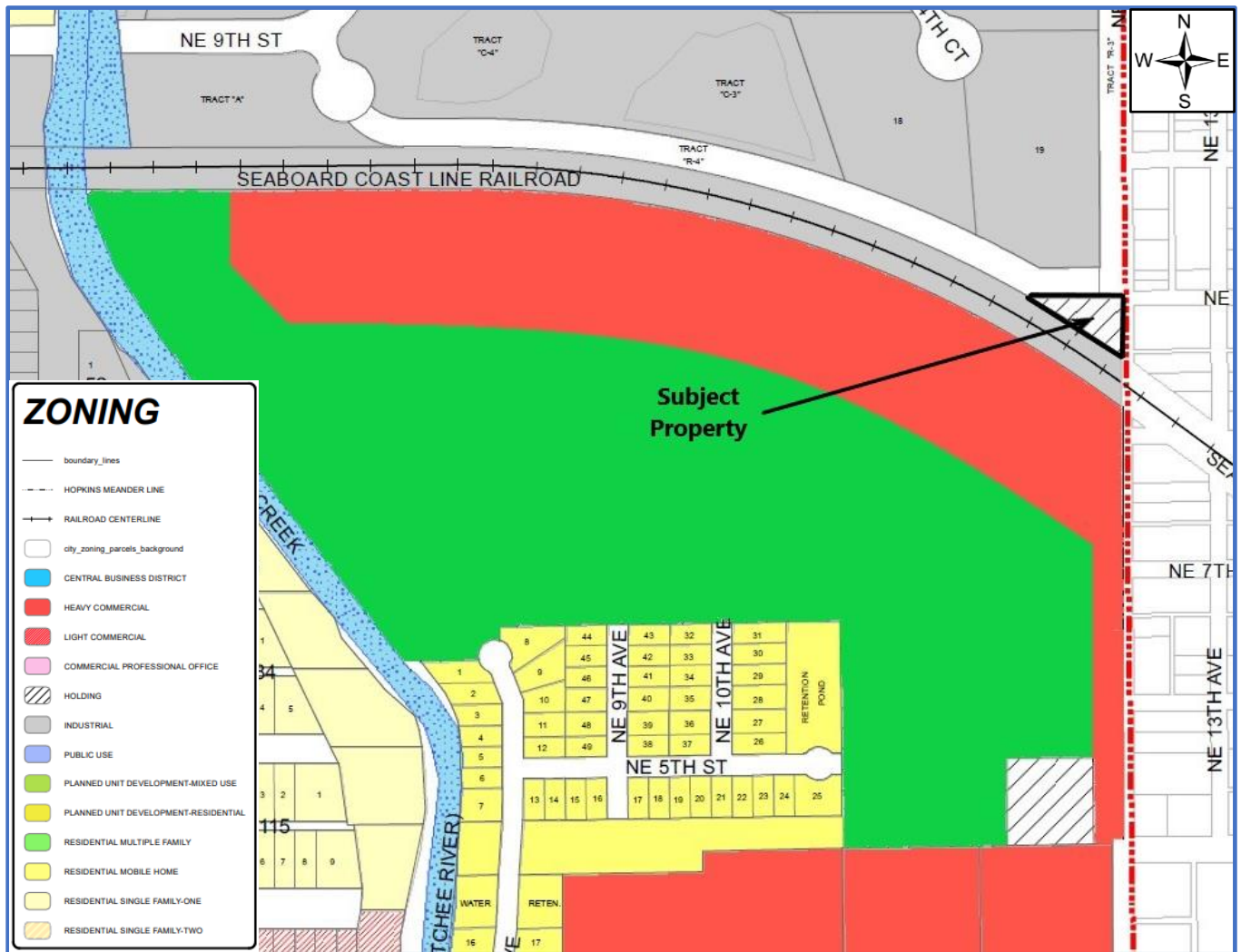


Exhibit A: Existing Zoning Map

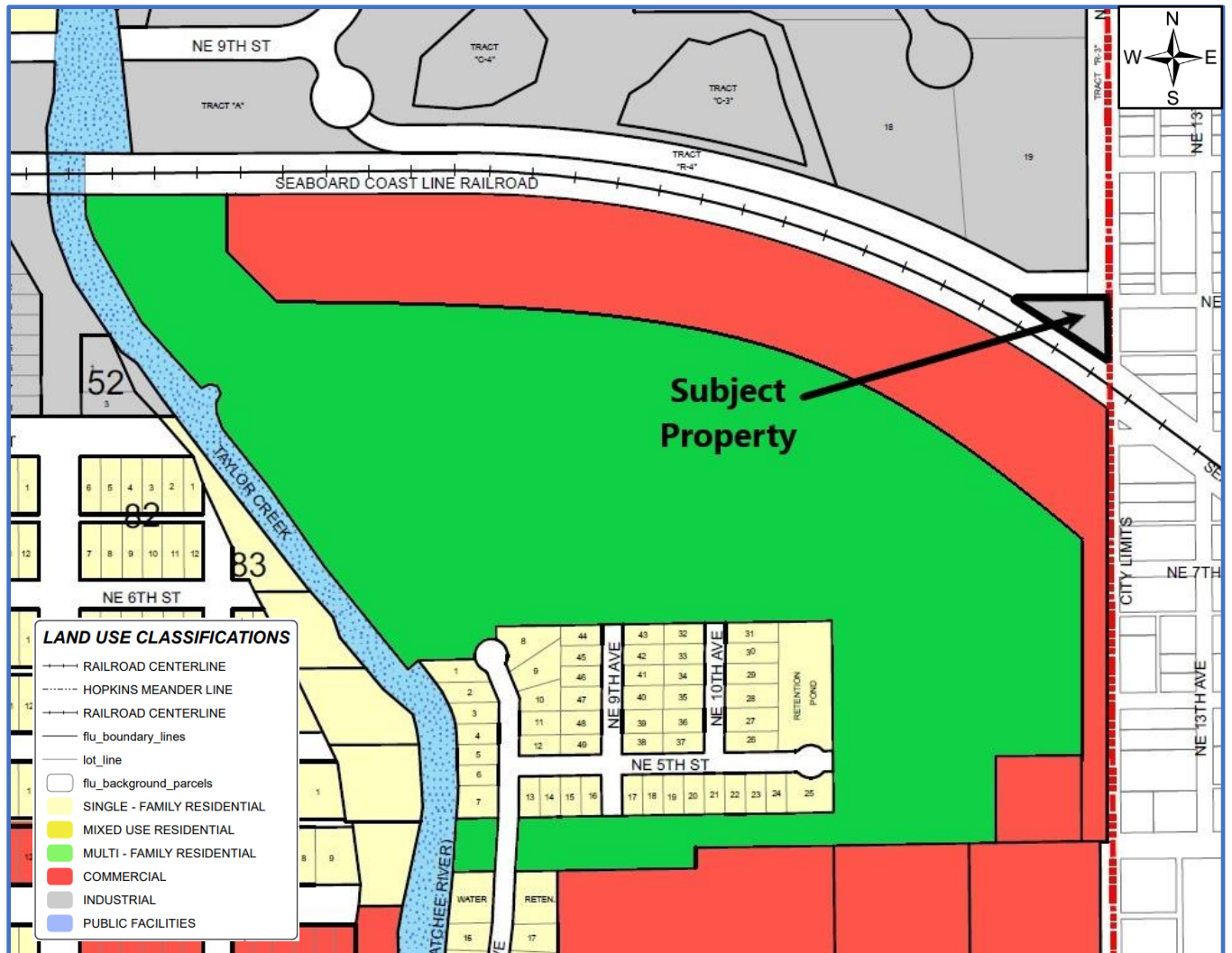


Exhibit B: Existing Future Land Use Map

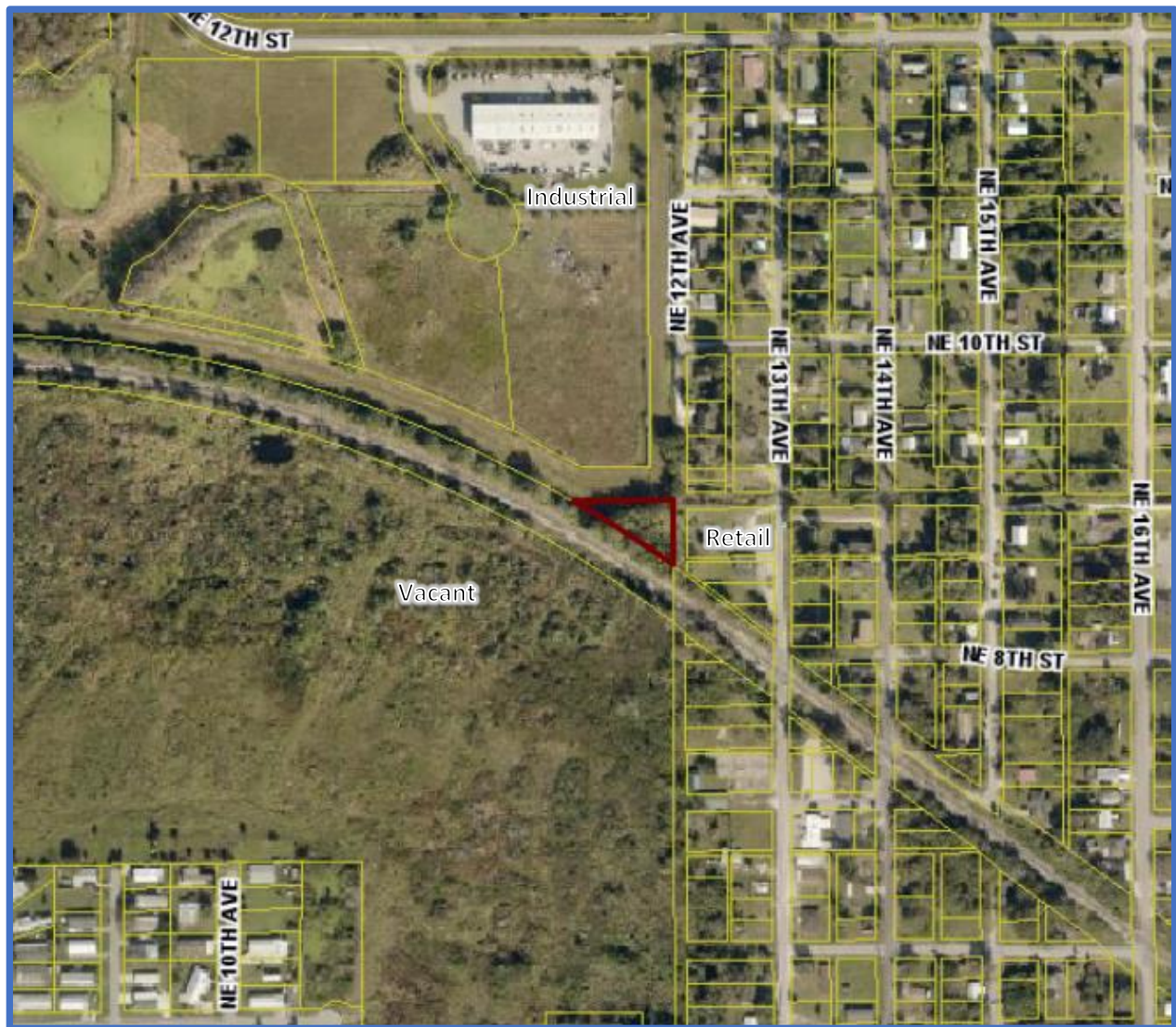


Exhibit C: Existing Land Uses

City of Okeechobee General Services Department 55 S.E. 3rd Avenue, Room 101 Okeechobee, Florida 34974-2903 Phone: (863) 763-3372, ext. 9820 Fax: (863) 763-1686	Date: <u>3-9-23</u>	Petition No. <u>23-001-R</u>
	Fee Paid: <u>600.00</u>	Jurisdiction: PB & CC
	1 st Hearing: <u>4-20-23</u>	2 nd Hearing: <u>5-16 & 6-20-23</u>
	Publication Dates:	
	Notices Mailed: <u>4/5</u>	

Per City of Okeechobee Ordinance No. 1258, 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 July 5, 2023, by filling out this application, paying the application fee and providing the required submittals on the attached checklist.

Holding Property Rezoning Petition APPLICANT INFORMATION	
1	Name of property owner(s): <u>Be A Man Buy Land, LLC</u>
2	Property owner(s) mailing address: <u>4260 SE Federal Highway, Stuart, Florida 34997</u>
3	Property owner(s) phone number: <u>772-546-4101</u>
4	Property owner(s) e-mail address: <u>reneg@beamanbuyland.com</u>
5	Name of petitioner (person signing petition): <u>Rene Griffith, Authorized Agent</u>
6	Petitioner(s) mailing address: <u>4260 SE Federal Highway, Stuart, Florida 34997</u>
7	Petitioner(s) phone number <u>772-546-4101; 7721-341-1918 (cell)</u>
8	Petitioner(s) e-mail address: <u>reneg@beamanbuyland.com</u>
9	Name of contact person (state relationship if other than petitioner): <u>Rene Griffith, Authorized Agent</u>
10	Contact person phone number: <u>same as above</u>
11	Contact person e-mail address: <u>same as above</u>
PROPERTY INFORMATION	
12	Subject property address <u>NE 9th Ave., Okeechobee, Florida</u> Legal description (Subdivision, Lot, Block or indicate Unplatted): Subject parcel identification number(s): <u>2-15-37-35-0A00-00003-A000</u> ✓ Directions to subject property if no address: Approx. acreage: <u>.36</u> ✓
13	Is there a current code violation on the subject property: Yes _____ No <u>X</u> _____ Case No. _____
14	Is there a pending sale of the property subject to this being granted:
15	Current Zoning Designation: <u>Holding</u> ✓ Requested Zoning Designation: <u>Industrial</u> _____ Current Future Land Use Designation: <u>Industrial</u> ✓ _____ Describe current use and proposed use of subject property: <u>The property is currently vacant land and the proposed use is for outdoor storage.</u> Source of potable water: _____ Method of sewage disposal: _____

COVER LETTER

TO: Registration Section
Division of Corporations

SUBJECT: Be A Man Buy Land, LLC

Name of Limited Liability Company

Dear Sir or Madam:

The enclosed Amendment or Cancellation of Statement of Authority and fee(s) are submitted for filing.

Please return all correspondence concerning this matter to the following:

Joseph Zachary Gazza

Name of Person

Be A Man Buy Land, LLC

Firm/Company

4260 SE Federal Highway

Address

Stuart, Florida 34997

City/State and Zip Code

zach@beamanbuyland.com

E-mail address: (to be used for future annual report notification)

For further information concerning this matter, please call:

Joseph Zachary Gazza

Name of Person

772

at (_____) _____
Area Code

546-4101

Daytime Telephone Number

STREET/COURIER ADDRESS:

Registration Section
Division of Corporations
Clifton Building
2661 Executive Center Circle
Tallahassee, Florida 32301

MAILING ADDRESS:

Registration Section
Division of Corporations
P.O. Box 6327
Tallahassee, Florida 32314

AMENDMENT OR CANCELLATION OF STATEMENT OF AUTHORITY

Pursuant to section 605.0302(2), Florida Statutes, this limited liability company submits the following:

FIRST: The name of the limited liability company is: Be A Man Buy Land, LLC

SECOND: The Florida Document number of the limited liability company is: L12000097439

THIRD: The street address of the limited liability company's principal office is:

4260 SE Federal Highway, Stuart, Florida 34997

The mailing address of the limited liability company's principal office is:

4260 SE Federal Highway, Stuart, Florida 34997

FOURTH: The date the statement of authority became effective is: May 9, 2017

FIFTH: The statement of authority is cancelled.

