



CITY OF OKEECHOBEE
PLANNING BOARD MEETING
55 SOUTHEAST THIRD AVENUE, OKEECHOBEE, FL 34974
MAY 18, 2023
LIST OF EXHIBITS

Draft Minutes	Summary of Board Action April 20, 2023
Draft Ordinance/Exhibit 1	LDR Text Amendment Application No. 23-001-TA
Draft Ordinance/Exhibit 2	LDR Text Amendment Application No. 23-002-TA
Draft Ordinance/Exhibit 3	LDR Text Amendment Application No. 23-003-TA



**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- A. There were no items added, deferred, or withdrawn from the agenda.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.

V. 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, 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.

ORDINANCE NO. 2023-

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA, AMENDING CHAPTER 14 - BUSINESSES BY ADDING ARTICLE VI REGULATING THE OPERATION OF MOBILE FOOD DISPENSING VEHICLES WITHIN CITY LIMITS, AND AMENDING CHAPTER 90 - ZONING, ALLOWING FOR MOBILE FOOD DISPENSING VEHICLES AS A SPECIAL EXCEPTION USE IN THE CPO, CLT, CHV, CBD, IND, PUB, AND RH ZONING DISTRICTS AND ALLOWING FOR TEMPORARY SIGNAGE ASSOCIATED WITH MOBILE FOOD DISPENSING VEHICLES; 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 (SB474/HB1171) (“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 Mobile food dispensing vehicles (“MFDV”) and may not prohibit MFDVs from operating within the entirety of the jurisdiction; and

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

WHEREAS the City Commission finds it is in the best interest of the health, safety, and welfare of the public to adopt standards for the location and operation of MFDVs within the City; and

WHEREAS, the City finds and determines that these amendments to the City’s Code are consistent with all applicable policies including the Land Development Regulations and the City’s adopted Comprehensive Plan and not in conflict with the public interest.

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF OKEECHOBEE, FLORIDA:

SECTION 1. 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. Underlining denotes additions and ~~strike through~~ denotes deletions.

SECTION 3. Chapter 14 - Businesses, is hereby amended by adding Article VI “Mobile Food Dispensing Vehicles” as follows:

ARTICLE VI. MOBILE FOOD DISPENSING VEHICLES

Sec. 14-300. Title.

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

Sec. 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.

Sec. 14-302. Applicability.

This section applies to vendors operating mobile food dispensing vehicles (“MFDV”) as defined in Florida Statute.

Secs. 14-303—14-340. Reserved.

Sec. 14-341. Mobile Food Dispensing Vehicle Classifications.

(1) Classifications. Mobile food establishments involving the use of a mobile food dispensing vehicle 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 "mobile food dispensing vehicle" 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.

Secs. 14-342—14-360. Reserved.

Sec. 14-361. Operating without special exception approval or temporary use permit.

- (1) All classes of MFDV may operate on private property in the Industrial (IND), Heavy Commercial (CHV), Light Commercial (CLT), Commercial Business District (CBD), and Commercial Professional Office (CPO) 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 ID, 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% 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 twenty (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 of Okeechobee Noise and Vibration Standards. Amplified music lyrics may not be broadcast at any time.
- (h) All standards of Section 14-364 shall apply.

Sec. 14-362. Operating with a special exception 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 process in accordance with any conditions and site design standards required as part of the special exception approval. Application considerations are as follows:

- (a) A pre-application meeting with City staff is recommended.
- (b) Upon determination by the City Administrator, a traffic impact study may be required.
- (c) 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.
- (d) 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.
- (e) All standards of Section 14-364.
- (f) Standards for granting a special exception use provided in 70-373(b) and the findings for approval provided in 70-373(c).
- (g) The ultimate decision to approve, deny, or approve with conditions any special exception application shall be the responsibility of the City of Okeechobee Board of Adjustment, which may impose any condition necessary to ensure compatibility of the proposed use and ensure public health, safety and welfare.

Sec. 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) Mobile food establishments 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 Planning and Development 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 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 twenty (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.

