



CITY OF OKEECHOBEE
PLANNING BOARD WORKSHOP
55 SOUTHEAST THIRD AVENUE, OKEECHOBEE, FL 34974
AUGUST 20, 2020
LIST OF EXHIBITS

Exhibit 1

Planning Staff Report Topics



Staff Report

To: Okeechobee Planning Board
From: Ben Smith, AICP
Workshop Date: August 20, 2020
Subject: City Initiated Map Changes

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

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

If the Board is in agreement with the changes shown in strikethrough and underline format below, staff will prepare an ordinance for the next available meeting of the Planning Board.

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CHAPTER 70 – ADMINISTRATION

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ARTICLE III. – ADMINISTRATIVE PROCEDURES AND REQUIREMENTS

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DIVISION 4. – APPLICATION REQUIREMENTS

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

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

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

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APPENDIX A - APPLICATION FORMS AND CONTENT REQUIREMENTS

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Form 1. - Comprehensive plan amendment petition.

1. *Petition contents.* Comprehensive plan amendment petition shall be submitted on the appropriate application form and comprises the following:
 - a. Petitioner's name, address, phone number.
 - b. Reason for requesting the amendment.
 - c. Details of the requested amendment.
 - d. Supplementary supporting information.
 - e. Information and documents requested by city administrator prior to public hearing.
 - f. Application fee.
2. *Processing.* Comprehensive plan amendment petitions are processed as follows:
 - a. Applicant submits petition to general services department.
 - b. Administrator reviews petition, initiates processing, issues notice of first [planning board](#) public hearing.
 - c. Planning board holds public hearing, forwards advisory recommendation to city council.
 - d. Administrator issues notice of [second city council](#) public hearing.
 - e. City council holds public hearing, renders final decision on petition.

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Form 3. - Zoning district boundary change petition.

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

- c. Planning board holds public hearing, forwards advisory recommendation to city council.
 - d. Administrator issues notice of second city council public hearing.
 - e. City council holds first public hearing, renders decision.
 - f. If approved, Administrator issues notice of second city council public hearing.
 - eg. City council holds second public hearing, renders final decision on petition.
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Form 19. – Administratively Initiated comprehensive plan future land use map amendment.

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

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

1. Petition contents. Zoning district boundary changes initiated by the City of Okeechobee shall be presented by city staff in a report which includes the following:
 - a. List of property owners.
 - b. Location map identifying subject property.
 - c. Future land use map identifying subject property.
 - d. Zoning map identifying subject property.
 - e. Legal description of subject property
 - f. Reason for rezoning
 - g. Supplementary supporting information.

h. Information and documents requested by city administrator prior to public hearing.

2. Processing. Administratively initiated zoning district boundary change petitions are processed as follows:

a. Staff prepares a report on the proposed map change.

b. Administrator reviews staff report, initiates processing, issues notice of planning board hearing.

c. Planning board holds public hearing, forwards advisory recommendation to city council.

d. Administrator issues notice of first city council public hearing.

e. City council holds first public hearing, renders decision.

f. If approved, Administrator issues notice of second city council public hearing.

g. City council holds second public hearing, renders final decision.

Staff Report

To: Okeechobee Planning Board
From: Ben Smith, AICP
Workshop Date: August 20, 2020
Subject: Residential Mobile Home (RMH) District Standards

Due to an inquiry from a builder, staff became aware of several issues regarding the current Residential Mobile Home (RMH) district standards and the maximum density allowed in the Single Family Residential future land use category. The RMH district standards are located in Division 4 of Article III of Chapter 90 of the City’s land development code. The issues that staff discovered in that section include:

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

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

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

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

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

(1)		Minimum area.		
	a.	Mobile home park:	Area	10 acres
	b.	Mobile home subdivision:	Area	10 acres

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

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

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

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

Permitted Uses

Based on the definitions of mobile home park and mobile home subdivision, there are a few issues with the list of permitted uses in the RMH district:

Subsection 90-162(2) lists “mobile home park, with one mobile home per lot” as a permitted use. However, the definition of mobile home park requires that the park must be under single

ownership. While this could mean an area with separate lots all owned by the same entity, it is more typically one parcel of land owned by one entity, with multiple mobile home sites for rent/lease by that entity. This use, as listed in Section 90-162(2) should be revised to be consistent with the definition of a mobile home park.

Subsection 90-162(8) can be interpreted at least three different ways:

1. Site built or modular single family homes can be built on a lot in a mobile home park if that mobile home park was in existence in August 1, 2007.
2. Site built or modular single family homes can be built on a lot in a mobile home park if that lot was in existence in August 1, 2007.
3. Site built or modular single family homes are a permitted use (not nonconforming) on lots in mobile home parks only if those structures were in existence as of August 1, 2007.

If the third interpretation is used, then no new site built or modular single family homes would be allowed in the RMH district. However, based on the fact that there are development standards provided for single family homes in section 90-165, this is likely not the correct interpretation, as some construction of new single family homes is clearly envisioned in the RMH district. Now, whether the first or second interpretation is used, it seems odd that site built or modular single family homes would be confined only to lots in mobile home parks. More than likely, the intent was to allow single family homes in what is currently defined as a mobile home subdivision.

Based on the apparent discordance of section 90-162, section 90-165 and section 66-1, and what are common zoning practices, section 90-162(8) could be revised to allow "site-built or modular single-family homes in mobile home subdivisions on lots existing as of August 1, 2007" or "site-built or modular single-family homes in mobile home subdivisions". The first option would prohibit the placement of single family homes in new mobile home subdivisions and the second option would allow it.

Required Setbacks

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

Density

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

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

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

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

Generally, it is best to make the land development code consistent with the comprehensive plan, not the other way around. However, since there are quite a few existing 5,000 square foot lots in the RMH district, it may be more sensible to amend the comprehensive plan in order to avoid the creation of non-conforming lots.

Proposed Revisions

CHAPTER 90 – ZONING

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ARTICLE III. – DISTRICTS AND DISTRICT REGULATIONS

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DIVISION 4. – RESIDENTIAL MOBILE HOME (RMH) DISTRICT

Sec. 90-161. - Generally.

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

Sec. 90-162. - Permitted uses.

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

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

Sec. 90-163. - Special exception uses.

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

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

Sec. 90-164. - Customary accessory uses.

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

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

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

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

b.	Other permitted principal uses:	30 percent	50 percent
(5)	<i>Maximum height of structures.</i>		
Except where further restricted by these regulations for a particular use, the maximum height shall be as follows: All uses shall be 30 feet.			

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FUTURE LAND USE ELEMENT

GOALS, OBJECTIVES AND POLICIES

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Policy 2.1: The following land use designations are established for the purpose of managing future growth:

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

1. ~~Maximum density is four units per acre for residential units on individual lots, and six units per acre for mobile home parks. Where affordable housing is provided in accordance with Housing Policy 1.6, the maximum density for single family development shall be five units per acre.~~

~~2.~~ Zoning districts considered appropriate within this future land use category include Rural Heritage (RH), Residential Single-Family One (RSF 1), Residential Mobile Home (RMH), and Residential Planned Unit Development (PUD-R).

2. For the RH, RSF-1 and PUD-R zoning districts, the maximum density is four units per acre. Where affordable housing is provided in accordance with Housing Policy 1.6, the maximum density for single family development shall be five units per acre.

3. For the RMH zoning district, the maximum density is nine units per acre.

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