OR

The amendment to the statement of authority is

Rene S, Griffith f/k/a Rene S. losco may also enter into other

transactions and execute all documents on behalf of, or otherwise

act for or bind, the company, in addition to executing an instrument





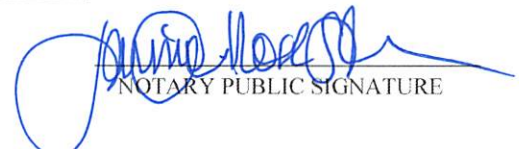






transferring real property held in the name of the
Joseph Zachary Gazza Company

Signature of authorized representative

Typed or printed name of signature

Filing Fee: \$25.00
Certified Copy: \$30.00 (optional)

CITY OF OKEECHOBEE
55 SE 3RD AVENUE
OKEECHOBEE, FL 34974
TELE: 863-763-3372 FAX: 863-763-1686
LAND USE POWER OF ATTORNEY

Name of Property Owners: Be A Man Buy Land, LLC						
Mailing Address: 4260 SE Federal Highway, Stuart, Florida 34997						
Home Telephone:	Work: 772-546-4101	Cell: 772-341-1918				
Property Address: NE 13th Ave., Okeechobee, Florida						
Parcel ID Number: 2-15-37-35-0A00-00003-A000						
Name of Applicant: Rene Griffith, Authorized Agent						
Home Telephone:	Work: 772-546-4101	Cell: 772-341-1918				
<p>The undersigned, being the record title owner(s) of the real property described above, do hereby grant unto the applicant stated above the full right and power of attorney to make application to the City of Okeechobee to change the land use of said property. This land use change may include rezoning of the property, the granting of special exception or variances, and appeals of decisions of the Planning Department. It is understood that conditions, limitations and restrictions may be place upon the use or operation of the property. Misstatements upon application or in any hearing may result in the termination of any special exception or variance and a proceeding to rezone the property to the original classification. This power of attorney may be terminated only by a written and notarized statement of such termination effective upon receipt by the Planning Department.</p>						
<p>IN WITNESS WHEREOF THE UNDERSIGNED HAVE SET THEIR HAND AND SEALS THIS 2nd DAY OF March 20 23.</p> <table style="width: 100%;"><tr><td style="width: 50%; text-align: center;"> OWNER <i>Authorized Agent</i></td><td style="width: 50%; text-align: center;"> WITNESS</td></tr><tr><td style="text-align: center;">_____ OWNER</td><td style="text-align: center;"> WITNESS</td></tr></table> <p>STATE OF FLORIDA COUNTY OF <u>Martin</u></p> <p>The foregoing instrument was acknowledged before me by means of <input checked="" type="checkbox"/> physical presence or <input type="checkbox"/> online notarization, this 2nd day of March, 20 23, by <u>Rene Griffith</u>, (Name of Person) who is personally known to me or produced _____ as identification.</p> <div style="display: flex; justify-content: space-between; align-items: center;"><div style="border: 1px solid black; padding: 5px; text-align: center;"><p>JENNIFER ROSE SCHEE Notary Public - State of Florida Commission # HH 308224 My Comm. Expires Sep 5, 2026 Bonded through National Notary Assn.</p></div><div style="text-align: center;"> NOTARY PUBLIC SIGNATURE</div></div>			 OWNER <i>Authorized Agent</i>	 WITNESS	_____ OWNER	 WITNESS
 OWNER <i>Authorized Agent</i>	 WITNESS					
_____ OWNER	 WITNESS					



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company

BE A MAN BUY LAND, LLC

Filing Information

Document Number	L12000097439
FEI/EIN Number	46-0687668
Date Filed	07/30/2012
State	FL
Status	ACTIVE
Last Event	LC AMND STMNT OF AUTHORITY
Event Date Filed	04/19/2019
Event Effective Date	NONE

Principal Address

4260 SE Federal Hwy
Stuart, FL 34997

Changed: 01/12/2017

Mailing Address

4260 SE Federal Hwy
Stuart, FL 34997

Changed: 01/12/2017

Registered Agent Name & Address

GAZZA, JOSEPH Z
4260 SE Federal Hwy
Stuart, FL 34997

Address Changed: 01/12/2017

Authorized Person(s) Detail

Name & Address

Title MGRM

GAZZA, JOSEPH Z
4260 SE Federal Hwy
Stuart, FL 34997

16	Describe current uses on adjoining properties to the: North: Property to the North is Industrial South: Property to the South is zoned Holding	Properties to the East are in the County and zoned Residential Mix East: West: Properties to the West are zoned Industrial or Holding.
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FINDINGS FOR GRANTING A REZONING (City LDC Sec. 70-340)

The Planning Board and Council will consider the following criteria, where applicable, in determining whether to approve or deny rezoning petitions. As the Applicant, please provide your response to each criterion to the best of your knowledge:

1. The request is not contrary to comprehensive plan requirements.
2. The use is specifically authorized under the zoning district regulations applied for.
3. 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. 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. Approval of the request will not create a density pattern that would overburden public facilities such as schools, streets, and utility services.
8. 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.

FINDINGS FOR GRANTING A REZONING

1. The proposed request is not contrary to the comprehensive plan requirements.

No, the proposed request is not contrary to the comprehensive plan requirements. The current zoning for the property is Holding and the Future Land Use for the property is Industrial. The applicant is requesting a rezoning to Industrial. The City Council has encouraged property owners in the past located in the Holding zoning district to rezone to other zoning districts which are supports by the Future Land Use Map.

2. The use is specifically authorized under the zoning district regulations applied for.

Yes, the Future Land Use for the subject property is Industrial.

3. Approval of the request will not have an adverse effect on the public interest.

The proposed use will not have an adverse effect on the public interest as the Future Land Use is Industrial.

4. The use is appropriate for the location proposed, is reasonably compatible with adjacent land uses, and is not contrary or detrimental to urbanizing land use patterns.

The proposed use is appropriate for the location proposed, is reasonably compatible with adjacent land uses and is not contrary to or detrimental to urbanizing land use patterns as the Future Land Use for the subject property is Industrial and the adjacent properties in the City surrounding the subject property are either zoned Industrial or Holding.

5. 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.

The proposed use will not adversely affect property values or living conditions or be a deterrent to the improvement or development of adjacent property as the properties in the City surrounding the subject property are either zoned Industrial or Holding.

6. The use can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood.

The Future Land Use for the subject property is Industrial and the properties surrounding the subject property are either Holding, Industrial or Residential Mixed and, therefore, the change in zoning is consistent with the area and there should not be any nuisance or hazard to the neighborhood.

7. Approval of the request will not create a density pattern that would overburden public facilities such as schools, streets, and utility services.

No, the proposed use is for outdoor storage and therefore would not overburden public facilities such as schools, streets and utility services.

8. Approval of the request will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.

No, the proposed use is for outdoor storage and therefore would not create traffic congestion, flooding, drainage problems, or affect the public safety.

9. The use has not been inordinately burdened by unnecessary restrictions.

As of date, the proposed use has not been inordinately burdened by unnecessary restrictions.

Instrument Prepared By and Return To:

Rene S. Griffith, Esq.
4260 SE Federal Highway
Stuart, Florida 34997

Parcel ID: 2-15-37-35-0A00-00003-A000

FILE NUM 2018005095
OR BK 805 PG 1661
SHARON ROBERTSON, CLERK & COMPTROLLER
OKEECHOBEE COUNTY, FLORIDA
RECORDED 04/16/2018 02:06:18 PM
AMT \$3,265.00
RECORDING FEES \$10.00
DEED DOC \$23.10
RECORDED BY H Pinon
Pg 1661f (1 pg)

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, made this 10th day of April, 2018, by and between JOSEPH EDWARD GAZZA, 4260 SE Federal Highway, Stuart, Florida 34997, Grantor and BE A MAN BUY LAND, LLC, a Florida limited liability company, 4260 SE Federal Highway, Stuart, Florida 34997, Grantee.

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument, and the heirs, legal representatives, successors and/or assigns)

WITNESSETH, that said Grantor, for and in consideration of the sum of Three Thousand Two Hundred Sixty Four and 60/100ths Dollars (\$3,264.60), and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, does hereby remise, release and quitclaim unto the Grantee, all the right, title, interest, claim and demand which the Grantor has in and to the following described land, situate, lying and being in Okeechobee County, Florida (the "property"), to wit:

Unplatted Lands of the City N ½ of NW ¼ of SE ¼ lying North of Sal RR Section 15, Township 37 S, Range 35 E, Okeechobee County, Florida, .36 Acres.

Subject to taxes accruing after December 31, 2016; covenants, conditions, restrictions, easements, reservations and limitations of records, if any.

TO HAVE AND TO HOLD, the same together with all and singular appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee, its successors and assigns forever.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property.

"Grantor" and "Grantee" are used for singular or plural, as the context requires.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence

Rene Griffith
Signature of Witness

Print Name of Witness Below:

Rene Griffith

AB
Signature of Witness

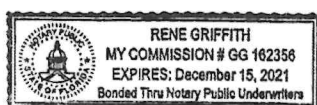
Print Name of Witness Below:

Angelique Barr

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this 10th day of April, 2018 by Joseph Zachary Gazza as Father/Guardian of JOSEPH EDWARD GAZZA who [☒] is personally known or [☐] has produced a driver's license as identification.

By: Joseph Zachary Gazza as Father/Guardian
of JOSEPH EDWARD GAZZA



Rene Griffith
Notary

PARCEL NUMBER	OWNER	ADDRESS 1	CITY	STATE	ZIP
1-13-38-36-0A00-00002-0000	SALRY RR	C/O CSX CORP 500 WATER STREET J910	JACKSONVILLE	FL	33202
1-15-37-35-0040-00020-0010	NEAL VINELLE J	PO BOX 921	OKEECHOBEE	FL	34973-0921
1-15-37-35-0040-00020-0060	BRADY LASHONDA DINSE	29060 SW 160TH AVE	HOMESTEAD	FL	33033-2330
1-15-37-35-0040-00020-0090	SINGH RITA	133-43 128TH STREET	SOUTH OZONE PARK	NY	11420
1-15-37-35-0040-00020-0110	GARLAND JAMES	14997 BRAHMA RD	POLK CITY	FL	33868
1-15-37-35-0040-00020-0120	GARLAND JAMES	14997 BRAHMA RD	POLK CITY	FL	33868
1-15-37-35-0040-00030-0010	BYRD DEMOND	609 NW 15TH ST	OKEECHOBEE	FL	34972-4358
1-15-37-35-0040-00030-0050	NEAL EDDIE JAMES JR	1224 NE 16TH AVE	OKEECHOBEE	FL	34972-3067
1-15-37-35-0040-00030-0060	GIVENS ARNETTA	1996 NICKLAUS DRIVE	TALLAHASSEE	FL	32301
1-15-37-35-0040-00030-0070	COPE WILLIE FRED	1178 GREAT GLEN WAY	LAWRENCEVILLE	GA	30045-9103
1-15-37-35-0040-00030-0080	OKEECHOBEE COUNTY	VACANT NE 13TH AVE	OKEECHOBEE	FL	34972
1-15-37-35-0040-00040-0010	ARROYO-SANCHEZ PEDRO L	199 NW 110TH ST	OKEECHOBEE	FL	34972
1-15-37-35-0070-0000D-0010	ARDLEY LAMAR	1641 BLUE JAY CIR	WESTON	FL	33327-2009
1-15-37-35-0070-0000D-0030	JOHNSON JAVARIS SR	1495 N TUCKER RIDGE RD	OKEECHOBEE	FL	34974-2842
1-15-37-35-0070-0000D-0130	FLEETON MATTIE P	PO BOX 1526	OKEECHOBEE	FL	34972
1-15-37-35-0070-0000D-0170	PEPPERS JOHNNIE MAE	908 NE 12TH AVE	OKEECHOBEE	FL	34972
1-15-37-35-0070-0000D-0200	ARDLEY LAMAR	1641 BLUE JAY CIR	WESTON	FL	33327-2009
1-15-37-35-0070-0000D-0230	STEINMETZ TOBIAH PAUL	14575 SW SANDY OAKS LOOP	INDIANTOWN	FL	34956-3205
1-15-37-35-0070-0000D-0240	ARDLEY LAMAR	1641 BLUE JAY CIR	WESTON	FL	33327-2009
1-15-37-35-0070-0000E-0190	GANT JUANITA LIVING TRUST	1661 NE 13TH ST	OKEECHOBEE	FL	34972-3011
1-15-37-35-0070-0000E-0210	SAUTERNES V LLC	18305 BISCAYNE BLVD STE 400	AVENTURA	FL	33160
1-15-37-35-0070-0000E-0230	MCNEIL JOHN B	896 NE 13TH AVE	OKEECHOBEE	FL	34972-3123
2-15-37-35-0A00-00003-0000	BLUE SPRING HOLDINGS LLC	10860 SW 25TH ST	DAVIE	FL	33324-5606
2-15-37-35-0A00-00003-A000	BE A MAN BUY LAND LLC	4260 SE FEDERAL HWY	STUART	FL	34997-4937
2-16-37-35-0A00-00005-0000	SALRY RR	C/O CSX CORP 500 WATER STREET J910	JACKSONVILLE	FL	33202
3-15-37-35-0020-00000-0180	TRC INVESTMENTS LLC	1132 NE 12TH ST	OKEECHOBEE	FL	34972
3-15-37-35-0020-00000-0190	TRC INVESTMENTS LLC	1132 NE 12TH ST	OKEECHOBEE	FL	34972

Affidavit Attesting to the Completeness and Accuracy of the List of Surrounding Property Owners

I hereby certify under the penalty of law or the revocation of the requested approval sought that to the best of my knowledge and belief, the attached list constitutes the complete and accurate list of the property owners, addresses, and parcel identification numbers of all parcels and tracts within three hundred (300) feet not including intervening streets, alleys, or waterways, of the perimeter of the lands which are subjects of, or are contiguous to but held under the same ownership as, the lands subject to the application for a change in land use or zoning, said list constituting a portion of that application. This affidavit is made based upon an inspection of the tax rolls of the Property Appraiser of Okeechobee County as of January 30th, 2023 and the Assertions made to me by members of that Office that the information reviewed constitutes the most recent information available to that office. I therefore attest to this 27th day of Feb, 2023.

Rene Griffith

Signature of Applicant

2/27/2023

Date

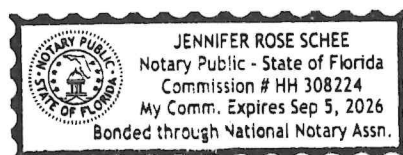
Rene Griffith, Authorized Agent

Name of Applicant (printed or typed)

STATE OF FLORIDA

COUNTY OF Martin

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 27th day of February, 2023, by Rene Griffith, who is personally known to me or produced _____ as identification.