Sec. 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 approval or temporary use approval or otherwise stated elsewhere in this chapter.

- (a) Any person engaged in selling, preparing, or dispensing food from a mobile food dispensing vehicle (MFDV) shall obtain the appropriate approvals and licenses from the State of Florida Department of Business and Professional Regulations, (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.

- (b) 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.
- (c) The mobile food establishment shall make the dispensing vehicle available for routine inspections by the City of Okeechobee Fire Marshal, Building Inspector, or 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.
- (d) Mobile food establishments 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.
- (e) Mobile food establishments shall have hand sanitizer, or similar, visible and readily available for customer use at all times during hours of operation.
- (f) 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.
- (g) 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.
- (h) Except for Class III MFDVs operating in the right of way according to the provisions of 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 on a daily basis and ensure that waste disposal receptacle is not overfilled at any time.
- (i) 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.
- (j) Mobile Food Dispensing Vehicles shall not sell alcohol unless specifically licensed to do so and must provide copies of all alcohol-related licensing upon request.

- (k) Except for Class III vehicles operating in the rights of way according to the provisions of 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.
- (l) 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.
- (m) MFDVs shall not park within any required landscape buffers or stormwater retention/detention area.
- (n) MFDVs shall not obstruct the usage of American with Disabilities Act (ADA) accessible parking spaces or associated ADA access aisles.
- (o) Serving from a free-standing grill is prohibited.
- (p) It is prohibited to solicit sales of food or beverages by:
 - i. Stopping passersby;
 - ii. Yelling or making loud noise to attract customers;
 - iii. Using sound amplification in such a manner as to unreasonably disturb peace, quiet and comfort; or
 - iv. Having an attraction which will blockade a street, sidewalk or other public place.

Sec. 14-365. Enforcement.

- (1) Owners and operators of mobile food dispensing vehicles 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 compliance shall be responsible for the enforcement of 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 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 will bring forward a code compliance case against the underlying landowner with the intent of collecting the fine in accordance with City code compliance enforcement procedure.

Secs. 14-366—14-380. Reserved.

SECTION 4. Chapter 90 - Zoning, is hereby amended by adding “Mobile Food Dispensing Vehicles” to the list of special exception uses in the CPO, CLT, CHV, CBD, IND, PUB, and RH zoning districts, and allowing for temporary signage associated with MFDVs as follows:

CHAPTER 90 – ZONING

* * * * *

ARTICLE III. DISTRICTS AND DISTRICT REGULATIONS

* * * * *

DIVISION 6. - COMMERCIAL PROFESSIONAL AND OFFICE (CPO) DISTRICT

* * * * *

Sec. 90-223. - Special exception uses.

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(14) Mobile Food Dispensing Vehicles

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DIVISION 7. - LIGHT COMMERCIAL (CLT) DISTRICT

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Sec. 90-253. - Special exception uses.

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(24) Mobile Food Dispensing Vehicles

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DIVISION 8.- HEAVY COMMERCIAL (CHV) DISTRICT

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Sec. 90-283. - Special exception uses.

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(29) Mobile Food Dispensing Vehicles

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DIVISION 9. - CENTRAL BUSINESS (CBD) DISTRICT

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Sec. 90-313. - Special exception uses.

* * * * *

(14) Mobile Food Dispensing Vehicles

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DIVISION 10. – INDUSTRIAL (IND) DISTRICT

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Sec. 90-343. - Special exception uses.

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(13) Mobile Food Dispensing Vehicles

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DIVISION 11. - PUBLIC USE (PUB) DISTRICT

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Sec. 90-373. - Special exception uses.

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(4) Mobile Food Dispensing Vehicles

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DIVISION 15. – RURAL HERITAGE (RH) DISTRICT

* * * * *

Sec. 90-436. - Special exception uses.

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(2) ~~Reserved.~~ Mobile Food Dispensing Vehicles.

(3) Reserved.

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ARTICLE IV. SUPPLEMENTARY DISTRICT REGULATIONS

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DIVISION 5. - SIGNS

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

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(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.

