

## ORDINANCE NO. 1170

AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING PART II OF THE CODE OF ORDINANCES, SUBPART B-LAND DEVELOPMENT REGULATIONS; PROVIDING FOR AMENDMENTS TO CHAPTER 78-DEVELOPMENT STANDARDS, ARTICLE III-UTILITIES, BY ADDING A NEW SECTION 78-73 ENTITLED, MANDATORY WATER AND WASTEWATER CONNECTIONS; PROVIDING FOR AMENDMENTS TO CHAPTER 86-SUBDIVISIONS, ARTICLE I-IN GENERAL, SECTION 86-4 DEFINITIONS, ADDING DEFINITIONS FOR LOT SPLIT/DE MINIMIS SUBDIVISION AND JOINDER OF A LOT; AMENDING ARTICLE II-PLANS AND PLATS, ADDING A NEW DIVISION 3 ENTITLED, SIMPLE LOT SPLIT/DE MINIMIS SUBDIVISIONS, AND A NEW SECTION 86-90 ENTITLED, PROCEDURE FOR APPLICATION SUBMISSION AND APPROVAL OF A SIMPLE LOT SPLIT/DE MINIMIS SUBDIVISION; ADDING A NEW DIVISION 4 ENTITLED, JOINDER OF LOTS, AND A NEW SECTION 86-91 ENTITLED, PROCEDURE FOR APPLICATION SUBMISSION AND APPROVAL OF A JOINDER OF LOTS; PROVIDING FOR AMENDMENTS TO CHAPTER 90-ZONING, ARTICLE III-DISTRICT AND DISTRICT REGULATIONS, DIVISION 6-COMMERCIAL PROFESSIONAL AND OFFICE DISTRICT, SECTION 90-223 SPECIAL EXCEPTION USES, ADDING A PROVISION TO ALLOW ONE DWELLING UNIT PER COMMERCIAL BUILDING WITH CONDITIONS; AMENDING DIVISION 7-LIGHT COMMERCIAL DISTRICT, SECTION 90-253 SPECIAL EXCEPTION USES, TO INCLUDE BAR TO ITEM (3) PRIVATE AND NIGHT CLUB, AND ADDING A CONDITION TO ITEM (15) ONE DWELLING UNIT PER COMMERCIAL BUILDING; AMENDING DIVISION 8-HEAVY COMMERCIAL DISTRICT, SECTION 90-282 PERMITTED USES, TO INCLUDE BAR TO ITEM (8) PRIVATE AND NIGHT CLUB, AND SECTION 90-283 SPECIAL EXCEPTION USES, ADDING A CONDITION TO ITEM (17) ONE DWELLING UNIT PER COMMERCIAL BUILDING; AMENDING DIVISION 9-CENTRAL BUSINESS DISTRICT, SECTION 90-313 SPECIAL EXCEPTION USES, ADDING A CONDITION TO ITEM (10) ONE DWELLING UNIT PER COMMERCIAL BUILDING; AMENDING ARTICLE IV-SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 1-GENERALLY, SECTION 90-447 YARDS ON CORNER LOTS, BY IDENTIFYING THAT THE YARD UPON WHICH THE PROPERTY IS ADDRESSED IS AS THE PRIMARY FRONT YARD; AMENDING DIVISION 3-OFF-STREET PARKING AND LOADING, SECTION 90-512 SPACE REGULATIONS, REQUIRING ONE PARKING SPACE PER 75-SQUARE FEET OF FLOOR AREA; AMENDING DIVISION 7-ACCESSORY USES AND STRUCTURES, SECTION 90-632 APPLICABLE REGULATIONS FOR ALL, ADDING A NEW SUBSECTION (E) REQUIRING THAT STRUCTURES OR CONTAINERS USED FOR STORAGE BE TREATED AS AN ACCESSORY STRUCTURE; AMENDING DIVISION 9-SPECIAL EXCEPTION AND SUPPLEMENTAL USE REGULATIONS, ADDING A NEW SECTION 90-705 ENTITLED, TEMPORARY PORTABLE STORAGE CONTAINERS, AND SETTING FORTH THE RESTRICTIONS AND LIMITATIONS UPON THEIR PLACEMENT IN SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR CONFLICTS; 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. 18-001-TA, at a duly advertised Public Hearing held on July 19, 2018, 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 by 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:

**SECTION 1: Amendment and Adoption to Section 78-73.**

That the City Council for the City of Okeechobee, Florida, amends herein Part II Code of Ordinances, Subpart B-Land Development Regulations, Chapter 78-Development Standards, Article III-Utilities, by adding a new Section 78-73, as follows:

Section 78.73. Mandatory Water and Wastewater Connections.

