

ORDINANCE NO. 1243

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING CHAPTER 86 OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF OKEECHOBEE; AMENDING SECTION 86-2, CLARIFYING THE CITY'S AUTHORITY TO REGULATE THE DIVISION AND JOINING OF LAND IN THE CITY; AMENDING SECTION 86-3, CLARIFYING THE APPLICABILITY OF THE CHAPTER TO INCLUDE JOINING LAND; AMENDING SECTION 86-4, ADDING A DEFINITION FOR LOT, ADDING A DEFINITION FOR PARCEL, ADDING A DEFINITION FOR PLATTED PARCEL SPLIT, DELETING THE DEFINITION FOR PLOT; AMENDING THE TITLE OF ARTICLE II FROM PLANS AND PLATS TO PLATTING; CHANGING DIVISION 3-SIMPLE LOT SPLIT/DE MINIMIS SUBDIVISIONS TO ARTICLE III-DE MINIMIS SUBDIVISIONS; AMENDING SECTION 86-90, CLARIFYING THAT STRUCTURE SETBACKS SHALL BE INCLUDED ON SURVEYS, PROHIBITING CREATION OF PARCELS WITH SPLIT FUTURE LAND USE DESIGNATIONS, REQUIRING CONSIDERATION OF UTILITY LINES AND WASTEWATER TREATMENT SYSTEMS; CHANGING DIVISION 4-PROCEDURE FOR APPLICATION SUBMISSION AND APPROVAL OF JOINDER OF LOTS TO ARTICLE IV-JOINDERS; AMENDING SECTION 86-91 TO PROHIBIT JOINING PARCELS WITH DIFFERENT FUTURE LAND USE DESIGNATIONS; CREATING NEW ARTICLE V-PLATTED PARCELS SPLITS, PROVIDING PROCEDURES AND STANDARDS FOR DIVIDING EXISTING PLATTED PARCELS; RENUMBERING EXISTING ARTICLES III, IV, AND V; AMENDING APPENDIX A OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF OKEECHOBEE, AMENDING FORM 18, PROVIDING PLATTED PARCEL SPLIT APPLICATION STANDARDS AND PROCEDURES; AMENDING APPENDIX C OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF OKEECHOBEE, ADDING AN APPLICATION FEE FOR PLATTED PARCEL SPLITS; 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in periodic review of its Ordinances and Land Development Regulations in order to address certain inconsistencies or outdated regulations contained in the Codes; to make amendments to meet changing community standards, or to accommodate new development; and to create new ordinance or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. 21-003-TA, at a duly advertised Public Hearing held on September 16, 2021, 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.

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 86.

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 86-Subdivisions as follows:

ARTICLE I. - IN GENERAL

Sec. 86-2. - Jurisdiction of chapter provisions.

The regulations set out in this chapter shall apply to all lands presently within the incorporated limits of the City, and to any lands which may in the future be annexed to and be made a part of the City. No land shall be subdivided, ~~or no building or structure or any part thereof constructed, or joined~~ in any area of the City, after the effective date of the ordinance from which this chapter is derived unless such ~~subdivision or joining~~ conforms to the provisions of the regulations of this chapter, the remainder of the City's code of ordinances, and the City's Comprehensive Plan.

No subdivision, de minimis subdivision, joinder or platted parcel split shall be recognized by the City and no building permit shall be issued unless the land reconfiguration action has been approved by the City prior to recording in accordance with the requirements of this Chapter.

Sec. 86-3. - Applicability of chapter provisions.

In order to ~~subdivide or join~~ land ~~and file a plat thereon~~, except merely to record boundaries of an ownership, all requirements as set out in this chapter shall be met, and the procedures as set forth in this chapter shall be followed.

Sec. 86-4. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alleys means minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Bicycle way means a right-of-way intended primarily for the use of bicyclists, excluding self-propelled vehicles.

Building includes the term "structure" and shall be constructed as if followed by the phrase "or part thereof."

City administrator means the person filling the position or his designee.

Code means the unified land development code of the City, volumes 1 through 4.

Cul-de-sac means a minor street intersection with another street at one end and terminating at the other in a vehicular turnaround.

De minimis subdivision means a division or reconfiguration of land, whether improved or unimproved, into not more than two contiguous parcels of land and which division or reconfiguration does not involve the need for a new street, or easement for street purposes, or the establishment or dedication of a highway, street, or alley.

Developer means a person, or his agent, who undertakes the activities covered by this chapter, particularly the preparation and presentation of a subdivision plat showing the layout of the land and the improvements involved thereof. Inasmuch as the subdivision plat is merely a necessary means to the end of ensuring a satisfactory development, the term "developer" includes the term "subdivider," even though the identity of persons involved in successive stages of a project may vary.

Developer's agreement means the agreement entered into between the developer and the City, defining in detail the responsibility of both parties and the conditions for acceptance and recording of the plat. A developer's agreement may include utility agreements for both water and wastewater.