* * * * *

(5) Except for Class III MFDVs operating in the right of way according to the provisions of 14-361(2), and unless otherwise permitted according to an approved special exception or temporary use permit, Mobile Food Dispensing Vehicles (MFDV) are allowed one (1) non-affixed, A-frame ground sign to be no larger than twenty (20) square feet in area (including both sides), to be removed once the business is no longer operational.

* * * * *

SECTION 5. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. That this Ordinance shall take effect immediately upon its final adoption by the City Commission of the City of Okeechobee, Florida.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE
CITY OF OKEECHOBEE, FLORIDA, THIS [REDACTED] DAY OF [REDACTED],
2023.**

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

BY: _____

ATTEST:

Lane Earnest Gamiotea, CMC, CITY CLERK

CITY ATTORNEY

Approved as to form and legality for use
and reliance of the City of Okeechobee, Florida

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE
CITY OF OKEECHOBEE, FLORIDA, THIS [REDACTED] DAY OF [REDACTED],
2023.**

FIRST READING: _____

ADVERTISED: _____

SECOND READING: _____

BY: _____

ATTEST:

Lane Earnest Gamiotea, CMC, CITY CLERK

CITY ATTORNEY

Approved as to form and legality for use
and reliance of the City of Okeechobee, Florida

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
1 st Hearing: 4-20-23 5-18-23	2 nd 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

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

3-21-23

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 78-DEVELOPMENT STANDARDS, ARTICLE IV. – STORMWATER MANAGEMENT; 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 78.

That the City Council for the City of Okeechobee, Florida, amends herein Part II of the Code of Ordinances, Subpart B-Land Development Regulations, Chapter 78- Development Standards, by replacing Article IV. – Stormwater Management, in its entirety as follows:

ARTICLE IV. – STORMWATER MANAGEMENT

Sec. 78-101 – Stormwater management.

The City of Okeechobee hereby adopts by reference the stormwater management rules of the South Florida Water Management District, chapter 40E-4, FAC. Part 78-101 of this Code may be replaced, in whole or in part, by a technical standards manual incorporated into this Code by resolution of Okeechobee City Council. Until that time, the technical standards below shall govern. Standards not incorporated into the technical standards manual shall be as below.

Sec 78-102 – Local review and approval of stormwater management system.

The South Florida Water Management District provides exemptions for the need to obtain permits for development projects and land parcels below their respective minimum area thresholds. Specifically, a request for exemption for a project with less than ten acres of total land area must, at a minimum, contain paving and drainage plans and calculations of the project, signed and sealed by a professional engineer, which denotes the total land area, the total area of impervious surface, the location of any on-site wetlands, and the location and details of the surface water management system including, but not limited to, any lakes, culverts, pipes, exfiltration trench, discharge structures, pumps and related facilities. In addition, an entity requesting an exemption must provide local government approval of the project and an affidavit of ownership, along with the underlying documentation.

Therefore, regardless of whether or not stormwater management permits are required by the South Florida Water Management District, notwithstanding other exemptions cited in Sec. 78-105, all applications for development are required to submit a stormwater management plan, and erosion and sediment control plan for review and approval by the City. Those plans are to be based on the standards and criteria of the South Florida Water Management District.

Sec. 78-103 - Specialized definitions.

The following definitions shall apply to Article IV and all sections thereof and subsections thereto.

Alter or alteration. Work done on a stormwater management system other than that necessary to maintain the system's original design and function.

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater receiving waters or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage, leaks, sludge, water disposal, or drainage from raw materials storage.

Construction Activity. Activities subject to NPDES Construction Permits.

Detention. The collection and storage of surface water for subsequent gradual discharge.

Erosion and Sediment Control Plan. A set of plans prepared by or under the direction of a licensed engineer indicating the specific measures and sequencing to be used to control sediment and erosion on a site during and after construction.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to a substantial presence or potential hazard to human, health, safety, property, or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed.