[Signature]
Notary Public Signature

Okeechobee County Property Appraiser

Mickey L. Bandi, CFA

2022 Certified Values

updated: 3/2/2023

Parcel: << **2-15-37-35-0A00-00003-A000 (32894)** >>**Owner & Property Info**

Result: 1 of 1

Owner	BE A MAN BUY LAND LLC 4260 SE FEDERAL HWY STUART, FL 34997-4937		
Site	NE 13TH AVE OKEECHOBEE		
Description*	UNPLATTED LANDS OF THE CITY N1/2 OF NW 1/4 OF SE 1/4 LYING NORTH OF SAL RR 15 37S 35E .36 ACRES		
Area	0.36 AC	S/T/R	15-37-35
Use Code**	VACANT (0000)	Tax District	50

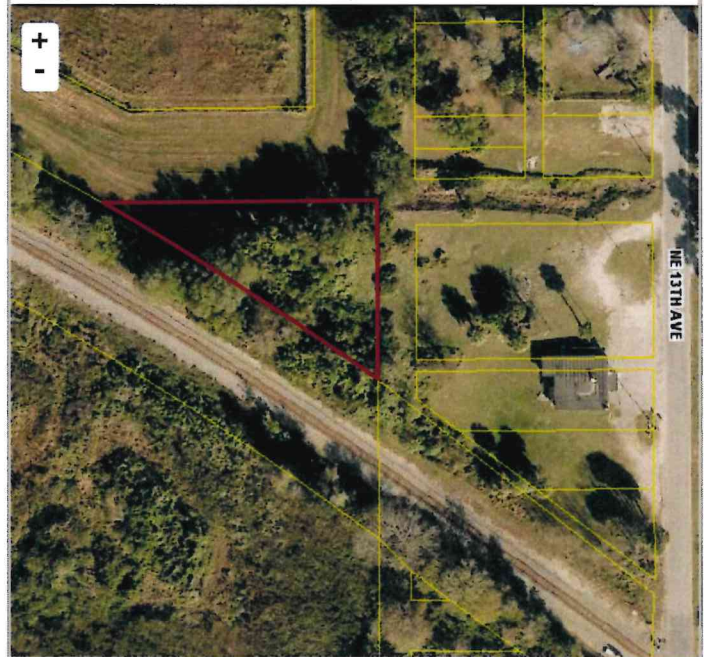
*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.
 **The Use Code is a Dept. of Revenue code and is used solely for Property Appraisal purposes. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

Property & Assessment Values

2021 Certified Values		2022 Certified Values	
Mkt Land	\$9,017	Mkt Land	\$9,801
Ag Land	\$0	Ag Land	\$0
Building	\$0	Building	\$0
XFOB	\$0	XFOB	\$0
Just	\$9,017	Just	\$9,801
Class	\$0	Class	\$0
Appraised	\$9,017	Appraised	\$9,801
SOH/10% Cap [?]	\$290	SOH/10% Cap [?]	\$201
Assessed	\$9,017	Assessed	\$9,801
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$8,727 city:\$8,727 other:\$8,727 school:\$9,017	Total Taxable	county:\$9,600 city:\$9,600 other:\$9,600 school:\$9,801

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.

Aerial Viewer Pictometry Google Maps

☒ 2022 ☐ 2021 ☐ 2020 ☐ 2019 ☐ 2018 ☐ Sales
**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Qualification (Codes)	RCode
4/10/2018	\$3,300	0805/1661	QC	V	U	11
2/22/2018	\$3,300	0803/1053	TD	V	U	11
10/14/2004	\$4,500	0546/0258	WD	V	U	02 (Multi-Parcel Sale) - show
1/19/2000	\$0	0433/0794	TD	V	U	01
1/1/1993	\$0	0921/0072	TC	V	U	03
11/1/1963	\$0	0121/0405	WD	V	Q	

▼ Building Characteristics

Bldg Sketch	Description*	Year Blt	Base SF	Actual SF	Bldg Value
NONE					

▼ Extra Features & Out Buildings (Codes)

Code	Description	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

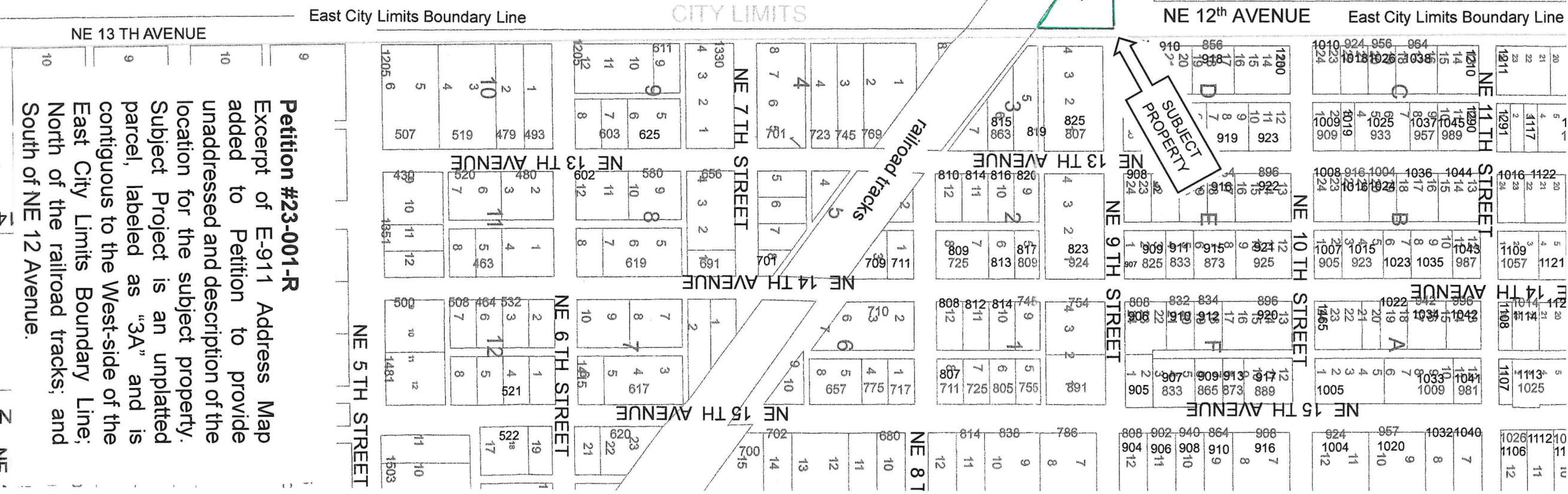
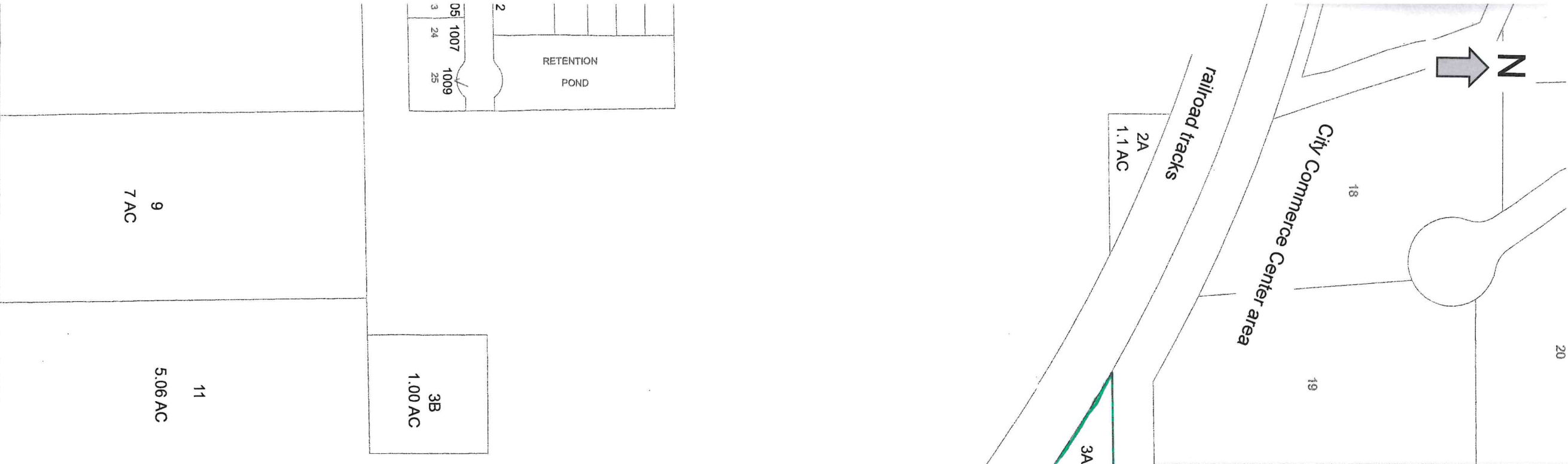
▼ Land Breakdown

Code	Description	Units	Adjustments	Eff Rate	Land Value
061D1	RR VICINITY (MKT)	15,682.000 SF (0.360 AC)	1.0000/1.0000 1.0000/.50000000 /	\$1 /SF	\$9,801

Search Result: 1 of 1

© Okeechobee County Property Appraiser | Mickey L. Bandi, CFA | Okeechobee, Florida | 863-763-4422

by: GrizzlyLogic.com



ORDINANCE NO. 1274

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OKEECHOBEE, FLORIDA; RELATING TO REQUESTS FOR CODE ENFORCEMENT FINE REDUCTIONS, AMENDING PART II OF THE CODE OF ORDINANCES OF THE CITY OF OKEECHOBEE WITHIN CHAPTER 18 CODE ENFORCEMENT, ARTICLE II CODE ENFORCEMENT PROCEDURE, BY SPECIFICALLY AMENDING SECTION 18-38 POWERS OF MAGISTRATE; SPECIFICALLY AMENDING SECTION 18-39 FINE REDUCTION REQUEST PROCESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 18-33 of the Code of Ordinances of the City of Okeechobee states “Florida Statutes (F.S.) Chapter (Ch.) 162, Parts I and II, Local Government Code Enforcement Boards Act is adopted in its entirety, as presently written or as hereafter amended by the State Legislature, as substantive authority for, and to proscribe procedures for, the establishment, organization, and operations of the local code enforcement program for the City”; and

WHEREAS, F.S. Section 162.09(2)(c) states that “[a]n enforcement board may reduce a fine imposed pursuant to this section; and

WHEREAS, consistent with the authority found in F.S. Ch.162 and Section 18-33 of the Code of Ordinances of the City of Okeechobee, the City utilizes a Special Magistrate rather than an Enforcement Board to adjudicate code enforcement matters; and

WHEREAS, a number of local governments specify the grounds in which local government staff and Special Magistrates evaluate code enforcement fine reduction requests; and

WHEREAS, the City Council finds 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.

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.

The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

SECTION 2: AMENDMENT TO SECTION 18-38.

That Section 18-38 Powers of Magistrate of Part II of the City Code of Ordinances within Chapter 18 Code Enforcement, Article II Code Enforcement Procedure is hereby amended to read as follows:

(a) The Magistrate shall have all powers created by F.S. Ch. 162. Additionally, the magistrate shall have all powers delegated by the City Council relating to the exercise of its police powers pursuant to F.S. Ch. 166. The Magistrate shall have the express power to:

(1) Adopt rules for the conduct of Code Enforcement meetings and hearings.

(2) Subpoena alleged violators and witnesses.

- (3) Subpoena evidence as necessary for hearings, including but not limited to physical and documentary evidence, such as records, surveys, plats, and photographs.
- (4) Take testimony under oath.
- (5) Issue orders having the force and effect of law which can command whatever steps are necessary to bring a violation into compliance, such decision to be made at the hearing and reduced to writing and mailed to the violator within ten working days thereafter.
- (6) Establish and enforce fines pursuant to this municipal code.
- (7) Authorize the reduction of any fine he or she has imposed.
- (b) ~~Any aggrieved party may appeal an order of the magistrate to the circuit court in F.S. 162.11, including but not limited to the magistrate's determination of a fine reduction.~~ Fine reductions are only authorized for properties that have been brought into full compliance with City's Code of Ordinances and in which the property owner has no other open Code violations or liens on any other property in the City. In evaluating a request for a reduction of any fine he or she has imposed, the Magistrate shall use the following criteria:
 - (1) The recommendation of the City Administrator or his/her designee as to the amount of the lien reduction.
 - (2) The gravity of the underlying code violation which gave rise to the fine imposed by the Magistrate.
 - (3) The number of times within the last five years that an applicant has applied to the City for lien reductions at the property.
 - (4) Whether the property has any liens or expired permits.
 - (5) Whether there are any outstanding balances owed to the City by the property owner.

A fine imposed by the Magistrate may be reduced by a maximum of 60 percent.
- (c) Any aggrieved party may appeal an order of the Magistrate to the Circuit Court as provided in F.S. 162.11, including but not limited to the Magistrate's determination of a fine reduction.

SECTION 3: AMENDMENT TO SECTION 18-39

That Section 18-39 Reserved of Part II of the City Code of Ordinances within Chapter 18 Code Enforcement, Article II Code Enforcement Procedure is hereby amended to read as follows:

Sec. 18-39. Fine Reduction Request Process.

- (a) The City Administrator shall establish a process consistent with this section in which property owners may request a fine reduction imposed by a Magistrate.
- (b) Property owners wishing to request a fine reduction shall complete a Request for a Fine Reduction Application and submit it to the City Administrator or his/her designee along with the applicable fee.
- (c) Upon receipt of a completed Request for a Fine Reduction, the City shall schedule an inspection of the property and determine whether there are any other liens or expired permits. The fine shall be tolled until the inspection is completed.

- (d) If, after inspection, the property is found to be in compliance, a hearing before the Magistrate shall be scheduled. If the property is found not to be in compliance, the property owner shall be promptly notified in writing and be given a reasonable period of time to correct the violation(s) and request a re-inspection. If the property owner fails to correct the violation(s) and/or request a re-inspection within the time frame set forth by the City, the Request for Fine Reduction shall be denied and the fines will retroactively accrue.
- (e) The City Administrator shall direct Code Enforcement to evaluate each request prior to making a recommendation to the Magistrate. In making its recommendation to the Magistrate, Code Enforcement shall use the following criteria:
- (1) The gravity of the underlying Code violation which gave rise to the fine imposed by the Magistrate.
 - (2) The length of time in which the property was not in compliance with the City's Code of Ordinances.
 - (3) Whether the property owner was proactive in bringing the property into compliance with the City's Code of Ordinances.
 - (4) Whether there are any exigent circumstances that were the underlying reason for untimely compliance with the City's Code of Ordinances.
 - (5) Whether the property is subject to a foreclosure proceeding.

Sections 18-40 – 19-70 Reserved.

SECTION 4: 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 5: CONFLICT.

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

SECTION 6: INCLUSION IN THE CODE OF ORDINANCES.

It is the intention of the City Council of the City of Okeechobee, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Okeechobee 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 7: EFFECTIVE DATE.

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

INTRODUCED for FIRST READING and set for Final Public Hearing on this **16th** day of **May 2023**.

ATTEST:

Dowling R. Watford Jr., Mayor

Lane Gamiotea, CMC, City Clerk

SECOND READING AND FINAL ADOPTION held this 20th day of June 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, Esq.
City Attorney

IV. PRESENTATIONS AND PROCLAMATIONS CONTINUED

- B. Continued. and Whereas, It Starts with You, the theme for Building Safety Month 2023, encourages us all to raise awareness about building safety on a personal, local and global scale; and Whereas, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property; and Now Therefore, I, Dowling R. Watford, by virtue of the authority vested in me as Mayor of the City of Okeechobee, Florida, do hereby proclaim the month of May 2023, as Building Safety Month.”
- C. Sergeants Jessica Francis and K-9 Luna were recognized by Mayor Watford and Chief Donald Hagan for their years of service. Sergeant Francis was presented with a pen, engraved with her name, and a framed Longevity Service Certificate, read into the record as follows: “In recognition of your five years of service, hard work, and dedication to the City, its citizens, and your fellow employees from May 2, 2018 through May 2, 2023.” Sergeant K-9 Luna was presented with a leather K-9 badge holder and personalized treat jar.