Easement means a right-of-way granted for limited use of private property for a public or quasi-public purpose.

Engineer means an engineer licensed in the state and qualified to perform duties for a developer under the terms of this chapter.

Joinder of lots means any combination of a ~~lot of record, or~~ parcel of land (or portions thereof) with one or more other ~~lots, lots of record, or~~ parcels of land (or portions thereof).

Land includes water surface and land under water.

Lot means a single unit of land in a platted subdivision.

Lot depth means the mean horizontal distance between the front and rear lines of a lot or parcel.

~~Lot split/de minimis subdivision means a division or reconfiguration of land, whether improved or unimproved, into not more than two contiguous lots or parcels of land and which division or reconfiguration does not involve the need for a new street, or easement for street purposes, or the establishment or dedication of a highway, street, or alley.~~

Lot width means the horizontal distance between the side lines of a lot or parcel at the depth of the required front yard or at the front ~~lot~~ property line where no building setback is required.

Parcel means a single unit of land under same ownership. A parcel may contain multiple platted lots and portions of platted lots.

Plat means a map, diagram, or graphic representation of real property which has been subdivided into lots, ~~plots or parcels~~ and showing such facilities and public improvements as may be required under this chapter. The verb "to plat" or "plating" shall mean to make or prepare a plat.

Platted parcel split means a division or reconfiguration of a previously platted parcel, whether improved or unimproved, which division or reconfiguration does not involve the need for a new street, or easement for street purposes, or the establishment or dedication of a highway, street, or alley.

~~Plot includes the term "lot" or "parcel." A lot is also identified as a single unit in a subdivision.~~

Public improvements means any of the following, which are listed only for the purpose of illustration and emphasis: streets, pavement, with or without curbs and gutters; sidewalks, alleys and alley pavement; water mains; sanitary wastewater; storm wastewater or storm drainage; electricity; street name signs, street trees, and similar public requirements or amenities.

Right-of-way (ROW) means lands conveyed or dedicated to the public to be used for a street, alley, walkway, drainage facility or other public purpose.

Sight distance means the maximum extent of unobstructed vision (in a horizontal plane) along a street located at any given point on the street.

Street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, thoroughway, road, avenue, boulevard, lane, place, or however otherwise designated. Where width is designated, such width is right-of-way width.

Street, arterial, means a street or highway used primarily for fast and heavy traffic traveling considerable distances with a width of right-of-way of 150 feet or more.

Street, collector, means a street with a right-of-way of at least 100 feet which, in addition to giving access to abutting properties, carries traffic from minor street to the major system of arterial streets and highways, including the principal entrance street of a residential development and streets for circulation within a development.

Street, local, means a minor street used primarily for access to abutting properties and not for through traffic with a right-of-way of at least 50 feet.

Street, marginal access, means a minor street at least 50 feet in width parallel to and adjacent to arterial streets or highways and which provides access to abutting property and protection from through traffic. A marginal access street may also be called a frontage or service road.

Subdivision means the division of land into three or more lots, sites, or parcels, any one of which contains two acres or less in area, or, if a new street or easement for street purposes or the establishment or dedication of a highway, street, or alleys is involved, any division of a parcel of land. The term "subdivision" includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. The sale or exchange of small parcels of land to or between adjoining property owners where such sale or exchange does not create additional lots or parcels shall not be considered a subdivision of land.

Surety bond means a performance-payment bond, and other instruments of security, furnished to the City by the developer and the developer's surety that the public improvements will be completed and completed in accordance with the approved final plat.

Surveyor means a land surveyor registered in the state, and engaged by the developer to survey and prepare the plat of the land proposed for subdivision.

Used and occupied include the words "intended," "designed," or "arranged to be used" or "occupied."

Walkway means a right-of-way intended primarily for pedestrians, excluding self-propelled vehicles.

Work means all construction shown or required on the plat as approved as well as all required construction as shown on approved plans and specifications for all facilities and features of any kind.

Secs. 86-5—86-40. - Reserved.

ARTICLE II. - PLANS AND PLATS PLATTING

DIVISION 1. - GENERALLY

Sec. 86-41. - Preparation of plats.

Sec. 86-42. - Preapplication procedure.

Sec. 86-43. - Procedure of conditional approval of preliminary plat and approval of construction plans for required improvements.

Sec. 86-44. - Procedure for approval of final plat.

Secs. 86-45—86-70. - Reserved.

DIVISION 2. - PLATS AND DATA

Sec. 86-71. - Preapplication plans and data for platting.

Sec. 86-72. - Plats and data for conditional acceptance or approval.

Sec. 86-73. - Plats and data for final acceptance or approval.

Sec. 86-74. - Inspection; release of developer's bond.

Secs. 86-75—86-89. - Reserved.

~~DIVISION 3~~ARTICLE III. - SIMPLE LOT SPLIT/DE MINIMIS SUBDIVISIONS

Sec. 86-90. - Procedure for application submission and approval of a ~~simple lot split/de minimis subdivision~~.