Existing. For purposes of the stormwater management provisions of this Code, the average condition immediately before development or redevelopment commences.

Illicit Connection.

(1) Any drain or conveyance, whether on the surface or subsurface, which allows any illicit discharge to enter the stormwater system including, but not limited to, any connections to the storm drain system from indoor drains and sinks; or

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Illicit Discharge. A discharge to the storm water system within the City that is not composed entirely of stormwater as exempted in section 78-108 of this Ordinance.

Impervious surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Maintenance. That action taken to restore or preserve the original design and function of any stormwater management system.

MS4 or Municipal Separate Storm Sewer System. Publicly owned conveyance or system of conveyance (i.e. ditches curbs catch basins and underground pipes) designed to discharge stormwater to surface waters of the State.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. A permit issued by EPA or by a State under authority delegated pursuant to 33 U.S.C. §1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater Discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

Natural systems. Systems which predominantly consist of or are used by those communities of plants, animals, bacteria and other flora and fauna which occur indigenously on the land, in the soil or in the water.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include but are not limited to paints, varnishes and solvents; oil and other automotive fluids; nonhazardous liquid and

solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects; ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal, coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building lot parcel of land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Rate. Volume per unit of time.

Retention. The collection and storage of runoff without subsequent discharge to surface waters.

Sediment. The mineral or organic particulate material that is in suspension or has settled in surface or ground waters.

Site. Generally, any tract, lot or parcel of land or combination of tracts, lots, or parcels of land that are in one ownership, or in diverse ownership but contiguous, and which are to be developed as a single unit, subdivision, or project.

Stormwater. The flow of water which results from, and that occurs immediately following, a rainfall.

Stormwater management system. The system, or combination of systems, designed to treat stormwater, or collect, convey, channel, hold, inhibit, or divert the movement of stormwater on, through and from a site.

Stormwater Pollution Prevention Plan. A document which describes the Best Management Practices (BMP's) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Stormwater runoff. That portion of the stormwater that flows from the land surface of a site either naturally, in manmade ditches, or in a closed conduit system.

Surface water. Water above the surface of the ground whether or not flowing through definite channels, including the following:

- (1) Any natural or artificial pond, lake, reservoir, or other area which contains water and which has a discernible shoreline; or
- (2) Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction and which has a definite flow route; or
- (3) Any wetland.

Wetland. Land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamp hammocks, hardwood swamps, riverine cypress, cypress ponds, bayheads and bogs, wet prairies, and freshwater marshes.

Sec. 78-104 - Relationship to other stormwater management requirements.

In addition to meeting the requirements of this Code, the design and performance of all stormwater management systems shall comply with applicable state regulations regarding stormwater quality (chapter 17-25 and chapter 17-302, Florida Administrative Code) or rules of the South Florida Water Management District as appropriate.

Sec. 78-105 - Exemptions.

The following development activities are exempt from these stormwater management requirements, except that steps to control erosion and sedimentation must be taken for all development.

- (1) The construction of a single-family or duplex residential dwelling unit and accessory structures on a single parcel of land.
- (2) Any development within a subdivision if each of the following conditions have been met:
 - (a) Stormwater management provisions for the subdivision were previously approved and remain valid as part of a final plat or development plan; and
 - (b) The development is conducted in accordance with the stormwater management provisions submitted with the final plat or development plan.
- (3) Maintenance activity that does not adversely affect the quality, rate, volume or location of stormwater flows on the site or of stormwater runoff.
- (4) Action taken under emergency conditions to prevent imminent harm or danger to persons, or to protect property from imminent fire, violent storms, hurricanes or other hazards.

Sec. 78-106. - Stormwater management requirements.

(1) Performance standards. All development must be designed, constructed and maintained to meet the following performance standards:

(a) While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first one inch or the total runoff of 2.5 times the percentage impervious, whichever is greater, of stormwater runoff shall be retained in an off-line dry or wet retention system or according to other best management practices.

(b) The proposed development and development activity shall not violate the water quality standards as set forth in chapter 17-3, Florida Administrative Code.