V. CONSENT AGENDA

Motion and second by Vice Mayor Clark and Council Member Jarriel to:

- A. Approve the April 2023 Warrant Register [in the amounts: General Fund, \$753,904.50; Public Facilities Improvement Fund, \$23,575.99; Capital Improvement Projects Fund, \$112,623.74; Industrial Development Fund, \$1,377.00; and Appropriations Grant Fund, \$675.00; [as presented]; and
- B. Ratify the appointment of John Creasman to the General Employees’ Pension Fund Board of Trustees as the Fifth Member, term being May 1, 2023, through December 31, 2025, replacing Dawn Martin.

Motion Carried Unanimously.

VI. NEW BUSINESS

- A. Motion and second by Council Member Jarriel and Vice Mayor Clark to read by title only, proposed Ordinance No. 1273, for Rezoning Petition No. 22-001-R, submitted by Rene Griffith, Registered Agent, on behalf of the property owner, Be A Man, Buy Land, LLC., to rezone 0.36 +/- unplatted acres from Holding to Industrial. The property is a triangular-shaped vacant, unaddressed parcel, located contiguous to the West-side of the East City Limits Boundary Line, North of the railroad tracks, and South of Northeast 12th Avenue. The proposed use is outdoor storage [as presented in **Exhibit 1**]. **Motion Carried Unanimously.**

City Attorney John Fumero read into the record the title of proposed Ordinance No. 1273, as follows: **“AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF OKEECHOBEE BY REZONING A CERTAIN TRACT OF LAND MORE PARTICULARLY DESCRIBED HEREIN, FROM HOLDING TO INDUSTRIAL; PETITION NO. 23-001-R; AMENDING THE ZONING MAP ACCORDINGLY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.”**

Motion and second by Vice Mayor Clark and Council Member Jarriel to approve the first reading of proposed Ordinance No. 1273 and set June 20, 2023, as the final public hearing date.

Planner Ben Smith, attending electronically via Zoom, presented the Planning Staff Report which finds the request is reasonably compatible with adjacent uses and consistent with the Comprehensive Plan. Planning Staff and Planning Board recommend approval. **Motion Carried Unanimously.**

- B. Motion and second by Council Members Jarriel and Chandler to read by title only, proposed Ordinance No. 1274, amending Chapter 18, Code Enforcement Procedure, to include a Fine Reduction Process [as presented in **Exhibit 2**]. **Motion Carried Unanimously.**

Attorney Fumero read into the record the title only of proposed Ordinance No. 1274 as follows: **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OKEECHOBEE, FLORIDA; RELATING TO REQUESTS FOR CODE ENFORCEMENT FINE REDUCTIONS, AMENDING PART II OF THE CODE OF ORDINANCES OF THE CITY OF OKEECHOBEE WITHIN CHAPTER 18 CODE ENFORCEMENT, ARTICLE II CODE ENFORCEMENT PROCEDURE, BY SPECIFICALLY AMENDING SECTION 18-38 POWERS OF MAGISTRATE; SPECIFICALLY AMENDING SECTION 18-39 FINE REDUCTION REQUEST PROCESS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.”**

VI. NEW BUSINESS CONTINUED

B. Continued. Motion and second by Vice Mayor Clark and Council Member Jarriel to approve the first reading of proposed Ordinance No. 1274 and set June 20, 2023, as the final public hearing date. **Motion Carried Unanimously.**

C. Attorney Fumero reviewed the options for a tax abatement program, utilizing a 15-slide Power Point presentation, a copy of which has been incorporated into the official minute file. There are three programs: Economic Development Ad Valorem Tax Exemption, Tax Exemption for Affordable Housing, and the Live Local Act 2023. **Following discussion, the Council by consensus agreed not to pursue the matter further.**

D. Motion and second by Council Members Chandler and Jarriel to approve closing City Hall at 1:00 P.M. on Friday, September 1, 2023, to fumigate City Hall and the Public Safety Building. City Hall will remain closed through Monday, September 4, 2023 for the Labor Day holiday. **Motion Carried Unanimously.**

E. The Annual Evaluation of Administrator Ritter was reviewed. On May 2, 2023, Clerk Gamiotea disbursed individual evaluation forms to the Mayor and Council to complete prior to the meeting. The evaluations consist of 14 questions and have been incorporated into the official minute file. The Tally Sheet, providing the final scores as follows: Chandler 5.0, Clark 4.9, Jarriel 5.0, McAuley 4.9, and Watford 4.9; for an overall average of 4.9 out of 5.0, has also been incorporated into the official minute file.

VII. CITY ATTORNEY UPDATE

- Reviewed Request for Proposals for audit services;
- Drafting ordinance to merge the Police and Fire Pension Plans;
- Ordinances regarding stormwater management, the installation and removal of storm shutters, and the regulation of food trucks scheduled for discussion at the Planning Board Meeting on May 18, 2023;
- Researching regulations for the distribution and sale of fireworks.

VIII. CITY ADMINISTRATOR UPDATE

- Ordinance addressing mandatory water and wastewater connections will be reviewed at a future Council meeting;
- Reminder of the Memorial Day Event coordinated by the VFW South Post, scheduled for Saturday, May 27, 2023, at 10:00 A.M.

IX. COUNCIL COMMENTS

Council Member Jarriel commended the Police Department for their quick response to a citizen complaint.

X. ADJOURNMENT

There being no further items of discussion, Mayor Watford adjourned the meeting at 6:51 P.M.

Submitted By:

Lane Gamiotea, CMC, City Clerk

Please take notice and be advised that when a person decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, s/he 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. City Clerk media are for the sole purpose of backup for official records of the Clerk.

VI. NEW BUSINESS CONTINUED

A. Continued. The completely voluntary S.A.F.E. program provides for family members/caregivers of individuals who may be on the autism spectrum, have cognitive disabilities, physical disabilities, or other special needs, to register those individuals regarding critical information before an emergency occurs. By doing this, a notification will be provided when first responders are dispatched of the potential encounter, making those first responders better prepared to approach an individual depending on their needs. Additionally, when an individual is registered, they will receive decals to be strategically placed on the home entrance door or window, and/or on a vehicle, to alert first responders to be prepared to encounter someone who may not respond as expected in an emergency situation. Sheriff Stephen recently learned about the program through the Florida Sheriff's Association, it was initiated by Santa Rosas County Sheriff Robert Johnson. The information about implementing the Program was well received by the Council, all were congratulated for their efforts. An enrollment flyer and decal were distributed, a copy of which has been added to the official minute file.

B. Utilizing a 16-slide power point presentation, Code Enforcement City Attorney Greg Hyden reviewed the proposed changes as recommended by Staff, to the Code Enforcement fine reduction procedures, as presented in **Exhibit 2** and provided below:

Code Section 18-38(b), delete the existing paragraph, and add: Fine reductions are only authorized for properties that have been brought into full compliance with City's Code of Ordinances and in which the property owner has no other open code violations or liens on any other property in the City. In evaluating a request for a reduction of any fine he/she has imposed, the Magistrate shall use the following criteria:

- 1) The recommendation of the City Administrator or his/her designee as to the amount of the lien reduction.
- 2) The gravity of the underlying code violation which gave rise to the fine imposed by the Magistrate.
- 3) The number of times within the last five years that an applicant has applied to the City for lien reductions at the property.
- 4) Whether the property has any liens or expired permits.
- 5) Whether there are any outstanding balances owed to the City by the property owner. A fine imposed by the Magistrate may be reduced by a maximum of 60 percent.

Add a **Code Section 18-38(c)** to read, Any aggrieved party may appeal an order of the Magistrate to the Circuit Court as provided in Florida Statute 162.11, including but not limited to the Magistrate's determination of a fine reduction.

Add **Code Section 18-39**, Fine Reduction Request Process.

- a) The City Administrator shall establish a process consistent with this section in which property owners may request a fine reduction imposed by a Magistrate.
- b) Property owners wishing to request a fine reduction shall complete a Request for a Fine Reduction Application and submit it to the City Administrator or his/her designee along with the applicable fee.
- c) Upon receipt of a completed Request for a Fine Reduction, the City shall schedule an inspection of the property and determine whether there are any other liens or expired permits. The fine shall be tolled until the inspection is completed.
- d) If, after inspection, the property is found to be in compliance, a hearing before the Magistrate shall be scheduled. If the property is found not to be in compliance, the property owner shall be promptly notified in writing and be given a reasonable period of time to correct the violation(s) and request a re-inspection. If the property owner fails to correct the violation(s) and/or request a re-inspection within the time frame set forth by the City, the Request for Fine Reduction shall be denied, and the fines will retroactively accrue.
- e) The City Administrator shall direct Code Enforcement to evaluate each request prior to making a recommendation to the Magistrate. In making its recommendation to the Magistrate, Code Enforcement shall use the following criteria:
 - 1) The gravity of the underlying code violation which gave rise to the fine imposed by the Magistrate.
 - 2) The length of time in which the property was not in compliance with the City's Code of Ordinances.
 - 3) Whether the property owner was proactive in bringing the property into compliance with the City's Code of Ordinances.
 - 4) Whether there are any exigent circumstances that were the underlying reason for untimely compliance with the City's Code of Ordinances.
 - 5) Whether the property is subject to a foreclosure proceeding.

The presentation also included a four-page Request for Fine Reduction Application and Instructions to be adopted and implemented along with an application fee. **Following discussion, the Council did not object to, or offer by consensus or other action, amendments to the proposed changes; they will be presented at a future meeting in a proposed ordinance for a first reading.**



CITY OF OKEECHOBEE, FLORIDA
DECEMBER 6, 2022, REGULAR CITY COUNCIL MEETING
MEETING MINUTES

I. CALL TO ORDER

Mayor Watford called the regular meeting of the City Council for the City of Okeechobee to order on December 6, 2022, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast (SE) 3rd Avenue, Room 200, Okeechobee, Florida. The invocation was offered by Mayor Watford; followed by the Pledge of Allegiance led by Council Member Clark.

II. ATTENDANCE

Roll was taken by Deputy City Clerk Heather Prince to establish a quorum. Members present: Mayor Dowling R. Watford, Jr., Council Members Noel A. Chandler, Monica M. Clark, Robert "Bob" Jarriel, and Robert "Bobby" M. Keefe, Jr.

III. AGENDA AND PUBLIC COMMENTS

- A. There were no requests for items to be added, deferred, or withdrawn from the agenda.
- B. Motion and second by Council Members Keefe and Jarriel to approve the revised agenda as presented.
Motion Carried Unanimously.
- C. There were no comment cards submitted for public participation for issues not on the agenda.

IV. CONSENT AGENDA

- A. Motion and second by Council Members Keefe and Jarriel to [dispense with the reading and] approve the meeting Minutes for November 8, 2022, and November 15, 2022, [as presented]. **Motion Carried Unanimously.**

V. NEW BUSINESS

- A. Ms. Connie Vanassche, of CAS Governmental Services, LLC, highlighted the City's 2023-24 Legislative Priorities, as presented with the published agenda, that will be presented at the Delegation Hearing scheduled for February 4, 2023. Appropriation Funding requests will include \$1,200,000.00 for the hardening of the Public Safety Building, \$1,200,000.00 for the hardening of City Hall, and \$412,503.00 for State Law Enforcement Radio System Equipment that is a State unfunded mandate. Issues of concern are unfunded mandates and attacks on Home Rule which further fiscally constrain our area that is designated a Rural Area of Opportunity. Our unemployment rate and poverty level are above the State averages. Seek support for the Lake Okeechobee System Operating Manual Project, the Broadband Expansion Programs, and the State's continued financial commitment to the widening of State Road (SR) 70 West to U.S. Highway 27. Request to increase or maintain State Funded Programs: Florida Department of Environmental Protection water quality grants, and Recreation Development Assistance Program grants. Florida Department of Economic Opportunity Rural Infrastructure Fund grants and Historical Preservation grants. Florida Department of Transportation (FDOT) Small County Outreach Program grants. Issues of financial concern are State mandated exemptions, Local Business Taxes, and Communications Services Taxes. There were no modifications made, therefore this item was for informational purposes only.
- B. City Attorney Greg Hyden reviewed the Code Enforcement Lien Process utilizing an 11-slide power point presentation [as presented in Exhibit 1, with a revised slide 11 and added slide 12 distributed during the meeting]. He highlighted the specifics of Florida Statute Chapter 162 as it applies, then aspects of the City's current Ordinances, and presented the Staff's recommendations for amendments to specify the criteria considered by the Special Magistrate when reviewing requests for lien reductions. This includes reducing liens to a maximum of 60 percent as well as considering the gravity of the violation, efforts towards compliance, and frequency of violations. Attorney Hyden responded to several questions posed by the Council. Following the discussion, **the Council agreed to proceed with the amendments as presented. An ordinance will be presented at a future meeting.**
- C. Motion and second by Council Members Chandler and Jarriel to approve the Termination of Grant of License with American Legion Post No. 64 regarding Veterans Square in Flagler Park [as presented in Exhibit 2]. For the record, it was verified that Mr. Steve Lynn of the American Legion is aware of matter and in agreement they are no longer able to maintain the Park as originally agreed; and clarified the Park would continue to be used to honor Veterans and would remain known as Veterans Memorial Square.
Motion Carried Unanimously.

IV. NEW BUSINESS CONTINUED

C. Continued. All have their pros and cons which led to considering a blended/staggered option where the OUA could consider immediately moving forward with design, permitting, and construction of a LPS system to serve the residential area (from SW 5th to 7th Avenue's), and then consider future expansion of the gravity sewer for the commercial corridor (SW 3rd to South Parrott Avenue) in the future. He then reviewed the Southwest Service Area (SWSA) Project 1, the master force main and pump station are currently under construction, the SWSA SE 2 Interconnect is in design and permitting. Both the SWSA Project 2 Collection System and Project 3 Okee-Tanie/State Road 78 are in the design and permitting stage. The Treasure Island Project is being reviewed for engineering, this is a large project that the OUA has received funding for and will eliminate over 2,500 septic tanks. The Pine Ridge Park Project is under construction. Mr. Creasman along with Mr. John Hayford, OUA Executive Director responded to Council questions. There was concern expressed in regards to using the LPS system for the SW 5th Avenue Project. Mr. Creasman acknowledged those concerns and advise he would convey them to the OUA Board and request to look at all options. A copy of the power point has been incorporated into the official minute file. This item was for informational purposes, no official action required.

D. A discussion was held regarding the current protocol for Code Enforcement reduction of fines. Council Member Jarriel expressed his concern that the Code Enforcement Magistrate recently approved a fine reduction of 75 percent on a \$10,000.00 fine. In order to provide historic practices on fine reduction, Chief Hagan distributed two spreadsheets, which have been incorporated into the official minute file.

One spreadsheet provided in table format, nine cases that went before the City Council requesting fine reductions between January 2020 through April 2021. Of those nine, one was approved for a reduction of 50 percent, one for 70 percent, one for 75 percent, two for 80 percent, and four for 90 percent, none were repeat violators. The Council, by ordinance in April 2021, gave the authorization to the Special Magistrate to approve all future fine reduction requests. The second spreadsheet provided in table format, nine cases that went before the Special Magistrate requesting fine reductions between May 2021 through September 2022. Seven were approved for a reduction of 75 percent, one was approved for 90 percent due to special circumstances, and one noted as a repeat violator was approved for 50 percent.