- (a) *Submittal*. The City shall consider a proposed ~~lot~~ parcel split upon submittal of two copies of the following information:
- (1) A cover letter describing the project, identifying the project contact person(s) and any other information relevant for City's staff review. If the applicant is other than the legal owner, the applicant's interest shall be indicated and the legal owner's authority to apply shall be included in a certified legal form.
 - (2) Completed application form.
 - (3) All applicable fees (See Appendix C, Schedule of Land Development Regulation Fees and Charges).
 - (4) Owner's authorization (if applicable).
 - (5) A survey, not more than one year old, prepared by a professional land surveyor registered in the State of Florida. The survey must include legal descriptions, acreage and square footage of the original and proposed ~~lots~~ parcels and a scaled drawing showing the intended division, including any existing or required easements and/or restrictions. In the event a ~~lot~~ parcel contains any ~~principal or accessory~~ structures, a survey showing the structures on the ~~lot~~ parcel and the setbacks of those structures from the existing and proposed property lines shall accompany the application; and a metes and bounds description shall accompany each description.
 - (6) A statement from the appropriate provider indicating if water and sanitary sewer service capacity is available to the property.
- (b) *Standards*. All ~~lot split de minimis subdivision~~ requests must conform to the following standards:
- (1) The division of land must not increase the number of ~~lots~~ parcels to greater than two.
 - (2) The property that is the subject of the ~~lot split de minimis subdivision~~ shall be current in its ad valorem tax and other assessments due to the City and county.

- (3) Each of the newly created ~~lots~~ parcels must meet or exceed all requirements of the zoning district in which the ~~lot~~ parcel is located and be consistent with the designated future land use map category.
 - (4) Each of the newly created ~~lots~~ parcels must abut a public or private street for the required minimum street frontage for the type of lot, or as otherwise stated in the City's subdivision regulations.
 - (5) Each of the newly created ~~lots~~ parcels must have no encumbrances on the subject property that would render the newly created ~~lots~~ parcels undevelopable, or would impact the transfer of title.
 - (6) If there are existing structures on the subject property, the ~~lot-split~~ de minimis subdivision shall not cause any existing principal or accessory structures to become nonconforming regarding required setbacks, maximum allowable density and intensity, and maximum allowable lot coverage and impervious surfaces.
 - (7) The proposed ~~lot~~ parcel split must be consistent with surrounding ~~lots~~ parcels. In determining consistency and compatibility with surrounding ~~lots~~ parcels, the City ~~council~~ may consider, among other things, whether the existing ~~or-platted~~ lots parcels have been subdivided; and whether the majority of existing or-platted lots parcels are comparable in size or configuration ~~along the same street within 500-feet of the subject lot~~ parcel; ~~and if the resulting lots are waterfront lots, whether they will be of adequate size to accommodate a septic tank.~~
 - (8) No further division of an approved ~~lot-split~~ de minimis subdivision is permitted, unless a development plan and plat/replat is prepared and submitted in accordance with the City's subdivision regulations, and this chapter.
 - (9) A ~~lot-split~~ subdivision may not be approved if property taxes are not current for any part of the property that is the subject of a proposed ~~lot-split~~ subdivision.
 - (10) If sanitary sewer service connection will not be required, the resulting parcels shall be of adequate size to accommodate an appropriately sized onsite wastewater treatment system. Otherwise, a statement must be included from the appropriate provider indicating that sanitary sewer service is available to the property or can be made available.
 - (11) Each of the newly created parcels shall not be split zoned or have split future land use designations.
 - (12) The newly created parcels shall not share septic facilities and private utility lines shall not cross property lines.
- (c) *Approval.*
- (1) The City Administrator, or his designee, shall review the ~~lot-split~~ de minimis subdivision application and, with input as needed from the City's planning consultant, City staff and other members of the technical review committee, determine if the application meets the submittal requirements of section 86-90(a).
 - (2) If the submittal is incomplete, the applicant will be notified of the deficiencies for revision and resubmittal.
 - (3) When a submittal or revised submittal is found complete, the City administrator, or his designee, will review the application for consistency with the standards of section 86-90(b), with input as needed from the City's planning consultant and other members of the technical review committee.
 - (4) If the City administrator finds that the application meets all the standards of section 86-90(b), they may approve the ~~lot-split~~ de minimis subdivision and notify the applicant ~~accordingly in writing~~. If not, they may approve the ~~lot-split~~ de minimis subdivision with conditions, or disapprove the ~~lot-split~~ de minimis subdivision, and notify the applicant ~~accordingly in writing~~.
- (d) *Actions subsequent to approval.* Before a building permit may be issued, the applicant must:
- (1) Record the ~~lot-split~~ de minimis subdivision in the official records of Okeechobee County; and
 - (2) Provide proof of the ~~lot-split~~ de minimis subdivision approval by the City administrator.