(c) All commercial or industrial development shall provide 0.5 inches of stormwater pretreatment in a dry retention area in addition to subsection 1, above.

(d) Dry retention and detention systems shall be designed with the wet season water table at least one foot below the bottom surface of the treatment area.

(e) Wet detention systems shall have water depths no more than ten feet, unless specifically accepted by the City, and side slopes of 4:1 from proposed finished grade to two feet below the control elevation.

(2) Design standards, systemwide. To comply with the foregoing performance standards the proposed stormwater management system shall conform to the following design standards:

(a) Detention and retention systems shall be designed to comply with the appropriate standards set out in the South Florida Water Management District's Permit Information Manual, Volume IV, Management and Storage of Surface Waters.

(b) The proposed stormwater management system shall be designed to accommodate the stormwater that originates within the development and stormwater that flows onto or across the development from adjacent lands.

(c) The proposed stormwater management system shall be designed to function indefinitely if properly maintained and shall comply with subsections 78-107(A) and 78-107 (B) of this Code.

(d) The design and construction of the proposed stormwater management system shall be certified as meeting the requirements of this Code by a professional engineer registered in the State of Florida.

(e) A Stormwater Pollution Prevention Plan certified as meeting the requirements of this Code by a professional engineer registered in the State of Florida shall be submitted with the proposed stormwater management system.

(f) No surface water may be channeled or directed into a sanitary sewer.

(g) The proposed stormwater management system shall be compatible with the stormwater management facilities on surrounding properties or streets, taking into account the possibility that substandard systems may be improved in the future.

(h) The banks of detention and retention areas should be sloped to accommodate and should be planted with appropriate vegetation.

(i) Natural surface waters shall not be used as sediment traps during or after development.

(j) For aesthetic reasons and to increase shoreline habitat, the shorelines of detention and retention areas shall be sinuous rather than straight.

(k) Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development.

(l) Vegetated buffers of sufficient width to prevent erosion shall be retained or created along the shores, banks or edges of all natural or manmade surface waters.

(m) In phased developments the stormwater management system for each integrated stage of completion shall be capable of functioning independently as required by this Code.

(n) All detention and retention basins, except natural water bodies used for this purpose, shall be accessible for maintenance from streets or public rights-of-way.

(o) All drainage systems will provide best management practices (BMP) for water quality.

(3) Design standards, streets and swales.

(a) Valley curb. Valley curb shall be 24 inches wide with a minimum thickness of six inches at the center, with a three-inch rise to the back of the curb and one inch to the pavement edge, 3,000 psi concrete used throughout. Design to be submitted to the City for approval.

(b) Curb and gutter. Curb shall be 12 inches deep, five-inch top width with a six-inch-deep, one-inch-wide reveal on the face. Gutter shall be six inches deep, 18 inches wide with a slope of one inch to one foot, 3,000 psi concrete used throughout. Design to be submitted to the City for approval.

(c) Vertical curb. Vertical curb without gutters shall be six inches wide, 18 inches deep with six-inch curb above pavement, 3,000 psi concrete used throughout. Design to be submitted to the City for approval.

(d) Culvert pipe. Culvert pipe shall be reinforced concrete pipe, asphalt coated corrugated metal

pipe, aluminum pipe, or approved equivalent. Culvert pipe not subjected to wheel traffic loads may be of nonreinforced concrete, asphalt coated corrugated metal pipe or such aluminum pipe conforming to specifications of AASHTO.

(e) Headwalls. All culverts under roadways shall have headwalls made of reinforced concrete or concrete block with reinforcement, or other approved structures. Where shallow swale ditches intersect deeper drainage ditches, erosion control shall be provided by use of culvert pipes, concrete swales, sandbag riprap, headwalls with spillways, or other suitable means approved to by the City.

a. Sandbag riprap. The sandbag riprap mixture shall contain at least one part cement to five parts of clean sand. Construction methods shall comply with FDOT standards

b. The proposed design of reinforced concrete headwalls shall be submitted for approval of the City.

c. The proposed design of reinforced concrete block headwalls shall be submitted for approval of the City.