- (a) All new development and redevelopment (redevelopment being defined as the action or process of developing something again or differently) within the City shall be required to connect to the public potable water and wastewater/sanitary sewer systems in the following manner:
- (1) Where water and/or wastewater/sanitary sewer service lines are in place immediately adjoining the property and service is available as per Florida Statute, the property shall be required to connect to the system(s) and no development permit shall be approved until such time as financial arrangements with Okeechobee Utility Authority (OUA) for the payment of connection fees and capital outlay fees associated with required connection to the system(s) have been completed.

**SECTION 2: Amendment and Adoption to Section 86-4.**

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, Article 1-General, specifically: Section 86-4, Definitions, by adding definitions for lot split/de minimis subdivision and joinder of a lot, as follows:

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.

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).

**SECTION 3: Amendment and Adoption to Section 86-90.**

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 86-Subdivisions, Article II-Plans and Plats, by adding a new Division 3 entitled, Simple Lot Split/De Minimis Subdivisions and a new Section 86-90, as follows:

**Section 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 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 and a scaled drawing showing the intended division, including any existing or required easements and/or restrictions. In the event a lot contains any principal or accessory structures, a survey showing the structures on the lot 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 requests must conform to the following standards:
- (1) The division of land must not increase the number of lots to greater than two.
- (2) The property that is the subject of the lot split shall be current in its ad valorem tax and other assessments due to the City and County.
- (3) Each of the newly created lots must meet or exceed all requirements of the zoning district in which the lot is located.
- (4) Each of the newly created lots 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 must have no encumbrances on the subject property that would render the newly created lots undevelopable, or would impact the transfer of title.
- (6) If there are existing structures on the subject property, the lot 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 lot split must be consistent with surrounding lots. In determining consistency and compatibility with surrounding lots, the City Council may consider, among other things, whether the existing or platted lots have been divided; whether the majority of existing or platted lots are comparable in size or configuration along the same street within 500-feet of the subject lot; 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 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 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.
- (c) Approval.
- (1) The City Administrator, or his designee, shall review the lot split application and, with input as needed from the City's Planning Consultant 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 and notify the applicant accordingly. If not, they may approve the lot split with conditions, or disapprove the lot split, and notify the applicant accordingly.
- (d) Actions subsequent to approval. Before a building permit may be issued, the applicant must:
- (1) Record the lot split in the official records of Okeechobee County; and

- (2) Provide proof of the lot split approval by the City Administrator.

#### **SECTION 4: Amendment and Adoption to Section 86-91.**

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, Article II-Plans and Plats, by adding a new Division 4 entitled, Procedure for Application Submission and Approval of a Joinder of Lots, and a new Section 86-91, as follows:

#### **Section 86-91. Procedure for application submission and approval to combine multiple lots into one parcel or lot (hereinafter referred to as a "joinder").**

- (a) Submittal. The City shall consider 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 and proposed lot and a scaled drawing showing the intended joinder, including any existing or required easements and/or restrictions. In the event a lot contains any principal or accessory structures, a survey showing the structures on the lot 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.
- (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 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. If not, they may approve the joinder with conditions, or disapprove the joinder, and notify the applicant accordingly.
- (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.

**SECTION 5: Amendment and Adoption to Section 90-223.**

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 90-Zoning, Article III-District Regulations, Division 6-Commercial Professional and Office District, Section 90-223 Special Exception Uses, by adding a provision to allow one dwelling unit per commercial building with conditions, as follows:

- (12) One dwelling unit per commercial building, provided that the dwelling unit is located either above or behind the ground floor commercial use.

**SECTION 6: Amendment and Adoption to Section 90-253.**

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 90-Zoning, Article III-District Regulations, Division 7-Light Commercial District, Section 90-253 Special Exception Uses, to expand the list of uses in subsection (3) to include bar, and to modify subsection (15) to read as follows:

- (3) Private club, nightclub, and bar.
- (15) One dwelling unit per commercial building, provided that the dwelling unit is located either above or behind the ground floor commercial use.

**SECTION 7: Amendment and Adoption to Section 90-282.**

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 90-Zoning, Article III-District Regulations, Division 8-Heavy Commercial District, Section 90-282 Permitted Uses, to expand the list of uses in subsection (8) to include bar, as follows:

- (8) Private club, nightclub, and bar.

**SECTION 8: Amendment and Adoption to Section 90-283.**

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 90-Zoning, Article III-District Regulations, Division 8-Heavy Commercial District, Section 90-283 Special Exception Uses, to modify subsection (17) to read as follows:

- (17) One dwelling unit per commercial building, provided that the dwelling unit is located either above or behind the ground floor commercial use.

**SECTION 9: Amendment and Adoption to Section 90-313.**

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 90-Zoning, Article III-District Regulations, Division 9-Central Business District, Section 90-313 Special Exception Uses, to modify subsection (10) to read as follows:

- (10) One dwelling unit per commercial building, provided that the dwelling unit is located either above or behind the ground floor commercial use.