DIVISION 4 ARTICLE IV. - PROCEDURE FOR APPLICATION SUBMISSION AND APPROVAL OF A JOINDERS OF LOTS

Sec. 86-91. - Procedure for application submission and approval to combine multiple lots or parcels into one parcel ~~or lot~~.

- (a) *Submittal.* The City shall consider a joinder (hereinafter referred to as a "joinder") upon submittal of two copies of the following information:
 - (1) A cover letter describing the project, identifying the project contact person(s) and any other information relevant for City's staff review. If the applicant is other than the legal owner, the applicant's interest shall be indicated and the legal owner's authority to apply shall be included in a certified legal form.

- (2) Completed application form.
- (3) All applicable fees (Appendix C, Schedule of Land Development Regulation Fees and Charges).
- (4) Owner's authorization (if applicable).
- (5) A survey, not more than one year old, prepared by a professional land surveyor registered in the State of Florida. The survey must include legal descriptions, acreage and square footage of the original ~~lots~~ parcels and proposed ~~lot~~ parcels and a scaled drawing showing the intended joinder, including any existing or required easements and/or restrictions. In the event a ~~lot~~ parcel contains any ~~principal or accessory~~ structures, a survey showing the structures on the ~~lot~~ parcel shall accompany the application; and a metes and bounds description shall accompany each description.
- (6) Completed Unity of Title form.
- (b) *Standards.* All joinder requests must conform to the following standards:
 - (1) The properties that are the subject of the joinder shall be current in their respective ad valorem tax and other assessments due to the City and county.
 - (2) All lots or parcels (or portions thereof) shall be located within the same zoning district and share the same future land use designation.
- (c) *Approval.*
 - (1) The City administrator, or his designee, shall review the joinder application and, with input as needed from the City's planning consultant, City staff and other members of the technical review committee, determine if the application meets the submittal requirements of section 86-91 (a).
 - (2) If the submittal is incomplete, the applicant will be notified of the deficiencies for revision and resubmittal.
 - (3) When a submittal or revised submittal is found complete, the City administrator, or his designee, will review the application for consistency with the standards of section 86-91(b), with input as needed from the City's planning consultant and other members of the technical review committee.
 - (4) If the City administrator finds that the application meets all the standards of section 86-91(b), they may approve the joinder and notify the applicant ~~accordingly~~ in writing. If not, they may approve the joinder with conditions, or disapprove the joinder, and notify the applicant ~~accordingly~~ in writing.
- (d) *Actions subsequent to approval.* Before a building permit may be issued, the applicant must:
 - (1) Record the Unity of Title in the official records of Okeechobee County; and
 - (2) Provide proof of the joinder approval by the City administrator.

~~Secs. 86-92 – 86-110. Reserved.~~

ARTICLE V. – PLATTED PARCEL SPLITS

Sec. 86-92. - Procedure for splitting existing platted parcels.

- (a) *Submittal.* The City shall consider a platted parcel split upon submittal of two copies of the following information:
 - (1) A cover letter describing the project, identifying the project contact person(s) and any other information relevant for City's staff review. If the applicant is other than the legal owner, the applicant's interest shall be indicated and the legal owner's authority to apply shall be included in a certified legal form.
 - (2) Completed application form.
 - (3) All applicable fees (Appendix C, Schedule of Land Development Regulation Fees and Charges).
 - (4) Owner's authorization (if applicable).
 - (5) A survey, not more than one year old, prepared by a professional land surveyor registered in the State of Florida. The survey must include legal descriptions, acreage and square footage of the original parcel and proposed parcels and a scaled drawing showing the intended platted parcel split, including any existing or required easements and/or restrictions. In the event a parcel contains any structures, a survey showing the structures on the parcel and the setbacks of those structures from the existing and proposed property lines shall accompany the application.
 - (6) A statement from the appropriate provider indicating if water and sanitary sewer service capacity is available to the property.
- (b) *Standards.* All platted parcel split requests must conform to the following standards:
 - (1) Each of the newly created parcels must meet or exceed all requirements of the original underlying plat.
 - (2) The property that is the subject of the platted parcel split shall be current in ad valorem tax and other assessments due to the City and county.