City Attorney Greg Hyden was in attendance and reviewed Florida Statutes Chapter 162 which addresses Code Enforcement and gave an overview of the process required when approving fine reductions. It was also noted that the intent of issuing fines is to gain compliance and never to be looked at as a source of revenue. The discussion continued with Code Enforcement Officers Anthony Smith and Christina Curl, Chief Hagan, Attorneys Fumero and Hyden responding to questions from the Council. The outcome was for Staff to re-develop their current matrix used when making their recommendation for fine reduction requests to the Special Magistrate, to include the length of time it takes for the property to come into compliance and efforts made by the property owner. It was not noted whether this would need to come back before the Council.

E. Motion and second by Council Members Clark and Keefe to approve a Police Fleet purchase of four 2023 Dodge Chargers in the amount of \$145,748.00 from Garber Fleet Sales [via the Florida Sheriff's Association bid as presented in **Exhibit 3**]. A motion to amend the motion on the floor, to purchase five 2023 Dodge Chargers, was made by Council Member Clark and seconded by Council Member Jarriel. **Motion to Amend Carried Unanimously. Motion as Amended Carried Unanimously.**

F. Added Item. Motion and second by Council Members Keefe and Clark to approve an Interlocal Agreement with Okeechobee County for storm debris removal and monitoring [as presented in **Exhibit 4**]. **Motion Carried Unanimously.**

G. Added Item. Motion and second by Council Members Keefe and Jarriel to approve a Worker's Compensation Settlement with William Saum [as presented in **Exhibit 5**]. **Motion Carried Unanimously.**

V. CITY ATTORNEY UPDATE

- Completed Settlement Agreement with William Saum; and
- Interlocal Agreement with the County of Okeechobee for storm debris removal.

VI. CITY ADMINISTRATOR UPDATE

- Worked closely with County Emergency Management during Hurricane Ian;
- Thanked Staff for their dedication and work both before and after Hurricane Ian;
- Will be reviewing and updating the Emergency Management Procedures which was last done in 1994.

ORDINANCE NO. 1272

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; RELATING TO THE REGULATION OF THE OPERATION OF MOBILE FOOD DISPENSING VEHICLES (MFDV) WITHIN THE CITY LIMITS, LAND DEVELOPMENT REGULATION TEXT AMENDMENT APPLICATION NO. 23-001-TA; AMENDING PART II OF THE CITY CODE OF ORDINANCES OF THE CITY OF OKEECHOBEE WITHIN CHAPTER 14 BUSINESSES, BY SPECIFICALLY AMENDING ARTICLE VI MFDV, ALLOWING FOR OPERATION OF MFDV AT HOUSES OF WORSHIP AND IN THE COMMERCIAL PROFESSIONAL OFFICE (CPO), LIGHT COMMERCIAL (CLT), HEAVY COMMERCIAL (CHV), CENTRAL BUSINESS DISTRICT (CBD), AND INDUSTRIAL (IND) ZONING DISTRICTS AND ALLOWING FOR OPERATION OF MFDV IN CONJUNCTION WITH A TEMPORARY USE PERMIT; AND WITHIN CHAPTER 90 ZONING, BY SPECIFICALLY AMENDING ARTICLE III DISTRICT AND DISTRICT REGULATIONS, ALLOWING FOR MFDV AS A SPECIAL EXCEPTION USE IN THE CPO, CLT, CHV, CBD, IND, PUBLIC USE (PUB), AND RURAL HERITAGE (RH) ZONING DISTRICTS AND ARTICLE IV, SUPPLEMENTARY DISTRICT REGULATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Governor of the State of Florida signed into law the Occupational Freedom and Opportunity Act (Senate Bill 474/House Bill 1171) (“Act”), which became effective on July 1, 2020; and

WHEREAS, the Act created Florida Statutes Section 509.102, “Mobile food dispensing vehicles; preemption,” in which a municipality, county, or other local governmental entity may not require a separate license, registration, permit, or fee from MFDV and may not prohibit MFDV from operating within the entirety of the jurisdiction; and

WHEREAS, the City of Okeechobee, Florida (City) allows MFDV licensed by the Florida Department of Business and Professional Regulation (DBPR), which includes mobile hot dog carts and food trucks, to operate according to certain standards; and

WHEREAS, the Planning Board for said City, acting as the Local Planning Agency, reviewed and discussed the proposed amendments, also known as Land Development Regulation Text Amendment Application No. 23-001-TA, at duly advertised Public Hearings held on April 20, 2023, and 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 said 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 said 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 Land Development Regulations and the said City adopted Comprehensive Plan and not in conflict with the public interest.

NOW THEREFORE, be it ordained before the City Council of said City; presented at a duly advertised public meeting; and passed by the 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 14 BUSINESSES.

That Part II of the City Code of Ordinances within Chapter 14 Businesses, is hereby amended to read as follows:

ARTICLE VI. MFDV

Section 14-300. Title.

This article shall be known and may be cited as the "Food Truck Ordinance."

Section 14-301. Authority.

This article is enacted under the home rule power of the City in the interest of the health, safety, peace, and general welfare of the people of the City.

Section. 14-302. Applicability.

This section applies to vendors operating MFDV as defined in Florida Statute.

Sections. 14-303—14-340. Reserved.

Section 14-341. MFDV Classifications.

- (1) *Classifications.* Mobile food establishments involving the use of a MFDV shall be classified as follows:
 - (a) *Class I - Mobile kitchens.* In addition to the vending of products allowed for Class II and Class III, these vehicles may cook, prepare, and assemble food items in the unit and serve a full menu. This also includes vending carts.
 - (b) *Class II - Canteen trucks.* These vehicles vend fruits, vegetables, precooked foods, pre-packaged foods, and pre-packaged drinks. No preparation or assembly of foods or beverages may take place on or in the vehicle, however, the heating of pre-cooked foods is allowed.
 - (c) *Class III - Ice cream trucks.* These vehicles vend only pre-packaged frozen dairy or frozen water-based food products, soft serve or hand-dipped frozen dairy products or frozen water-based products and pre-packaged beverages.
 - (d) *Exclusions.* As used in this section, the term MFDV does not include minor children operating lemonade or soft drink stands, owners or operators of fresh fruit and/or vegetable stands or other raw, uncooked, unprepared, or nonedible perishable goods, or owners or operators of food or beverage self-service vending machines.

Sections. 14-342—14-360. Reserved.

Section 14-361. Operating without Special Exception Use Petition approval or Temporary Use Permit.

- (1) All classes of MFDV may operate on private property in the CPO, CLT, CHV, CBD, or IND zoning districts or on any property where a permanent house of worship use is located according to the following standards:
 - (a) Written, signed consent of the owner of the property on which the vehicle is operating shall be available upon request by a representative of the City or any regulating agency. The written consent shall specify the address and/or parcel identification number, and the approved operating days and times authorized by the owner.
 - (b) No more than two (2) MFDVs shall operate on one parcel at the same time.
 - (c) MFDV operations, including customer queuing/waiting area may not occupy more than 5 percent of the parking spaces required for the other active permitted use(s) on any parcel.
 - (d) Existing internal and external vehicle circulation patterns shall not be affected by MFDV operations. The MFDV operations shall not cause or increase vehicle queuing, congestion, or hazardous conditions.
 - (e) Freestanding signage for each MFDV is limited to one (1) non-affixed, A-frame ground sign to be no larger than 20-square feet in area (including both sides), to be removed once the MFDV is no longer operational.

- (f) Placement of tables, seating, and canopies is not permitted in association with MFDV operations.
- (g) All standards of Section 14-364 shall apply.
- (2) Class III vehicles may operate in the public right-of-way in any zoning district according to the following standards:
 - (a) The MFDV may not be stationary for periods exceeding 20-minutes and must not constitute a hazard to vehicular or pedestrian traffic at any time.
 - (b) No accessory or appurtenant structures or fixtures shall be erected, installed, or constructed, and no temporary awning or canopy may be employed.
 - (c) No tables, seating, or canopies may be provided.
 - (d) No sale of goods shall occur outside of any vehicle operating on public rights-of-way.
 - (e) Operation is limited to the hours between 9:00 a.m. and sundown, whatever time that may occur.
 - (f) No sale or distribution of alcoholic beverages is permitted.
 - (g) Short, pre-recorded amplified songs or tunes may be broadcast so long as they comply with the City Noise and Vibration Standards. Amplified music lyrics may not be broadcast at any time.
 - (h) All standards of Section 14-364 shall apply.

Section 14-362. Operating with a Special Exception Use Approval.

All classes of MFDVs may operate as a Special Exception Use in those zoning districts where MFDVs are listed as a Special Exception Use and only as approved through the Special Exception Use Petition process in accordance with any conditions and site design standards required as part of the Special Exception Use Petition approval. Application considerations are as follows:

- (1) A pre-petition meeting with City staff is recommended.
- (2) Upon determination by the City Administrator, a traffic impact study may be required.
- (3) A site plan shall be submitted demonstrating adequacy of parking, internal/external vehicular circulation, pedestrian safety, customer service area, compatibility with existing onsite and offsite uses.
- (4) Adequate sanitary facilities, utility, drainage, refuse management, emergency services and access, and similar necessary facilities and services will be available to serve employees and patrons.
- (5) All standards of Section 14-364.
- (6) Standards for granting a Special Exception Use provided in Section 70-373(b) and the findings for approval provided in Section 70-373(c).
- (7) The ultimate decision to approve, deny, or approve with conditions any Special Exception Use Petition shall be the responsibility of the City Board of Adjustment, which may impose any condition necessary to ensure compatibility of the proposed use and ensure public health, safety, and welfare.

Section 14-363. Operating with a Temporary Use Permit.

MFDVs may operate on private property, public property and on rights-of-way as authorized by a Temporary Use Permit and in accordance with any conditions of that permit. Guidelines for MFDV Temporary Use Permit conditions are as follows:

- (1) The MFDV operator shall produce a copy of the Temporary Use Permit for inspection upon request by a representative of the City or any regulating agency.
- (2) MFDV conducting business in conjunction with a City sanctioned event or activity, or events held on City owned or controlled property shall comply with all standards and requirements as established by the event coordinator and/or General Services Department, in addition to any applicable regulatory agency's regulations.
- (3) Adequate sanitary facilities, utility, drainage, refuse management, emergency services and access, and similar necessary facilities and services will be available to serve employees, patrons, or participants.
- (4) Where a tent or similar structure is to be used, such structure shall:
 - (a) Comply with the requirements of the Fire Marshal.
 - (b) Provide the City with a certificate of insurance to cover the liability of the applicant or sponsor.
 - (c) Demonstrate that the tent is flame resistant by providing a certificate of flame resistance or other assurance that the structure has been properly treated with a flame retarder and has been maintained as such.
- (5) Freestanding signage for each MFDV is limited to one (1) non-affixed, A-frame ground sign to be no larger than 20-square feet in area (including both sides), to be removed once the MFDV is no longer operational.
- (6) All standards of Section 14-364 shall apply.

Section 14-364. General Operating Standards.

The following standards shall apply to all MFDVs operating in the City unless otherwise stated in the conditions of a Special Exception Use Petition approval or Temporary Use Permit approval or otherwise stated elsewhere in this Chapter.

- (1) Any person engaged in selling, preparing, or dispensing food from a MFDV shall obtain the appropriate approvals and licenses from the State of Florida DBPR, Florida Department of Health, and/or the Florida Department of Agriculture and Consumer Services before operating and shall provide copies of all approvals and licenses upon request.
- (2) The operator of a MFDV shall provide the City, or other regulatory agencies, their Florida State sales tax number upon request and shall maintain display a current vehicle registration tag.
- (3) The operator shall make the MFDV available for routine inspections by the Fire Marshal, City Building Official, or City Code Enforcement Officer at any time requested and at any frequency deemed appropriate, while at location or in operation, to ensure compliance with all applicable Federal, State, and local fire safety statutes, regulations and codes, and local regulations of this Section.
- (4) The operator of the MFDV shall comply with all requirements of the most current edition of the Florida Fire Prevention Code (FFPC) and the National Fire Protection Association (NFPA). Upon inspection, if the Fire Marshal or an authorized designee determines any violations of the FFPC or NFPA exist, the mobile food establishment can be required to cease operations immediately.
- (5) Mobile food establishments shall have hand sanitizer, or similar, visible and readily available for customer use at all times during hours of operation.
- (6) MFDVs that remain operational on the same site for longer than three (3) consecutive hours must provide restrooms, or written consent from the property owner allowing public access to existing restrooms within 150-feet of the stationary vehicle.
- (7) MFDV operations shall not interfere with vehicular and pedestrian movement or visibility, block access to loading/service areas, emergency access and fire lanes, driveways, sidewalks, emergency exits, or damage landscaped areas on adjacent sites.

- (8) Except for Class III MFDVs operating in the right-of-way according to the provisions of Section 14-361(2), waste receptacles, not less than 32-gallons, shall be provided adjacent to the MFDV, for litter associated with the sales activity. The MFDV operator shall remove all litter, debris, and other waste attributable to the vendor and/or customers daily and ensure that waste disposal receptacle is not overfilled at any time.
- (9) Waste, fat, oil, grease, greywater, or similar substances shall not be discharged into any stormwater system, landscape area, sidewalks, or rights-of-way. MFDV operators are responsible for proper disposal of any waste material in accordance with Federal, State, County, or Municipal laws, rules, regulations, orders, or permits.
- (10) MFDVs shall not sell alcohol unless specifically licensed to do so and must provide copies of all alcohol-related licensing upon request.
- (11) Except for Class III vehicles operating in the rights-of-way according to the provisions of Section 14-361(2), a MFDV shall not make sounds, announcements, or amplify music to call attention to its vending or products either while traveling on public or private right-of-way or when stationary.
- (12) Using balloons, banners, snipe signs, large flashing lights, flags, or other similar devices to attract customers is prohibited, except in accordance with City Sign Regulations.
- (13) MFDVs shall not park within any required landscape buffers or stormwater retention/detention area.
- (14) MFDVs shall not obstruct the usage of American with Disabilities Act (ADA) accessible parking spaces or associated ADA access aisles.
- (15) Serving from a free-standing grill is prohibited.
- (16) It is prohibited to solicit sales of food or beverages by:
 - (a) Stopping passersby;
 - (b) Yelling or making loud noise to attract customers;
 - (c) Using sound amplification in such a manner as to unreasonably disturb peace, quiet and comfort; or
 - (d) Having an attraction which will blockade a street, sidewalk, or other public place.

Section 14-365. Enforcement.

- (1) Owners and operators of MFDV and property owners on which such vehicles operate, shall be jointly and severally liable for any violations of this Section, subject to the penalty provisions set forth in this Section.
- (2) City Code Enforcement shall be responsible for compliance with the provisions within Section 14-300. MFDVs operating in non-compliance of any of the provisions of this Section will have the option to immediately cease all operations and leave the location. If there is refusal to leave the site, a citation in the amount of no less than \$200.00 per infraction/per day will be issued to the landowner and the City Code Enforcement will bring forward a code compliance case against the underlying landowner with the intent of collecting the fine in accordance with City Code Enforcement procedure.

Sections. 14-366—14-380. Reserved.

SECTION 3. AMENDMENT TO CHAPTER 90 ZONING.

That Part II of the City Code of Ordinances within Chapter 90 Zoning is hereby amended to read as follows:

ARTICLE III. DISTRICTS AND DISTRICT REGULATIONS

DIVISION 6. CPO DISTRICT

Section 90-223. Special Exception Uses.