**SECTION 11: Amendment and Adoption to Section 90-447.**

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 90-Zoning, Article IV-Supplementary District Regulations, Division 1-Generally, Section 90-447-Yards on Corner Lots, to read such that the setback for the street yard upon which the property is addressed is the primary front yard, as follows:

Any yard adjoining a street shall be considered a front yard. That yard upon which the property is addressed ~~One front~~ is required to comply with the minimum depth requirements of the regulations of this article, ~~the second front yard~~ All other front yards shall be not less than 75 percent of the required minimum depth.

**SECTION 12: Amendment and Adoption to Section 90-512.**

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 90-Zoning, Article IV-Supplementary District

Regulations, Division 3-Off-Street Parking and Loading, Section 90-512 Space Regulations, by adding bar to subsection (2), the parking requirement for commercial uses, to read as follows:

- (2) Restaurant, nightclub, and bar. 1 per 75 square feet of floor area

**SECTION 13: Amendment and Adoption to Section 90-632.**

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 90-Zoning, Article IV-Supplementary District Regulations, Division 7-Accessory Uses and Structures, Section 90-632 Applicable Regulations for All, by adding a new subsection (e) as follows:

- (e) Any structure or container, other than a temporary structure as defined in Section 66-1, used for storage as an accessory to a residential use must be placed as an accessory structure in a manner consistent with the requirements of the Florida Building Code.

**SECTION 14: Amendment and Adoption to Section 90-705.**

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 90-Zoning, Article IV-Supplementary District Regulations, Division 9-Special Exception and Supplemental Use Regulations, by adding a new Section 90-705 entitled, Temporary Portable Storage Containers, as follows:

**Section 90-705, Temporary portable storage containers.**

- (1) Temporary portable storage containers are allowed in single family residential zoning districts subject to the following restrictions and limitations:
- (a) The principal use on the property must be a single-family residence.
  - (b) The container must remain on the property no more than 15 days, including the day of delivery and removal.
  - (c) The container must not exceed any of the following dimensions: 8-feet in width, 16-feet in length, and 8-feet in height.
  - (d) The maximum number of times a container may be delivered to a site is three times per calendar year.
  - (e) At least 30-days must elapse between placements of a container on a property.
  - (f) The container must be placed only on a driveway or in the side or rear yard.
  - (g) When placed on the driveway within the front setback area the container must be located so that pedestrian and vehicular traffic is not obstructed and so that the view of an operator of a motor vehicle entering or exiting a right-of-way is not obstructed.
  - (h) In the case of a city-wide declaration establishing civil emergency conditions, the container may remain on a site for the length of time of the civil emergency established pursuant to Chapter 252, Emergency Management, Section 252.38 but in no event longer than 60-days from the termination date of the emergency.
  - (i) In the event the City of Okeechobee is declared to be within the area of a hurricane watch the container must be removed within 24-hours of the issuance of the watch or tied down in a manner sufficient to withstand sustained winds of 140-miles per hour.
- (2) Temporary portable storage containers used in connection with permitted construction activity may be located in any zoning district subject to the following conditions:
- (a) The container must not encroach on sidewalks, rights-of-way, adjacent properties, or obstruct the view of motorists.
  - (b) The container may remain on the lot for the duration of construction authorized by an active building permit.
  - (c) The container must be removed within 30-days of issuance of a certificate of occupancy or final inspection.
  - (d) The container must not exceed any of the following dimensions: 8-feet in width, 16-feet in length, and 8-feet in height.
  - (e) Storage of hazardous materials including flammable and biohazard substances in

the container is prohibited.

- (f) In the case of a city-wide declaration establishing civil emergency conditions, the container may remain on a site for the length of time of the civil emergency established pursuant to Chapter 252, Emergency Management, Section 252.38 but in no event longer than the lesser of 60-days from the termination date of the emergency or 30-days after the issuance of a certificate of occupancy or final inspection
- (g) In the event the City is within the area of a hurricane watch the container must be removed within 24-hours of the issuance of the watch or tied down in a manner sufficient to withstand sustained winds of 140-miles per hour.

**SECTION 15: Conflict.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 16: 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 17: Effective Date.** This Ordinance shall take effect immediately upon its passage.

**INTRODUCED** for First reading and set for Final Public Hearing on this 21<sup>st</sup> day of August, 2018.

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Dowling R. Watford, Jr., Mayor

**ATTEST:**

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Lane Gamiotea, CMC, City Clerk

**PASSED AND ADOPTED** after Second and Final Public Hearing this 4<sup>th</sup> day of September, 2018.

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Dowling R. Watford, Jr., Mayor

**ATTEST:**

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Lane Gamiotea, CMC, City Clerk

**REVIEWED FOR LEGAL SUFFICIENCY:**

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John R. Cook, City Attorney