6. Manholes and junction boxes. All manholes or junction boxes shall be a minimum of four feet inside diameter at the base with straight walls or corbelled a maximum of four inches in one foot, with steps and suitable cover for access. All inverts are to be formed to a minimum of one-half the pipe diameter. Proposed designs shall be submitted for approval of the City.

7. Catchbasins. All catchbasins shall have a minimum inside area of ten square feet with straight walls and suitable access either through removable grates or manhole covers. Proposed designs shall be submitted for approval of the City.

8. Valley crossings in streets. Valley crossings in streets shall not be permitted.

9. Underdrains.

a. Underdrains for curb and gutter construction. Where road construction incorporates curbs and gutters, underdrains shall be installed if the bottom of the curb is less than 24 inches above the existing water table unless the lack of such underdrains is demonstrated to meet the standard specifications on subsurface drainage of the Okeechobee County department of engineering. The underdrains shall be 18 inches outside of the street line or curb and a minimum of 18 inches below the bottom of the base or curb with a slope to a positive outfall.

b. Underdrains for roadside swale construction. Where road construction incorporates swale construction, underdrains shall be installed if the water table is less than 24 inches below the invert of the swale unless the lack of such underdrains is demonstrated to meet standard specifications on subsurface drainage of the Okeechobee County department of engineering.

c. Underdrain specifications. Pipe used for underdrains shall have a minimum diameter of four inches. Suitable plastic, vitrified clay, bituminous fiber, concrete, asphalt coated metal, or other pipes approved by the City. Underdrain pipe construction shall be suitable for the purpose and the rock, slag or other materials used for pipe beds shall be as approved by the City.

10. Swale ditches.

a. Swale ditch geometry. Swale drainage will have a maximum side slope of one to four. The minimum shoulder width shall be five ft. on both sides. Ditches shall be located within the rights-of-way, except that provided a backslope of one to four has been allowed for in the right-of-way, a flatter backslope extending beyond the right-of-way may be permitted. Minimum bottom width of swale shall be one-foot, minimum depth of swale shall be eight inches.

b. The minimum road right-of-way where roadside swale drainage is to be employed may be computed by the following formula:

$$W = P + 2(8D + 1) + 2B$$

Where:

W = Right-of-way width in feet

P = Width of paving in feet

B = Width of shoulder (berm) in feet

D = Maximum width of swale in feet

c. Swale ditch erosion protection. Swale ditches shall be provided with permanent erosion protection. Such protection may be turf, using an approved type grass, or approved type of pavement liner may be utilized. When turf, using an approved type protection is used, the swale ditches shall be sodded, sprigged or seeded a lateral distance extending from within one foot of the road pavement to the top of the swale ditch backslope. Mulching in accordance with the Okeechobee County department of engineering standards shall be acceptable.

d. Driveways across swale ditches. Driveways across swale ditches shall be constructed to conform to the swale profile.

e. Swales for drainage in subdivisions shall have bottoms two feet above high water table.

Sec. 78-107 - Dedication or maintenance of stormwater management systems.

A. Dedication. If a stormwater management system approved under this Code will function as an integral part of the City-maintained regional system, as determined by the City, the City shall have the option of requiring that the facilities be dedicated to the City. In no event shall any stormwater management system, including lakes, canals, and waterways, be granted, conveyed or dedicated to the City without the consent of the Okeechobee City Council.

B. Maintenance by an acceptable entity.

1. All stormwater management systems that are not dedicated to the City shall be operated and maintained by one of the following entities:

a. An active water control district created pursuant to F.S. ch. 298 or drainage district created by special act, or community development district created pursuant to F.S. ch. 190, or special assessment district created pursuant to F.S. ch. 170.

b. A state or federal agency.

c. An officially franchised, licensed or approved communication, water, sewer, electrical or other public utility.

d. The property owner or developer if:

(1) Written proof is submitted in the appropriate form by either letter or resolution, that a governmental entity or such other acceptable entity, as set forth in paragraphs a—c above, will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future.