The following uses and structures are permitted in the CPO district after issuance of a Special Exception Use petition and may have additional conditions imposed at the time of approval:

- (1) Day care center.
- (2) Personal service and dry cleaning on premises.
- (3) Cafe.
- (4) Business school.
- (5) Private club.
- (6) House of worship.
- (7) Public facility and use.
- (8) Public utility.
- (9) Permitted uses in excess of 45-feet in height.
- (10) Adult family care homes, assisted living facility as defined in F.S. § 429.02(5).
- (11) Free-standing drive-up ATM which is owned and operated by a bank or other financial institution with an office located Okeechobee County.
- (12) One dwelling unit per commercial building, provided that the dwelling unit is located either above or behind the ground floor commercial use.
- (13) Pawnshop.
- (14) MFDV.

DIVISION 7. CLT DISTRICT

Section 90-253. Special Exception Uses.

The following uses and structures are permitted in the CLT district after issuance of a Special Exception Use Petition and may have additional conditions imposed at the time of approval:

- (1) Restaurant, take-out restaurant, cafe.
- (2) Dry cleaner/laundry, laundromat.
- (3) Private club, nightclub, and bar.
- (4) Business school.
- (5) Radio, television or cable reception, transmission or operational facilities.
- (6) Commercial indoor recreation.
- (7) Commercial parking garage or lot, taxi stand.
- (8) Outdoor vehicle sales lot.
- (9) House of worship.
- (10) Marina, dock, pier.
- (11) Enclosed storage.
- (12) Public facility or use.
- (13) Public utility.
- (14) Permitted uses in excess of 45-feet in height.
- (15) One dwelling unit per commercial building, provided that the dwelling unit is located either above or behind the ground floor commercial use.
- (16) Group home.
- (17) Adult family care homes, assisted living facilities as defined in F.S. § 429.02(5).
- (18) Nursing homes.
- (19) Taxidermist.
- (20) Free-standing drive-up ATM which is owned and operated by a bank or other financial institution with an office located in Okeechobee County.
- (21) Alcohol and drug rehabilitation center/detox center.
- (22) Recovery center/sober home.
- (23) Pawnshop.
- (24) MFDV.

DIVISION 8. CHV DISTRICT

Section 90-283. Special Exception Uses.

The following uses and structures are permitted in the CHV district after issuance of a Special Exception Use Petition and may have additional conditions imposed at the time of approval:

- (1) Drive-through service.
- (2) Auto service station, car wash.
- (3) Wholesale, warehouse not including bulk storage of flammable liquids.
- (4) Enclosed warehouse and storage.
- (5) Outdoor sales and storage, building trades contractor.
- (6) Flea market.
- (7) Mechanical and repair services.
- (8) Commercial outdoor recreation.
- (9) Veterinary service.
- (10) Crematory.
- (11) Marina, dock, pier.
- (12) Recreational vehicle park, for transient recreation use.
- (13) Radio, television or cable reception, transmission or operational facilities.
- (14) Public facility or use.
- (15) Public utility.
- (16) Permitted uses in excess of 45-feet in height.
- (17) One dwelling unit per commercial building, provided that the dwelling unit is located either above or behind the ground floor commercial use.
- (18) Outdoor vehicle sales lot.
- (19) House of worship.
- (20) Hospitals, which means in-patient hospital care.
- (21) Adult family care homes, assisted living facilities as defined in F.S. § 429.02(5).
- (22) Nursing homes.
- (23) Free-standing drive-up ATM which is owned and operated by a bank or other financial institution with an office located in Okeechobee County.
- (24) Alcohol and drug rehabilitation center/detox center.
- (25) Convenience store with fuel pumps.
- (26) Retail pool supplies and equipment (including storage of chemicals for use and/or retail sale).
- (27) Water treatment services (including storage of chemicals for use and/or retail sale).
- (28) Pest control (including storage of chemicals for use and/or retail sale).
- (29) MFDV.

DIVISION 9. CBD DISTRICT

Section 90-313. Special Exception Uses.

The following uses and structures are permitted in the CBD district after issuance of a Special Exception Use Petition and may have additional conditions imposed at the time of approval:

- (1) Drive-through service.
- (2) Auto service station, car wash.
- (3) Radio, television or cable reception, transmission or operational facilities.
- (4) Mechanical and repair services.
- (5) House of worship.
- (6) Marina, dock, pier.
- (7) Public facility or use.
- (8) Public utility.
- (9) Permitted uses in excess of 45-feet in height.
- (10) One dwelling unit per commercial building, provided that the dwelling unit is located either above or behind the ground floor commercial use.
- (11) Outdoor vehicle sales lot.
- (12) Free-standing drive-up ATM which is owned and operated by a bank or other financial institution with an office located in Okeechobee County.
- (13) Pawnshop.
- (14) MFDV.

DIVISION 10. IND DISTRICT

Section 90-343. Special Exception Uses.

The following uses and structures are permitted in the IND district after issuance of a Special Exception Use Petition and may have additional conditions imposed at the time of approval:

- (1) Manufacturing chemical or leather products.
- (2) Bulk storage of hazardous material and flammable liquid.
- (3) Salvage yard.
- (4) Other industrial uses not listed.
- (5) Reserved.
- (6) Crematory.
- (7) Fortuneteller.
- (8) Permitted uses in excess of 45-feet in height.
- (9) Outdoor vehicle sales lot.
- (10) Adult entertainment:
 - a. Notwithstanding any other provision of this Code, adult entertainment establishments subject to Article V, Chapter 14 of subpart A of this Code may not be permitted in any area of the City except as permitted within the IND district within the provisions and conditions of this Code.
 - b. Distance minimums. In addition to subsection (10)a of this Section, an adult establishment shall not be permitted to open, operate, or be enlarged so as to come within the following distances:
 - 1. 1000-feet of a permitted, preexisting adult entertainment establishment;
 - 2. 1000-feet of a preexisting commercial establishment that in any manner sells or dispenses alcoholic beverages for on-premises or off-premises consumption;
 - 3. 1000-feet of a preexisting religious institution;
 - 4. 1000-feet of a preexisting educational institution, or library;
 - 5. 500-feet of an area zoned for residential uses;
 - 6. 1000-feet of a park, whether improved or not;
 - 7. 200-feet of a preexisting government facility, and any half-way house.
- (11) Rehabilitation or half-way homes.
 - a. That as provided in Ordinance No. 967, and included in Section 38-43, rehabilitation facilities or half-way homes for treatment and rehabilitation of sexual offenders shall be a Special Exception Use in IND zoning categories, subject to the following restrictions.
 - b. That any such facility shall be subject to all state laws pertinent to such facilities under the Laws of Florida.
 - c. That such facility shall at no time house in excess of six (6) sexual offenders, excluding employees and staff of the facility.
 - d. That such facility shall be licensed by the State of Florida and be staffed by professional and licensed mental health care providers, and provide an organized course of treatment and rehabilitation recognized by the State of Florida and the standard of care recognized by the professions of psychology or psychiatry.
 - e. That such facility shall not be located within 1,000-feet of school, public or private; a child care facility, church, public park, adult entertainment facility or a zoning district of RSF-1; RSF-2; RMF.
 - f. That sexual offender is defined as any person convicted under the laws of the State of Florida or similar statutes of any other state, country or province, for an offense recognized as a sexual offense, regardless of degree of offense or whether adjudication of guilt was withheld by the court.
- (12) Nursing homes.
- (13) MFDV.

DIVISION 11. PUB DISTRICT

Section 90-373. Special Exception Uses.

Special Exception Uses in the PUB district are as follows:

- (1) Public utility.
- (2) Permitted uses in excess of 45-feet in height.
- (3) Group home.
- (4) MFDV.

DIVISION 15. RH DISTRICT

Section 90-436. Special Exception Uses.

The following uses and structures are permitted in the RH district after the issuance of a Special Exception Use Petition.

- (1) Permitted uses in excess of 30-feet in height.
- (2) ~~Reserved. MFDV.~~
- (3) ~~Reserved.~~

ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

DIVISION 5. SIGNS

Section 90-570. Allowable temporary signs (no permit required).

- (a) Any temporary sign not complying with the requirements of this Section is illegal and subject to immediate removal by the City.
- (b) The following temporary signs are permitted without a sign permit, provided that the sign conforms to the requirements associated therewith. Further, these signs shall not be counted as part of the allowable number or area of freestanding or building signs.
 - (1) Signs to indicate that an owner is, either personally or through an agent, actively attempting to sell, rent, or lease property on which the sign is located, provided that the sign:
 - a. Does not include the price, terms or similar details.
 - b. Is not illuminated in any manner so as to create a traffic hazard or distraction, or constitute a nuisance to any adjacent or surrounding property.
 - c. Does not exceed 6-square feet in area in residential districts
 - d. Does not exceed 32-square feet in all other districts.
 - e. Is removed immediately after sale, lease or rental.
 - (2) Construction site identification signs provided that the sign:
 - a. Does not exceed 32-square feet in sign area.
 - b. Is not displayed more than 60-days prior to the beginning of actual construction of the project.
 - c. Is removed within 15-days after the issuance of the final certificate of occupancy.
 - d. Is removed if construction is not initiated within 60-days after the message is displayed, or if construction is discontinued for a period of more than 60-days, pending initiation or continuation of construction activities.
 - e. Is not located on a public right-of-way.
 - (3) Signs, including portable signs, to announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, festivals or any public, charitable educational or religious event or function, provided that the sign:
 - a. Is located on the lot same property where the event will occur or, if located elsewhere, the written consent of the property owner on which the sign(s) will be located has been obtained,
 - b. Is not displayed more than 14-days prior to the event, and
 - c. Is removed within three days after the event.
 - (4) Within the CBD District only, temporary portable signs placed on the City owned sidewalk in front of the business provided they do not interfere or endanger pedestrian traffic and are not displayed any time other than during the normal operating hours of the business.
 - (5) Except for Class III MFDVs operating in the right-of-way according to the provisions of Section 14-361(2), and unless otherwise permitted according to an approved Special Exception Use Petition or Temporary Use Permit, MFDV are allowed one (1) non-affixed, A-frame ground sign to be no larger than 20-square feet in area (including both sides), to be removed once the business is no longer operational.

SECTION 4. 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 5. 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 6: INCLUSION IN THE CODE OF ORDINANCES.

It is the intention of the City Council of said 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 7: EFFECTIVE DATE.
This Ordinance shall be effective 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.

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, Esq.
City Attorney



**CITY OF OKEECHOBEE, FLORIDA
PLANNING BOARD MEETING
MAY 18, 2023
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, May 18, 2023, at 6:03 P.M. in the City Council Chambers, located at 55 Southeast (SE) Third Avenue, Room 200, Okeechobee, Florida, followed by the Pledge of Allegiance.

II. ATTENDANCE

Roll was taken by Board Secretary Patty Burnette. Chairperson Dawn Hoover, Board Members Phil Baughman, Karyne Brass, Rick Chartier, Mac Jonassaint, and Alternate Board Members Jon Folbrecht and Jim Shaw were present. Vice Chairperson Doug McCoy, and Board Member Carl Berlin, Jr., were absent with consent. Chairperson Hoover moved Alternate Board Members Folbrecht and Shaw to voting position.

III. AGENDA

- A. There were no items added, deferred, or withdrawn from the agenda.
- B. Motion by Member Chartier, seconded by Member Jonassaint to approve the agenda as presented. **Motion Carried Unanimously.**
- C. There were no comment cards submitted for public participation.

IV. MINUTES

- A. Motion by Member Brass, seconded by Member Folbrecht to dispense with the reading and approve the April 20, 2023, Regular Meeting minutes. **Motion Carried Unanimously.**

V. CHAIRPERSON HOOVER OPENED THE PUBLIC HEARING AT 6:05 P.M.

- A. Continued from the April 20, 2023, Meeting, Land Development Regulation (LDR) Text Amendment Application No. 23-001-TA, proposes to amend Chapters 14, Businesses, and 90, Zoning, of the Code of Ordinances, by adding Section VI to allow food trucks as a Special Exception use in the Central Business District (CBD), Heavy Commercial (CHV), Light Commercial (CLT), Commercial Professional Office (CPO), Industrial (IND), Public Use (PUB), and Rural Heritage (RH), Zoning Districts; and create supplemental use standards for food trucks.
 - 1. City Planning Consultant Mr. Ben Smith of Morris-Depew Associates, Inc. briefly explained at the April 20, 2023, Meeting, the Board discussed Mobile Food Dispensing Vehicles (MFDVs) and that in 2020, Governor DeSantis signed into law Senate Bill 474/House Bill 1171, which then enacted Florida Statute 509.102. This law preempts local governments from entirely prohibiting MFDVs within their jurisdiction and requiring a separate license, registration, permit, or fee, other than what is required through the Florida Department of Business and Professional Regulation. He then reviewed a proposed ordinance which included classifications of different MFDVs; regulations for operating without special exception approval or a temporary use permit on private property in the IND, CHV, CLT, CBD, or CPO Zoning Districts or on any property where a permanent house of worship is located; operating with a special exception approval and operating with a temporary use permit; general operating standards and enforcement. He also briefly discussed Martin County's ordinance on the same topic. City Attorney Greg Hyden, of Nason, Yeager, Gerson, Harris and Fumero, provided a copy to the Board and discussed the main components of a simpler proposed version.
 - 2. Mr. Octavio Montiel, 8600 Southwest (SW) 9th Street, and Ms. Dennise Rodriguez, 3616 SW 19th Street, of Okeechobee, Florida, requested clarification where MFDVs would be permitted, with and without permission. Board Secretary Burnette read into the record an email dated April 20, 2023, from Ms. Ashley Sexton, voicing her support of MFDVs [copy has been made part of the official minute packet].

V. PUBLIC HEARING ITEMS CONTINUED

3. No Ex-Parte disclosures were offered.
 4. Motion by Member Chartier, seconded by Member Folbrecht to recommend approval to the City Council for LDR Text Amendment Application No. 23-001-TA, as presented in [Exhibit 1 by the Planning Consultant]. The recommendation will be forwarded to the City Council for consideration at Public Hearings, tentatively scheduled for June 20, 2023, and July 18, 2023, meeting. **Motion Carried six to one, Member Brass voting No.**
- B. Consider LDR Text Amendment Application No. 23-002-TA, which proposes to amend Chapter 78, Land Development Standards, Article IV, Stormwater Management, to reflect changes in the State stormwater management regulations.
1. City Attorney Hyden briefly reviewed the proposed ordinance stating this proposed language is needed to basically come into compliance with the South Florida Water Management District.
 2. Public Works Director David Allen advised that basically the City follows these procedures already and now there is a little more criteria and enforcement when dealing with Illicit discharge.
 3. No Ex-Parte disclosures were offered.
 4. Motion by Member Chartier, seconded by Member Baughman to recommend approval to the City Council for LDR Text Amendment Application No. 23-002-TA, as presented in [Exhibit 2]. The recommendation will be forwarded to the City Council for consideration at Public Hearings, tentatively scheduled for June 20, 2023, and July 18, 2023, meeting. **Motion Carried Unanimously.**
- C. Consider LDR Text Amendment Application No. 23-003-TA, which proposes to amend Chapter 90, Zoning, Article III, Districts and District Regulations, by adding Section 90-84, regulating the installation and removal of storm shutters.
1. City Attorney Hyden briefly reviewed the proposed ordinance explaining this is needed due to Fire and Building codes for ingress and egress safety.
 2. Board Secretary Burnette read into the record an email dated May 16, 2023, from Mrs. Raia Black, 1521 SW 7th Avenue, Okeechobee, Florida, which asked questions about procedures for seasonal residents [copy has been made part of the official minute packet].
 3. No Ex-Parte disclosures were offered.
 4. Motion by Member Brass, seconded by Member Folbrecht to recommend approval to the City Council for LDR Text Amendment Application No. 23-003-TA, as presented in [Exhibit 3] with removal of the last sentence in Section 90-84 (b) which reads “coverings which remain on the structure pursuant to this subsection shall be designed or painted to match or complement the color of the walls or trim of the building”. The recommendation will be forwarded to the City Council for consideration at Public Hearings, tentatively scheduled for June 20, 2023, and July 18, 2023, meeting. **Motion Carried Unanimously.**

CHAIRPERSON HOOVER CLOSED THE PULIC HEARING AT 7:29 P.M.