- (3) Each of the newly created parcels must meet or exceed all requirements of the zoning district in which the parcel is located and be consistent with the designated future land use map category.
 - (4) Each of the newly created parcels must abut a public or private street for the required minimum street frontage for the type of lot, or as otherwise stated in the City's subdivision regulations.
 - (5) Each of the newly created parcels must have no encumbrances on the subject property that would render the newly created parcels undevelopable or would impact the transfer of title.
 - (6) If there are existing structures on the subject property, the platted parcel split shall not cause any existing principal or accessory structures to become nonconforming regarding required setbacks, maximum allowable density and intensity, and maximum allowable lot coverage and impervious surfaces.
 - (7) The proposed parcel split should be relatively consistent with surrounding parcels. In determining consistency and compatibility with surrounding parcels, the City may consider, among other things, whether the majority of existing parcels are comparable in size, configuration and access road surface type within 500-feet of the subject parcel.
 - (8) Each of the newly created parcels shall not be split zoned or have split future land use designations.
 - (9) The newly created parcels shall not share septic facilities and private utility lines shall not cross property lines.
 - (10) If sanitary sewer service connection will not be required, the resulting parcels shall be of adequate size to accommodate an appropriately sized onsite wastewater treatment system. Otherwise, a statement must be included from the appropriate provider indicating that sanitary sewer service is available to the property or can be made available.
- (c) Approval.
- (1) The City administrator, or his designee, shall review the platted parcel split application and, with input as needed from the City's planning consultant, City staff and other members of the technical review committee, determine if the application meets the submittal requirements of section 86-92 (a).
 - (2) If the submittal is incomplete, the applicant will be notified of the deficiencies for revision and resubmittal.
 - (3) When a submittal or revised submittal is found complete, the City administrator, or his designee, will review the application for consistency with the standards of section 86-92(b), with input as needed from the City's planning consultant and other members of the technical review committee.
 - (4) If the City administrator finds that the application meets all the standards of section 86-92(b), they may approve the platted parcel split and notify the applicant in writing. If not, they may approve the platted parcel split with conditions, or disapprove the platted parcel split, and notify the applicant in writing.
- (d) Actions subsequent to approval. Before a building permit may be issued, the applicant must:
- (1) Record the platted parcel split in the official records of Okeechobee County; and
 - (2) Provide proof of the platted parcel split approval by the City administrator.

Secs. 86-93—86-110. - Reserved.

ARTICLE #VI. - VARIANCES

Sec. 86-111. - Hardship.

Sec. 86-112. - Large scale development.

Sec. 86-113. - Conditions.

Secs. 86-114—86-140. - Reserved.

ARTICLE #VII. - DESIGN STANDARDS

Sec. 86-141. - Streets.

Sec. 86-142. - Alleys.

Sec. 86-143. - Easements.

Sec. 86-144. - Blocks.

- Sec. 86-145. - Lots.
- Sec. 86-146. - Public sites and open spaces.
- Secs. 86-147—86-180. - Reserved.

ARTICLE VIII. - REQUIRED IMPROVEMENTS

- Sec. 86-181. - Monuments.
- Sec. 86-182. - Storm drainage.
- Sec. 86-183. - Clearing and grading rights-of-way.
- Sec. 86-184. - Bridges and culverts.
- Sec. 86-185. - Wastewater and water.
- Sec. 86-186. - Streets.

SECTION 3: Amendment and Adoption to Appendix A – Applications, Forms, and Content Requirements, as follows:

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 A-Applications, Forms, and Content Requirements, amending Form 18-De Minimis and Joinder of parcels or lots application, as follows:

APPENDIX A - APPLICATION FORMS AND CONTENT REQUIREMENTS

Form 18. - De Minimis and Subdivision, Platted Parcel Split, or Joinder of parcels or lots application.

1. *Application contents.* An application for De Minimis splitting of lots or parcels of lands within the City of Okeechobee, or for an application for Joinder of lots or parcels into a single lot shall be submitted on the appropriate application form, and comprises the following:
 - a. Applicant's name, address, and phone number.
 - b. Proof of legal interest in the property, and if an agent, a notarized authorization to act signed by the owner of record as set forth in the records of the property appraiser.
 - c. Property identification number, survey (if requested), and location map.
 - d. A cover letter describing the proposed project and the reason(s) and necessity for the change.
 - e. Any additional information as determined by City staff as relevant to the particular circumstances of the subject property, including any of the information required in Appendix B to these regulations.
 - f. Any information as contained in Code of Ordinances chapter 86, sections 86-90 and 86-91 as adopted by Ordinance No. 1170.
 - g. Application fee(s).
2. *Processing of Application.* De Minimis and Joinder applications are processed as follows:
 - a. Applicant submits application to general services department.
 - b. The City administrator, or his designee, reviews the application, and with input from City staff, building department, or the City's planning consultant, will determine if the application meets the requirements of chapter 86, sections 86-90, ~~or~~ 86-91, or 86-92 Code of Ordinances.
 - c. If the applicant provides all information and documentation as requested, as well as application fees, and otherwise complies with the requirements of chapter 86, sections 86-90, ~~and~~ 86-91, or 86-92 Code of Ordinances, the City administrator, or his designee, shall approve the application for final completion as submitted, or with conditions thereto, as set forth in the pertinent ordinance.

SECTION 4: Amendment and Adoption to Appendix C-Schedule of Land Development Regulation Fees and Charges, as follows:

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 C-Schedule of Land Development Regulation Fees and Charges, adding Fee Schedule Item 22-Platted Parcel Split, as follows:

APPENDIX C - APPLICATION FORMS AND CONTENT REQUIREMENTS

Fee Schedule:

- 22. Platted Parcel Split \$500.00 plus \$25.00 per acre

SECTION 5: CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6: 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 7: 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 8: EFFECTIVE DATE. This Ordinance shall take effect immediately upon its passage.