(2) A bond or other assurance of continued financial capacity to operate and maintain the system is submitted.

e. For-profit or nonprofit corporations including homeowners' associations, property owners' associations, condominium owners' associations or master associations if:

(1) The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the City affirmatively taking responsibility for the operation and maintenance of the stormwater management facility.

(2) The association has sufficient powers reflected in its organizational or operational documents to:

(a) Operate and maintain the stormwater management system as permitted by the City.

(b) Establish rules and regulations.

(c) Assess members.

(d) Contract for services.

(e) Exist perpetually, with the articles of incorporation providing that if the association is dissolved, the stormwater management system will be maintained by an acceptable entity as described above.

2. If a project is to be constructed in phases, and subsequent phases will use the same stormwater management facilities as the initial phase or phases, the operation/maintenance entity shall have the ability to accept responsibility for the operation and maintenance of the stormwater management systems of future phases of the project. In any event, the backbone stormwater management system shall be constructed for the entire project.

3. In phased developments that have an integrated stormwater management system, but employ independent operation/maintenance entities for different phases, the operation/maintenance entities, either separately or collectively, shall have the responsibility and authority to operate and maintain the stormwater management system for the entire project. That authority shall include cross easements for stormwater management and the authority and ability of each entity to enter and maintain all facilities, should any entity fail to maintain a portion of the stormwater management system within the project.

4. The applicant shall be an acceptable entity and shall be responsible for the operation and maintenance of the stormwater management system from the time begins until the stormwater management system is dedicated to and accepted by another acceptable entity.

C. Off-site stormwater conveyance systems. Where a private off-site stormwater management or conveyance system is required to obtain a final development order pursuant to the provisions of this Code, perpetual easements shall be obtained by the developer. The easements required by this subsection shall provide the City with the right, but not the obligation to maintain the conveyance or stormwater management system located thereon.

Sec. 78-108 - Prohibition of Illicit Discharge

A. No person shall directly or indirectly cause an illicit discharge to enter the stormwater system. Categories of illicit discharges include, but are not limited to, the following:

1. Petroleum products including, but not limited to, oil, gasoline, and grease
2. Solid waste or sanitary sewage
3. Chemicals including, but not limited to, fertilizers and pesticides
4. Paints, solvents, or degreasers
5. Concrete slurry
6. Laundry wastes or soaps
7. Antifreeze and other automotive products
8. Soil
9. Leaves, branches, and other yard/landscaping waste
10. Construction materials
11. Toxic or poisonous solids or liquids
12. Solids or suspended solids in such quantities or of such size capable of causing interference or obstruction to the flow in the stormwater system.

B. The following categories of non-stormwater discharges are exempt from discharge prohibitions established by this Section provided they do not cause a violation of water quality standards as determined by the State of Florida:

1. Water line flushing
2. Irrigation water
3. Diverted stream flows
4. Rising ground waters
5. Untaminated groundwater infiltration as defined at 40 CFR 35.2005(20), its amendments, or its successor statutes, currently defined as "Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow[.]"
6. Discharges from potable water sources
7. Foundation drains
8. Air conditioning condensate
9. Springs
10. Water from crawl space pumps
11. Footing drains
12. Lawn watering runoff
13. Water from individual residential car washing
14. Flows from riparian habitats and wetlands
15. Dechlorinated swimming pool discharges
16. Residual street wash water
17. Discharges from bona fide agricultural activities that conform to
18. best management practices
19. Discharges or flows from firefighting activities
20. Discharges specified in writing by the City as being necessary to protect public health, safety and welfare.
21. Discharge(s) pursuant to a NPDES permit.

Sec. 78-109 - Prohibition of Illicit Connections

The construction, use, maintenance or continued existence of illicit connections to the stormwater system is prohibited.

Sec. 78-110 - Reporting of Illicit Discharges and Illicit Connections

Upon discovery of an illicit discharge or an illicit connection, the person(s) responsible for the illicit discharge or the illicit connection shall report his or her findings immediately to the City.