VI. CITY ADMINISTRATOR UPDATE

No updates provided at this time.

VII. ADJOURNMENT

Chairperson Hoover adjourned the meeting at 7:29 P.M.

Submitted by:

Patty M. Burnette, Secretary

Please take notice and be advised that when a person decides to appeal any decision made by the Planning Board 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, FLORIDA
PLANNING BOARD MEETING
APRIL 20, 2023
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, April 20, 2023, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast (SE) Third Avenue, Room 200, Okeechobee, Florida. The invocation was offered by Mr. Noel Chandler; followed by the Pledge of Allegiance.

II. ATTENDANCE

Roll was taken by Board Secretary Patty Burnette. Chairperson Dawn Hoover, Board Members Phil Baughman, Karyne Brass, Rick Chartier, Mac Jonassaint and Alternate Board Members Jon Folbrecht and Jim Shaw were present. Vice Chairperson Doug McCoy, and Board Member Carl Berlin, Jr., were absent with consent. Chairperson Hoover moved Alternate Board Members Folbrecht and Shaw to voting position.

III. AGENDA

- A. There were no items added, deferred, or withdrawn from the agenda.
- B. Motion by Member Jonassaint, seconded by Member Brass to approve the agenda as presented. **Motion Carried Unanimously.**
- C. There were no comment cards submitted for public participation.

IV. MINUTES

- A. Motion by Member Brass, seconded by Member Jonassaint to dispense with the reading and approve the February 16, 2023, Regular Meeting minutes and the March 16, 2023, Workshop Meeting minutes. **Motion Carried Unanimously.**

V. CHAIRPERSON HOOVER OPENED THE PUBLIC HEARING AT 6:03 P.M.

- A. Land Development Regulation (LDR) Text Amendment Application No. 23-001-TA proposes to amend Chapters 14 and 90 of the City's Code of Ordinances to allow and regulate the operation of Mobile Food Dispensing Vehicles (MFDVs).
 - 1. City Planning Consultant Mr. Ben Smith of Morris-Depew Associates, Inc. gave a brief overview for those not in attendance at the March 16, 2023, Workshop Meeting. He then reviewed a proposed ordinance which included classifications of different MFDVs, regulations for operating on private property, operating by right in the Industrial (IND) Zoning District, possible Special Exception and Temporary Use Permit processes in other zoning districts, operating in the public rights-of-way, general operating standards, and enforcement.
 - 2. Justin and Dmitri Bellamy, 1116 20th Street, Octavio and Joie Montiel, 8600 Southwest (SW) 9th Street, Tommy and Jennifer Harden, 81 SW 21st Terrace, Briana Leske, 10200 Northeast (NE) 12th Street, and James Crowley, 307 Northwest (NW) 3rd Street, all of Okeechobee, Florida, spoke regarding MFDVs currently not being allowed to operate on properties without owners written permission, as they would lose their licenses otherwise; that MFDVs must pay taxes, insurance, and have repeated inspections that are costly. MFDVs owners would like to operate on a Peddlers Permit or similar to such in the City of Okeechobee and have minimal restrictions.
 - 3. There were no Ex-Parte disclosures offered.
 - 4. After a lengthy discussion among the Board and direction to the Planner to review some other local jurisdiction's ordinances, a motion was made by Member Folbrecht, seconded by Member Chartier, to continue LDR Text Amendment Application No. 23-001-TA as presented in [Exhibit 1] to the May 18, 2023, meeting. **Motion Carried Unanimously.**

QUASI-JUDICIAL ITEM

- B. Rezoning Petition No. 23-001-R, requests to rezone 0.36± unplatted acres from Holding (H) to IND, located contiguous to the West-side of the East City Limits Boundary Line, North of the railroad tracks, and South of NE 12th Avenue for the proposed use of outdoor storage.

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: 3-21-23 Petition No. 23-001-TA
Fee Paid: N/A Jurisdiction: PB & CC
1st Hearing: 4-20-23 5-18-23 2nd Hearing: 5-16 & 6-20-23
Publication Dates: 6-20 & 7-18-23
Notices Mailed: N/A

Application Continued....
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
3 E-mail address:
4 Daytime phone(s):

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

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

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 proposed ordinance

9	<p>Provide a detailed listing of use(s) to be added or deleted and the zoning district(s) and section(s) to be changed. (This description may be provided on separate sheets if necessary.)</p> <p><i>See proposed ordinance</i></p>
	REQUIRED ATTACHMENTS
10	<p>Non-refundable application fee of \$500</p> <p>Note: Resolution No. 98-11 Schedule of Land Development Regulation Fees and Charges – When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.</p>

Confirmation of Information Accuracy

I hereby certify that the information in this application is correct. The information included in this application is for use by the City of Okeechobee in processing my request. False or misleading information may be punishable by a fine of up to \$500.00 and imprisonment of up to 30 days and may result in the denial of this application.

Signature _____

Printed Name _____

Date

3-21-23

For questions relating to this application packet, call General Services Dept. at (863)-763-3372, Ext. 218

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: 4-20-23 Petition No. 23-002-TA
Fee Paid: N/A Jurisdiction: PB+CC
1st Hearing: 5-18-23 2nd Hearing: 6-20 & 7-18-23
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
3 E-mail address:
4 Daytime phone(s):
5 Do you own residential property within the City? ☐ Yes ☐ No
If yes, provide address(es)
N/A

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

REQUEST INFORMATION

7 Request is for: ☒ Text change to an existing section of the LDRs
Additional Sections
☐ 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 proposed Ordinance

Provide a detailed listing of use(s) to be added or deleted and the zoning district(s) and section(s) to be changed. (This description may be provided on separate sheets if necessary.)

See proposed Ordinance

9

REQUIRED ATTACHMENTS

10

Non-refundable application fee of \$500

Note: Resolution No. 98-11 Schedule of Land Development Regulation Fees and Charges – When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.

Confirmation of Information Accuracy

I hereby certify that the information in this application is correct. The information included in this application is for use by the City of Okeechobee in processing my request. False or misleading information may be punishable by a fine of up to \$500.00 and imprisonment of up to 30 days and may result in the denial of this application.

Signature

Printed Name

Date

4-20-23

For questions relating to this application packet, call General Services Dept. at (863)-763-3372, Ext. 218

**FINDINGS REQUIRED FOR GRANTING A
CHANGE IN LAND DEVELOPMENT REGULATIONS
(Sec. 70-340, LDR page CD70:16 as modified for a text amendment)**

It is the Applicant's responsibility to convince the Planning Board/LPA and City Council that approval of the proposed request is justified. Specifically, the Applicant should provide in his/her application and presentation sufficient explanation and documentation to convince the reviewing bodies to find that the proposed change and its likely effects:

1. Are not contrary to Comprehensive Plan requirements.
2. Are compatible with the intent of the LDRs and specifically the intent of the zoning district(s) affected.
3. Will not have an adverse effect on the public interest.
4. Are appropriate for the locations proposed and reasonably compatible with other land uses allowed in the zoning districts affected, and is not contrary or detrimental to urbanizing land use patterns.
5. Will not adversely affect property values or living conditions, or be a deterrent to the improvement or development of other properties in the zoning district(s) affected or nearby thereto.
6. Can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood.
7. Will not create a density pattern that would overburden public facilities such as schools, streets, and utility services.
8. Will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.
9. Will not inordinately burden properties in the affected zoning districts by unnecessary restrictions.

Your responses to these findings should be as descriptive as possible. Attach additional pages as may be necessary to adequately make your case. The City will, in the Staff Report, address the request and evaluate it and the Applicant's submission in light of the above criteria and offer a recommendation for approval or denial.

RESOLUTION NO. 2023-02

A RESOLUTION OF THE CITY OF OKEECHOBEE, FLORIDA, REVISING AND AMENDING THE SCHEDULE OF RATES, FEES, AND CHARGES FOR CONSTRUCTION PLANS, BUILDING CONSTRUCTION SERVICES AND OTHER MISCELLANEOUS SERVICES BY THE GENERAL SERVICES DEPARTMENT; AMENDING TABLE 4 WITHIN THE CODE OF ORDINANCES APPENDIX G; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Okeechobee, Florida, finds that it is in the best interest of the citizens to establish a schedule of rates, fees, and charges for construction plans, building construction, and other miscellaneous services by the General Services Department. Such Schedule of Fees shall be charged, and collected to obtain permits and/or services; and

WHEREAS, in the interest of expedience, and ease of amendment as necessary, it is in the best interest of the City to adopt the schedule of fees by resolution, and that such fee schedule has been codified as Table 4 in Appendix G of the City of Okeechobee, Code of Ordinances.

NOW, THEREFORE, be it resolved before the City Council for 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:

SECTION 1: The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

SECTION 2: That the City Council for the City of Okeechobee, Florida, amends herein Part II of the Code of Ordinances, Subpart B-Land Development Regulations, providing for amendments to Appendix G-Miscellaneous Fees and Procedures, Table 4-Rates, Fees and Charges for Construction Plans, Building Construction and Other Miscellaneous Services by the General Services Department.

That the value of construction for permits will be determined by the most recent publishing of the International Code Council Building Valuation Data (ICCBVD) estimates per square foot. Any item not specifically covered in the ICCBVD and the schedule of permit fees shall be based on a notarized bona fide contractor price document (copy of same shall be submitted to the General Services Building Department), or the fee shall be determined by the Building Official on an individual basis.

If, in the opinion of the Building Official, the valuation of a building, alteration, structure, electric, gas, mechanical, or plumbing systems appear to be underestimated on the permit application, permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Permit valuations shall include total costs, such as electrical, gas, mechanical, plumbing, equipment, and other systems, including labor.

DESCRIPTION		RATE, FEE, OR CHARGE		
RESIDENTIAL, BUILDING ONE AND TWO FAMILY				
1.	New structure	\$5.00	per thousand total valuation	
		\$75.00	minimum	
2.	Additions/remodel	\$6.75	per thousand total valuation	
		\$75.00	minimum	
3.	Accessory structure:			
	a)	Prefabricated	\$6.75	per thousand total valuation
			\$75.00	minimum

	b)	Site built	\$6.75	per thousand total valuation
			\$100.00	minimum
4.	Roof/reroof/roof repair	\$100.00 150.00	\$0.60	per thousand total valuation
				minimum
5.	Plan review:		\$50.00	minimum
	1 to 3 reviews		\$1.20	per thousand total valuation
			\$75.00	minimum
	4 or more reviews	4 times	\$0.60	per thousand total valuation
			\$200.00	minimum
	After permitting	\$40.00 40.00		{minor change}
	After permitting	\$50.00 75.00		{major change}
6.	Other		\$50.00	
MOBILE, PARK MODEL, RECREATIONAL VEHICLE (RV), MANUFACTURED HOME, MODULAR HOME				
1.	Triple-wide units	\$450.00 500.00		includes MEP's, not including plan review or accessory structures
2.	Double-wide units	\$400.00 500.00		includes MEP's, not including plan review or accessory structures
3.	Single-wide units, RV, park model	\$350.00 400.00		includes MEP's, not including plan review or accessory structures
4.	RV, park model Modular home	\$200.00 925.00		HUD approved includes MEP's, not including plan review or accessory structures
5.	Construction trailers	\$125.00 175.00		
COMMERCIAL BUILDING				
1.	New structure		\$6.75	per thousand total valuation
		\$150.00 200.00		minimum
2.	Additions/remodel		\$7.75	per thousand total valuation
		\$125.00 150.00		minimum
3.	Accessory structures		\$7.75	per thousand total valuation
		\$125.00 75.00		minimum
4.	Roof/reroof/roof repair		\$7.75	per thousand total valuation
		\$150.00 200.00		minimum
5.	Plan review:			
	1 to 3 reviews		\$1.70 3.40	per thousand total valuation
			\$150.00	minimum
	4 or more reviews	4 times	\$1.75	per thousand total valuation
			\$600.00	minimum
	After permitting	\$50.00 75.00		{minor change}
	After permitting		\$100.00	{major change}
6.	Other		\$75.00	flat fee
AGRICULTURAL BUILDINGS				
1.	New structure		\$5.00	per thousand total valuation
			\$50.00	minimum
2.	Addition/remodel		\$5.00	per thousand total valuation
			\$50.00	minimum
3.	Plan review		\$0.20	per thousand total valuation
			\$50.00	minimum
MECHANICAL, ELECTRICAL, PLUMBING (MEP'S) SUBCONTRACTOR				
1.	HVAC		\$75.00 plus	per thousand total valuation
			\$0.80 1.90	
			\$75.00	minimum

2.	Electrical	\$75.00 plus \$0.80 <u>1.90</u>	per thousand total valuation
		\$75.00	minimum
3.	Plumbing	\$75.00 plus \$0.80 <u>1.90</u>	per thousand total valuation
		\$75.00	minimum
4.	LP gas <u>or natural gas</u>	\$75.00 plus \$0.80 <u>1.90</u>	per thousand total valuation
		\$75.00	minimum
MEP'S STAND ALONE			
1.	HVAC	\$100.00 plus \$1.90	per thousand total valuation
		\$100.00	minimum
2.	Electrical	\$100.00 plus \$1.90	per thousand total valuation
		\$75.00	minimum
3.	Plumbing	\$100.00 plus \$1.90	per thousand total valuation
		\$100.00	minimum
4.	LP gas or natural gas	\$100.00 plus \$1.90	per thousand total valuation
		\$100.00	minimum
5.	Solar	\$100.00 plus \$1.90	per thousand total valuation
		\$100.00	minimum
6.	Plan Review	\$25.00	flat fee
FLAT FEE CHARGES OTHER/MISCELLANEOUS			
1.	Non-buildable slabs (driveway, walk, etc.):		
	a)	\$55.00 75.00	under 1,000 square feet (sq. ft.)
	b)	\$150.00	over 1,000 sq. ft
2.	Demolition Permit:		(commercial and residential structure removal)
	a)	Residential	\$100.00
	b)	Commercial	\$150.00
	c)	Commercial	\$150.00 plus \$5.00 per 1,000 sq. ft.
3.	Fences	\$50.00 75.00	wood privacy and chain link, no plan review fee
4.	Hood suppression system	\$75.00	
5.	Commercial kitchen hood	\$100.00	
6.	Siding	\$50.00 75.00	
7.	Pre-moving permit (tie down)	\$75.00 150.00	(into City from outside City Limits)
8.	Alarm System	\$55.00	(per label if applicable, low voltage security)
9.	Fire Alarm:		
	a)	\$50.00 75.00	\$2,000.00 and under
10.	b)	\$100.00	over \$2,000.00
10.	Fire Sprinkler:		
11.	a)	\$75.00	(20 heads or less)
12.	b)	\$200.00	(21 heads or more)
11. 13.	Fuel Tank Removal	\$50.00 75.00	(per tank and piping)