INTRODUCED for First Reading and set for Final Public Hearing on this 26th day of October 2021.

ATTEST:

Dowling R. Watford, Jr., Mayor

Lane Gamiotea, CMC, City Clerk

PASSED AND ADOPTED after Second and Final Public Hearing this 16th day of November 2021.

ATTEST:

Dowling R. Watford, Jr., Mayor

Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John J. Fumero, City Attorney

VIII. NEW BUSINESS CONTINUED

- A. Continued. Motion and second by Council Members Jarriel and Chandler to set November 16, 2021, as the final public hearing, and approve the first reading of proposed Ordinance No. 1241. Council Member Clark noted for the record she has a conflict of interest and will be abstaining from voting on this motion as she is the applicant and property owner for the Petition. A concurrent request to change the FLU to C was adopted under Public Hearing item V. A., Application No. 21-006-SSA. Planner LaRue presented the Planning Staff findings and approval recommendation from the Planning Board. The proposed use is to continue the existing commercial rental space. The only public comment was from Mr. Dobbs of 209 NE 2nd Street, who was in attendance on behalf of the applicant. **Motion Carried*.**
- B. Motion by Council Member Keefe to read by title only, proposed Ordinance No. 1242 regarding Petition No. 21-005-R, rezoning Block 121, from Residential Single Family-One (RSF-1) and Block 110, from Light Commercial (CLT) to CHV, all being in the CITY OF OKEECHOBEE, PB 5/PG 5, [Okeechobee County public records and located between NE 2nd and 3rd Avenues and NE 3rd to 5th Streets, City Initiated, property owner is Glenwood Park, LLC, as presented in **Exhibit 7**]; seconded by Council Member Jarriel. **Motion Carried Unanimously.**

Attorney Fumero read proposed Ordinance No. 1242 by title only as follows: “**AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF OKEECHOBEE BY REZONING CERTAIN TRACTS OF LAND MORE PARTICULARLY DESCRIBED HEREIN FROM RSF-1 AND CLT TO CHV, PETITION NO. 21-005-R; AMENDING THE ZONING MAP ACCORDINGLY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**”

Motion and second by Council Members Chandler and Keefe to set November 16, 2021, as the final public hearing, and approve the first reading of proposed Ordinance No. 1242. Planner LaRue presented the Planning Staff findings and approval recommendation from the Planning Board. The proposed use is a commercial development on the vacant property. The only public comment was from Mr. Dobbs of 209 NE 2nd Street who stated he was in favor of the petition. Mayor Watford disclosed for the record that he discussed this issue with Mr. Dobbs prior to the meeting, additionally he stated did not support approving this Petition. **Motion Carried.** [Note: Abandonment of Right-of-Way Petitions No. 21-001-AC and 21-002-AC are pending for these blocks.]

- C. Motion by Council Member Jarriel to read by title only, proposed Ordinance No. 1243 regarding Application No. 21-003-TA amending the Land Development Regulations (LDR's) Sections 86-2, 86-3, 86-4, 86-71, 86-90 and 86-91, adding Article V and Section 86-91, amending Form 18 in Appendix A, and adding an application fee to Appendix C all related to Subdivisions, splitting, and joining platted lots [as presented in **Exhibit 8**]; seconded by Council Member Clark. **Motion Carried Unanimously.**

Attorney Fumero read proposed Ordinance No. 1243 by title only as follows: “**AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING CHAPTER 86 OF THE LDR'S OF THE CITY OF OKEECHOBEE; AMENDING SECTION 86-2, CLARIFYING THE CITY'S AUTHORITY TO REGULATE THE DIVISION AND JOINING OF LAND IN THE CITY; AMENDING SECTION 86-3, CLARIFYING THE APPLICABILITY OF THE CHAPTER TO INCLUDE JOINING LAND; AMENDING SECTION 86-4, ADDING A DEFINITION FOR LOT, ADDING A DEFINITION FOR PARCEL, ADDING A DEFINITION FOR PLATTED PARCEL SPLIT, DELETING THE DEFINITION FOR PLOT; AMENDING THE TITLE OF ARTICLE II FROM PLANS AND PLATS TO PLATTING; CHANGING DIVISION 3-SIMPLE LOT SPLIT/DE MINIMIS SUBDIVISIONS TO ARTICLE III-DE MINIMIS SUBDIVISIONS; AMENDING SECTION 86-90, CLARIFYING THAT STRUCTURE SETBACKS SHALL BE INCLUDED ON SURVEYS, PROHIBITING CREATIONS OF PARCELS WITH SPLIT FLU DESIGNATIONS, REQUIRING CONSIDERATION OF UTILITY LINES AND WASTEWATER TREATMENT SYSTEMS; CHANGING DIVISION 4-PROCEDURES FOR APPLICATION SUBMISSION AND APPROVAL OF JOINDER OF LOTS TO ARTICLE IV-JOINDERS; AMENDING SECTION 86-91 TO PROHIBIT JOINING PARCELS WITH DIFFERENT FLU DESIGNATIONS; CREATING NEW ARTICLE V-PLATTED PARCEL SPLITS, PROVIDING PROCEDURES AND STANDARDS FOR DIVIDING EXISTING PLATTED PARCELS; RENUMBERING EXISTING ARTICLES III, IV, AND V; AMENDING APPENDIX A OF THE LDR'S OF THE CITY OF OKEECHOBEE, AMENDING FORM 18, PROVIDING PLATTED PARCEL SPLIT APPLICATION STANDARDS AND PROCEDURES; AMENDING APPENDIX C OF THE LDR'S OF THE CITY OF OKEECHOBEE, ADDING AN APPLICATION FEE FOR PLATTED PARCEL SPLITS; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**”