Sec. 78-111 - Enforcement, Penalties, and Liability for Pollution Abatement

A. The provisions of this Ordinance shall be enforced as provided in Chapter 18 of the City of Okeechobee Code of Ordinances and any amendment(s) thereto.

B. No person shall oppose, obstruct or resist any enforcement officer, designated City staff, or any person authorized by the enforcement officer or designated City staff in the discharge of his or her duties, as provided in this Ordinance.

C. Any person responsible for an illicit connection, or an illicit discharge, to the stormwater system, is subject to fine(s) and shall be responsible to pay both the necessary expenses incurred in evaluating,

treating, and disposing of pollutant materials and also the reasonable cost of repairs. A lien may be placed against the land on which the violation exists and upon any other real or personal property owned by the violator.

D. The remedies and penalties provided in this Ordinance are not exclusive, and the City may seek whatever other remedies are authorized by statute, at law, or in equity against any person who violates the provisions of this Ordinance.

Sec 78-112 – Accidental Discharges

A. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system or waters of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services 911. In the event of a release of hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day.

Notifications in person or by phone shall be confirmed by written notice addressed and mailed to City of Okeechobee within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec 78-112 - Erosion and Sediment Control Plan

A. No person may engage in construction activity until a plan has been submitted for erosion and sediment control and such plan has been approved by the City Public Works Department or designee. The plan must address all applicable BMPs for erosion control and shall include a statement that any land clearing construction or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that a certified contractor shall be on site on all days when land disturbing activity takes place

Sec 78-113 – Erosion Control Standards

A. Clearing except that necessary to establish sediment control devices shall not begin until all sediment control devices have been installed and have been stabilized Clearing techniques that retain natural vegetation and drainage patterns shall be implemented to the satisfaction of the City Public Works Department or designee.

B. Grading erosion control practices sediment control practices and waterway crossings shall be adequate to prevent transportation of sediment from the site and be maintained to project completion to the satisfaction of the City Public Works Department or designee.

C. The angle for graded slopes and fills shall not be greater than the angle which can be retained by vegetative cover or other adequate erosion control devices or structures generally 41 or less Slopes left exposed will within ten 10 working days of completion of any phase of grading be planted or otherwise provided with ground cover devices or structures sufficient to prevent erosion.

D. Groundcover sufficient to restrain erosion must be planted or otherwise provided within ten 10 working days on portions of cleared land upon which further construction activity is not being undertaken within thirty 30 days of clearing.

E. Vegetative cover or other erosion control devices or structures used to meet these requirements shall be properly maintained during and after construction.

F. Temporary seeding or sodding adequate covering or chemical application on exposed soils including stockpiles of topsoil sand or other construction fill shall be used where delays in construction of more than seven 7 days are anticipated.

G. The operator of any construction project that disturbs one acre or more or is part of the larger common plan of development or sale which disturbs one acre or more is required to obtain the proper stormwater permit from the Florida Department of Environmental Protection and to comply with all the terms and conditions of the permit in addition to any City requirements. The operator shall maintain a copy of the permit on-site for review by any authorized official upon request.

H. Waste generated onsite including but not limited to discarded building materials concrete truck wash out chemicals litter and sanitary waste must be stored secured or otherwise controlled to the maximum extent practicable to prevent adverse impacts to water quality.

Sec 78-114 – Exemptions

A. Any emergency activity necessary for the protection of life property or natural resources maintenance and repair work to the City's MS4 permitted mining operations and existing nursery and agricultural operations conducted as a permitted main or accessory use provided such activities do not contribute to any on site generated erosion or degradation of lands or water beyond the boundaries of the property or area are exempt from this chapter.

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

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. 23-002-7A
Fee Paid: N/A	Jurisdiction: PB+CC
1 st Hearing: 5-18-23	2 nd 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.

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

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
1 st Hearing: 5-18-23	2 nd Hearing: 4-20 & 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 ^{new} 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.)

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.