12. 14.	Fuel Tank Installation	\$150.00	{per tank and piping}
13.	LP tank(s):		
15.	a) Piping only	\$50.00 75.00	
16.	b) Tank(s)/piping	\$50.00 75.00	{up to 100 gallons 420 pounds}
17.	c) Tank(s)/piping	\$100.00	{over 100 gallons 420 pounds}
14.	Tank(s), excluding septic or gas	75.00	
15. 18.	Spray booth for cars/ equipment	\$80.00	{not including electric}
16. 19.	Solar and related energy (ground/wall/ roof)	\$50.00 75.00	generation devices
17.	Pool:		
20.	a) Residential pools	\$350.00 400.00	{in-ground}, not including electric or plumbing, includes plan review
21.	b) Residential pools	\$100.00	{above-ground}, not including electric or plumbing, includes plan review
22.	c) Commercial pools	\$500.00 650.00	not including electric, or plumbing and, includes plan review
18.	Commercial Spa, whirlpool:		
24.	a) Residential spa, whirlpool	\$50.00 75.00	not including electric, or plumbing or, includes plan review
23.	b) Commercial	\$200.00	not including electric, or plumbing or, includes plan review
19.	Commercial Lawn irrigation:		
26.	a) Residential lawn irrigation	\$40.00	
25.	b) Commercial	\$80.00	
20.	Residential Dock:		
27.	a) Residential	\$50.00 75.00	{fixed or floating}, not including electric, plumbing, and any covered structure
28.	b) Commercial dock	\$150.00 200.00	{fixed or floating}, not including electric, plumbing, and any covered structure
21.	Residential Boat lift or davits:		
29.	a) Residential	\$50.00 75.00	not including electric
30.	b) Commercial boat lift or davits	\$100.00 150.00	not including electric
22. 31.	Seawall, retaining wall, riprap, privacy walls	\$0.65 \$50.00 75.00	per linear foot, or minimum
23.	Temporary Power Poles:		
32.	a) Residential	\$50.00 75.00	
	b) Commercial	\$100.00	
24.	Certificate of occupancy	\$0.00	included in permit
25.	Temporary Certificate of Occupancy:		
	a) Residential	50.00	
	b) Commercial	100.00	

26.	Letter of Substantial Completion	\$50.00	
SIGN(S)			
1.	Signage	\$5.75	per thousand of total valuation
		\$50.00	minimum
2.	Plan review	\$1.25	per thousand of total valuation
		\$40.00	minimum
FACTORY INDUSTRIAL GROUP F FACILITY			
1.	Factory Industrial Group F Facility	\$2,500.00	applied for and issued annually
	In lieu of individual permits for buildings or structures that are categorized in the Florida Building Code Section 306 as Factory Industrial Group F, the Building Official is authorized to issue an annual permit.		
	Group F occupancy includes, among others, the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, or processing operations that are not classified as a Group H hazardous or Group S storage occupancy. The list and categories of Group F facilities is provided on the online free version of the most recent Florida Building Code or can be provided by the General Services Department.		
	The annual permit will allow, within specific parameters and reporting requirements, for routine alternations, emergency services, repairs, or refurbishing, to existing electric, gas, mechanical, plumbing, or non-structural interior, minor renovations of service systems or manufacturing equipment installations/relocations.		
PARTIAL, RE-INSPECTION(S) FEES			
Ordinary building inspection fee(s) are included in the building permit fee. The following re-inspection fees are implemented when the contractor/permittee deviates from the routine inspection or fails inspection(s):			
1.	Partial Inspections	\$75.00	must be paid prior to any further inspections being scheduled
2.1.	First Re-inspection	\$25.00 75.00	
3.2.	Second Re-inspection	\$50.00 100.00	additional per re-inspection
4.3.	Third Re-inspection	\$200.00	
PERMIT RENEWAL FEE, EXTENSION, DUPLICATE, CONTRACTOR CHANGE			
1.	Renew expired permits	\$50.00	
2.	First extension	\$75.00	3-months or less from expiration date
3.	Subsequent extensions	\$150.00	up to 18-months from expiration date
4.	Extensions for more than 18-months from expiration date	\$200.00	
5.	Demolition extension	\$100.00	30-day extension, one time only
6.	Duplicate Permit Card	\$50.00	
7.1.	Contractor change	\$50.00	same permit

<u>PENALTIES</u>
<u>Where work for which a permit is required is started or preceded prior to obtaining said permit, said work shall be subject to a fee established by the Building Official that shall be in addition to the required fees.</u>

SECTION 3: Conflict

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

SECTION 4: Inclusion in the Code of Ordinances

It is the intention of the City Council of said City, and it is hereby resolved that the provisions of this Resolution shall become made part of the City Code of Ordinances.

SECTION 5: Severability

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

SECTION 6: Effective Date

This Resolution shall take effect thirty (30) days from the adoption date.

INTRODUCED AND ADOPTED in regular session this **6th** day of **June 2023**.

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John J. Fumero, City Attorney



To: Key Official

From: Eryn Russell, Florida League of Cities

Date: June 6, 2023

Subject: 97th Annual Conference Voting Delegate Information

The Florida League of Cities Annual Conference will be held at the Hilton Orlando Bonnet Creek in Orlando, Florida, from August 10-12, 2023. This conference will provide valuable educational opportunities to help Florida's municipal officials serve their citizenry more effectively.

We ask that each member municipality sending delegates to the Annual Conference designate one of their officials to cast their votes at the Annual Business Session, which will be held on **Saturday, August 12**. Election of League leadership and adoption of resolutions are undertaken during the business meeting. One official from each municipality will vote on matters affecting the League.

In accordance with the League's by-laws, each municipality's vote is determined by population, and the League will use the Estimates of Population from the University of Florida.

Conference registration materials were sent to each municipality via the League's e-newsletter and are available online at flcities.com.

If you have any questions about voting delegates, please email erussell@flcities.com. **Voting delegate forms must be received by the League no later than July 31, 2023.**

Attachments: Form Designating Voting Delegate



97th Annual Conference
Florida League of Cities, Inc.
August 10-12, 2023
Orlando, Florida

It is important that each member municipality sending delegates to the Annual Conference of the Florida League of Cities designate one of their officials to cast their votes at the Annual Business Session. League By-Laws require each municipality to select one person to serve as the municipality's voting delegate. *Municipalities do not need to adopt a resolution to designate a voting delegate.*

Please fill out this form and return it to the League office so that your voting delegate may be properly identified. **Voting delegate forms must be received by the League no later than July 31, 2023.**

Designation of Voting Delegate

Name of Voting Delegate: _____

Title: _____

Delegate Email: _____

Municipality of: _____

AUTHORIZED BY:

Name

Title

Return this form to:
Eryn Russell
Florida League of Cities, Inc.
Post Office Box 1757
Tallahassee, FL 32302-1757
Email: erussell@flcities.com

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.~~

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.

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.

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



City of Okeechobee, Florida
Building and Permitting Department

55 SE Third Avenue

Room 101

Okeechobee, FL 34974

FAX: 863-763-1686

Scanned documents: info@cityofokeechobee.com

For questions, please contact 863-763-9821

STORM PROTECTION EXTENDED DURATION NOTICE

Owner: _____

Address: _____

Emergency Contact Person: _____

Emergency Phone Number: _____

Date of Vacancy: _____ **Date of Return:** _____

Submitting this notice means that you are vacating the property and installing opening protection for the above stated dates between June 1st and November 30th. During this period no one shall occupy the premises and you are aware that all window protections utilized shall comply fully with the "Florida Building Code" and City of Okeechobee ("City") Code of Ordinances, specifically Ordinance 2023-003 amending City Code Chapter 90.

Owner Signature

Date

STATE OF: _____

COUNTY OF: _____

Before me personally appeared _____ on this
_____ day of _____, 2023 and is personally known to me or produced
_____ as identification.

[Seal]

Notary Signature

Notary name printed or typed

V. PUBLIC HEARING ITEMS CONTINUED

3. No Ex-Parte disclosures were offered.
 4. Motion by Member Chartier, seconded by Member Folbrecht to recommend approval to the City Council for LDR Text Amendment Application No. 23-001-TA, as presented in [Exhibit 1 by the Planning Consultant]. The recommendation will be forwarded to the City Council for consideration at Public Hearings, tentatively scheduled for June 20, 2023, and July 18, 2023, meeting. **Motion Carried six to one, Member Brass voting No.**
- B.** Consider LDR Text Amendment Application No. 23-002-TA, which proposes to amend Chapter 78, Land Development Standards, Article IV, Stormwater Management, to reflect changes in the State stormwater management regulations.
1. City Attorney Hyden briefly reviewed the proposed ordinance stating this proposed language is needed to basically come into compliance with the South Florida Water Management District.
 2. Public Works Director David Allen advised that basically the City follows these procedures already and now there is a little more criteria and enforcement when dealing with Illicit discharge.
 3. No Ex-Parte disclosures were offered.
 4. Motion by Member Chartier, seconded by Member Baughman to recommend approval to the City Council for LDR Text Amendment Application No. 23-002-TA, as presented in [Exhibit 2]. The recommendation will be forwarded to the City Council for consideration at Public Hearings, tentatively scheduled for June 20, 2023, and July 18, 2023, meeting. **Motion Carried Unanimously.**
- C.** Consider LDR Text Amendment Application No. 23-003-TA, which proposes to amend Chapter 90, Zoning, Article III, Districts and District Regulations, by adding Section 90-84, regulating the installation and removal of storm shutters.
1. City Attorney Hyden briefly reviewed the proposed ordinance explaining this is needed due to Fire and Building codes for ingress and egress safety.
 2. Board Secretary Burnette read into the record an email dated May 16, 2023, from Mrs. Raia Black, 1521 SW 7th Avenue, Okeechobee, Florida, which asked questions about procedures for seasonal residents [copy has been made part of the official minute packet].
 3. No Ex-Parte disclosures were offered.
 4. Motion by Member Brass, seconded by Member Folbrecht to recommend approval to the City Council for LDR Text Amendment Application No. 23-003-TA, as presented in [Exhibit 3] with removal of the last sentence in Section 90-84 (b) which reads "coverings which remain on the structure pursuant to this subsection shall be designed or painted to match or complement the color of the walls or trim of the building". The recommendation will be forwarded to the City Council for consideration at Public Hearings, tentatively scheduled for June 20, 2023, and July 18, 2023, meeting. **Motion Carried Unanimously.**

CHAIRPERSON HOOVER CLOSED THE PUBLIC HEARING AT 7:29 P.M.

VI. CITY ADMINISTRATOR UPDATE

No updates provided at this time.

VII. ADJOURNMENT

Chairperson Hoover adjourned the meeting at 7:29 P.M.

Submitted by:

Patty M. Burnette, Secretary

Please take notice and be advised that when a person decides to appeal any decision made by the Planning Board 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: 4-20-23
Petition No. 23-003-TA
Fee Paid: N/A
Jurisdiction: PB+CC
1st Hearing: 5-18-23
2nd Hearing: 6-20 & 7-18-23
Publication Dates: PB: 5/3 & 5/10
7/5
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

3 E-mail address:

4 Daytime phone(s):

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

If yes, provide address(es)

N/A

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

If yes, provide address(es)

N/A

REQUEST INFORMATION

7 Request is for: ☐ Text change to an ~~existing~~ ^{new} 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.)

Provide a detailed listing of use(s) to be added or deleted and the zoning district(s) and section(s) to be changed. (This description may be provided on separate sheets if necessary.)

See proposed ordinance

9

REQUIRED ATTACHMENTS

10

Non-refundable application fee of \$500

Note: Resolution No. 98-11 Schedule of Land Development Regulation Fees and Charges – When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.

Confirmation of Information Accuracy

I hereby certify that the information in this application is correct. The information included in this application is for use by the City of Okeechobee in processing my request. False or misleading information may be punishable by a fine of up to \$500.00 and imprisonment of up to 30 days and may result in the denial of this application.

Signature

Printed Name

Date

4-20-23

For questions relating to this application packet, call General Services Dept. at (863)-763-3372, Ext. 218

**FINDINGS REQUIRED FOR GRANTING A
CHANGE IN LAND DEVELOPMENT REGULATIONS
(Sec. 70-340, LDR page CD70:16 as modified for a text amendment)**

It is the Applicant's responsibility to convince the Planning Board/LPA and City Council that approval of the proposed request is justified. Specifically, the Applicant should provide in his/her application and presentation sufficient explanation and documentation to convince the reviewing bodies to find that the proposed change and its likely effects:

1. Are not contrary to Comprehensive Plan requirements.
2. Are compatible with the intent of the LDRs and specifically the intent of the zoning district(s) affected.
3. Will not have an adverse effect on the public interest.
4. Are appropriate for the locations proposed and reasonably compatible with other land uses allowed in the zoning districts affected, and is not contrary or detrimental to urbanizing land use patterns.
5. Will not adversely affect property values or living conditions, or be a deterrent to the improvement or development of other properties in the zoning district(s) affected or nearby thereto.
6. Can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood.
7. Will not create a density pattern that would overburden public facilities such as schools, streets, and utility services.
8. Will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.
9. Will not inordinately burden properties in the affected zoning districts by unnecessary restrictions.

Your responses to these findings should be as descriptive as possible. Attach additional pages as may be necessary to adequately make your case. The City will, in the Staff Report, address the request and evaluate it and the Applicant's submission in light of the above criteria and offer a recommendation for approval or denial.

ORDINANCE NO. 23-_____

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-SUBDIVISIONS, DIVISION 1.-GENERALLY; ADDING A NEW SECTION 90-84 DEFINING PERIODS DURING WHICH STORM SHUTTERS MAY NOT REMAIN IN PLACE AND PROVIDING EXCEPTIONS; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; 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 City of Okeechobee, Florida, has a legitimate interest in periodic review of its Ordinances and Land Development Regulations 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 of Okeechobee, Florida, acting as the Local Planning Agency, reviewed and discussed the proposed amendments, also known as Land Development Regulation Text Amendment Application No. 23-_____, at a duly advertised Public Hearing held on _____, 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 of Okeechobee, Florida, considered the recommendations by the Planning Board and concludes that enacting such amendments to be in the best interest of its citizens of said City, that said amendments are necessary and appropriate to make the Land Development Regulations more consistent and responsive to the needs of the City and its citizens; and

WHEREAS, for 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 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: Amendment and Adoption to Chapter 90.

That the City Council for the City of Okeechobee, Florida, amends herein Part II of the Code of Ordinances, Subpart B-Land Development Regulations, providing for amendments to Chapter 90-Subdivisions, Division 1.-Generally, by adding a new section 90-84 as follows:

Sec. 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,

(i) 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 two (2) weeks of the end of the storm event. If a hurricane or tropical storm watch occurs during the two-week period, a new two-week period shall begin upon the publication of a new hurricane or tropical storm warning.

(ii) 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 two (2) weeks of the end of

the storm event. If a hurricane or tropical storm watch occurs during the two-week period, a new two-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" form prior to any proposed period of absence. The notice form 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 for the convenience of the city residents who are planning to be away. Coverings which remain on the structure pursuant to this subsection shall be designed or painted to match or complement the color of the walls or trim of the building.

(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 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 ____ **2023**.

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John J. Fumero, City Attorney