Motion and second by Council Members Clark and Jarriel to set November 16, 2021, as the final public hearing and approve the first reading of proposed Ordinance No. 1243. **Motion Carried Unanimously.**

- D. Motion by Council Member Jarriel to approve an invoice in the amount of \$1,648.34 submitted by the Okeechobee Board of County Commissioners for participation in the Okeechobee Utility Authority (OUA) Working Group regarding the OUA Interlocal Agreement [as presented in **Exhibit 9**]; seconded by Council Member Clark. **Motion Carried Unanimously.**

V. PUBLIC HEARING ITEMS CONTINUED

4. There were no Ex-Parte disclosures offered.
5. Motion by Board Member Jonassaint, seconded by Alternant Board Member Papasso to recommend the City Council find proposed Comprehensive Plan Amendment No. 21-001-CPA consistent with the City's Comprehensive Plan and transmit the Amendment to the Florida Department of Economic Opportunity for review and approval as presented in [Exhibit 2, which includes 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 a Transmittal Public Hearing tentatively scheduled for October 19, 2021.

- C.** Consider Land Development Regulation (LDR) Text Amendment Petition No. 21-003-TA, which proposes to amend Sections 86-2, 86-3, 86-4, 86-71, 86-90, and 86-91, creating a new Article V and adding Section 86-92, amending Form 18 in Appendix A, and adding an application fee to Appendix C.
1. City Planning Consultant Smith reviewed the Planning Staff Report recommending approval.
 2. Board Member Brass inquired as to why the words "in writing" were only used in Section 86-90 (c)(4) and not also in Section 86-91 (c)(4). Planner Smith commented the words "in writing" should be reflected in both places.
 3. Mr. Steven Dobbs commented when joining more than one parcel it can be expensive. For instance, he recently submitted a request directly to the Property Appraiser's Office to join four parcels for Okeechobee County in regard to a proposed expansion project for the Sheriff's Office. Planner Smith commented he had reached out to other jurisdictions to inquire about their process and most times approval was needed first before the Property Appraiser's Office would shift the property lines. Okeechobee County does not require this approval first.
 4. There were no Ex-Parte disclosures offered.
 5. Motion by Board Member Baughman, seconded by Board Member Jonassaint to recommend approval to the City Council for LDR Text Amendment Petition No. 21-003-TA as presented in [Exhibit 3, which includes the Planning Consultant's analysis of the findings and recommendation for approval] with the words "in writing" included in both Sections 86-90 (c)(4) and 86-91 (c)(4). **Motion Carried Unanimously.** The recommendation will be forwarded to the City Council for consideration at Public Hearings tentatively scheduled for October 19, 2021, and November 16, 2021.

QUASI-JUDICIAL ITEMS

- D.** Rezoning Petition No. 21-004-R, from Industrial to Heavy Commercial on 0.651± acres located at 804 North Parrott Avenue, Lots 11 to 14, of Block 49, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Public Records of Okeechobee County to make the property compatible with the commercial corridor.
1. Notary Public Patty Burnette administered an oath to Mr. Steven Dobbs, 1062 Jakes Way, Okeechobee, Florida, Mrs. Monica Clark, 804 North Parrott Avenue, Okeechobee, Florida, and Mr. Ben Smith, LaRue Planning and Management, 1375 Jackson Street, Suite 206, Fort Myers, Florida, who responded affirmatively.
 2. City Planning Consultant Smith reviewed the Planning Staff Report recommending approval.
 3. Mrs. Monica Clark, Registered Agent of the Property Owner, Glades Gas Company of Okeechobee, Inc., was present and available for questions. There were none.
 4. There were no public comments offered.
 5. There were no Ex-Parte disclosures offered.
 6. Motion by Board Member Jonassaint, seconded by Board Member Baughman to recommend to the City Council approval of Rezoning Petition No. 21-004-R as presented in [Exhibit 4, 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 October 19, 2021, and November 16, 2021.

Staff Report

To: Okeechobee Planning Board
From: Ben Smith, AICP
Meeting Date: September 16, 2021
Subject: Ordinance- Platted Parcel Splits

In October of 2018, The City adopted Ordinance 1170, which created procedures and standards for joinders and de minimis subdivisions. Prior to that ordinance, subdivision platting was the only codified form of property division in the City's land development code. Staff is now proposing revisions to Chapter 86 including a new process for dividing land that is already platted. According to the definition of 'subdivision as provided in Florida Statute 177.031 anytime land is being divided into three or more parts and includes the creation of new rights-of-way, it is considered platting:

the division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

However, many Florida local governments have adopted process by which land can be reconfigured which does not involve platting. For example:

- A joinder is the combining of parcels.
- A de minimis subdivision is a division or reconfiguration of one parcel into not more than two contiguous parcels, which does not require new rights-of-way or easements. This applies to unplatted/subdivided property.
- A platted parcel split is a division or reconfiguration of a previously platted/subdivided parcel, which does not require new rights-of-way or easements.

At the February Planning Board Workshop, the Board members provided substantial input, and the attached proposed ordinance reflects the changes that were discussed. Since that workshop, staff also consulted with the City of Cape Coral planning department regarding their experience with platted parcel splits. At one time, Cape Coral permitted platted parcel splits to be performed without regard to the underlying platted lot lines. However, due to issues that arose, Cape Coral revised their code to limit the process to only allow platted parcel splits along the existing platted lot lines. Based on that advice, the City of Okeechobee could also adopt that limitation. However, it is likely that limiting platted parcel splits to be performed only along existing platted lot lines will curtail the flexibility in land development that the City would like to encourage. Because of this, staff has not included that limitation in this Ordinance and it will be the Board's decision whether or not to include this limitation in their recommendation to the City Council for final adoption. Following is a summary of the significant revisions to Chapter 86 included in the draft ordinance:

Section 86-2

Verbiage has been added which clarifies the City's authority to regulate the division and joining of property within the city limits.

Section 86-4

- The term 'lot' has been separated from parcel to mean, more specifically, "a single unit in a platted subdivision". A definition of parcel has been added which includes any single unit of land. Throughout the remainder of the Chapter the term 'lot' has been replaced by 'parcel' to clarify the broader applicability of the codes. These definitions are applicable to this Chapter, not the entire land development code, and this change is not intended to alter the usage of the word 'lot' in the context of terms such as 'lot depth', 'lot coverage' and 'lot width' in their usage throughout the City's land development code.
- A new definition for 'platted parcel split' has been added to define the applicability of the proposed procedures and standards for a platted parcel split in new section 86-92.
- The definition of 'plot' has been deleted, as this term does not appear anywhere else in the Chapter.

Section 86-90

Several new standards have been added for de minimis subdivisions, including:

- Requiring consistency with the comprehensive plan
- Prohibition the newly created parcel to have split zoning or split land use designations
- Requiring consideration of sewage disposal for each newly created parcel
- Prohibiting sharing of septic facilities and private utility lines between parcels

Section 86-91

Only one substantive change was made to the joinder standards, which is to prohibit the creation of a parcel with split future land use designations.

Section 86-92

A significant amount of the land in the City of Okeechobee has already been platted, yet remains combined in larger tracts under single ownership. This newly proposed process for platted parcel splits would allow division of those parcels without requiring a new subdivision/plat. Unlike a de minimis subdivision, division into more than two parcels is permitted, as long as the zoning code standards and comprehensive plan policies are met. The standards proposed for the newly created parcels are similar to those required for a de minimis subdivision.

Appendix C

Section 19 of the Fee Schedule requires a \$500 application fee for joinders and de minimis subdivisions. Platted parcel splits would be added to that section to require a \$500 fee for those requests as well. Since the workshop, an acreage fee of \$25 per acre has been added.

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: 3-1-21

Petition No. 21-003-TA

Fee Paid: N/A

Jurisdiction: PB+CC

1st Hearing: 4-15-21 ~~5-20-21~~

2nd Hearing: 5-18-21, ~~6-15-21~~

Publication Dates: 9-16-21

10-19-21, ~~7-6-21~~, ~~11-16-21~~

Notices Mailed: N/A

APPLICATION FOR TEXT AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS

APPLICANT INFORMATION

1 Name of Applicant: City Initiated

2 Mailing address:

3 E-mail address:

4 Daytime phone(s):

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

If yes, provide address(es)

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

If yes, provide address(es)

REQUEST INFORMATION

7 Request is for: ☐ Text change to an existing section of the LDRs

☐ Addition of a permitted use ☐ Deletion of a permitted use

☐ Addition of a special exception use ☐ Deletion of a special exception use

☐ Addition of an accessory use ☐ Deletion of an accessory use

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

See attached Proposed Ordinance